Memorandum

City of Dallas

DATE 1/8/2021

TO The Honorable Eric Johnson

FROM Adam Bazaldua

SUBJECT **Request for Placement of Agenda Item – Council Member(s)**

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 6.2 of the City Council Rules of Procedure, please refer the following item to a city council committee and schedule this item for a regular city council voting agenda within 30 calendar days after receipt of this request:

A resolution requesting the Board of Adjustment to authorize compliance proceedings for Big D Cut Rate Beer and Wine located at 1405 Martin Luther King, Jr. Boulevard, Dallas, Texas -- Financing: No cost consideration to the City

BRIEF BACKGROUND:

Big D Cut Rate Beer and Wine is located at 1405 Martin Luther King, Jr. Boulevard, Dallas Texas. Big D Cut Rate Beer and Wine operates under a certificate of occupancy for a beer and wine retail use. The property at 1405 Martin Luther King, Jr. Boulevard is zoned a WMU-3 Walkable Urban Mixed Use Subdistrict within Planned Development District No. 595 (South Dallas/Fair Park Special Purpose District). A beer and wine retail use is not a permitted use in a WMU-3 Walkable Urban Mixed Use Subdistrict. Big D Cut Rate Beer and Wine is operating as a nonconforming use because the use was established prior to the creation of PD 595. Section 51A-4.704(a)(1) allows City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

Submitted for consideration by:

Adam Bazaldua, District 7
Printed Name, District #

Signature

Supporting Council Member Signatures (4 Signatures Only):

Chad West, District 1
Printed Name, District #

Signature

Carolyn King Arnold, District 4
Printed Name, District #

Signature

"Our Product is Service"
Empathy | Ethics | Excellence | Equity

Adam Medrano, District 2
Printed Name, District #   Signature

Jaime Resendez, District 5
Printed Name, District #   Signature

Attachment: Draft Resolution

c: Honorable Council Members
        T.C. Broadnax, City Manager
        Christopher J. Caso, City Attorney
        Mark S. Swann, City Auditor
        Bilierae Johnson, City Secretary
        Tristan R. Hallman, Chief of Policy and Communications, Office of the Mayor

WHEREAS, Big D Cut Rate Beer and Wine is located at 1405 Martin Luther King, Jr. Boulevard, Dallas Texas; and

WHEREAS, Big D Cut Rate Beer and Wine operates under a certificate of occupancy for a beer and wine retail use; and

WHEREAS, the property at 1405 Martin Luther King, Jr. Boulevard is zoned a WMU-3 Walkable Urban Mixed Use Subdistrict within Planned Development District No. 595 (South Dallas/Fair Park Special Purpose District); and

WHEREAS, a beer and wine retail use is not a permitted use in a WMU-3 Walkable Urban Mixed Use Subdistrict; and

WHEREAS, Big D Cut Rate Beer and Wine is a nonconforming use as defined in the Dallas Development Code because the use was established prior to the creation of PD 595; and

WHEREAS, the Dallas Development Code authorizes the City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use; **Now, Therefore,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Board of Adjustment is requested to consider establishing a compliance date for the nonconforming use of a beer and wine retail use known as Big D Cut Rate Beer and Wine located at 1405 Martin Luther King, Jr. Boulevard, Dallas Texas.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

Each councilmember signing the five-person request to place an item on the agenda must review and confirm that they have read and agree with the draft resolution by dating, initialing, and placing their district number below.

_1-8-21_	_1-8-21_	_1-8-21_	_1-8-21_	_1-8-21_
DATE	DATE	DATE	DATE	DATE
_AB_	_CW_	_AM_	_CKA_	_JR_
CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL
_7_	_1_	_2_	_4_	_5_
DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.