



CITY OF DALLAS
CITY PLAN COMMISSION
Thursday, July 7, 2011
AGENDA

| | | |
|----------------|-----|------------|
| BRIEFINGS: | 6ES | 10:30 a.m. |
| PUBLIC HEARING | 6ES | 1:30 p.m. |

*The City Plan Commission may be briefed on any item on the agenda if it becomes necessary.

Theresa O'Donnell, Director
David Cossum, Assistant Director of Current Planning

BRIEFINGS:

Overview of Delta Credits and Modified Delta Overlay

Phil Sikes, Assistant Building Official

Subdivision Docket

Zoning Docket

ACTION ITEMS:

Subdivision Docket

Planner: Paul Nelson

Consent Items:

(1) **S101-117**
(CC District 14)

An application to replat a 1,278 acre tract of land containing multiple blocks to create two lots and is generally bounded by Mockingbird Lane, Lemon Avenue, Denton Drive and Shorecrest Drive.

Applicant/Owner: City of Dallas

Surveyor: BDS Engineering

Application Filed: June 15, 2011

Zoning: IR

Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

- (2) **S101-120**
(CC District 10)
- An application to create 18 lots ranging in size from 0.198 acres to 3.612 acres from a 9.46 acre tract of land in City Block 8119 located at Walnut Hill Lane at Audelia Road, southwest corner.
Applicant/Owner: Audelia WGK, LLC & Audelia WGK II, LLC
Surveyor: Peiser Surveying Co.
Application Filed: June 8, 2011
Zoning: CR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (3) **S101-121**
(CC District 14)
- An application to replat all of Lots 1 thru 5 in City Block 634 ½ and all of Lots 4B and 4D in City Block 1/634 into one 3.061 acre lot at E. Lemmon Avenue and Oak Grove Avenue, south corner.
Applicant/Owner: CWS Lemmon Resources LP
Surveyor: Spiars Engineering
Application Filed: June 9, 2011
Zoning: PD 193 (O-2), SUP 840
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (4) **S101-122**
(CC District 2)
- An application to create one 0.4426 acre lot, from a tract of land in City Block 217 at 505 N. Griffin Street between Ross Avenue and San Jacinto Street.
Applicant/Owner: Mitchell and Peter Fonberg/7-Eleven
Surveyor: Millman Surveying, Inc.
Application Filed: June 9, 2011
Zoning: CA-1(A)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (5) **S101-127**
(CC District 9)
- An application to create a 5.60 acre lot and a 0.68 acre common area from a 6.28 acre tract of land in City Block 7487 located at 11100 Walnut Hill Lane at Wickersham Road, southeast corner.
Applicant/Owner: KV9 Silverado, LLC
Surveyor: Texas Heritage Surveying, LLC
Application Filed: June 13, 2011
Zoning: MF-3(A)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

- (6) **S101-128**
(CC District 11)
An application to replat a 70.6483 acre tract of land containing all of Lot 3 in city block A/7409 into one 20.5874 acre lot, one 37.9198 acre lot, and one 12.1411 acre lot at 11331 Preston Road.
Applicant/Owner: SH Montfort LBJ, L.P., MacerichValley View, L.P., and Dillard Texas Operating, L.P.
Surveyor: David Petree
Application Filed: June 17, 2011
Zoning: RR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (7) **S101-130**
(CC District 7)
An application to replat a 41.671 tract of land containing all of Lots 2, 3, and 4 and a tract of land in City Block E/6213 on Eastpoint Drive between Buckner Blvd. and Catron Drive.
Applicant/Owner: Coca-Cola Refreshments USA, Inc.
Surveyor: Michael Peeples Engineers
Application Filed: June 17, 2011
Zoning: LI
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (8) **S101-131**
(CC District 11)
An application to replat all of Lot 1C in City Block 7/8041 and a tract of land into one 0.642 acre lot and one 0.206 acre lot on Coit Road south of Belt Line Road.
Applicant/Owner: 7920 – 3939 Belt Line Properties
Surveyor: Peiser Surveying Co.
Application Filed: June 17, 2011
Zoning: CR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Individual Items:

- (9) **S101-022R**
(CC District 11)
An application to replat part of City Block 3/5455, abandoned Airline Road, and City Block 5455 to create one 23.8 acre lot at 6920 Meadow Road and bounded by Lakehurst Avenue, Hillcrest Road, Meadow Road and Airline Road.
Applicant/Owner: Dallas Independent School District
Surveyor: Jones & Carter, Inc.
Application Filed: June 14, 2011
Notices sent: 51 notices were sent June 10, 2011
Zoning: PD No. 656
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

- (10) **S101-118**
(CC District 8)
- An application to replat a 246.984 acre tract of land containing part of Lots 6 and 7 and all of lots 4, 8, 9 and 10 in City Block 8300 to create 9 lots ranging in size from 0.0317 acre lot to 73.453 acres on property on Telephone Road, east of Lancaster Road.
Applicant/Owner: Ridge South Dallas LLC
Surveyor: Winklemann & Associates
Application Filed: June 8, 2011
Notices sent: 41 notices were sent June 10, 2011
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (11) **S101-123**
(CC District 3)
- An application to replat a 7.258 acre lot from a tract of land containing all of Lots 1 thru 17, part of Lot 18 and part of Lots 21 through 38 in Block C, Homestead Terrace Addition; all of Lot 66 in City Block JJ/7135, part of City Block 7135 and part of abandoned and vacated King Row on 2650 Canada Drive between Westmoreland Road and Hampton Road.
Applicant/Owner: Dallas Housing Authority
Surveyor: Pacheco Koch
Application Filed: June 9, 2011
Notices sent: 40 notices were sent June 10, 2011
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (12) **S101-125**
(CC District 6)
- An application to replat a 2.40 acre tract of land containing all of Lots 5A and 5B in City Block A/5518 into one lot at 5320 Royal Lane between Inwood Road and Netherland Drive.
Applicant/Owner: Sharad & Rashmi Lakhanpal
Surveyor: Texas Heritage Surveying, LLC
Application Filed: June 10, 2011
Notices sent: 11 notices were sent June 10, 2011
Zoning: R-1AC(A)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.
- (13) **S101-126**
(CC District 9)
- An application to replat a 0.354 acre tract of land containing all of Lot 11 in City Block 4/7498 to create two 7,700 sq. ft. lots at 3414 Ruidosa Drive.
Applicant/Owner: I & T Builders Corp.
Surveyor: Maranot Surveying
Application Filed: June 13, 2011
Notices sent: 20 notices were sent June 10, 2011
Zoning: R-7.5(A)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Miscellaneous Docket

M101-026

Richard Brown
(CC District 10)

An application for a minor amendment to the development plan for Planned Development District No. 451 for a Stadium and related uses north of Church Road, east of White Rock Trail.

Staff Recommendation: **Approval**

Applicant: Richardson Independent School District

Representative: Karl Crawley

W101-006

Neva Dean
(CC District 12)

An application for a wavier of the two-year waiting period in order to submit an application for the automatic renewal of the tower/antenna for cellular communication use on the northwest corner of Frankford Road and Appleridge Drive.

Staff Recommendation: **Denial**

D101-011

Olga Torres Holyoak
(CC District 3)

Development plan and landscape plan for Planned Development District No. 811, on Pinnacle Park Boulevard, north of Fort Worth Avenue.

Staff Recommendation: **Approval**

Certificates of Appropriateness for Signs

Downtown Sign District:

1106035001

Carolyn Horner
(CC District 14)

An application for a Certificate of Appropriateness for the installation of a 120 square foot middle level attached wall sign on the north elevation, containing the text "CBRE" at 2100 Ross Avenue.

Applicant: Bobby Nichols

Staff Recommendation: **Approval**

SSDAC Recommendation: **Approval**

Zoning Cases – Consent

1. **Z101-199(MW)**

Megan Wimer
(CC District 2)

An application for an MU-3 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northeast side of Maple Avenue, southwest of Inwood Road.

Staff Recommendation: **Approval**, subject to deed restrictions volunteered by the applicant.

Applicant: Chicory Court IX, L.P.

Representative: Suzan Kedron, Jackson Walker, LLP

2. **Z101-254(JH)**
Jennifer Hiromoto
(CC District 11)

An application for a Planned Development District for multifamily uses and termination of deed restrictions on property zoned an MC-2 Multiple Commercial District on the west side of Noel Road, north of Spring Valley Road.
Staff Recommendation: **Approval**, subject to a development plan, landscape plan, and conditions.
Applicant: Associated Estates Realty Corporation
Representative: Dallas Cothrum, MASTERPLAN

3. **Z101-123(WE)**
Warren Ellis
(CC District 2)

An application for a renewal of Specific Use Permit No. 1696 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Elm Street, east of Crowds Street.
Staff Recommendation: **Approval** for a one-year time period, subject to conditions.
Applicant: Carl Priggre - Elm Street Bar
Representative: Audra Buckley

4. **Z101-184(WE)**
Warren Ellis
(CC District 5)

An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southwest corner of Lake June Road and N. Prairie Creek Road.
Staff Recommendation: **Approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for a two-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.
Applicant: D & S Trading, Inc.
Representative: Malik Parvez

5. **Z101-205(WE)**
Warren Ellis
(CC District 4)

An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property within Planned Development District No. 366 with a D Liquor Control Overlay on the southeast corner of S. Buckner Road (Loop 12) and Jennie Lee Street.
Staff Recommendation: **Approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for a two-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.
Applicant: U S Realty Holdings, Ltd.
Representative: Ralph Martinez

6. **Z101-213(WE)**
Warren Ellis
(CC District 5)
- An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive through service on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the east line of S. Hampton Road, northwest of Marvin D. Love Freeway.
Staff Recommendation: **Approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for a two-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.
Applicant: Hampton 67 Associates
Representative: MASTERPLAN - Santos Martinez
7. **Z101-256(WE)**
Warren Ellis
(CC District 5)
- An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay on the east line of S. Hampton Road, northwest of Marvin D. Love Freeway.
Staff Recommendation: **Approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for a two-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.
Applicant: Hampton 67 Associates
Representative: MASTERPLAN - Santos Martinez
8. **Z101-268(MG)**
Michael Grace
(CC District 7)
- An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the east line of N. Buckner Boulevard, north of Chenault Street.
Staff Recommendation: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.
Applicant: Racetrac Petroleum, Inc.
Representative: Karen Mitchell, Mitchell Planning Group, LLC

Zoning Cases – Under Advisement

9. **Z101-163(MG)**
Michael Grace
(CC District 7)
- An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of the intersection of Military Parkway and Elva Avenue.
Staff Recommendation: **Hold under advisement until August 18, 2011.**
Applicant: Jiten Roy
Representative: Parvez Malik
U/A From: April 21, 2011, May 19, 2011 and June 16, 2011
10. **Z101-253(MG)**
Michael Grace
(CC District 5)
- An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay in the southeast quadrant of Lake June Road and Templecliff Drive.
Staff Recommendation: **Hold under advisement until August 18, 2011.**
Applicant: Bawa Corporation
Representative: Parvez Malik, Business Zoom
U/A From: June 16, 2011
11. **Z089-185(OTH)**
Olga Torres Holyoak
(CC District 3)
- An application to renew Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District on the north side of Ryan Road, west of Garapan Drive.
Staff Recommendation: **Denial**
Applicant: Sharon Harris
U/A From: October 21, 2010, November 18, 2010 and February 17, 2011
12. **Z090-215(WE)**
Warren Ellis
(CC District 4)
- An application for a Planned Development District for mixed uses and the termination of Specific Use Permit No. 1198 for a community service center on property zoned an MF-1(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the west side of Bexar Street, south of Municipal Street.
Staff Recommendation: **Approval**, subject to the revised development plans and staff's recommended conditions and **approval** of the termination of Specific Use Permit No. 1198 for a community service center.
Applicant: Dallas Housing Authority
Representative: Michael R. Coker - Coker Company
U/A From: June 2, 2011

13. **Z101-196(RB)**
Richard Brown
(CC District 7)
An application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District on the northeast line of Lawnview Avenue, south of Forney Road.
Staff Recommendation: **Approval** of an MF-1(A) Multifamily District in lieu of the requested MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant, with retention of the D-1 Liquor Control Overlay.
Applicant: SDC Lawnview, L.P.
Representative: Adolphus Oji
U/A From: June 16, 2011
14. **Z101-252(RB)**
Richard Brown
(CC District 9)
An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the east line of East Lake Highlands Drive, south of Northwest Highway.
Staff Recommendation: **Approval**, subject to deed restrictions volunteered by the applicant.
Applicant: Prudent Development
Representative: Rob Baldwin
U/A From: June 16, 2011

Zoning Cases – Individual

15. **Z101-255(MW)**
Megan Wimer
(CC District 14)
An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) use limited to a Class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street.
Staff Recommendation: **Denial**
Applicant/Representative: Strategic Hype, LLC
16. **Z101-211(JH)**
Jennifer Hiromoto
(CC District 14)
An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley on property zoned Planned Development District No. 842 on property bounded by Greenville Avenue, Lewis Street, Hope Street, and La Vista Court.
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and staff conditions.
Applicant: Lower Greenville Avenue Trust & Susan B. Reese
Representative: Roger Albright

17. **Z101-261(RB)**
Richard Brown
(CC District 2)
An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the northeast corner of Greenville Avenue and Bell Avenue.
Staff Recommendation: **Approval** for a five-year period, subject to a site plan and conditions.
Applicant/Representative: Simon McDonald
18. **Z101-263(MW)**
Megan Wimer
(CC District 14)
An application for a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern on property zoned Planned Development District No. 842 on the east side of Greenville Avenue, south of Oram Street.
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions.
Applicant: Raw Bar LLC dba The Crown and Harp
Representative: Cary Ray
19. **Z101-264(MW)**
Megan Wimer
(CC District 14)
An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 on the east side of Greenville Avenue, north of Oram Street.
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions.
Applicant: Celtic Nightlife Enterprises GP
Representative: Masterplan

Other Matters

Minutes: June 16, 2011

Adjournment

CITY PLAN COMMISSION PUBLIC COMMITTEE MEETINGS

Thursday, July 7, 2011

ZONING ORDINANCE COMMITTEE (ZOC) MEETING - Thursday, July 7, 2011, City Hall, 1500 Marilla Street, in 6ES, at 9:00 a.m., to consider (1) **DCA090-010** - Consideration of amending the Dallas Development Code to amend parking regulations.

TRANSPORTATION COMMITTEE MEETING - Thursday, July 7, 2011, City Hall, 1500 Marilla Street, in Room 6ES, at 8:30 a.m., to consider (1) Danieldale Road between Hampton to Polk, reduce the designation from a 6-lane divided roadway to a 4-lane undivided roadway; and (2) Bishop Street from Colorado to Davis, change the designation from a 4-lane undivided roadway to a Special Context Sensitive, 3-lane undivided roadway with bicycle lanes and pedestrian amenities within 100' of ROW.

Tuesday, July 12, 2011

SPECIAL SIGN DISTRICT ADVISORY COMMITTEE (SSDAC) MEETING – is scheduled to meet on Tuesday, April 12, 2011, City Hall, 1500 Marilla Street.

Note: The official Special Sign District Advisory Committee Agenda will be posted in the City Secretary's Office and City Website at www.ci.dallas.tx.us/cso/boardcal.shtml. Please review the official agenda for location and time.

EXECUTIVE SESSION NOTICE

The Commission may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex, Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.086]

CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-117**Subdivision Administrator:** Paul Nelson**LOCATION:** Mockingbird Lane, Lemon Avenue, Denton Drive and Shorecrest Drive**DATE FILED:** June 15, 2011**ZONING:** IR**CITY COUNCIL DISTRICT:** 14**SIZE OF REQUEST:** 1,278 ac.**MAPSCO:** 23Z, 33C, D, G, H, & I; 34A, B, E, F, G, J, K, L & P**APPLICANT/OWNER:** City of Dallas

REQUEST: An application to replat an approximate 1,278 acre tract of land containing multiple blocks to create three lots on property generally bounded by Mockingbird Lane, Lemon Avenue, Denton Drive and Shorecrest Drive and known as Dallas Love Field Airport.

SUBDIVISION HISTORY:

1. S101-014 was an application north of this request to replat a 16.655 acre tract of land into six lots in City Block 6144 on property bounded by Webb Chapel Road, El Centro Drive, Marsh Lane and Northwest Highway. The request was approved on December 2, 2010 but has not been recorded.
2. S090-020 was an application on the north of this request site on Webb Chapel Road and was to create one 10.617 acre lot and one 0.657 acre lot from an 11.450 acre tract of land in City Block 5775 and located at 9461 Webb Chapel Road northwest of Northwest Highway. The application was approved December 3, 2009 but has not been recorded yet.
3. S078-256 was a request at Mockingbird Lane and Cedar Springs Road, south of this request to replat Lot 1 in City Block A/2571 and a tract of land in City Block 2571 into a 0.7842 acre lot and was approved on September 8, 2008 and recorded on October 3, 2008.

STAFF RECOMMENDATION: The request complies with the IR district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

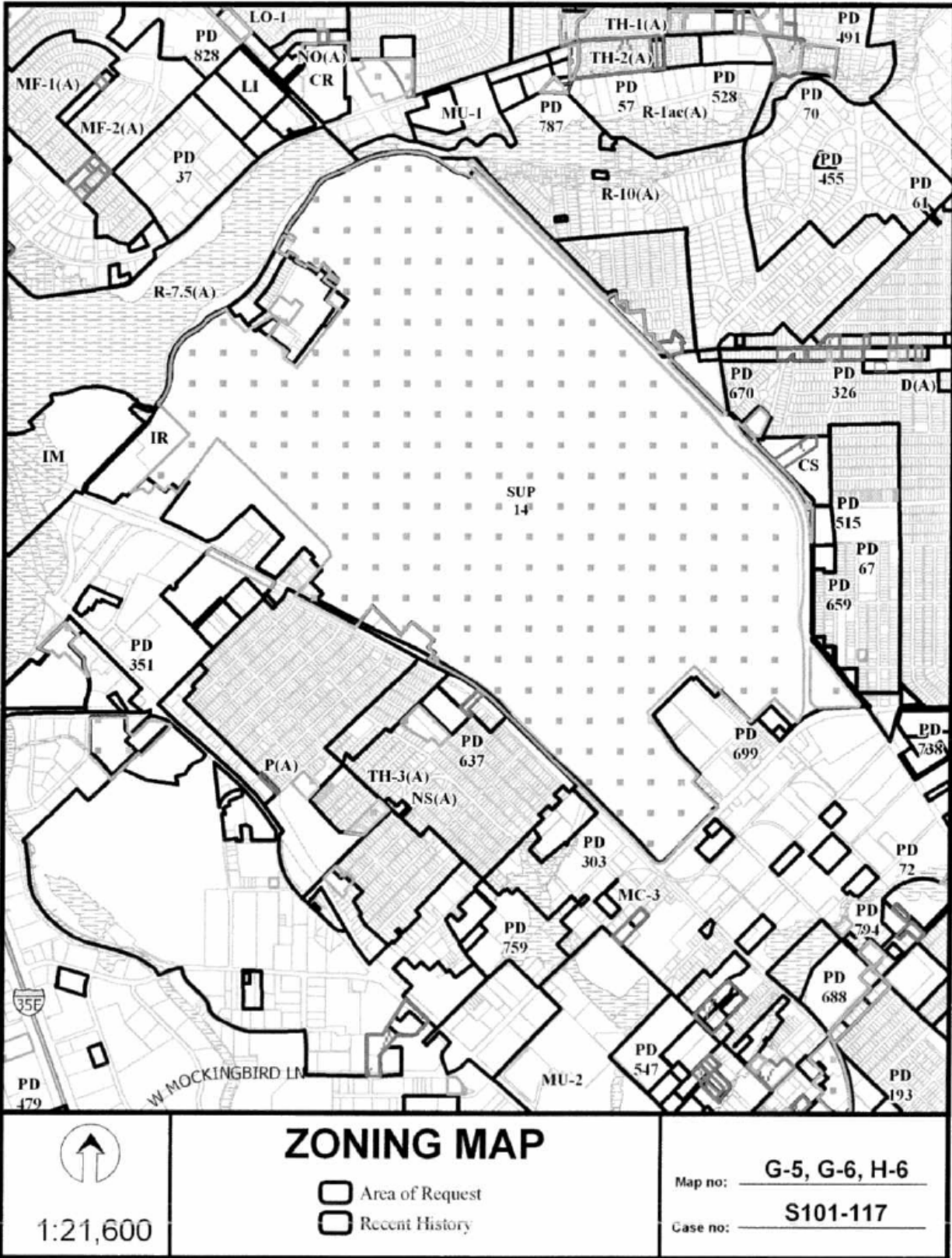
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water and wastewater easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City of Dallas.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.

5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection.
9. The final plat is limited to a maximum of 3 lots.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer to Development Services – Engineering Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Detention may be required if the capacity of available outfall is not adequate to carry the developed runoff.
12. Lot-to-lot drainage will not be allowed without proper approval (Note must be on Plat)
13. The final plat must comply with Aviation Department requirements.
14. Determine the 100-year water surface elevation across this addition.
15. Dedicate floodway easement with the appropriate easement statement included on the face of the plat.
16. Include additional paragraph in Owner's Certificate (pertaining to the floodplain).
17. Specify minimum fill and minimum finished floor elevations if Fill Permit exists.
18. Set floodway monument markers and provide documentation.
19. Provide information regarding Fill Permit or Floodplain Alteration Permit if such permit is applied for.
20. Either include the Southwestern Bell Telephone Co. property in the final plat or remove it from the final plat. If left out the parcel must have a minimum continuous width of 10 feet of frontage on a public street or City Council approved private street.
21. On the final plat dedicate 30' ROW from the established center line of Denton Dr.
22. On the final plat dedicate 50' ROW from the established center line of Mockingbird Ln.
23. On the final plat dedicate 50' ROW from the established center line of Lemmon Ave.

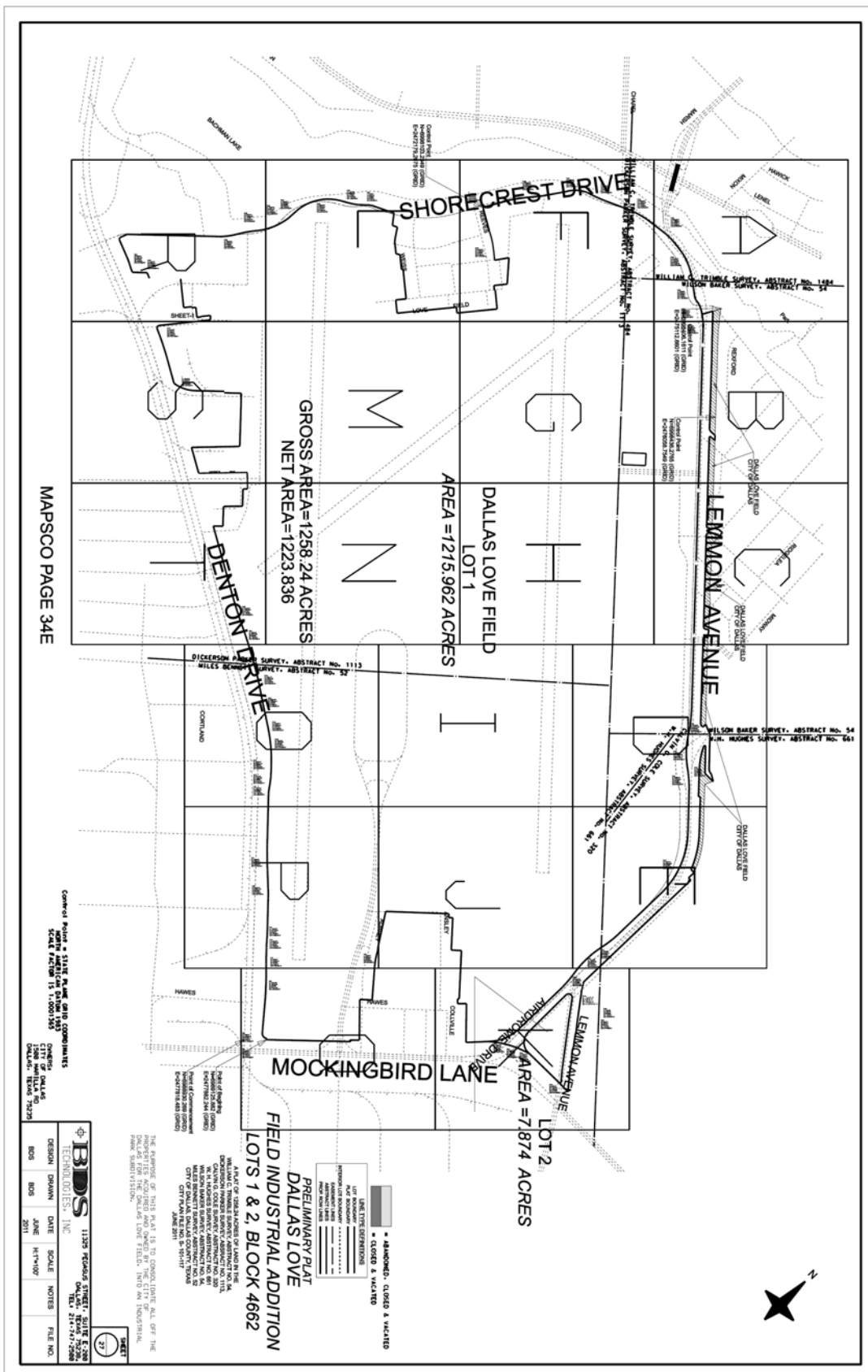
24. On the final plat dedicate adequate ROW for the intersection of Hawes St. (Mabel St.) & Aubrey Ave.
25. On the final plat dedicate 20' X 20' corner clip at Denton Dr. & Mockingbird Ln.
26. On the final plat Reservations are required for all existing and proposed storm drain systems.
27. Provide ROW, design and construction for a turnaround on Brookfield St. (Jackson) provided it isn't on Love Field property.
28. On the final plat dedicate 28' ROW from the established center line of Brookfield St. (Jackson).
29. Provide ROW, design and construction for a turnaround for the alley between Brookfield St. (Jackson) & Burbank St provided it isn't on Love Field property.
30. On the final plat dedicate 7.5' ROW from the established center line of the alley between Brookfield St. (Jackson) & Burbank St.
31. On the final plat dedicate 28' ROW from the established center line of Burbank St.
32. On the final plat dedicate 20' X 20' corner clip at Denton Dr. & Burbank St.
33. Provide ROW, design and construction for a turnaround on Burbank St provided it isn't on Love Field property.
34. On the final plat dedicate 20' X 20' corner clip at Denton Dr. & Love Field Dr. (both sides).
35. On the final plat dedicate 28' ROW from the established center line of Love Field Dr.
36. On the final plat dedicate 20' X 20' corner clip at Denton Dr. & Shorecrest Dr.
37. Provide ROW, design and construction for a turnaround on Love Field Dr provided it isn't on Love Field property.
38. On the final plat dedicate 28' ROW from the established center line of Reeves St.
39. Provide ROW, design and construction for a turnaround on Reeves St provided it isn't on Love Field property.
40. On the final plat dedicate 20' X 20' corner clip at Lemmon Ave. & Capps Dr. (both sides).
41. On the final plat dedicate 28' ROW from the established center line of Capps Dr.
42. On the final plat dedicate 20' X 20' corner clip at Lemmon Ave. & Crest Haven Rd. (both sides).
43. On the final plat dedicate 28' ROW from the established center line of Crest Haven Rd.
44. On the final plat dedicate 20' X 20' corner clip at Lemmon Ave. & Lovers Ln. (both sides).

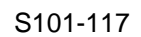
45. On the final plat dedicate 28' ROW from the established center line of Lovers Ln.
46. On the final plat dedicate 28' ROW from the established center line of Hopkins St.
47. On the final plat dedicate 28' ROW from the established center line of Mabel Ave.
48. On the final plat dedicate 20' X 20' corner clip at Lemmon Ave. & University Blvd.
49. On the final plat identify all private drives to remain or to be created by this plat and the name for each.
50. All names for the private drives need to be coordinated with the Dallas Fire Department Homeland Security Section and the Street Name Coordinator.
51. On the final plat identify all of the streets that have been abandoned by name and the Ordinance Number that abandoned the street.
52. All closures and abandonments of existing streets, easements and/or alleys need to be processed through the Real Estate Division of Sustainable Development and Construction.
53. On the final plat the closure and recording information should read as follows: "Closure authorized by Ordinance No. _____ and recorded in Instrument No. _____."
54. On the final plat the abandonment and recording information should read as follows: "Abandonment authorized by Ordinance No. _____ and recorded in Instrument No. _____."
55. A release from the Real Estate Division is required prior to the Chairman signing the final plat.
56. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.
57. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
58. Existing water and wastewater mains must be shown on the plat per Section 51A-8.403(a)(1)(A)(xii).
59. Existing water and/or wastewater easements must be shown and/or increased to conform to current design standards. The minimum DWU easement size is 20 feet for water or wastewater and is 25 feet for an easement having both water and sewer.
60. On the final plat show all new water and/or wastewater easements.
61. On the final plat add a note that states: "The site is within the 65 Ldn contour of Love Field Airport and this noise level requires special construction standards for certain uses per the building code."
62. On the final plat label the property as Lots 1B and Lot 1C, City Block 4682.

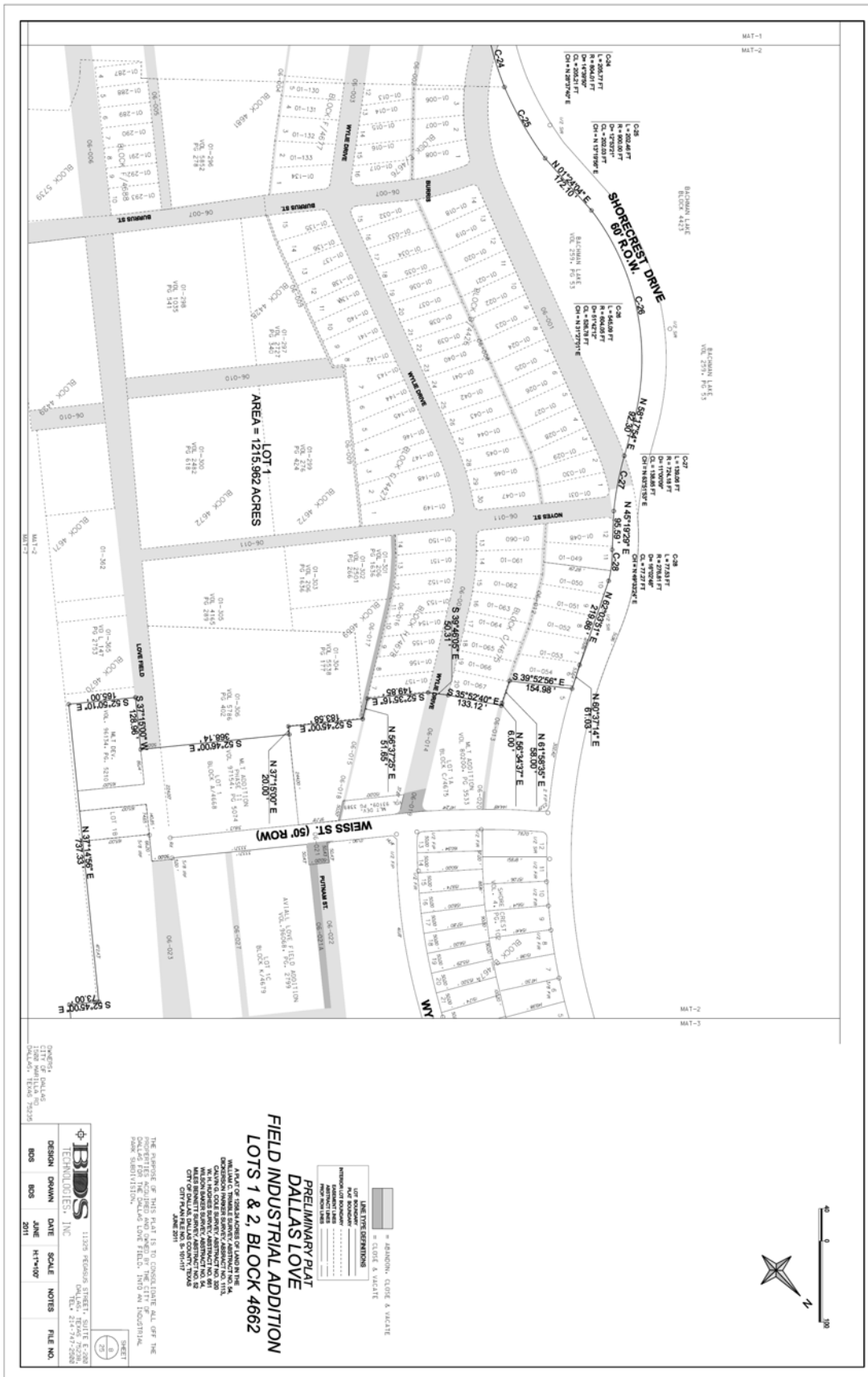
63. On the final plat Sheet 1 needs to be revised to show (1) the correct boundary at Lemmon Avenue on the east ROW Line and the correct boundary along Denton Drive and (2) identify all of the property owned by Love Field Airport.
64. On the final plat the ownership of all property owners within 150 feet of the plat boundary need to be identified.
65. The final plat must comply with all applicable State Laws, City of Dallas rules and regulations, and Article 8 (Plat Regulations) of the Dallas Development Code.
66. The final plat will not be approved until all changes, corrections and additions identified by the office of the City of Dallas Survey Program Manager are incorporated into the plat.
67. On the final plat show all existing subdivisions, and all existing and proposed public and private easements lying within the boundaries of the preliminary plat.



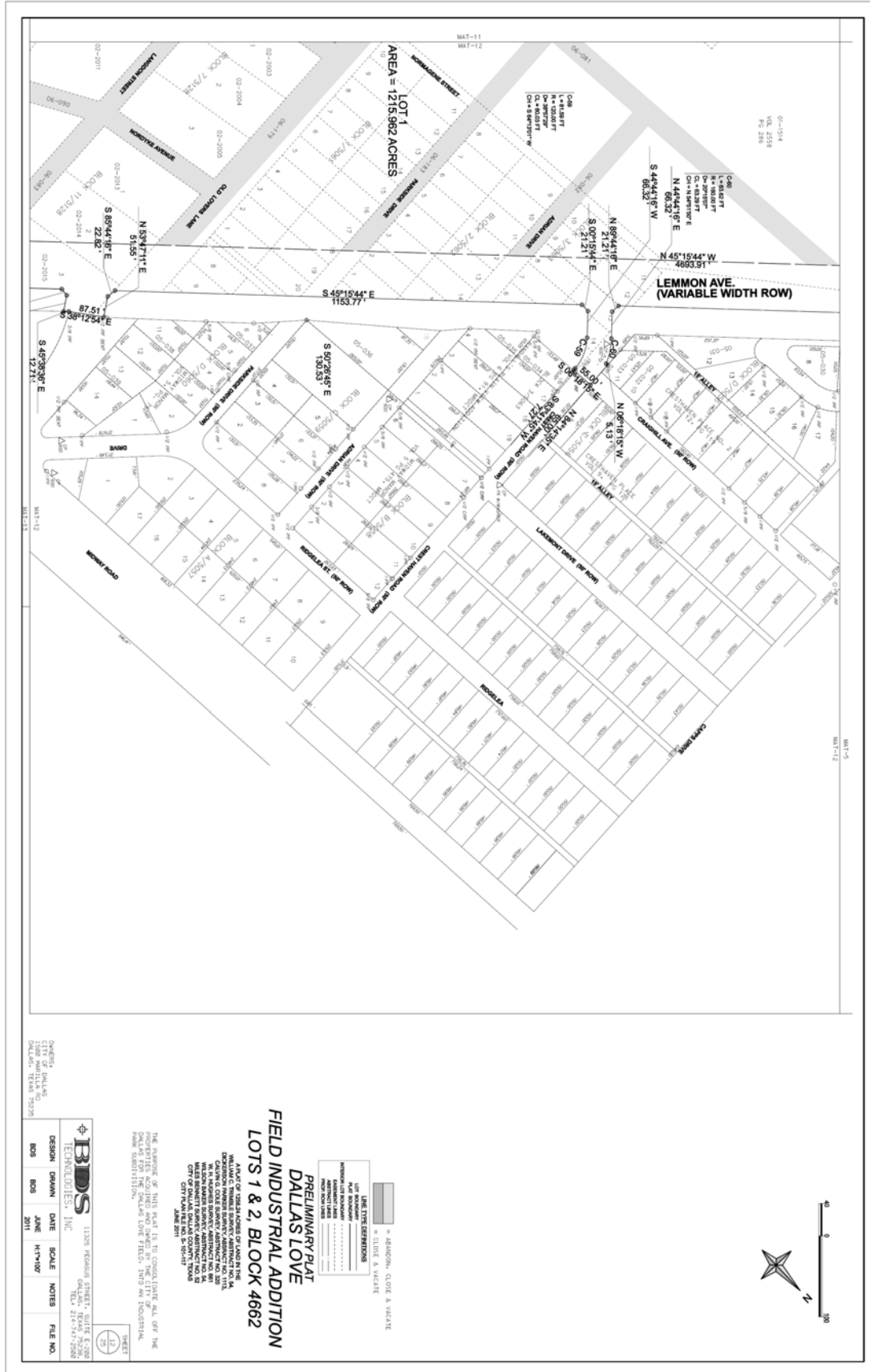




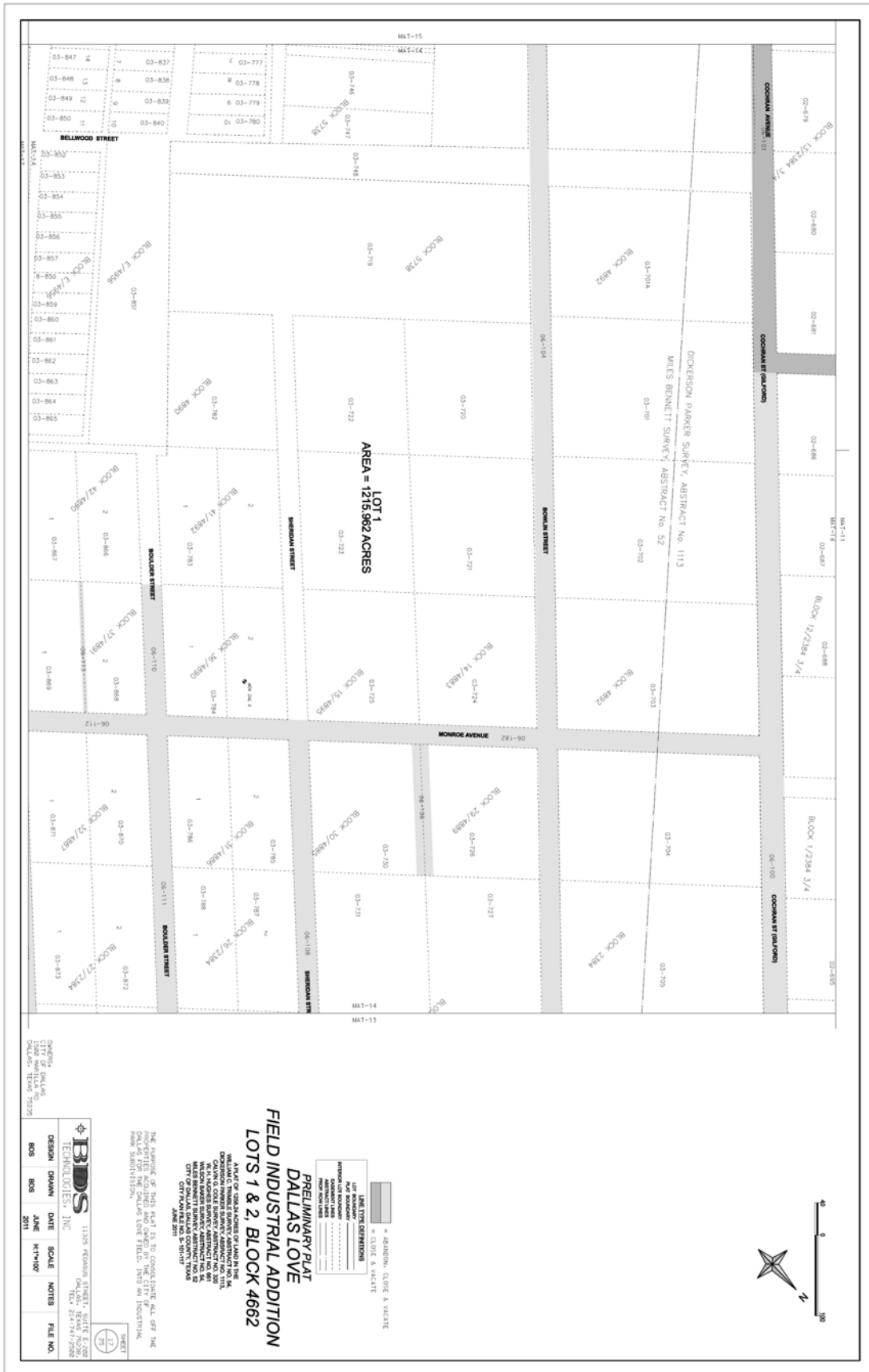


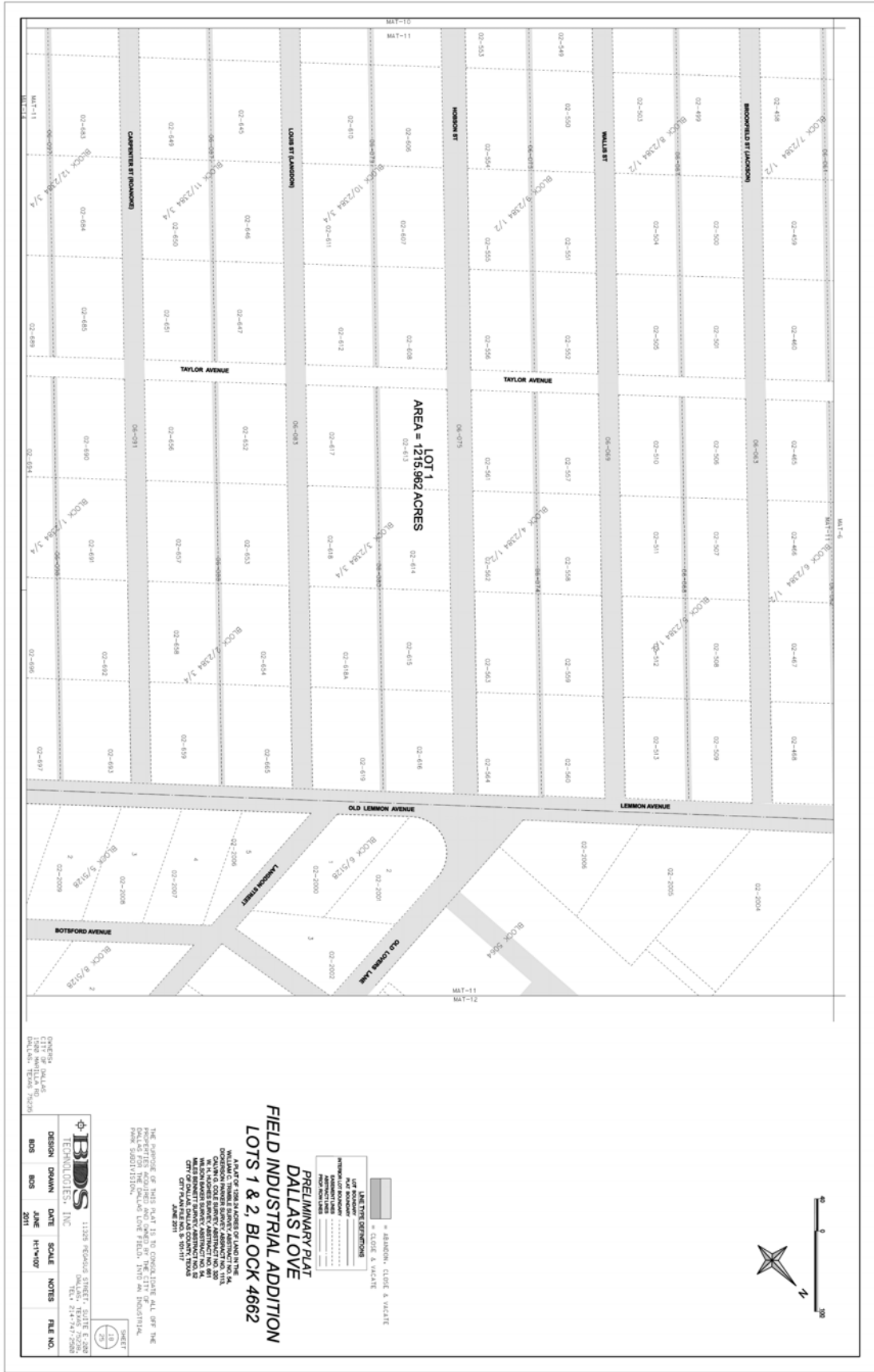


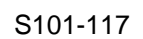


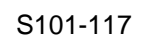












CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-120**Subdivision Administrator:** Paul Nelson**LOCATION:** Walnut Hill Lane at Audelia Road, southwest corner**DATE FILED:** June 8, 2011**ZONING:** CR**CITY COUNCIL DISTRICT:** 10**SIZE OF REQUEST:** 9.46 ac.**MAPSCO:** 27Q**APPLICANT/OWNER:** Audelia WGK, LLC & Audelia WGK II, LLC

REQUEST: An application to create 18 lots ranging in size from 0.198 acres to 3.612 acres from a 9.46 acre tract of land in City Block 8119 located at Walnut Hill Lane at Audelia Road, southwest corner.

SUBDIVISION HISTORY:

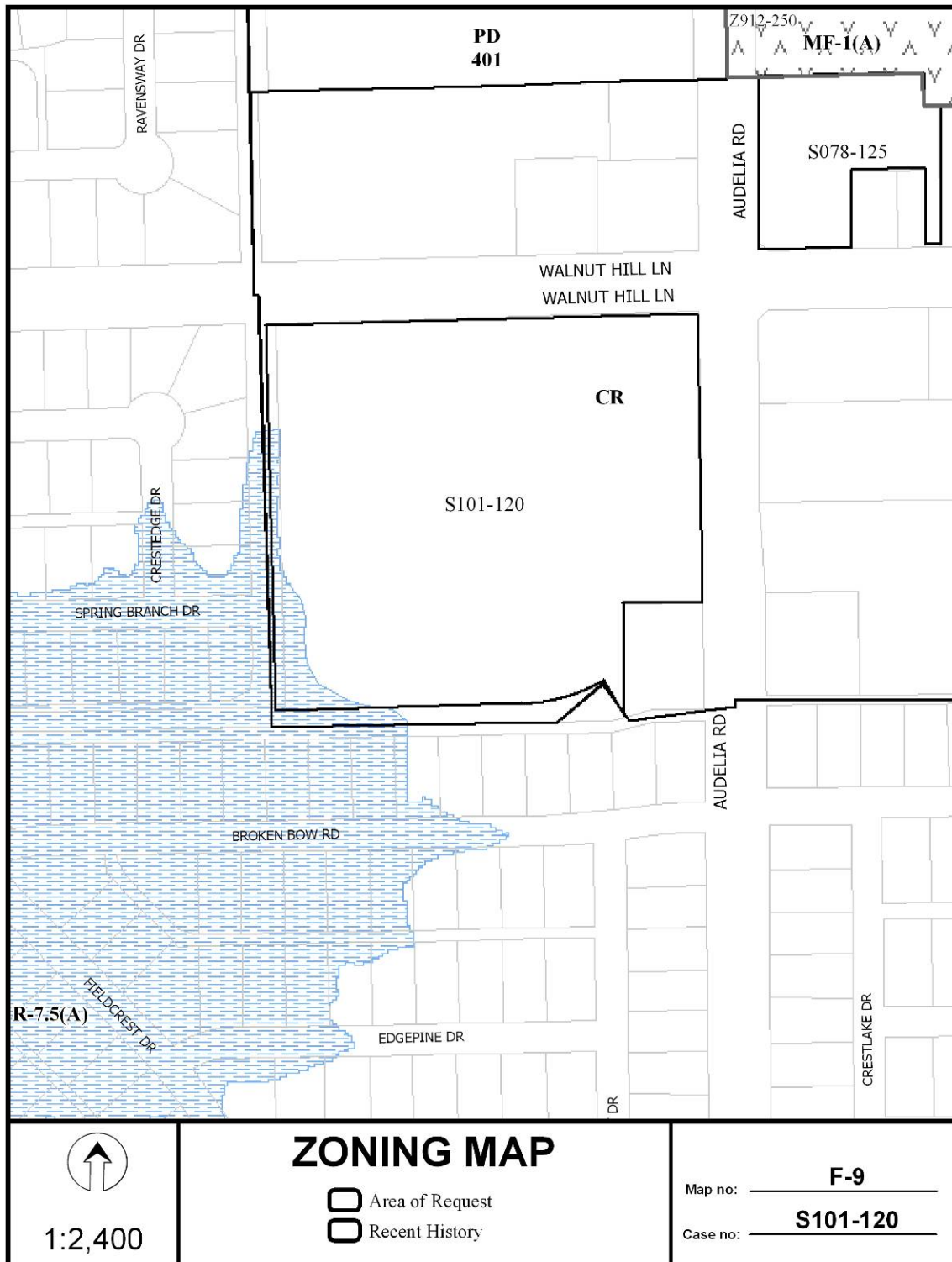
1. S078-125 was an application to create one lot out of a 1.5202 acre tract of land in City Block A/8081 located at the intersection of Audelia Rd. and Walnut Hill Ln., northeast corner and was approved on March 27, 2008 and recorded on May 1, 2009.

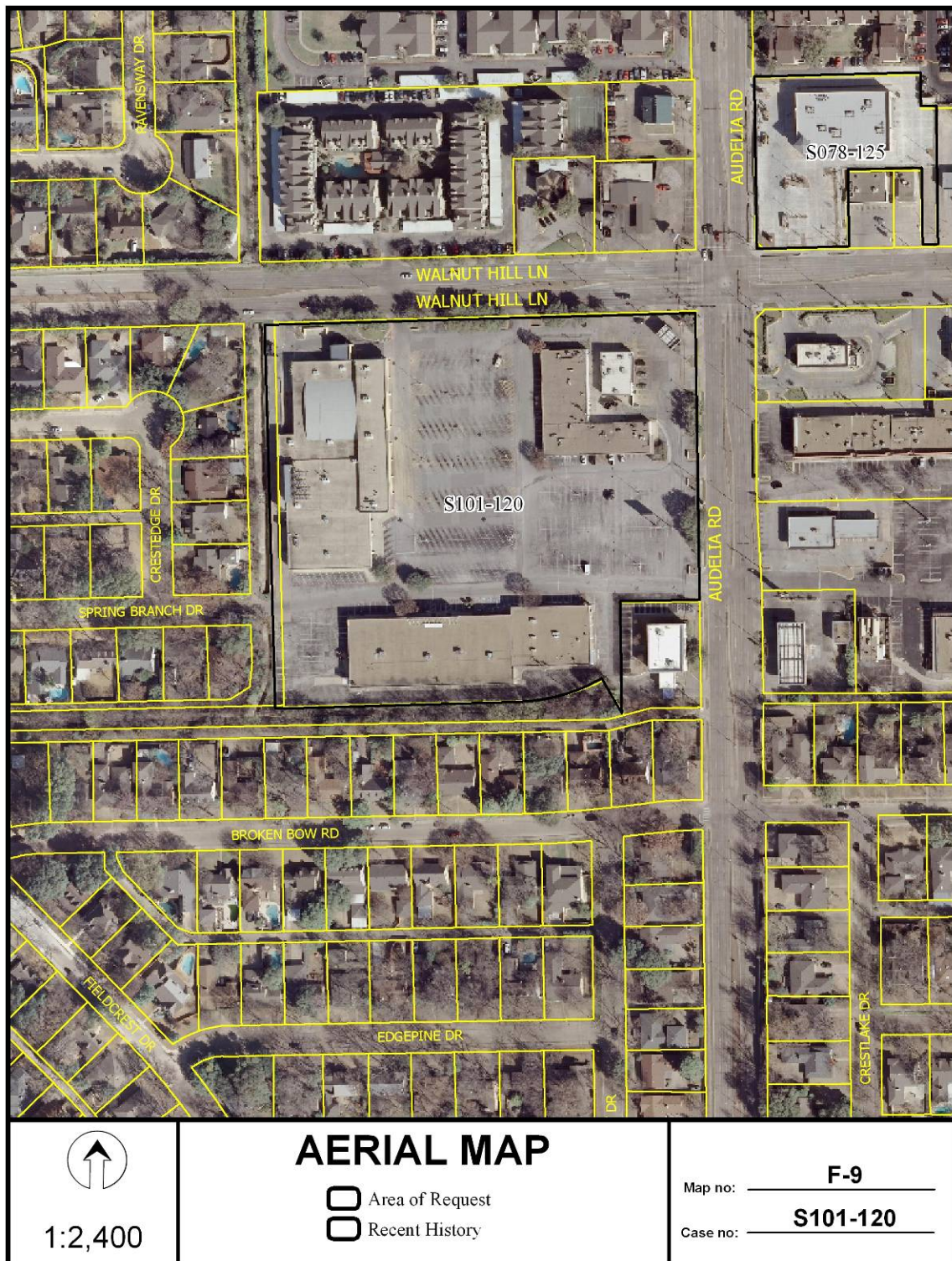
STAFF RECOMMENDATION: A zoning change is pending for this property. The request will comply with the zoning requirements in effect at the time of the final plat and does comply with the CR district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

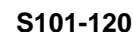
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. The final plat is limited to a maximum of 18 lots.

9. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Detention may be required if the capacity of the available outfall is not adequate to carry the developed runoff.
12. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
13. On the final plat dedicate a 20 foot by 20 foot corner clip at the intersection of Audelia Road and Walnut Hill Lane.
13. On the final plat dedicate 15 foot by 15 foot alley sight easements at:
 - Spring Branch Circle and the alley (both sides)
 - Spring Branch Drive and the alley (both sides)
14. Add a note to the final plat: "No access to Walnut Hill Lane directly from the alleys." This note shall be placed as a note and on the map on Walnut Hill Lane and the alley.
15. Prior to submittal of the final plat for the Chairman's signature a traffic barrier easement in compliance with Section 51A-8.618 between Walnut Hill Lane and the alley must be constructed and approved by the Chief City Engineer and the Building Official.
16. Determine the 100 year water surface elevation across the plat.
17. Dedicate floodway easement, floodway management area or floodway easement (within common area) with the appropriate easement statement included on the face of the plat.
18. Include additional paragraph in owner's certificate (pertaining to floodplain)
19. Specify minimum fill and minimum finished floor elevations.
20. Show natural channel setback from crest of the natural channel.
21. Set floodway monument markers and provide documentation that the monuments have been set prior to submittal of the final plat for recording.
22. Provide information regarding fill permit or floodplain alteration permit if such permit is applied for.
25. On the final plat show all additions or tracts of land within 150 feet of the property and show the recording information.
26. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.

27. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
28. Water/wastewater main extension is required by Private Development Contract.
29. Chose a different name for Spring Branch Circle. For assistance call 214-671-9057.
30. On the final plat label the property as Lots 1 thru 18, City Block T/8119.
31. The final plat must comply with the zoning requirements at the time the final plat is submitted for the Chairman's signature.







CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-121**Subdivision Administrator:** Paul Nelson**LOCATION:** E. Lemmon Avenue and Oak Grove Avenue, south corner**DATE FILED:** June 9, 2011**ZONING:** PD 193 (O-2), SUP 840**CITY COUNCIL DISTRICT:** 14**SIZE OF REQUEST:** 3.061 ac.**MAPSCO:** 45C**APPLICANT/OWNER:** CWS Lemmon Resources LP

REQUEST: An application to replat all of Lots 1 thru 5 in City Block 634 ½ and all of Lots 4B and 4D in City Block 1/634 into one 3.061 acre lot at E. Lemmon Avenue and Oak Grove Avenue, south corner.

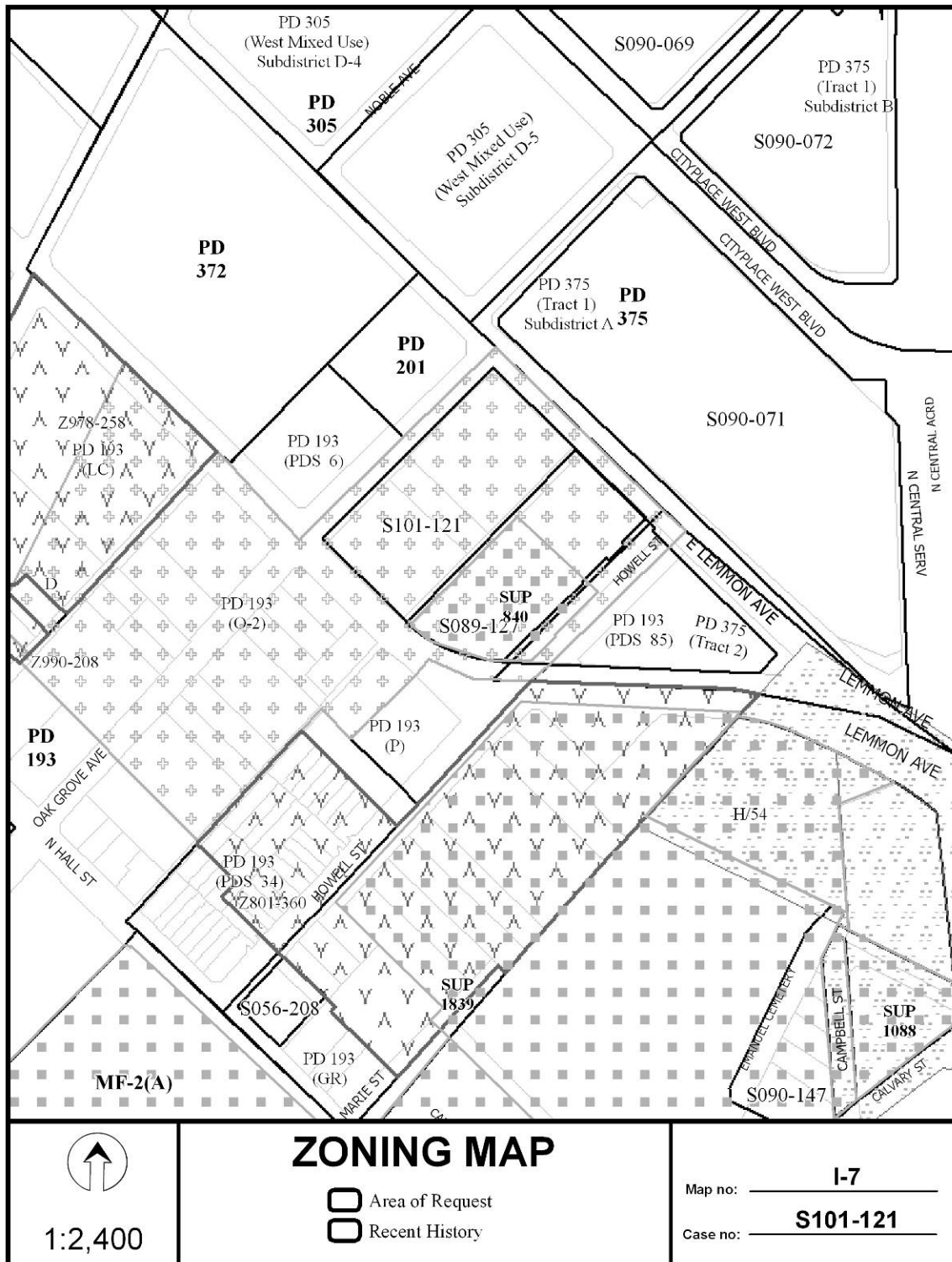
SUBDIVISION HISTORY:

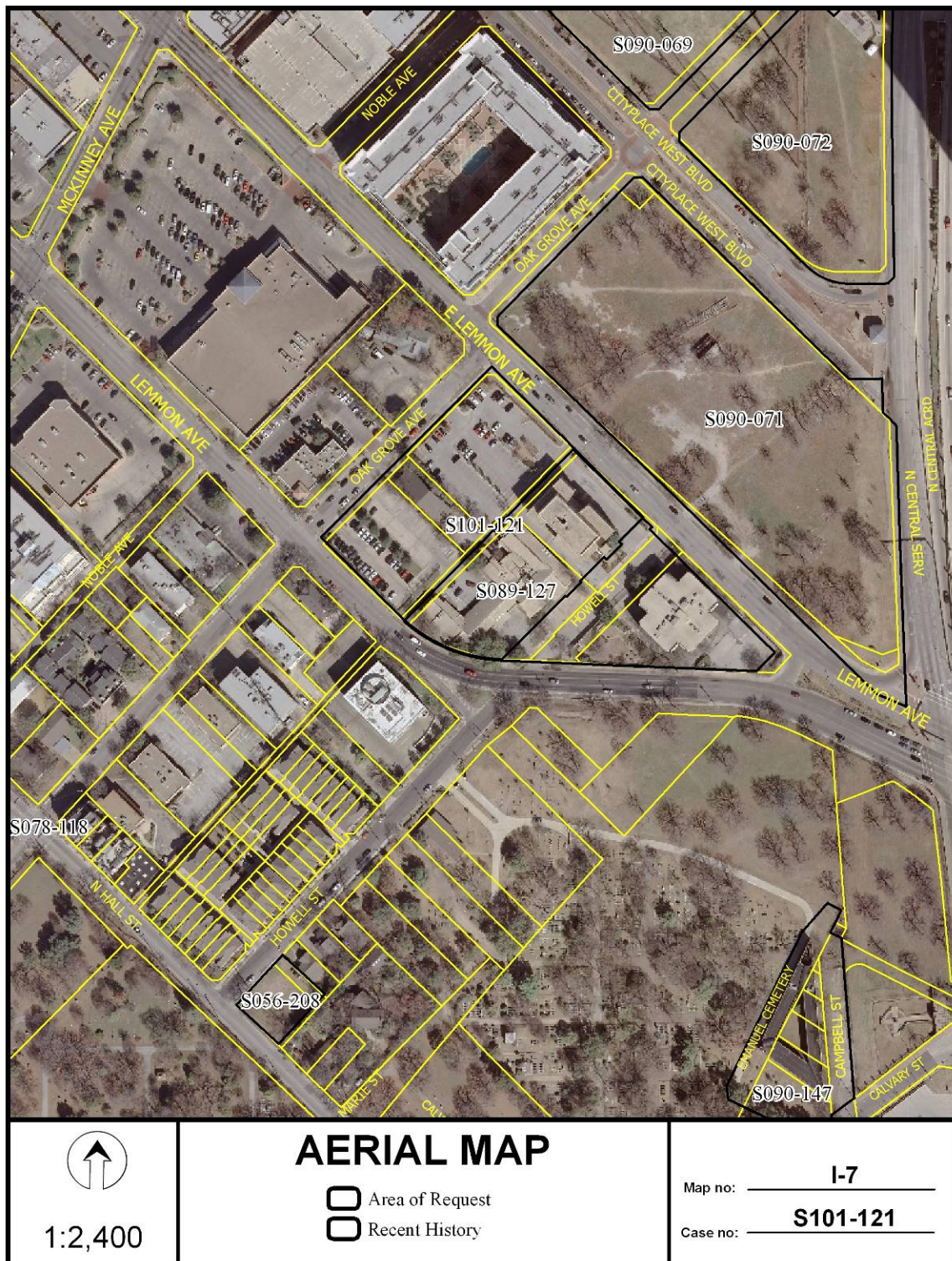
1. S089-127 was an application to replat Lots 6 thru 13 in City Block 634 ½ and Lot 4A in City Block 1/634, and an abandoned street, into three lots and was approved September 10, 2009 and recorded on February 10, 2011.

STAFF RECOMMENDATION: The request complies with the PD 193 (O-2) district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 1 lot.

10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
12. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
11. On the final plat dedicate 28 feet of ROW from the established centerline of Oak Grove Avenue and Lemmon Avenue West.
13. On the final plat dedicate a 15 foot by 15 foot corner clip at the intersection of Oak Grove Avenue at Lemmon Avenue West and at Oak Grove Avenue and Lemmon Avenue East.
14. On the final plat show all additions or tracts of land within 150 feet of the property and show the recording information.
15. On the final plat monument all set corners per Section 51A-8.617 of the Dallas Development Code.
16. on the final plat chose a different addition name.
17. On the final plat show distances/width of right of way across Lemmon Avenue East and Lemmon Avenue and also Oak Grove Avenue.
18. On the final plat show abandonment ordinance number on the plat for the street easements to be abandoned.
19. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.
20. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
21. Water/wastewater main extension may be required by private Development Contract.
22. On the final plat all abandonments must be shown as: "Abandonment authorized by Ordinance Number _____ and recorded as Instrument Number _____."
23. On the final plat change "Lemmon Ave. West" to "Lemmon Ave."
18. On the final plat label the property as Lot 1A, City Block 5/712.







CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-122**Subdivision Administrator:** Paul Nelson**LOCATION:** Griffin Street between Ross Avenue and San Jacinto Street**DATE FILED:** June 9, 2011**ZONING:** CA-1(A)**CITY COUNCIL DISTRICT:** 2**SIZE OF REQUEST:** 0.4426 ac.**MAPSCO:** 45K**APPLICANT/OWNER:** Mitchell and Peter Fonberg/7Eleven c/o Michael Dee

REQUEST: An application to create one 0.4426 acre lot, from a tract of land in City Block 217 at 505 Griffin Street between Ross Avenue and San Jacinto Street.

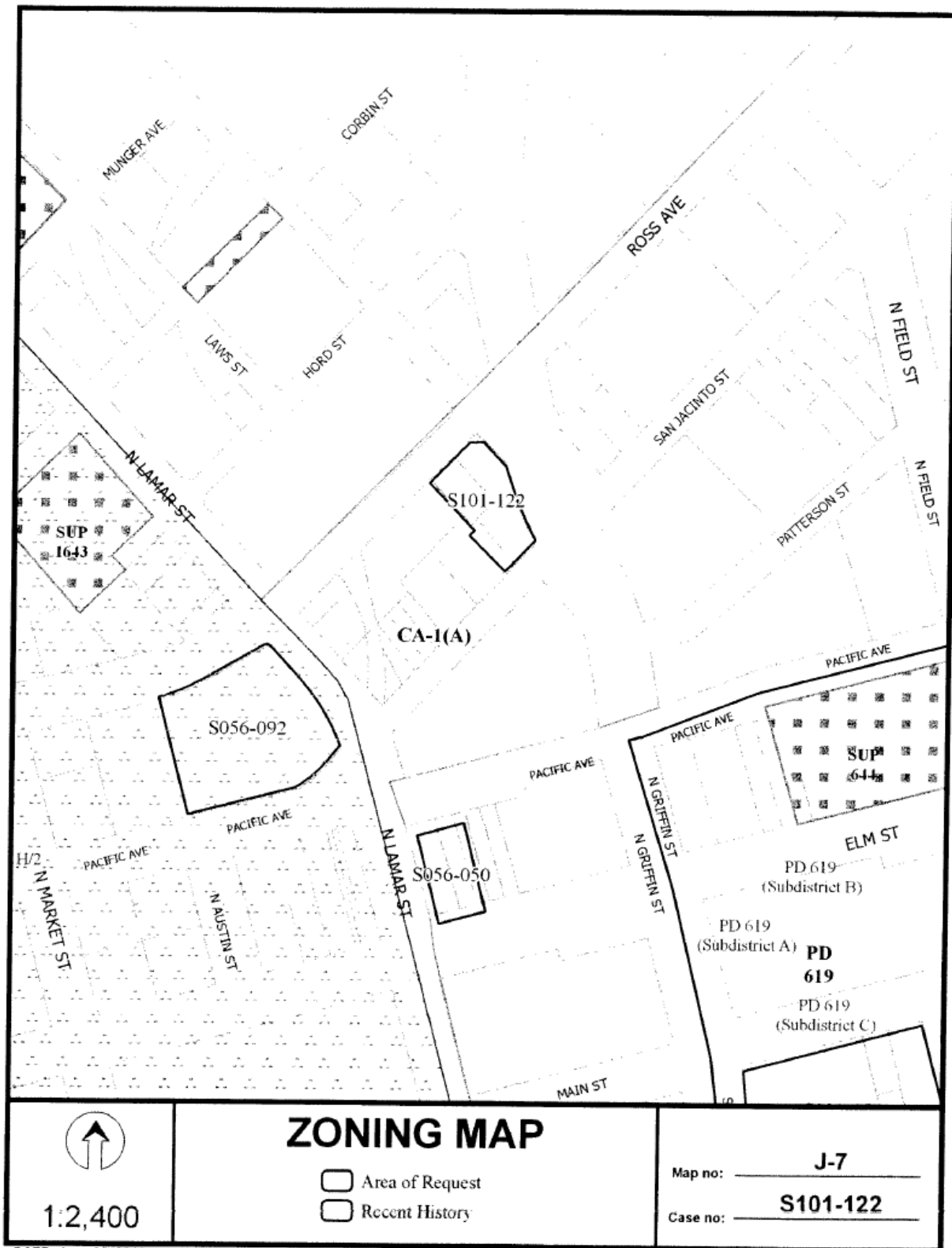
SUBDIVISION HISTORY: There has been no recent subdivision activity within close proximity to this request.

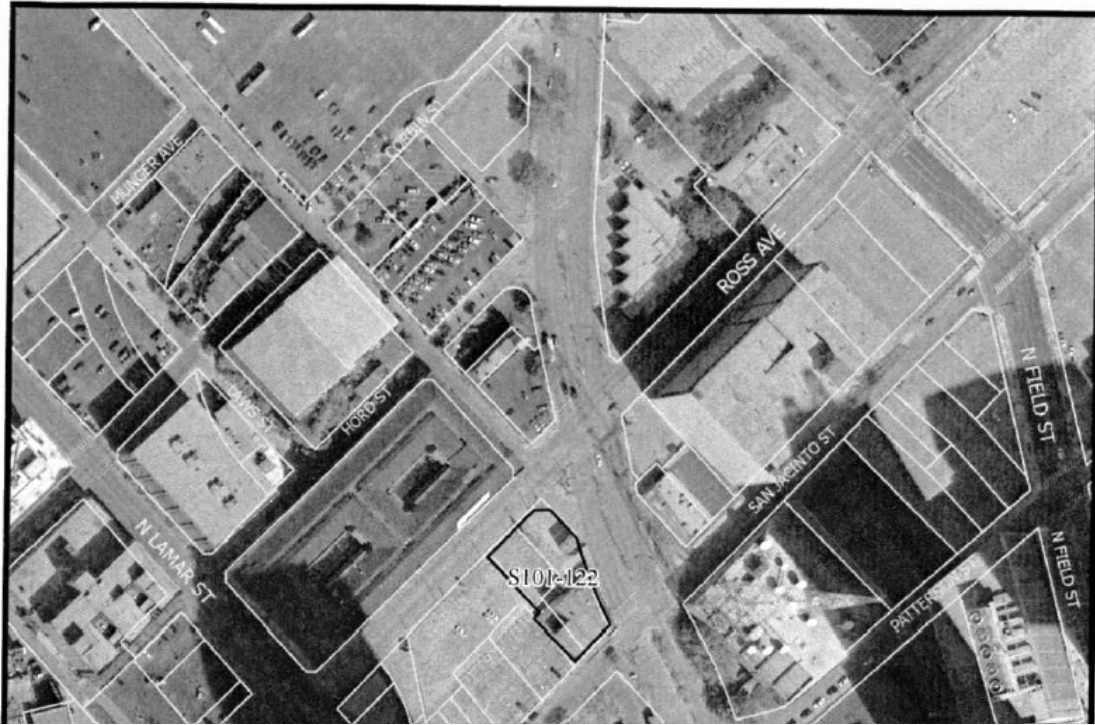
STAFF RECOMMENDATION: The request complies with the CA-1(A) district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

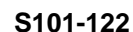
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 1 lot.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200,

Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.

11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. On the final plat dedicate a 15 foot by 15 foot corner clip at the intersection of San Jacinto Street and Griffin Street.
13. On the final plat place the name "Griffin Street" on the on the east side of the property between Ross Avenue and North Griffin Street.
14. On the final plat show the recording information on all existing easements within 150 feet of the property.
15. On the final plat show all additions or tracts of land within 150 feet of the property and show the recording information.
16. On the final plat monument all corners per Section 51A-8.617 of the Dallas Development Code.
17. On the final plat show two control monuments.
18. On the final plat choose a new addition name.
19. Submit a letter to the Chief City Surveyor requesting alternate monumentation.
20. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.
21. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
22. Water/wastewater main extension is required by Private Development Contract.
23. A license may be required for the overhang on North Griffin Street. Please contact the Real Estate Division for further information.
24. A release from the Real Estate Division is required prior to the final plat being submitted to the Chairman for signature.
25. On the final plat label the property as Lot 1, City Block A/217.
19. The final plat must comply with the zoning requirements at the time the final plat is submitted for the Chairman's signature.







CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-127**Subdivision Administrator:** Paul Nelson**LOCATION:** 11100 Walnut Hill Lane at Wickersham Road, southeast corner**DATE FILED:** June 13, 2011**ZONING:** MF-3(A)**CITY COUNCIL DISTRICT:** 9**SIZE OF REQUEST:** 6.28 ac.**MAPSCO:** 28P**APPLICANT/OWNER:** KV9 Silverado, LLC

REQUEST: An application to create a 5.60 acre lot and a 0.68 acre common area from a 6.28 acre tract of land in City Block 7487 located at 11100 Walnut Hill Lane at Wickersham Road, southeast corner.

SUBDIVISION HISTORY:

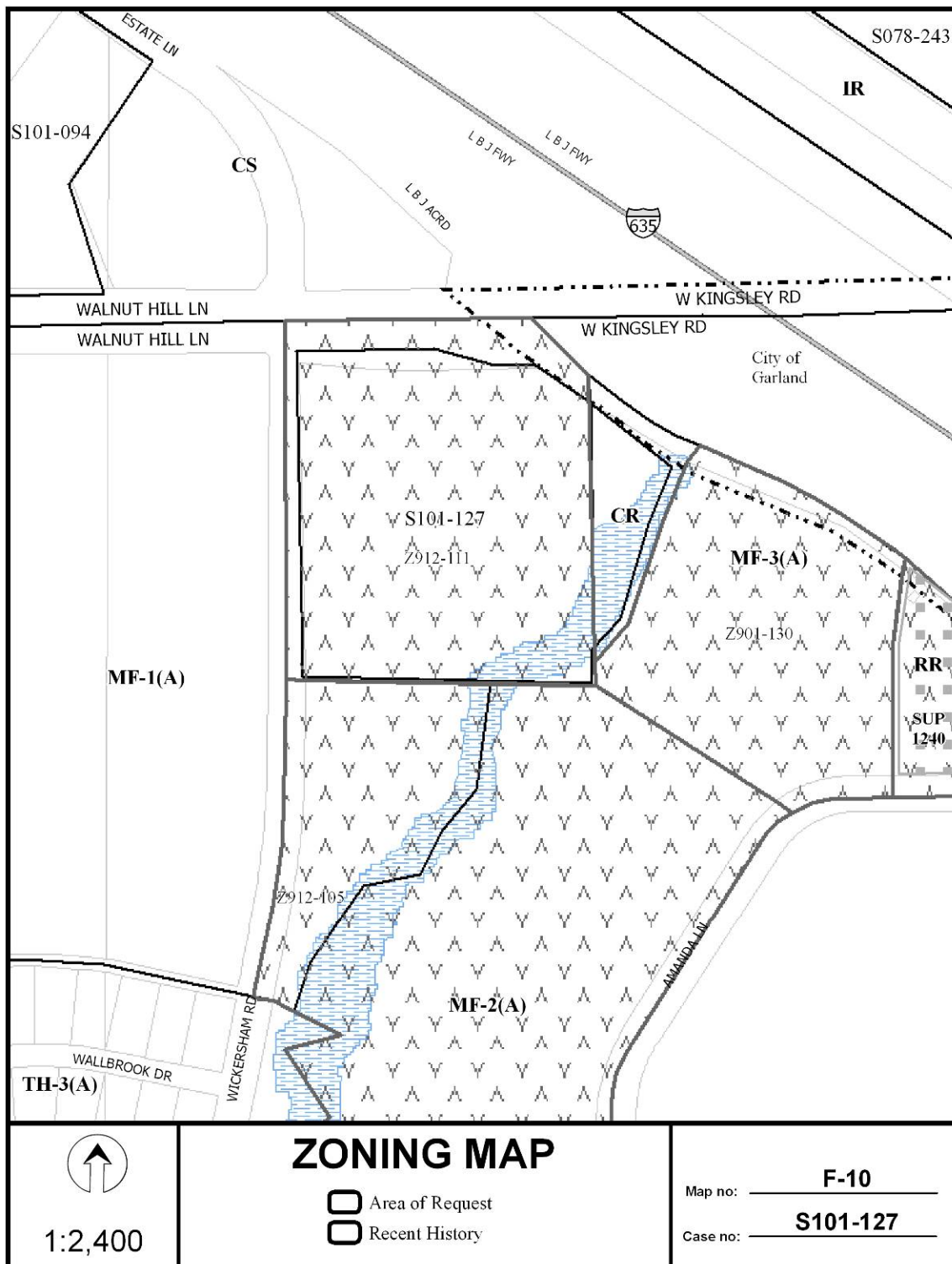
1. S101-094 was an application northwest of the present request to replat a 7.56 acre tract of land containing all of Lot 4A and part of Lot 4B in City Block B/8051 at 10949 and 11035 Walnut Hill Lane and was approved May 19, 2011, but has not been recorded.
2. S078-243 was an application northeast of the present request to plat a 7.19 acre tract of land into four lots ranging in size from 0.82 acres to 3.29 acres in Block 8042 located on the north side of Kingsley Rd., west of the intersection of Jupiter Rd. and Kingsley Rd. and was recorded on August 21, 2008 but has not been recorded.

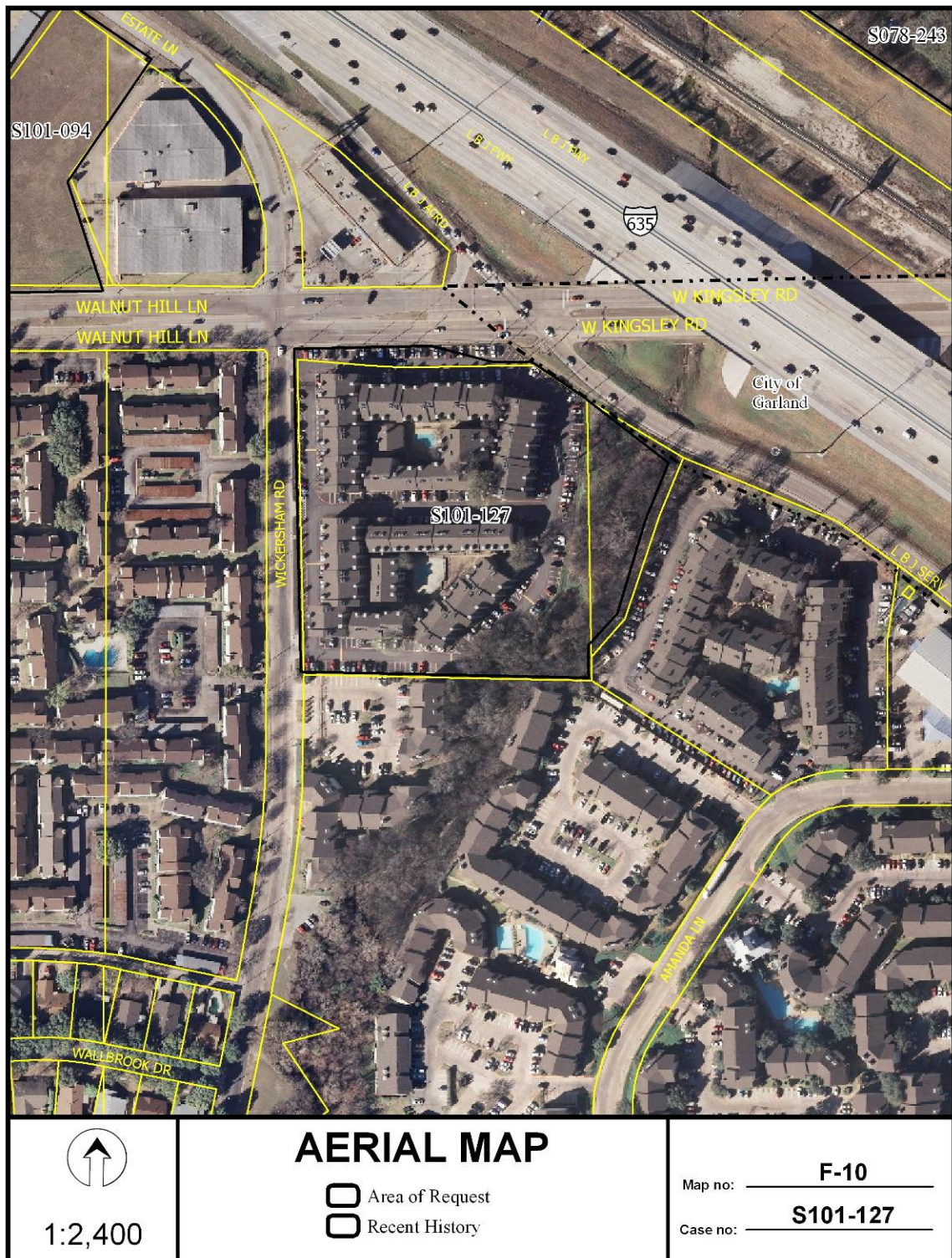
STAFF RECOMMENDATION: The request complies with the MF-3(A) district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

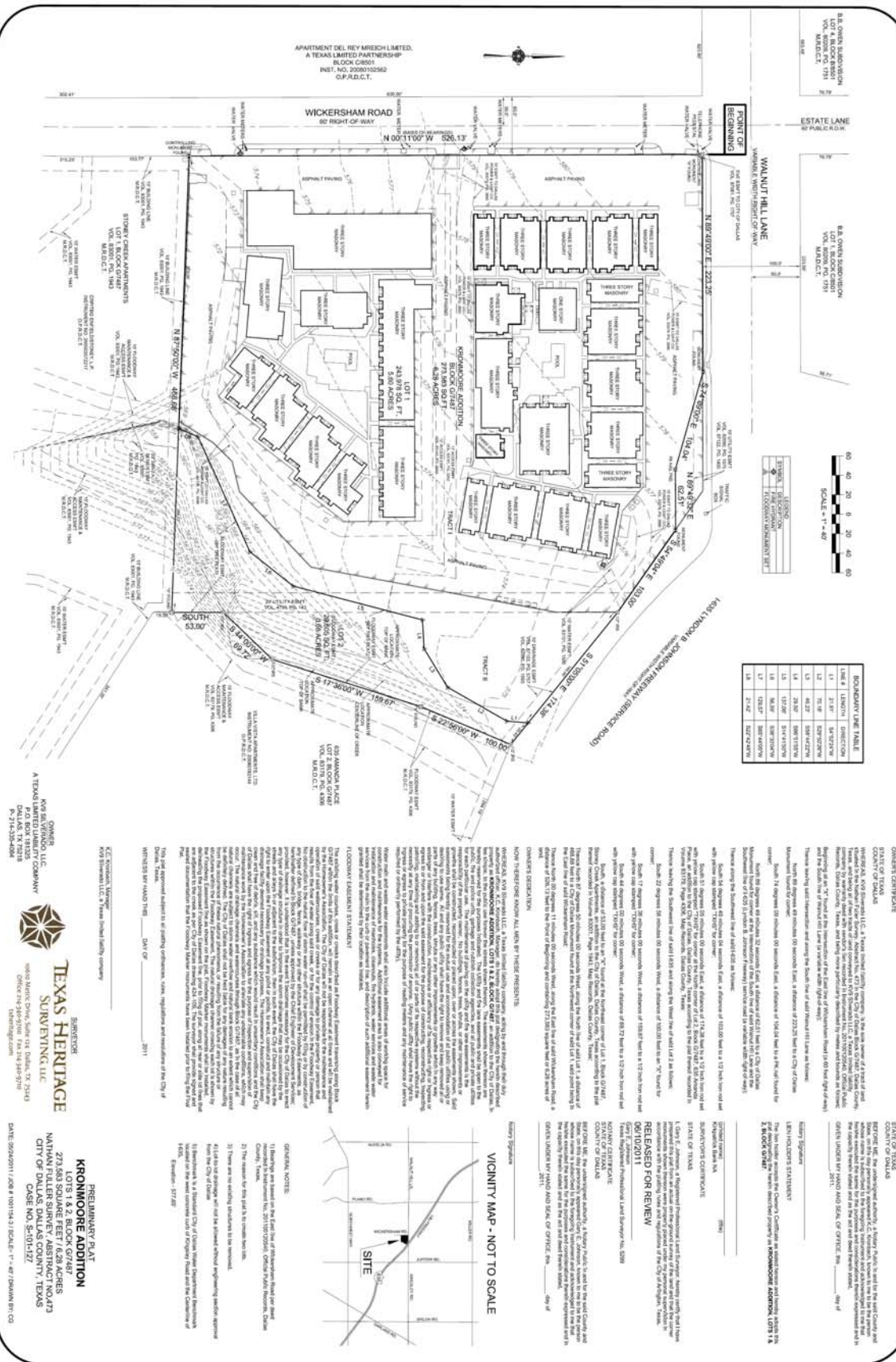
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.

7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of one lot and one common area.
10. Provide a detailed lot grading/drainage plan prepared by a Professional Engineer to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center.
11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. On the final plat dedicate 28 feet of ROW from the established centerline, or dedicate a street easement, or Public Utility and Sidewalk Easement to equal 28 feet from the established centerline of Annex Avenue.
13. On the final plat dedicate a 15 foot by 15 foot corner clip at the intersection of Walnut Hill Lane and Wickersham Road.
14. On the final plat add a note: "Access or modification to I-635 requires TXDOT approval."
15. Determine the 100 year water surface elevation across the plat.
16. Dedicate floodway easement, floodway management area or floodway easement (within common area) with the appropriate easement statement included on the face of the plat.
17. Include additional paragraph in owner's certificate (pertaining to floodplain)
18. Specify minimum fill and minimum finished floor elevations.
19. Show natural channel setback from crest of the natural channel.
20. Set floodway monument markers and provide documentation that the monuments have been set prior to submittal of the final plat for recording.
21. Provide information regarding fill permit or floodplain alteration permit is such permit is applied for.
22. On the final plat label proposed Lot 2 as "Common Area A".
23. On the final plat monument all corners per Section 51A-8.617 of the Dallas Development Code.
24. On the final plat show distances/widths of right of way across Walnut Hill Lane in at least two places.
25. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.

26. On the final plat label the property as Lot 4, Common Area A, City Block G/7487.







CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-128**Subdivision Administrator:** Paul Nelson**LOCATION:** 11331 Preston Road**DATE FILED:** June 17, 2011**ZONING:** RR**CITY COUNCIL DISTRICT:** 11 **SIZE OF REQUEST:** 70.6483 ac. **MAPSCO:** 15N**APPLICANT/OWNER:** SH Montfort LBJ, L.P., MacerichValley View, L.P., and Dillard Texas Operating, L.P.

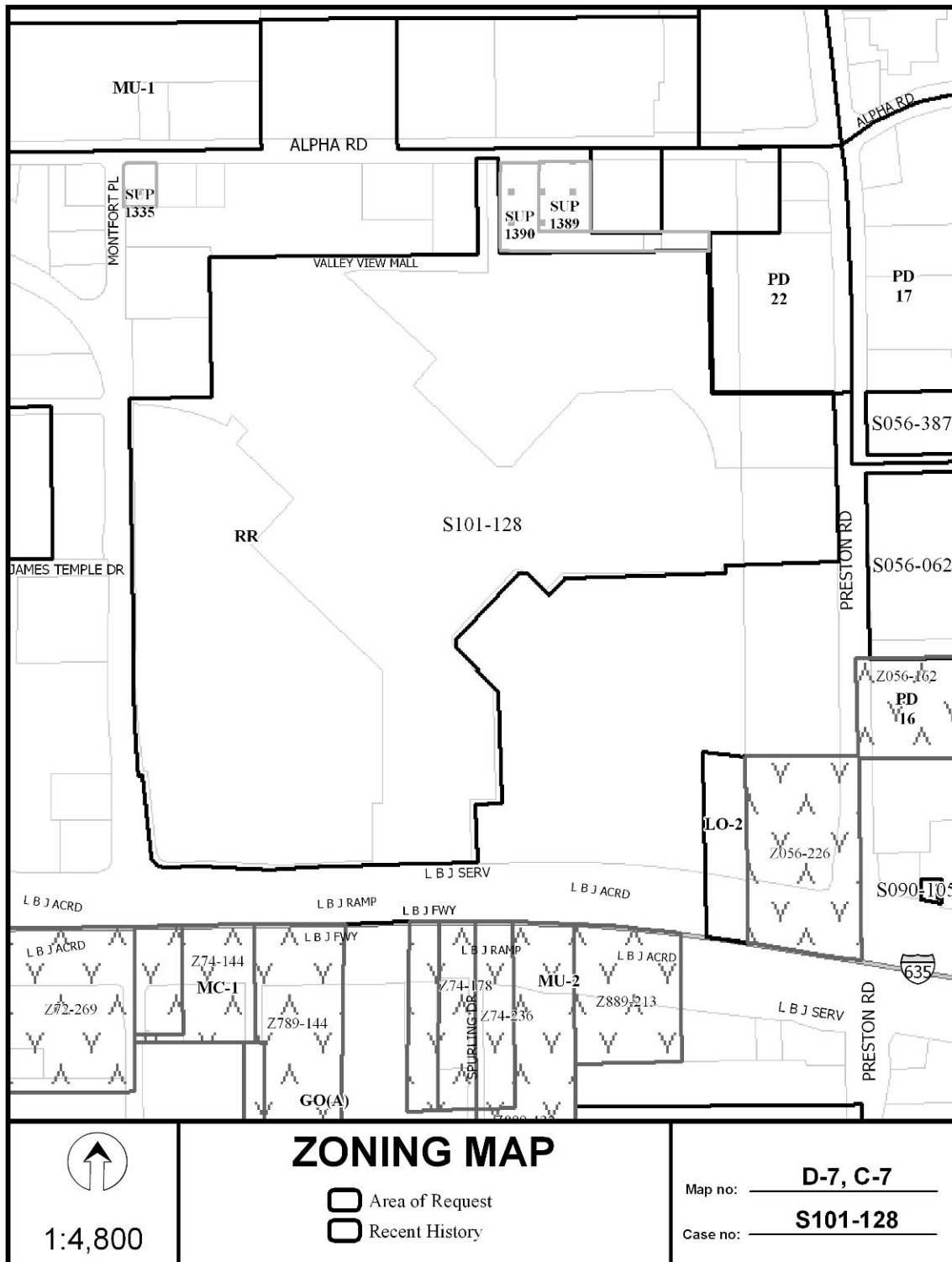
REQUEST: An application to replat a 70.6483 acre tract of land containing all of Lot 3 in City Block A/7409 into one 20.5874 acre lot, one 37.9198 acre lot, and one 12.1411 acre lot at 11331 Preston Road.

SUBDIVISION HISTORY: There has been no recent subdivision activity within close proximity to this request.

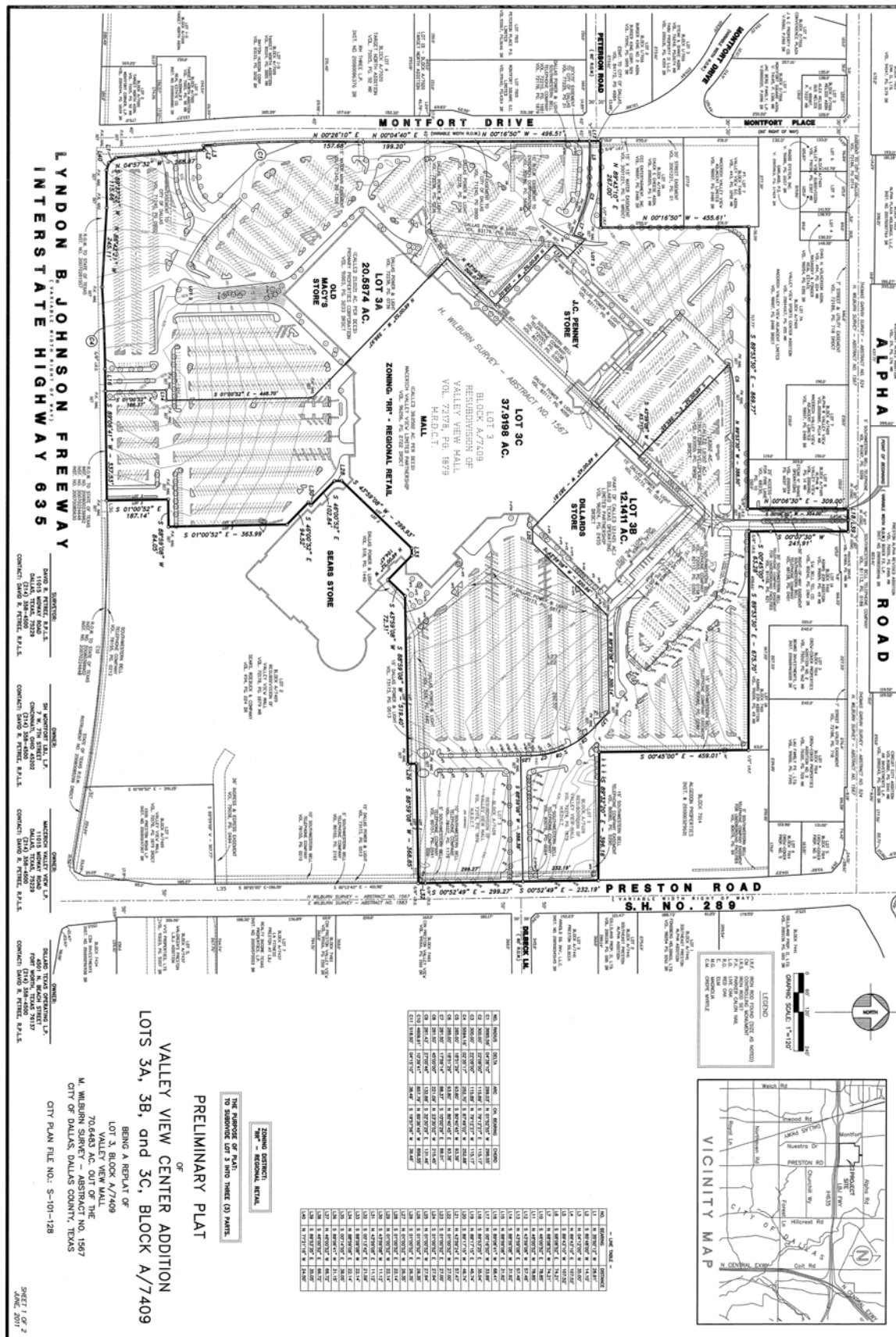
STAFF RECOMMENDATION: The request complies with the RR district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 3 lots.

10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. On the final plat dedicate 45 feet of ROW from the established centerline of Alpha Road and Montfort Drive.
13. Coordinate the ROW dedication of Alpha Road with the Department of Public Works Interagency Group.
14. Add a note to the final plat: "Access or modification to I-635 requires TXDOT approval."
15. On the final plat dedicate 50 feet of ROW from the established centerline of Preston Road.
16. On the final plat monument all corners per Section 51A-8.617 of the Dallas Development Code.
17. On the final plat show distances/width of ROW in a minimum of two places on Alpha Road, Montfort Drive and Preston Road.
18. On the final plat label the type of property corner's set or found.
19. On the final plat new property lines cannot cross through existing structures.
20. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
21. Private plumbing cannot cross new lot lines. Water and Wastewater lines must be rerouted so each lot is self sufficient for water and wastewater.
22. On the final plat label the property as Lots 3A, 3B and 3C, City Block A/7409.
23. Demonstrate compliance with provisions of the Dallas Building Code, including the filing of a Unity Agreement(s) per Section 4201, DBC (2006 International Building Code with Dallas Amendments). The documents must be provided to the Chief Building Code Examiner prior to submittal of the final plat for the Chairman's signature.







CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-130**Subdivision Administrator:** Paul Nelson**LOCATION:** Eastpoint Drive between Buckner Blvd. and Catron Drive**DATE FILED:** June 17, 2011**ZONING:** LI**CITY COUNCIL DISTRICT:** 7 **SIZE OF REQUEST:** 41.671 ac. **MAPSCO:** 48L,M**APPLICANT/OWNER:** Coca-Cola Refreshments USA, Inc.

REQUEST: An application to replat a 41.671 acre tract of land containing all of Lots 2, 3, and 4 and a tract of land in City Block E/6213 on Eastpoint Drive between Buckner Blvd. and Catron Drive.

SUBDIVISION HISTORY:

1. S089-110 was an application at the northwest corner of Eastpoint Drive and S. Buckner Blvd. to replat Lot 1 of the Buckner Place Addition, City Block 10/6127, into one 1.42 acre lot and one 1.58 acre lot and was approved July 16, 2009 but has not been recorded.
2. S078-073 was an application to plat an 88.16 acre tract of land into 6 lots ranging in size from 8.3 acres to 23.0 acres in City Block N/6213 located at the intersection of Buckner Blvd. (Loop 12) and Eastpoint Drive, northeast corner was approved on January 10, 2008, but has not been recorded.

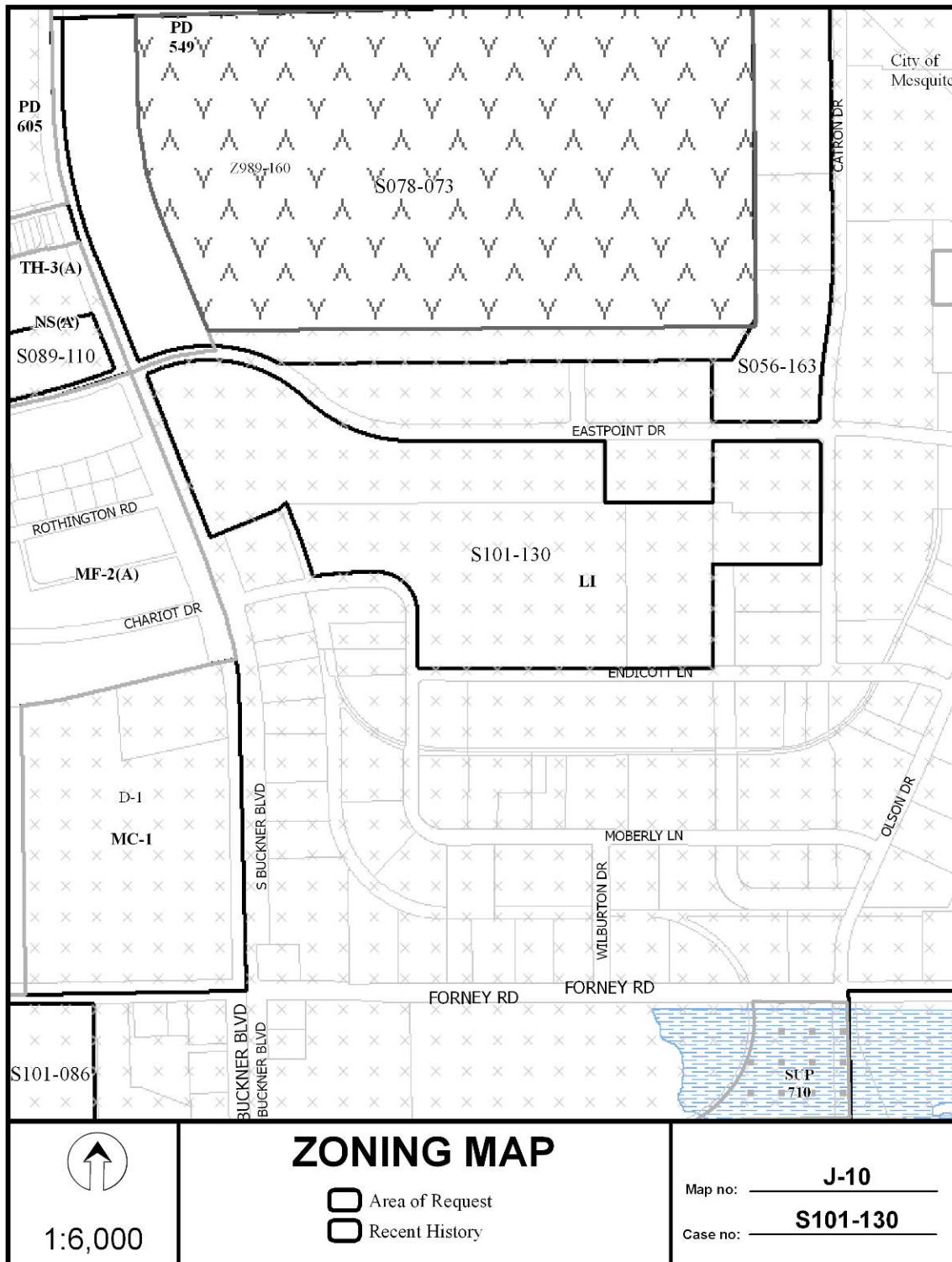
STAFF RECOMMENDATION: The request complies with the LI district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

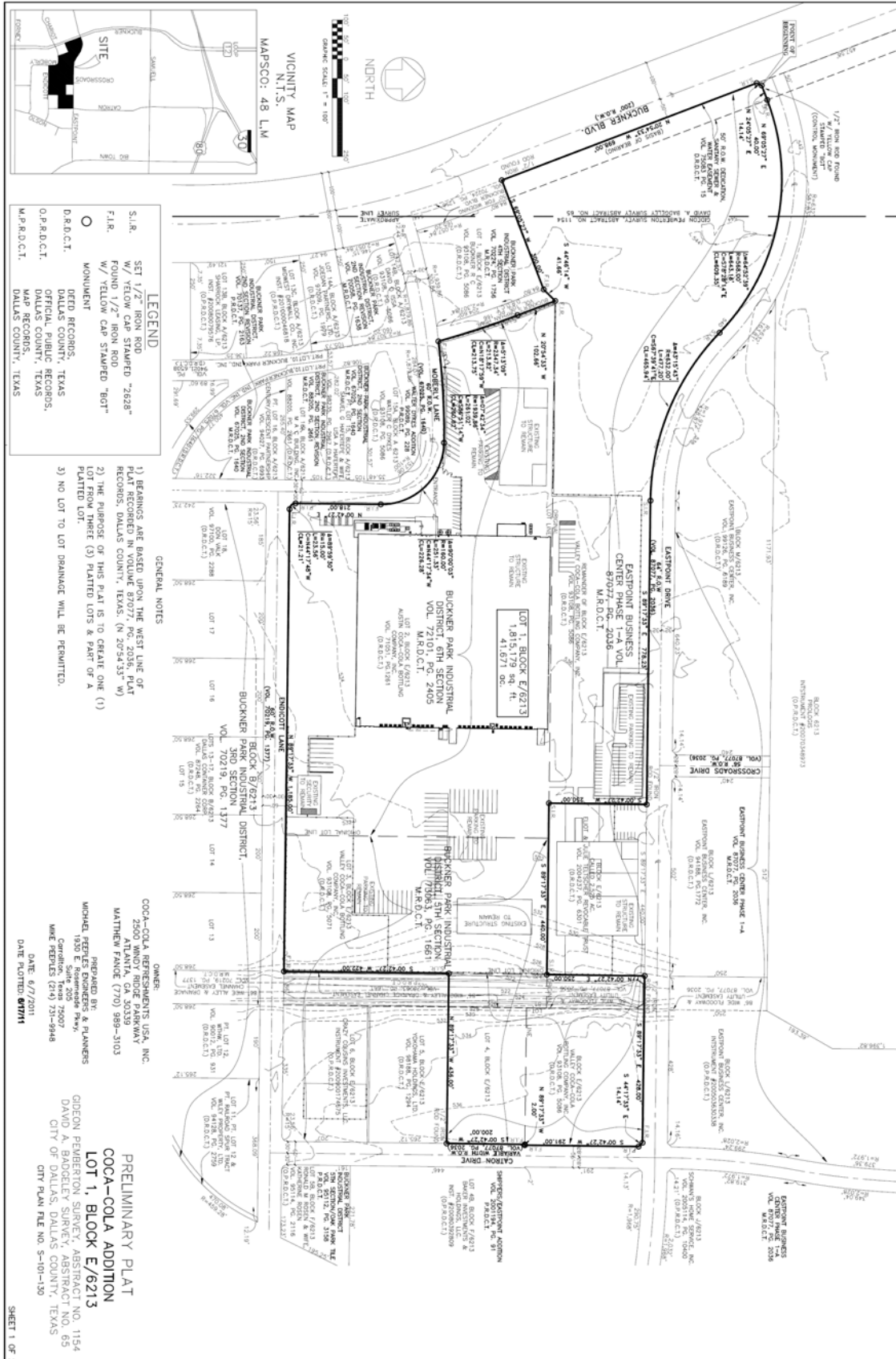
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the

plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.

8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 1 lot.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. Detention may be required if the capacity of the available outfall is not adequate to carry the developed runoff.
13. On the final plat dedicate 28 feet of ROW from the established centerline, or dedicate a street easement, or Public Utility and Sidewalk Easement to equal 28 feet from the established centerline of Annex Avenue.
14. On the final plat dedicate a 15 foot by 15 foot corner clip at:
 - intersection of Catron Drive at Eastpoint Drive;
 - intersection of Endicott Lane at Moberly Lane.
15. Determine the 100 year water surface elevation across the plat.
16. Dedicate floodway easement, floodway management area or floodway easement (within common area) with the appropriate easement statement included on the face of the plat.
17. Include additional paragraph in owner's certificate (pertaining to floodplain)
18. Specify minimum fill and minimum finished floor elevations.
19. Show natural channel setback from crest of the natural channel.
20. Set floodway monument markers and provide documentation that the monuments have been set prior to submittal of the final plat for recording.
21. Provide information regarding fill permit or floodplain alteration permit if such permit is applied for.
22. On the final plat show the recording information on all existing easements within 150 feet of the property.
23. On the final plat monument all set corners per Section 51A-8.617 of the Dallas Development Code.
24. Show two control monuments.
25. On the final plat show/list prior plat on the map, in the legal description, and/or in the title block.

26. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
27. Water/wastewater main extension may be required by Private Development Contract.
28. On the final plat label the property as Lot 2A, City Block E/6213.





CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-131**Subdivision Administrator:** Paul Nelson**LOCATION:** Coit Road south of Belt Line Road**DATE FILED:** June 17, 2011**ZONING:** CR**CITY COUNCIL DISTRICT:** 11**SIZE OF REQUEST:** 0.848 ac.**MAPSCO:** 16F**APPLICANT/OWNER:** 7920 3939 Belt Line Prop LP/Stacy McVey

REQUEST: An application to replat all of Lot 1C in City Block 7/8041 and a tract of land into one 0.642 acre lot and one 0.206 acre lot on Coit Road south of Belt Line Road.

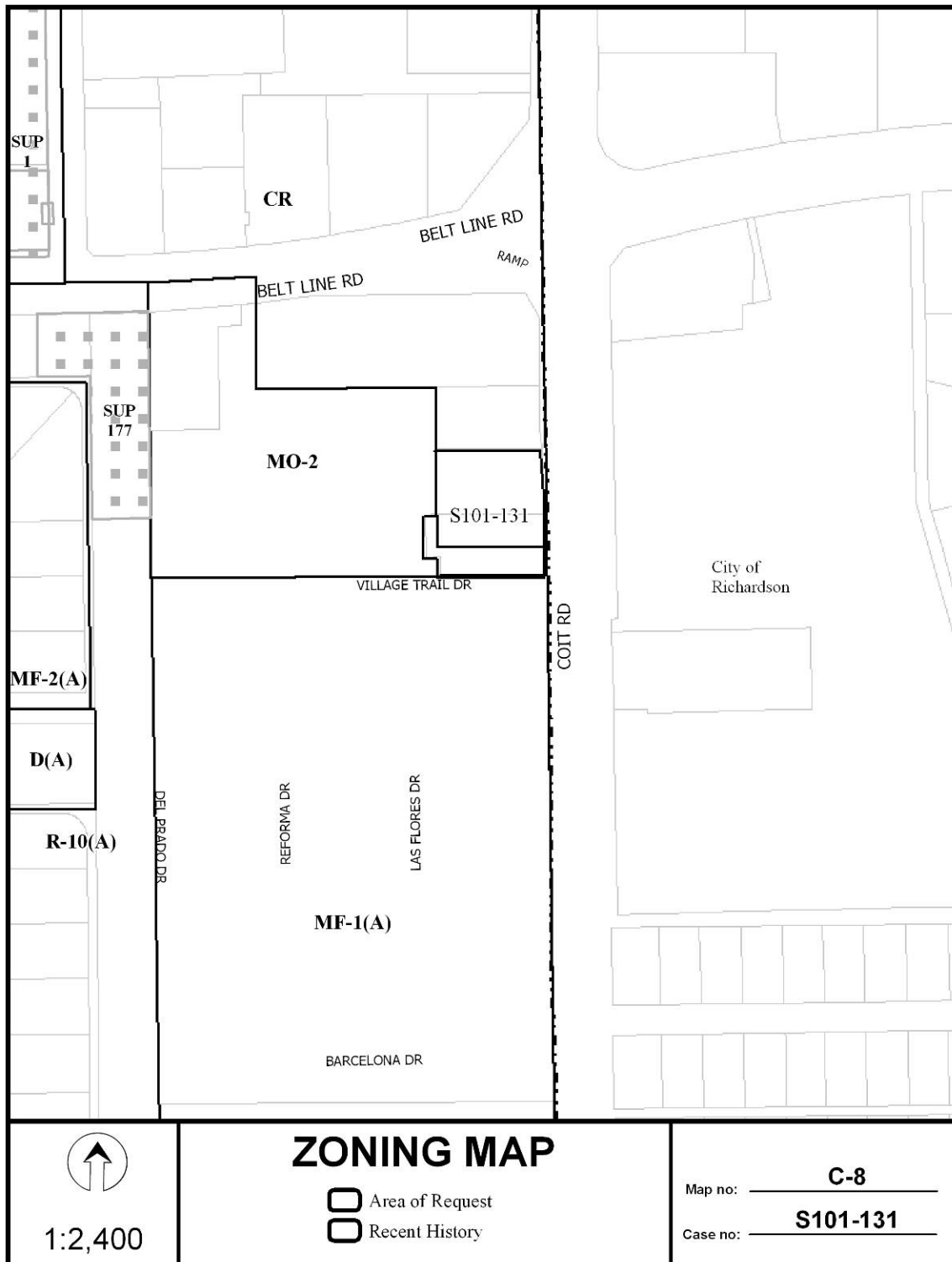
SUBDIVISION HISTORY: There has been no recent subdivision activity within close proximity to this request area.

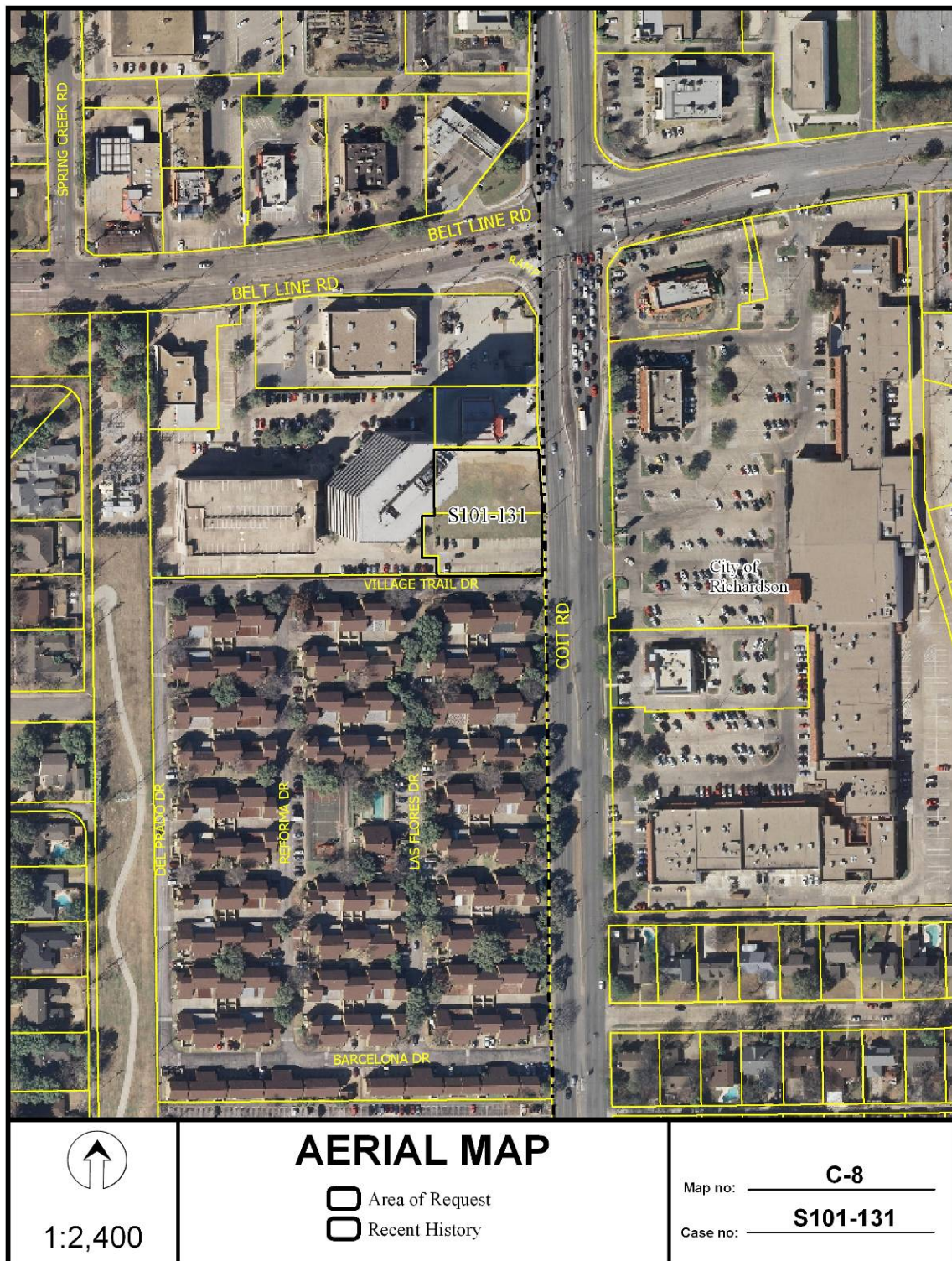
STAFF RECOMMENDATION: The request complies with the CR district requirements; therefore, staff recommends approval subject to compliance with the following conditions:

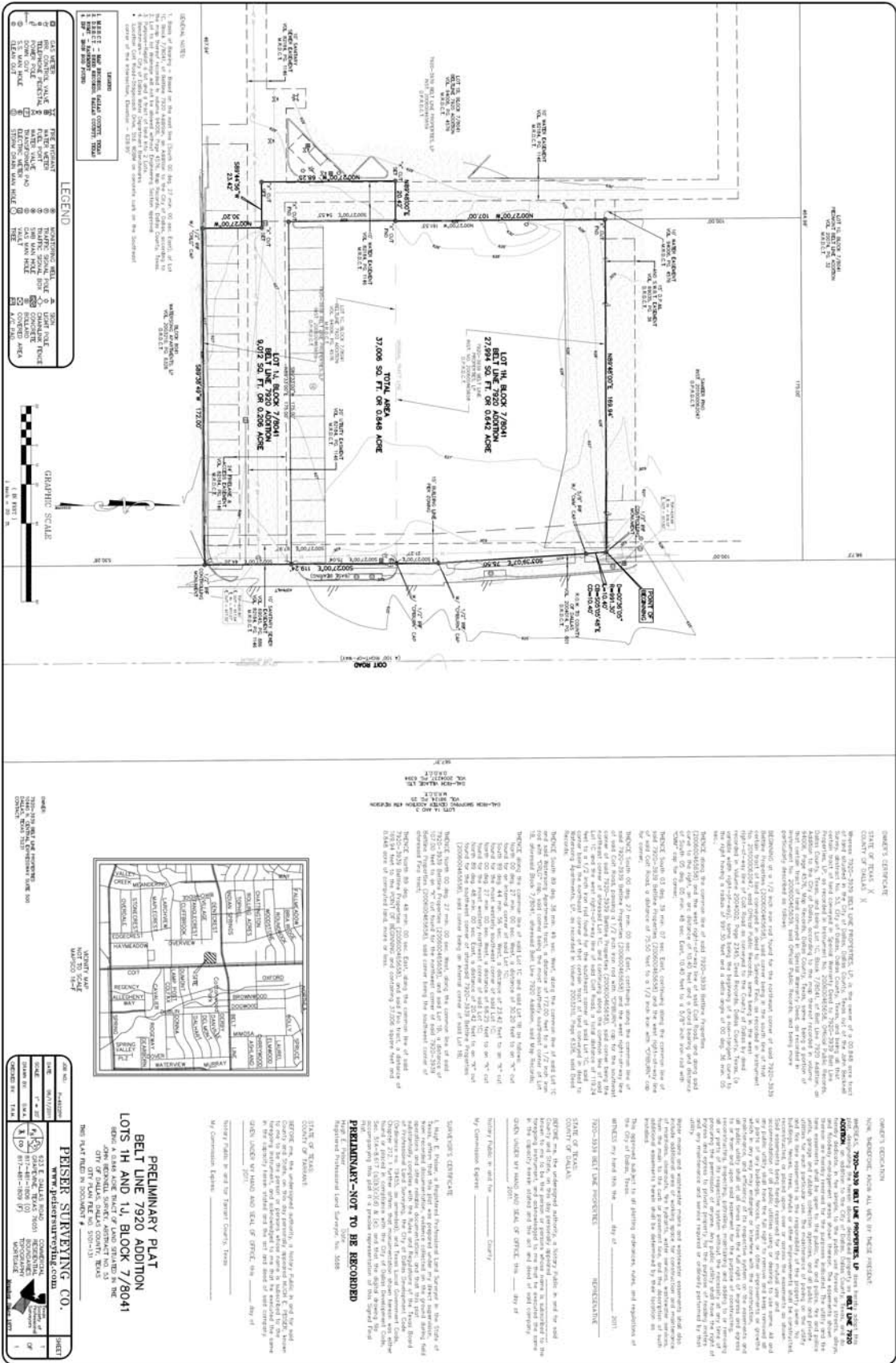
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 2 lots.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200,

Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.

11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. On the final plat remove all building/setback lines.
13. On the final plat show the Dallas/Richardson City Limit line as being the west ROW Line of Coit Road.
14. A site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
15. Existing water and/or wastewater easements must be shown and/or increased to conform to current design standards. The minimum DWU easement size is 20 feet for water or wastewater and is 25 feet for an easement having both water and sewer.
16. Water/wastewater main extension may be required by Private Development Contract.
17. On the final plat label the property as Lot 1H, 1J, City Block 7/8041.







CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-022R**Subdivision Administrator:** Paul Nelson**LOCATION:** Meadow Road, Airline Road, Lakehurst Avenue and Hillcrest Road**DATE FILED:** June 14, 2011**ZONING:** PD No. 656**CITY COUNCIL DISTRICT:** 11**SIZE OF REQUEST:** 23.82 ac.**MAPSCO:** 25M**APPLICANT/OWNER:** Dallas Independent School District

REQUEST: An application to replat part of City Block 3/5455 and a tract of land in City Block 5455 to create one 23.82 acre lot at 6920 Meadow Road, Airline Road, Lakehurst Avenue and Hillcrest Road.

SUBDIVISION HISTORY:

1. S101-022 was an application to create one 23.82 acre lot containing all of City Block 5455 and bounded by Meadow Road, Airline Road, Lakehurst Avenue and Hillcrest Road and was approved on January 6, 2011 but has not been recorded.

During review of the plat as a final plat it was determined that part of the property had been platted in the past and a street abandoned and the abandoned property was included within the original request. As a result of finding platted property within the boundary of the request it was determined that the request needed to be revised and advertised as a residential replat and resubmitted to the commission.

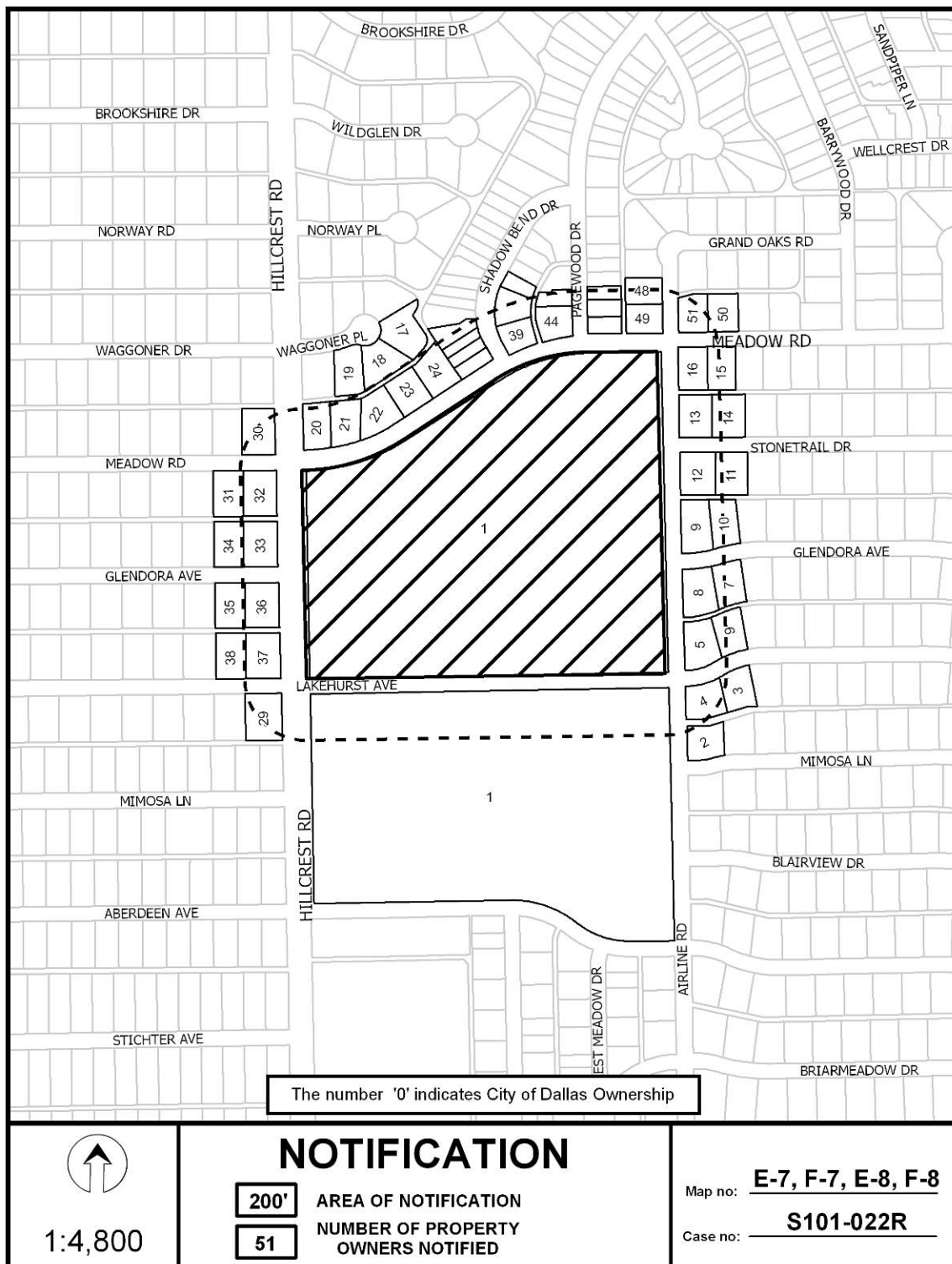
DATES NOTICES SENT: 51 notices were mailed June 20, 2011.

STAFF RECOMMENDATION: Section 51A-8.503(a) indicates that "...Lots must conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets..."

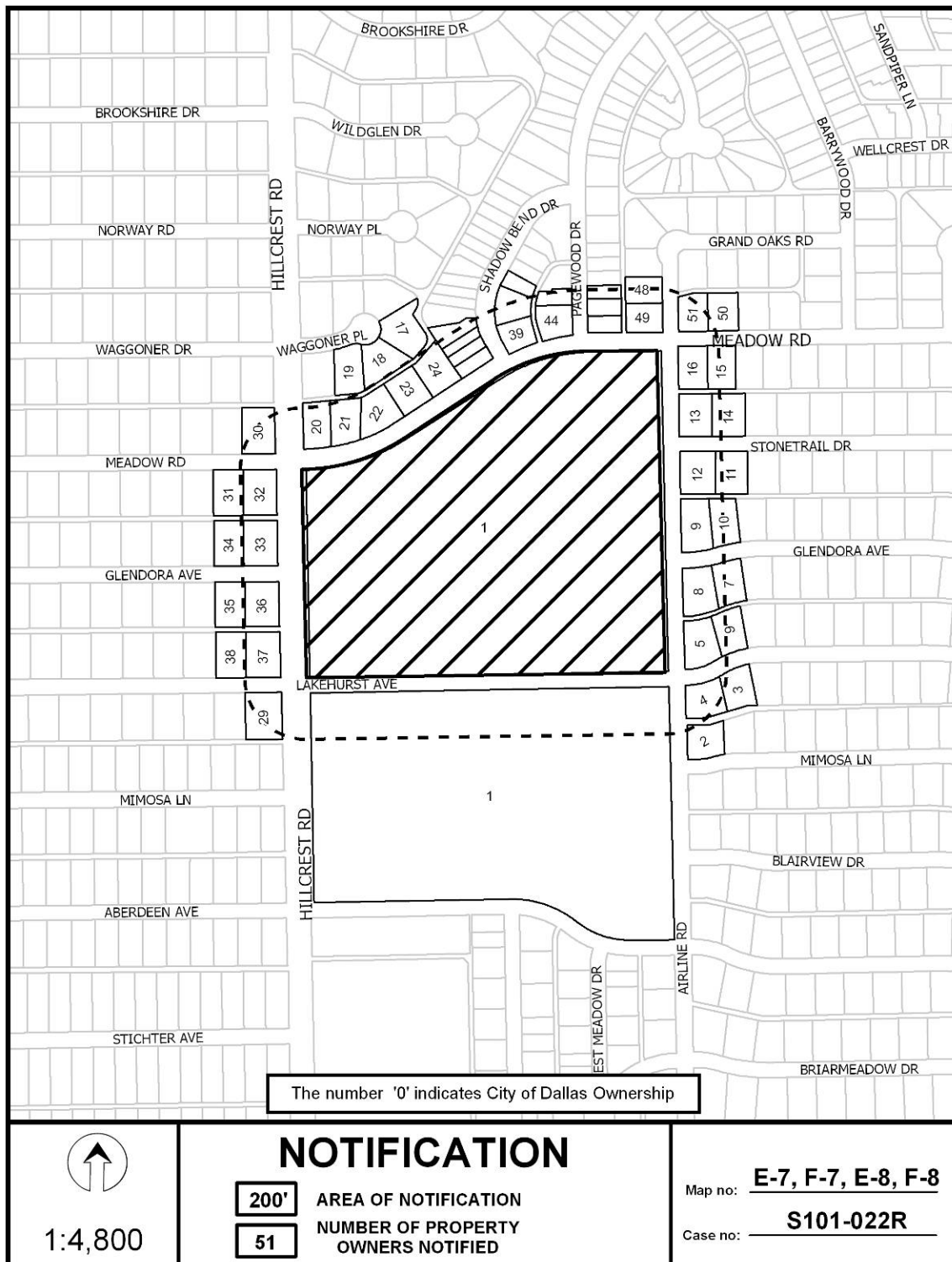
The request complies with the requirements of PD 656; (the PD was approved by the city council on June 25, 2003) therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.

5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 1 lot.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Detention may be required if the capacity of the available outfall is not adequate to carry the developed runoff.
12. On the final plat dedicate 50 feet of ROW from the established centerline of Hillcrest Road.
13. On the final plat dedicate 15 foot by 15 foot corner clips at Meadow Road and Hillcrest Road, Meadow Road and Airline Road, and at Hillcrest Road and Lakehurst Avenue.
14. On the final plat dedicate a 10 foot by 10 foot corner clip at Lakehurst Avenue and Airline Road.
15. On the final plat show two control monuments.
14. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.
15. A site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
16. Water/wastewater main extension is required by Private Development Contract.
17. On the final plat label the property as Lot 1, City Block AA/5455.
18. On the final plat change "Hillcrest Avenue" to "Hillcrest Road".







DATE: June 28, 2011

6/30/2011

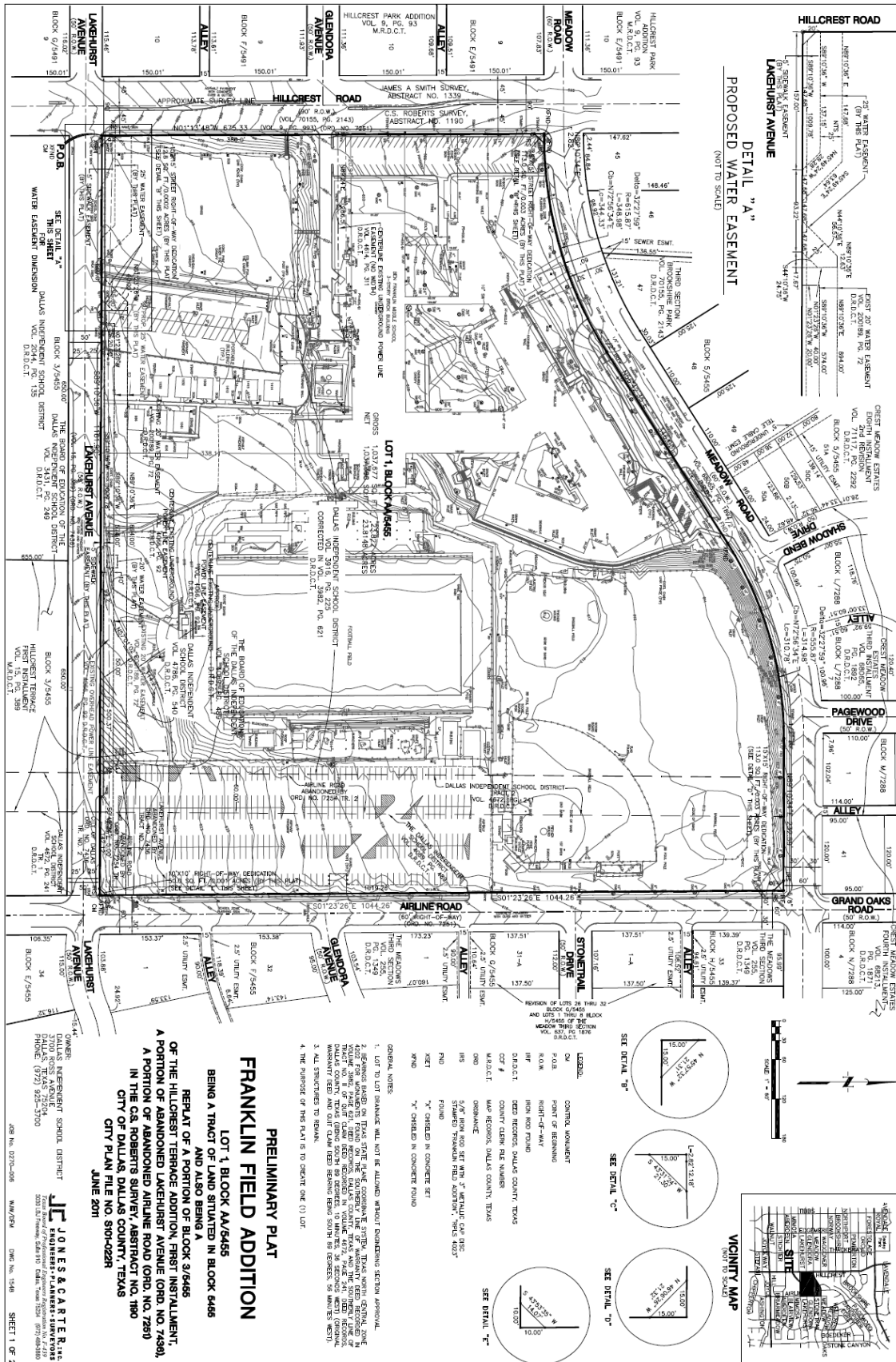
Notification List of Property Owners**S101-022R****51 Property Owners Notified**

| Label # | Address | Owner |
|----------------|-------------------|-----------------------------------|
| 1 | 9924 HILLCREST | Dallas ISD |
| 2 | 7105 MIMOSA | TILL LEE ROY |
| 3 | 7110 LAKEHURST | PHILLIPS GREGORY M & JENNIFER S |
| 4 | 7106 LAKEHURST | MURO BENJAMIN P JR & SYLVIA |
| 5 | 7107 LAKEHURST | KAHN MARCIA |
| 6 | 7111 LAKEHURST | GOLDSTEIN LYNN E |
| 7 | 7110 GLENDORA | SUTHERLAND GILBERT JASON LAUREN H |
| 8 | 7106 GLENDORA | GUNAWAN KINGSON |
| 9 | 7107 GLENDORA | HERSHISER JAMIE B |
| 10 | 7111 GLENDORA | SEARS ANNA NICOLE |
| 11 | 7112 STONETRAIL | BAKER ROBERT & DIANE |
| 12 | 7106 STONETRAIL | GOOD GARY D ETAL |
| 13 | 7107 STONETRAIL | MCCALL SHANNON K & KERI L |
| 14 | 7111 STONETRAIL | HODGE JUDY LINDLEY |
| 15 | 7112 MEADOW | JACKSON STEPHEN C & KAY K |
| 16 | 7106 MEADOW | GEIS JOSEPH R & CAROLYN G |
| 17 | 6922 WAGGONER | WATSON ANTHONY & BETTY J |
| 18 | 6918 WAGGONER | KYLE ANDREW C III & REGINA A KYLE |
| 19 | 6910 WAGGONER | MIRANDA J M |
| 20 | 6905 MEADOW | CHILDERS HARICE G |
| 21 | 6911 MEADOW | CHILDERS MYRLE L & GYNN H |
| 22 | 6917 MEADOW | STALNAKER ANN F |
| 23 | 6921 MEADOW | ROTH WILLIAM N |
| 24 | 6931 MEADOW | SPIEGEL MELANIE HOLLAND |
| 25 | 10401 SHADOW BEND | COX ALAN R |
| 26 | 10403 SHADOW BEND | MEINRATH JOHN CROCKER |

Thursday, June 30, 2011

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|-------------------|---|
| 27 | 10405 SHADOW BEND | THOMPSON EVANS |
| 28 | 10407 SHADOW BEND | POWELL & MOON IVESTMENTS LLC DBA NEW LEAF CONST |
| 29 | 6830 LAKEHURST | FAULKNER SCOTT HUNTER |
| 30 | 6831 MEADOW | MCCARRON MICHAEL & KATHRYN |
| 31 | 6822 MEADOW | MERRILL MARK H & TERESE S |
| 32 | 6830 MEADOW | FECHTEL RANDY & SUSAN |
| 33 | 6831 GLENDORA | BERAN CHARLOTTE C & PAUL CHRISTOPHER BERAN |
| 34 | 6823 GLENDORA | MCGEATH KIMBERLEY ANN & PHILLIP DON BROOKS JR |
| 35 | 6822 GLENDORA | HENRY GARY TR |
| 36 | 6830 GLENDORA | AMERICAN BANK OF TEXAS |
| 37 | 6831 LAKEHURST | MITTAL NAVEEN & MITTAL SHASHI |
| 38 | 6823 LAKEHURST | RUBLE TOD A & ANGELA D |
| 39 | 10408 SHADOW BEND | ANTEBI ISAAC & FORTUNA |
| 40 | 10416 SHADOW BEND | ALEXANDER RICHARD T |
| 41 | 10418 SHADOW BEND | ALEXANDER RICHARD T |
| 42 | 10424 SHADOW BEND | SHAFFER TERRY A |
| 43 | 10415 PAGEWOOD | PAGEWOOD PROPERTIES LLC |
| 44 | 10405 PAGEWOOD | ANTEBI FAMILY LP |
| 45 | 10406 PAGEWOOD | MILES MEREDITH HAWTHORNE |
| 46 | 10408 PAGEWOOD | TATUM JOAN E H GILL JOHN ANTHONY |
| 47 | 10414 PAGEWOOD | JC LEASING LLP |
| 48 | 7115 GRAND OAKS | TOBIN SALLY JACKSON |
| 49 | 7107 GRAND OAKS | FRANK DONALD R |
| 50 | 7115 MEADOW | CRAWFORD MARY K |
| 51 | 7107 MEADOW | HERDEMAN INGE B |

Thursday, June 30, 2011



CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-118**Subdivision Administrator:** Paul Nelson**LOCATION:** Telephone Road, east of Dallas Avenue (Lancaster Road)**DATE FILED:** June 8, 2009**ZONING:** LI**CITY COUNCIL DISTRICT:** 8 **SIZE OF REQUEST:** 260 Ac.**MAPSCO:** 76F, K**APPLICANT:** Ridge Property Trust

REQUEST: An application to replat a 260 acre tract of land containing part of Lots 6 and 7 and all of lots 4, 8, 9 and 10 in City Block 8300 to create 9 lots ranging in size from 0.0317 acre lot to 73.453 acres on property on Telephone Road, east of Lancaster Road.

SUBDIVISION HISTORY:

1. S056-114A was application to create two 5.1977 acre lots in City Block 8310 from a 10.3954 acre tract of land on Cedardale Road between Cleveland Road and North Dallas Avenue. Approved February 9, 2006, and recorded March 10, 2006.
2. S089-122 was an application on the same property as the present request to create 7 lots from 259.199 acres and was denied on August 13, 2009.

DATES NOTICES SENT: 40 notices were mailed June 22, 2011.

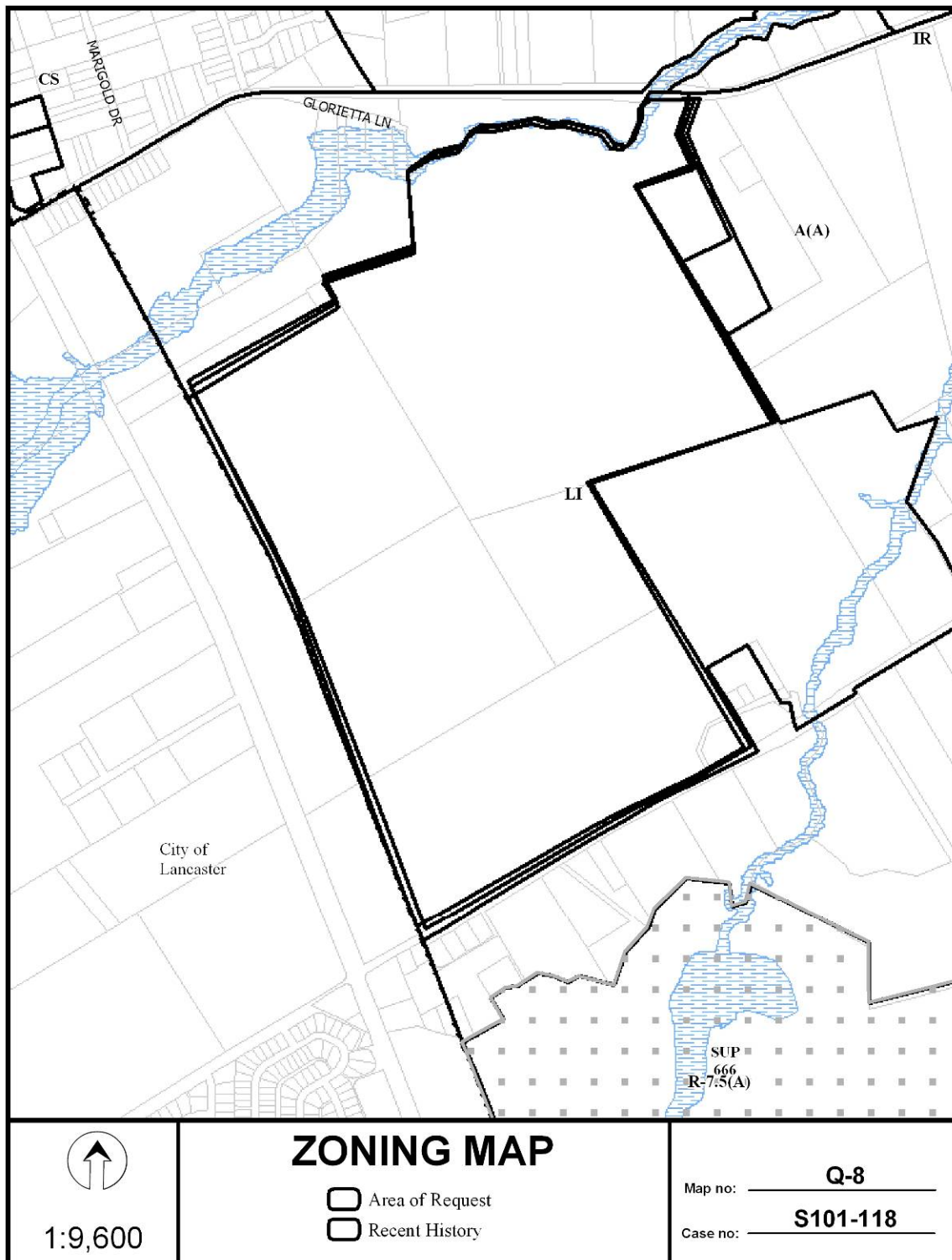
STAFF RECOMMENDATION: Section 51A-8.503(a) indicates that "...Lots must conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets..."

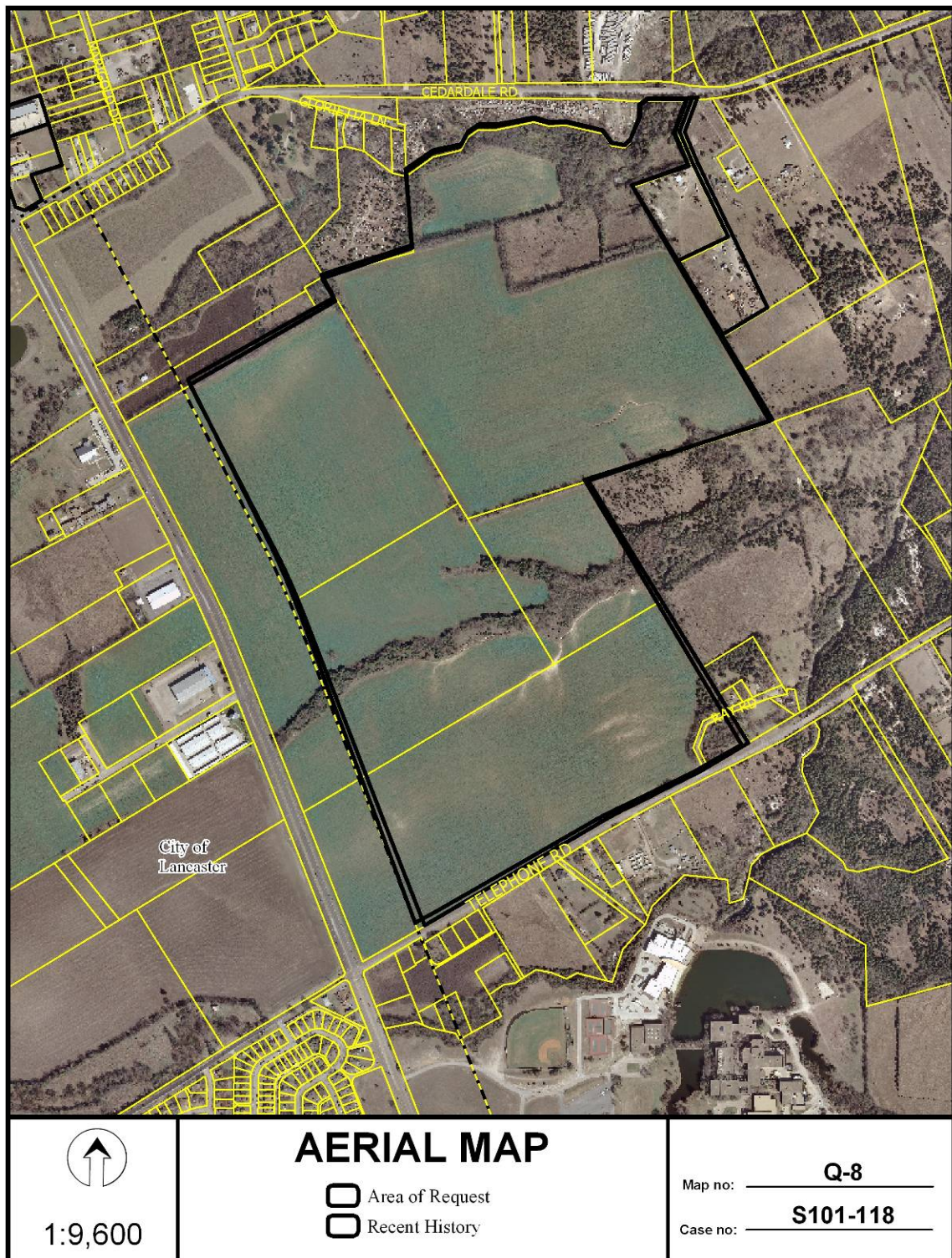
The request complies with the LI district regulations. The proposed lots are similar in size to other lots created within the industrial area near this request site. Staff has determined that the request is in compliance with Section 51A-8.503(a) of the Development Code and staff recommends approval of the request subject to compliance with the following conditions:

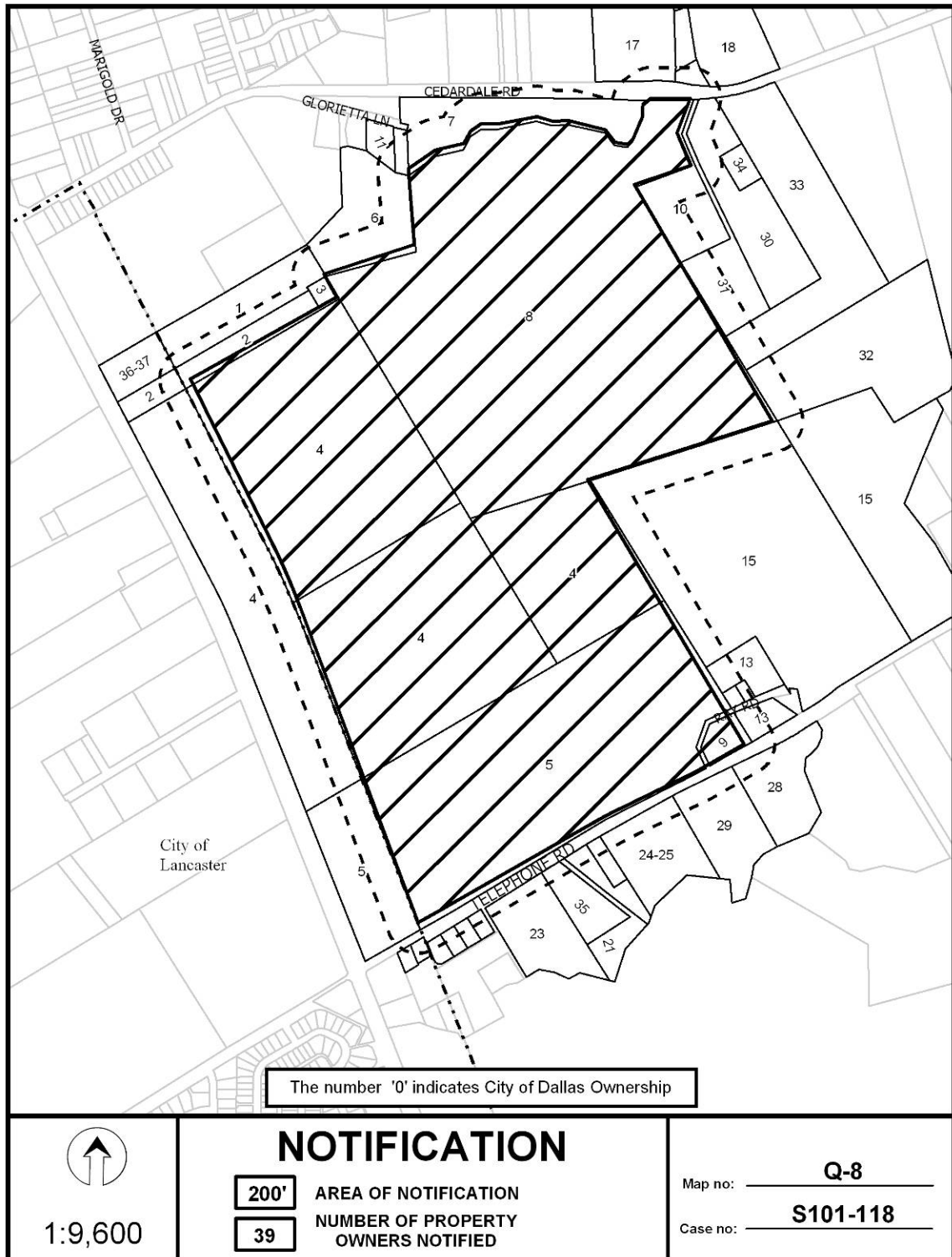
1. The final plat must conform to all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Development Services, Engineering Division must verify that the plat conforms with water, wastewater, and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances, and requirements of the City.
4. Fire apparatus access roads must comply with Article 10 Division II of the Dallas Fire Code.

5. The number and location of fire hydrants must comply with Article 10 Division IV of the Dallas Fire Code.
6. Any structure new or existing may not extend across new property lines unless any proposed construction, renovation, conversion, etc. of the building complies with the Dallas Building Code to permit the building to cross lot lines. In addition, any detached sign must be shown on the final plat.
7. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 9 lots.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Development Services, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Detention may be required if the capacity of the available outfall is not adequate to carry the developed runoff.
12. Place a note on the final plat "Lot-to-lot drainage is not permitted without Engineering Section approval."
13. Dedicate 40 feet of ROW from the established center line of Telephone Road and construct half of the roadway to the current standards and as recommended by traffic impact analysis study dated April 3, 2007 and approved by Engineering Section.
14. On the final plat dedicate a 15 foot by 15 foot corner clip at the intersection of Van Horn Road and Telephone Road and a 10 foot by 10 foot corner clip at Van Horn Road and Ray Road (both sides).
15. The maximum length of a cul-de-sac is 600 feet, per Section 51A-8.506(b)(2) of the Dallas Development Code. Therefore, Altamoore Drive and Balmorhea Drive must connect to Dallas Avenue, and Van Horn Drive must connect to Telephone Road.
16. Determine the 100 year water surface elevation across the plat.
17. Dedicate floodway easement, floodway management area or floodway easement (within common area) with the appropriate easement statement included on the face of the plat.
18. Include additional paragraph in owner's certificate (pertaining to floodplain)
19. Specify minimum fill and minimum finished floor elevations.
20. Show natural channel setback from crest of the natural channel.

21. Set floodway monument markers and provide documentation that the monuments have been set prior to submittal of the final plat for recording.
22. Provide information regarding fill permit or floodplain alteration permit if such permit is applied for.
23. On the final plat verify if Floyd Road is private or public ROW.
24. The Abandonment of Ray Road must be shown on the final plat with the ordinance number of the abandonment shown on the face of the plat.
25. On the final plat the stormwater detention easements are to be revised to read as "Detention Easements."
26. On the final plat Detention Area Easements within Lot 1, Block 8303 need Detention Area Access Easements.
27. Prior to submitting the final plat for the Chairman's signature the street right of way dedication for Altamore Drive and Balmorhea Drive must be recorded at the Dallas County Courthouse.
28. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.
29. Site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
30. New water and/or wastewater easements must be shown.
31. Water/wastewater main extension is required by Private Development Contract.
32. The abandonment and recording information should read as follows: "Abandonment authorized by Ordinance No. _____ and recorded as Instrument No. _____."
33. A release from the Real Estate Division is required prior to releasing the final plat for the Chairman's signature.
34. On the final plat move the street name label for "Lancaster Road" north of Cedardale Road on sheet 1. Add a street name label for Dallas Avenue on Sheet 2.
35. The correct Lot and Block numbers for the property are: Lots 1, 2, 3 City Block A/8299; Lots 1, 2, 3 City Block A/8300; Lot 1, City Block B/8300; Lot 1, City Block C/8300; and Lot 1, City Block A/8303







6/29/2011

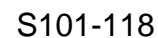
Notification List of Property Owners**S101-118****39 Property Owners Notified**

| Label # | Address | Owner |
|----------------|----------------|---|
| 1 | 4040 DALLAS | ANGTON RICHARD T |
| 2 | 4000 DALLAS | ENSERCH CORP % ATMOS ENERGY / PPTY TAX |
| 3 | 2740 CEDARDALE | CEMETERY |
| 4 | 3900 TELEPHONE | RIDGE SOUTH DALLAS I SUITE 400 |
| 5 | 3900 TELEPHONE | RIDGE SOUTH DALLAS I LLC STE 400 |
| 6 | 8301 GLORIETTA | KEETON PAUL L |
| 7 | 2946 CEDARDALE | KEETON PAUL L JR |
| 8 | 2900 CEDARDALE | RIDGE SOUTH DALLAS I % TRACY L TREGER STE 400 |
| 9 | 3301 TELEPHONE | RIDGE SOUTH DALLAS I LLC STE 400 |
| 10 | 3420 CEDARDALE | R H LENDING INC SUITE 1050 |
| 11 | 2942 GLORIETTA | KEETON PAUL |
| 12 | 3585 RAY | CLAYBURN JOHN THOMAS |
| 13 | 3601 TELEPHONE | DODD LOUIE TRAVIS %JAMES ALTON DODD |
| 14 | 3575 RAY | GOMEZ SYLVANO |
| 15 | 3845 TELEPHONE | TEJAS INVESTORS |
| 16 | 3423 CEDARDALE | ESPARZA JOSE CARMEN & MARIA |
| 17 | 3401 CEDARDALE | BARAJAS NICOLAS |
| 18 | 3525 CEDARDALE | CARTER LINDA JO & MELANIE JO CARTER |
| 19 | 3521 CEDARDALE | BARAJAS NICOLAS |
| 20 | 3312 TELEPHONE | SNEED CULVIS |
| 21 | 3250 TELEPHONE | BLACKBURN DOBBIE |
| 22 | 3322 TELEPHONE | HARRIS ALONZO J & ZERA J |
| 23 | 3342 TELEPHONE | JONES E JEWEL & ROY H STEVENSON |
| 24 | 3342 TELEPHONE | MAJORS JESSIE |
| 25 | 3342 TELEPHONE | MAJORS JESSIE |
| 26 | 3176 TELEPHONE | MIDDLETON LETA MAE |

Wednesday, June 29, 2011

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|----------------|-----------------------------------|
| 27 | 3172 TELEPHONE | HORN MARGIE RUTH |
| 28 | 3500 TELEPHONE | SCHUM CAROLYN W TR |
| 29 | 3500 TELEPHONE | ANYANWU DON & OKERE JOEL |
| 30 | 3422 CEDARDALE | DAVIS SHIRLEY |
| 31 | 3400 CEDARDALE | ESPARZA J CARMEN |
| 32 | 3800 CEDARDALE | BARRY NATHANIEL |
| 33 | 3434 CEDARDALE | BARRY JAMES D ET AL |
| 34 | 3424 CEDARDALE | ESPARZA JOSE CARMEN & MARIA LUISA |
| 35 | 3258 TELEPHONE | BLACKBURN DOBBIE |
| 36 | 4040 DALLAS | ANGTON RICHARD T |
| 37 | 4040 DALLAS | ANGTON RICHARD T |
| 38 | 120 TELEPHONE | HORN MARGIE R ET AL |
| 39 | 110 TELEPHONE | HORN MARGIE R |

Wednesday, June 29, 2011



[illegible]

Plan Commission Date: 7-7-2011 10(k)
2011 4:52:13 PM

CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-123**Subdivision Administrator:** Paul Nelson**LOCATION:** Canada Drive between Westmoreland Road and Hampton Road**DATE FILED:** June 9, 2011**ZONING:** PD 508 Tr. 1 & 5, SUP 592**CITY COUNCIL DISTRICT:** 3**SIZE OF REQUEST:** 7.258 ac.**MAPSCO:** 43G**APPLICANT/OWNER:** Dallas Housing Authority

REQUEST: An application to replat a 7.258 acre lot from a tract of land containing all of Lots 1 thru 17, part of Lot 18 and part of Lots 21 through 38 in Block C, Homestead Terrace Addition; all of Lot 66 in City Block JJ/7135, part of City Block 7135 and part of abandoned and vacated King Row on property located at 2650 Canada Drive between Westmoreland Road and Hampton Road.

SUBDIVISION HISTORY:

1. S090-062 was an application to replat part of Lots 12 and 13 of Block 17 of Weisenberger's Garden of Eden Addition; part of Lots 21, 22, 23, 24, 25, 26, 27, 28 and 29 of Block C of Homestead Terrace Addition and part of abandoned and vacated Harry's Road and part of abandoned and vacated Weisenberger Road creating one 1.495 acre lot on Canada Drive. The request was approved on March 18, 2009 and recorded on July 29, 2010.

DATES NOTICES SENT: 40 notices were mailed June 20, 2011.

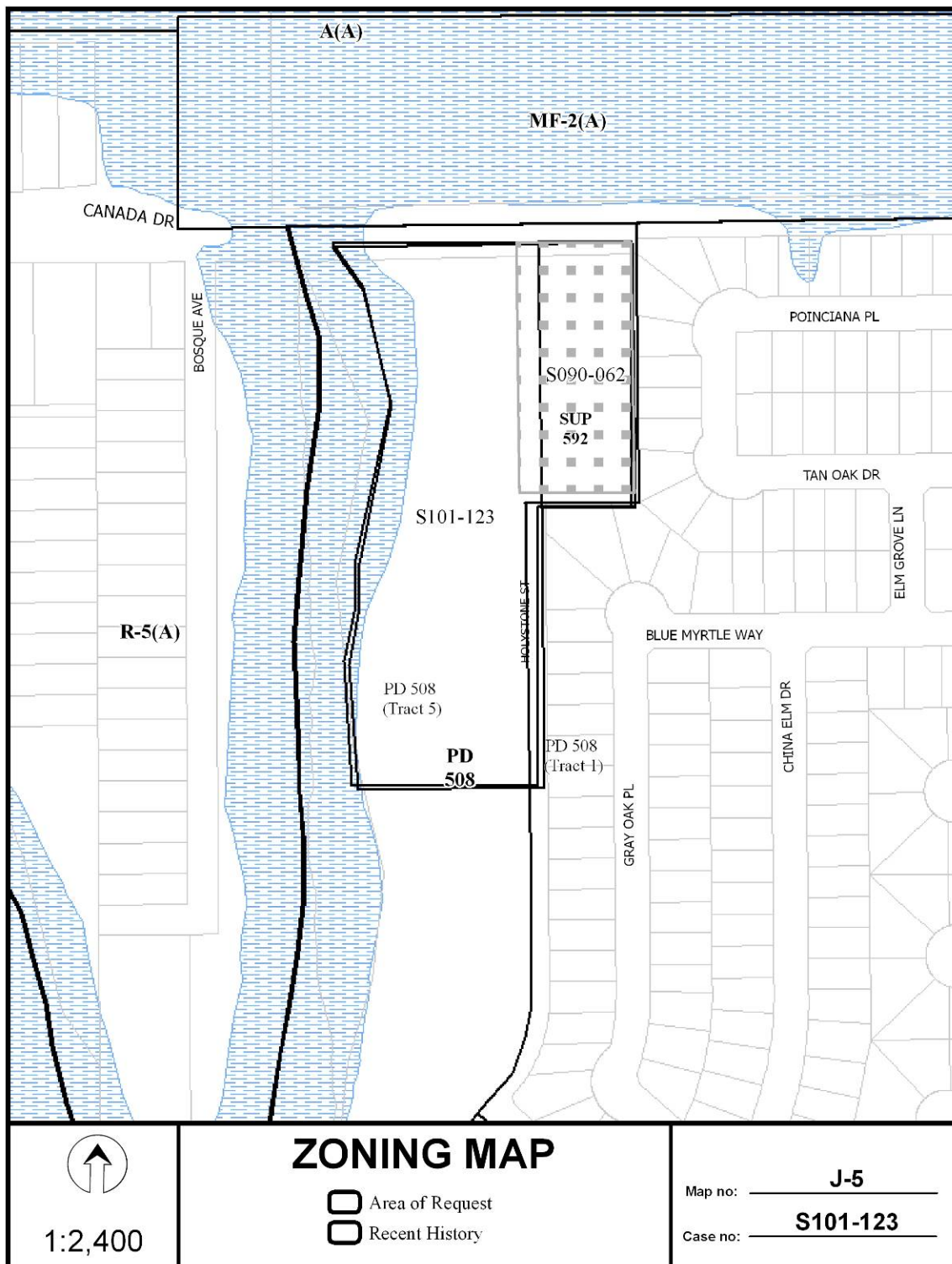
STAFF RECOMMENDATION: Section 51A-8.503(a) indicates that "...Lots must conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets..."

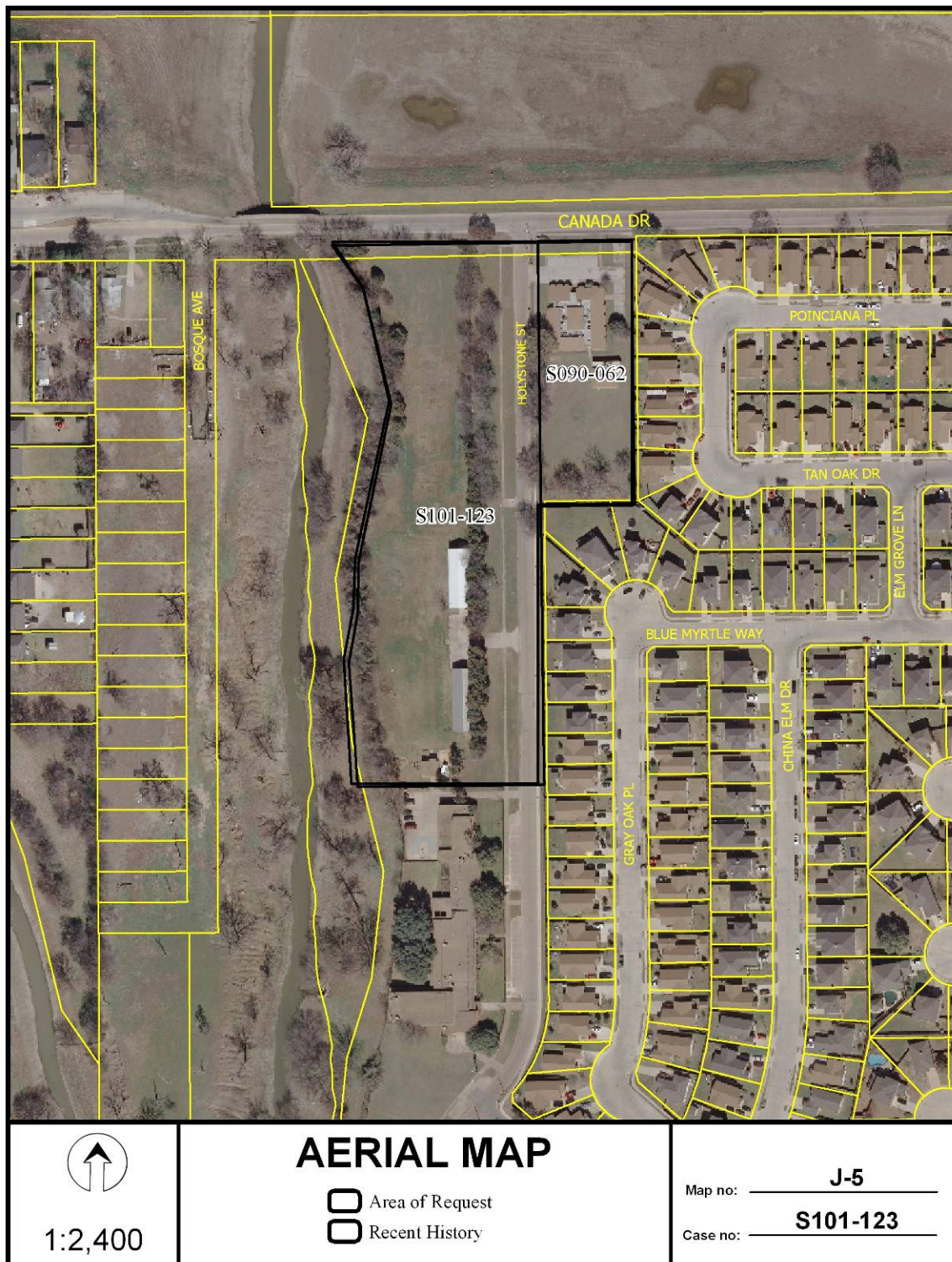
The request complies with the PD 508 Tracts 1 and 5 requirements; therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.

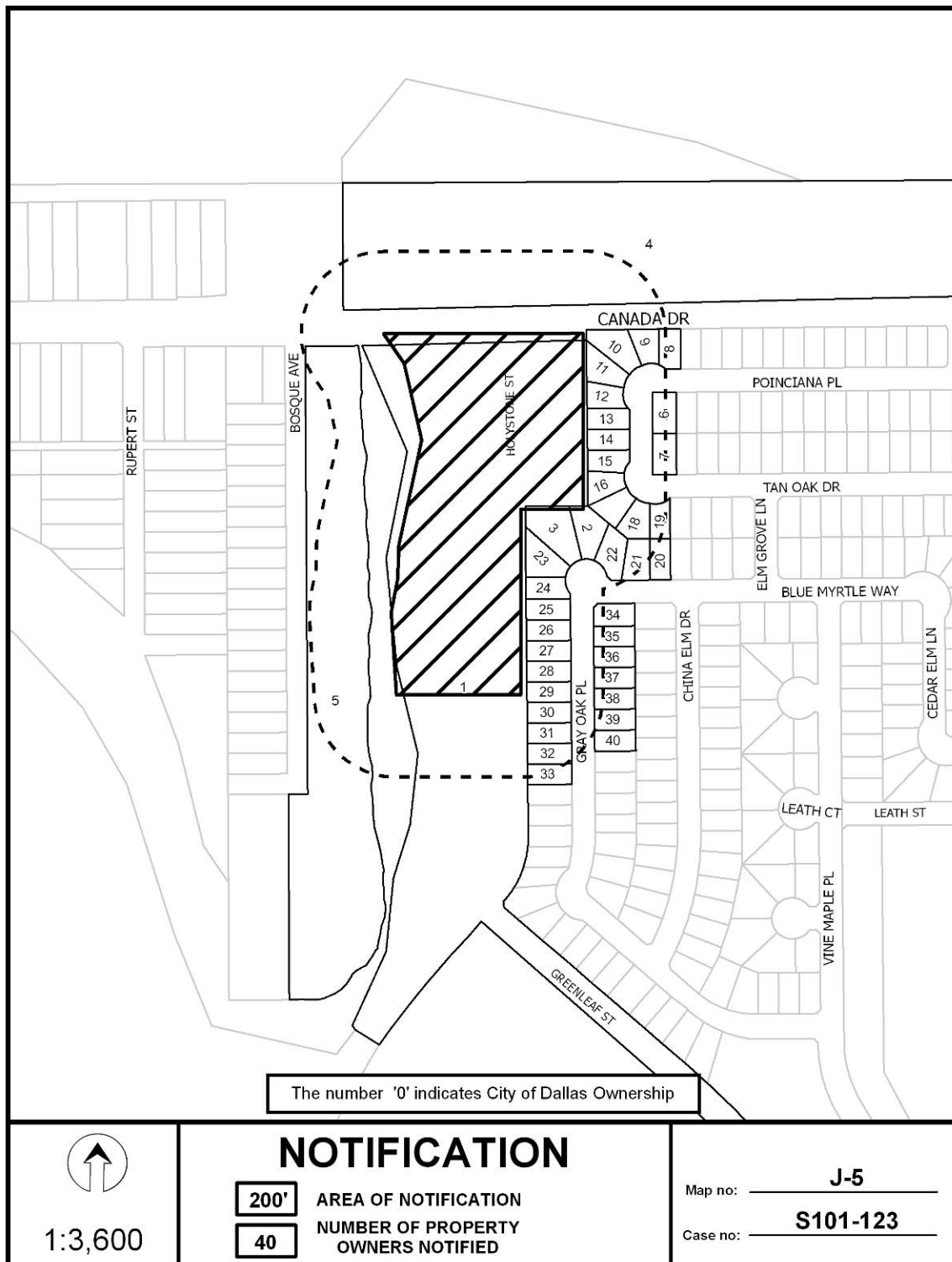
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 1 lot.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. Detention may be required if the capacity of the available outfall is not adequate to carry the developed runoff.
12. Determine the 100 year water surface elevation across the plat.
13. Dedicate floodway easement, floodway management area or floodway easement (within common area) with the appropriate easement statement included on the face of the plat.
14. Include additional paragraph in owner's certificate (pertaining to floodplain)
15. Specify minimum fill and minimum finished floor elevations.
16. Show natural channel setback from crest of the natural channel.
17. Set floodway monument markers and provide documentation that the monuments have been set prior to submittal of the final plat for recording.
18. Provide information regarding fill permit or floodplain alteration permit if such permit is applied for.
19. The property is in the Westmoreland-Hampton Sump (WSE 408.5). All Construction for any proposed development must be above 408.5 feet in elevation. For the areas where the existing elevation is below 408.5 feet and development is proposed, there must be a fill permit applied for and approved by the Public Works and Transportation Department and the Minimum Finished Floor elevation will have to be established thru fill permit process.
20. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
21. Water/wastewater main extension may be required by Private Development Contract.

18. On the final plat label the property as Lot 66A, City Block JJ/7135.
19. The final plat must comply with the zoning requirements at the time the final plat is submitted for the Chairman's signature.





DATE: June 28, 2011



6/17/2011

Notification List of Property Owners

S101-123

40 Property Owners Notified

| Label # | Address | Owner |
|----------------|----------------------|--|
| 1 | 2600 BICKERS | DALLAS HOUSING AUTHORITY STE 350 |
| 2 | 2649 BLUE MYRTLE WAY | ROMERO JOE O & MARIA JAQUEZ ROMERO |
| 3 | 2653 BLUE MYRTLE WAY | SMELSER JESSE |
| 4 | 2325 CANADA | CIT & COUNTY LEVEE DISTRICT ROOM 203 |
| 5 | 3900 BOSQUE | HYDE DORIS V |
| 6 | 2558 POINCIANA | GARCIA ALEJANDRO M & CLEMENTINA GARCIA |
| 7 | 2561 TAN OAK | ROMERO JOSE |
| 8 | 2557 POINCIANA | OLVERA MIGUEL & MARIA REMEDIOS |
| 9 | 2561 POINCIANA | JOHNSON CHARLIE & PAULA JOHNSON |
| 10 | 2565 POINCIANA | CALDERON GERARDO & ETAL |
| 11 | 2615 POINCIANA | CORTEZ LUCIANO & MARIA |
| 12 | 2619 POINCIANA | ROBERSON AMIE ANDERSON |
| 13 | 2623 POINCIANA | ARMSTRONG EVELYN |
| 14 | 2627 POINCIANA | GERARDO NAVARRO |
| 15 | 2631 POINCIANA | CHAVEZ ALBERTO & YOLANDA |
| 16 | 2635 POINCIANA | JOHNSON LATRENIA K |
| 17 | 2639 POINCIANA | MCNUTT MARKEY II & ANNAH R |
| 18 | 2564 TAN OAK | BRIONES RUBEN & DIANA S MARTINEZ |
| 19 | 2560 TAN OAK | CRUZ MARIA |
| 20 | 2637 BLUE MYRTLE WAY | SMITH RAYMOND L |
| 21 | 2641 BLUE MYRTLE WAY | DELGADO MARIA TERESA & |
| 22 | 2645 BLUE MYRTLE WAY | WILLIAMS JOHN |
| 23 | 4071 GRAY OAK | CRUZ BLANCA & DANIEL T ESCALANTE III |
| 24 | 4067 GRAY OAK | HAILEMARIAM SAMIRAWIT |
| 25 | 4063 GRAY OAK | CURIEL PATRICIA |
| 26 | 4059 GRAY OAK | PHAN KIM |

Friday, June 17, 2011

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|----------------|--|
| 27 | 4055 GRAY OAK | WILLIAMS JOHN L |
| 28 | 4051 GRAY OAK | MEHRETEAB MITSLAL |
| 29 | 4047 GRAY OAK | VALDEZ ROSA MARIE |
| 30 | 4043 GRAY OAK | KEMIS EMANAYISH & WONDWOSSEN HAILESELASSIE |
| 31 | 4039 GRAY OAK | VASQUEZ CYNTHIA |
| 32 | 4035 GRAY OAK | CHIRINOS FAUSTO & PRISCILLA CHIRINOS |
| 33 | 4031 GRAY OAK | BROWN OLA & THEODORE COOPER |
| 34 | 4064 GRAY OAK | TAFICH CANALES VERONICA |
| 35 | 4060 GRAY OAK | JOHNSON BARBARA J |
| 36 | 4056 GRAY OAK | LEE LILLIAN F |
| 37 | 4052 GRAY OAK | ESCOBAR MARIA T |
| 38 | 4048 GRAY OAK | HERNANDEZ ALBERTO & MARIA HERNANDEZ |
| 39 | 4044 GRAY OAK | SALAZAR SANDRA & JOSE GANDARA |
| 40 | 4040 GRAY OAK | EGUIA ALFONSO & BLANCA EGUIA |

Friday, June 17, 2011

CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-125**Subdivision Administrator:** Paul Nelson**LOCATION:** 5320 Royal Lane between Inwood Road and Netherland Drive**DATE FILED:** June 10, 2011**ZONING:** R-1AC(A)**CITY COUNCIL DISTRICT:** 13**SIZE OF REQUEST:** 2.40 ac.**MAPSCO:** 25E**APPLICANT/OWNER:** Sharad & Rashmi Lakhanpal

REQUEST: An application to replat a 2.40 acre tract of land containing all of Lots 5A and 5B in City Block A/5518 into one lot at 5320 Royal Lane between Inwood Road and Netherland Drive.

SUBDIVISION HISTORY: There has been no recent subdivision activity within close proximity to this request.

DATES NOTICES SENT: 11 notices were mailed June 17, 2011.

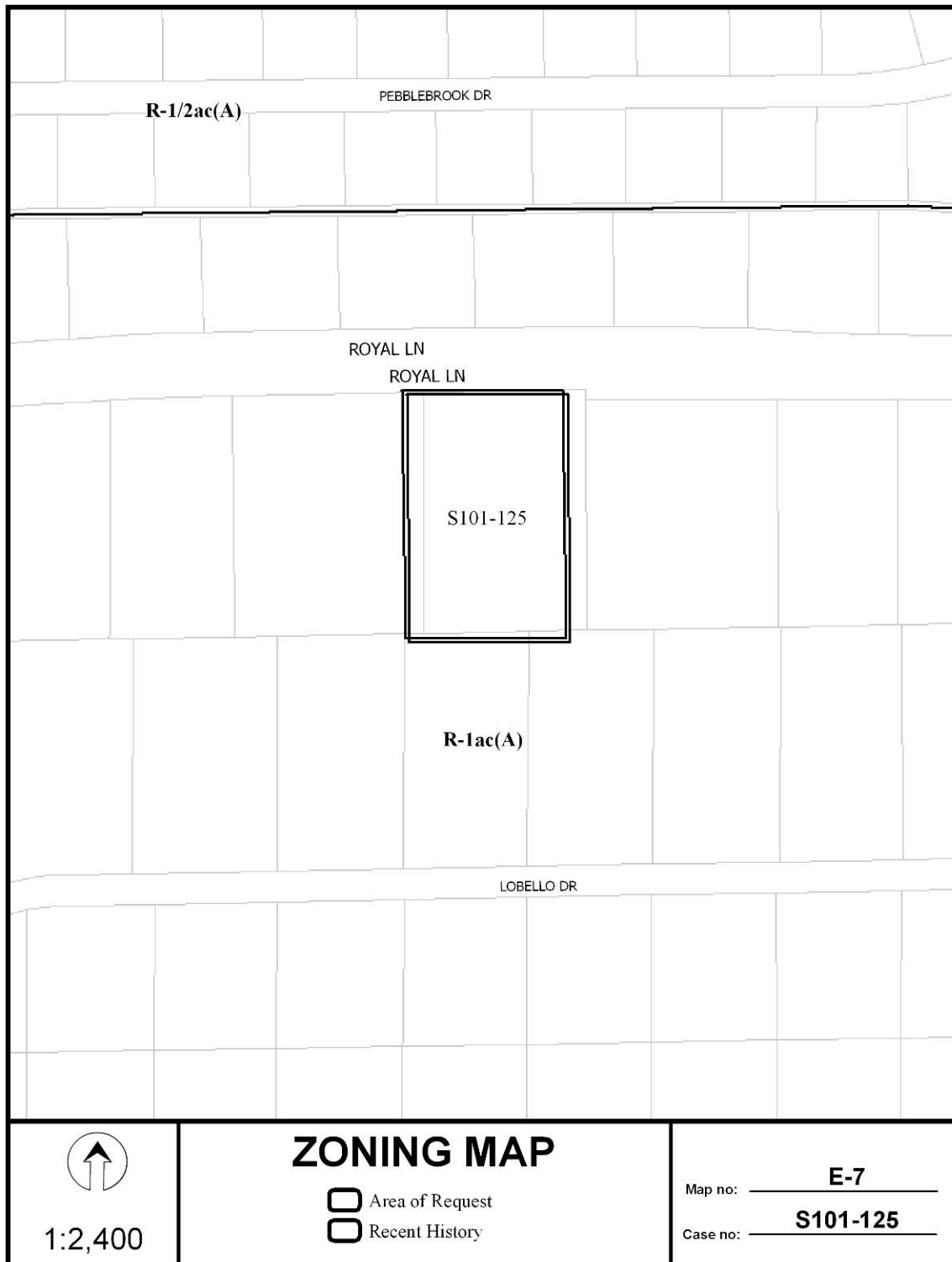
STAFF RECOMMENDATION: Section 51A-8.503(a) indicates that "...Lots must conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets...".

The request complies with the R-1AC(A) district requirements and there are other parcels in close proximity that are of similar size as the request; therefore, staff recommends approval subject to compliance with the following conditions:

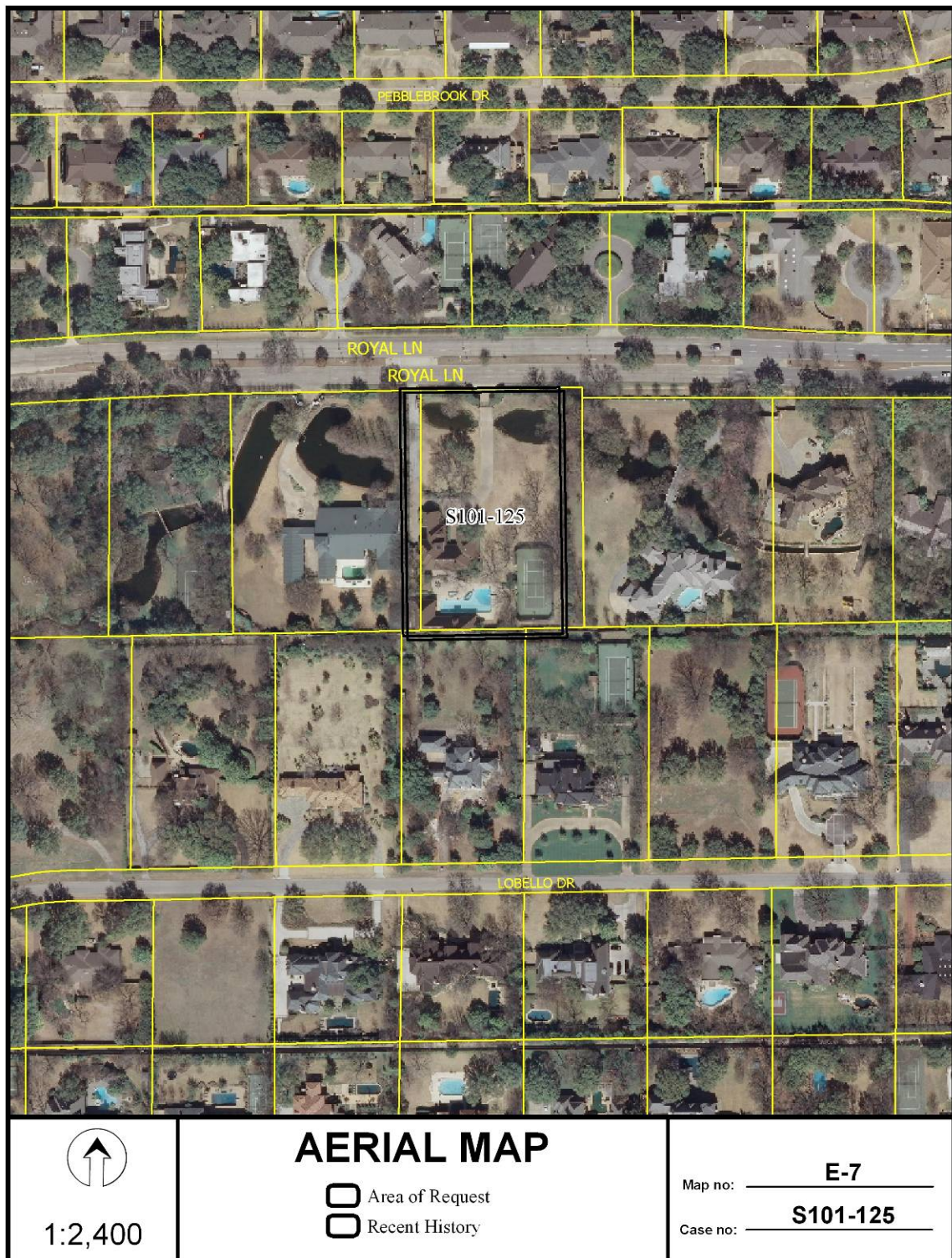
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the

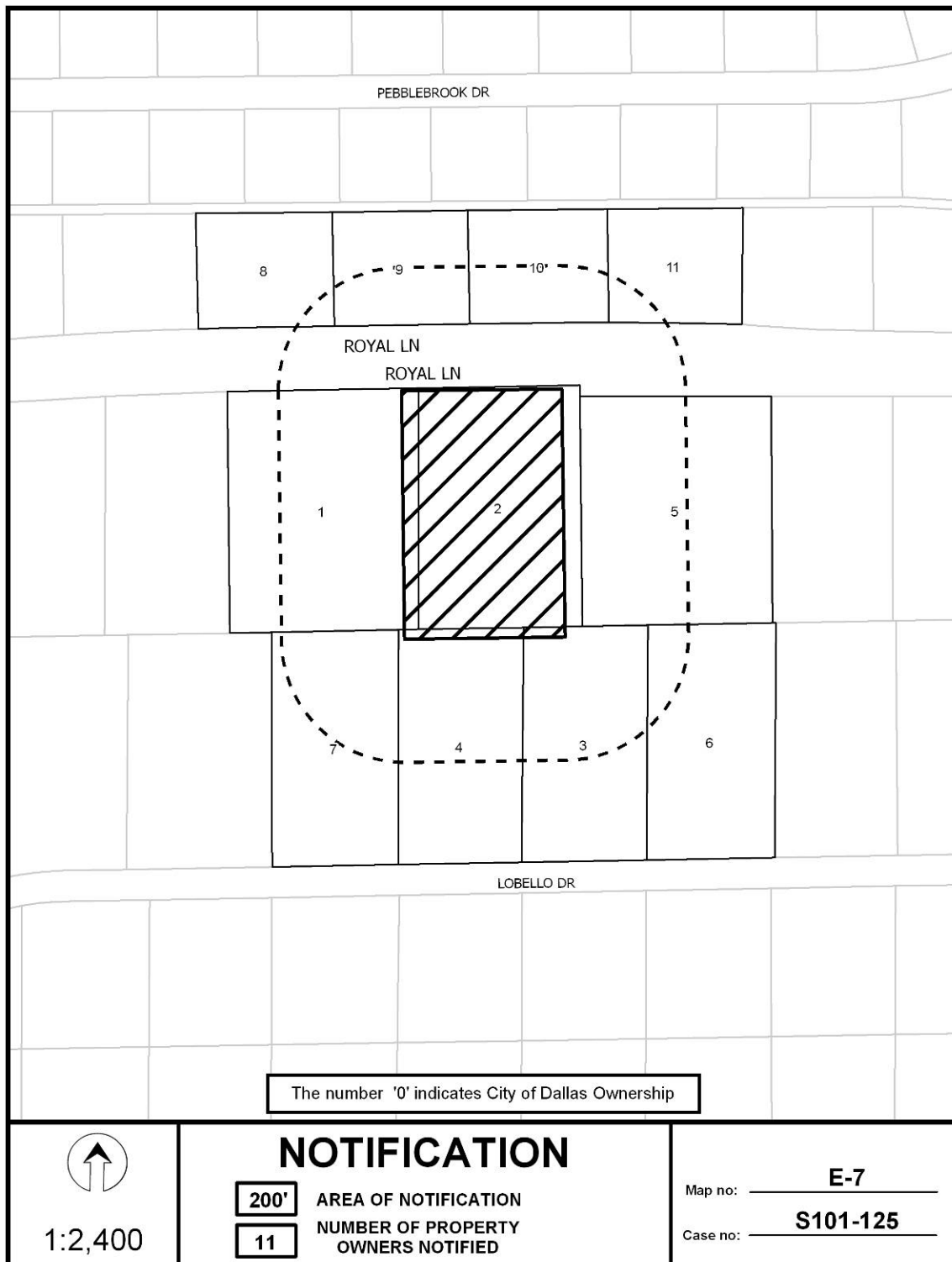
plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.

8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 1 lot.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
11. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
12. Determine the 100 year water surface elevation across the plat.
13. Dedicate floodway easement, floodway management area or floodway easement (within common area) with the appropriate easement statement included on the face of the plat.
14. Include additional paragraph in owner's certificate (pertaining to floodplain)
15. Specify minimum fill and minimum finished floor elevations.
16. Show natural channel setback from crest of the natural channel.
17. Set floodway monument markers and provide documentation that the monuments have been set prior to submittal of the final plat for recording.
18. Provide information regarding fill permit or floodplain alteration permit is such permit is applied for.
19. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
20. Existing water and/or wastewater easements must be shown and/or increased to conform to current design standards. Create an additional 4.5 feet of width for the existing wastewater easement.
18. On the final plat label the property as Lot 5C, City Block 5518.



DATE: June 28, 2011





DATE: June 28, 2011

6/13/2011

Notification List of Property Owners

S101-125

11 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|--|
| 1 | 5300 ROYAL | VARIA HITEN & SHERNAZ H |
| 2 | 5320 ROYAL | LAKHANPAL SHARAD & RASHMI |
| 3 | 5415 LOBELLO | MARQUEZ THOMAS J & KATE ROSE |
| 4 | 5331 LOBELLO | TRIMBLE JAMES C & LORA G |
| 5 | 5426 ROYAL | NGUYEN KIEN LUONG & BICH-HUONG |
| 6 | 5431 LOBELLO | WHITE ROSCOE F JR & CAROL LINDEMAN WHITE |
| 7 | 5315 LOBELLO | HOPKINS MICHAEL J |
| 8 | 5237 ROYAL | GIBLAINT BOBBY L & LISA M HUGHES |
| 9 | 5315 ROYAL | NAFTALIS RICHARD C & ELIZABETH Z |
| 10 | 5405 ROYAL | HARVANEK STEPHEN & DEBBIE K |
| 11 | 5425 ROYAL | HARVEY WILHELMINA J |

Monday, June 13, 2011

CITY PLAN COMMISSION**THURSDAY, JULY 7, 2011****FILE NUMBER:** S101-126**Subdivision Administrator:** Paul Nelson**LOCATION:** 3414 Ruidosa Drive**DATE FILED:** June 13, 2011**ZONING:** R-7.5(A)**CITY COUNCIL DISTRICT:** 9**SIZE OF REQUEST:** 0.354 ac.**MAPSCO:** 39F**APPLICANT/OWNER:** I & T Builders Corp

REQUEST: An application to replat a 0.354 acre tract of land containing all of Lot 11 in City Block 4/7498 to create two 7,700 sq. ft. lots at 3414 Ruidosa Drive.

SUBDIVISION HISTORY: There has been no recent subdivision activity within close proximity to this request.

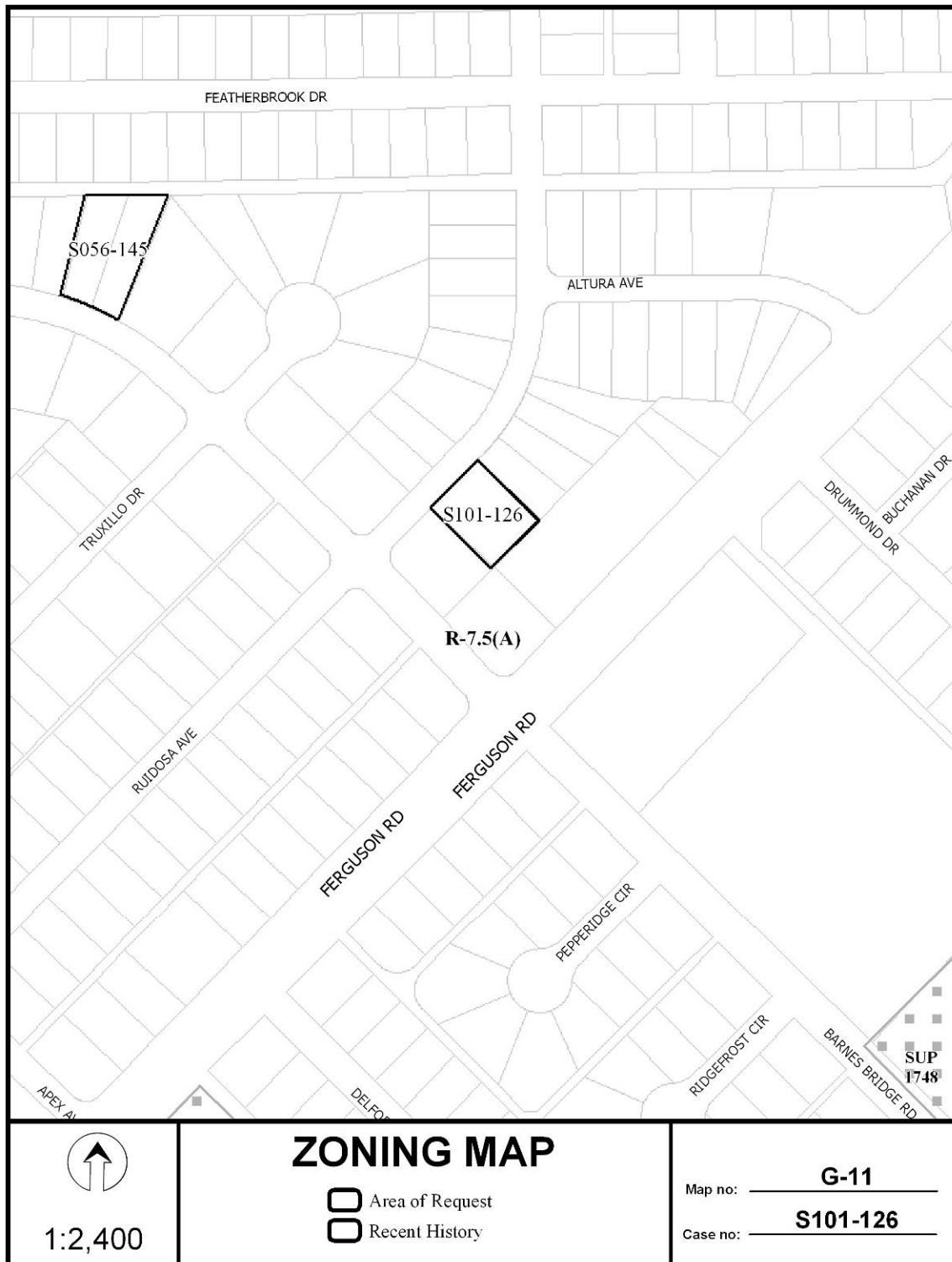
DATES NOTICES SENT: 20 notices were mailed June 21, 2011.

STAFF RECOMMENDATION: Section 51A-8.503(a) indicates that "...Lots must conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets..."

The request complies with the R-7.5(A) district requirements and there are other parcels in close proximity that are of similar size as the request; therefore, staff recommends approval subject to compliance with the following conditions:

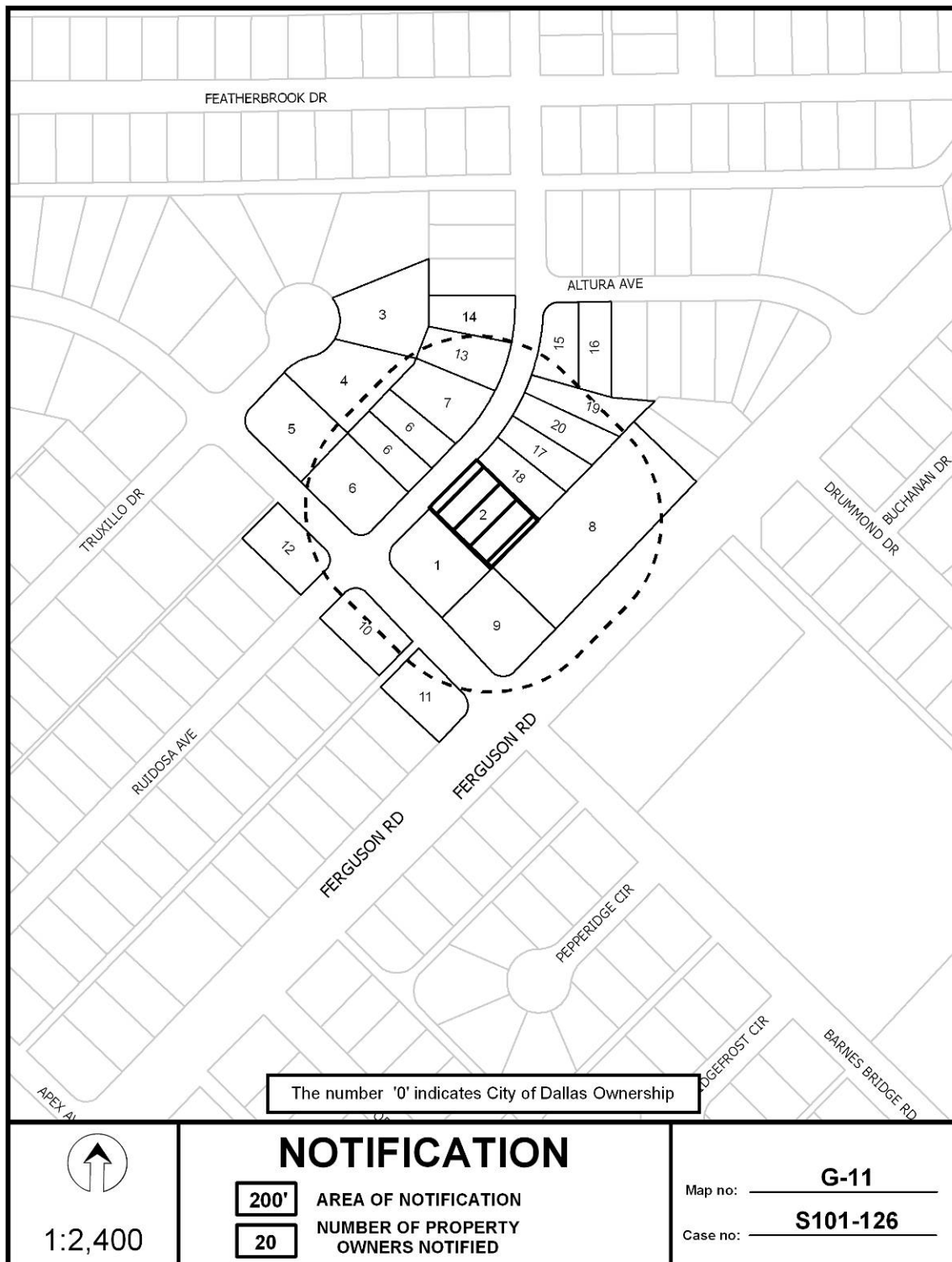
1. The final plat must conform with all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying.
2. Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. The final plat must comply with all plans, contracts, ordinances and requirements of the City.
4. The number and location of fire hydrants, and fire apparatus access roads, must comply with the Dallas Fire Code.
5. Any structure new or existing may not extend across new property lines. In addition, any detached non premise sign must be shown on the final plat.
6. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the City Plan Commission in a format that is compatible with the "Microstation" format.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.

8. On the final plat include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
9. The final plat is limited to a maximum of 2 lots.
10. Place a note on the final plat "Lot to lot drainage will not be allowed without Engineering Section approval."
11. Provide a detailed lot grading/drainage plan prepared by a Professional Engineer to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center.
12. On the final plat dedicate 28 feet of ROW from the established centerline, or dedicate a street easement, or Public Utility and Sidewalk Easement to equal 28 feet from the established centerline of Ruidosa Drive.
13. On the final plat state in the owner's certificate that Linda Heights Addition was dedicated to Dallas County and annexed into the City of Dallas by date and ordinance number.
14. A site plan must to be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
15. Existing water and/or wastewater easements must be shown and/or increased to conform to current design standards. The existing wastewater easement needs to be widened 2.5 more feet.
16. On the final plat change "Centerville Road" to "Ferguson Road."
17. On the final plat label the property as Lot 11A and 11B, City Block 4/7498.





DATE: June 28, 2011



DATE: June 28, 2011

6/29/2011

Notification List of Property Owners

S101-126

20 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|----------------|--------------------------------------|
| 1 | 3406 RUIDOSA | WILLIAMS DAVID & SALLY |
| 2 | 3414 RUIDOSA | RODRIGUEZ ORALIA S |
| 3 | 3320 TRUXILLO | MARIN NARCISO & GUADALUPE |
| 4 | 3314 TRUXILLO | BARRIGA NORMA A |
| 5 | 3306 TRUXILLO | HOLLAND KAREN L |
| 6 | 3415 RUIDOSA | WILLIAMS DAVID S & SALLY M |
| 7 | 3423 RUIDOSA | CAMPOS MANUEL |
| 8 | 11131 FERGUSON | FERGUSON ROAD ASSEMBLY OF GOD CHURCH |
| 9 | 11107 FERGUSON | ANTUNE GARCIELA |
| 10 | 3336 RUIDOSA | PHEAN LAY |
| 11 | 11067 FERGUSON | COFFMAN TERRIE POOLE |
| 12 | 3337 RUIDOSA | DONDELINGER JOHNNIE M TR |
| 13 | 3435 RUIDOSA | REASONABLE CUSTOM HOMES LLC |
| 14 | 3439 RUIDOSA | RODRIGUEZ DAVID |
| 15 | 3510 ALTURA | GODINEZ SALVADOR A & MAGDALENA |
| 16 | 3514 ALTURA | SMITH MICHAEL & GWENDOLYN |
| 17 | 3424 RUIDOSA | SOTO JOSWE GERARDO ORTIZ |
| 18 | 3422 RUIDOSA | SMITH VAN & LAKEITHA |
| 19 | 3428 RUIDOSA | CLOUTMAN TARA M |
| 20 | 3426 RUIDOSA | TURNER AMANDA M |

Wednesday, June 29, 2011

FILE NUMBER: M101-026

DATE FILED: May 24, 2011

LOCATION: North of Church Road, East of White Rock Trail

COUNCIL DISTRICT: 10

MAPSCO: 27 K

SIZE OF REQUEST: Approx. 5.4 Acres

CENSUS TRACT: 130.08

APPLICANT/OWNER: Richardson Independent School District

REPRESENTATIVE: Karl Crawley

MISCELLANEOUS DOCKET ITEM

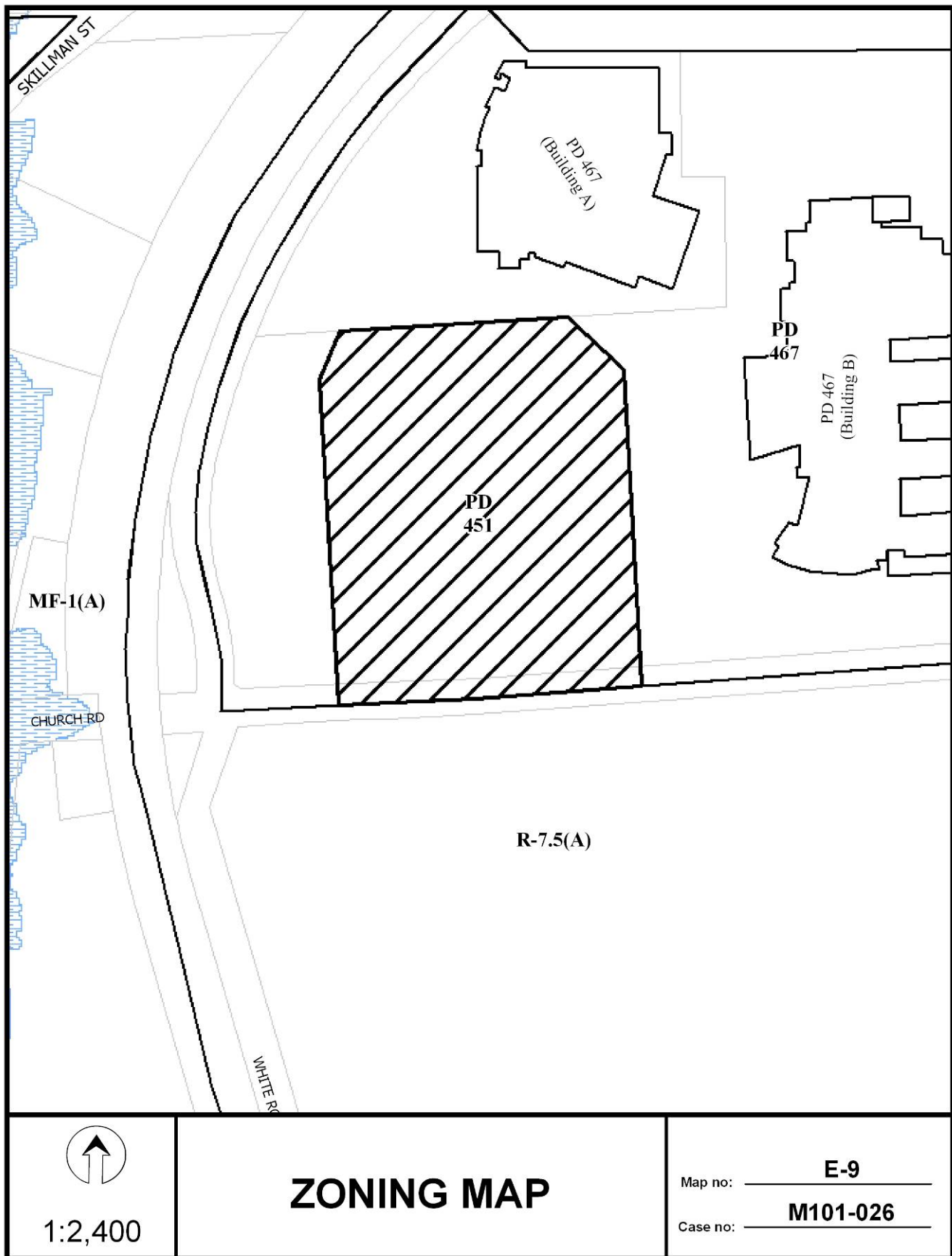
Minor Amendment for Development Plan

On August 28, 1996, the City Council passed Ordinance No. 22858 which established Planned Development District No. 451 for a Stadium and related uses on property at the above location. The ordinance was subsequently amended by Ordinance No. 26464 providing for specific pressbox and structure height revisions.

At this time, the property owner has submitted an application for consideration of a minor amendment to the development plan to permit the relocation of a scoreboard. The PDD provides for an exhibit that limits areas for nonpremise messages and maximum height/effective area (see attached); the requested amendment complies with intent of the exhibit.

The requested minor amendment does not impact any of the other provisions of the ordinance permitting this use.

STAFF RECOMMENDATION: Approval



DATE: June 14, 2011

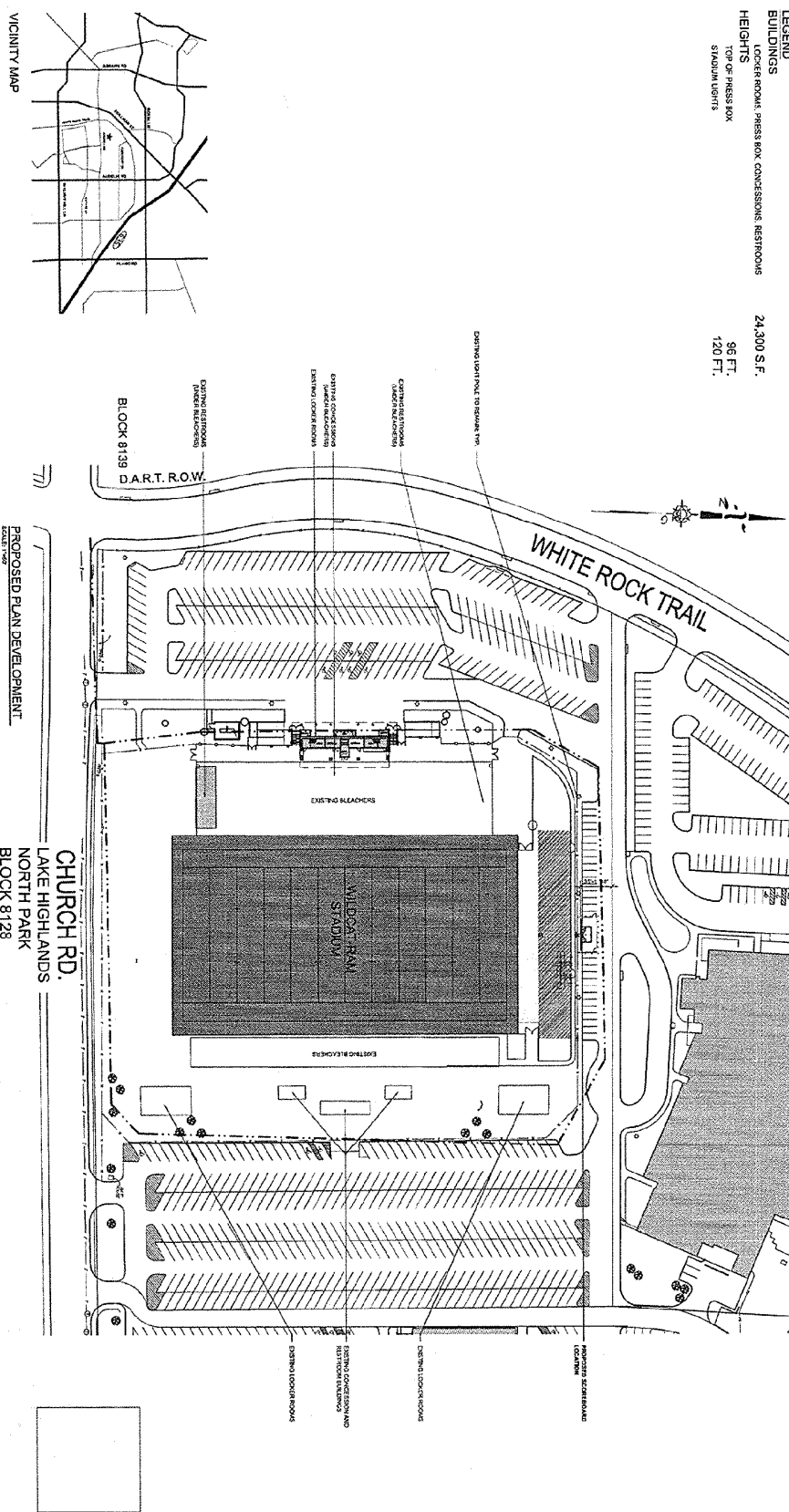
9449 CHURCH RD
DALLAS, TX 75238

LOC
SITS

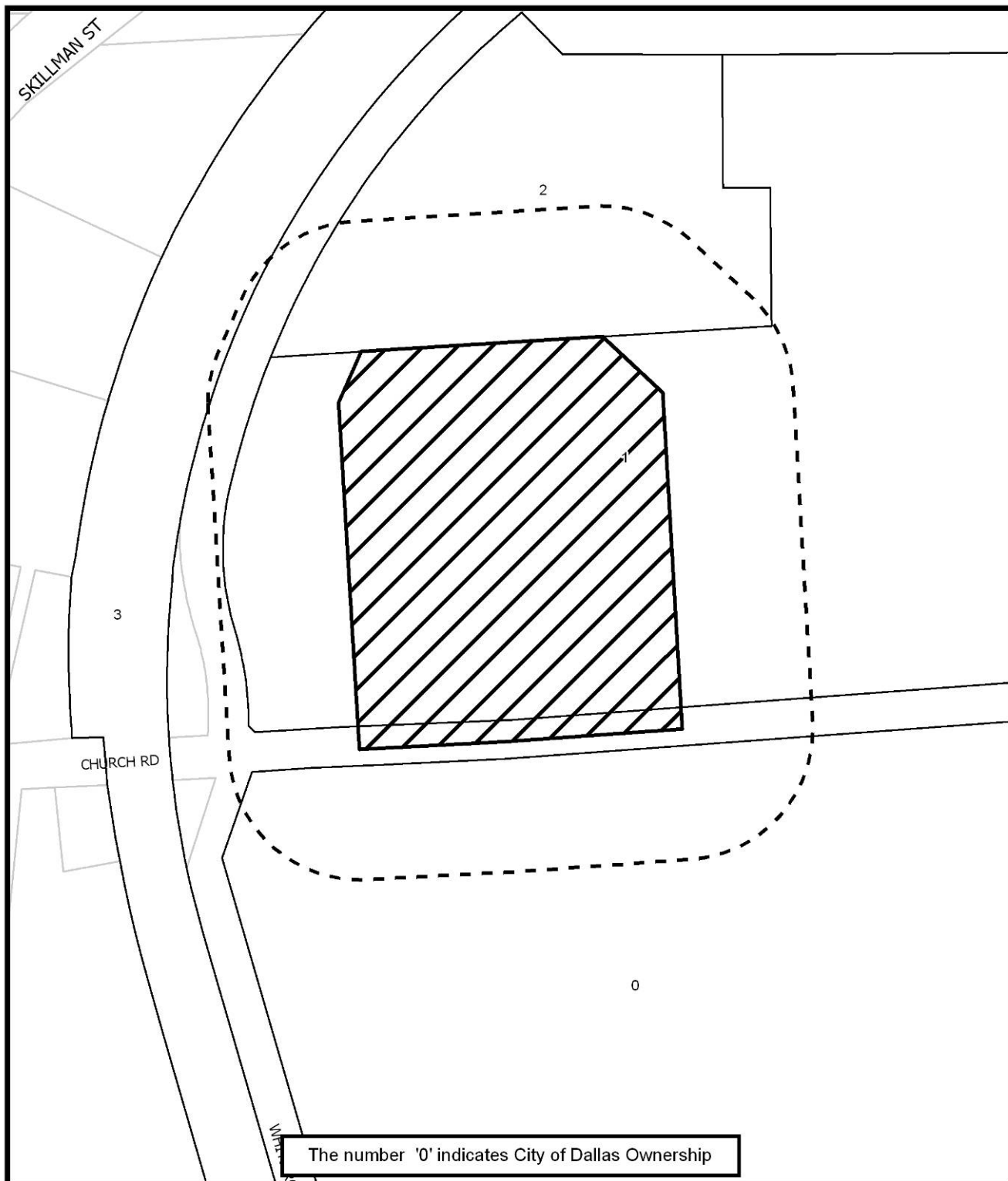
LOCKER ROOMS, PRESS BOX, CONCESSIONS, RESTROOMS
LIGHTS
TOP OF PRESS BOX
STADIUM LIGHTS

24,300 S.F.

96 FT.
120 FT.



PLANNED DEVELOPMENT DISTRICT NO. 451



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

3

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: **E-9**

Case no: **M101-026**

DATE: June 14, 2011

6/14/2011

Notification List of Property Owners

M101-026

3 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---------------------|
| 1 | 9449 CHURCH | RICHARDSON I S D |
| 2 | 10200 WHITE ROCK | RICHARDSON I S D |
| 3 | 555 2ND | DART |

Tuesday, June 14, 2011

FILE NUMBER: W101-006**DATE FILED:** June 17, 2011**LOCATION:** Northwest corner of Frankford Road and Appleridge Drive**COUNCIL DISTRICT:** 12**MAPSCO:** 3 G**SIZE OF REQUEST:** Approx. 19.125 acres**CENSUS TRACT:** 216.17

MISCELLANEOUS DOCKET ITEM:Owner: Carrollton/Farmers Branch ISDWaiver of Two-Year Waiting Period

On June 22, 2011, the City Council approved an amendment to Specific Use Permit No. 1347 for a public school and tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District. According to Section 51A-4.701(d) of the Dallas Development Code, a new application on this property cannot be filed prior to June 22, 2013, without a waiver of the two-year waiting period.

The applicant is requesting a waiver of the two-year waiting period in order to submit an application for the automatic renewal of one of the tower/antenna for cellular communication use. The applicant indicated they were unaware of the automatic renewal deadline at the time the application for the amendment for the school portion of the SUP was submitted. The renewal of the tower could have been made part of the amendment application.

The tower/antenna for cellular communication use for one of the towers expires on November 11, 2011. The application has to submit an application for automatic renewal between the 120th day and the 180th day before the expiration date. The applicant has until July 14, 2011, to apply to meet the automatic renewal deadline.

According to the Dallas Development Code, "the commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing."

Staff Recommendation: Denial

W101-006

APPLICATION FOR WAIVER OF TWO-YEAR WAITING PERIOD

Zoning File No. Z 101-236

Location 2525 Frankford Road - Dan Long Middle School

Date of last CPC or CC Action CPC May 19, 2011 - CC June 22, 2011

Applicant's Name, Address & Phone Number Glenn Engineering - Robert Howman

105 Decker Court - Suite 910 Irving, Texas 75062 Phone 972-989-2174

Property Owner's Name, Address and Phone No., if different from above

Carrollton / FB ISD - Tom Bell - Phone 972-323-5812

1445 North Perry Road Carrollton, Texas 75006

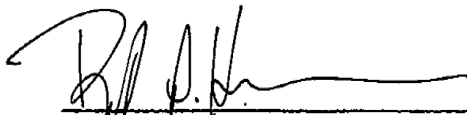
State briefly change of circumstances since the last hearing on the property that would warrant reconsideration of another request in less than two years.

We recently completed the amendment to the current SUP 1347 Adding a concessions

building and press box. The City of Dallas made us aware of the need to renew

the Cell tower / Antenna next to the railroad after we had completed the SUP

amendment process.

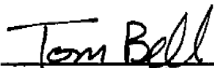


Applicant's Signature

RECEIVED BY

JUN 17 2011

Current Planning



Owner's Signature (if individual) or
Letter of Authorization (from corporation/partnership)

Date Received
Fee: \$300.00



Carrollton · Farmers Branch
Independent School District

January 21, 2009

Jurisdiction Having Authority
Dear sir / Madam:

Per the provisions of Carrollton-Farmers Branch Independent School District policy, *construction projects shall be administered by the Superintendent or designee (CV Local).*

This office has designated the responsibility of conducting construction administration to the following individuals:

Mark Hyatt - Assistant Superintendent for Support Services
Johnny Hibbs - Executive Director of Facility Services / Transportation
Tom Bell - Supervisor of Construction

These designees shall each act on behalf of the District as the owner's representative for construction projects, and shall have the authority to:

Perform the functions of CV local
Make applications for notices of intent.
Represent the District for matters pertaining to Federal, State and Local Jurisdictions
Execute Manifests pertaining to Hazardous Waste.
Execute Registrations and permitting applications to applicable Jurisdictions.
Execute Registrations for Storm Water Pollution Protection Plans (SWPPP)
Execute Registrations to Texas Commission on Environmental Quality (TCEQ)
Execute agreements for Utility Services and Relocation.

Thank you in advance for your cooperation with Carrollton-Farmers Branch ISD.

Sincerely,

Dr. Bobby Burns
Superintendent of Schools
Carrollton-Farmers Branch ISD
972-968-6100

Enclosure: CV Local

Facility Services



Carrollton - Farmers Branch

Independent School District

••• An Innovative Leader in Learning •••

March 28, 2011

ATTN: Olga Torres-Holyoak
Senior Planner
Development Services - Current Planning
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: SUP 1347 Renewal for Ordinance 24774 to Dan Long Middle School
for a Cell Tower / Antenna adjacent to the railroad.
Authorization Letter

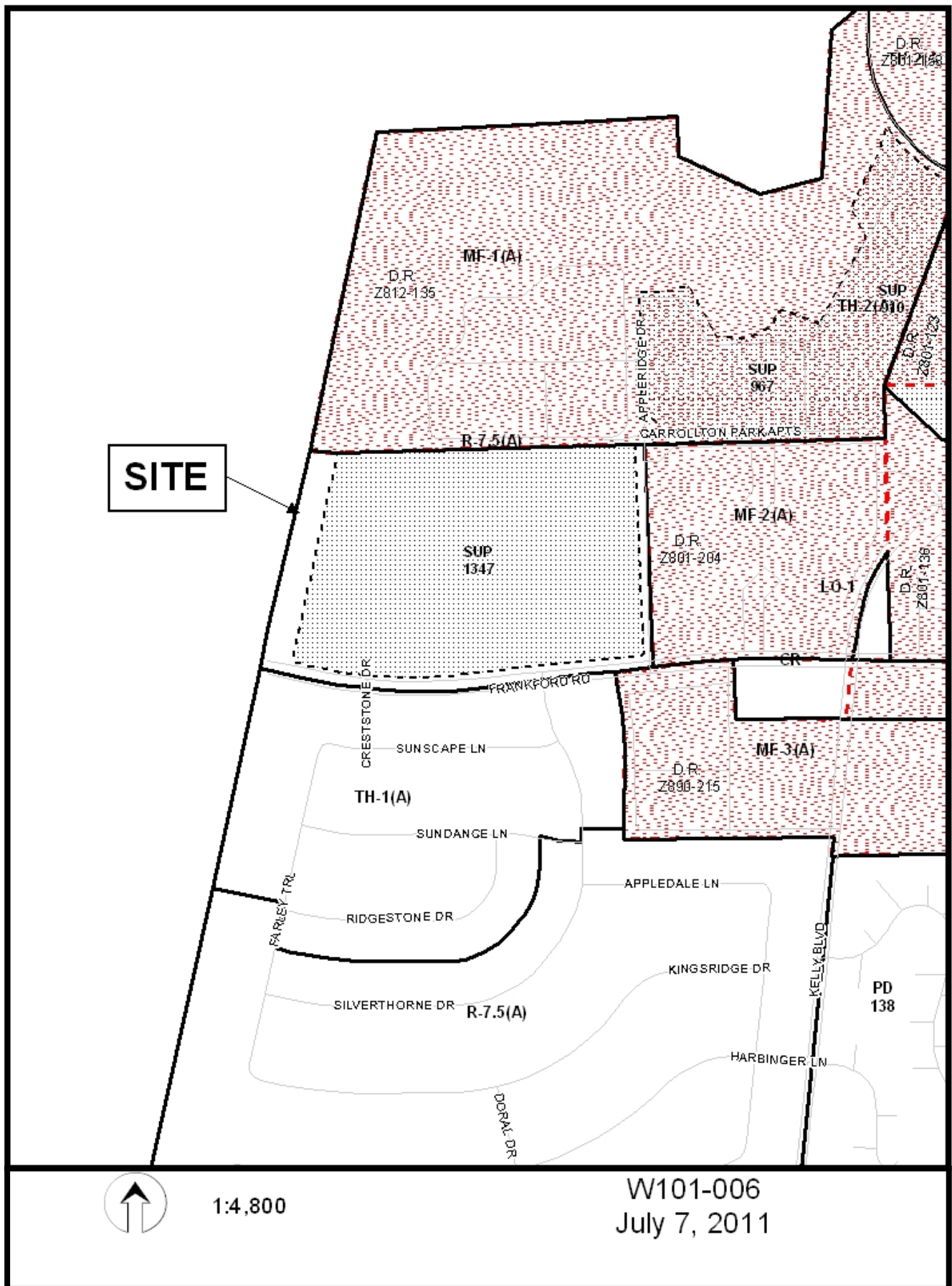
Ms. Torres-Holyoak,

On behalf of the Carrollton - Farmers Branch Independent School District I authorize Glenn Engineering Corporation to represent the school district in the matter of the Special Use Permit Renewal for Ordinance 24774 for Dan Long Middle School - SUP 1347 for a Cell Tower / Antenna adjacent to the railroad.

If you have any questions, please feel free to give me a call at 972-968-6300.

Sincerely,


Tom Bell



Planner: Olga Torres-Holyoak

FILE NUMBER: D101-011

DATE FILED: April 21, 2011

LOCATION: On Pinnacle Park Boulevard, north of Fort Worth Avenue.

COUNCIL DISTRICT: 3

MAPSCO: X-43

SIZE OF REQUEST: Approx. 4.867 acres

CENSUS TRACT: 107.01

MISCELLANEOUS DOCKET ITEM

Owner: SLF III – The Canyon in Oak Cliff, LP

Representative: Brandon Bolin, Ground Floor Development

Development Plan and Landscape Plan:

On September 9, 2009, 2009, the City Council passed Ordinance No. 27654 which established Planned Development District No. 811 on property generally bounded by the Interstate 30, Westmoreland Road, Fort Worth Avenue, and Pinnacle Park Boulevard.

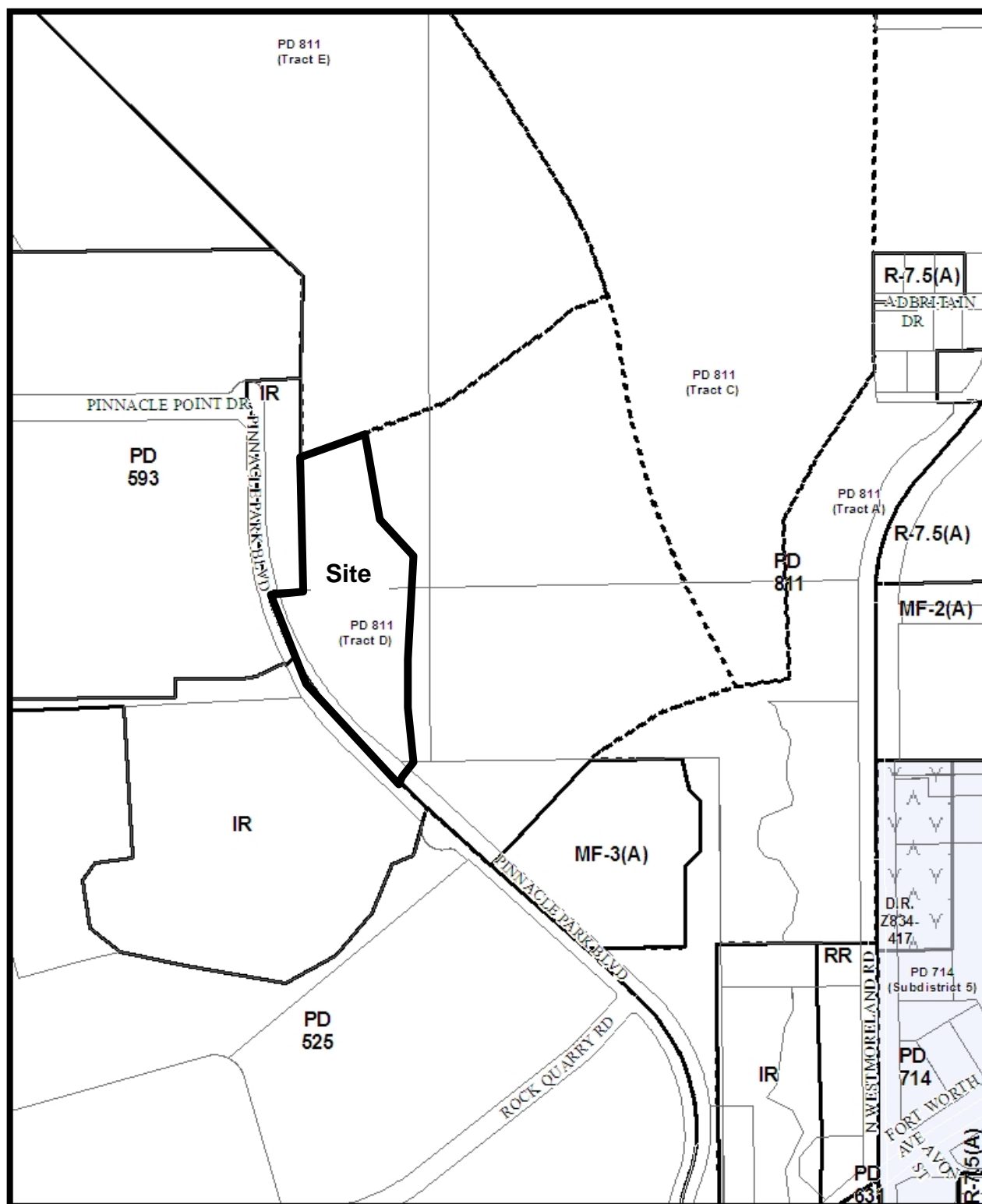
The property is located in Subarea D on the east side of Pinnacle Park Boulevard, south east of Pinnacle Point Drive and is approximately 4.867 acres of land.

The Planned Development District requires that the City Plan Commission approves a development plan and a landscape plan for each phase of development prior to the issuance of a building permit.

In conjunction with the above requirement, the attached development plan and landscape plan have been submitted for Commission's consideration. The plan provides for the development of 130 senior multifamily units.

STAFF RECOMMENDATION: Approval

ZONING MAP



1:4,259

Case ID: D101-011

EXISTING CONCEPTUAL PLAN

Exhibit 811A

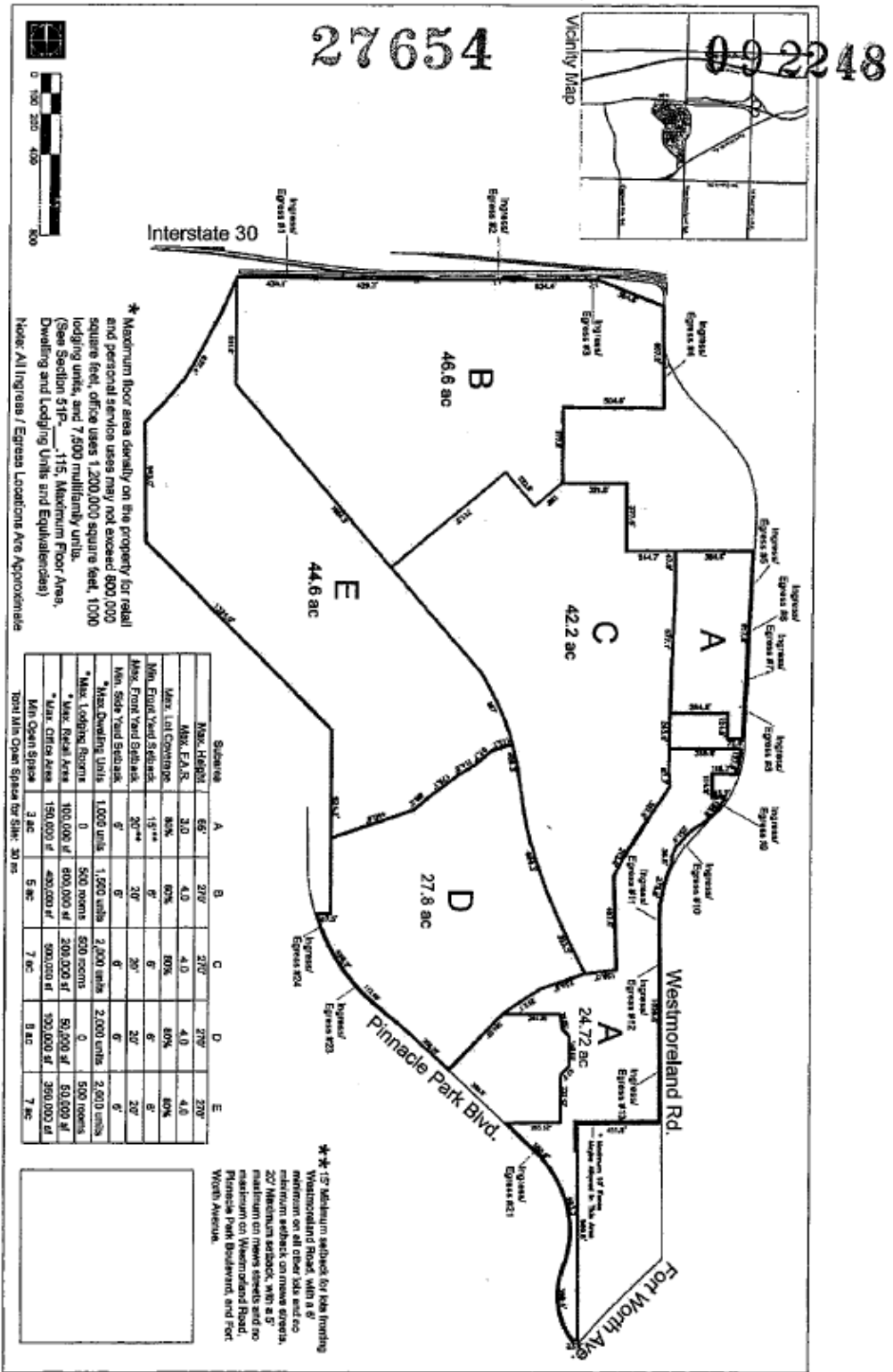
Conceptual Plan

Approved
City Plan Commission
July 16, 2009

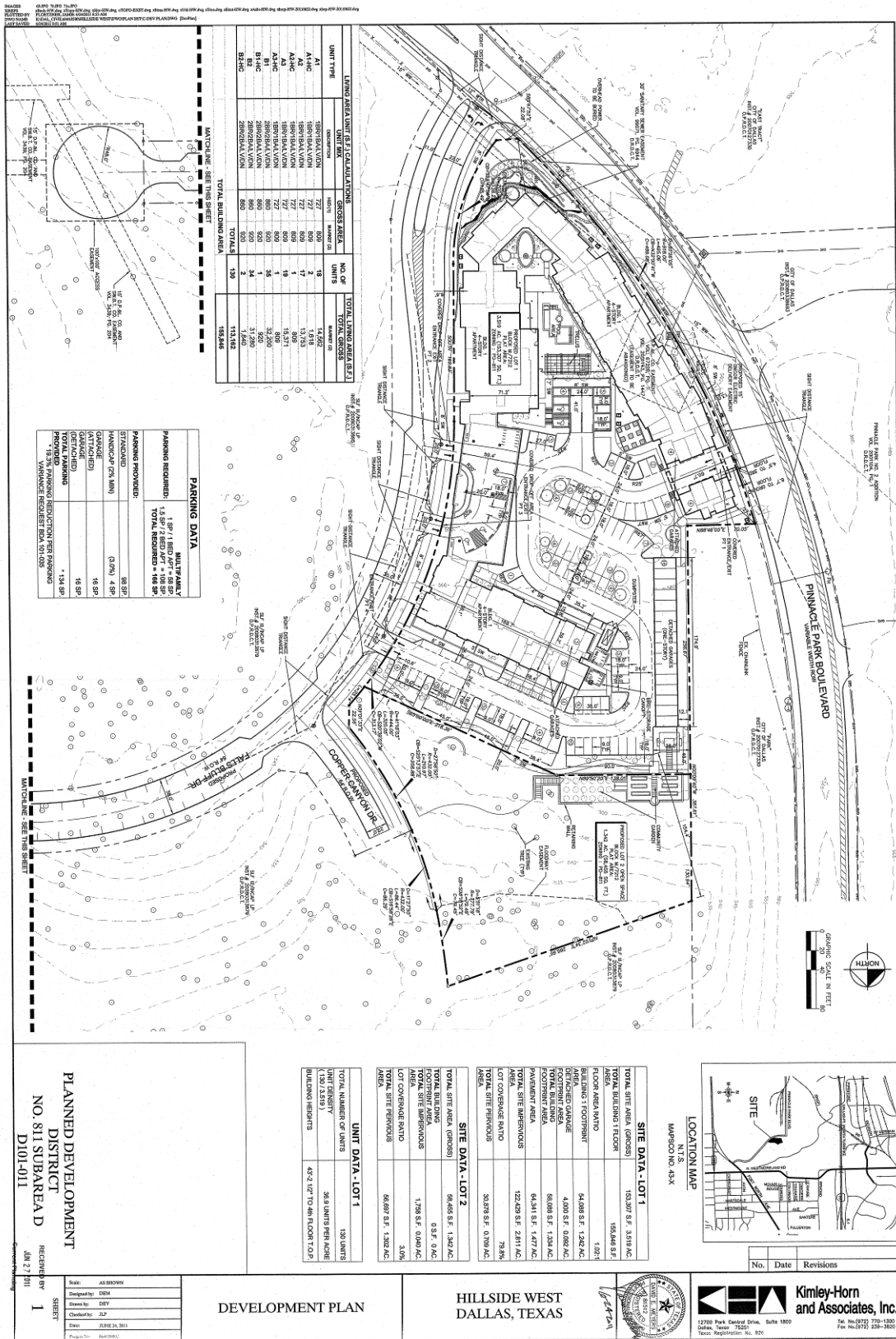
August 11, 2009

Planned Development
District No. 811

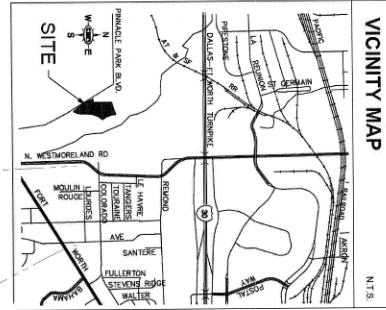
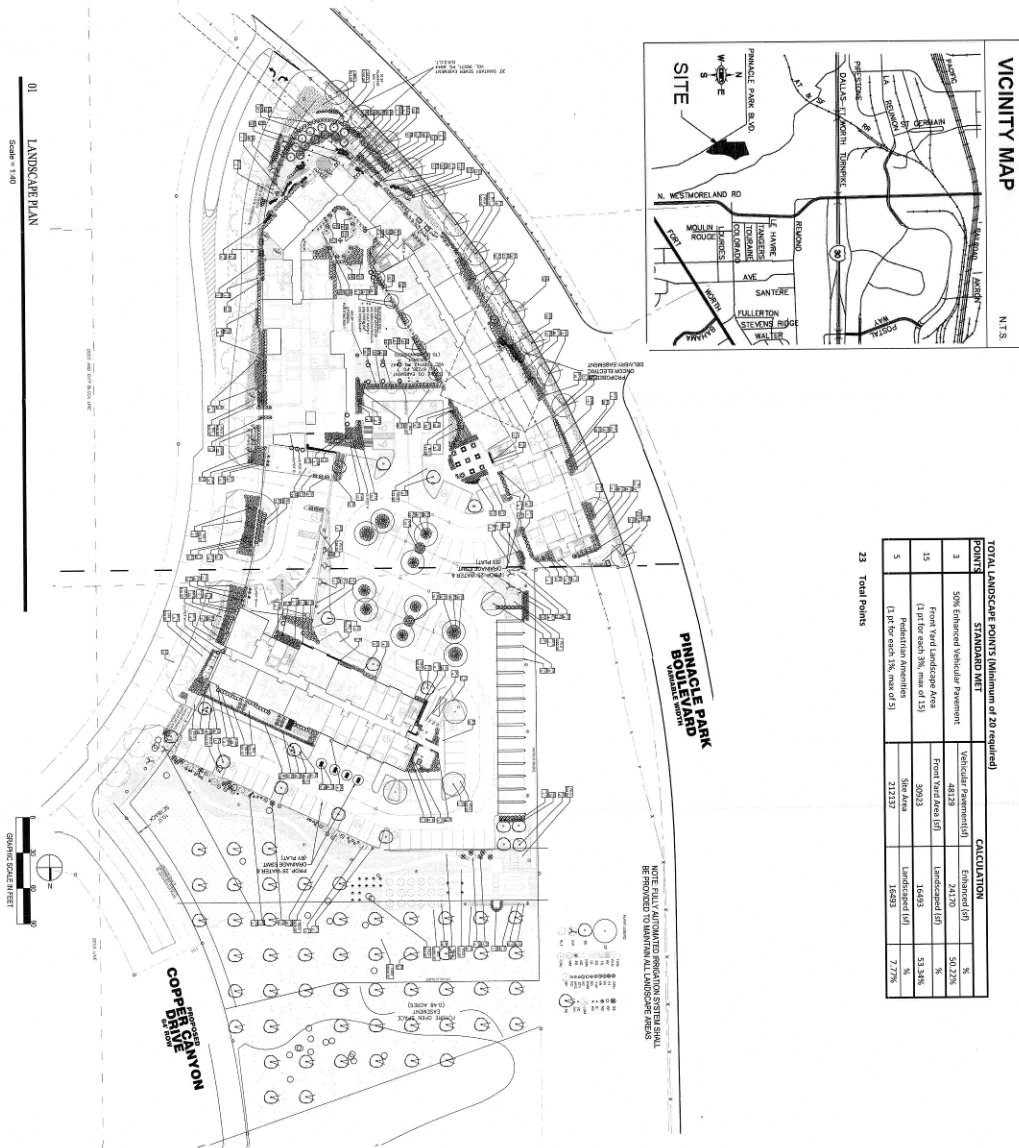
Case: Z089-202



PROPOSED DEVELOPMENT PLAN



PROPOSED LANDSCAPE PLAN



| TOTAL LANDSCAPE POINTS (Minimum of 20 required) | | | | |
|---|---|----------------------|--------------|-------|
| POINTS | STANDARD MET | CALCULATION | | |
| 3 | 50% Enhanced Vegetative Treatment | Vehicle Permeability | Enhanced (A) | % |
| 15 | Front Yard Landscape Area (1 pt for each 500 sq. ft. area of 25) | Front Yard Area (A) | Unshaded (B) | % |
| 5 | Reduction in Impervious (1 pt for each 10,000 sq. ft. area of 25) | Site Area | Unshaded (C) | % |
| 23 Total Points | | 21150 | 14000 | 2.77% |

| ITEM | QUANTITY | UNIT | PRICE | TOTAL |
|----------|----------|---------|--------|--------|
| 1.0000 | 1.00 | sq. ft. | 1.00 | 1.00 |
| 2.0000 | 2.00 | sq. ft. | 2.00 | 2.00 |
| 3.0000 | 3.00 | sq. ft. | 3.00 | 3.00 |
| 4.0000 | 4.00 | sq. ft. | 4.00 | 4.00 |
| 5.0000 | 5.00 | sq. ft. | 5.00 | 5.00 |
| 6.0000 | 6.00 | sq. ft. | 6.00 | 6.00 |
| 7.0000 | 7.00 | sq. ft. | 7.00 | 7.00 |
| 8.0000 | 8.00 | sq. ft. | 8.00 | 8.00 |
| 9.0000 | 9.00 | sq. ft. | 9.00 | 9.00 |
| 10.0000 | 10.00 | sq. ft. | 10.00 | 10.00 |
| 11.0000 | 11.00 | sq. ft. | 11.00 | 11.00 |
| 12.0000 | 12.00 | sq. ft. | 12.00 | 12.00 |
| 13.0000 | 13.00 | sq. ft. | 13.00 | 13.00 |
| 14.0000 | 14.00 | sq. ft. | 14.00 | 14.00 |
| 15.0000 | 15.00 | sq. ft. | 15.00 | 15.00 |
| 16.0000 | 16.00 | sq. ft. | 16.00 | 16.00 |
| 17.0000 | 17.00 | sq. ft. | 17.00 | 17.00 |
| 18.0000 | 18.00 | sq. ft. | 18.00 | 18.00 |
| 19.0000 | 19.00 | sq. ft. | 19.00 | 19.00 |
| 20.0000 | 20.00 | sq. ft. | 20.00 | 20.00 |
| 21.0000 | 21.00 | sq. ft. | 21.00 | 21.00 |
| 22.0000 | 22.00 | sq. ft. | 22.00 | 22.00 |
| 23.0000 | 23.00 | sq. ft. | 23.00 | 23.00 |
| 24.0000 | 24.00 | sq. ft. | 24.00 | 24.00 |
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| 69.0000 | 69.00 | sq. ft. | 69.00 | 69.00 |
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| 73.0000 | 73.00 | sq. ft. | 73.00 | 73.00 |
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| 76.0000 | 76.00 | sq. ft. | 76.00 | 76.00 |
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| 94.0000 | 94.00 | sq. ft. | 94.00 | 94.00 |
| 95.0000 | 95.00 | sq. ft. | 95.00 | 95.00 |
| 96.0000 | 96.00 | sq. ft. | 96.00 | 96.00 |
| 97.0000 | 97.00 | sq. ft. | 97.00 | 97.00 |
| 98.0000 | 98.00 | sq. ft. | 98.00 | 98.00 |
| 99.0000 | 99.00 | sq. ft. | 99.00 | 99.00 |
| 100.0000 | 100.00 | sq. ft. | 100.00 | 100.00 |

Hillside West - Senior Community
Dallas, Texas
Landscape Submittal



**APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR
A SIGN IN A SPECIAL PROVISION SIGN DISTRICT
DOWNTOWN DISTRICT SIGN DISTRICT**

FILE NUMBER: 1106035001

DATE FILED: June 6, 2011

LOCATION: 2100 Ross Avenue

SIZE OF REQUEST: 120 sq. ft.

COUNCIL DISTRICT: 14

ZONING: CA-1(A)

MAPSCO: 45L

APPLICANT: Bobby Nichols

CONTRACTOR: Chandler Signs

OWNER/TENANT: CB Richard Ellis

REQUEST: Install a 120 square foot middle level attached wall sign on the north elevation, containing the text "CBRE".

SUMMARY: The proposed sign is white text. The sign would be located above an entrance of the building. The bottom of the sign is 36 feet above grade.

- A flat attached sign is an attached sign projecting 12 inches or less from a building, and the face of which is parallel to the building façade. Sec. 51A-7.903(14)
- A middle level sign is an attached sign wholly or partially situated within the middle level sign area. Sec. 51A-7.903(22.1)
- The middle level sign area means the portion of a building façade that is between the lower level sign area and the upper level sign area. Sec. 51A-7.903(22.2)
- The maximum effective area for a middle level flat attached sign is 500 square feet. Sec. 51A-7.911(e)(2)(C)
- The proposed sign meets the requirements of the Dallas City Code.

SPECIAL SIGN DISTRICT ADVISORY COMMITTEE RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

22' BETWEEN T-BUTTONS FOR WINDOW WASHERS



EQ.

EQ.

36'-0" ABOVE GRADE

PROPOSED NEW SIGN - DAY VIEW

NOT TO SCALE



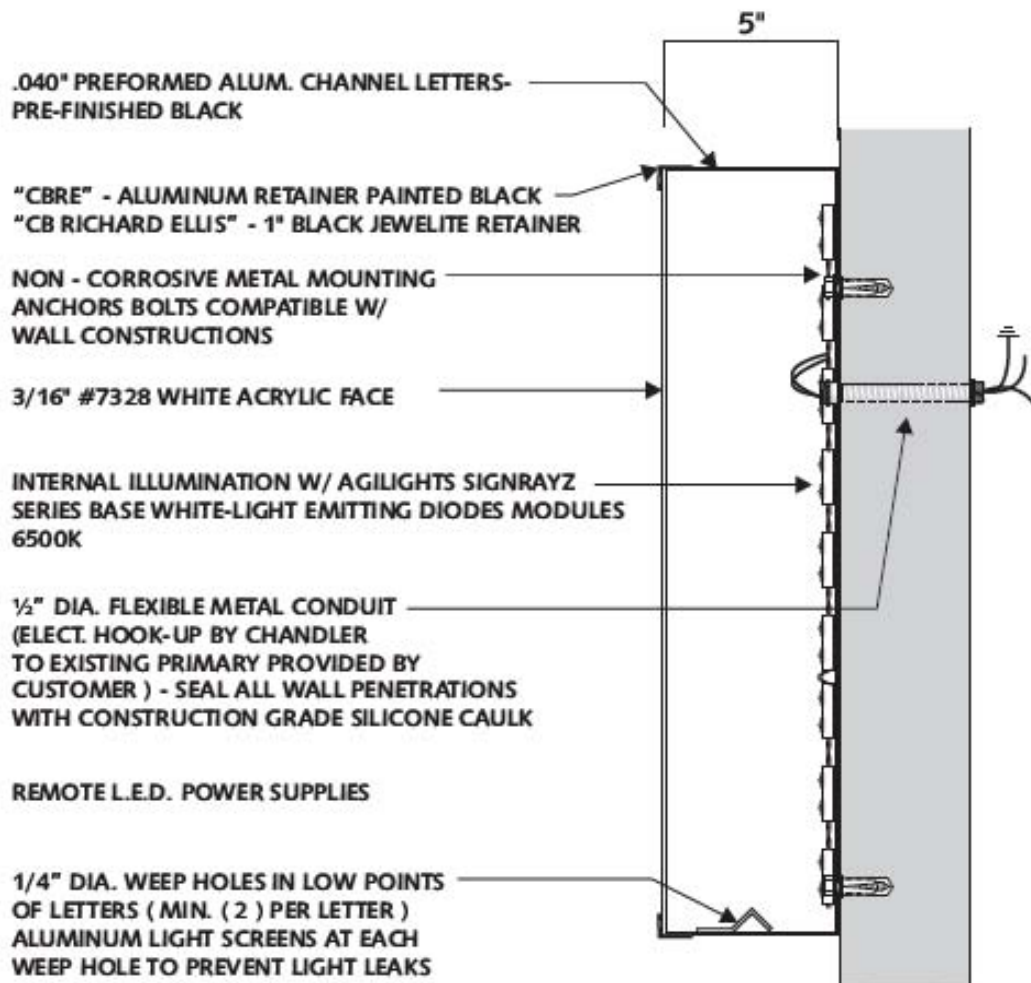
PROPOSED NEW SIGN - NIGHT VIEW

NOT TO SCALE

21'-0"

5'-3"

CBRE



LOGO SECTION (WALL MOUNTED)

N.T.S.



1:1,750

AERIAL MAP

Sign
District:

Downtown SPSP

Case no:

1106035001

DATE: May 18, 2010

FILE NUMBER: Z101-199 (MW)

DATE FILED: February 25, 2011

LOCATION: East side of Maple Avenue, south of Inwood Road

COUNCIL DISTRICT: 2

MAPSCO: 34-U

SIZE OF REQUEST: ±2.45 acres

CENSUS TRACT: 4.04

APPLICANT: Chicory Court IX, L.P.

REPRESENTATIVE: Suzan Kedron, Jackson Walker, LLP

OWNER: Maple/Douglas, L.P.

REQUEST: An application for an MU-3 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to create a transit-oriented development consisting of approximately 160 multifamily units with potential for future retail, personal service and office uses on the ground floor. The applicant's volunteered deed restrictions will limit the height of any structure to 90 feet and the number of stories, except for a parking structure, to seven (7).

STAFF RECOMMENDATION: Approval, subject to the deed restrictions volunteered by the applicant

BACKGROUND INFORMATION:

- The ±2.28-acre request site is developed with a one-story masonry building which is currently utilized for the inside storage of automotive parts.
- The request site is surrounded by the DART Inwood/Love Field Station to the northeast; industrial and office showroom to the southeast; a DISD elementary school, warehouse and office to the southwest and mixed use, retail and gas station to the northwest.
- The applicant intends to redevelop the request site with ±160 multifamily units. The ground floor will be initially utilized for multifamily accessory uses, but will be converted to retail, personal service and office uses as the commercial market matures in the area.
- The applicant's volunteered deed restrictions will limit the height of any structure to 90 feet and the number of stories, except for a parking structure, to seven (7).

Zoning History:

1. **Z090-169:** On June 22, 2011, the City Council held under advisement until August 24, 2011, an MU-3 Mixed Use District with deed restrictions volunteered by the applicant.
2. **Z056-210:** On February 14, 2007, the City Council approved an MU-1 Mixed Use District with deed restrictions volunteered by the applicant which limit the residential component to one (1) dwelling unit.

Thoroughfares/Streets:

| Thoroughfares/Streets | Type | Existing ROW |
|------------------------------|--------------------|---------------------|
| Maple Avenue | Collector | 70 feet |
| Inwood Avenue | Principal Arterial | 80 feet |
| Butler Street | Local | 50 feet |

Land Use:

| | Zoning | Land Use |
|------------------|---------------|-------------------------------------|
| Site | IR | Industrial (manufacturing facility) |
| Northeast | IR | DART Inwood/Love Field Station |
| Southeast | IR | Industrial; office showroom |
| Southwest | IR; SUP 1247 | Warehouse and office |
| Northwest | IR; MU-1; CS | Mixed use; retail; gas station |

STAFF ANALYSIS:**Area Plans:**

The request site is within the Stemmons Corridor - Southwestern Medical District Area Plan. In June 2010, the City Council adopted the Stemmons Corridor - Southwestern Medical District Area Plan which identifies the request site as being in an Urban Residential Medium area as well as within a strategic opportunity area - the DART Inwood Station Area. The Plan recommends a diversity of housing options ranging from townhomes to three to five story condominiums to limited commercial uses. In addition, the Plan encourages mixed use development with ground floor retail and street amenities that will promote pedestrian activities.

Comprehensive Plan:

According to the **forwardDallas! Vision Illustration**, adopted June 2006, the subject site is within an urban mixed use building block as well as within a transit center building block. The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting store fronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

Urban mixed-use districts will incorporate housing, jobs and commercial activity in strategic locations throughout the city. These areas will be linked to the rest of the city by means of the transit system and will be designed to encourage pedestrian mobility.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-

oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

The applicant’s proposal to provide a mixed use project in this area of the City is consistent with the *forwardDallas!* Vision and further complies with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.2 Maximize development opportunities around DART stations

HOUSING ELEMENT

GOAL 3.2. ANSWER THE NEED FOR HOUSING OPTIONS

Policy 3.2.2 Encourage higher density housing within a quarter-mile of DART stations

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The ±2.28-acre request site is developed with a one-story masonry building which is currently utilized for the inside storage of automotive parts. The request site is surrounded by the DART Inwood/Love Field Station to the northeast; industrial and office showroom to the southeast; a DISD elementary school, warehouse and office to the southwest and mixed use, retail and gas station to the northwest.

Given the request site's adjacency to a DART Station, it is ideal for higher density, mixed use development. The MU-3 Mixed Use-3 District is intended to provide for the development of high density retail, office, hotel and/or multifamily residential uses in combination on single or contiguous building sites; to encourage innovative and energy conscious design, efficient circulation systems, the conservation of land and the minimization of vehicular travel.

The applicant's proposal is consistent with the surrounding land uses and is within the scope of the forwardDallas! Comprehensive Plan and the Stemmon Corridor – Southwestern Medical District Area Plan. The applicant's volunteered deed restrictions, which will limit the height of any structure to 90 feet and the number of stories, except for a parking structure, to seven (7), will further ensure compatibility with surrounding development. These deed restrictions mirror those volunteered by the applicant on the adjacent property (Number 1 on Zoning History Map).

Development Standards:

| District | Setbacks | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|------------------------|----------|--|--|---------------------|--------------|--|--|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| IR Industrial research | 15' | 30' adjacent to residential OTHER: No Min. | 2.0 FAR overall 0.75 office/retail 0.5 retail | 110' 8 stories | 80% | Residential Proximity Slope | Industrial, wholesale distribution & storage, supporting office & retail |
| Proposed | | | | | | | |
| MU-3 Mixed use-3* | 15' | 20' adjacent to residential OTHER: No Min. | 3.2 FAR base 4.0 FAR maximum + bonus for residential | 270' 20 stories* | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging, residential, trade center |

*Applicant-volunteered deed restrictions will limit the height to 90 feet and seven (7) stories.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

While the applicant intends to redevelop the request site with a mix of multifamily units and retail, personal service and office uses, a detailed development program has not been provided. However, parking must be provided as required by the Dallas Development Code.

Pursuant to §51A-4.209 of the Dallas Development Code, the required off-street parking for a multifamily use is one (1) space for each 500 square feet of dwelling unit floor area within the building site. Not less than one (1) space nor more than two (2) spaces are required for each dwelling unit in a multifamily structure over 36 feet in height.

Pursuant to §51A-4.210 of the Dallas Development Code, the required off-street parking for a general merchandise or food store, for example, is one (1) space per 200 square feet of floor area. The required off-street parking for a personal service use is also one (1) space per 200 square feet of floor area. The required off-street parking for an office use is one (1) space per 333 square feet of floor area.

Landscaping:

Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code.

Proposed Deed Restrictions:

II

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The maximum height of any structure is 90 feet, to the mid-point of the roof, and

The maximum number of stories for any structure, except a parking structure, is 7.

Z101-199 (MW)

Partners/Principals/Officers:

Owner/Applicant: Maple/Douglas L.P.

General Partner: Maple/Douglas GP, LLC

Officers:

Lance Douglas, Member

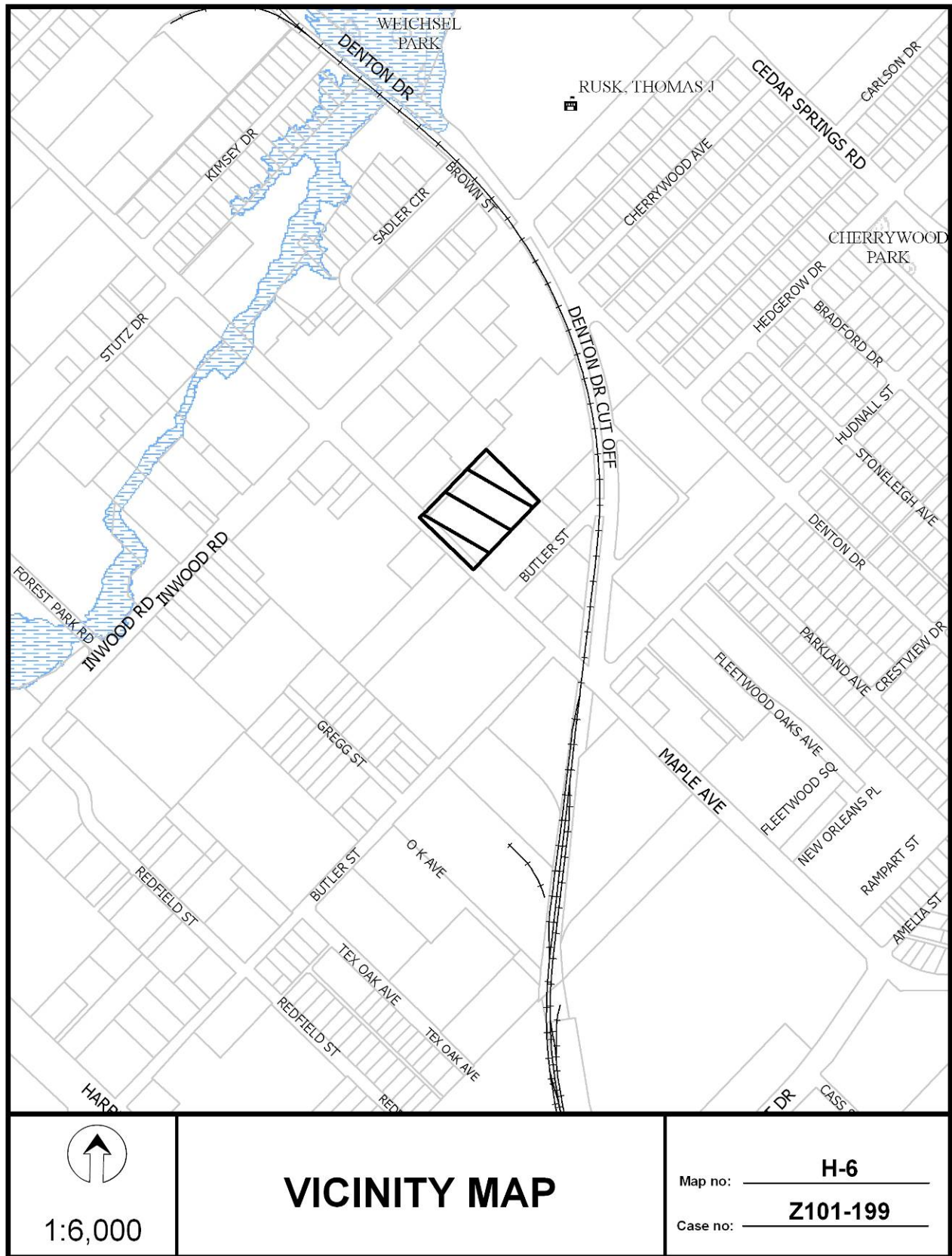
Thomas J. Colven, Agent

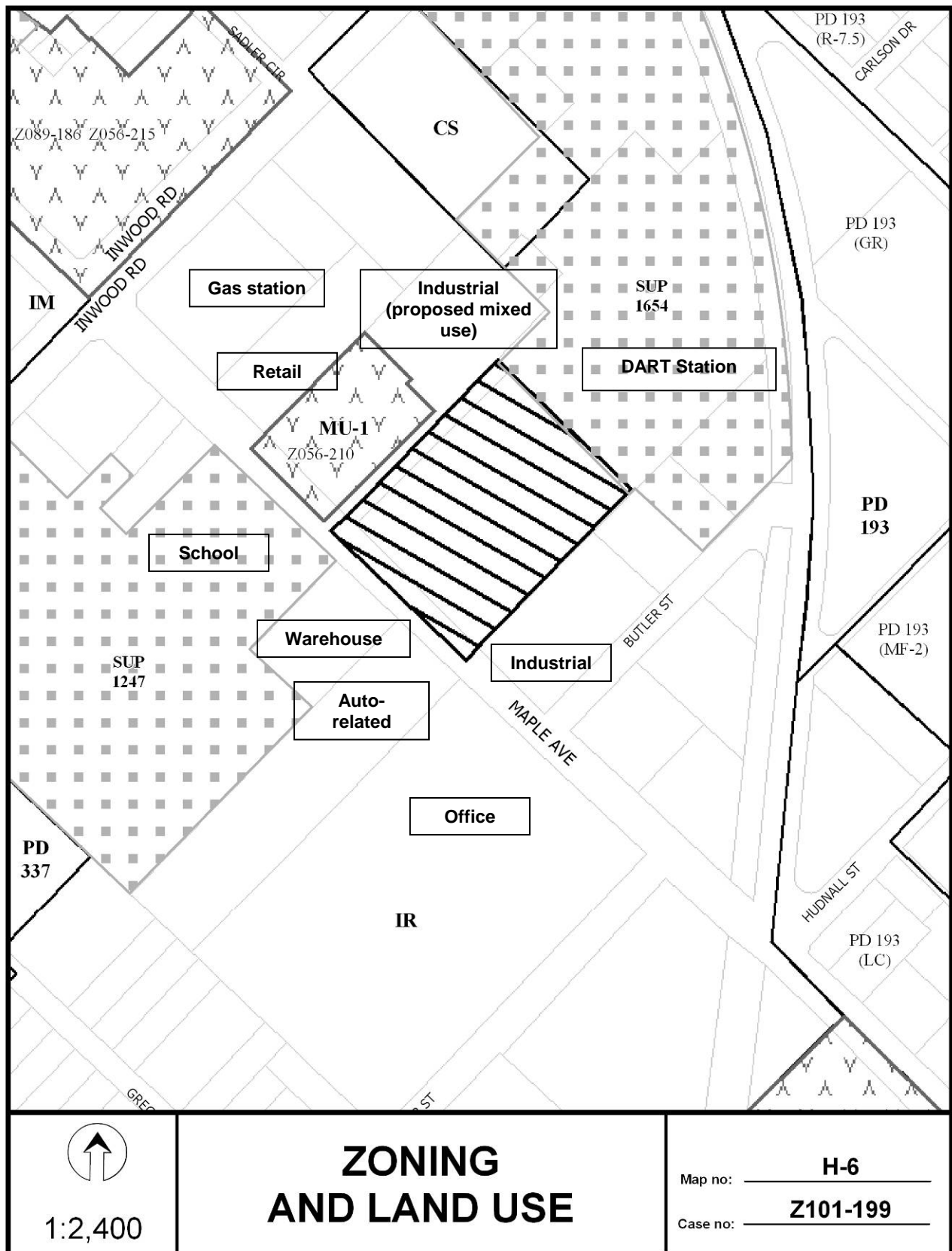
Applicant: Chicory Court GP IX, Inc.

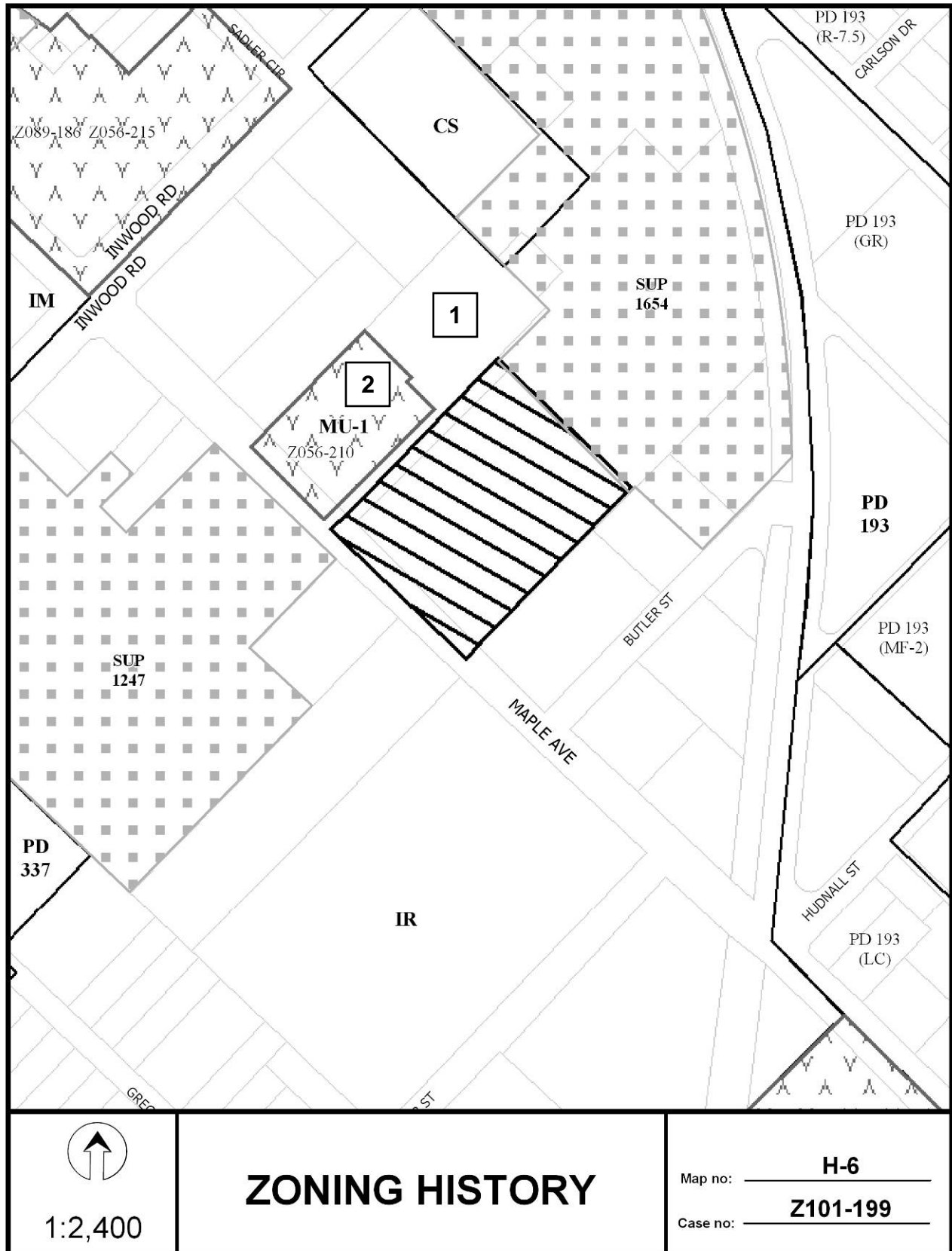
General Partner: Chicory Court IX, Inc.

Officer:

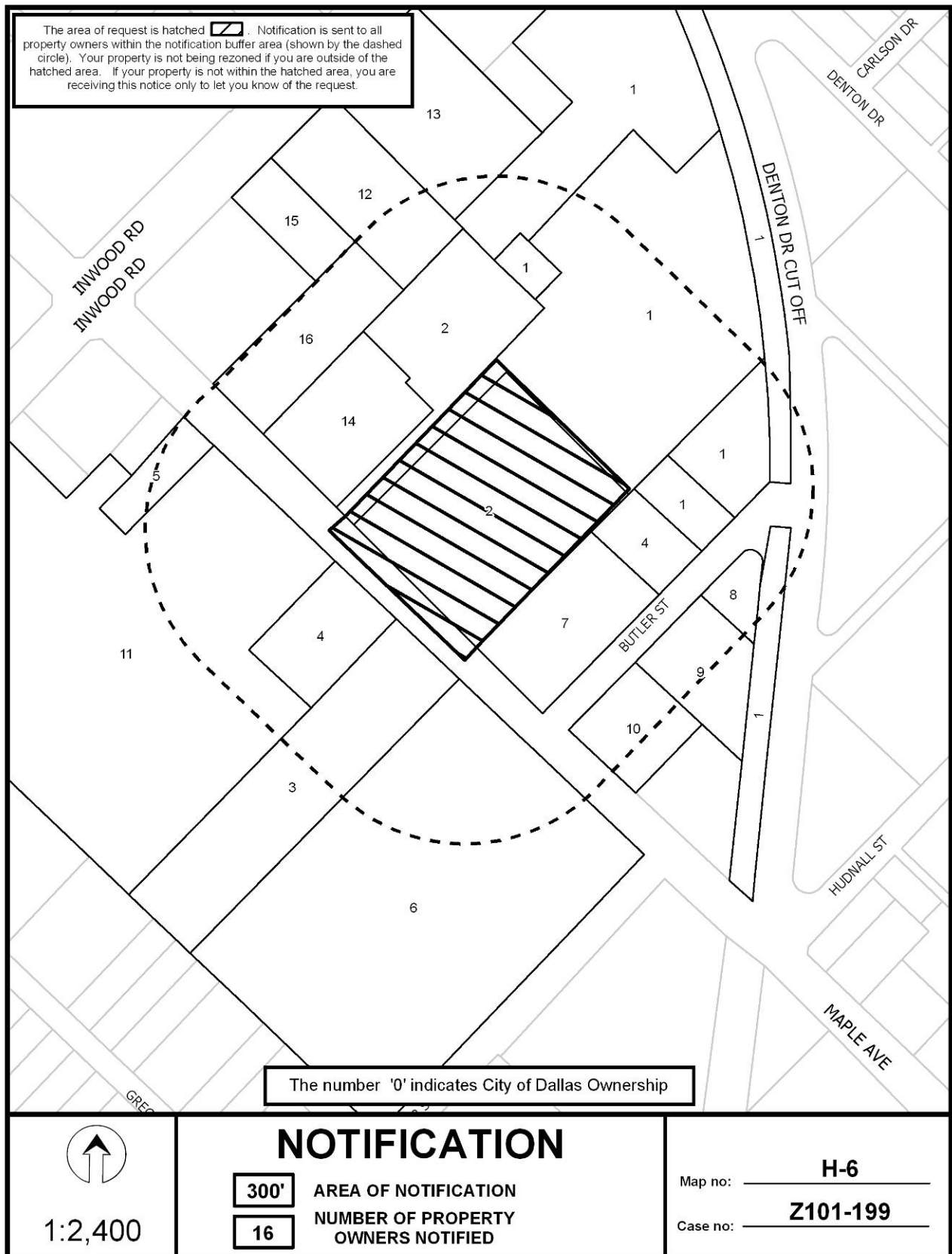
Saleem A. Jafar, Manager







DATE: April 21, 2011



Notification List of Property Owners

Z101-199

16 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 555 MAPLE | DART |
| 2 | 5602 MAPLE | MAPLE DOUGLAS LP |
| 3 | 5505 MAPLE | HEWITT BILL FAMILY LIMITED PARTNERSHIP |
| 4 | 5513 MAPLE | PRESCOTT INTERESTS LTD |
| 5 | 5611 MAPLE | CHANG CHI SHING & CHIEN LING |
| 6 | 5415 MAPLE | 2007 MAPLE AVE LP %RENE O CAMPOS (PRES) |
| 7 | 5430 MAPLE | PIMENTAL HOLDINGS LLC |
| 8 | 2530 BUTLER | SHEFAH LLC |
| 9 | 2522 BUTLER | PRESCOTT INTREST LTD |
| 10 | 2500 BUTLER | TEXAS UTILITIES ELEC CO % STATE & LOCAL TAX |
| DEPT | | |
| 11 | 5555 MAPLE | Dallas ISD |
| 12 | 2522 INWOOD | AUTOZONE INC DEPT 8700 |
| 13 | 2608 INWOOD | 2608 INWOOD LTD |
| 14 | 5610 MAPLE | HUIZENGA INC |
| 15 | 2516 INWOOD | FRIS CHKN LLC % CAJUN OPERATING CO ATTN |
| PPTY TAX | | |
| 16 | 5542 MAPLE | SHARIFI HOLDINGS LLC SUITE 200 |

FILE NUMBER: Z101-254 (JH)

DATE FILED: April 18, 2011

LOCATION: West side of Noel Road, north of Spring Valley Road

COUNCIL DISTRICT: 11

MAPSCO: 14-M

SIZE OF REQUEST: Approx. 1.519 acres

CENSUS TRACT: 136.14

REPRESENTATIVE: Dallas Cothrum, MASTERPLAN

APPLICANT: Associated Estates Realty Corporation

OWNER: Christian Chapel CME

REQUEST: An application for a Planned Development District for multifamily uses and termination of deed restrictions on property zoned an MC-2 Multiple Commercial District.

SUMMARY: The purpose of the request is to allow multifamily uses and incorporate the deed restrictions on Tract I into the Planned Development District.

STAFF RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions

BACKGROUND INFORMATION:

- The request site is currently undeveloped.
- The applicant proposes to develop the property with a maximum of 104 dwelling units.

Zoning History: There have been no recent zoning requests in the area.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|--------------------|--------------|
| Noel Road | Collector | 90 ft. |
| Spring Valley Road | Principle Arterial | variable |

STAFF ANALYSIS:

Comprehensive Plan:

The request complies with the following land use goals and policies of the Comprehensive Plan because the proposed multifamily uses are complementary to the mix of uses in the area and provide additional housing options.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The Business Center or Corridor Building Block represents major employment or shopping destinations outside of Downtown. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

LAND USE ELEMENT

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

HOUSING ELEMENT

GOAL 3.1 ENSURE A SUSTAINABLE AND EFFICIENT LONG-RANGE HOUSING SUPPLY

Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

The proposed development will be a slightly taller and denser multifamily development than those further away from Spring Valley Road, providing a transition and buffer from the commercial uses. The landscape plan shows an appropriate streetscape and the PD conditions allow for balconies, stoops and stairs in the 25' front yard setback that promotes walkability and "eyes on the street".

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Area Plans:

The request complies with the recommendation of the 1995 Greater Far North Dallas Land Use and Transportation Plan Update, which identifies the area of the request as a High Density Commercial Area. Development in this type of area encourages the highest density and development rights of both office and mixed uses. Heights should be determined by Residential Proximity Slope. Residential uses are encouraged as an important mixed use component.

Land Use Compatibility:

The approximately 1.519 acre request site is zoned an MC-2 Multiple Commercial District and is currently undeveloped. The applicant is proposing to construct a maximum of 104 multifamily dwelling units on the property, which is not allowed by the existing zoning.

The surrounding land uses are multifamily and single family uses to the north and northeast, church to the east, a mix of office, retail, restaurant, and personal service uses to the south, and hotel use to the west.

The proposed multifamily development is requested by the owner and operator of the multifamily use to the north. This development is regulated under a Chapter 51 Planned Development District and consists of three-story multifamily structures with a parking garage structure. The proposal is an expansion of these multifamily uses with an increase in height and density. The applicant asserts that the request site's 1.5 acre size and limited access due to Noel Road being divided make developing the property under the current MC-2 zoning difficult.

The deed restrictions on the property guide development on Tract II, the request site, for development as an MC-2 zoned property. Height is restricted to 36 feet instead of the 90 feet allowed in the MC-2 district; floor area for a restaurant is limited; setbacks are more restrictive; requires surface parking to be screened; and specifies exterior lighting standards for a commercial use. The attached PD conditions retain the screening requirements for surface parking; addresses façade standards for structured parking; and requires pedestrian scale lighting, which is more appropriate for the proposed residential use. Due to the recommendations of the Area Plan and surrounding zoning, staff is supportive of the applicant's request for additional height above 36 feet. The dimensions of the request site would be significantly limited if the setbacks in the deed restrictions were retained. Instead, staff is supporting the setbacks that are similar to the multifamily development to the north in PDD No. 211 (25' front yard setback along Noel Road, 10' side and rear yard setback, 15' setback along the private driveway on the north).

Staff supports the applicant's request, though it is not desirable to support a Planned Development District of such a small land area. In evaluating a Mixed Use District in lieu of a Planned Development District, the proposed development would not comply with urban form or tower spacing and would be required to park per code. The current development pattern in the immediate area does not necessitate urban form or tower spacing. A Mixed Use District would allow lesser setbacks, a much greater height, and more lot coverage. Staff sees sufficient benefit in reducing the parking requirement with the parking structure façade standards, streetscape enhancements, and lesser yard, lot, and space rights to support a Planned Development District instead of a Mixed Use District.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|-------------------------------|----------------------|---|---------------------------------------|-----------------------|-----------------|--|---|
| | Front | Side/Rear | | | | | |
| Proposed | | | | | | | |
| PD Multifamily | 25' | 5' | Maximum 104 units / 69 units/ac | 55' / 4 stories | 75% | | Multifamily |
| Existing | | | | | | | |
| MC-2 Multiple commercial-2 | 15' Urban form | 20' adjacent to residential OTHER: No Min. | 0.8 FAR base 1.0 maximum | 90' 7 stories | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, retail & personal service, lodging |

Parking/Traffic:

The PD conditions allow for a reduction in parking of one off-street space per bedroom plus one visitor parking space for each 6 dwelling units. Additional flexibility is provided

for tandem and auto-lift parking, while the allowed percentage of compact parking is reduced from 35 percent to 25 percent. The development plan shows the parking will be provided in a parking garage structure.

The expected number of trips generated by the proposed use is 686 trips per day according to the trip rate for the proposed number of multifamily dwellings. A Traffic Impact Study is only required for proposals that generate more than 1,000 trips per day unless a waiver is issued.

Landscaping:

Landscaping required per the attached landscape plan. Staff is concerned about the distance from existing trees near the western boundary and the proposed structure. If these trees are damaged during or as a result of construction on the request site, tree mitigation will be required in accordance with Article X.

List of Partners/Principals/Officers

Applicant:

Associated Estates Realty Corporation (an Ohio corporation)

Directors

Jeffrey I. Friedman, Chairman
Albert T. Adams
James M. Delaney
Michael E. Gibbons
Mark L. Milstein
James A. Schoff
Richard T. Schwarz

Officers

Beth Stoll, Vice President of Operations
Bradley Van Auken, Vice President, General Counsel and Secretary
Daniel Gold, Vice President of Human Resources
Jason A. Friedman, Vice President; President of Merit Enterprises, Inc. (wholly owned subsidiary)
Jeffrey I. Friedman, President and CEO
John Hinkle, Vice President of Acquisitions
John Shannon, Senior Vice President of Acquisitions
Lou Fatica, Chief Financial Officer and Treasurer
Michelle Creger, Vice President and Assistant General Counsel
Miria Rabideau, Vice President of Operations
Patrick Duffy, Vice President of Marketing

Owner:

Christian Chapel CME Temple of Faith

Dr. Jerome E. McNeil, Pastor
Vanessa Darden-Ingram, Assoc. Minister
Fred Jones, Presiding Elder
W.C. Champion, Presiding Elder
Bishop Marshall Gilmore, Presiding Prelate
Anthony McNeal, Treasurer

PD Conditions

PD Conditions

“ARTICLE ____.

PD ____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. ____, passed by the Dallas City Council on ____.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located on the west side of Noel Road, north of Spring Valley Road. The size of PD ____ is approximately 1.519 acres.

SEC. 51p-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to the article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A. In this district,

(1) AUTO LIFT means a self-service automated device that is used to stack two cars vertically within the confines of a single parking space, resulting in two off-street parking spaces.

(2) BLADE SIGN means a sign projecting perpendicularly from a main building facade and is visible from both sides.

(3) STOOP means a small porch leading to the entrance of a residence.

(4) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space from a street, alley, or driveway.

(c) This district is considered to be a residential zoning district.

SEC. 51P-____.104. EXHIBITS.

The following exhibits are incorporated into this article:

(a) Exhibit ____A: development plan.

(b) Exhibit ____B: landscape plan.

SEC. 51P-____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ____A). If there is a conflict between the text of this article and the approved development plan, the text of this section controls.

SEC. 51P-____.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities.
- Multifamily.
- Retirement housing.

SEC. 51P-____.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display or sale of merchandise.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.
- Private stable.
- Pedestrian skybridge.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard.

(1) Minimum front yard is 25 feet.

(2) For residential uses, balconies, bay windows, stoops, signs, and entryways may project up to five feet into the required front yard, and the areas of the projections may not exceed 12 percent of the required front yard.

(3) No urban form setback is required.

(4) No minimum width or height for interior courtyards.

(b) Side and rear yard. Minimum side and rear yard is 5 feet.

- (c) Density. Maximum number of dwelling units is 104.
- (d) Height. Maximum structure height is 55 feet. Architectural features, mechanical equipment screening, elevator overruns, and roof top access may project to a maximum of 10 feet above the maximum structure height.
- (e) Lot coverage. Maximum lot coverage is 75 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots, and underground parking structures are not.
- (f) Lot size. No minimum lot size.
- (g) Stories. Maximum number of stories above grade is four. No maximum number of stories for parking structures.

SEC. 51P- __.109.

OFF STREET PARKING AND LOADING

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Multifamily uses.

- (1) A minimum of one parking space per bedroom is required.
- (2) A minimum of one space for each six dwelling units is required as visitor parking.
- (3) Tandem or auto lift parking may count as required parking.
- (4) A maximum of 25 percent of the required off-street parking may be compact parking.
- (5) All surface parking must be screened from the street and from residentially zoned property. Screening must be a minimum height of three and one-half feet above grade at the time of installation by using one or more of the following three methods:

(i) Earthen berm planted with turf grass or ground cover recommended for local area use by the arborist. The berm may not have slope that exceeds one foot in height for each three feet of width.

(ii) Solid wood or masonry fence or wall.

(iii) Hedge-like evergreen plant materials recommended for local area use by the arborist. The plant materials must be located in a bed that is a minimum three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the arborist determines is capable of providing a solid appearance in three years.

SEC.51P--__.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC.51P-- __.111. LANDSCAPING.

- (a) Landscaping must comply with the Landscape Plan (Exhibit ____B).
- (b) Plant materials must be maintained in a healthy, growing condition.
- (c) Tree preservation must comply with Article X.

SEC.51P-- __.112. PRIVATE LICENSE GRANTED.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the parkway landscaping and pedestrian scale lighting requirements of this article. "Parkway" means the portion of a street right of way between the street curb and the lot line. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a parkway landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolutions passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this subsection.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise reasonably acceptable to the city, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for prior written notice to the Office of Risk Management of cancellation, expiration, or non-renewal. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

- (c) Parkway landscape permit.

(1) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating trees, landscaping, or related amenities in the parkway. An application for a parkway landscape permit must be made to the building official. The application must be in writing on a form approved by the building official and accompanied by plans or drawings showing the area of the parkway affected and the planting or other amenities proposed.

(2) Upon receipt of the application and any required fees, the building official shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, the building official determines that the construction, planting, or other amenities proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, the building official shall issue a parkway landscape permit to the property owner; otherwise, the building official shall deny the permit.

(3) If compliance or partial compliance with the parkway landscaping requirement is made impossible due to the building official's denial of a parkway landscape permit, the director may approve an alternate landscaping that meets the intent of the parkway landscaping requirement, including but not limited to replacing a requirement for large trees with small trees where overhead utilities exist. If no alternative exists, the director may waive all or part the parkway landscaping requirement.

(4) A parkway landscape permit issued by the building official is subject to immediate revocation upon written notice if at any time the building official determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

(5) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability for the installation or maintenance of trees or other amenities in the public right-of-way.

SEC51P-____.112. PARKING STRUCTURE FACADE STANDARDS.

Parking structure facades must be similar in materials, architecture, and appearance to the facade of the main structure or the adjacent structure. Openings in the parking structure facade may not exceed 40 feet in width at driveway and entryway locations and openings in the total parking structure facade area may not exceed 55 percent.

SEC51P-____.113. SIDEWALKS.

A minimum six-foot-wide sidewalk must be provided along Noel Road.

SEC51P-____.114. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) For multifamily uses, one additional premise sign is permitted as a blade sign. The effective area for the blade sign may not exceed 20 square feet for each side. A blade sign must be attached to a main structure and may not be internally illuminated.

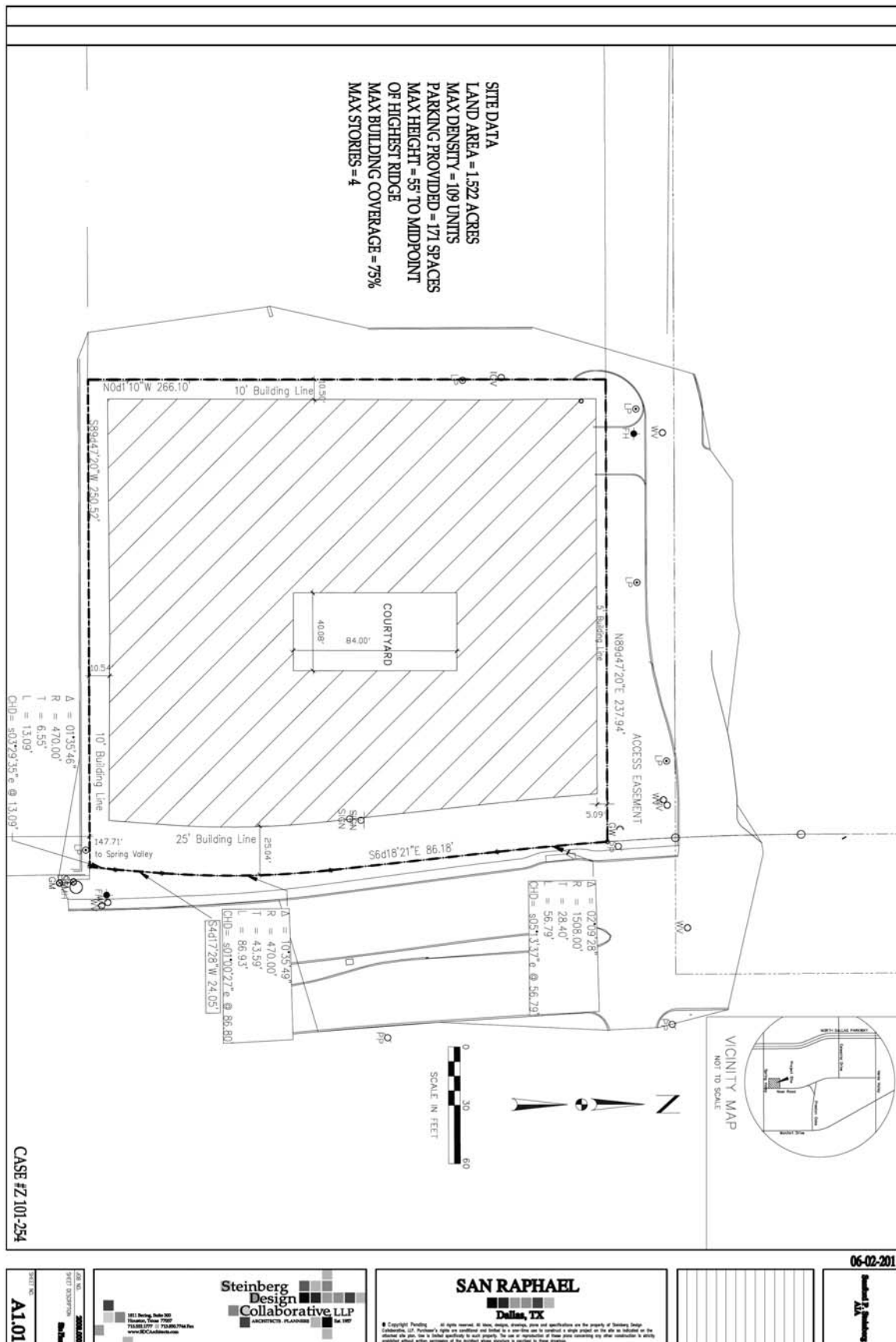
SEC51P-____.115. ADDITIONAL PROVISIONS.

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- (c) Pedestrian scale lighting. Pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 footcandles must be provided along sidewalks or attached to the main structure at one lighting fixture per 50 linear feet of frontage. In this subsection, pedestrian scale lighting means that the light emanates from a source that is no more than 14 feet above the grade of the sidewalk or a pedestrian light fixture approved by the director of public works and transportation. The design and placement of both the standards and fixtures located in the parkway must be approved by the director of public works and transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation and maintenance of the lighting on their property or in the public right-of-way adjacent to their property.

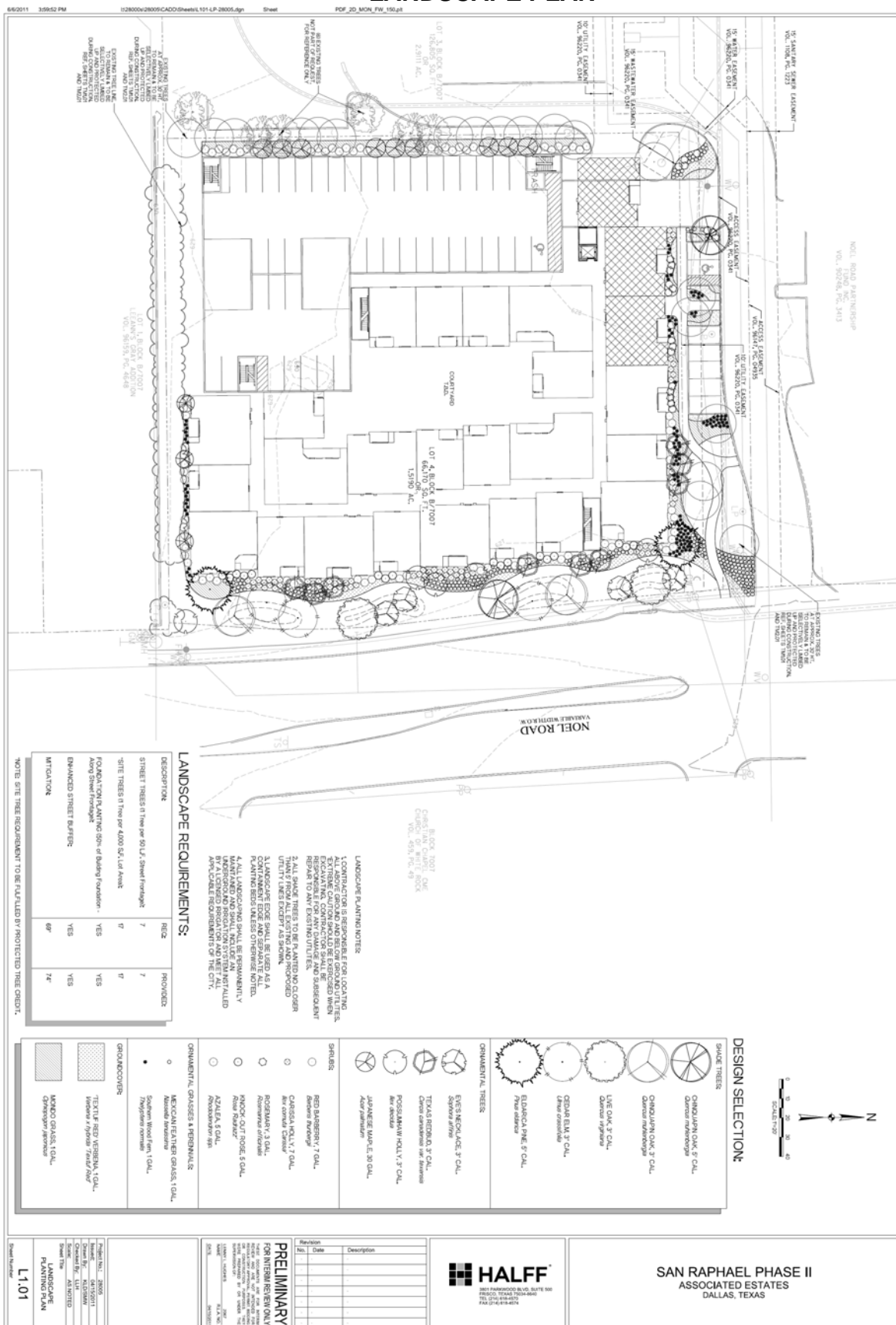
SEC51P-____.116. COMPLIANCE WITH CONDITIONS.

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

DEVELOPMENT PLAN



LANDSCAPE PLAN



DEED RESTRICTIONS TO TERMINATE ON TRACT II

EXHIBIT B

DEED RESTRICTIONS

95 DEC -4 PM 1:47

DEED
TOTL 37.
A001 9811 0000000 7502 12:58PM 11/

THE STATE OF TEXAS

§
§
§

KNOW ALL PERSONS BY THESE PRESENTS

COUNTY OF DALLAS

I.

The undersigned, CHRISTIAN CHAPEL CME (Christian Methodist Episcopal) CHURCH of White Rock, an unincorporated religious organization ("the Owner"), is the owner and SOUTHEAST TEXAS INNS, INC., a Tennessee corporation (the "Lessee"), is the lessee of the following described property ("the Property"), being in particular a tract of land out of the John Witt Survey, Abstract No. 1584, City Block 7007, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to Christian Chapel C.M.E. Church of White Rock by Will of Buelah E. Wells recorded in Volume 459, Page 49 of the Probate Minutes of Dallas County, Texas, and being more particularly described on Exhibit A attached hereto.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to-wit: Tract I, Tract II and Tract III are shown on the attached Exhibit B.

1. The only use permitted on Tract I is a Hotel or Motel use. The only uses permitted on Tract II and Tract III are those uses permitted in an MC-2 Multiple Commercial District.

2. A maximum height permitted on Tract I is seventy-five (75) feet. The maximum height permitted on Tract II is thirty six (36) feet.

3. A maximum of one hundred twenty-six (126) rooms for Hotel or motel use is permitted for Tract I;

4. A maximum of 10,000 square feet for a Restaurant without drive-in or drive-through use is permitted on Tract II;

5. The minimum front yard setback is fifty (50) feet; the minimum rear yard setback is thirty (30) feet; and the minimum side yard setback is ten (10) feet;

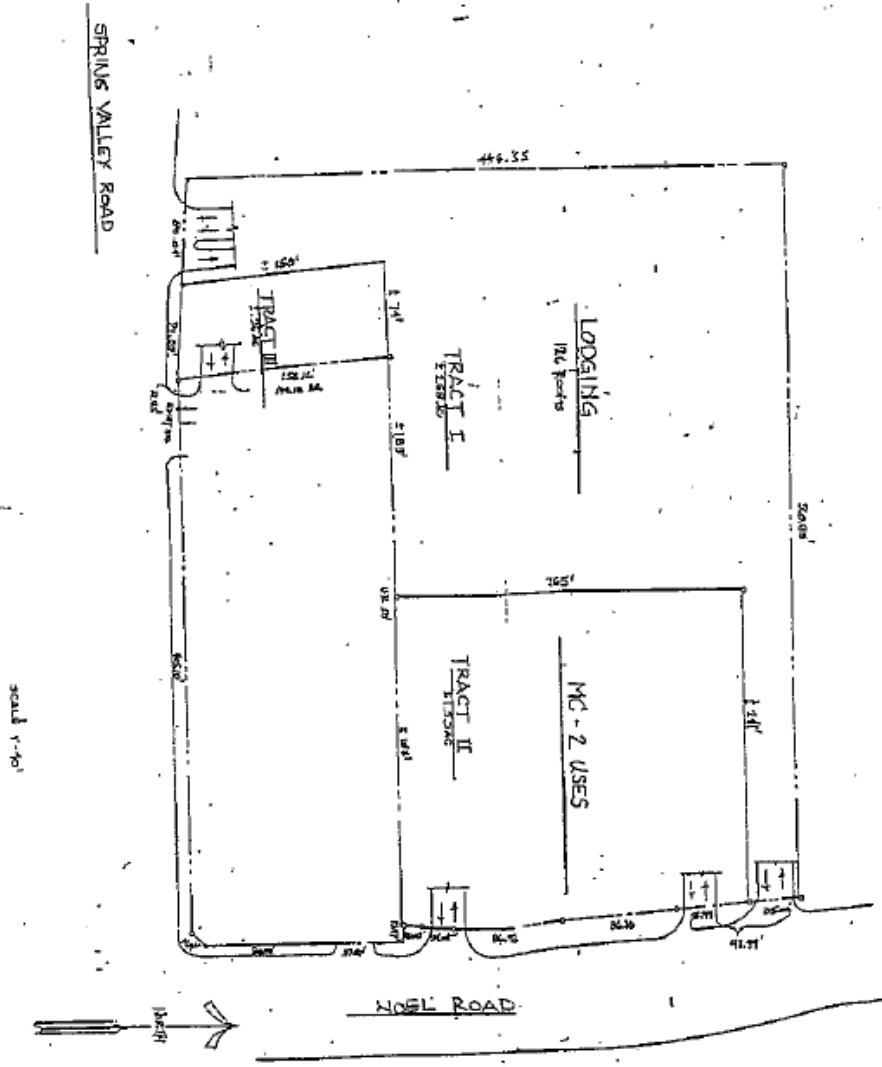
6. All surface parking must be screened from the street and residentially zoned property by using one or more of the following three methods to separately or collectively attain a minimum height of three and one-half feet above grade:

- (a) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of park and recreation. The berm may not have a slope that exceeds one foot of height for each three feet of width.
- (b) Solid wood or masonry fence or wall.
- (c) Hedge-like evergreen plant materials recommended for local area use by the director of park and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 24 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.
- (d) All plant material must be maintained in a healthy growing condition. Any plant that dies must be replaced with a plant that complies with these screening requirements, by the Owner and Lessee within thirty (30) days after notification is mailed to the Owner and the Lessee by the City.

7. All exterior lighting on the Property must:

- a) measure an average of at least one footcandle, initial measurement, and at least one-half footcandle on a maintained basis; and
- b) provide a minimum at any point of at least 0.3 foot candle initial, and at least 0.2 footcandle maintained or one-third the average for the lighted area, whichever is greater.
- c) be indirect, diffused or covered by shielded type fixtures and be installed to reduce glare across a property line.

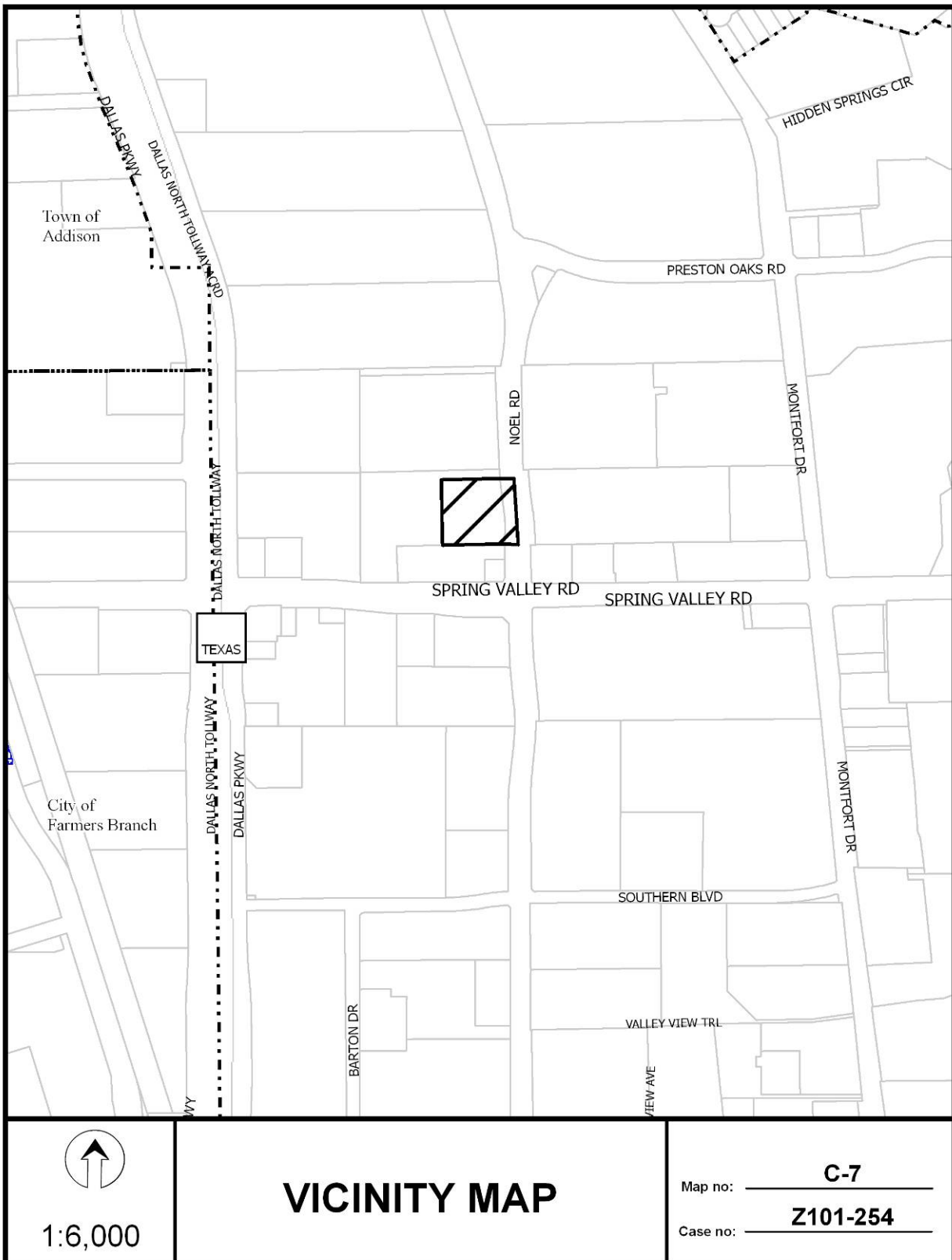
EXHIBIT B

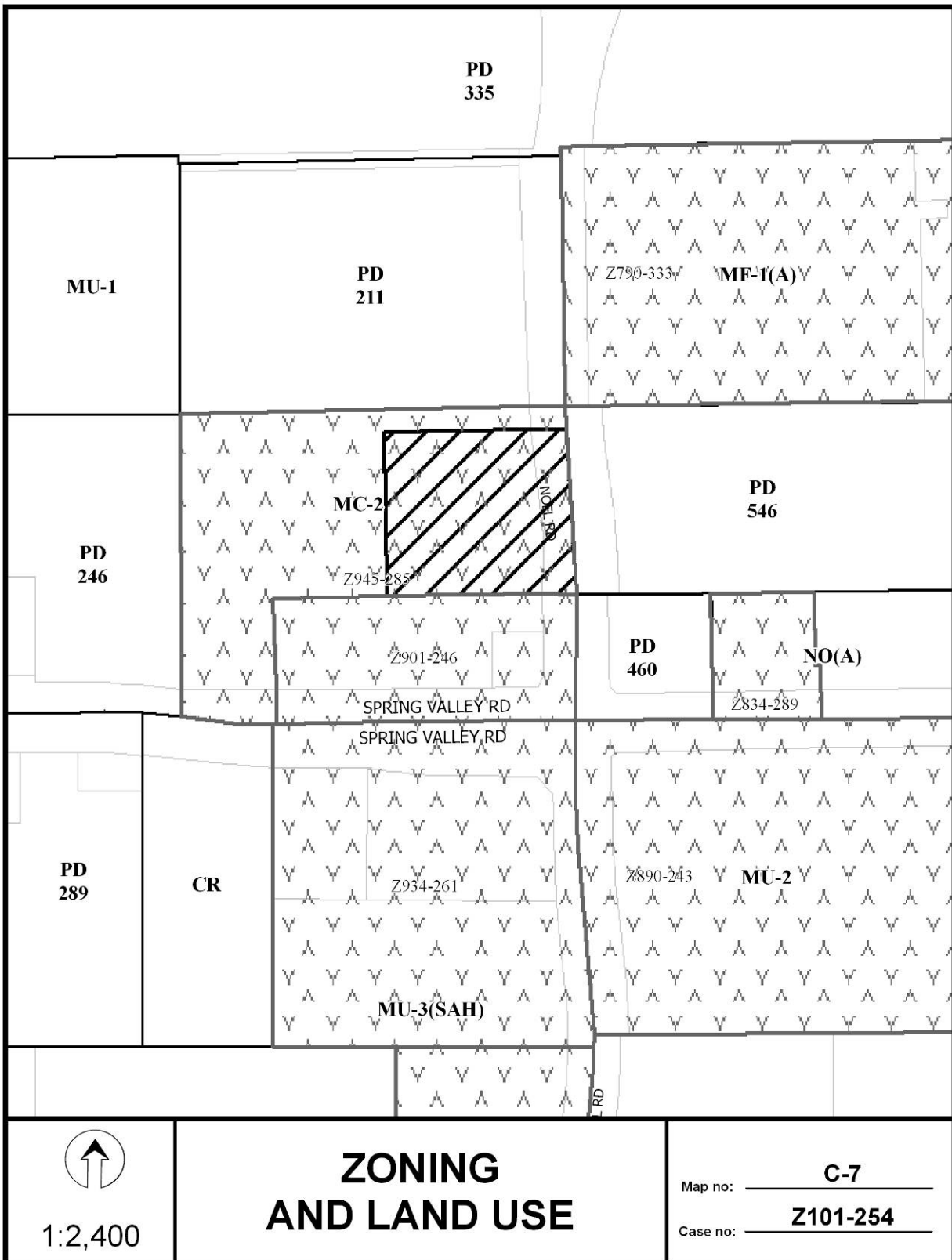


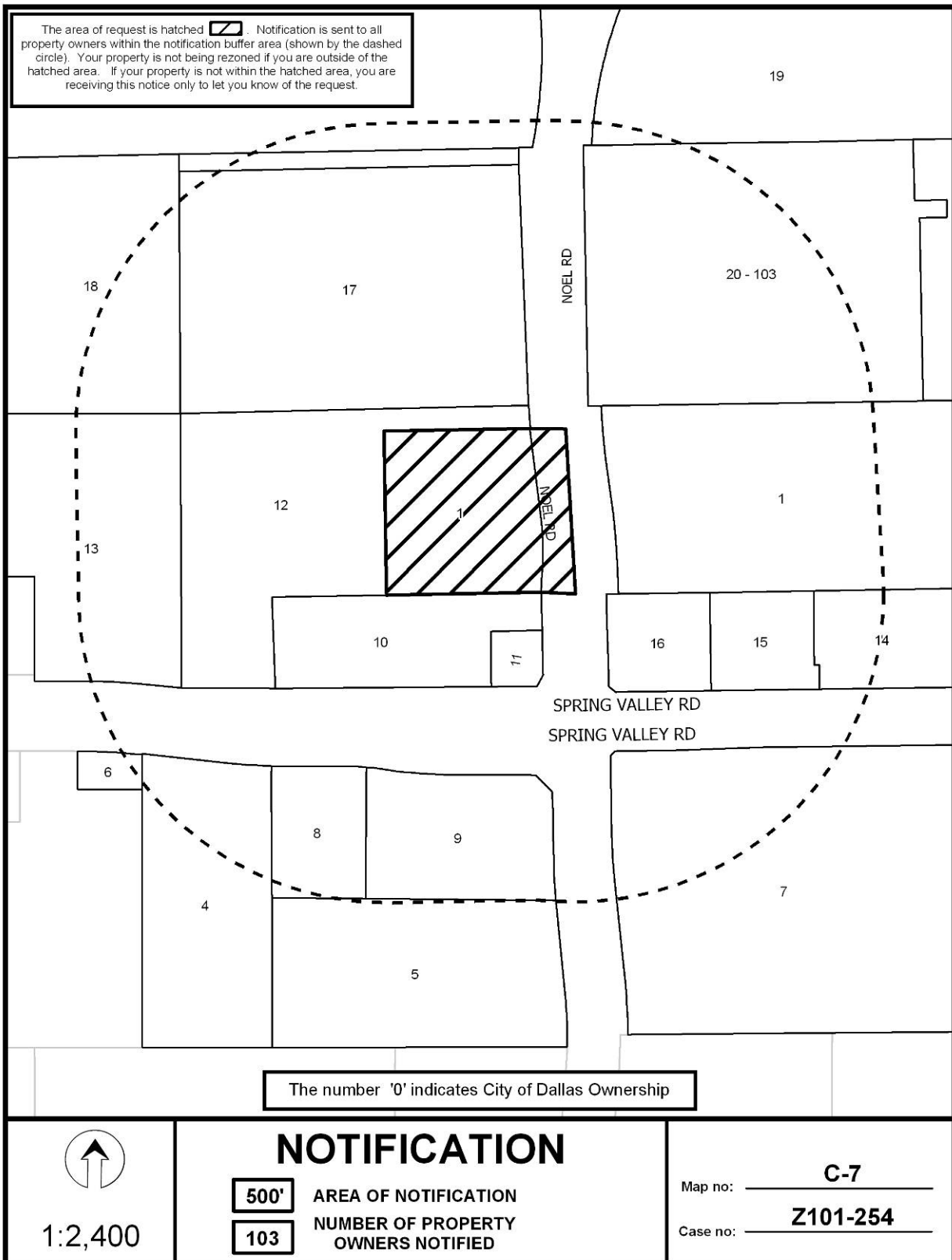
STATE OF TEXAS
COUNTY OF DALLAS
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JAN 22 1995
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DALLAS COUNTY
CLERK
JAN 22 1995

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22601
ATTORNEY AT LAW
CITY OF DALLAS
JAN 22 1995







5/19/2011

Notification List of Property Owners**Z101-254****103 Property Owners Notified**

| Label # | Address | Owner |
|----------------|--------------------|--|
| 1 | 14145 NOEL | CHRISTIAN CHAPEL C M E |
| 2 | 14201 NOEL | SAN RAPHAEL ASSOC LTD PS |
| 3 | 14222 DALLAS | DHEOP LLC |
| 4 | 5220 SPRING VALLEY | SPRING VALLEY CENTER INC SUITE 150 |
| 5 | 14021 NOEL | ASHFORD DALLAS LP 9TH FLOOR |
| 6 | 14040 DALLAS | FSH TOLLWAY LP |
| 7 | 14000 NOEL | DORCHESTER PPTIES LTD % SLOSBURG COMPANY |
| 8 | 5230 SPRING VALLEY | SBKFC HOLDINGS LLC |
| 9 | 5230 SPRING VALLEY | SCP 2002D 4 LLC % KEN HARNOIS-CVS ACCT |
| 10 | 5251 SPRING VALLEY | DEL FRISCO DALLAS LP |
| 11 | 5275 SPRING VALLEY | KEATING COLLEEN A |
| 12 | 5229 SPRING VALLEY | CHRISTIAN CHAPEL C M E % SELECT HOTELS GROUP LLC |
| 13 | 14110 DALLAS | MERIT 99 OFFICE PORTFOLIO LP |
| 14 | 5331 SPRING VALLEY | 5331 VENTURE LTD |
| 15 | 5323 SPRING VALLEY | SPRING VALLEY PLAZA LP |
| 16 | 5301 SPRING VALLEY | TIGR I LTD PS |
| 17 | 14181 NOEL | NSHE SAN RAPHAEL LLC STE 200 |
| 18 | 14180 DALLAS | SMII TRP PROPERTIES LP LP %K/B REALTY ADVISORS INC |
| 19 | 5400 PRESTON OAKS | NA COURTS AT PRESTON OAKS -64 L P STE A |
| 20 | 14151 MONTFORT | JONES JULIA R |
| 21 | 14151 MONTFORT | SMITH KELLY A UNIT 277 |
| 22 | 14151 MONTFORT | KOPPERUD ADAM T |
| 23 | 14151 MONTFORT | NIAKAN MANOUCHER |
| 24 | 14151 MONTFORT | MOKHTARI MOHAMAD & ASAR J MOKHTARI |
| 25 | 14151 MONTFORT | ECK AMANDA I UNIT 281 |
| 26 | 14151 MONTFORT | MAGRO MALO TOMAS UNIT 282 |

Thursday, May 19, 2011

| Label # | Address | Owner |
|----------------|----------------|--|
| 27 | 14151 MONTFORT | NAOUAZILI ADIL UNIT 283 |
| 28 | 14151 MONTFORT | RODRIGUEZ ROSA N UNIT 284 |
| 29 | 14151 MONTFORT | MCADAMS BRENDA A |
| 30 | 14151 MONTFORT | SABO SCOTT L BLDG Z UNIT 286 |
| 31 | 14151 MONTFORT | EBAUGH IRVIN A JR |
| 32 | 14151 MONTFORT | STOKES MARY E UNIT 288 |
| 33 | 14151 MONTFORT | WEAVER KATHRYN & EDWARD S #289 |
| 34 | 14151 MONTFORT | SUH TRACY |
| 35 | 14151 MONTFORT | KAZURA RICHARD J |
| 36 | 14151 MONTFORT | HUDSON LEEANN |
| 37 | 14151 MONTFORT | ABEDIARANI REZA & UNIT 301 |
| 38 | 14151 MONTFORT | BRENTGANI MELANIA |
| 39 | 14151 MONTFORT | ANNUNZIATO GARY |
| 40 | 14151 MONTFORT | VU KIM |
| 41 | 14151 MONTFORT | ROSENBURG EVELYN REMAR |
| 42 | 14151 MONTFORT | KAVANAGH CHARLOTTE |
| 43 | 14151 MONTFORT | WHITTEN DESIREE D |
| 44 | 14151 MONTFORT | MOKHTARI AZAR |
| 45 | 14151 MONTFORT | JANICKE JOSEPH VICENT #309 |
| 46 | 14151 MONTFORT | GABRIEL ROBIN W |
| 47 | 14151 MONTFORT | FINLEY AUSTIN JACOB & SAMANTHA B |
| 48 | 14151 MONTFORT | CASTRO OSCAR E |
| 49 | 14151 MONTFORT | ELMORE RONALD |
| 50 | 14151 MONTFORT | KOHANSION STEVE S #107 |
| 51 | 14151 MONTFORT | BARTUSH MARY BETH TRUSTEE M B BARTUSH INTER VIVOS |
| 52 | 14151 MONTFORT | SANEZ CELIA N APT 316 |
| 53 | 14151 MONTFORT | PAYNE JUDY LOU UNIT 317 |
| 54 | 14151 MONTFORT | HOOD CHAYSE UNIT 318 |
| 55 | 14151 MONTFORT | SADHWANI SANDEEP UNIT 319 |
| 56 | 14151 MONTFORT | APEX FINANCIAL CORP |
| 57 | 14151 MONTFORT | MOGRAY DAVID UNIT 321 |

Thursday, May 19, 2011

| Label # | Address | Owner |
|----------------|----------------|---|
| 58 | 14151 MONTFORT | DIAZ LUISA |
| 59 | 14151 MONTFORT | PADILLA EVA K |
| 60 | 14151 MONTFORT | MONTOYA AIMEE K UNIT 324 |
| 61 | 14151 MONTFORT | PIZARROCASTANEDA KARINA S |
| 62 | 14151 MONTFORT | ROSE MARCY L |
| 63 | 14151 MONTFORT | SEISER BETTE UNIT 327 |
| 64 | 14151 MONTFORT | COOK GEORGE SMITH TR & CORNELIA T. B. COOK TR |
| 65 | 14151 MONTFORT | BUOKAGA ALIAKBARI NO 329 |
| 66 | 14151 MONTFORT | IVIE SYLVIA H & ETAL |
| 67 | 14151 MONTFORT | ASLAM SHABANA AFSHA |
| 68 | 14151 MONTFORT | MILAGUEMA LLC |
| 69 | 14151 MONTFORT | SANCHEZ RAMIRO |
| 70 | 14151 MONTFORT | BELTRAN SAMARITANA UNIT 104 |
| 71 | 14151 MONTFORT | NORDSETH STEVEN & JUDY J |
| 72 | 14151 MONTFORT | GAITHER CASEY RIGGS UNIT 336 |
| 73 | 14151 MONTFORT | JPMORGAN CHASE BANK % HOMECOMINGS FINANCIAL |
| 74 | 14151 MONTFORT | ENNAOUAJI NABIL UNIT 338 |
| 75 | 14151 MONTFORT | NORDSETH STEVEN L & JUDY J |
| 76 | 14151 MONTFORT | NGUYEN JULIE UNIT 340 |
| 77 | 14151 MONTFORT | JOHNSON WILLIAM L |
| 78 | 14151 MONTFORT | JAHADI MICHAEL R & AGHDAS ABGHARI |
| 79 | 14151 MONTFORT | KING CAROLINE UNIT 343 |
| 80 | 14151 MONTFORT | BLALOCK JASON R |
| 81 | 14151 MONTFORT | SMITH HEATHER E APT345 |
| 82 | 14151 MONTFORT | DUNN JAMES R |
| 83 | 14151 MONTFORT | TURETSKY MIKHAIL & ANNA KANKAVA |
| 84 | 14151 MONTFORT | ASHMORE DOROTHY R |
| 85 | 14151 MONTFORT | BECK MARLA GITLIN UNIT 349 |
| 86 | 14151 MONTFORT | PERDUE STEPHANY L |
| 87 | 14151 MONTFORT | AGUIRRE LANDA Y UNIT 351 |
| 88 | 14151 MONTFORT | RYAN MARGARET KEENAN UNIT 352 |

Thursday, May 19, 2011

| Label # Address | | | Owner |
|-----------------|-------|----------|---------------------------------|
| 89 | 14151 | MONTFORT | CARDENAS FRANCISCO |
| 90 | 14151 | MONTFORT | ANCONA VIRGINIA A |
| 91 | 14151 | MONTFORT | FIELDER BRANDIS N |
| 92 | 14151 | MONTFORT | RIPPEY THOMAS A # 356 |
| 93 | 14151 | MONTFORT | WALLACE RONALD JR |
| 94 | 14151 | MONTFORT | FRANCIS JANE D |
| 95 | 14151 | MONTFORT | SIDDLE SHERRA D UNIT 359 |
| 96 | 14151 | MONTFORT | CHANG ELBERT UNIT 360 |
| 97 | 14151 | MONTFORT | LOSE JOHN BLDG SS UNIT 361 |
| 98 | 14151 | MONTFORT | CAMPBELL BETTY MARIA UNIT 362 |
| 99 | 14151 | MONTFORT | GOYTIA MARIA |
| 100 | 14151 | MONTFORT | JAHADI ZAHARA & MICHAEL JAHADI |
| 101 | 14151 | MONTFORT | CORLEY TERRY B & TINA M APT 365 |
| 102 | 14151 | MONTFORT | WHITNEY WILLIAM S UNIT 366 |
| 103 | 14151 | MONTFORT | SOBRINHO JOSE P UNIT 367 |

Thursday, May 19, 2011

Planner: Warren F. Ellis**FILE NUMBER:** Z101-123(WE) **DATE FILED:** November 10, 2010**LOCATION:** South side of Elm Street, west of Crowds Street**COUNCIL DISTRICT:** 2 **MAPSCO:** 45-M**SIZE OF REQUEST:** Approx. 2,500 sq. ft. **CENSUS TRACT:** 33.0

APPLICANT: Carl Priggre
Elm Street bar**OWNER:** Jeanne Blanton**REPRESENTATIVE:** Audra Buckley**REQUEST:** An application for a renewal of Specific Use Permit No. 1696 for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.**SUMMARY:** The purpose of this request is to continue to operate a bar, tavern or lounge within the Deep Ellum District.**STAFF RECOMMENDATION:** Approval, for a one-year time period, subject to the attached conditions

BACKGROUND INFORMATION:

- The applicant's request for a renewal of Specific Use Permit No. 1696 will allow for the continued operation of bar, lounge or tavern within the Deep Ellum District.
- In June 2006, the City Council amended the Deep Ellum Planned Development District to require certain businesses to have Specific Use Permits to operate and to sunset the non-conforming rights for those establishments.
- In December 2007, the City Council approved Specific Use Permit No. 1696 for a three year period. In December 2010, Specific Use Permit No. 1696 expired but the applicant filed an application to renew SUP No. 1696 in November 2010. The request site is now under new ownership and will have live music performance on Fridays and Saturdays from 9:00 p.m. to 1:00 a.m. (the next day). The live music portion is considered an accessory use because the live music will be performed less than three days.
- The request site is located within a one-story multi-tenant mixed use development. The development consists of a variety of retail and commercial uses that shares surface parking spaces on Elm Street.

Zoning History: There have been 11 zoning changes requested within Planned Development District No. 296, the Deep Ellum/Near East Side Special Purpose District.

1. Z067-233 On August 8, 2007, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge or tavern for a one-year time period, subject to a site plan and conditions on the south side of Elm Street.
2. Z067-289 On October 24, 2007, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge or tavern for an 18-month time period, subject to a site plan and conditions on the north corner of Crowds Street and July Alley.
3. Z067-290 On October 24, 2007, the City Council approved a Specific Use Permit for a Tattoo Studio and Body Piercing Studio for a three year period with eligibility for automatic renewals for three year periods, subject to a site plan and conditions on the north side of Elm Street, west of Malcolm X Boulevard.
4. Z067-343 On December 12, 2007, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge or tavern for a three-year time period, subject to a site plan and conditions on the south side of Elm Street, east of Crowds Street.

5. Z067-347 On December 12, 2007, the City Council approved a Specific Use Permit for an alcoholic beverage establishment for a bar, lounge or tavern and an Inside commercial amusement limited to a live music venue for a five-year time period, subject to a site plan and conditions on the southwest line of Elm Street, west of Crowdus Street.
6. Z078-122 On Wednesday, March 26, 2008 approved a Specific Use Permit for a Tattoo Studio and Body Piercing Studio on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the north side of Main Street, east of Crowdus Street.
7. Z078-136 On March 26, 2008, the City Council approved a Specific Use Permit for a bar, lounge, or tavern for a three year period on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the north side of Elm Street between Malcolm X Boulevard and Crowdus Street.
8. Z089-181 On Wednesday, June 10, 2009, the City Council approved a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern and an Inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
9. Z089-212 On Wednesday, June 10, 2009, the City Council approved a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern and an Inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
10. z089-224 On Wednesday, September 23, 2009, the City Council approved a Specific Use Permit for a Bar, lounge, or tavern and an Inside commercial amusement for a Live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District

- 11.Z089-271 On Wednesday, December 9, 2009, the City Council approved a Specific Use Permit for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District. (not shown on map)
- 12.Z089-273 On Wednesday, December 9, 2009, the City Council approved your client's application and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use limited to a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
- 13.Z089-181 On Wednesday, May 25, 2011, the City Council approved a renewal of Specific Use Permit No. 1757 for a Bar, lounge, or tavern and Inside commercial amusement use for a Live music venue on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------|--------------|--------------|
| Elm Street | Local Street | 70 ft. | 70 ft. |
| Crowdus Street | Local Street | 35 ft. | 35 ft. |

Land Use:

| | Zoning | Land Use |
|--------------|-------------------------|----------------------------------|
| Site | PDD No. 269, Tract A | Bar, lounge or tavern |
| North | PDD No. 269 Tract A | Retail, Commercial |
| South | PDD No. 269 Tract A | Retail, Commercial |
| East | PDD No. 269 Tract A | Retail, Bar, lounge or tavern |
| West | PDD No. 269 Tract A | Surface parking |

COMPREHENSIVE PLAN:

The comprehensive plan does not make a specific land use recommendation related to the request, however the forward Dallas! Vision Illustration is comprised of a series of Building Blocks that shows general land use patterns. They are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The request site lies within an Urban Mixed-Use Building Block. This Building Block provides for a healthy balance of housing, job, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

STAFF ANALYSIS:

Land Use Compatibility: The 2,500 square foot site is located within a one-story multi-tenant mixed use development and is adjacent to the variety of retail and bar, lounge or tavern uses. The request for Specific Use Permit for a bar, lounge or tavern will allow the applicant to operate within the existing structure.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption. PDD No. 269 defines a live music venue as an inside commercial amusement use, primarily for the performance of live, (not recorded) music for an audience.

PDD No. 269 provided a compliance date of December 14, 2007 for bar, lounge or tavern and dance hall uses to receive a Specific Use Permit. In addition, PDD No. 269 specifies that “no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an original building. Otherwise, one space for each 100 square feet of floor area. No parking is required for outside seating. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.”.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Landscaping: The request site is located within an existing structure and the landscaping requirements will not be triggered.



Parking: PDD No. 269 gives a credit for the first 2,500 square feet of bar, lounge, or tavern uses when located on the first floor in an original building.

Miscellaneous – SUP Conditions: The applicant has requested to limit the time period for their proposed use to a one year period without automatic renewals. Staff has reviewed the applicant's request and recommends a one year period with no automatic renewals for the proposed use. In June 2011, the applicant's representative met with the Deep Ellum Association Committee regarding the proposed SUP. The committee agreed to support the applicant's requests and requested that the SUP conditions include several new regulations. These new regulations are underlined in the SUP conditions and are as follows:

1. No auto-renewal but eligible for renewal
2. Time period of 1 year – it has a new owner so they want to give him a 'trial run.'
3. No external speakers
4. Live entertainment restricted as an accessory use for Friday and Saturday nights only 9:00 to 1:00.
5. One security officer on the premise – can be a private officer.

Staff has incorporated 4 of the 5 proposed conditions into the Specific Use permit conditions.

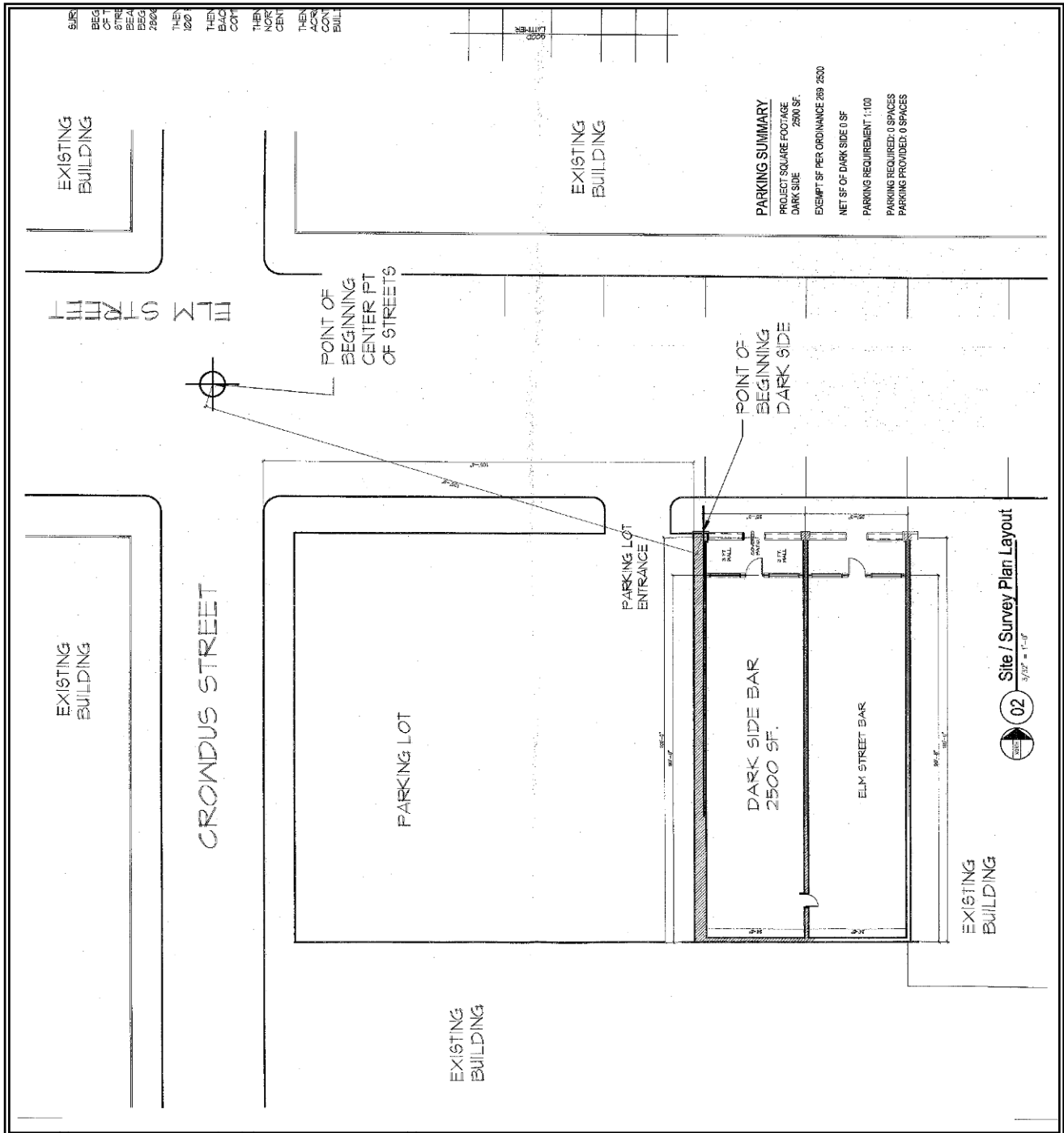
Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.

| DALLAS POLICE DEPARTMENT | | | | | | | | | | |
|---|--------------|-------------------|--------------------------|-------|-----|--------|------|----------------|-------|---------|
| UCR Codes Year Codes Property Class Codes | | | | | | | | | | Welcome |
| Virtual Viewer - Public Access | | | | | | | | | | |
|   | | | | | | | | | | |
| Search Records - Offense | | | | | | | | | | Filter |
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0008214-X | 01/08/2010 | SEIKALY,ALEXANDER | OTHER OFFENSES | 02810 | | ELMST | 153 | 2066 | 26000 | |
| 0045211-W | 02/14/2009 | SWINDLE,PATRICK | AGGRAVATED ASSAULT | 02810 | | ELMST | 153 | 2066 | 08121 | 04131 |
| 0076795-V | 03/15/2008 | *DARK SIDE BAR | CRIMINAL MISCHIEF/VAN... | 02810 | | ELMST | 135 | 2066 | 14082 | |
| 0185008-W | 06/25/2009 | BYRD,ERIC | ASSAULT | 02810 | | ELMST | 153 | 2066 | 08211 | |

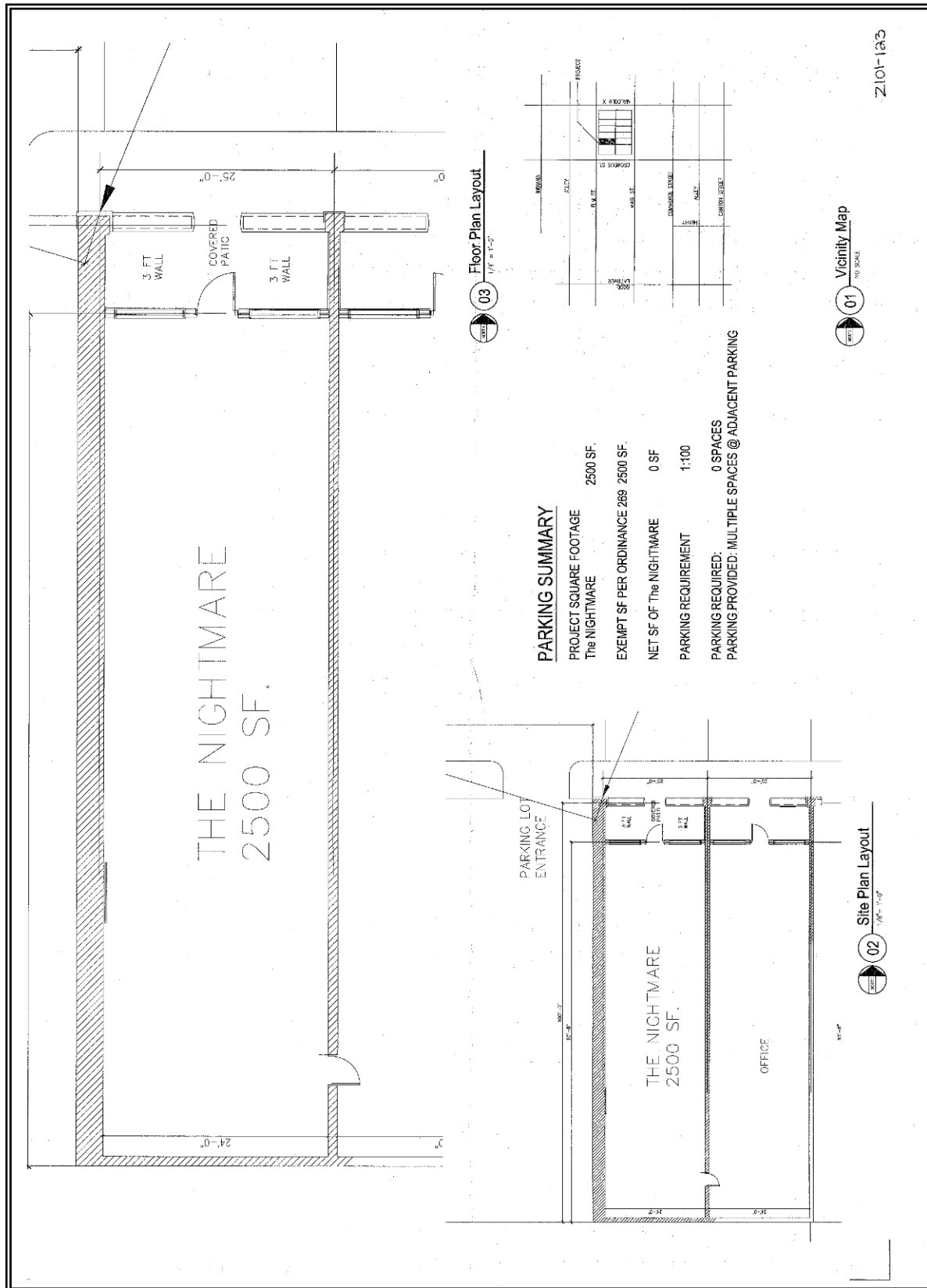
SUP CONDITIONS

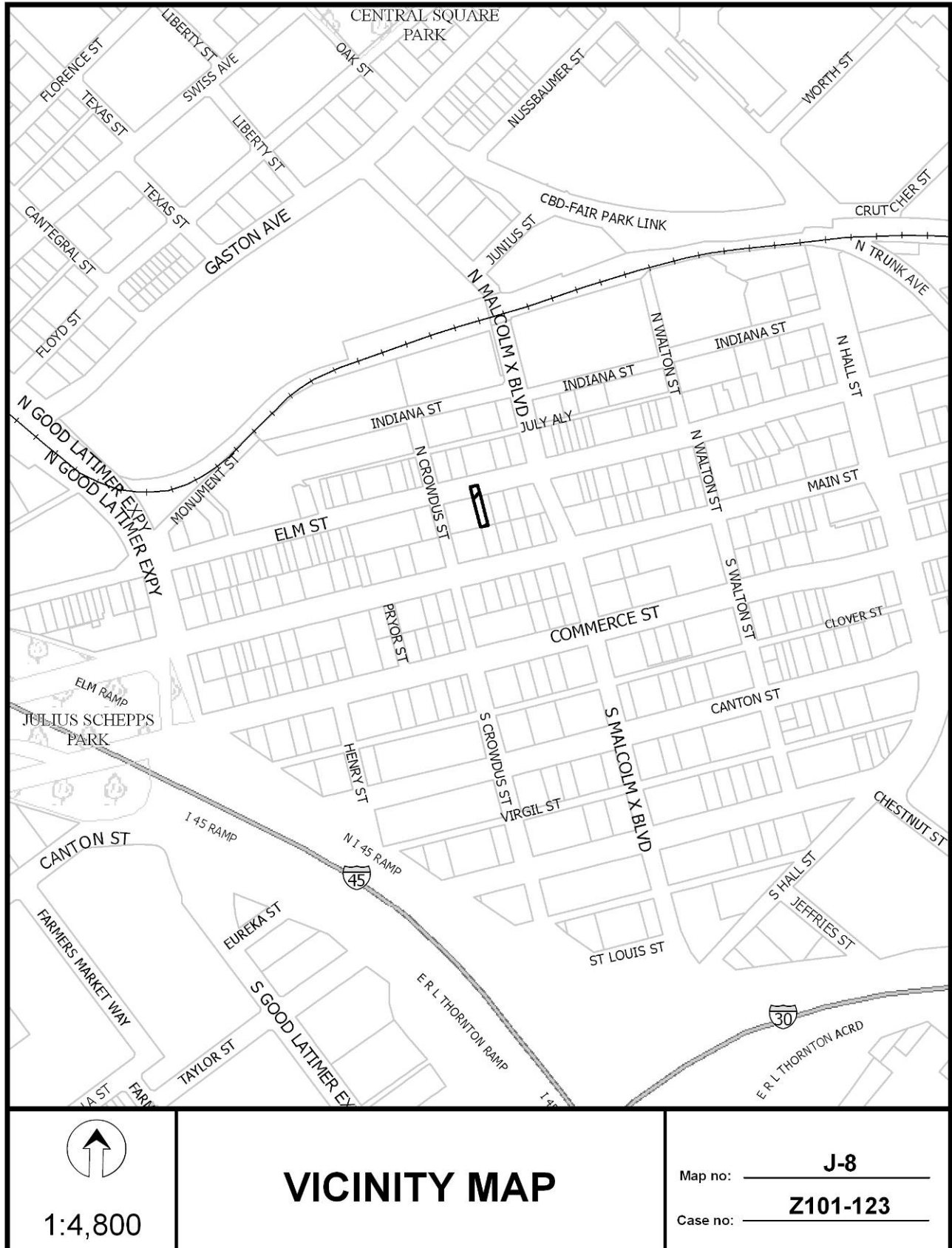
1. USE: The only uses authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on ~~[December 12, 2010]~~ (one-year period from the passage of this ordinance).
4. MAXIMUM FLOOR AREA: The maximum floor area for a bar, lounge or tavern is 2,500 square feet in the location as shown on the attached site plan.
5. CERTIFICATE OF OCCUPANCY: The alcohol beverage established limited to a bar, lounge, or tavern must obtain an amended certificate of occupancy from the Building Official by _____, 2011, (30 days after passage of this ordinance). All requirements of this specific use permit and Planned Development District No. 269 (the Deep Ellum/Near East Side District), must be met before the Building Official may issue an amended certificate of occupancy.
6. HOURS OF OPERATION: The hours of operation are from 6:00 p.m. to 2:00 a.m. (the next day), Monday through Friday, and 3:00 p.m. to 2:00 a.m., Saturday and Sunday (the next day).
7. OFF-STREET PARKING: ~~[No off-street parking required.]~~ Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
8. OUTSIDE SPEAKERS: Outside speakers are prohibited.
9. SECURITY OFFICER: A minimum of one peace officer is required on site between the hours of 10:00 p.m. and 2:00 a.m. (the next day).
10. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas

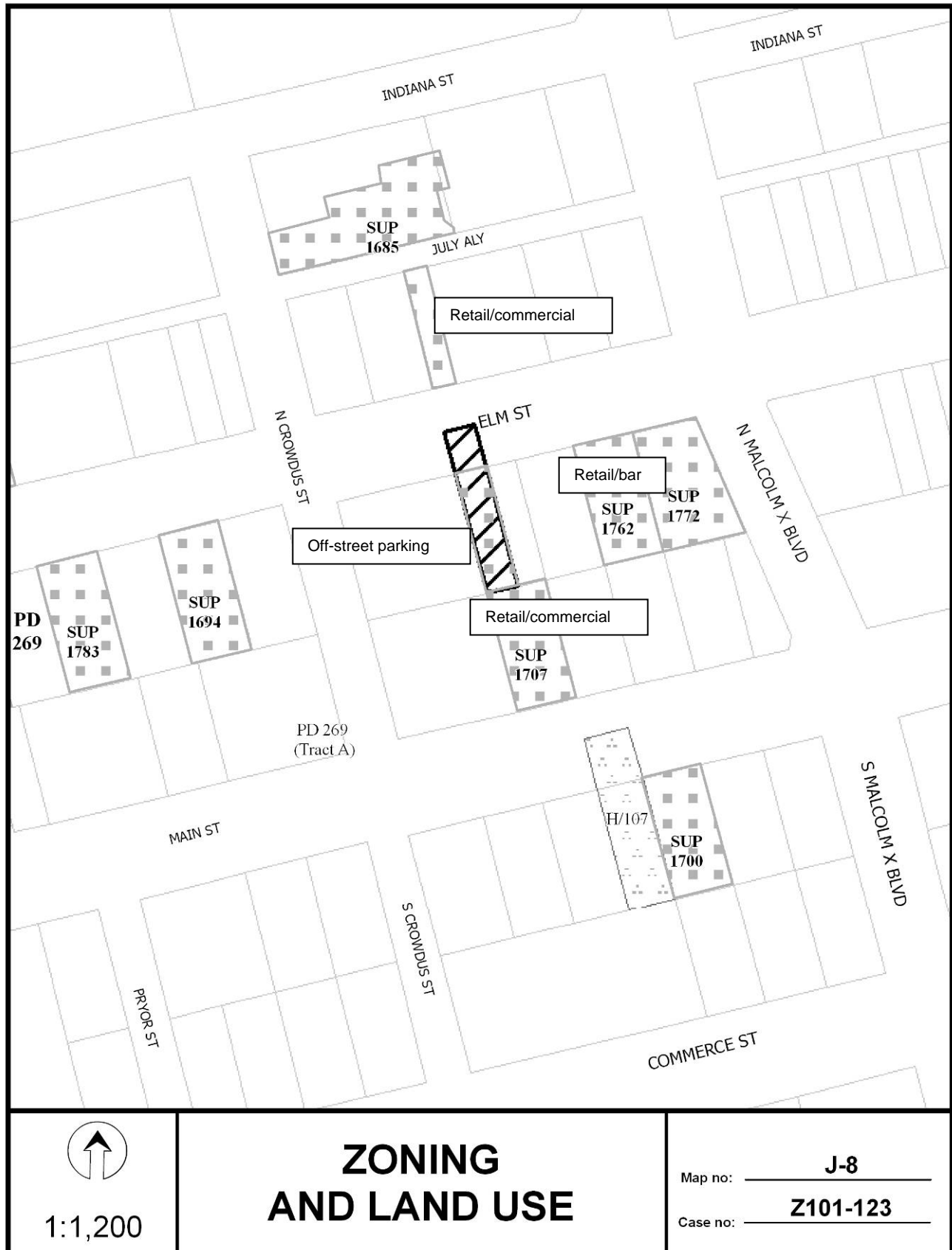
EXISTING SITE PLAN

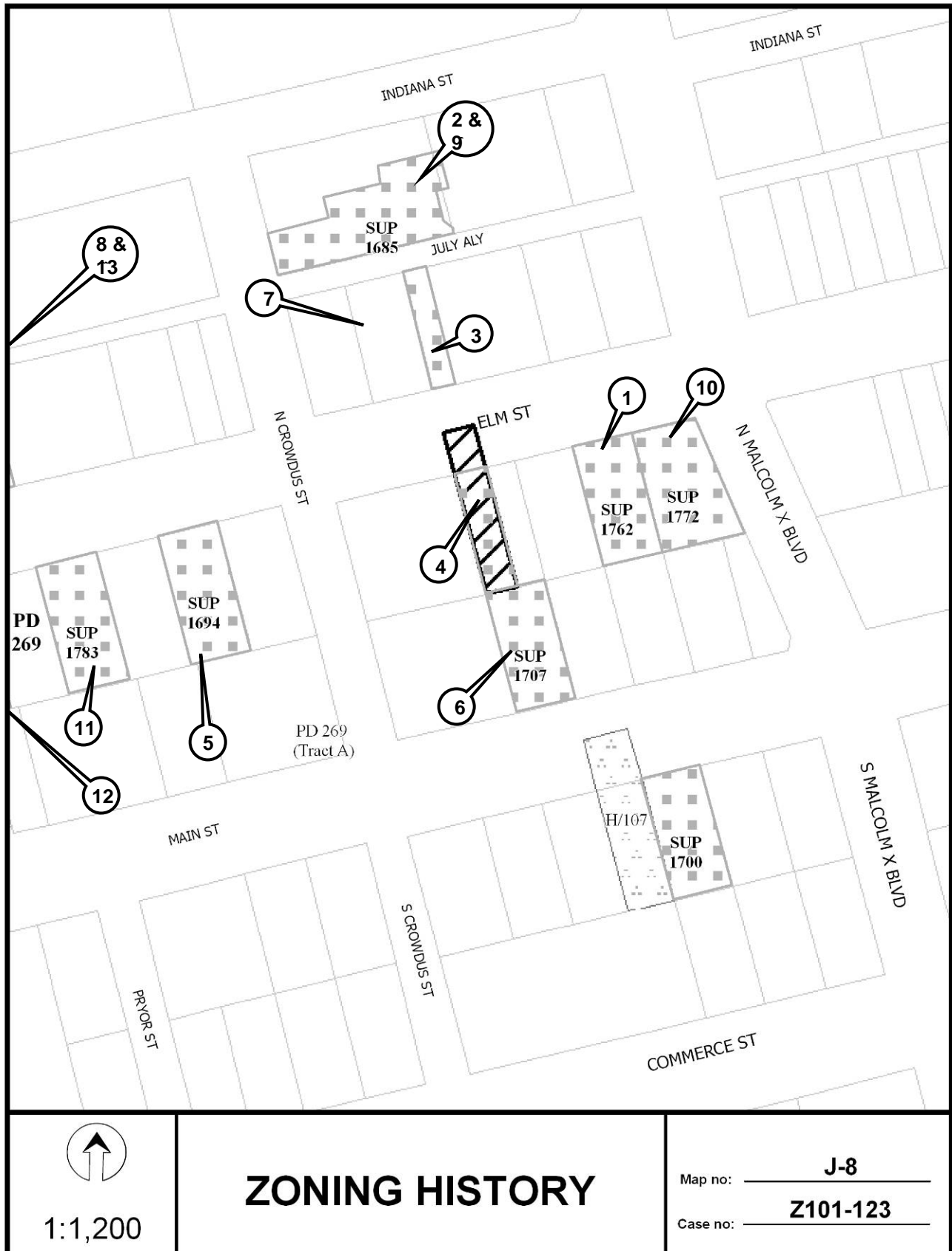


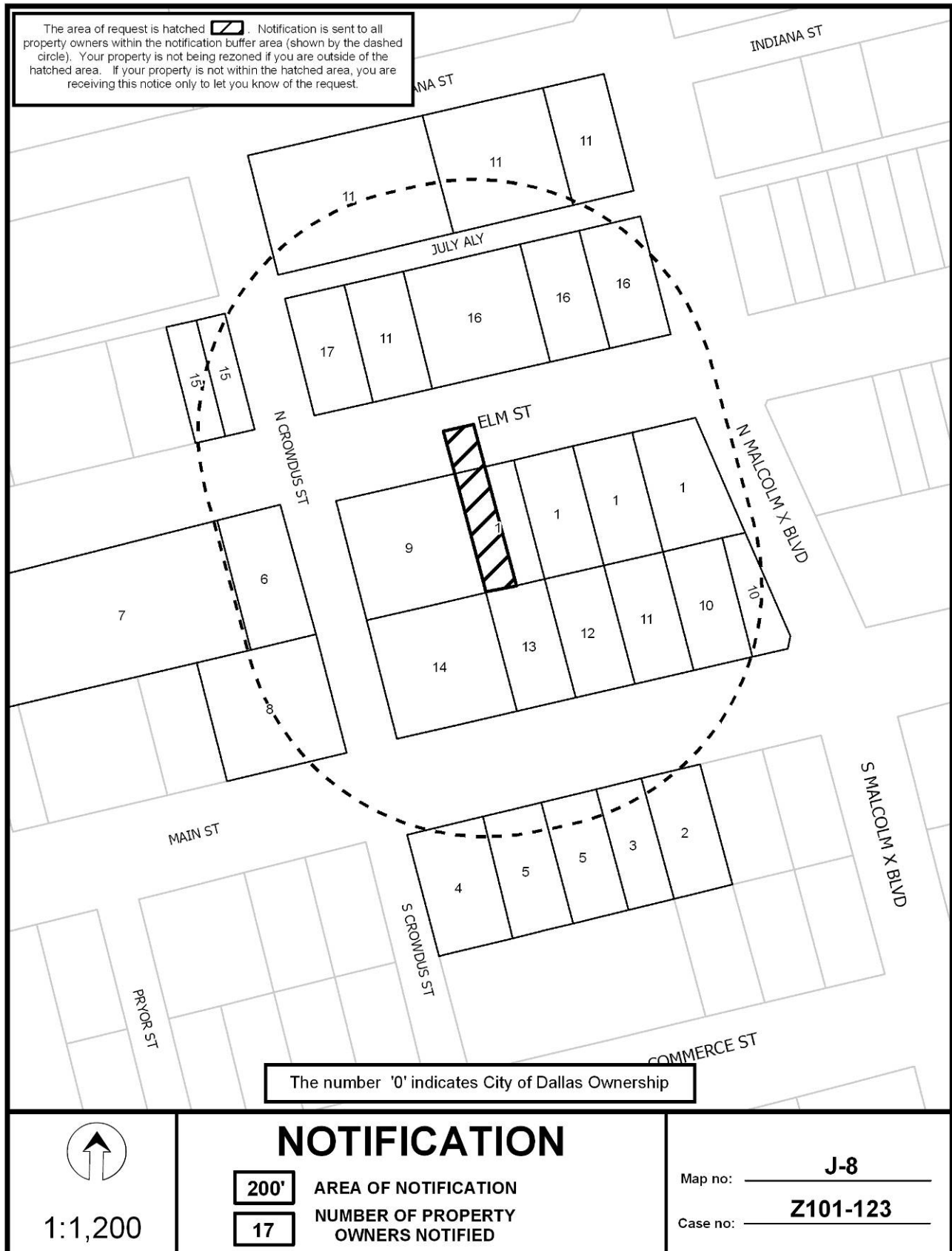
PROPOSED SITE PLAN











Notification List of Property Owners

Z101-123

17 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | | <i>Owner</i> |
|-----------------------|-----------------------|------|---|
| 1 | 2826 | ELM | BLANTON DONNY G |
| 2 | 2816 | MAIN | JERNIGAN REALTY PTNR LP |
| 3 | 2814 | MAIN | SOUND WAREHOUSE OF DALLAS |
| 4 | 2800 | MAIN | CONGRESS STREET NIGHTS INC |
| 5 | 2810 | MAIN | GORDON NORMAN & ANDREA |
| 6 | 2724 | ELM | WESTDALE PROPERTIES AMERICA I LTD |
| 7 | 2720 | ELM | ELM STREET REALTY LTD |
| 8 | 2715 | MAIN | MAIN PROPERTIES LLC |
| 9 | 2806 | ELM | DEEP ELM I LTD % DON E CASS |
| 10 | 2825 | MAIN | SMITH PACIFIC INC |
| 11 | 2821 | MAIN | BLANTON DON |
| 12 | 2815 | MAIN | CASS DON E TR STE B |
| 13 | 2809 | MAIN | BLANTON DON G |
| 14 | 2803 | MAIN | DEEP ELM JV 1 % DON E CASS |
| 15 | 2723 | ELM | 2723 ELM STREET JV ATTN JOHN BROUDE |
| 16 | 2819 | ELM | MCCORMICK ARTHUR SR LFEST REM: A MCCORMICK SR TR |
| 17 | 2801 | ELM | MAGERS SCOTT E & DOUGLAS E ALDRIDGE |

Tuesday, April 19, 2011

FILE NUMBER: Z101-184(WE) **DATE FILED:** January 28, 2011
LOCATION: Lake June Road and N. Prairie Creek Road, southwest corner
COUNCIL DISTRICT: 5 **MAPSCO:** 59-J
SIZE OF REQUEST: Approx. 0.261 acres **CENSUS TRACT:** 92.02

APPLICANT: D & S Trading, Inc.

OWNER: Reeves Group, Ltd.

REPRESENTATIVE: Malik Parvez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store less than 3,500 square feet use within a retail strip center.
- The proposed use is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property is prohibited in a D Dry Liquor Control Overlay and requires a specific use permit in the D-1 Dry Liquor Control Overlay.
- The surrounding land uses consist of a variety of residential and retail and personal service uses.

Zoning History: There has not been any zoning changes requested in the area.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|-----------------------|--------------------|--------------|--------------|
| N. Prairie Creek Road | Collector | 56 ft. | 56 ft. |
| Lake June Road | Principal Arterial | 80 ft. | 100 ft. |

Land Use:

| | Zoning | Land Use |
|--------------|----------------|--|
| Site | CR-D | Retail strip ctr. w/ general merchandise store |
| North | RR-D, CR-D | Restaurant, undeveloped |
| South | R-7.5(A), CR-D | Single family |
| East | CR-D | Auto related uses |
| West | CS-D, RR-D | Car wash, undeveloped |

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is on a Transit or Multi-Modal Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family

neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

Land Use Compatibility: The approximately 11,367.54 square foot site is zoned a CR-D Community Retail District with a D Liquor Control Overlay and is currently developed with a general merchandise or food store less than 3,500 square feet use within an existing retail strip center. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which is not allowed by the D Liquor Control Overlay but requires a Specific Use Permit in the D-1 Liquor Control Overlay.

There is currently a community center/church use that is located within the 300 feet of a requested site. However, the community center/church use presently does not have a (CO) Certificate of Occupancy and is not a protected use. Staff has informed the applicant’s representative that the Building Official may not issue a (CO) Certificate of Occupancy for the Specific Use Permit if the community center/church use becomes a protected use prior to the following: 1) City Council approving the zoning application, and 2) the applicant filing for and receiving a CO for the general merchandise or food store less than 3,500 square before the community center/church receives their certificate of occupancy.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

| DISTRICT | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|--------------------------|----------|--|--------------------------------|------------------|--------------|--|--------------------------------------|
| | Front | Side/Rear | | | | | |
| CR-D Community retail | 15' | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 office | 54' 4 stories | 60% | Proximity Slope Visual Intrusion | Retail & personal service, office |
| | | | | | | | |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 16 spaces with 16 spaces being provided per the attached site plan. The remaining parking spaces are designated for other retail and personal service uses.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.

| DALLAS POLICE DEPARTMENT | | | | | | | | | | |
|--|--------------|------------------------|--------------------------|-------|-----|------------|------|----------------|-------|--------|
| Virtual Viewer - Public Access | | | | | | | | | | |
| <div>    </div> | | | | | | | | | | |
| Search Records - Offense | | | | | | | | | | Filter |
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0009694-X | 01/10/2010 | *RUSH HOUR FOOD MART | CRIMINAL MISCHIEF/VAN... | 08912 | | LAKEJUN... | 337 | 2203 | 14083 | |
| 0016581-Y | 01/18/2011 | FLINT, JOSEPH | ROBBERY | 08912 | | LAKEJUN... | 337 | 2203 | 03962 | |
| 0017731-X | 01/19/2010 | *RUSH HOUR FOOD STO... | BURGLARY | 08912 | | LAKEJUN... | 337 | 2203 | 05128 | |
| 0025531-W | 01/26/2009 | *RUSH HOUR FOOD MART | CRIMINAL MISCHIEF/VAN... | 08912 | | LAKEJUN... | 337 | 2203 | 14082 | |
| 0025600-X | 01/26/2010 | *RUSH HOUR FOOD MART | BURGLARY | 08912 | | LAKEJUN... | 337 | 2203 | 05138 | |
| 0087176-W | 03/29/2009 | *RUSH HOUR FOODS | BURGLARY | 08912 | | LAKEJUN... | 337 | 2203 | 05337 | |
| 0112236-Y | 05/02/2011 | OLIVARES-JIMENEZ,JUAN | THEFT | 08912 | | LAKEJUN... | 337 | 2203 | 06952 | |
| 0112851-V | 04/16/2008 | HAMPTON,MARCUS | ASSAULT | 08912 | | LAKEJUN... | 334 | 2203 | 08221 | |
| 0112852-V | 04/17/2008 | GOOSEBERRY,ASHLEY | AGGRAVATED ASSAULT | 08912 | | LAKEJUN... | 334 | 2203 | 04411 | |
| 0126498-V | 04/29/2008 | *RUSH HOUR FOODS | THEFT | 08912 | | LAKEJUN... | 334 | 2203 | 06905 | |
| 0195781-W | 07/05/2009 | LALANI, AMIN | AUTO THEFT-UUMV | 08912 | | LAKEJUN... | 337 | 2203 | 07172 | |
| 0243374-V | 04/08/2008 | *RUH HOUR FOOD MART | THEFT | 08912 | | LAKEJUN... | 334 | 2203 | 06972 | |
| 0250925-W | 08/23/2009 | ROSALES, ARTURO | THEFT | 08912 | | LAKEJUN... | 337 | 2203 | 06992 | |
| 0272665-X | 09/30/2010 | *RUSH HOUR FOODS | THEFT | 08912 | | LAKEJUN... | 337 | 2203 | 06935 | |
| 0272666-X | 09/30/2010 | @CITY OF DALLAS | FOUND PROPERTY | 08912 | | LAKEJUN... | 337 | 2203 | 43020 | |

LIST OF OFFICERS
Reeves Group Ltd.

- George M. Reeves President / Secretary

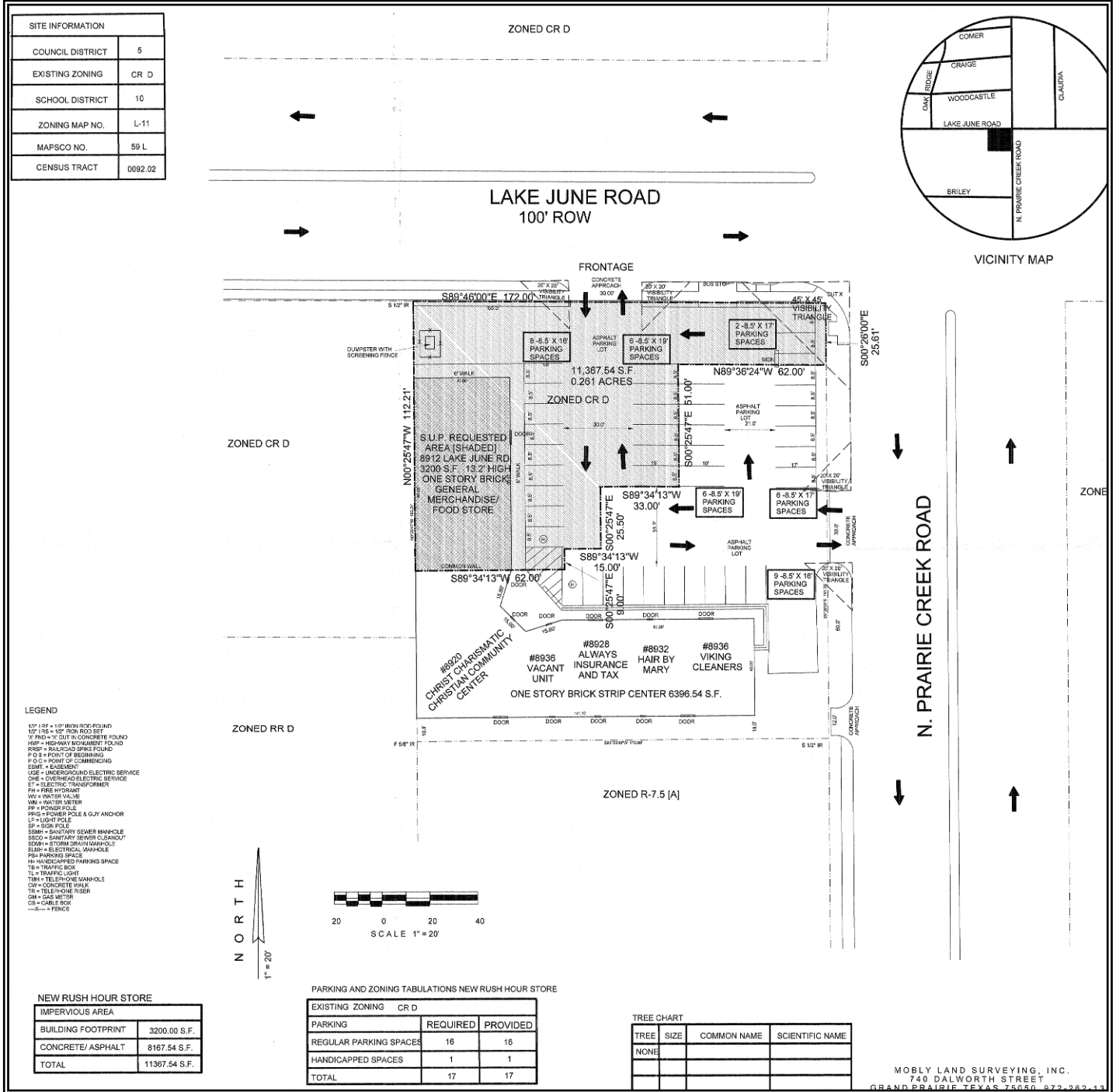
LIST OF OFFICERS
D & S Trading, Inc.

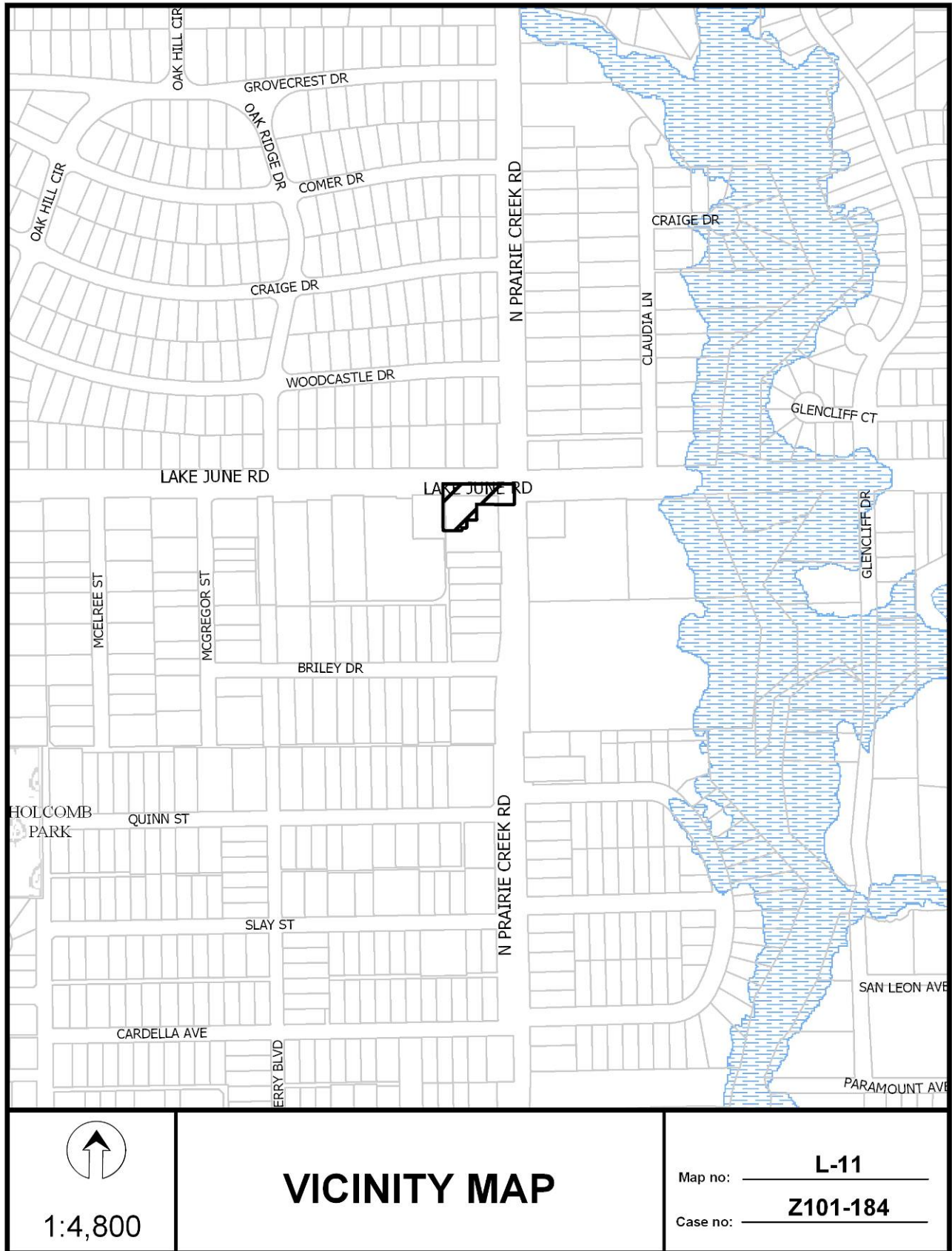
- Rahim Sadruddin President / Secretary

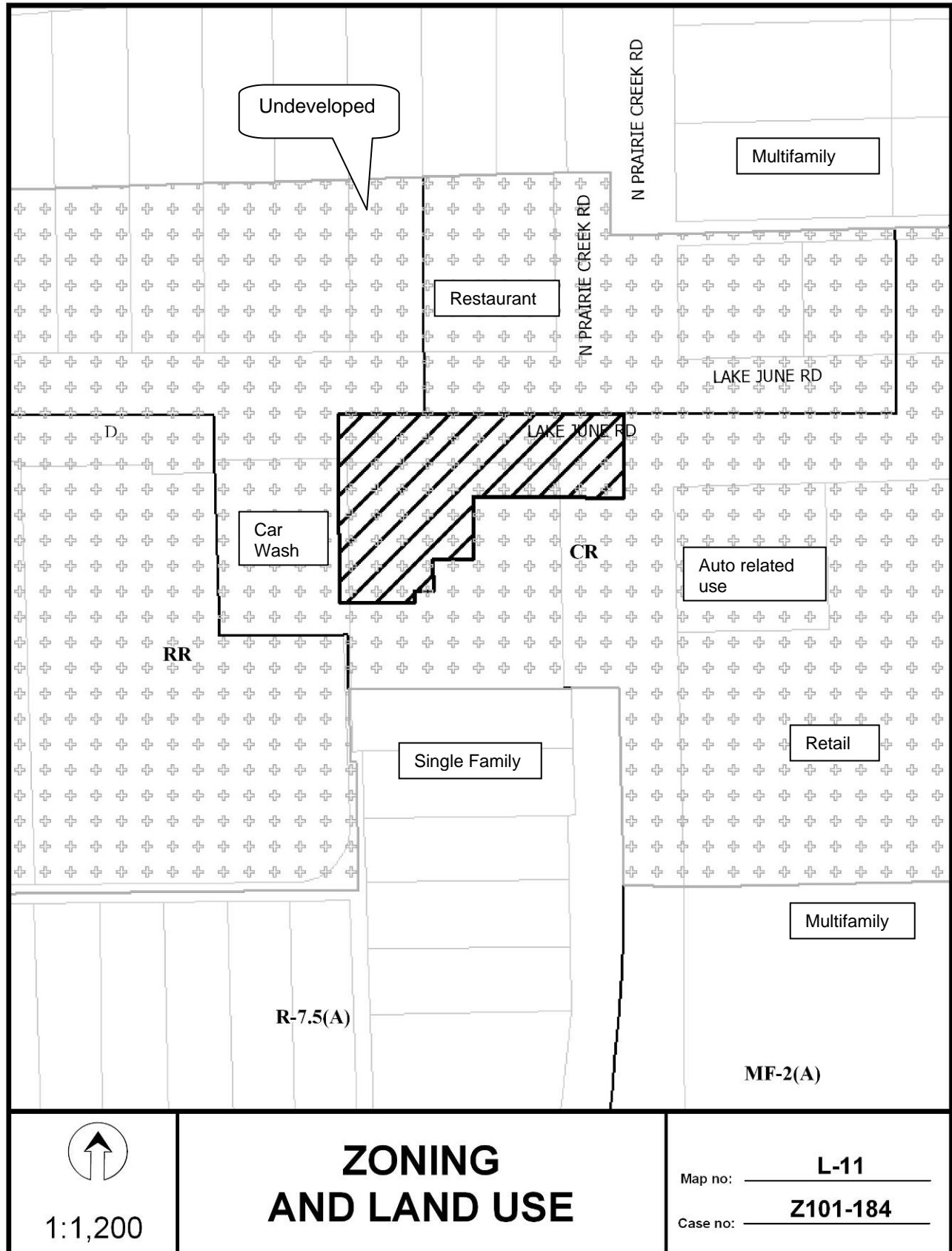
| |
|--------------------------------|
| PROPOSED SUP CONDITIONS |
|--------------------------------|

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS / EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

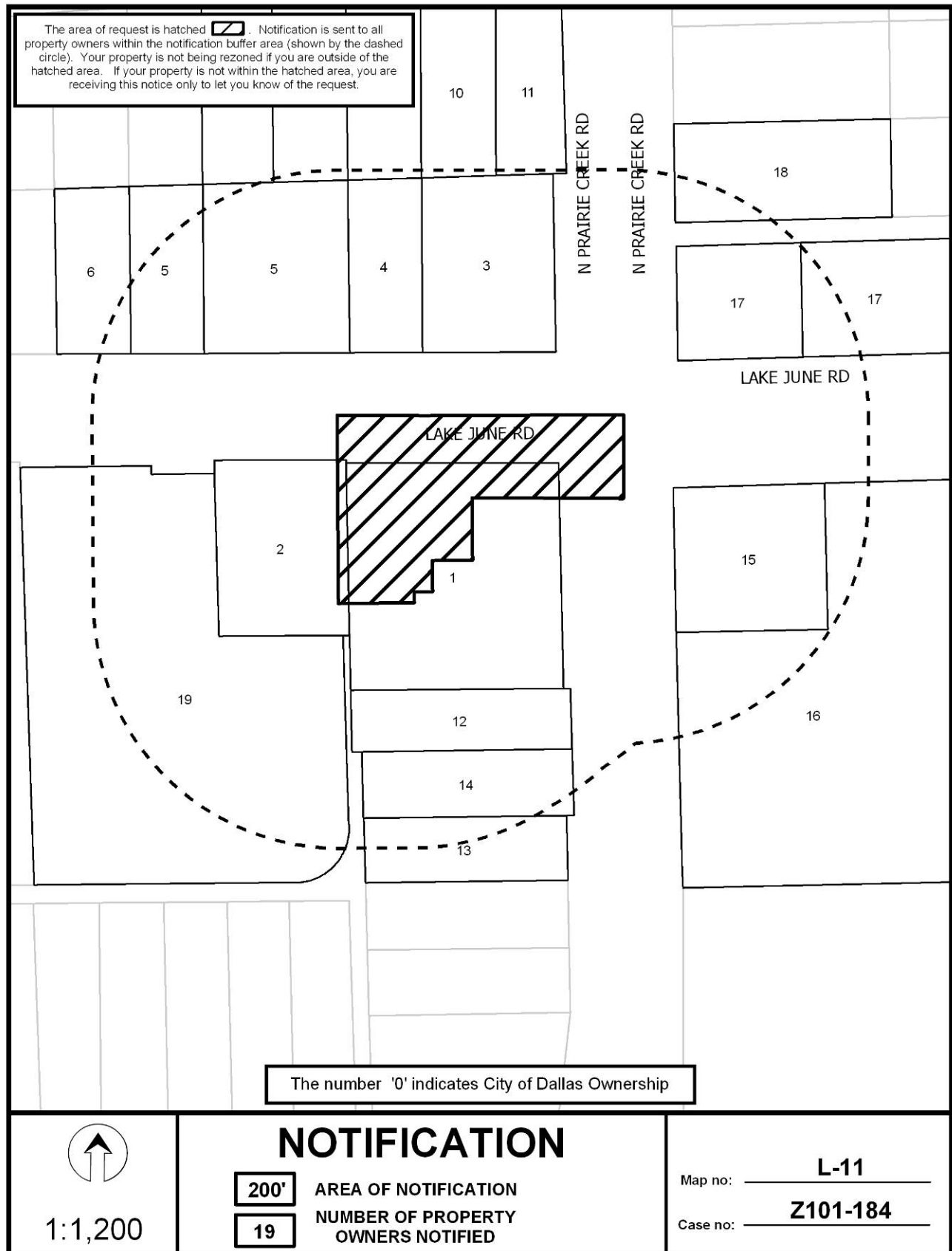
PROPOSED SITE PLAN







DATE: June 14, 2011



DATE: June 14, 2011

Notification List of Property Owners

Z101-184

19 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|-------------------------------------|
| 1 | 8912 LAKE JUNE | REEVES GROUP LTD |
| 2 | 8904 LAKE JUNE | OPALACH THOMAS |
| 3 | 8921 LAKE JUNE | BALLAS VICTOR |
| 4 | 8913 LAKE JUNE | DIAZ JUAN |
| 5 | 8905 LAKE JUNE | MORALES CARLOS & PATRICIA L MORALES |
| 6 | 8821 LAKE JUNE | FERRUFINO MARIA ANTONIA |
| 7 | 8904 WOODCASTLE | MOSER ROGER C & DIXIE L MOSER |
| 8 | 8908 WOODCASTLE | RAGSDALE GEORGE A |
| 9 | 8912 WOODCASTLE | MENDOZA RAUL |
| 10 | 8916 WOODCASTLE | OLDHAM DOLORIS JENNIE V |
| 11 | 8920 WOODCASTLE | BUTLER NANCY A |
| 12 | 1227 PRAIRIE CREEK | AGN HOLDINGS LLC |
| 13 | 1219 PRAIRIE CREEK | RODRIGUEZ ESTEBAN & JUANA |
| 14 | 1221 PRAIRIE CREEK | HERRERA WLADIMIR ALEJANDRO |
| 15 | 9000 LAKE JUNE | HAMM GUY L & JOYCE C |
| 16 | 9020 LAKE JUNE | GULF REALTY INC |
| 17 | 9015 LAKE JUNE | POLLMAN HAROLD A |
| 18 | 1312 PRAIRIE CREEK | LOPEZ MELQUIDEZ |
| 19 | 8836 LAKE JUNE | EXCEL VENTURES LTD |

Tuesday, June 14, 2011

FILE NUMBER: Z101-205(WE) **DATE FILED:** March 1, 2011
LOCATION: Jennie Lee Street and S. Buckner Boulevard, southeast corner
COUNCIL DISTRICT: 4 **MAPSCO:** 58-C
SIZE OF REQUEST: Approx. 31,000 sq. ft. **CENSUS TRACT:** 90.00

APPLICANT / OWNER: U S Realty Holdings, Ltd.

REPRESENTATIVE: Ralph Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property within Subarea 1 in Planned Development District No. 366 with a D Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store less than 3,500 square feet use, and a motor vehicle fueling station.
- The proposed SUP would allow the sale of alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on the property requires a specific use permit in the D-1 Liquor Control Overlay.
- The adjacent land uses consist of various auto related uses along Buckner Boulevard. Properties west of the request site are undeveloped.

Zoning History: There has not been any zoning change requested in the area.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------------|--------------|--------------|
| S. Buckner Blvd. | Principal Arterial | 100 ft. | 100 ft. |
| Jennie Lee Street | Local | 60 ft. | 60 ft. |

Land Use:

| | Zoning | Land Use |
|--------------|----------------------------|-------------------------|
| Site | PDD No. 366 D Subarea 1 | Service Station |
| North | PDD No. 366 D Subarea 1 | Office |
| South | PDD No. 366 D Subarea 1 | Furniture store |
| East | R-7.5(A) | Single Family |
| West | PDD No. 366 D Subarea 1 | Furniture store, Church |

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is on a Transit or Multi-Modal Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family

neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

Land Use Compatibility: The request site is approximately 31,000 square feet of floor area and is developed with a general merchandise or food store less than 3,500 square feet use and a motor vehicle fueling station. The request site is located within Subarea 1 of Planned Development District No. 366 with a D Liquor Control Overlay. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which is not allowed by the D Liquor Control Overlay but requires a Specific Use Permit in the D-1 Liquor Control Overlay. The applicant is seeking an off-premise license

The adjacent land uses consists of various retail, office, commercial and institutional uses along Buckner Boulevard. Properties east of the request site are developed with residential uses.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

| DISTRICT | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|---------------|-----------------|---|--|----------------|--------------|--|--|
| | Front | Side/Rear | | | | | |
| PDD No. 366-D | 15' 0' on minor | 30' adjacent to residential OTHER: No Min. | 2.0 FAR overall 0.75 office/ retail 0.5 retail | 110' 8 stories | 80% | Proximity Slope Visual Intrusion | Industrial, wholesale distribution & storage, supporting office & retail |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. The development requires 7 spaces with 7 being provided per the attached site plan

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.



DALLAS POLICE
DEPARTMENT

[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access



Welcome





Search Records - Offense

Filter

| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
|---------------------------|--------------|--------------------|-----------------|-------|-----|-------------|------|----------------|-------|------|
| 0021645-W | 01/22/2009 | WALKER,TAMEKA | AUTO THEFT-U... | 02438 | S | BUCKNERB... | 324 | 1243 | 07111 | |
| 0023699-V | 01/23/2008 | *ASA MANAGEMENT | ROBBERY | 02438 | S | BUCKNERB... | 328 | 1243 | 03711 | |
| 0039503-V | 02/08/2008 | @CITY OF DALLAS | FOUND PROPE... | 02438 | S | BUCKNERB... | 328 | 1243 | 43020 | |
| 0074148-X | 03/18/2010 | *SHELL | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06933 | |
| 0079864-X | 03/23/2010 | SALTERS, MORRISHA | ROBBERY | 02438 | S | BUCKNERB... | 324 | 1243 | 03941 | |
| 0089101-X | 04/01/2010 | *SHELL STATION | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06933 | |
| 0089102-X | 04/01/2010 | BISTA, NASEED | ASSAULT | 02438 | S | BUCKNERB... | 324 | 1243 | 08111 | |
| 0092360-Y | 04/12/2011 | *SHELL GAS STATION | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06932 | |
| 0092361-Y | 04/13/2011 | *SHELL GAS STATION | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06932 | |
| 0100856-X | 04/13/2010 | *SHELL | ROBBERY | 02438 | S | BUCKNERB... | 324 | 1243 | 03331 | |
| 0137559-Y | 05/28/2011 | @PLANO PD | FOUND PROPE... | 02438 | S | BUCKNERB... | 324 | 1243 | 43030 | |
| 0144925-X | 05/25/2010 | @CITY OF DALLAS | FOUND PROPE... | 02438 | S | BUCKNERB... | 324 | 1243 | 43020 | |
| 0166211-T | 03/10/2007 | ROJAS,DOMINGO | ROBBERY | 02438 | S | BUCKNERB... | 324 | 1243 | 03A42 | |
| 0193145-W | 07/03/2009 | *ASA BUCKNER | BURGLARY | 02438 | S | BUCKNERB... | 324 | 1243 | 05131 | |
| 0193200-X | 07/10/2010 | BOOKER,ANGELIQUE | ASSAULT | 02438 | S | BUCKNERB... | 324 | 1243 | 08411 | |







Page 1 of 3 (40 items)



DALLAS POLICE
DEPARTMENT

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Virtual Viewer - Public Access

Welcome



Search Records - Offense

Filter

| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
|---------------------------|--------------|---------------------------|-----------------|-------|-----|-------------|------|----------------|-------|------|
| 0196567-T | 03/21/2007 | SWINDLE,CAROLYN RUTH | ASSAULT | 02438 | S | BUCKNERB... | 324 | 1243 | 08322 | |
| 0198427-X | 07/13/2010 | CHAVEZ, ANGELA | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06941 | |
| 0202923-V | 06/29/2008 | *R&P FOOD MART (SHELL ... | TRAFFIC MOTO... | 02438 | S | BUCKNERB... | 328 | 1243 | 32090 | |
| 0203198-T | 03/23/2007 | RASHID,SAJAAD | ASSAULT | 02438 | S | BUCKNERB... | 324 | 1243 | 08192 | |
| 0211190-W | 07/18/2009 | *SHELL | BURGLARY | 02438 | S | BUCKNERB... | 324 | 1243 | 05336 | |
| 0213355-X | 07/30/2010 | *SHELL | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06935 | |
| 0217513-T | 03/28/2007 | MONTGOMERY,ALVIN | ROBBERY | 02438 | S | BUCKNERB... | 324 | 1243 | 03942 | |
| 0235962-T | 04/03/2007 | BRONSON,ROMMEL | AUTO THEFT-U... | 02438 | S | BUCKNERB... | 324 | 1243 | 07621 | |
| 0239292-V | 08/01/2008 | MOORE, SHARON | ROBBERY | 02438 | S | BUCKNERB... | 328 | 1243 | 03932 | |
| 0277435-V | 09/07/2008 | *SHELL GAS STATION | ROBBERY | 02438 | S | BUCKNERB... | 328 | 1243 | 03311 | |
| 0286748-W | 09/26/2009 | *SHELL | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06932 | |
| 0328406-V | 10/24/2008 | *SHELL | BURGLARY | 02438 | S | BUCKNERB... | 328 | 1243 | 05131 | |
| 0348287-T | 05/13/2007 | NADEEM,RAFAQAT | ASSAULT | 02438 | S | BUCKNERB... | 324 | 1243 | 08192 | |
| 0371220-W | 12/17/2009 | *SHELL | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06934 | |
| 0384837-T | 05/26/2007 | *SHELL OIL & GAS | BURGLARY | 02438 | S | BUCKNERB... | 324 | 1243 | 05131 | |
| 0385769-T | 05/26/2007 | *AMERICAN FUEL | THEFT | 02438 | S | BUCKNERB... | 324 | 1243 | 06975 | |
| 0490554-T | 07/01/2007 | GONZALES,RIGOBERTO | ROBBERY | 02438 | S | BUCKNERB... | 324 | 1243 | 03A11 | |
| 0507020-T | 07/06/2007 | *NASSAK AND COMPANY | CRIMINAL MIS... | 02438 | S | BUCKNERB... | 324 | 1243 | 14082 | |
| 0644159-T | 09/03/2007 | *BUCKNER SHELL | BURGLARY | 02438 | S | BUCKNERB... | 324 | 1243 | 05237 | |
| 0644273-T | 08/03/2007 | MADRID, JOSE | ROBBERY | 02438 | S | BUCKNERB... | 324 | 1243 | 03942 | |
| 0715304-R | 09/19/2006 | *SHELL FOOD MART | BURGLARY | 02438 | S | BUCKNERB... | 324 | 1243 | 05131 | |
| 0756765-T | 12/01/2007 | *SHELL GAS STATION | BURGLARY | 02438 | S | BUCKNERB... | 328 | 1243 | 05136 | |
| 0769026-T | 12/13/2007 | *SHELL GAS STATION | THEFT | 02438 | S | BUCKNERB... | 328 | 1243 | 06934 | |
| 0789148-R | 10/17/2006 | @DALLAS PD | FOUND PROPE... | 02438 | S | BUCKNERB... | 324 | 1243 | 43020 | |
| 0829248-R | 11/02/2006 | *NASSAK & CO SHELL MART | BURGLARY | 02438 | S | BUCKNERB... | 324 | 1243 | 05132 | |

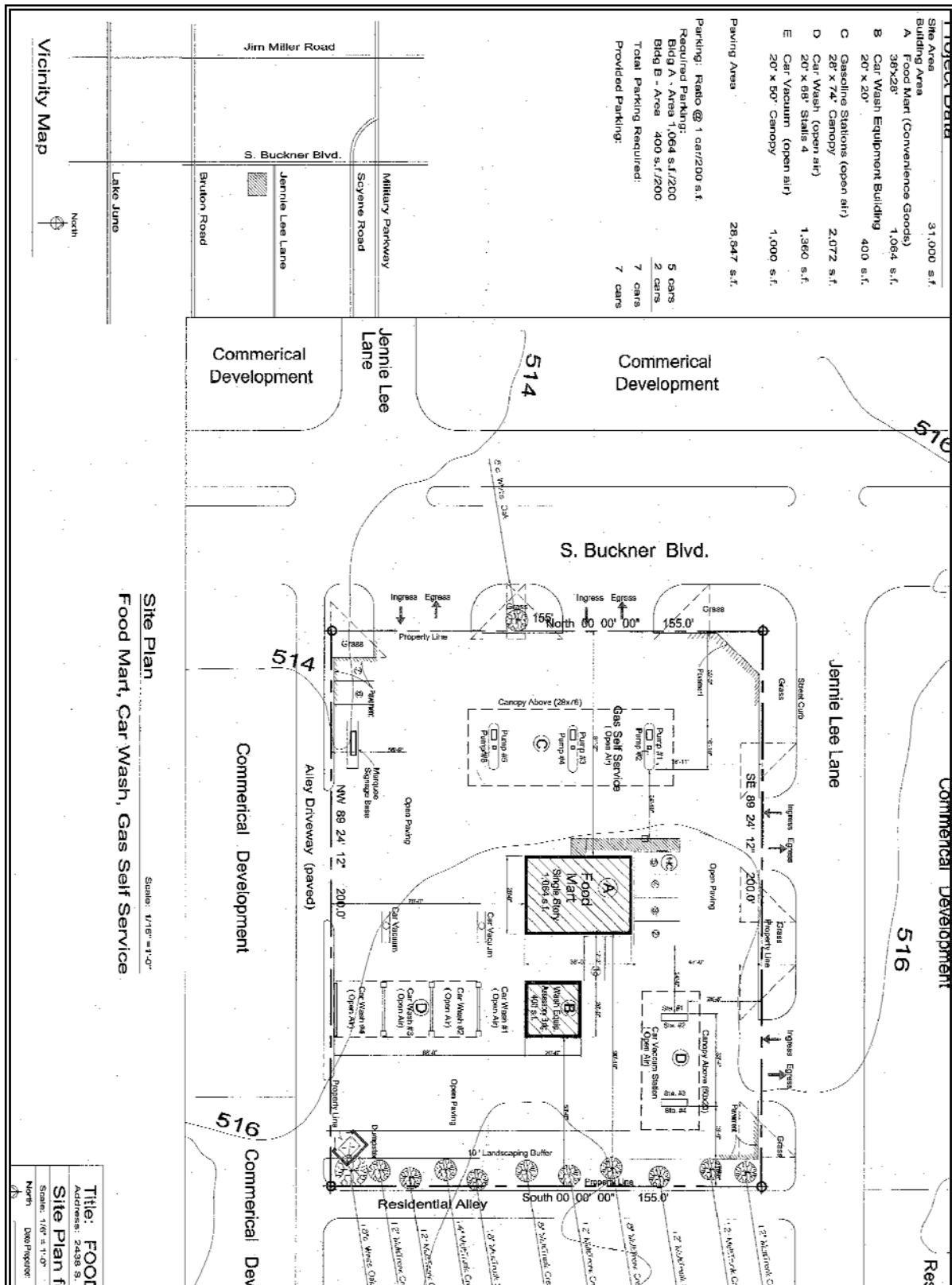
| |
|--|
| <p>LIST OF OFFICERS U S Realty Holdings, Ltd.</p> |
|--|

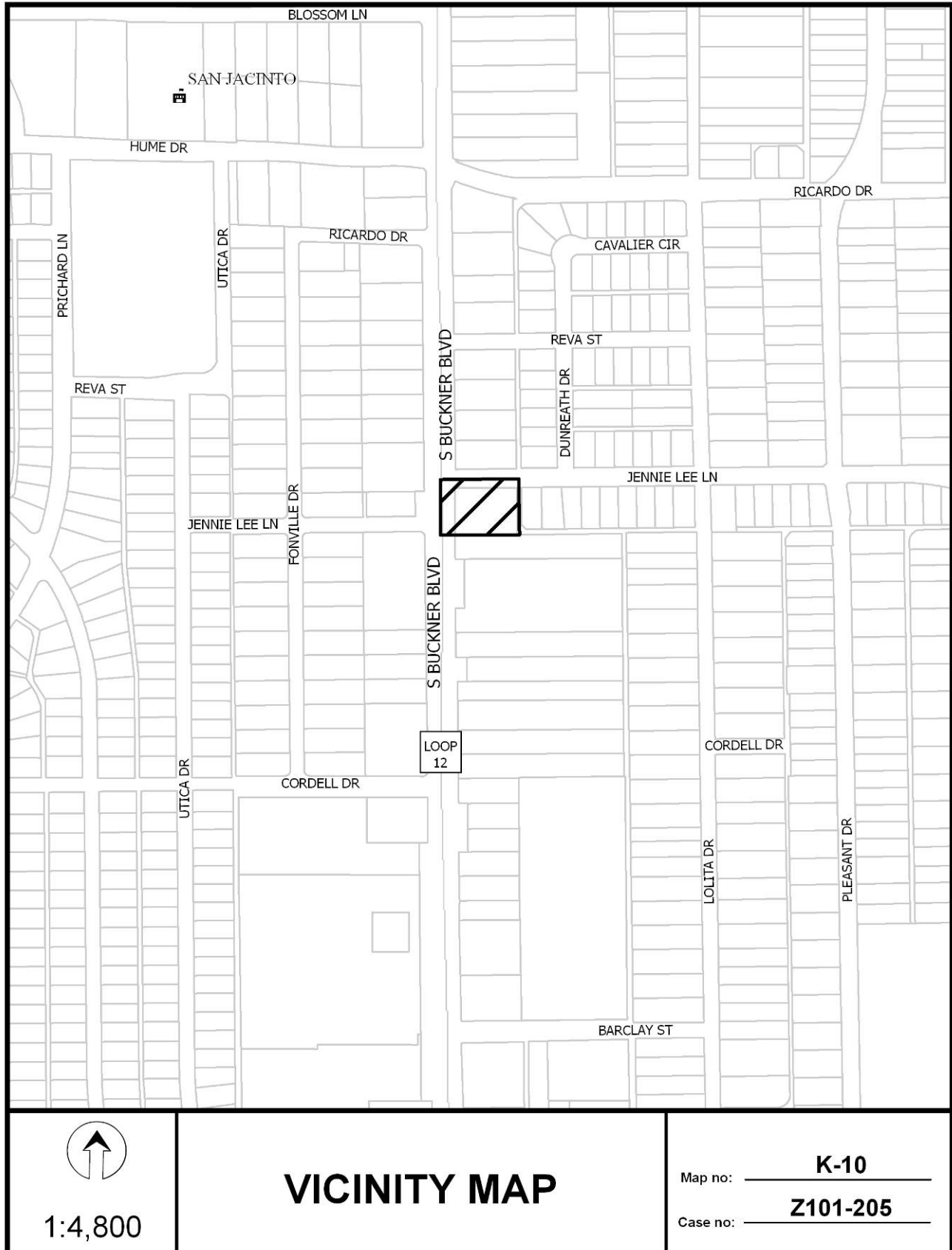
- Bhagat Holdings, Ltd. General Partner (99%)
Shawn Bhagat President
- US Realty Management, LLC General Partner (1%)
Shawn Bhagat President

| |
|--------------------------------|
| PROPOSED SUP CONDITIONS |
|--------------------------------|

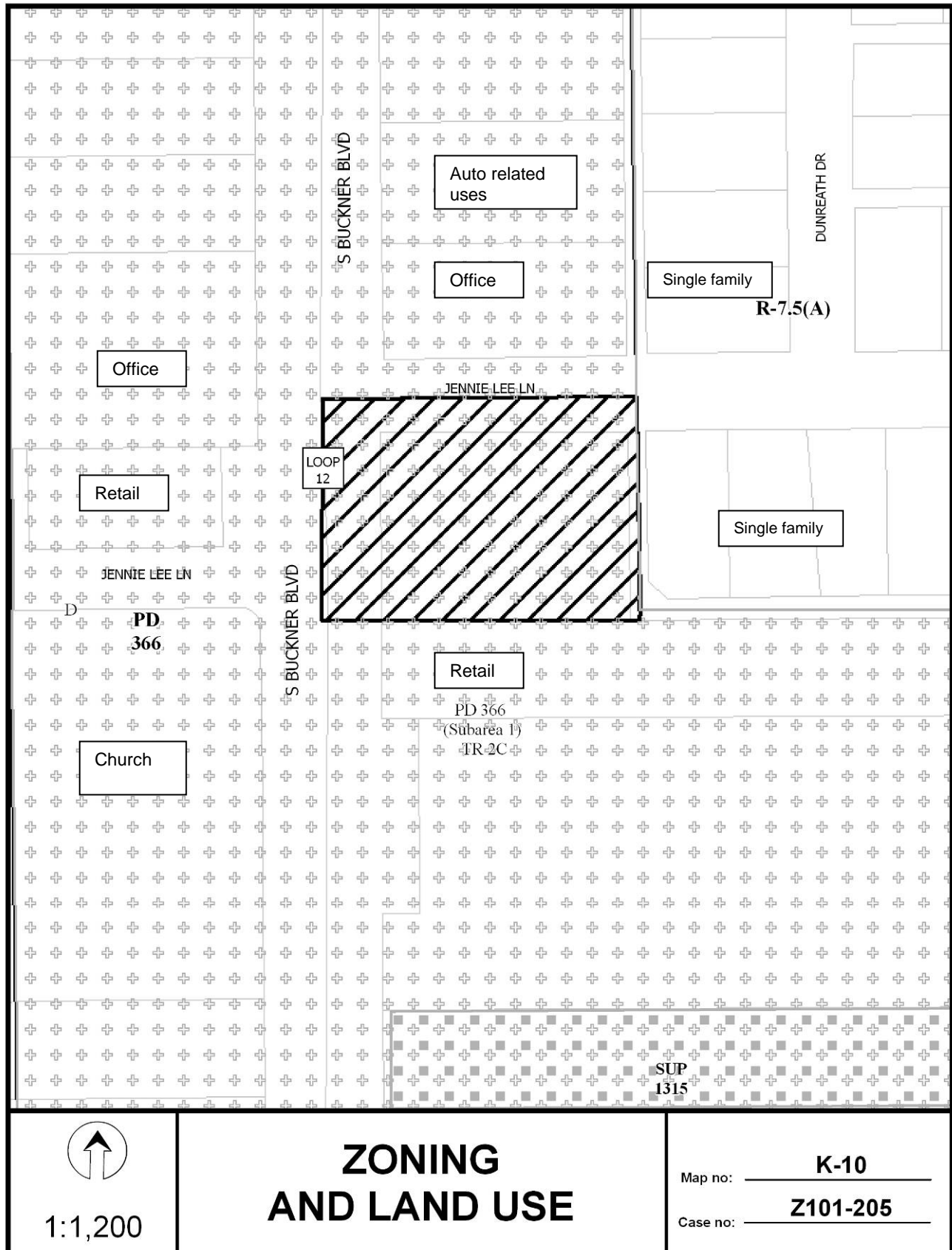
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: A minimum of 7 off-street parking spaces must be provided in the location shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

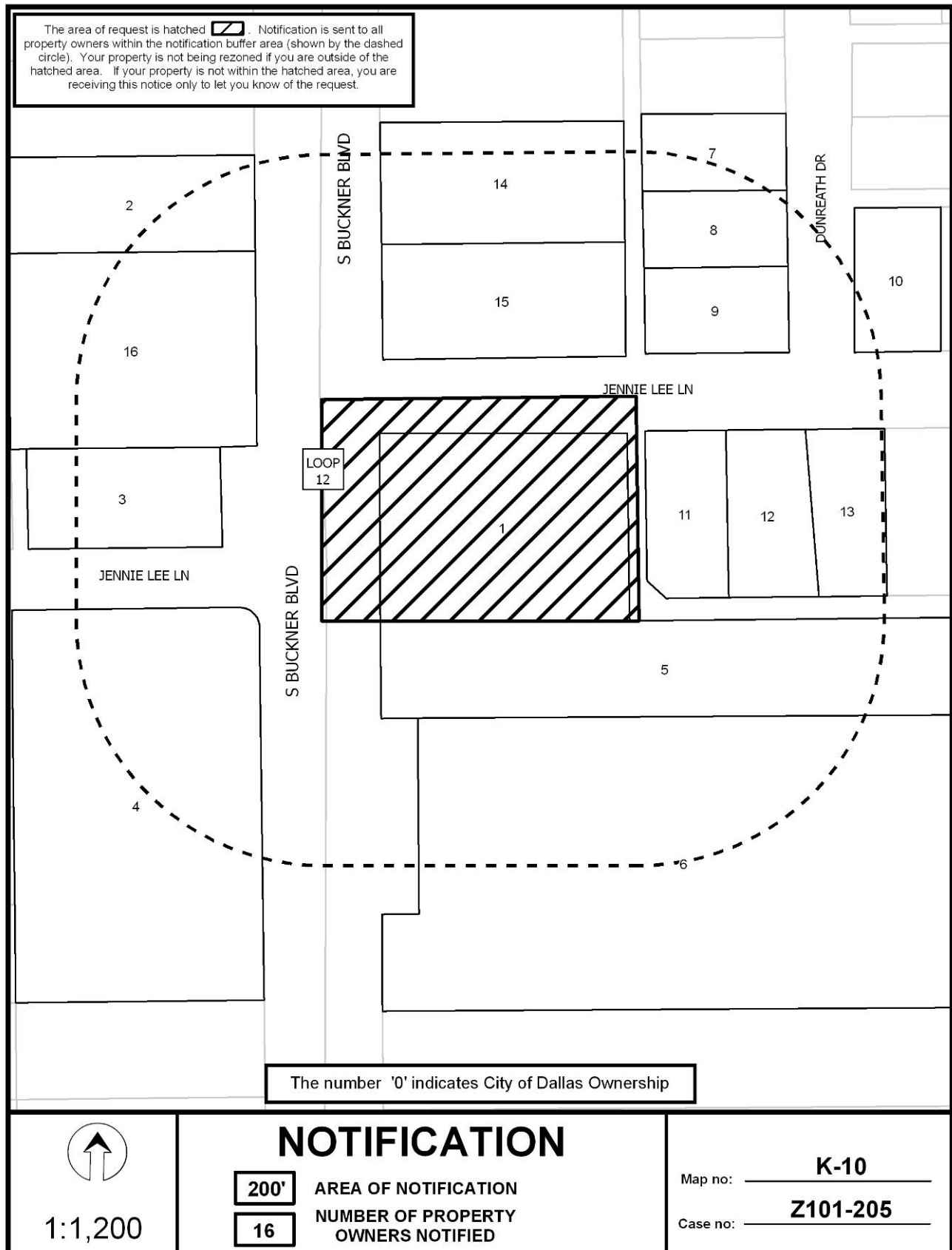




DATE: June 14, 2011



DATE: June 14, 2011



DATE: June 14, 2011

Notification List of Property Owners

Z101-205

16 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 2438 BUCKNER | US REALTY HOLDINGS LTD STE 105 |
| 2 | 2523 BUCKNER | MARTINEZ JUAN J & IRMA G |
| 3 | 2501 BUCKNER | CNB REAL ESTATE |
| 4 | 2423 BUCKNER | CHRIST HOLY TEMPLE CHURCH |
| 5 | 2424 BUCKNER | ADLEY RON TR & LLANA K |
| 6 | 2414 BUCKNER | PALOMA ISABELA INVESTMENTS INC |
| 7 | 2515 DUNREATH | DUREN JUANITA |
| 8 | 2511 DUNREATH | MCDANIEL TED |
| 9 | 2505 DUNREATH | MAISONET SANDRA |
| 10 | 8133 JENNIE LEE | CORDERO RAUL & MARIA L MAJALCA |
| 11 | 8118 JENNIE LEE | MUSTAFA SANDRA LUHRING |
| 12 | 8124 JENNIE LEE | PEQUENO JUANITA M ET AL |
| 13 | 8128 JENNIE LEE | SANDERS W J |
| 14 | 2514 BUCKNER | COSMO VENTURES LLC |
| 15 | 2506 BUCKNER | LCG BUCKNER COMMONS LLC 4TH FLOOR |
| 16 | 2517 BUCKNER | RUVALCABA RAMON & GILMA & GEORGE RUVALCABA |

Tuesday, June 14, 2011

FILE NUMBER: Z101-213(WE) **DATE FILED:** March 11, 2011
LOCATION: East line of S. Hampton Road, northwest of Marvin D. Love Freeway
COUNCIL DISTRICT: 5 **MAPSCO:** 63-M, R
SIZE OF REQUEST: Approx. 1.88 acres **CENSUS TRACT:** 110.01

APPLICANT / OWNER: Hampton 67 Associates

REPRESENTATIVE: MASTERPLAN
Santos Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay

SUMMARY: The applicant proposes to sell alcohol for on-premise consumption within an existing restaurant.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a restaurant use.
- The proposed use is to sell alcohol for on-premise consumption in conjunction with restaurant use on the property.
- The restaurant use is permitted by right. The sale of alcoholic beverages on property is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The applicant is also requesting to change the D-1 Liquor Control Overlay and a SUP to sell alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet in the adjacent retail strip center (Z101-256).
- On June 22, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on the property south of the request site.
- The surrounding land uses consist of a retail strip center to the north and a convenience store with a fueling station to the south. West of the request site, across S. Hampton Road, are office uses.

Zoning History: There have been two zoning changes requested in the area.

1. Z101-168 On Wednesday, June 22, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned RR Regional Retail District with a D Liquor Control Overlay.
2. Z101-256 On Thursday, July 7, 2011, the City Plan Commission will consider D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages on property zoned RR Regional Retail District with a D Liquor Control Overlay.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------------|--------------|--------------|
| S. Hampton Road | Principal Arterial | 100 ft. | 100 ft. |

Land Use:

| | Zoning | Land Use |
|-------|------------------|--|
| Site | RR-D | Restaurant |
| North | RR-D | Retail strip center |
| South | RR-D | General merchandise with service station |
| East | R-7.5(A) | Marvin D. Love Freeway |
| West | IR w/SUP No. 169 | Offices |

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is on Transit or Multi-Modal Corridors.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

Land Use Compatibility: The approximately 1.88 acre site is zoned an RR-D Regional Retail District with a D Liquor Control Overlay and is currently developed with a restaurant use. The applicant is proposing to sell alcohol for on-premise consumption in conjunction with a restaurant use on the property, which is not allowed by the D Liquor Control Overlay but requires a Specific Use Permit in the D-1 Liquor Control Overlay.

Since the restaurant use currently has a food and beverage license from the (TABC) Texas Alcoholic Beverage Commission, they are exempt from the measurement requirement of 300 feet from a child care facility use. There is a child care facility currently operating within the adjacent retail strip center.

The surrounding land uses consist of a retail strip center to the north and a convenience store with a fueling station to the south. West of the request site, across S. Hampton Road, are office uses.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location. The applicant's representative has agreed to prohibit any sales of alcoholic beverages from the restaurant's drive-in or drive through window.

Development Standards:

| DISTRICT | SETBACKS | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|-------------------------|----------|--|-------------------------------|------------------|--------------|---|-----------------------------------|
| | Front | Side/Rear | | | | | |
| RR-D Regional retail | 15' | 20' adjacent to residential OTHER: No Min. | 1.5 FAR overall 0.5 office | 70' 5 stories | 80% | Proximity Slope U-form setback Visual Intrusion | Retail & personal service, office |
| | | | | | | | |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a restaurant use is one space for each 100 square feet of floor area. The development requires 88 spaces with 106 being provided per the attached site plan.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.

| DALLAS POLICE DEPARTMENT | | | | | | | | | | |
|---|--------------|----------------------|-------------------|-------|-----|-----------|------|----------------|-------|--------|
| Virtual Viewer - Public Access | | | | | | | | | | |
| UCR Codes Year Codes Property Class Codes | | | | | | | | | | |
|    | | | | | | | | | | |
| Search Records - Offense | | | | | | | | | | Filter |
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0162807-W | 06/06/2009 | JAMES, JESSE | THEFT | 05602 | S | HAMPTO... | 454 | 4393 | 06945 | |
| 0775930-R | 10/12/2006 | FADEYI, TOBI | DISORDERLY CON... | 05602 | S | HAMPTO... | 432 | 4393 | 24230 | |
| 0856143-R | 11/12/2006 | BUSTOS-AGUIRRE, DORA | DISORDERLY CON... | 05602 | S | HAMPTO... | 432 | 4393 | 24280 | |

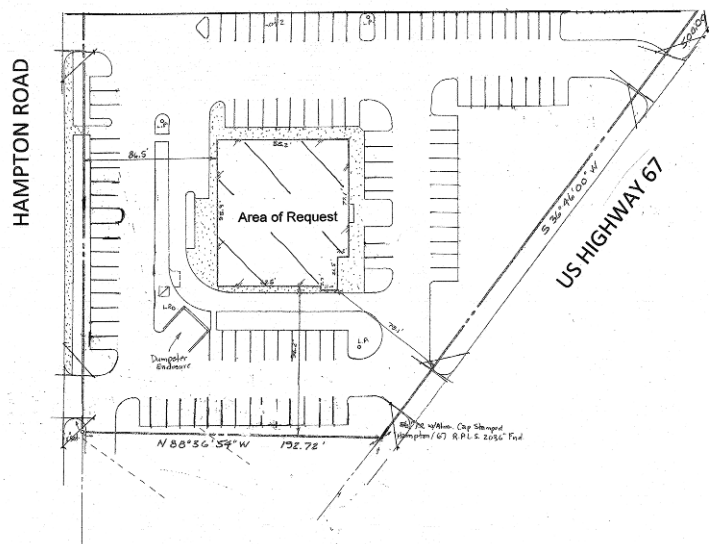
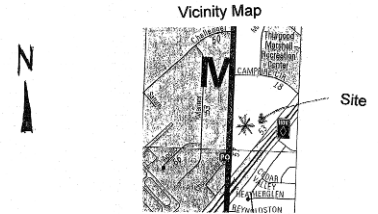
| |
|--|
| <p>LIST OF OFFICERS Hampton 67 Associates</p> |
|--|

- Stephen Katos Managing Partner
- Michel Katos Partner

| |
|--------------------------------|
| PROPOSED SUP CONDITIONS |
|--------------------------------|

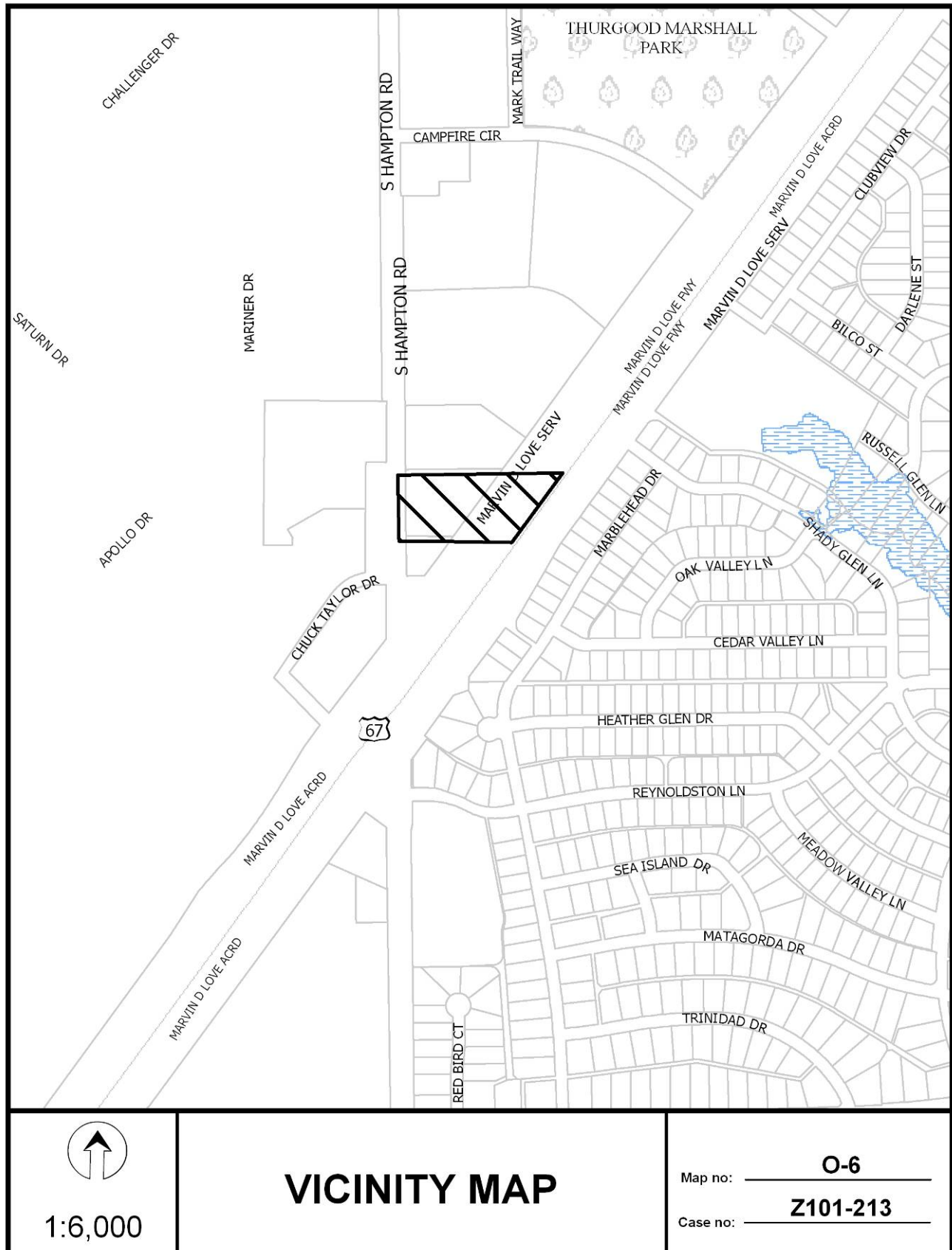
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive through service use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Parking must be located as shown on the attached site plan.
6. DRIVE-THROUGH WINDOW: A restaurant with drive-in or drive through service use may not use a drive-through window for retail sales of alcoholic beverages.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

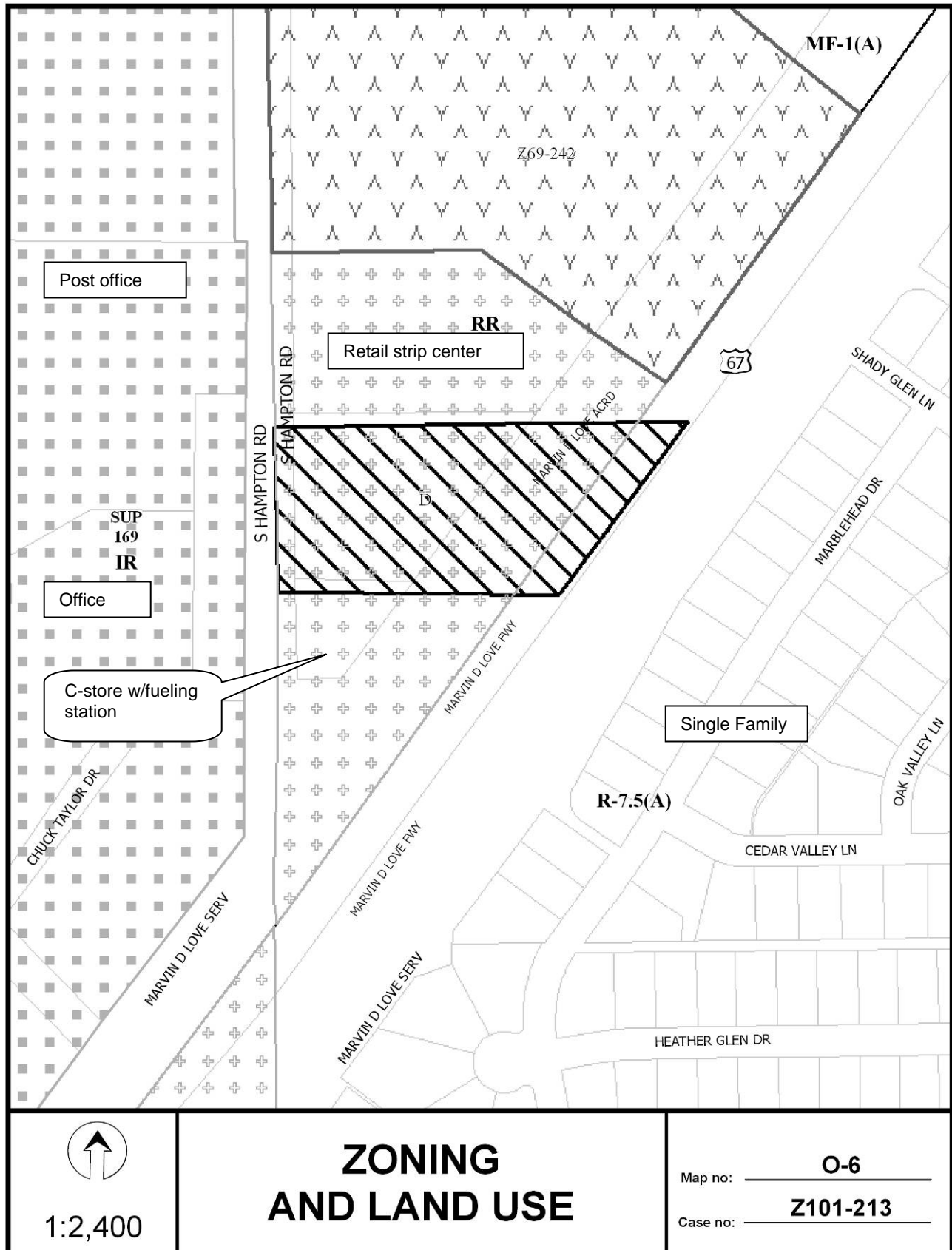


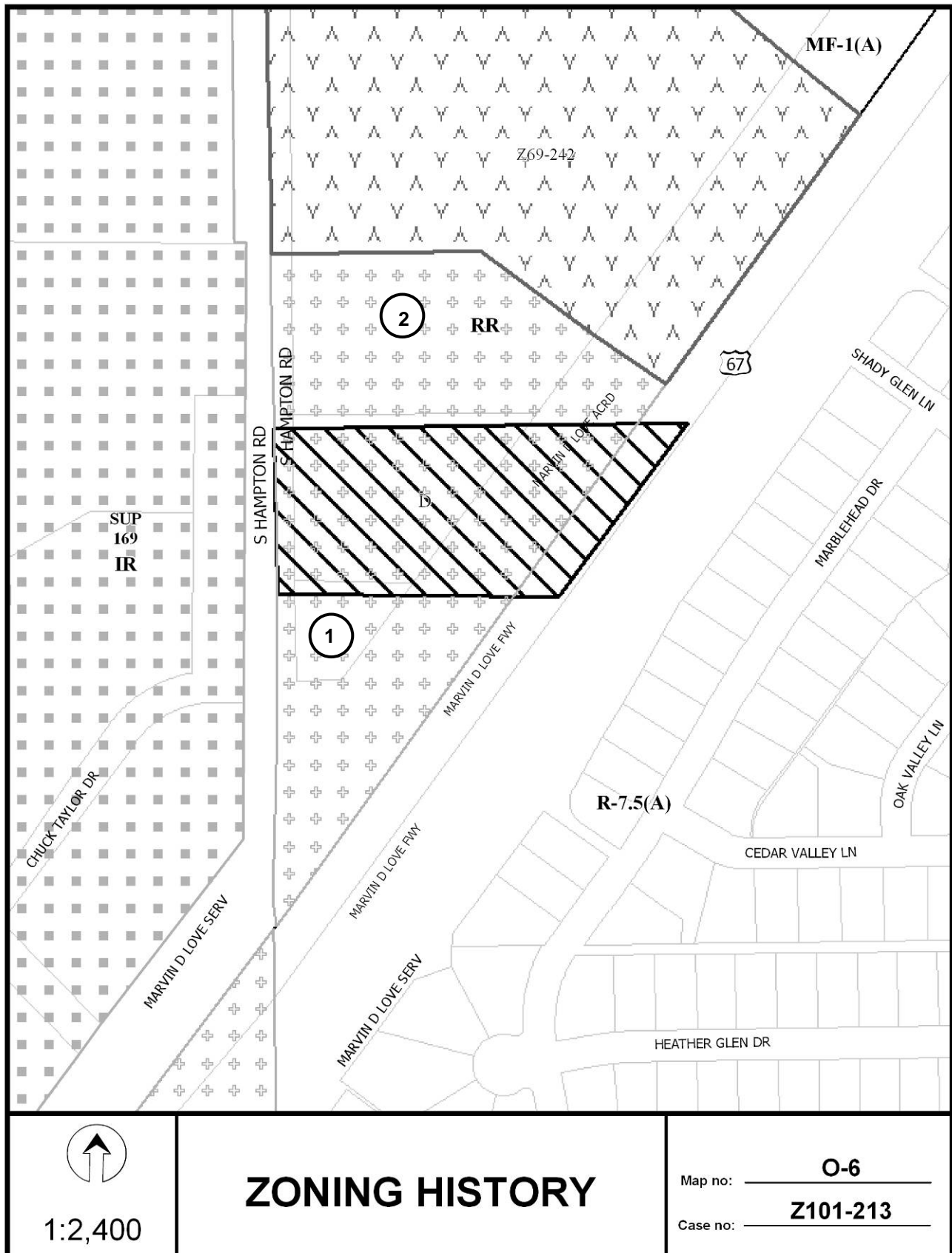
SITE SUMMARY

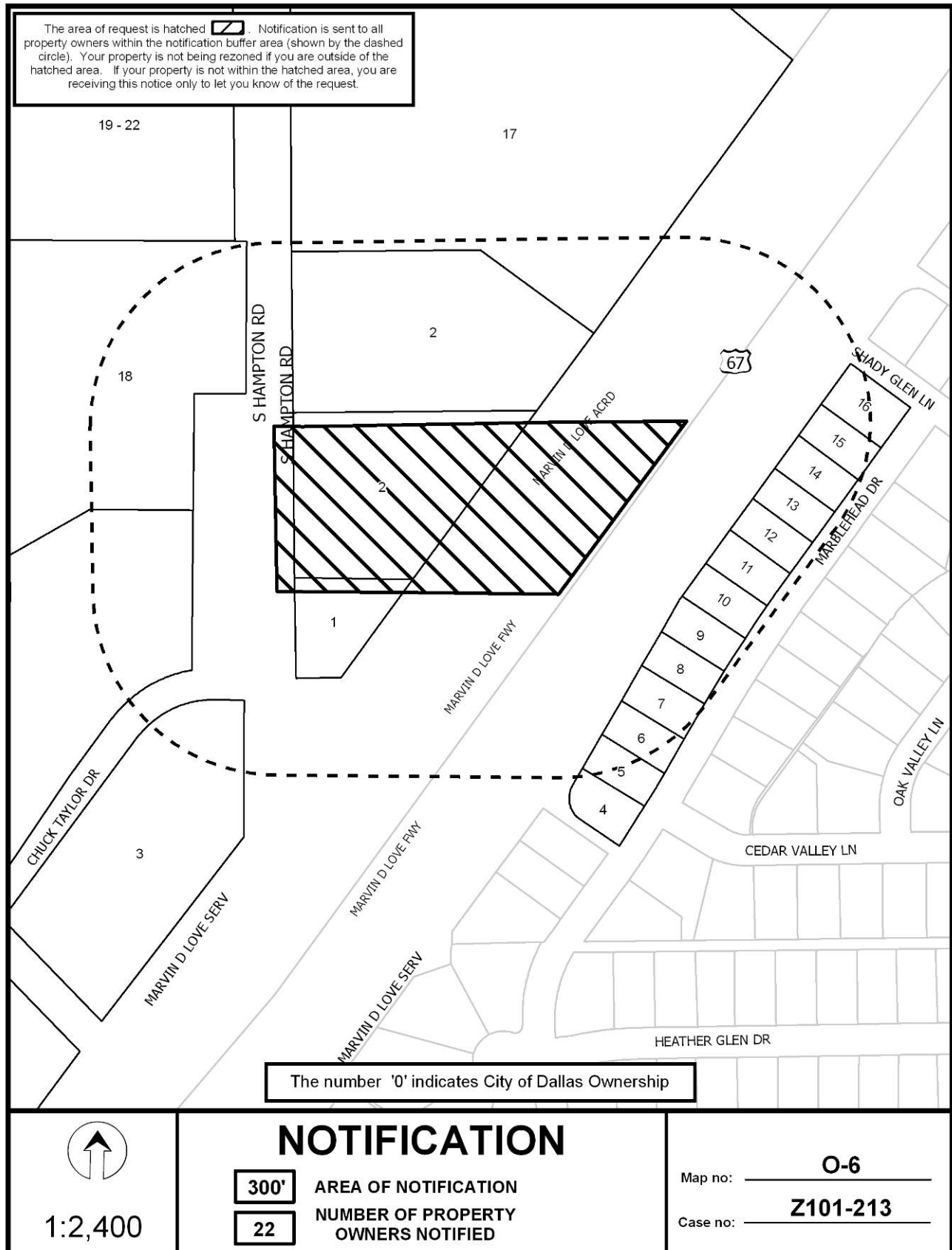
Existing Zoning: RR, D overlay
 Requested Zoning: RR, D-1 overlay and SUP for restaurant with drive thru for on premise alcohol consumption
 Area of Request: 8700 s.f.
 Existing Structures: 8700 s.f.
 Existing Lot Coverage: 11%
 Existing Use: Restaurant with drive thru service
 Required Parking: 88
 Provided Parking: 106



DATE: June 28, 2011







DATE: June 28, 2011

Notification List of Property Owners

Z101-213

22 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 5707 HAMPTON | Z PETROLEUM INC |
| 2 | 5602 HAMPTON | HAMPTON 67 ASSOCIATES % MCNEFF PROPERTIES |
| 3 | 5801 MARVIN D LOVE | IVY TWO WEST HILLS LP STE 850 |
| 4 | 5707 MARBLEHEAD | HENDERSON VERDIE M |
| 5 | 5659 MARBLEHEAD | CASTLE SHIRLEANNE B |
| 6 | 5653 MARBLEHEAD | BRITO JOSE ISABEL & ERASMA BRITO |
| 7 | 5649 MARBLEHEAD | MITCHELL MARGIE ANN |
| 8 | 5643 MARBLEHEAD | BROWN GLOVER |
| 9 | 5639 MARBLEHEAD | CARMOUCHE MERLE L |
| 10 | 5633 MARBLEHEAD | MCQUEEN BEVELYN |
| 11 | 5629 MARBLEHEAD | JONES ALVANETTA |
| 12 | 5623 MARBLEHEAD | BLUITT JOSEPH H & JEWEL D |
| 13 | 5619 MARBLEHEAD | DICKERSON FRANKLIN R |
| 14 | 5615 MARBLEHEAD | JONES BERTHA |
| 15 | 5609 MARBLEHEAD | RIVERA KATHRYN DIANE |
| 16 | 5605 MARBLEHEAD | CLARK GLENN E |
| 17 | 5520 HAMPTON | DALLAS AREA RAPID TRANSIT |
| 18 | 5701 HAMPTON | U S POSTAL SERVICE |
| 19 | 5787 HAMPTON | IVY REALTY TRUST % MERTON B GOLDMAN |
| 20 | 4831 HAMPTON | SERVION LOVE FIELD TERMINAL BLDG |
| 21 | 4831 HAMPTON | MODERN AERO OF TEXAS R/B AIRPORT LB37 |
| 22 | 4831 HAMPTON | J C AVIATION INV DALLAS EXECUTIVE AIRPORT |

Tuesday, June 28, 2011

FILE NUMBER: Z101-256(WE) **DATE FILED:** April 20, 2011
LOCATION: East line of S. Hampton Road, northwest of Marvin D. Love Freeway
COUNCIL DISTRICT: 5 **MAPSCO:** 63 - M
SIZE OF REQUEST: Approx. 2.58 acres **CENSUS TRACT:** 110.01

APPLICANT / OWNER: Hampton 67 Associates

REPRESENTATIVE: MASTERPLAN
Santos Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption within an existing restaurant

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two year time period with eligibility for automatic renewals for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store less than 3,500 square feet use within an existing retail strip center.
- The proposed SUP is to allow the sale of alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on the property requires a specific use permit in the D-1 Liquor Control Overlay.

Zoning History: There have been two zoning changes requested in the area.

1. Z101-168 On Wednesday, June 22, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages on premise on property zoned RR Regional Retail District with a D Liquor Control Overlay.
2. Z101-213 On Thursday, July 7, 2011, the City Plan Commission will consider D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------------|--------------|--------------|
| S. Hampton Road | Principal Arterial | 100 ft. | 100 ft. |

Land Use:

| | Zoning | Land Use |
|--------------|--------------------------|-----------------------------|
| Site | RR-D | Retail and personal service |
| North | RR-D w/deed restrictions | DART park-n-ride |
| South | RR-D | Restaurant |
| East | R-7.5(A) | Marvin D. Love Freeway |
| West | IR w/SUP No. 169 | Offices |

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site is on Transit or Multi-Modal Corridors.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

Land Use Compatibility: The approximately 2.58 acre site is zoned an RR-D Regional Retail District with a D Liquor Control Overlay and is currently developed with a general merchandise or food store less than 3,500 square feet within an existing retail strip center. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with a general merchandise or food store less than 3,500 square feet on the property, which is not allowed by the D Liquor Control Overlay but requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The adjacent uses consist primarily of retail and office uses. A DART light rail station is located north of the request site. In addition, a child care facility is currently operating within the adjacent retail strip center, which is east of the request site. The general merchandise or food store exceeds the distance separation requirement of 300 feet for a child care facility, which is measured from front door to front door.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:


| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|-------------------------|------------------------|--|-------------------------------|------------------|---------------------|---|-----------------------------------|
| | Front | Side/Rear | | | | | |
| RR-D Regional retail | 15' | 20' adjacent to residential OTHER: No Min. | 1.5 FAR overall 0.5 office | 70' 5 stories | 80% | Proximity Slope U-form setback Visual Intrusion | Retail & personal service, office |
| | | | | | | | |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store is one space for each 200 square feet of floor area. The development requires 12 spaces with 12 being provided per the attached site plan. The type of retail and personal service uses that are location within the retail development will use the remaining off-street parking spaces.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Dallas Police Department: A copy of a police report of the past 5 years of offenses is provided below.

| <div>  DALLAS POLICE DEPARTMENT </div> <div> UCR Codes Year Codes Property Class Codes </div> | | | | | | | | | | |
|--|--------------|------------------------|--------------------------|-------|-----|-----------|------|----------------|-------|---------|
| Virtual Viewer - Public Access | | | | | | | | | | Welcome |
| <div>    </div> | | | | | | | | | | |
| Search Records - Offense | | | | | | | | | | Filter |
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0002976-T | 01/01/2007 | *ONE STOP FOOD STORE | ROBBERY | 05520 | S | HAMPTO... | 432 | 4393 | 03411 | |
| 0044953-X | 02/16/2010 | DAVIS, SHENETA | ROBBERY | 05520 | S | HAMPTO... | 454 | 4393 | 03912 | |
| 0053043-V | 02/22/2008 | *ONE STOP FOOD STORE | BURGLARY | 05520 | S | HAMPTO... | 456 | 4393 | 05131 | |
| 0075507-Y | 03/26/2011 | MEJIA, ANTONII | OTHER OFFENSES | 05520 | S | HAMPTO... | 454 | 4393 | 26000 | |
| 0093349-W | 04/04/2009 | LIMBU, BHAGENDRA | TRAFFIC MOTOR VEHICLE | 05520 | S | HAMPTO... | 454 | 4393 | 32090 | |
| 0123452-V | 04/26/2008 | @CITY OF GRAND PRAIRE | FOUND PROPERTY | 05520 | S | HAMPTO... | 456 | 4393 | 43030 | |
| 0140654-V | 05/12/2008 | *REC INDUS ASSOCTON... | FRAUD | 05520 | S | HAMPTO... | 456 | 4393 | 11020 | |
| 0155973-W | 05/31/2009 | *ONE; STOP FOOD STORE | OTHER OFFENSES | 05520 | S | HAMPTO... | 454 | 4393 | 26530 | |
| 0235778-W | 08/10/2009 | *ONE STOP FOOD STORE | BURGLARY | 05520 | S | HAMPTO... | 454 | 4393 | 05127 | |
| 0296072-T | 04/26/2007 | *1 STOP FOOD STORE | CRIMINAL MISCHIEF/VAN... | 05520 | S | HAMPTO... | 432 | 4393 | 14092 | |
| 0318631-W | 10/26/2009 | SINDHI, DANISH A | TRAFFIC MOTOR VEHICLE | 05520 | S | HAMPTO... | 454 | 4393 | 32090 | |
| 0329246-V | 10/24/2008 | BARTIE, MOSES | ASSAULT | 05520 | S | HAMPTO... | 456 | 4393 | 08211 | |
| 0329247-V | 10/24/2008 | OJIAKU,MICHAEL | ASSAULT | 05520 | S | HAMPTO... | 456 | 4393 | 08221 | |
| 0345085-X | 12/17/2010 | *ONE; STOP FOOD STORE | BURGLARY | 05520 | S | HAMPTO... | 454 | 4393 | 05338 | |
| 0361630-T | 05/18/2007 | *ONE STOP FOOD STORE | FORGERY & COUNTERFEI... | 05520 | S | HAMPTO... | 432 | 4393 | 10021 | |
| 0488792-T | 07/01/2007 | *ONE STOP FOOD MART | BURGLARY | 05520 | S | HAMPTO... | 432 | 4393 | 05131 | |
| 0495415-T | 07/03/2007 | *ONE STOP FOOD STORE | THEFT | 05520 | S | HAMPTO... | 432 | 4393 | 06933 | |
| 0588104-R | 08/03/2006 | *1 STOP STORE | BURGLARY | 05520 | S | HAMPTO... | 432 | 4393 | 05121 | |
| 0603738-R | 08/08/2006 | STEVENSON,RANDY | ASSAULT | 05520 | S | HAMPTO... | 432 | 4393 | 08291 | |
| 0696284-R | 09/12/2006 | MOSLEY,CONSTANCE | ASSAULT | 05520 | S | HAMPTO... | 432 | 4393 | 08411 | |
| 0730560-T | 11/07/2007 | SHAH,ANKUR | ROBBERY | 05520 | S | HAMPTO... | 456 | 4393 | 03911 | |
| 0917505-R | 12/07/2006 | *ONE STOP FOOD STORE | ROBBERY | 05520 | S | HAMPTO... | 432 | 4393 | 03711 | |
| 0947198-R | 12/18/2006 | *ONE STOP FOOD STORE | ROBBERY | 05520 | S | HAMPTO... | 432 | 4393 | 03411 | |

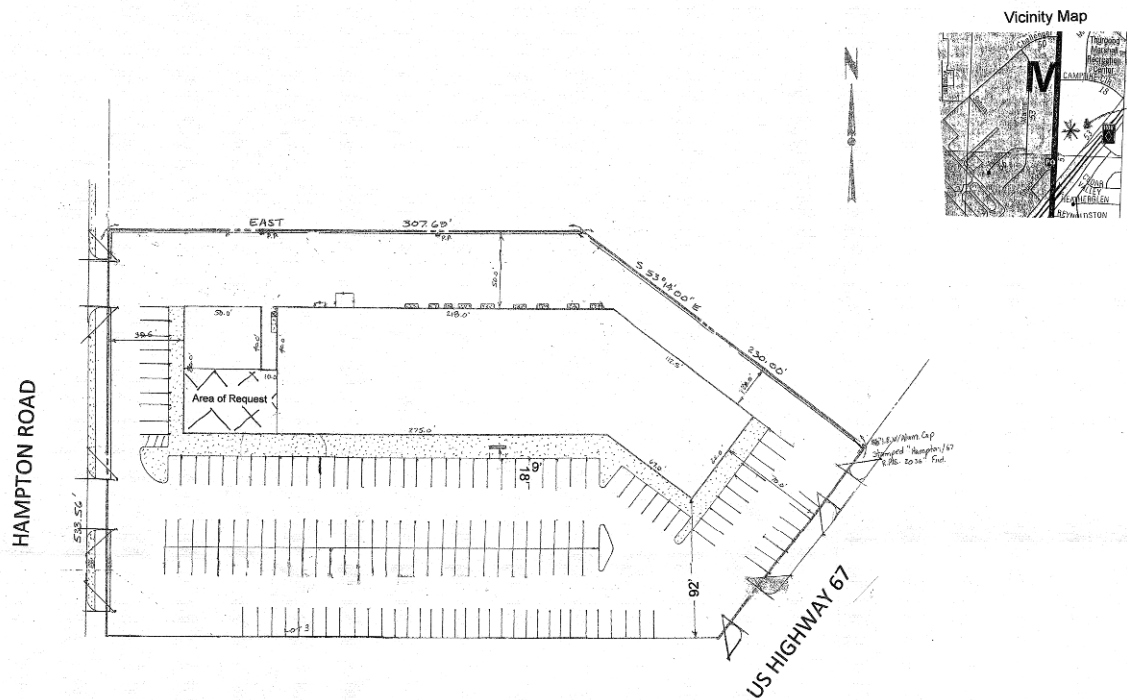
| |
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| <p>LIST OF OFFICERS Hampton 67 Associates</p> |
|--|

- Stephen Katos Managing Partner
- Michel Katos Partner

| |
|--------------------------------|
| PROPOSED SUP CONDITIONS |
|--------------------------------|

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



SITE SUMMARY

Existing Zoning: RR, D overlay

Requested Zoning: RR, D-1 overlay and SUP for general merchandise store <3500 s.f. with off premise alcohol sales

Area of Request: 2400 s.f.

Existing Structures: 27,462 s.f.

Existing Lot Coverage: 25%

Existing Uses:

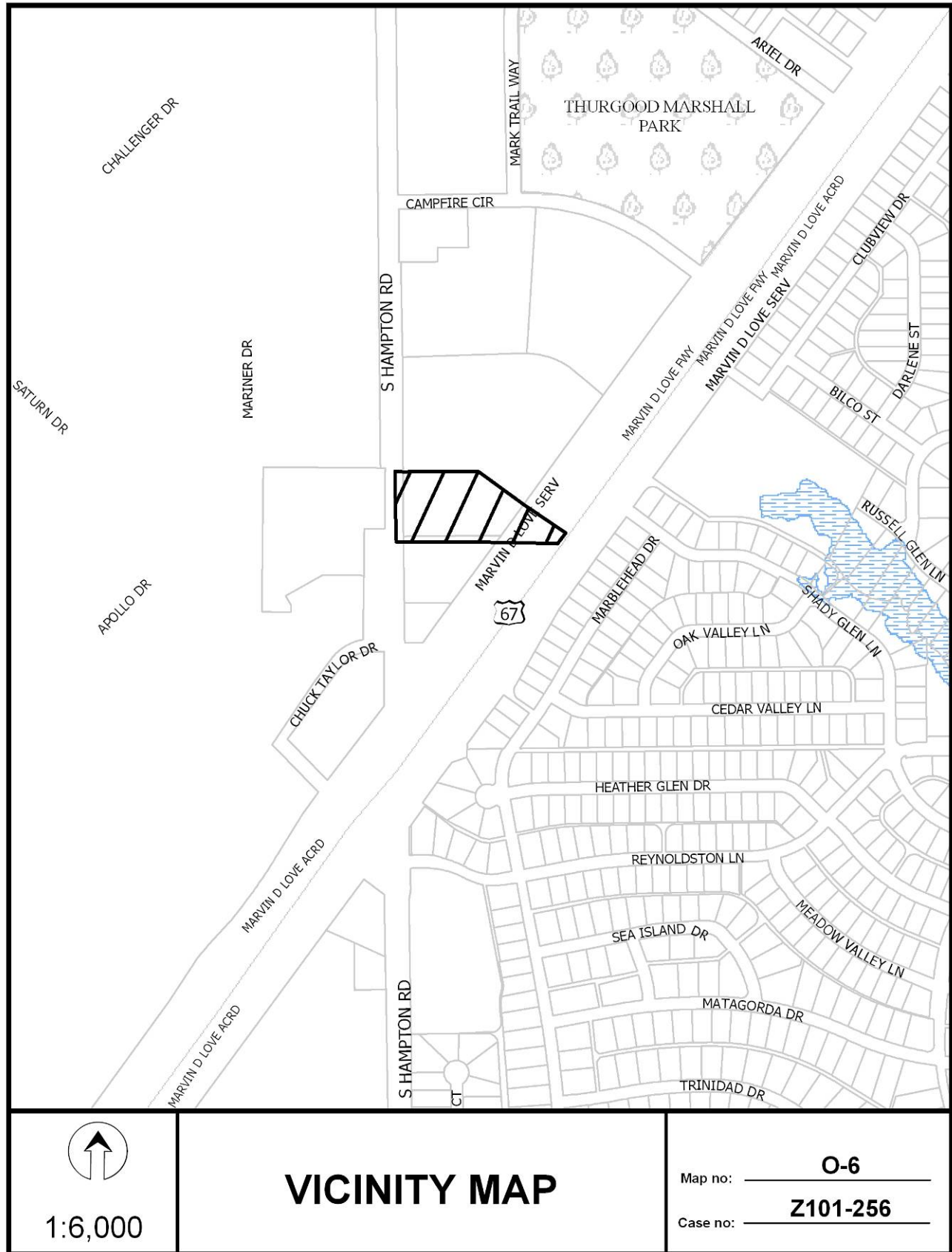
Personal service and general merchandise: 6350 s.f.

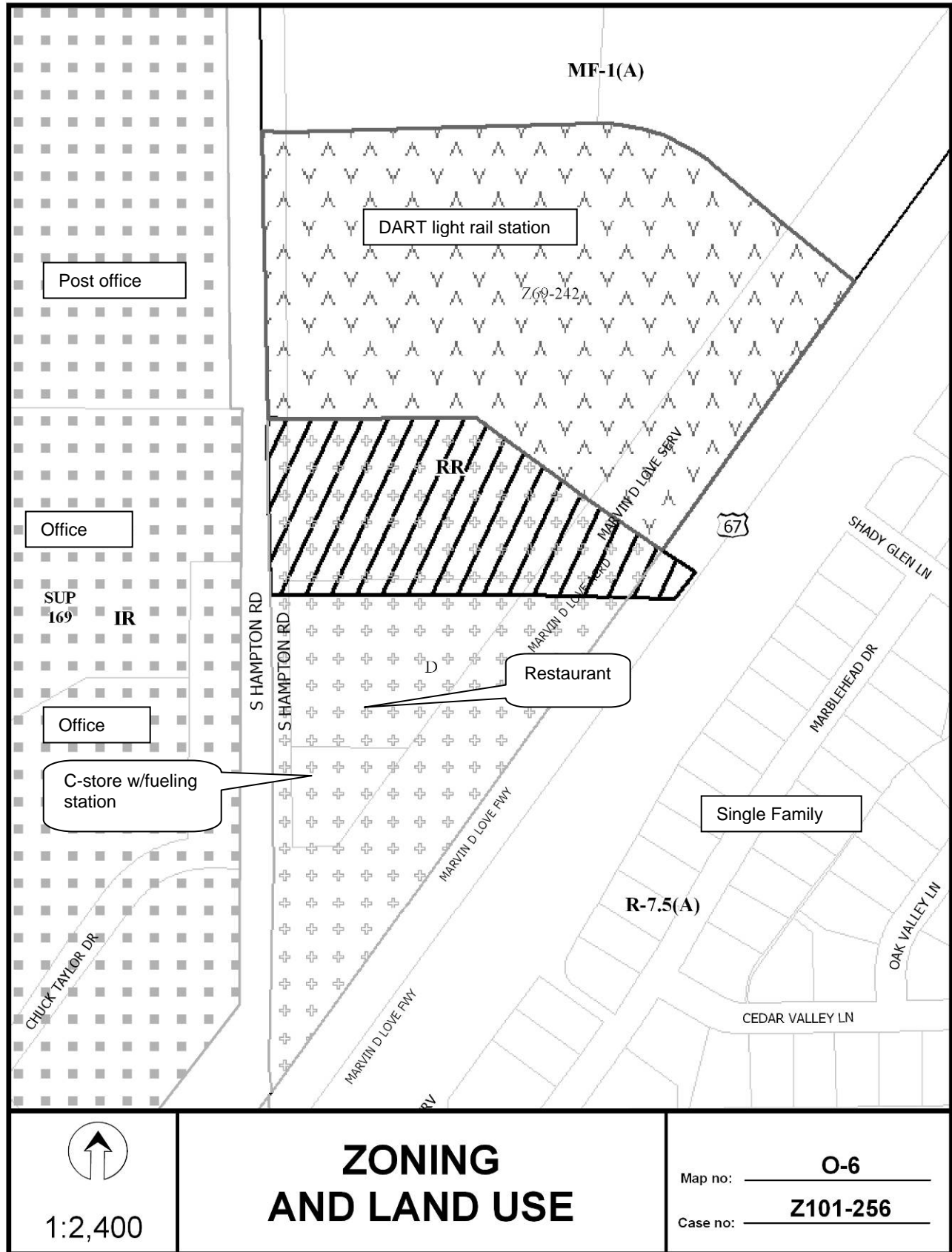
Office: 11200 s.f.

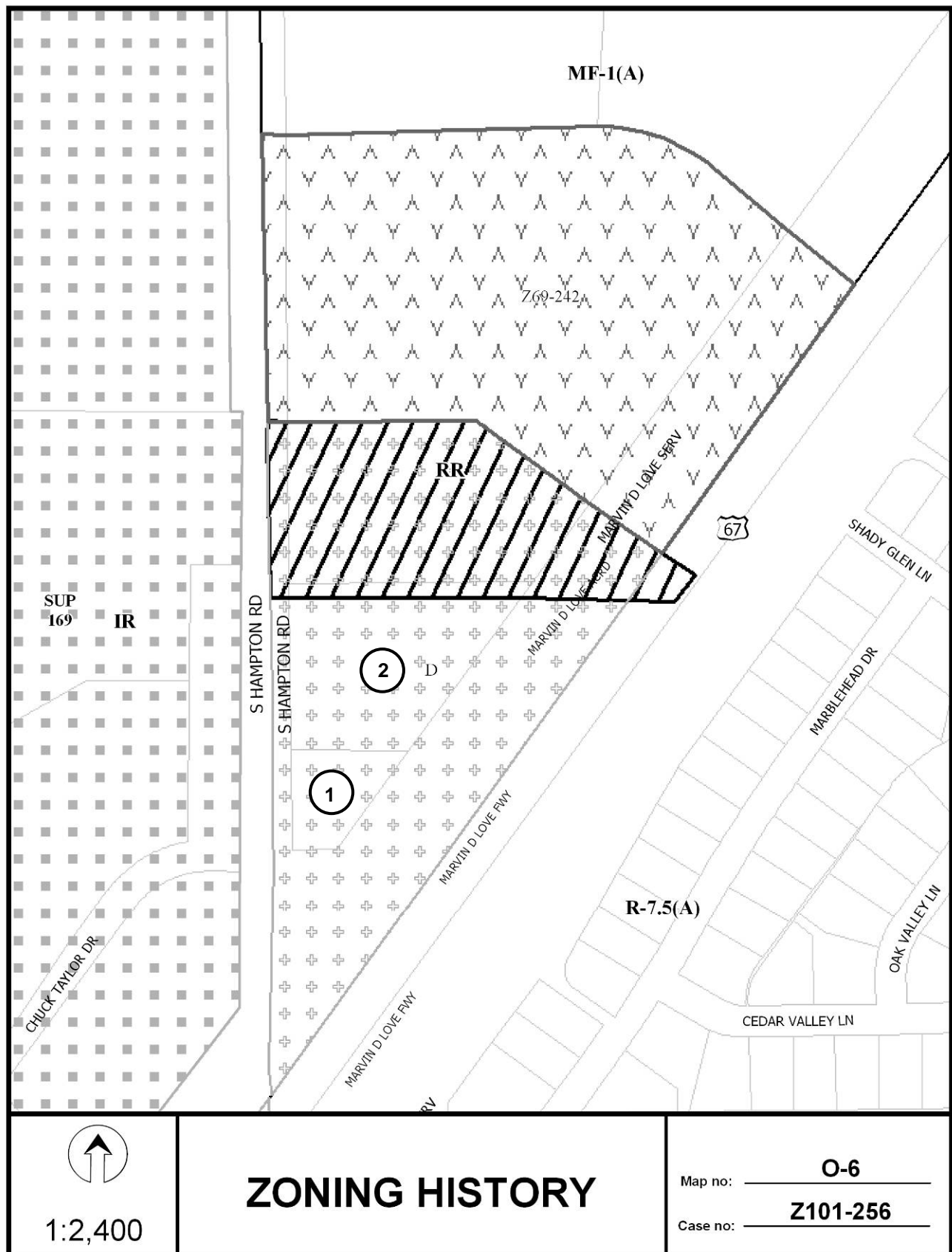
Day Care: 6800 s.f.

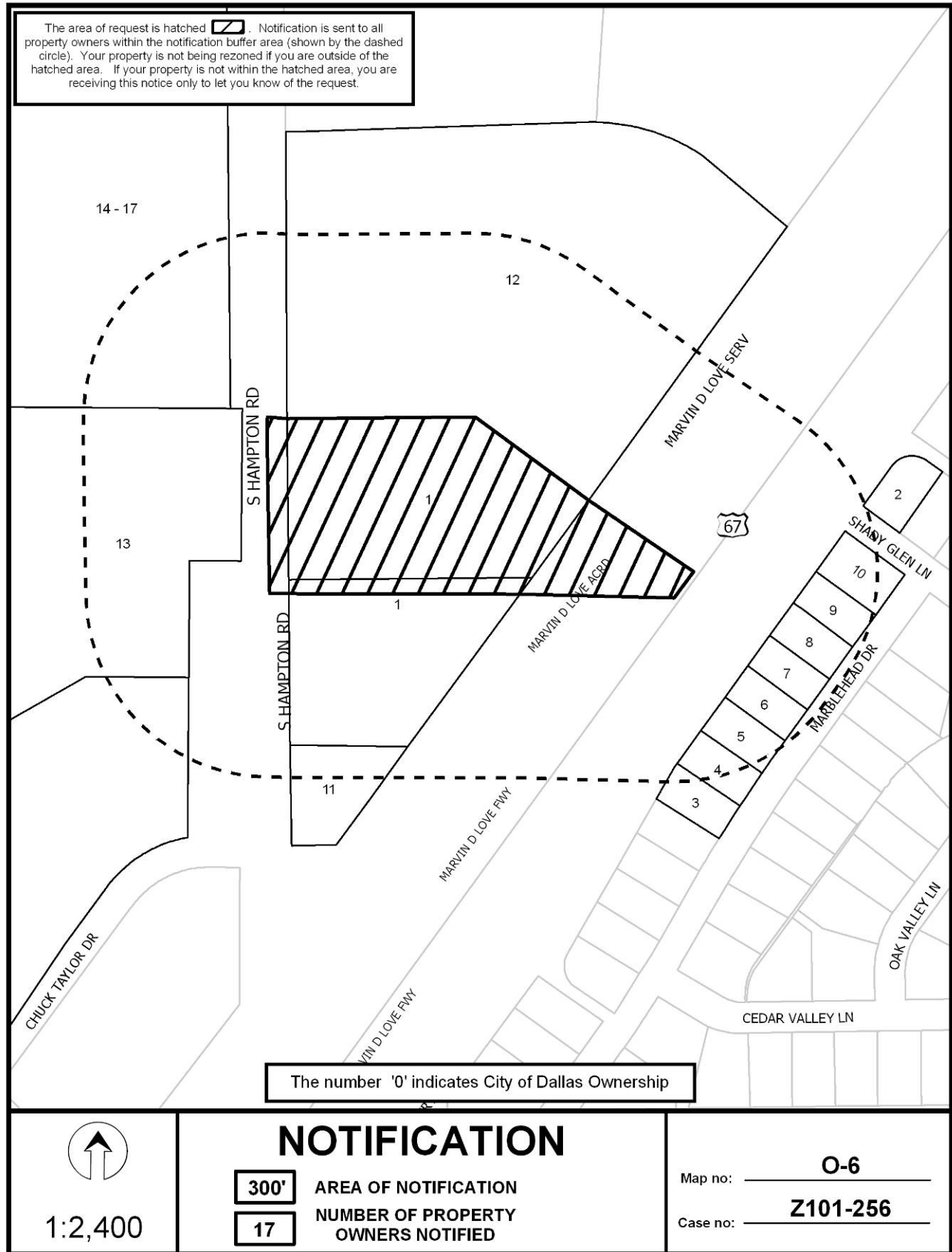
Required Parking: 80

Provided Parking: 157









DATE: May 19, 2011

Notification List of Property Owners

Z101-256

17 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 5602 HAMPTON | HAMPTON 67 ASSOCIATES % MCNEFF PROPERTIES |
| 2 | 1957 SHADY GLEN | JONES FLOYD & RUBY LEE LEONARD |
| 3 | 5639 MARBLEHEAD | CARMOUCHE MERLE L |
| 4 | 5633 MARBLEHEAD | MCQUEEN BEVELYN |
| 5 | 5629 MARBLEHEAD | JONES ALVANETTA |
| 6 | 5623 MARBLEHEAD | BLUITT JOSEPH H & JEWEL D |
| 7 | 5619 MARBLEHEAD | DICKERSON FRANKLIN R |
| 8 | 5615 MARBLEHEAD | JONES BERTHA |
| 9 | 5609 MARBLEHEAD | RIVERA KATHRYN DIANE |
| 10 | 5605 MARBLEHEAD | CLARK GLENN E |
| 11 | 5707 HAMPTON | Z PETROLEUM INC |
| 12 | 5520 HAMPTON | DALLAS AREA RAPID TRANSIT |
| 13 | 5701 HAMPTON | U S POSTAL SERVICE |
| 14 | 5787 HAMPTON | IVY REALTY TRUST % MERTON B GOLDMAN |
| 15 | 4831 HAMPTON | SERVION LOVE FIELD TERMINAL BLDG |
| 16 | 4831 HAMPTON | MODERN AERO OF TEXAS R/B AIRPORT LB37 |
| 17 | 4831 HAMPTON | J C AVIATION INV DALLAS EXECUTIVE AIRPORT |

Thursday, May 19, 2011

FILE NUMBER: Z101-268 (MG)

DATE FILED: May 10, 2011

LOCATION: East line of N. Buckner Boulevard, north of Chenault Street

COUNCIL DISTRICT: 7

MAPSCO: 48 C

SIZE OF REQUEST: Approx. 1.28 acres

CENSUS TRACT: 123.02

REPRESENTATIVE: Karen Mitchell, Mitchell Planning Group, LLC

APPLICANT/OWNER: Racetrac Petroleum, Inc.

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing grocery store.

STAFF RECOMMENDATION: Approval, for a two-year period with eligibility for additional five year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with an approximately 3,047 square foot general merchandise use (convenience store) and vehicle fueling station (gas station).
- The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.
- The general merchandise use is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- The subject property is encumbered by deed restrictions that precludes multi-family uses, limits building heights, and sets landscaping requirements.

Zoning History:

1. Z089-140

On May 13, 2009, the City Council approved an amendment to the deed restrictions on property zoned an RR Regional Retail District.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|-----------|--------------|--------------|
| N. Buckner Blvd. | Principle | 130 ft. | 130 ft. |

Land Use:

| | Zoning | Land Use |
|-------|---------------|---|
| Site | RR-D-1 | General Merchandise/Food Store/Motor Vehicle Fueling |
| North | RR-D-1 | Retail Strip Center |
| South | RR-D-1 | Office |
| East | RR-D-1 | Undeveloped |
| West | MF-2(A) | Multi-family |

STAFF ANALYSIS:**Comprehensive Plan:**

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Business Center Corridor Block.

This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the North Park Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along Highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The approximately 0.8092 acre request site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with retail strip center containing the approximately 2,550 square foot convenience store and gas station as well as other retail uses. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The adjacent commercial uses are compatible with the existing and proposed use on the subject property. The applicant is proposing to maintain the convenience store and gas station. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|----------------------------------|----------|---|----------------|--------|-----------------|-------------------------------------|---------------------|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| RR- existing Community Retail | 15' | 20' adjacent to residential OTHER: No Min. | NA | 54' | 80% | Proximity Slope Visual Intrusion | Business, community |


Parking/Traffic:

The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor and 2 spaces for a motor vehicle fueling station. While the existing development requires 18 spaces, 22 spaces are provided as shown on the attached site plan.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.

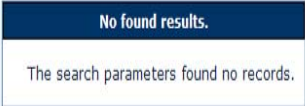
DPD Report

**DALLAS POLICE
DEPARTMENT**

[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access

Welcome



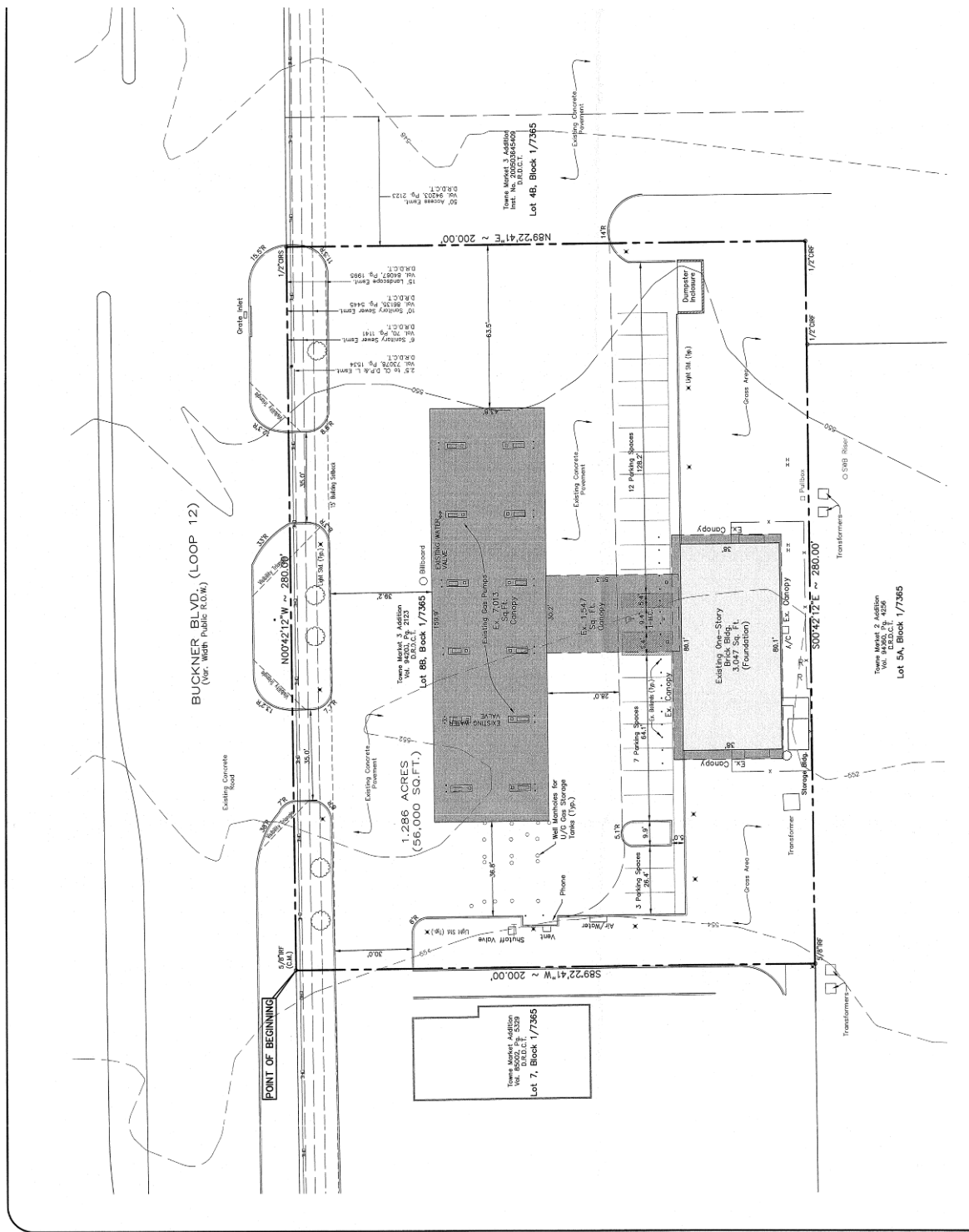
No found results.
The search parameters found no records.

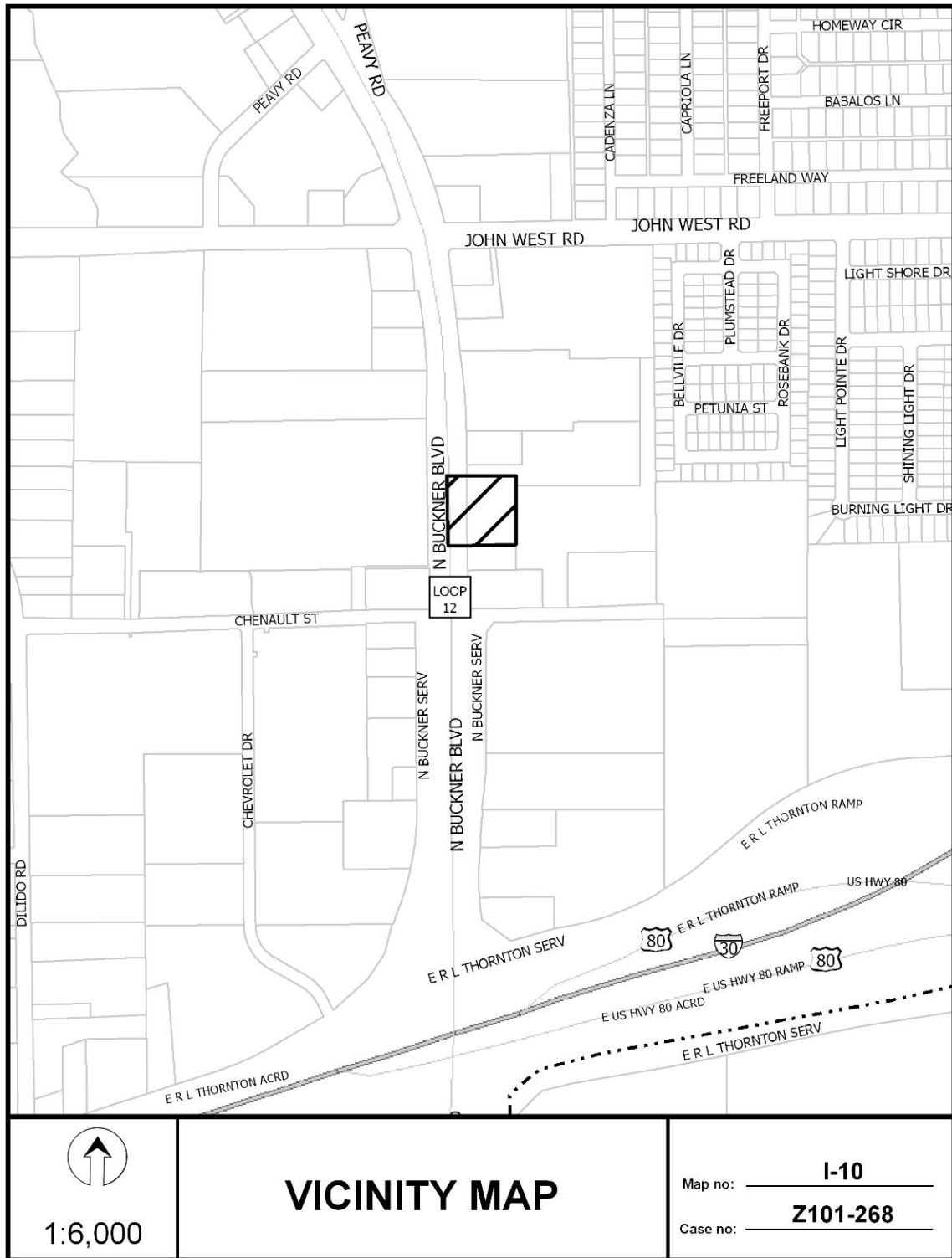
AgencyWeb® All rights reserved. ©2009 Orion Communications, Inc.

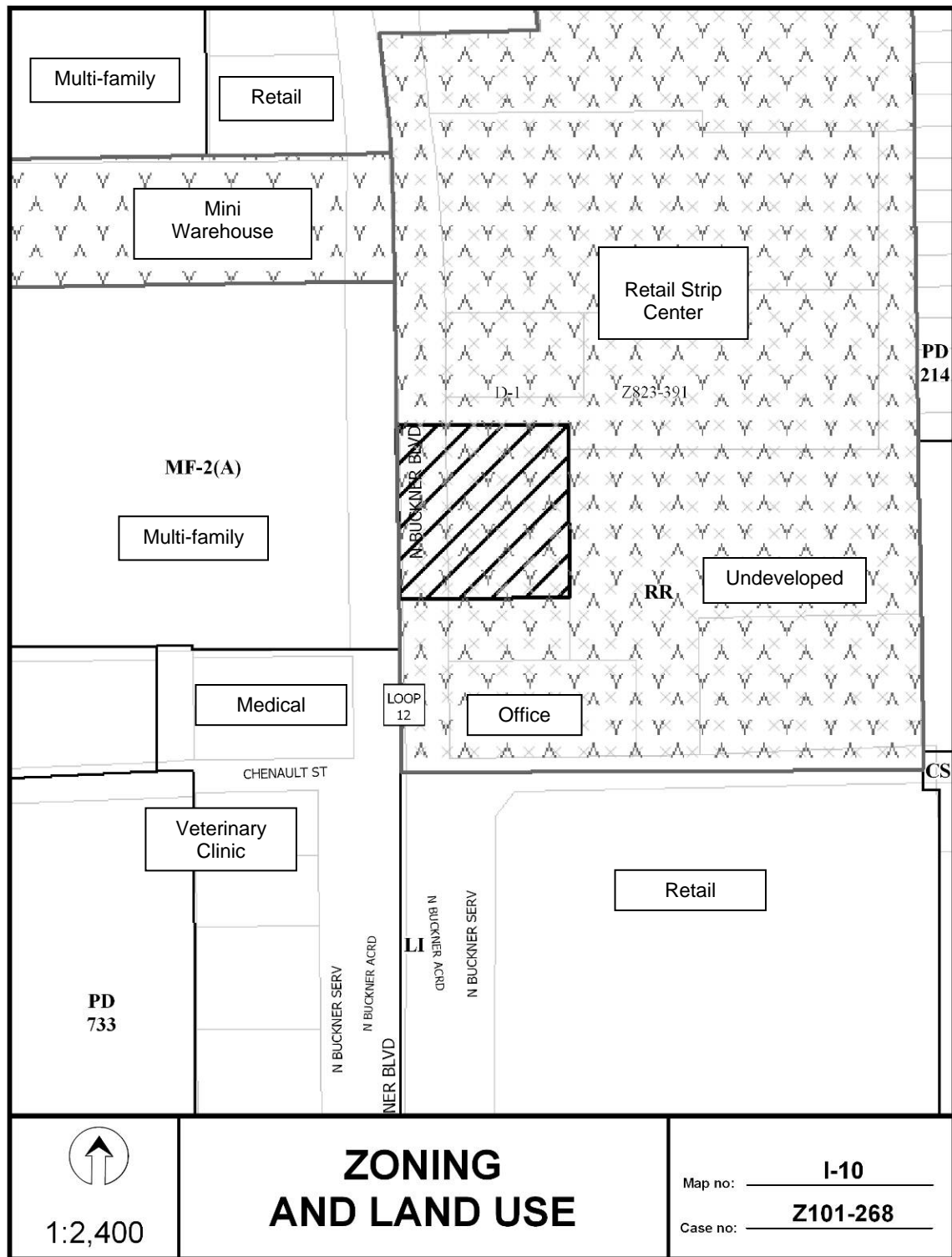
SUP Conditions

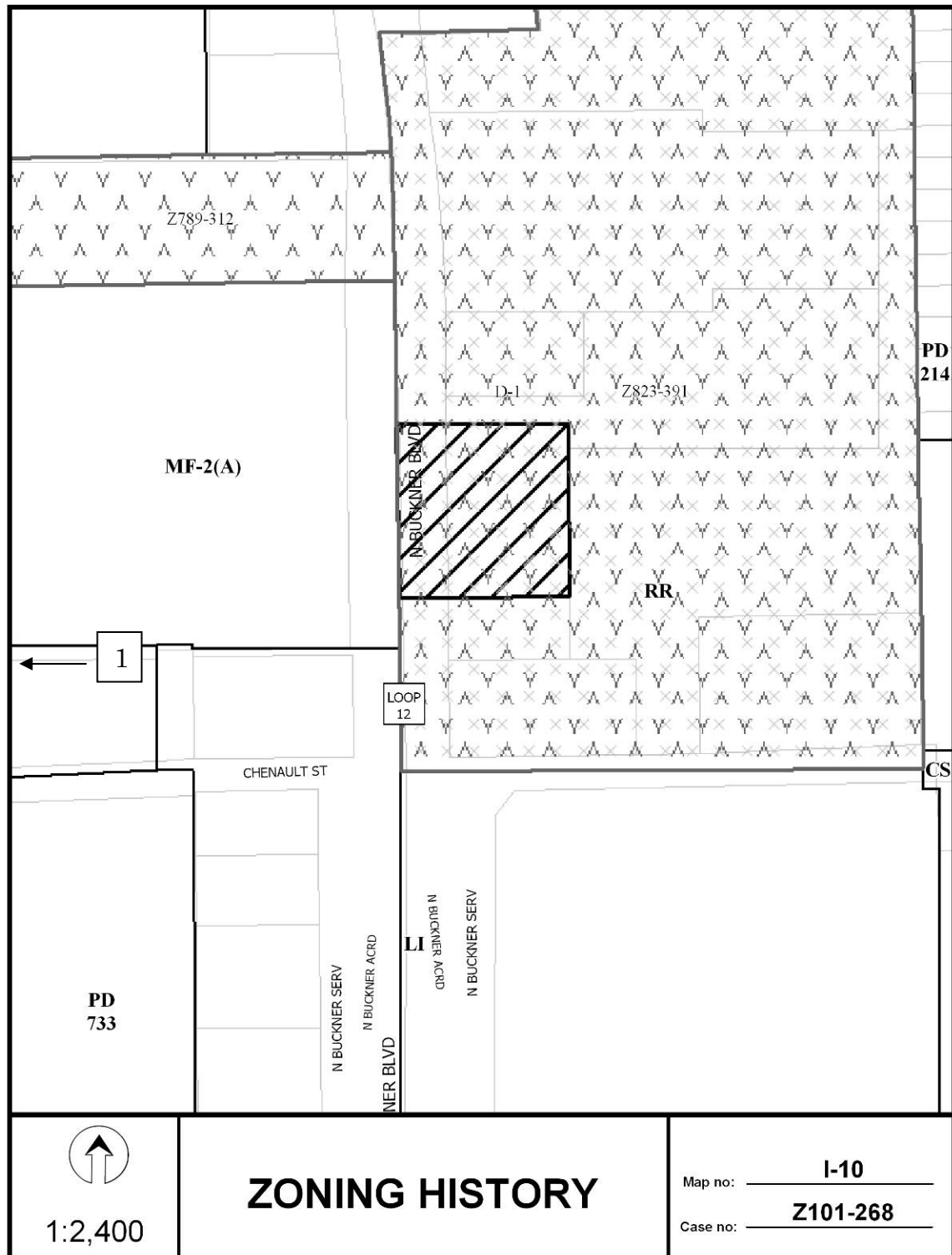
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

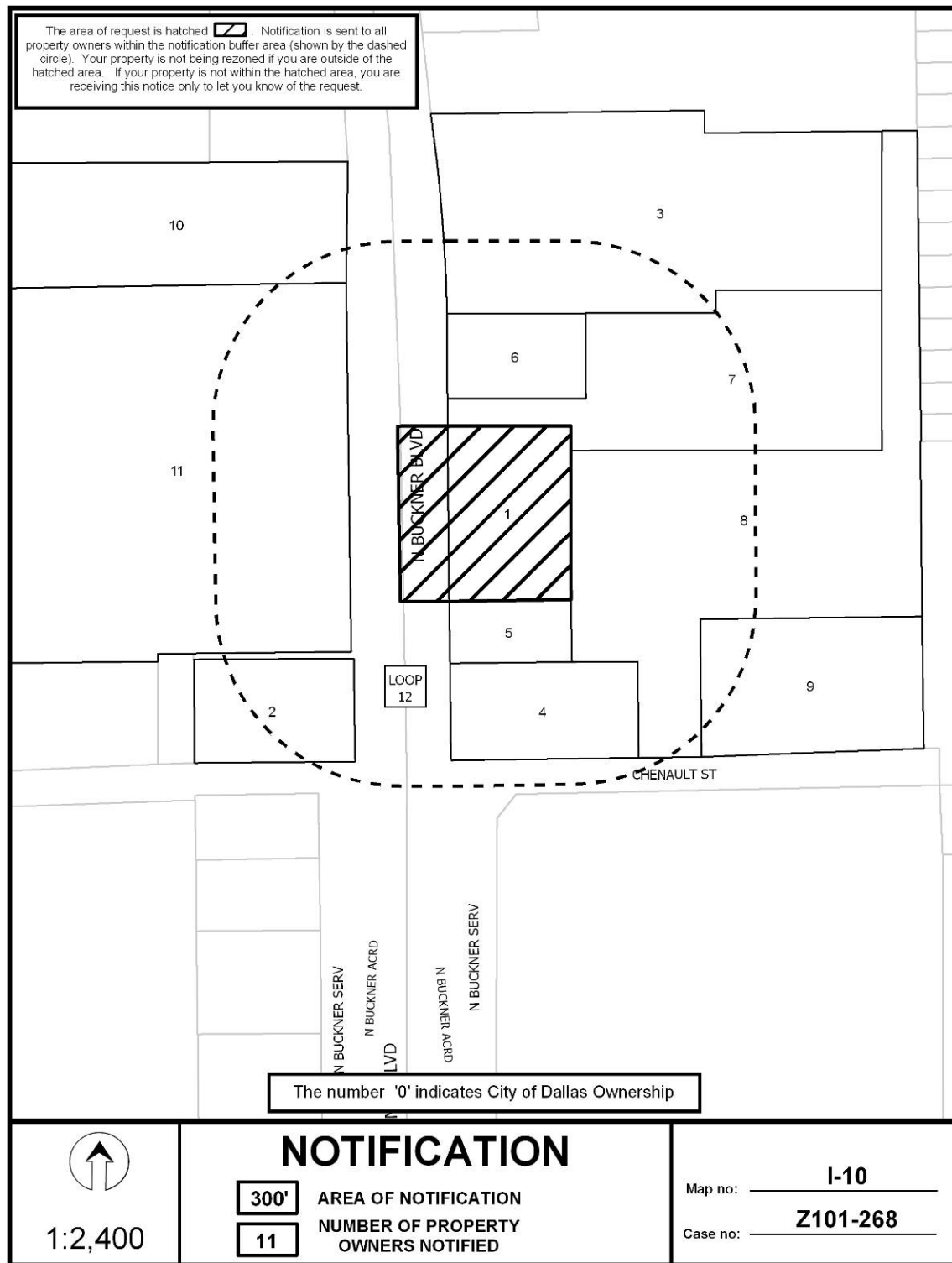
SITE PLAN











Notification List of Property Owners

Z101-268

11 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|--|
| 1 | 3516 BUCKNER | SOUTHERN CONERSTONE INC |
| 2 | 3535 BUCKNER | COMMUNITY MEDICAL PLAZA MANAGEMENT CORP |
| 3 | 3322 BUCKNER | SW BUCKNER LLC STE 710 |
| 4 | 3530 BUCKNER | SIX CONSTRUCT INC |
| 5 | 3520 BUCKNER | VESTAL FREDDY |
| 6 | 3402 BUCKNER | TOWNE SQUARE MARKET LP |
| 7 | 3402 BUCKNER | TOWNE SQUARE MARKET LP |
| 8 | 3516 BUCKNER | 3516 BUCKNER BLVD LTD STE 620 |
| 9 | 1953 CHENAULT | JFC ASSOCIATES LLC |
| 10 | 3333 BUCKNER | SH 718 LLC % SANDRA L HERBERGER |
| 11 | 3501 BUCKNER | EVEREST WINDSOR LP |

Tuesday, June 14, 2011

FILE NUMBER: Z101-163 (MG)

DATE FILED: January 14, 2011

LOCATION: Southwest corner of the intersection of Military Parkway and Elva Avenue

COUNCIL DISTRICT: 7

MAPSCO: 48 S

SIZE OF REQUEST: Approx. 0.8092 acres

CENSUS TRACT: 85.00

REPRESENTATIVE: Parvez Malik

APPLICANT: Jiten Roy

OWNER: Mohammed M. Rahmen

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing grocery store.

STAFF RECOMMENDATION: **Hold under advisement until August 18th, 2011.**

PREVIOUS CPC ACTION: On June 16, 2011, the Planning Commission held this case under advisement until July 7, 2011.

On May 19, 2011, the Planning Commission held this case under advisement until June 16, 2011.

On April 21, 2011, the Planning Commission held this case under advisement until May 19, 2011.

BACKGROUND INFORMATION:

- The request site is currently developed with an approximately 2,550 square foot general merchandise use (convenience store) and vehicle fueling station (gas station).
- The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.
- The general merchandise use is permitted by right in the CR Community Retail District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- Staff is requesting to hold this case under advisement until August 18th to allow the applicant to reconcile parking, site and site plan issues.

Zoning History:

There have been no recent zoning requests within the immediate vicinity.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|-----------|--------------|--------------|
| | | | |
| Military Pkwy. | Principle | 190 ft. | 190 ft. |
| Elva Ave. | Local | 40 ft. | 40 ft. |

Land Use:

| | Zoning | Land Use |
|-------|----------|---------------|
| Site | CR-D-1 | Commercial |
| North | CR-D-1 | Commercial |
| South | R-7.5(A) | Single family |
| East | CR-D-1 | Commercial |
| West | CR-D-1 | Commercial |

STAFF ANALYSIS:

Comprehensive Plan:

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Residential Neighborhood Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The approximately 0.8092 acre request site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with retail strip center containing the approximately 2,550 square foot convenience store and gas station as well as other retail uses. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the

welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The adjacent commercial uses are compatible with the existing and proposed use on the subject property. The applicant is proposing to maintain the convenience store and gas station. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|----------------------------------|----------|---|----------------|--------|-----------------|-------------------------------------|---------------------|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| CR- existing Community Retail | 15' | 20' adjacent to residential OTHER: No Min. | NA | 54' | 60% | Proximity Slope Visual Intrusion | Business, community |

Parking/Traffic:

The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor and 2 spaces for a motor vehicle fueling station. The request requires 13 spaces while 33 spaces are provided for the entire retail strip center as shown on the attached site plan.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.

DPD Report

Offense Records - Windows Internet Explorer

http://policeports.dallaspolice.net/publicresults/resultsoffensepublic.aspx

File Edit View Favorites Tools Help

Offense Records

DALLAS POLICE DEPARTMENT

UCR Codes Year Codes Property Class Codes

Virtual Viewer - Public Access Welcome

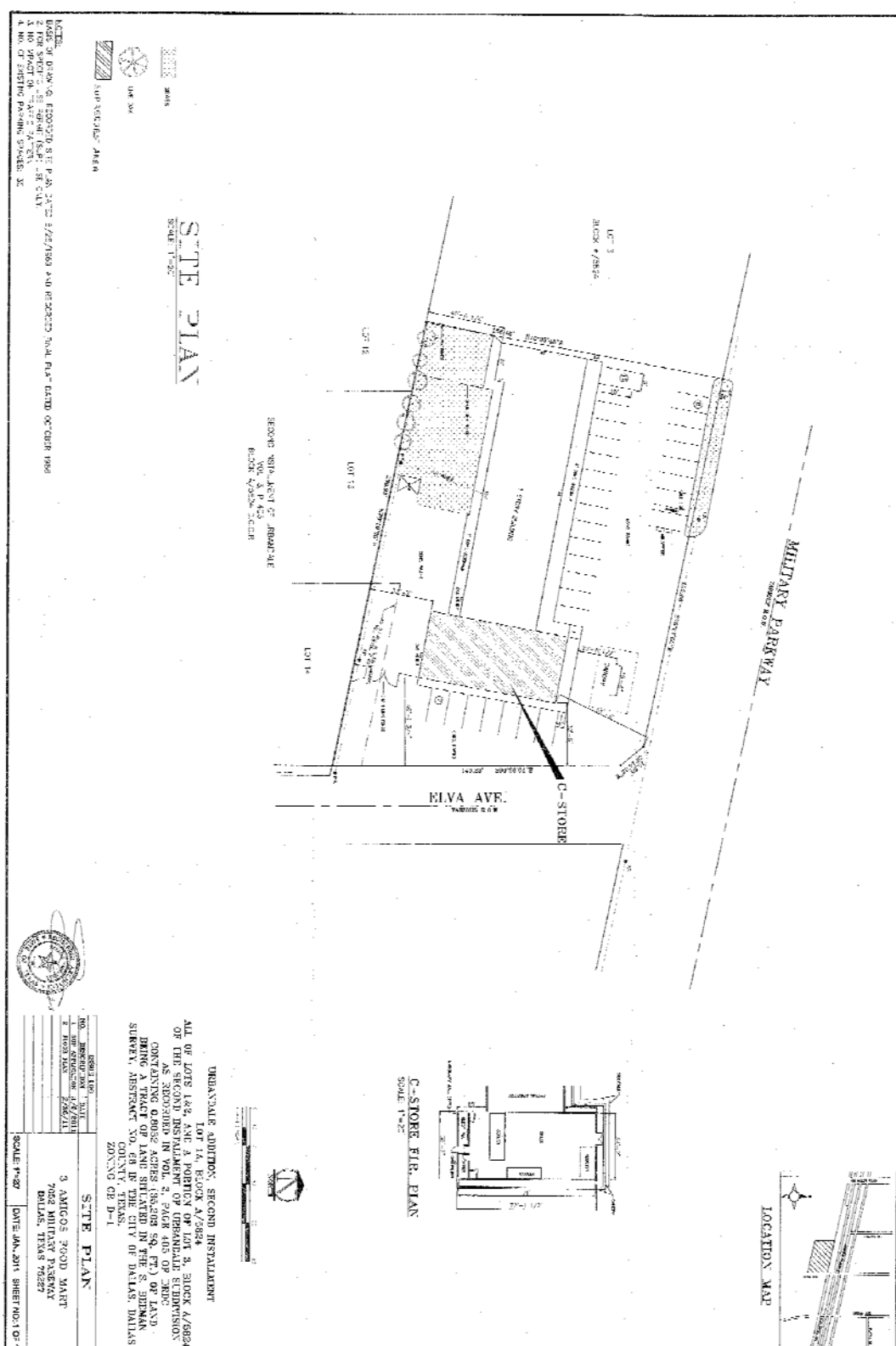
Search Records - Offense Filter

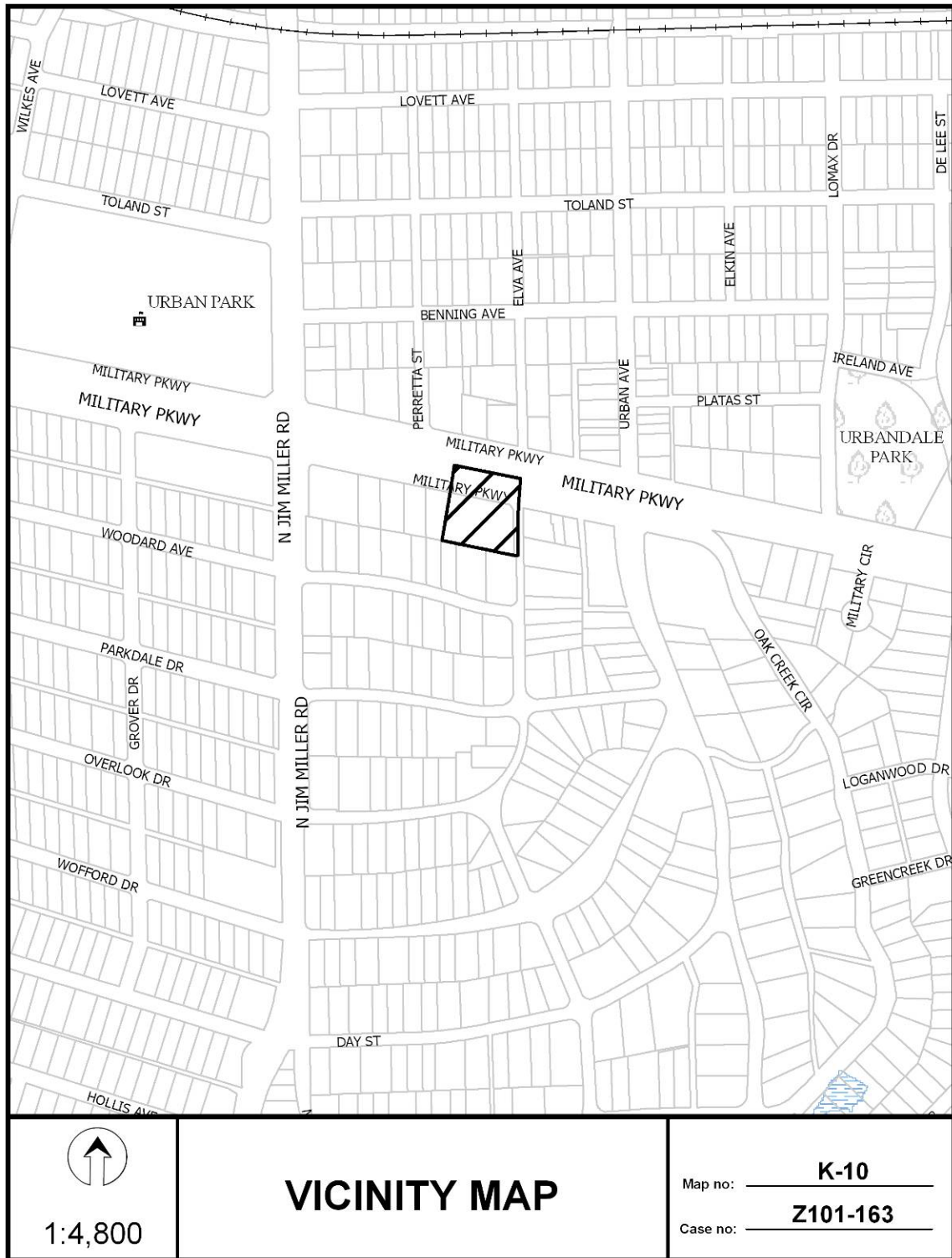
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
|---------------------------|--------------|--------------------------|-----------------------------|-------|-----|--------------|------|----------------|-------|------|
| 0000267-V | 01/01/2008 | REYES,MARCO, | AGGRAVATED ASSAULT | 07052 | | MILITARYPKWY | 324 | 1235 | 04121 | |
| 0000268-V | 01/01/2008 | REYES,EDDIEBERTO | AGGRAVATED ASSAULT | 07052 | | MILITARYPKWY | 324 | 1235 | 04121 | |
| 0055749-W | 02/27/2009 | BEISERT,CAROL | THEFT | 07052 | | MILITARYPKWY | 321 | 1235 | 06943 | |
| 0071706-X | 03/14/2010 | *3-AMIGOS FOOD MARKET | CRIMINAL MISCHIEF/VANDALISM | 07052 | | MILITARYPKWY | 321 | 1235 | 14081 | |
| 0098814-W | 04/09/2009 | CRUZ,FRANCISCO HERNANDEZ | ROBBERY | 07052 | | MILITARYPKWY | 321 | 1235 | 03941 | |
| 0151705-X | 05/31/2010 | BOHAR,EVEREST | ASSAULT | 07052 | | MILITARYPKWY | 321 | 1235 | 08111 | |
| 0179163-T | 03/15/2007 | *3 AMIGOS FOOD MART | ROBBERY | 07052 | | MILITARYPKWY | 323 | 1235 | 03411 | |
| 0219232-X | 08/05/2010 | *ATLAS IMPORT | THEFT | 07052 | | MILITARYPKWY | 321 | 1235 | 06941 | |
| 0279270-W | 09/18/2009 | DAS, SAMAR | CRIMINAL MISCHIEF/VANDALISM | 07052 | | MILITARYPKWY | 321 | 1235 | 14030 | |
| 0324707-V | 10/19/2008 | *MAYTAG LAUNDRY MAT | BURGLARY | 07052 | | MILITARYPKWY | 324 | 1235 | 05391 | |
| 0340769-R | 05/06/2006 | SEARS,CLOUDY | THEFT | 07052 | | MILITARYPKWY | 323 | 1235 | 06902 | |
| 0347485-X | 12/20/2010 | HENDERSON ,ANTHONY | THEFT | 07052 | | MILITARYPKWY | 321 | 1235 | 06992 | |
| 0350970-V | 11/14/2008 | @CITY OF DALLAS | CRIMINAL MISCHIEF/VANDALISM | 07052 | | MILITARYPKWY | 324 | 1235 | 14082 | |
| 0517944-R | 07/08/2006 | *THREE AMIGOS FOOD MART | BURGLARY | 07052 | | MILITARYPKWY | 323 | 1235 | 05132 | |
| 0577235-T | 08/02/2007 | *3 AMIGOS FOOD MART | THEFT | 07052 | | MILITARYPKWY | 323 | 1235 | 06972 | |

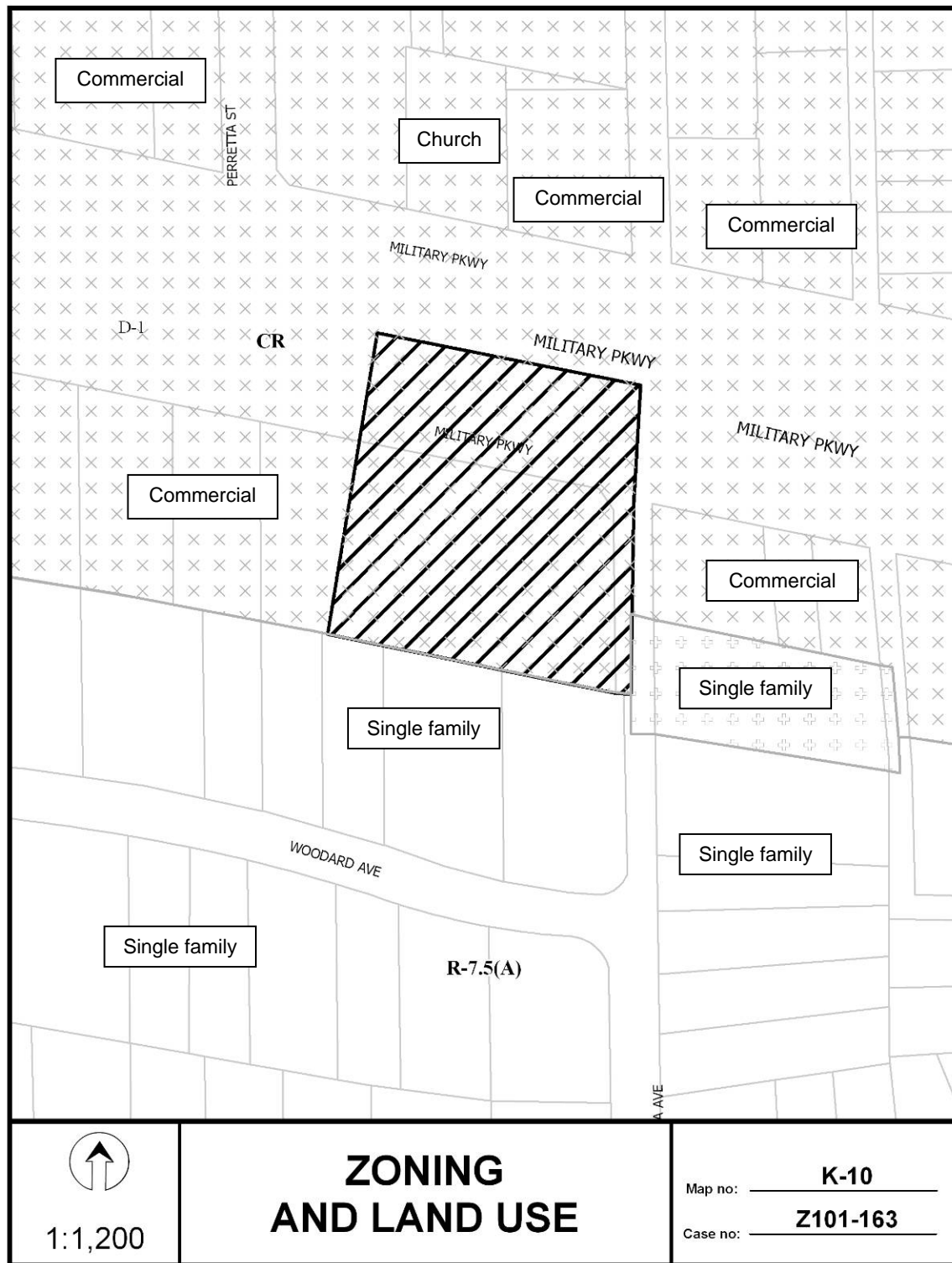
SUP Conditions

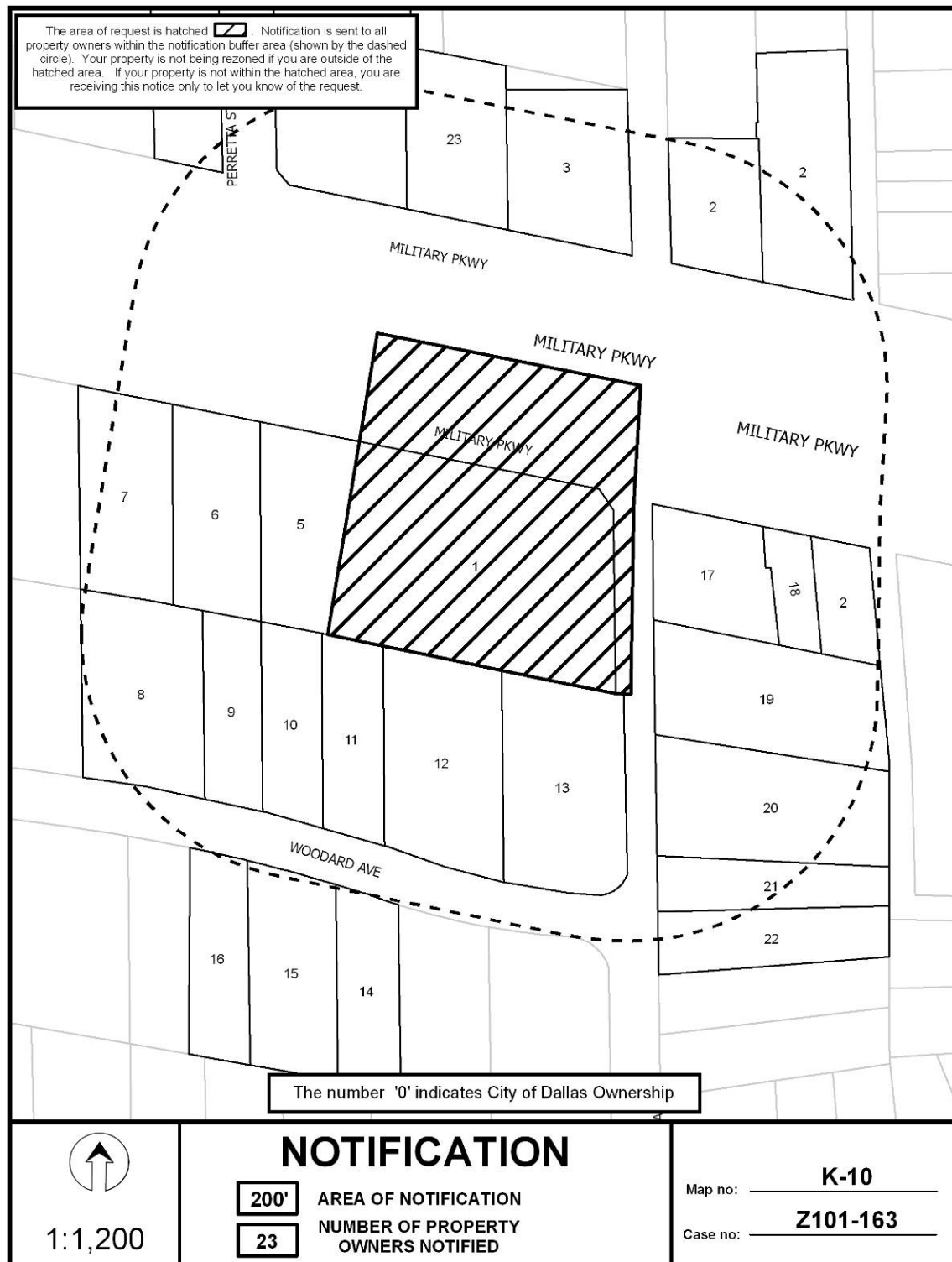
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SITE PLAN









DATE: March 18, 2011

Notification List of Property Owners

Z101-163

23 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 7052 MILITARY | TRTX INC |
| 2 | 7110 MILITARY | BALLAS VICTOR |
| 3 | 7055 MILITARY | TOBIAS WILLIAM A & MARY L |
| 4 | 7027 MILITARY | MEZA JESUS M |
| 5 | 7034 MILITARY | SOTO EMETERIO & JOEL M SOTO |
| 6 | 7028 MILITARY | CARROLL THOMAS D DDS |
| 7 | 7020 MILITARY | CARROLL THOMAS DALE |
| 8 | 7023 WOODARD | CASILLAS ORQUIDIA |
| 9 | 7033 WOODARD | ESTRADA TOMAS & RAFAELA CANO DE |
| 10 | 7039 WOODARD | VELASQUEZ XOCHILL G & VELASQUEZ MARGARITO |
| 11 | 7043 WOODARD | VALVERDE SAUL & NARCEOALTA |
| 12 | 7045 WOODARD | DIAZ BERTHA S D |
| 13 | 7055 WOODARD | PINALES SANTOS & MARIA OLIVIA |
| 14 | 7040 WOODARD | TAKAHASI NATASSIA |
| 15 | 7034 WOODARD | YOUNG CHARLES L |
| 16 | 7030 WOODARD | PENA CESAR |
| 17 | 7102 MILITARY | MAISONET SANDRA |
| 18 | 7108 MILITARY | RODRIGUEZ ROJELIO M & ELIZA O |
| 19 | 3914 ELVA | PARKWAY ENTERPRISES INC |
| 20 | 3910 ELVA | DAVALOS ALEJANDRO & JULIA CASTRO |
| 21 | 3902 ELVA | UVALLE RODOLFO |
| 22 | 3822 ELVA | CHAVEZ FELIX A |
| 23 | 7041 MILITARY | IGLESIA DE DOS EMMANUEL |

Friday, March 18, 2011

FILE NUMBER: Z101-253 (MG)

DATE FILED: January 18, 2011

LOCATION: Southeast quadrant of Lake June Road and Templecliff Drive

COUNCIL DISTRICT: 5

MAPSCO: 58 J

SIZE OF REQUEST: Approx. 0.040 acres

CENSUS TRACT: 93.01

REPRESENTATIVE: Parvez Malik – Business Zoom

APPLICANT/OWNER: Bawa Corporation

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use less than 3,500 square feet on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing grocery store.

STAFF RECOMMENDATION: Hold under advisement until August 18th, 2011.

PREVIOUS CPC ACTION: On June 16, 2011, the Planning Commission held this case under advisement until July 7, 2011.

BACKGROUND INFORMATION:

- The request site is currently developed with an approximately 1,737 square foot general merchandise use (convenience store), vehicle fueling station (gas station) and tire shop.
- The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.
- The general merchandise use is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- Staff requests to hold this case under advisement until August 18th to allow the applicant reconcile parking, permit and site plan issues.

Zoning History:

1. Z079-186

On June 11, 2008 the City Council approved an amendment to Specific Use Permit No. 1252 for a child care facility on property zoned R-7.5(A) Single Family District.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|-----------|--------------|--------------|
| | | | |
| Lake June Blvd. | Principle | 100 ft. | 100 ft. |
| Templecliff Dr. | Local | 50 ft. | 50 ft. |

Land Use:

| | Zoning | Land Use |
|-------|---------------|-----------------|
| Site | RR-D-1 | Commercial |
| North | MF-1(A) | Church |
| South | MF-1(A) | Multi-family |
| East | CR | Church |
| West | R-7.5(A) | Church |

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Residential Neighborhood Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The approximately 0.40 acre request site is zoned an RR Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with an approximately 1,737 square foot convenience store, motor vehicle fueling station and tire shop. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The adjacent and surrounding uses are compatible with the existing and proposed use on the subject property. The applicant is proposing to maintain the convenience store, motor vehicle fueling station and tire shop. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|---------------------------------|----------|---|----------------|--------|-----------------|--|--|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| RR- existing Regional Retail | 15' | 20' adjacent to residential OTHER: No Min. | NA | 70' | 80% | 20' setback for portion of structure over 45' in height | Regional serving retail, personal service |

Parking/Traffic:


The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor, one space for every 500 square feet of auto service uses with a minimum of four spaces, and two spaces for motor vehicle fueling. This results in a parking requirement of 15 spaces.

Since the time this case has been held, it has been determined that previously added canopies create additional parking requirements. The applicant was expected to provide revised plans noting the total square footage for the tire shop including the added canopy areas. As of June 7, 2011, revised plans have not been received. As a result, it is not possible to determine the total parking requirement. The most recent site plan available indicates 17 parking spaces, but does not denote the square footage of the tire shop's added canopy area.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.


DPD Report

**DALLAS POLICE
DEPARTMENT**

[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access

Welcome



No found results.

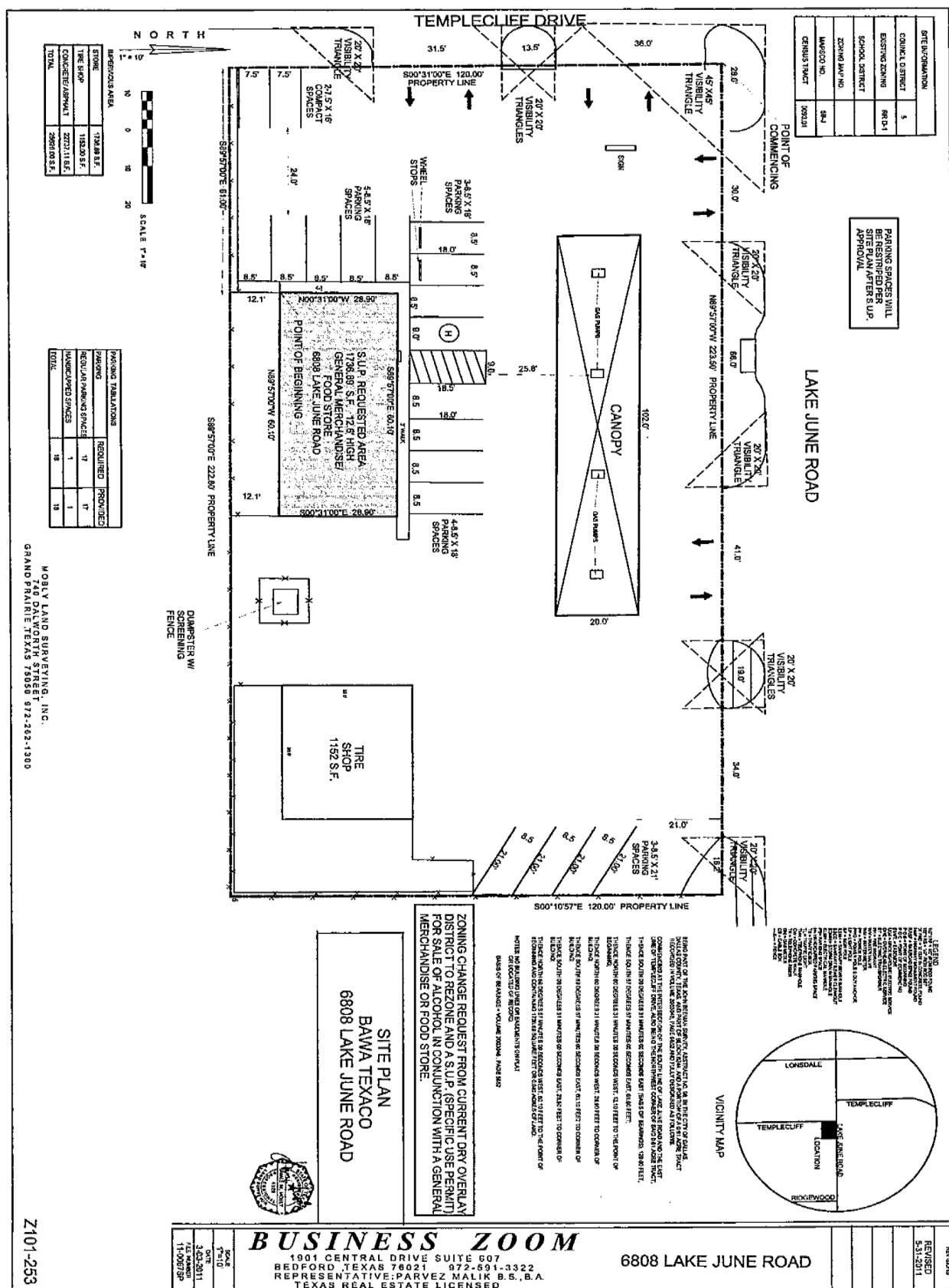
The search parameters found no records.

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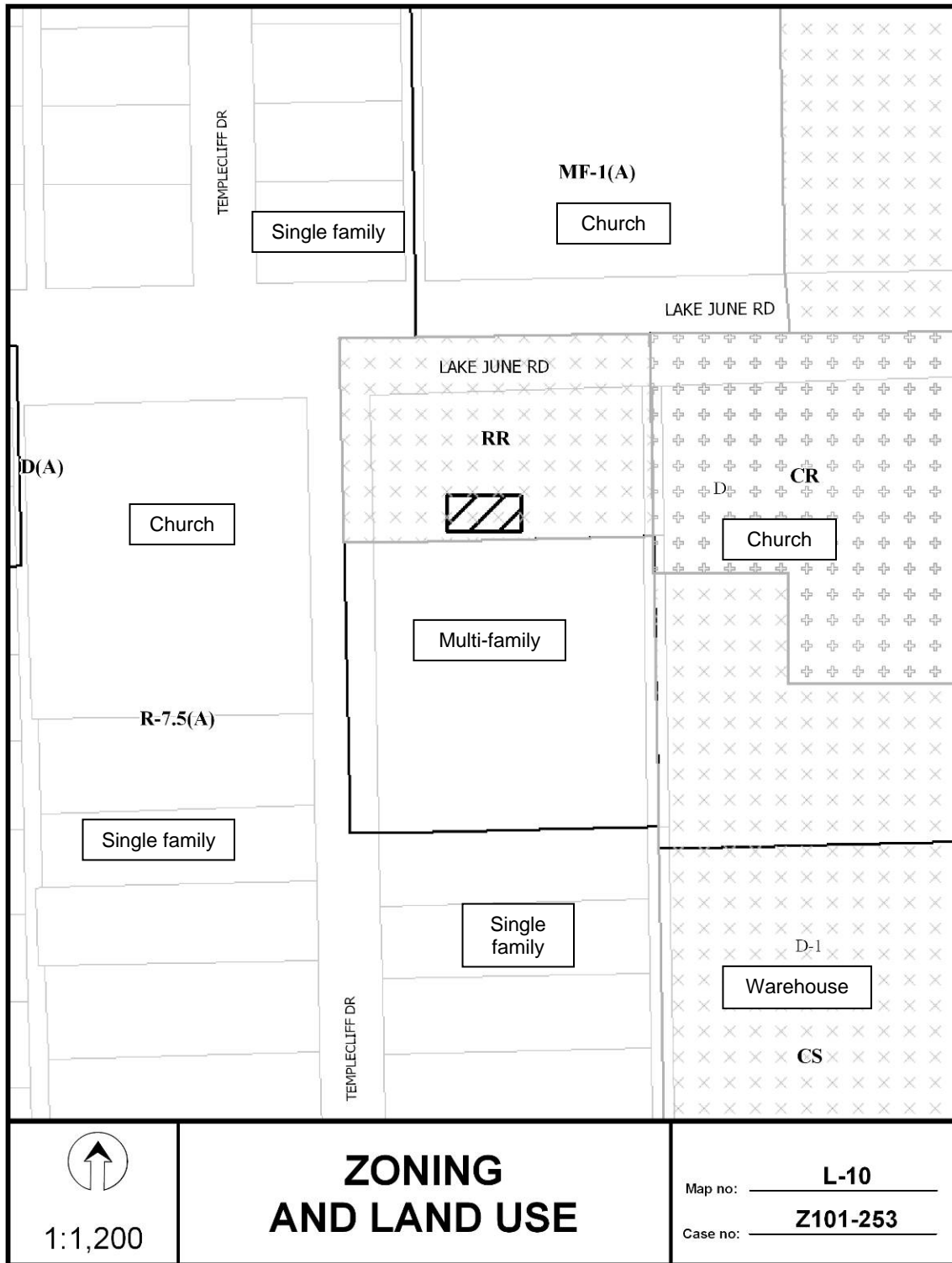
SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption in conjunction with a general merchandise or food store less than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

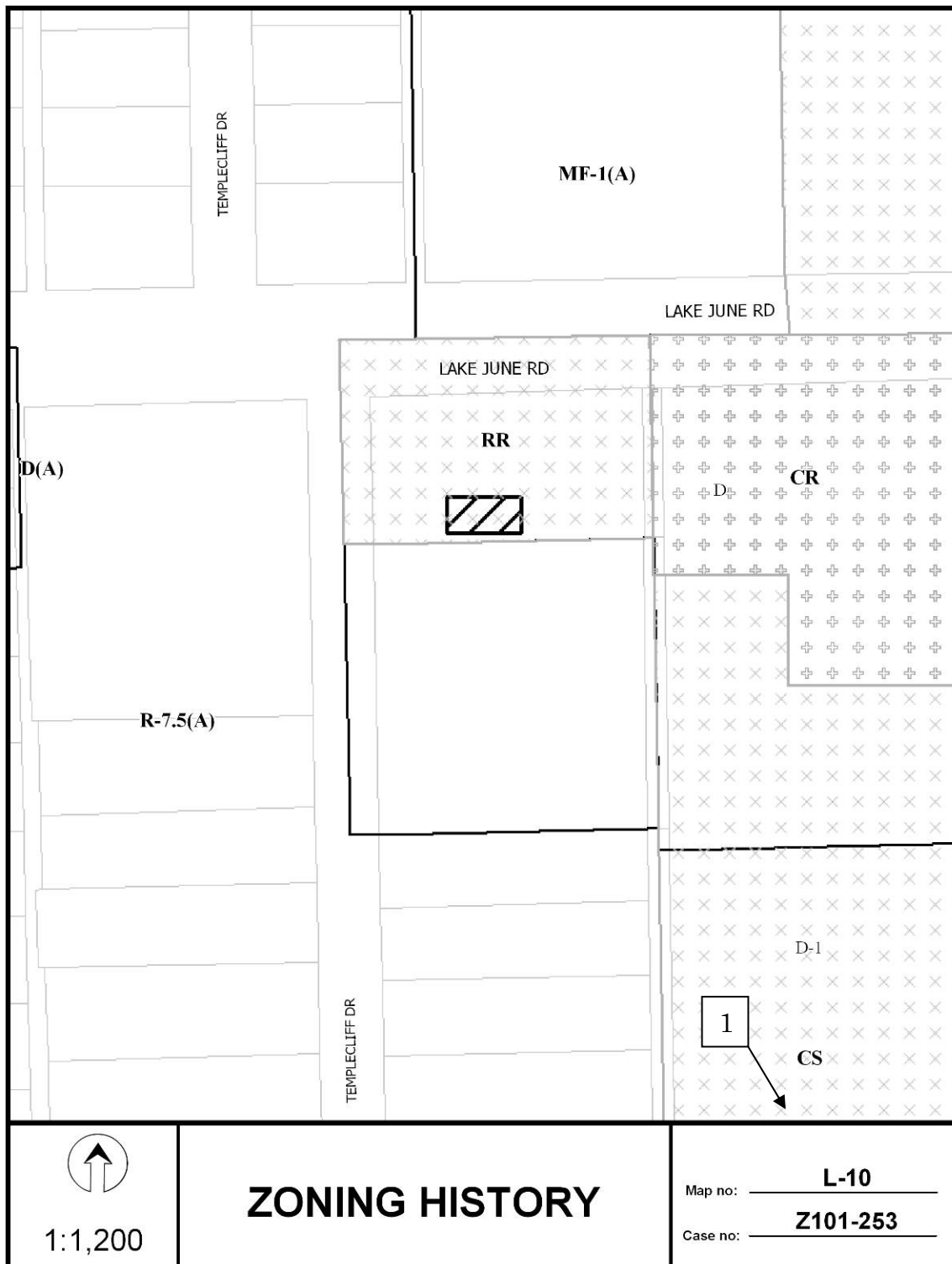
SITE PLAN



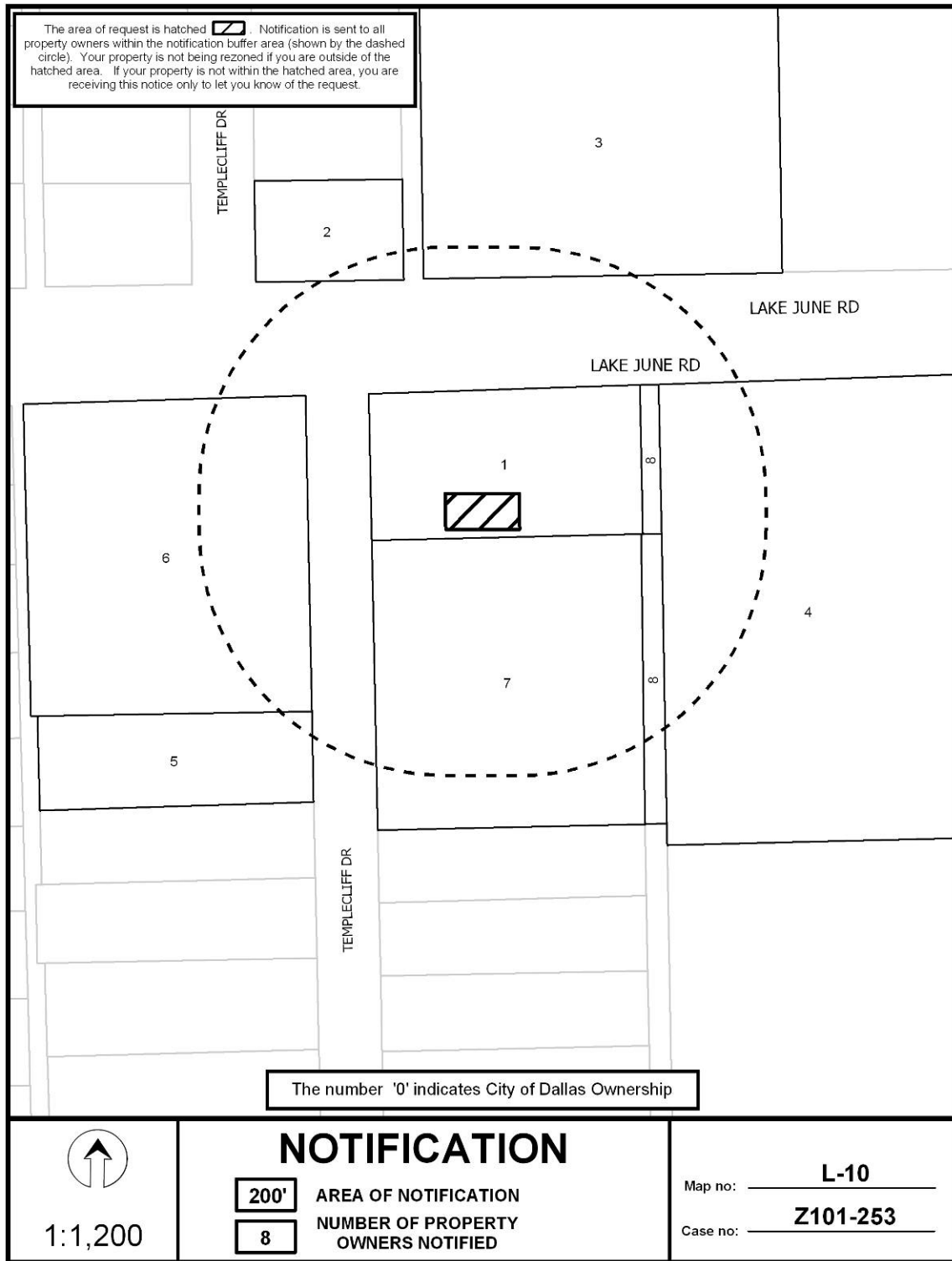




DATE: May 19, 2011



DATE: May 19, 2011



Z101-253

Page 1 of 1

5/19/2011

Notification List of Property Owners

Z101-253

8 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---------------------------------------|
| 1 | 6808 LAKE JUNE | BAWA CORPORATION |
| 2 | 1304 TEMPLECLIFF | MARES NOEL & LINDA MARES |
| 3 | 6819 LAKE JUNE | MOUNT SINAI BAPTIST CH |
| 4 | 6916 LAKE JUNE | FAITH KINGDOM CHURCH OF GOD IN CHRIST |
| 5 | 1231 TEMPLECLIFF | SCOTT ANITA LOUISE |
| 6 | 1239 TEMPLECLIFF | CENTRO CRISTIANO REDENCION |
| 7 | 1234 TEMPLECLIFF | BOST FRED W APT 108 |
| 8 | 6814 TEMPLECLIFF | CRAIG A C RESOURCE CTR |

Thursday, May 19, 2011

FILE NUMBER: Z089-185 (OTH)

DATE FILED: March 20, 2009

LOCATION: On the north side of Ryan Road, west of Garapan Drive

COUNCIL DISTRICT: 3

MAPSCO: 54-X

SIZE OF REQUEST: 15,559 square feet

CENSUS TRACT: 60.01

APPLICANT/OWNER: Sharon Harris

REQUEST: An application to renew Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District.

SUMMARY: The applicant is proposing to restart the use of the property as a child-care facility.

STAFF RECOMMENDATION: Denial

PRIOR CPC ACTION: On February 17, 2011, the City Plan Commission held the case under advisement until July 7, 2011.

On November 18, 2010, the City Plan Commission held the case under advisement until February 17, 2011.

On October 21, 2010, the City Plan Commission held the case under advisement until November 18, 2010.

BACKGROUND INFORMATION:

- The property is currently developed with a 3,423 square feet building. The applicant proposes to relocate her existing child-care facility on the site. Originally, the property had two buildings, A and B. Building A is a two story building. The original buildings had a total of 2,004 square feet. The two buildings are connected by the new addition. The new construction has not been completed.
- The facility had been operating on and off a child-care facility since 1984.
- Specific Use Permit No. 904 was approved on August 29, 1984, for a child-care facility on a portion of the request site for a two-year period, and a certificate of occupancy was issued for a daycare center for SUP No. 904 on 813 Ryan Road for the current owner. SUP No. 904 was not renewed, and expired on August 29, 1986.
- On September 30, 1999, the applicant was awarded a combined total of \$150,000 for the expansion of the facility on the request site. The proposed expansion connected the two buildings on the site. The expanded structure has a total of 3,423 square feet. The property has been under construction since.
- Specific Use Permit No. 1453 was approved September 12, 2001, for a child-care facility on the request site for a two-year period with eligibility for automatic renewals for additional two-year periods. SUP No. 1453 was not renewed, and expired on September 12, 2003.
- Specific Use Permit No. 1581 was approved on May 11, 2005 for two years with eligibility for automatic renewals of additional two-year periods. The applicant missed the deadline to submit the automatic renewal application. However, she submitted the application to renew the SUP. The SUP was renewed on August 22, 2007 for a period of two years with eligibility for automatic renewals of additional five-year periods.
- On March 20, 2009, the applicant submitted the application to automatically renew SUP No. 1581, well within the required time to submit the application for automatic renewal. At the time of the application, the applicant submitted the site plan approved by City Council on August 22, 2005. Automatic renewal is approved only on the basis that conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested. Therefore, the site must comply with the existing approved site plan. The existing site plan was approved on August 22, 2007. The existing conditions on the site do not comply with either one of the approved plans.
- Staff made several visits to the site to inspect for compliance with the site plan. Staff last visited the site on September 30, 2010. The site did not comply with the approved site and landscape plan. There were deficiencies in the landscape

plan and the required parking. The applicant indicated she was unable to change the site to comply with the requirements. Therefore, the request must be brought before City Plan Commission and City Council.

- The proposed site plan does not meet Code requirements. The applicant's proposed site plan shows an obstruction to the visibility triangle; therefore, in order to be allowed to maintain the obstruction the applicant needs to go to the Board of Adjustment to obtain a special exception to the visual obstruction regulations. The proposed parking does not meet the requirements for parking design. Therefore, the applicant applied to the Board for a special exception for 2 parking spaces. The proposed site plan exceeds the lot coverage permitted for non residential uses in the TH-3(A) Townhouse District. The applicant applied to the Board for a variance to the lot coverage requirements.
- On March 16, 2011, the Board of Adjustment action was as follows:
 - Granted:
 - A request to reimburse the filing fees submitted in conjunction with the application.
 - The request for a special exception to the off-street parking regulations of 2 parking spaces, subject to the conditions that the special exception shall automatically and immediately terminate if and when the child-care facility use is changed or discontinued.
 - The request for a special exception to the visual obstruction regulations, subject to the conditions that the property complies with the submitted site plan.
 - Denied:
 - The request for a variance to the lot coverage regulations without prejudice.

The applicant expressed to staff that she plans to submit a new application to the Board of Adjustment for a variance for the lot coverage. If the Board of Adjustment denies the variance, the applicant will have to remove the exceeding square footage to comply with Code requirements. The City Plan Commission may not approve a site plan that does not comply with Code requirements.

Zoning History:

There have been two zoning change requests in the area. Both requests are on the subject site:

1. BDA 101-116 On March 16, 2011, the Board of Adjustment granted a request for reimbursement of the application fee; a special exception to the off-street parking regulations with conditions; a special

exception to the visual obstruction regulations; and denied a variance to the lot coverage regulations without prejudice on property located at 813 Ryan Road.

2. Z045-186 On May 11, 2005, the City Council approved Specific use Permit No. 1581 for a child-care facility for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions, on property zoned a TH-3(A) Townhouse District located on the northwest side of Ryan Road, southwest of Garapan Drive.
3. Z067-184 On Wednesday, August 22, 2007, the City Council approved the renewal and amendment of Specific Use Permit No. 1581, for a child-care facility for a two-year period with eligibility for automatic renewals for additional five-year periods, on property zoned a TH-3(A) Townhouse District located on the northwest side of Ryan Road, southwest of Garapan Drive.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW | Proposed ROW |
|----------------------|-------|--------------|--------------|
| Ryan Road | Local | 50 feet | 50 feet |
| Garapan Drive | Local | 50 feet | 50 feet |

Land Use:

| | Zoning | Land Use |
|--------------|---------|---|
| Site | TH-3(A) | Child-care facility |
| North | TH-3(A) | Single Family Residential |
| East | TH-3(A) | Single Family Residential |
| West | TH-3(A) | Single Family Residential |
| South | TH-3(A) | Single Family and Multifamily Residential |

STAFF ANALYSIS:

Comprehensive Plan:

The requested use is compatible with the residential character of the neighborhood because it has been part of the community since 1984 and is providing a small-scale neighborhood service. However, it is noted that typically the locations of these uses should be near the perimeter of a neighborhood.

NEIGHBORHOOD ELEMENT

GOAL 7.1 Promote vibrant and viable neighborhoods.

Policy 7.1.2 Promote neighborhood-development compatibility.

Land Use Compatibility:

The 15,559 square foot request site is located on the northwest side of Ryan Road, southwest Garapan Drive. The site is developed with a 3,423 square feet building. The new construction added approximately 1,419 square feet of floor area. The property is surrounded by a TH-3(A) Townhouse District which is developed with single family uses and some multifamily uses.

Specific Use Permit No. 1581 was amended and renewed on August 22, 2007 and was approved for automatic renewal for additional five-year periods.

The applicant submitted the automatic renewal application within the legally required period of time. However, due to noncompliance with the conditions and site plan, staff could not grant the automatic renewal of the SUP. Automatic renewals are granted based on compliance with the SUP conditions and the site and landscape plans.

Staff compared the existing conditions of the site and the approved conditions and site/landscape plan. Deficiencies to the approved site plan include parking layout, lot coverage and landscaping.

The parking, as is on the site today, does not comply with the approved site plan. The driveways are shifted, thus impeding the safe maneuvering and ingress/egress of traffic. The existing layout of the parking cannot be approved due to the lack of compliance with Code. Staff discussed the existing conditions and determined that given the limitations of the site, there is no other feasible way to provide parking and comply with Code than the approved site plan. The applicant applied to the Board of Adjustment for a special exception for two parking spaces. The variance was granted, therefore the parking provided on the site must comply with the parking layout approved by the Board.

The lot coverage permitted in a TH-3(A) Townhouse District is 25 percent. The lot size for the site is 15,559 which allows for 3,890 square feet. The existing structures cover

4,378 square feet. The building is 4,005 square feet and a 373 storage structure. This means that the lot coverage exceeds the permitted coverage by three percent. For this reason, the applicant will have to obtain a variance to the lot coverage for 3 percent or remove 488 feet of the existing structures. The CPC may not approve a site plan that exceeds the permitted lot coverage.

The City Arborist visited the site and determined that the existing landscaping does not comply with the approved site plan. All of the required landscaping is along the south side of the property. None of the required landscaping is in place, with the exception of the foundation planting. No required trees are provided, and the trees that are on the site are dead. The required shrubs along the building are to be 3' in height. They are scattered and do not reach the required height. The trees planted on the front of the property are not the required trees and are not in healthy condition.

The landscape shown on the proposed site plan do not meet Article X requirements. Staff worked with the applicant to provide an acceptable landscape plan. The applicant will have to provide the landscape in the site plan as recommended by staff for CPC and City Council to approve.

Typically, if a child-care facility is located within a residential neighborhood, they are generally not encouraged to locate in the interior of the neighborhood. However given the tenure that the facility has coexisted in the neighborhood, with appropriate conditions the facility could be beneficial to the neighborhood.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|----------------------|----------|-----------|----------------------------|--------|-----------------|---------------------------|---------------|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| TH-3(A) Townhouse | 0' | 0' | 12 Dwelling Units/ Acre | 36' | 60% | Min. Lot: 2,000 sq. ft | Single family |

Parking:

The Dallas Development Code requires one parking space for every 500 square feet of floor area. The required parking for the facility is seven parking spaces for the proposed 3,423 square foot facility. The applicant has not provided the required seven parking spaces as shown in the site/landscape plan approved by City Council on August 22, 2007. Therefore, the parking layout must comply with the layout provided as approved by the Board on March 16, 2011.

Landscaping:

The landscaping in the site does not comply with the approved site/landscape plan. The arborist visited the site and determined that there are too many items to be listed that are wrong with the site plan. Some of the items are as follows:

All of the required landscaping is along the south side of the property. None of the required landscaping is in place, with the exception of the foundation planting.

The required shrubs along the building are to be 3' in height. The planted shrubs are scattered and do not reach the required height.

None of the required trees are provided, and the trees that are on the site are not in healthy condition.

Staff worked with the applicant to provide an acceptable landscape plan. The applicant will have to provide the landscape in the site plan as recommended by staff for CPC and City Council to approve.

SUP EXISTING CONDITIONS

072411

8-16-07

ORDINANCE NO. 26898

An ordinance amending Ordinance No. 25973, passed by the Dallas City Council on May 11, 2005, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No. 1581 for a child-care facility; amending the conditions in Section 2 of that ordinance; providing a revised site plan; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to Specific Use Permit No. 1581; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 1581; Now, Therefore,

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

SECTION 1. That the conditions in Section 2 of Ordinance No. 25973 are amended to read as follows:

- "1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit ~~[is approved for a period that]~~ expires on August 22, 2009 ~~[May 11, 2007]~~, but ~~[and]~~ is eligible for automatic renewal for additional five ~~[two]~~-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. ~~[In order]~~ E[f]or automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the

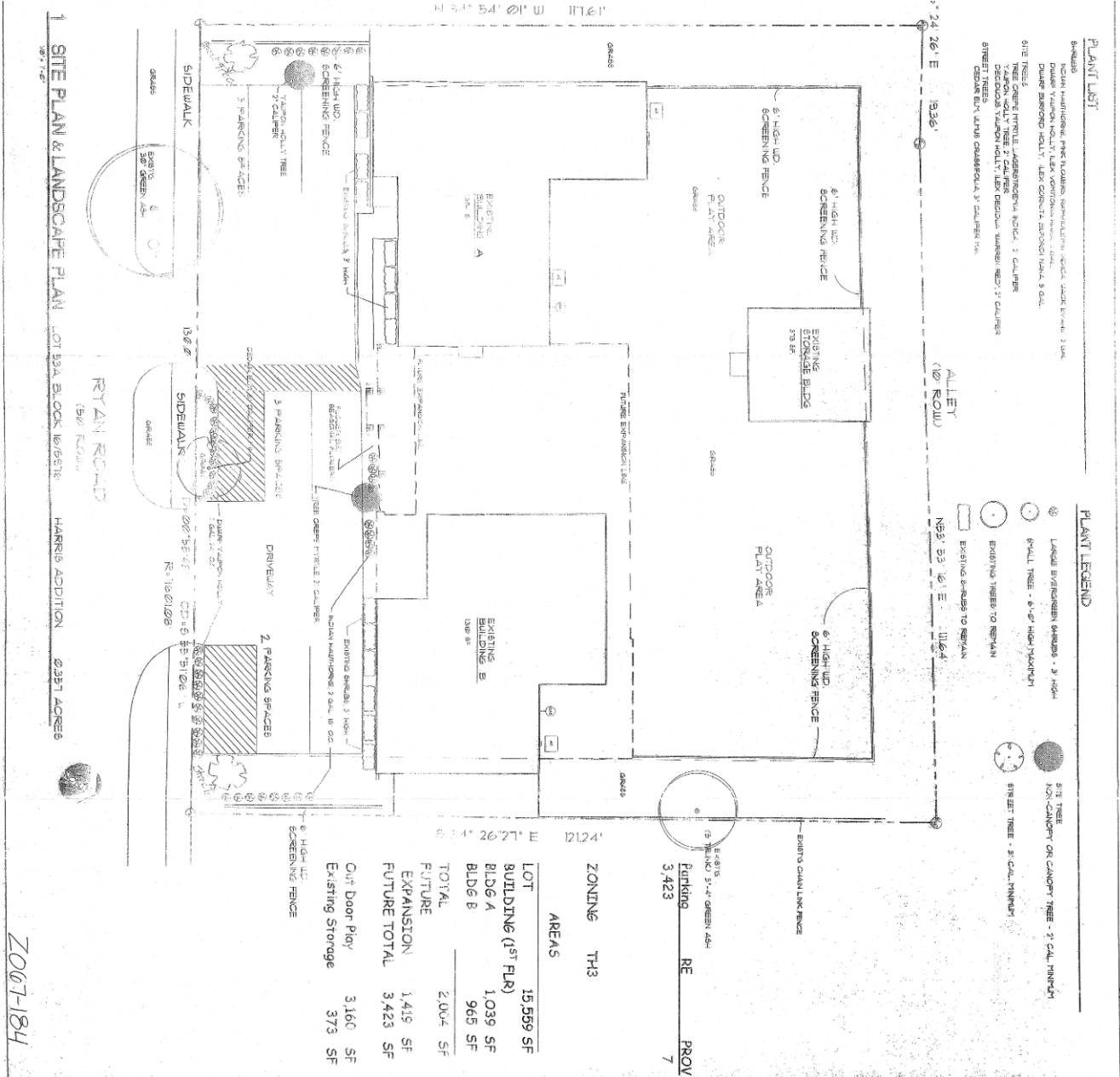
26898

expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

4. LANDSCAPING: Before the final inspection of a building permit for new improvements, l[L]andscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.
5. ENROLLMENT: Enrollment in the child-care facility may not exceed 53 children.
6. FENCING: The outdoor play area must be enclosed by a minimum four-foot-high fence, as shown on the attached site plan.
7. HOURS OF OPERATION: The child-care facility may only operate between 6:00 a.m. and 6:00 p.m., Monday through Friday.
8. INDOOR FLOOR AREA: A minimum of 50 square feet of indoor floor area must be provided for each child in attendance. The maximum floor area authorized by this specific use permit is 3,423 square feet. This use must be located as shown on the attached site plan.
9. INGRESS AND EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
10. OUTDOOR PLAY AREA: A minimum of 100 square feet of outdoor play area must be provided for each child in the outdoor play area at one time. The outdoor play area must be located as shown on the attached site plan.
11. PARKING: Before the final inspection of a building permit for new improvements, p[P]arking must be located as shown on the attached site plan and screened from adjacent residential uses.
12. SCREENING: Before the final inspection of a building permit for new improvements, a[A] six-foot-high solid screening fence must be provided as shown on the attached site plan.
13. MAINTENANCE: The [entire] Property must be properly maintained in a state of good repair and neat appearance.
14. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations; and with all ordinances, rules, and regulations of the City of Dallas."

EXISTING SITE PLAN APPROVED 2007

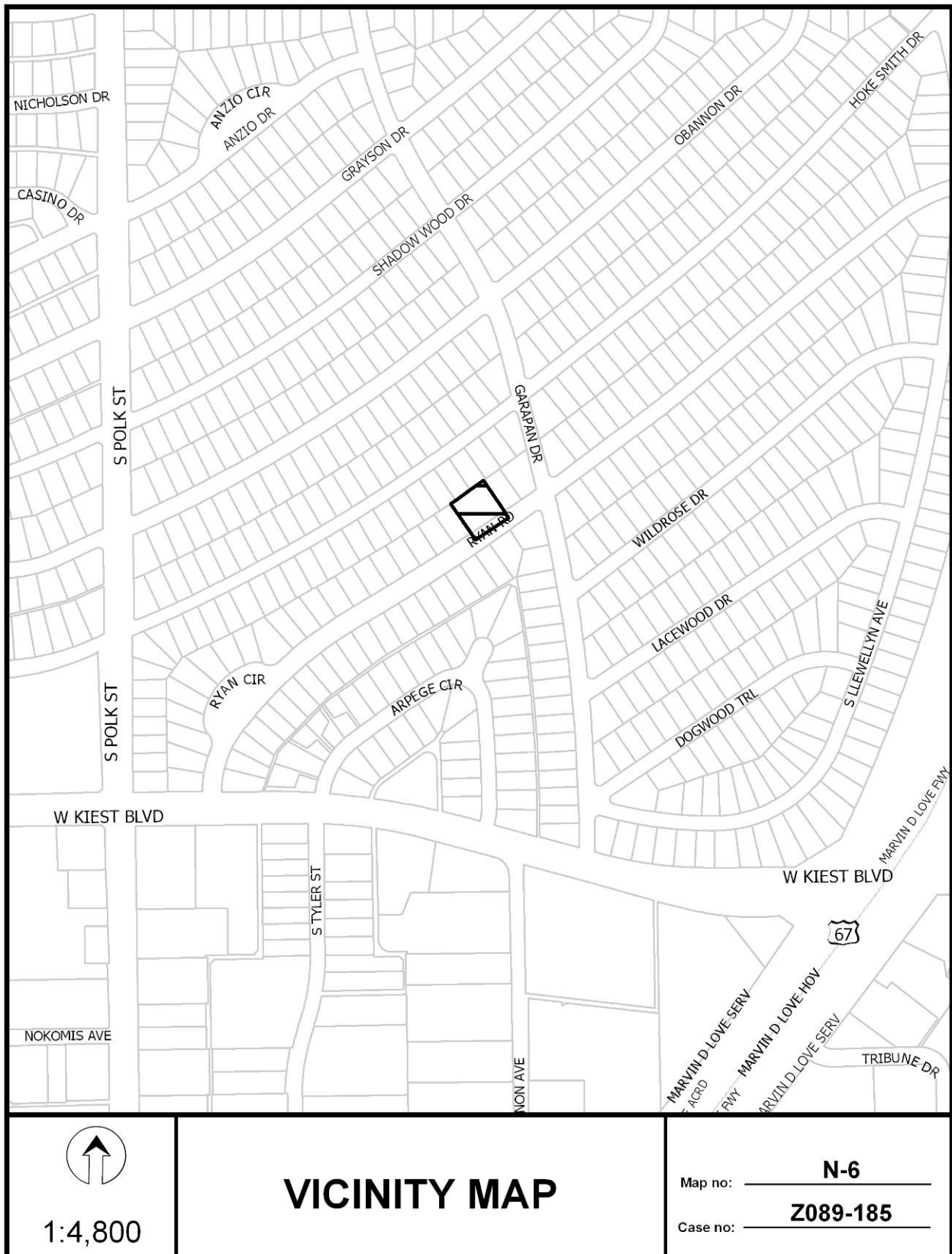
North



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Z089-185(OTH)





DATE: August 09, 2010



DATE: August 09, 2010



DATE: August 09, 2010

8/9/2010

Notification List of Property Owners***Z089-185******36 Property Owners Notified***

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|--|
| 1 | 813 RYAN | HARRIS SHARON E |
| 2 | 817 RYAN RD | HARRIS SHARON E |
| 3 | 655 WILDROSE | HALL MYRA MANETTE |
| 4 | 738 RYAN | HARRIS SHARON |
| 5 | 735 RYAN | SOLORZANO VICENTE SALVADOR SOLORZANO |
| 6 | 905 HOKE SMITH | MEZA SILVERIO C |
| 7 | 901 HOKE SMITH | SOTO ERNESTO & MARTINA |
| 8 | 829 HOKE SMITH | WASHINGTON BETTYE L |
| 9 | 825 HOKE SMITH | CONTRERAS MARTINA |
| 10 | 821 HOKE SMITH | CAGLE JAMES D |
| 11 | 815 HOKE SMITH | TRIPLE TRUST ROBERTSON JAMES A TRUSTEE |
| 12 | 811 HOKE SMITH | YANCY ROOSEVELT |
| 13 | 804 HOKE SMITH | DEESE RAYMOND |
| 14 | 808 HOKE SMITH | BANDY LEROY JR & MONICA M |
| 15 | 812 HOKE SMITH | SALAZAR MARIA |
| 16 | 818 HOKE SMITH | DAVILLE CLARICE |
| 17 | 822 HOKE SMITH | JONES SAMUEL E & EARNIE M |
| 18 | 826 HOKE SMITH | PEREZ JOSE E & |
| 19 | 900 HOKE SMITH | PUENTE JORGE & REBECCA |
| 20 | 904 HOKE SMITH | FINANCE PLUS INC |
| 21 | 910 HOKE SMITH | EDMONDS JONATHON |
| 22 | 837 RYAN | JACKSON ALICE RUTH |
| 23 | 833 RYAN | DIAZ JESUS & RAFAELA |
| 24 | 827 RYAN | CHARLES ENRIQUE JR & EDUVIGES |
| 25 | 823 RYAN | SERRANO HUMBERTO & GRACIELA |
| 26 | 807 RYAN | LOOMIS JAMES C TRUSTEE LOOMIS SEP PROP |

REVOC TR

Monday, August 09, 2010

| <i>Label # Address</i> | | | <i>Owner</i> |
|-------------------------------|------|---------|---------------------------------|
| 27 | 801 | RYAN | SMITH RUTH C S |
| 28 | 3175 | GARAPAN | AREVALO ANA |
| 29 | 3169 | GARAPAN | ISSAC THURMAN |
| 30 | 808 | RYAN | WALESCO INC % MORRISON MGMT CO |
| 31 | 816 | RYAN | WALESCO INC % MORRISON MGMT INC |
| 32 | 822 | RYAN | BROWN ESTER M |
| 33 | 826 | RYAN | RIVERA JOSE & EDULINA ENRIQUEZ |
| 34 | 832 | RYAN | HANSEN JOE S |
| 35 | 803 | ARPEGE | DUARTE JESUS & |
| 36 | 745 | ARPEGE | DUARTE MARIA DELALUZ & |

Monday, August 09, 2010

FILE NUMBER: Z090-215(WE) **DATE FILED:** June 10, 2010

LOCATION: West side of Bexar Street, south of Municipal Street

COUNCIL DISTRICT: 4 **MAPSCO:** 56-G, L

SIZE OF REQUEST: Approx. 26.667 acres **CENSUS TRACT:** 115.00

APPLICANT/OWNER: Dallas Housing Authority

REPRESENTATIVE: Michael R. Coker
Michael Coker Company

REQUEST: An application for a Planned Development District for mixed uses and the termination of Specific Use Permit No. 1198 for a community service center on property zoned an MF-1(A) Multifamily Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of this request is to allow for the construction of a mixed use development to accommodate the residents of the Dallas Housing Authority. The proposed development will have a mix of multifamily, retirement housing, community service center, recreation center, and a child care facility. The proposed development will also have a farmer's market and a community garden.

STAFF RECOMMENDATION: Approval, subject to the revised development plans and staff's recommended conditions and approval of the termination of Specific Use Permit No. 1198 for a community service center.

PREVIOUS ACTION: This case was held under advisement until July 7, 2011, to allow staff to re-advertise the case and to allow for the applicant's representative to meet with the Plan Commissioner.

BACKGROUND INFORMATION:

- The applicant's request for a Planned Development District for mixed uses will allow for the construction of a residential development. The proposed development will be developed in two phases and will consist of a combination of multifamily, retirement housing, community service center, recreation center, and a child care facility. The applicant is also requesting to terminate Specific Use Permit No. 1198 for a community service center.
- The applicant is proposing to develop the 26.667 acre site with approximately 323 residential units and 51,268 square feet of non-residential uses. The proposed mixed use development will have two areas that will be used for community gardens and a farmer's market.
- The request site is undeveloped except for an existing 13,725 square foot community service center. The applicant has indicated no plans to demolish the community service center.
- The applicant proposes to modify the off-street parking requirements for one residential use: retirement housing use. The applicant has provided a parking analysis to support the off-street parking reduction for the proposed mixed use development.
- The Dallas Housing Department is in the process of negotiating with an adjacent property owner to acquire property that is adjacent to the request site. The property will be used to facilitate an employment and training center for the surrounding residents. In addition, the land acquisition will be combined with an adjoining piece of property to expand a proposed retail center.
- The surrounding land uses consist of single family uses, several churches, City of Dallas municipal facility and a general merchandise store.

Zoning History: There has been one zoning change requested in the area.

1. Z089-176 On Wednesday, October 28, 2009, the City Council approved five ordinances granting a zoning change for the following districts: a portion of the D(A) Duplex Subdistrict to an R-5(A) Single Family Subdistrict, a portion of the D(A) Duplex Subdistrict to an NC Neighborhood Commercial Subdistrict, a portion of the NC Neighborhood Commercial Subdistrict to an R-5(A) Single Family Subdistrict, a portion of the R-5(A) Single Family Subdistrict to an NC Neighborhood Commercial Subdistrict, and the MF-1(A) Multifamily Subdistrict to an

NC Neighborhood Commercial Subdistrict in an area generally bounded on both sides of Dorris Street from Bexar Street to east of Woodville Street; both sides of Valentine Street, Silkwood Street, and Rochester Street between Bexar Street and Woodville Street; and area bound by Bexar Street, Canaan Street, and Budd Street.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------|--------------|--------------|
| Bexar Street | Collector | 36 ft. | 36 ft. |
| Canaan Street | Local Street | 40 ft. | 40 ft. |
| Vesper Street | Local Street | 40 ft. | 40 ft. |

Land Use:

| | Zoning within PDD No. 595 | Land Use |
|--------------|---------------------------|---|
| Site | MF- 2(A)/SUP No. 1198 | Undeveloped, Recreation Center |
| North | NC | Retail, Undeveloped, Single family |
| South | R-5(A) | Undeveloped |
| East | NC, R-5(A) | Undeveloped, City of Dallas Municipal facility, Churches, Single Family |
| West | MF-1(A), RS-I | Undeveloped |

Area Plans: The request site is within the study boundaries of the South Dallas/Fair Park Economic Development Corridor Plan, June 2001. The Study recommends that the stakeholders create a community-based, neighborhood retail center that will serve the surrounding neighborhood. The Study further indicates that “as the Bexar Street center is developed, the remaining land along Bexar Street that is currently zoned for nonresidential uses should be either rezoned for residential uses (e.g., single family or perhaps townhouses) or developed with institutional uses that would be supportive of neighborhood revitalization.”

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies to support the redevelopment efforts in the Southern Sector. The request site is located in the Residential Neighborhood Building Block.

This Residential Neighborhood Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many

neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE:

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.1.3 Create housing opportunities throughout Dallas

ECONOMIC DEVELOPMENT:

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

HOUSING:

GOAL 3.3 EXPAND AFFORDABLE HOUSING ALTERNATIVES

Policy 3.3.3 Obtain support to develop affordable housing.

STAFF ANALYSIS:

Land Use Compatibility: The 26.667 acre site is undeveloped except for an existing 13,725 square foot recreation center. The applicant's request for a Planned Development District for mixed uses will allow for the construction of a residential development. The proposed development will be developed in two phases and will consist of a combination of multifamily, retirement housing, community service center, recreation center, and a child care use. The applicant is also requesting to terminate Specific Use Permit No. 1198 for a community service center. This community center will become a permitted use, by right, in the proposed Planned Development.

The 26.667 acre site will have approximately 323 residential units and 51,268 square feet of non-residential uses. The proposed mixed use development will have two areas that will be used for community gardens and a farmer's market. In addition, there are several driveway approaches that are proposed to access the development from Bexar Street. The applicant has indicated that there is adequate pavement width to provide two-way traffic and head-in parking along Parsons Street.

The surrounding land uses consist of single family uses, several churches, City of Dallas municipal facility and a general merchandise store.

Staff is recommending approval of the applicant's request for a Planned Development District for mixed uses, subject to the revised development plans, and staff's recommended conditions. Staff and the applicant's representative are in disagreement with several provisions in the Planned Development conditions and those differences are discussed in the miscellaneous-conditions section of the document. The proposed mixed use development should not have an adverse affect on the surrounding area.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|--------------------------------------|------------------------|------------------|---|-------------------------|---------------------|--------------------------|---|
| | Front | Side/Rear | | | | | |
| MF-1(A) – Existing Multifamily | 15' | 15' | Min lot 3,000 sq. ft. 1,000 sq ft – E 1,400 sq. ft – 1 BR 1,800 sq ft – 2 BR +200 sq ft each add BR | 36' | 60% | Proximity Slope | Multifamily, duplex, single family |
| PDD – Staff's Proposal Mixed Use | 15' | 10'/10' | 323 units – residential 51,268 sq. ft. – non-residential | 53' res. 24' non-res | 80% | Proximity Slope | Multifamily, Senior housing, Community Service Center, Child Care |
| PDD – Applicant's Proposal Mixed Use | 15' | 0'/10' | 323 units – residential 51,268 sq. ft. – non-residential | 53' res. 24' non-res | 60% | Proximity Slope | Multifamily, Senior housing, Community Service Center, Child Care |
| | | | | | | | |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. However, landscaping for each phase of the development must be completed within 12 months of the issuance of the Certificate of Occupancy for that phase.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Plat: On November 18, 2010, the City Plan Commission approved the applicant's preliminary plat for the proposed development. The applicant platted the property that reveals a new street being created (Bon Ton Street) that will merge into Cannan Street. The applicant will proceed with the abandonment process for Bon Ton Street.

Staff has met with the Dallas Fire-Rescue Department to review the proposed development to determine if a circular-turn-around is warranted at the terminus of Cannan Street. The Fire Department indicated that a circular turn-around is not necessary at the terminus of Cannan Street.

Miscellaneous-conditions: Staff has reviewed the applicant's Planned Development conditions and cannot support the development standards as it relates to the yard, lot and space regulations, and off-street parking regulations.

The applicant is proposing a 2-foot setback along a proposed new street (Bon Ton Street), which is on the existing preliminary plat. Staff is recommending a front yard setback throughout the development of 15 feet. The 2-foot setback does not provide an adequate buffer between the proposed multifamily units and a single family use.

As mentioned above, the applicant is in the process of abandoning the right-of-way for Bon Ton Street. When the abandoning process is complete, the applicant will have an adequate buffering strip that staff can support between the proposed multifamily use and an adjacent residential use. Until the abandoning process is complete, staff cannot support the 2-foot setback proposed on Bon Ton Street.

The Dallas City Council will have to approve the right-of-way abandonment after the review process is completed by the City of Dallas Real Estate Department. This process may take as long as 6 months to complete.

In addition, the applicant is requesting a modification to the parking requirements on site. Staff support's the applicant's request for a reduction in the parking regulations for the following reasons: 1) the resident's access to public transportation, and 2) the supporting documentation the applicant provided to staff regarding similar residential developments. The parking analysis is based on three residential developments: Little Mexico, Brackins Village and Barbara Jordon Square.

The proposed mixed use development will have a total parking reduction of 26 percent for Phases I and II, or a reduction of approximately 177 spaces. The number of off-street parking spaces proposed for the development is 500 parking spaces.

LIST OF OFFICERS
Dallas Housing Authority



Dallas Housing Authority

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhadal.com



Dallas Housing Authority Officers

MaryAnn Russ
Troy Broussard
Chetana Chaphekar
Tim Lott
JoAnn Rodriguez
Sam Grader

President and CEO
Senior Vice President / COO
Chief Financial Officer (CFO)
Vice President Capital Programs
Vice President Housing Operations
Vice President Voucher Program

PROPOSED PDD CONDITIONS

ARTICLE

PD

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- _____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located at the southwest corner Bexar Street and Bon Ton Street. The size of PD ____ is approximately 26.667 acres.

SEC. 51P- _____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) COMMUNITY GARDEN means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

(d) FARMER'S MARKET means a publicly owned or operated area for the sale and exchange of agricultural produce, food, and general merchandise by vendors. The Farmers Market will be the sole responsibility of the Dallas Housing Authority or any persons that are affiliated with such entity.

(e) This district is considered to be a residential zoning district.

SEC. 51P- ____ .104. EXHIBIT.

The following exhibit is incorporated into this article:

Exhibit ____A: development plans

SEC. 51P- ____ .105. DEVELOPMENT PLAN.

(a) Except as provided in this section, development and use of the Property must comply with the development plan (Exhibit ____). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) The Property may be developed and occupied in phases. The building official may issue building permits and certificates of occupancy for individual buildings without requiring development of the entire site.

SEC. 51P- ____ .106. MAIN USES PERMITTED.

(a) Agricultural uses.

- Crop production
- Community Garden

(b) Commercial and business service uses.

- None permitted

(c) Industrial uses.

- None permitted

(d) Institutional and community service uses.

- Child-care facility.
- Community service center.

(e) Lodging uses.

- None permitted

(f) Miscellaneous uses.

- Temporary construction or sales office.

(g) Office uses.

-- None permitted.

(h) Recreation uses.

-- Private recreation center, club, or area.

(i) Residential uses.

-- Multifamily.
-- Retirement housing.

(j) Retail and personal service uses.

-- Farmer's Market

(k) Transportation uses.

-- None permitted

(l) Utility and public service uses.

-- Local utilities.

(m) Wholesale, distribution, and storage uses.

-- None permitted

SEC. 51P-____.107.

ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(b) The following accessory structures are permitted:

-- Pavilion / Gazebo / Arbor
-- Private barn or shed for the treating and storing of products raised on the premise.

(c) The following accessory uses are prohibited:

-- Accessory helistop
-- Accessory medical /infectious waste incinerator

- Accessory outside display of merchandise
- Accessory outside sales
- Accessory pathological waste incinerator

SEC. 51P-____.108.

YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot and space regulations in Division 51A-4.400. In the event of a conflict, between this section and Division 51A-4.400, this section controls.)

Staff's Recommendation

(a) Front yard. Minimum front yard on Bexar Street, Bon Ton Street and Canaan Street is 15 feet.

(1) Minimum

(i) Except as provided in this subparagraph, minimum front yard on Keller Street is 4 feet.

(2) Maximum

(i) Maximum front yard on Wells Street, Buckeye Trail Parson Street Voyage Trail, Keeler Street and Choice Street is 14 feet.

(b) Side and rear yard. Minimum side and rear yard is 10 feet.

Applicants Proposal

(a) Front yard. Minimum front yard on Bexar Street is 15 feet. On all other streets, minimum front yard is 2 feet.

(b) Side yard. The minimum side yard is 0 feet.

(c) Rear yard. The minimum rear yard is 10 feet

(c) Density. For multifamily use, maximum dwelling unit density is 238 units. For retirement housing use, maximum dwelling unit density is 85 units.

(d) Floor area ratio. The maximum floor area ratio is 0.10.

(e) Single Family spacing. In this district, a minimum of 15 feet between each group of eight single family structures must be provided by plat.

(f) Height.

(1) Multifamily: Maximum structure height is 29 feet and as shown on the development plans.

(2) Retirement housing: Maximum structure height is 53 feet, excluding a architectural spire. Maximum height of the spire is 18 feet above the main structure.

(3) Private recreation center, club, or area: Maximum structure height for a private recreation center, club, or area is 34 feet.

(4) Child-care facility: Maximum structure height for a child-care facility is 21 feet.

(5) Community service center: Maximum structure height for a community service center is 22 feet.

(6) Farmers market / pavilion /arbor structures: Maximum structure height for the farmers market structures/ pavilions and /or arbor structures are 22 feet.

(f) Lot coverage. Maximum lot coverage is 60 percent. Above-ground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories.

a. Maximum number of stories above grade for residential structures is four.

b. Maximum number of stories above grade for non-residential structures is two.

SEC. 51P- _____.109.

FENCE.

Minimum 6 foot fence will be provided in the location as shown on the development plans

SEC. 51P- _____.110.

OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) For a multifamily, retirement housing, community service center, recreation center, and a child care facility, a minimum of 500 off-street parking and loading spaces must be provided as shown on the development plan.

(c) Parallel parking is permitted along Wells Street, Hopewell Street, Keeler Street and Buckeye Trail.

(d) Head-in parking is permitted on Parsons Street, Choice Street, and Buckeye Trail.

SEC. 51P-___.111. PUBLIC STREETS.

Staff's Recommendation

Except as provided in this section, minimum right-of-way width is 50 feet with a minimum 26 feet of paving. Alleys are not required.

(a) Right-of-way width for Buckeye Trail between Vesper Street and Hopewell Street is a minimum of 30 feet and a maximum of 50 feet as shown on the development plan, with a minimum 26 feet of paving.

(b) Right-of-way width for Voyage Trail is 30 feet with a minimum of 24 feet of paving.

Applicant's Proposal

Except as provided in this section, minimum right-of-way width is 50 feet with a minimum 26 feet of paving. Alleys are not required.

(a) Right-of-way width for Buckeye Trail is a minimum of 30 feet and a maximum of 50 feet as shown on the development plan, with a minimum 26 feet of paving.

(b) Right-of-way width for Voyage Trail is 30 feet with a minimum of 24 feet of paving.

SEC. 51P- _____.112.

ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- _____.113.

LANDSCAPING.

(a) Except as provided in this section, landscaping and tree preservation must be provided in accordance with Article X:

(b) For purposes of this section, the entire development shall be considered one lot.

(c) Landscaping for each phase of the development must be completed within 12 months after the issuance of the Certificate of Occupancy for that phase.

Staff's Recommendation

- (d) The parking spaces located along Bon Ton Street must be screened.

Applicant's proposal

- (d) The parking spaces located along Bon Ton Street must be screened within the 4 foot buffer area with a landscape screening element.

(e) Tree mitigation for each phase of the development must be completed within 12 months of the issuance of the Certificate of Occupancy for that phase.

(f) Replacement trees must be planted on the lot from which the protected tree was removed, except as otherwise allowed by Section 51A-10.135. Replacement trees may not be planted within a visibility triangle or a water course. Replacement trees may be planted within an existing or proposed right of way.

(g) All plant materials must be maintained in a healthy, growing condition.

SEC. 51P- _____.114. SIGNS.

In general: Except as provided in this district, Signs must comply with the provisions for non-business zoning districts in Article VII.

(1) Monument Signs:

(i) Two monument signs are permitted in the location as shown on the development plan.

(ii) Minimum setback of 15 feet is required.

(iii) Maximum effective area is 41 square feet

(iv) Maximum height is 6 feet 10 inches.

SEC. 51P- _____.115. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

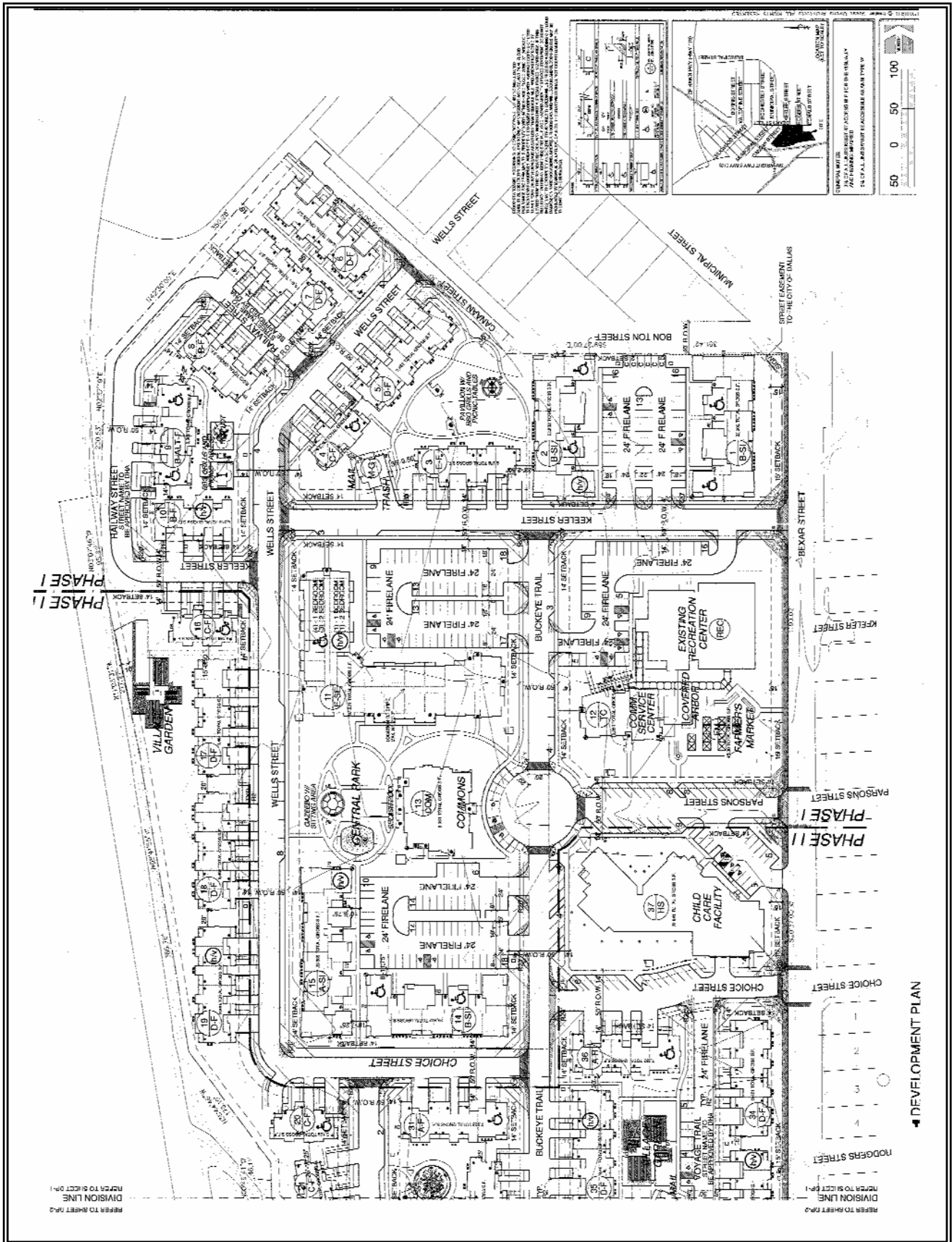
SEC. 51P-____.116.

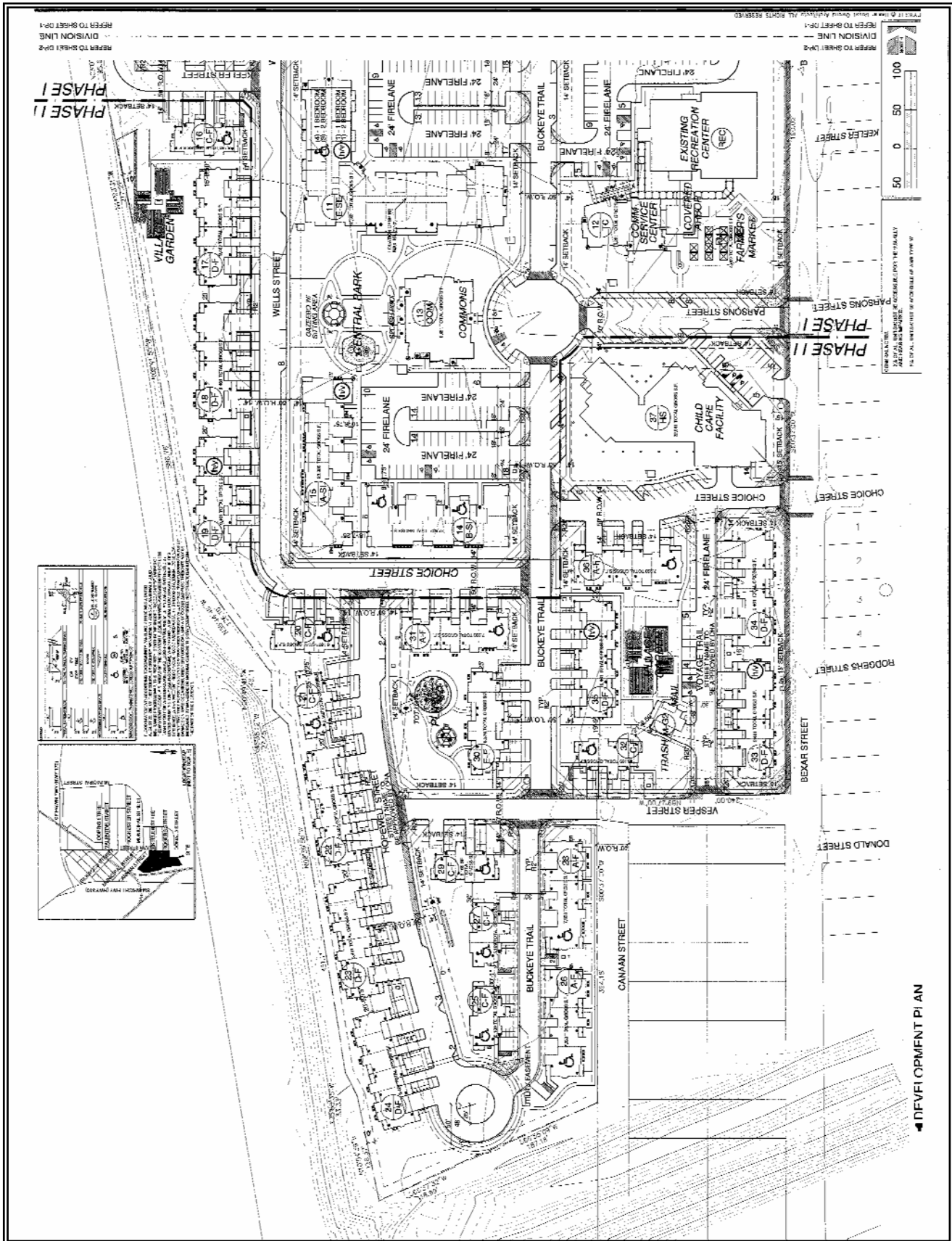
COMPLIANCE WITH CONDITIONS.

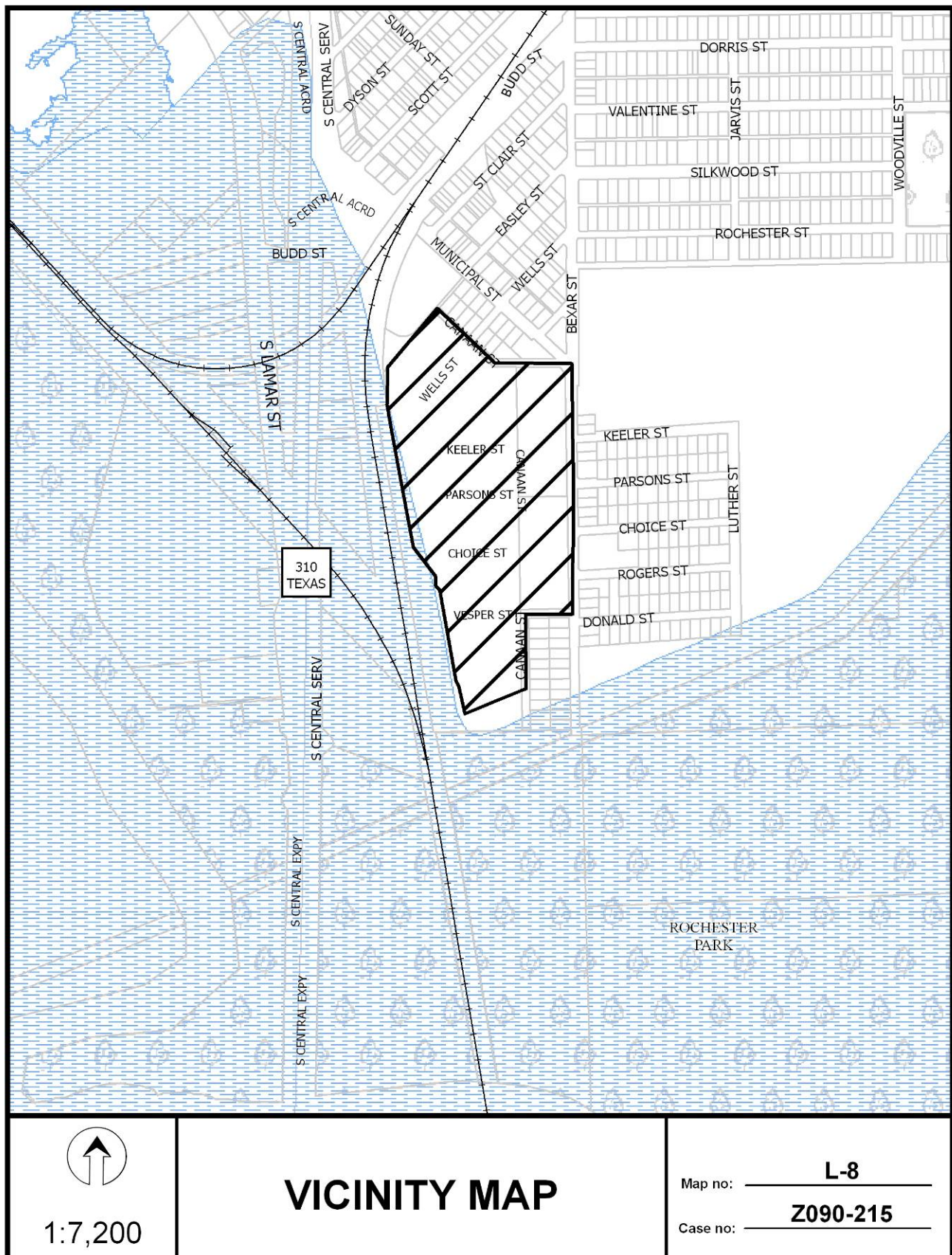
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

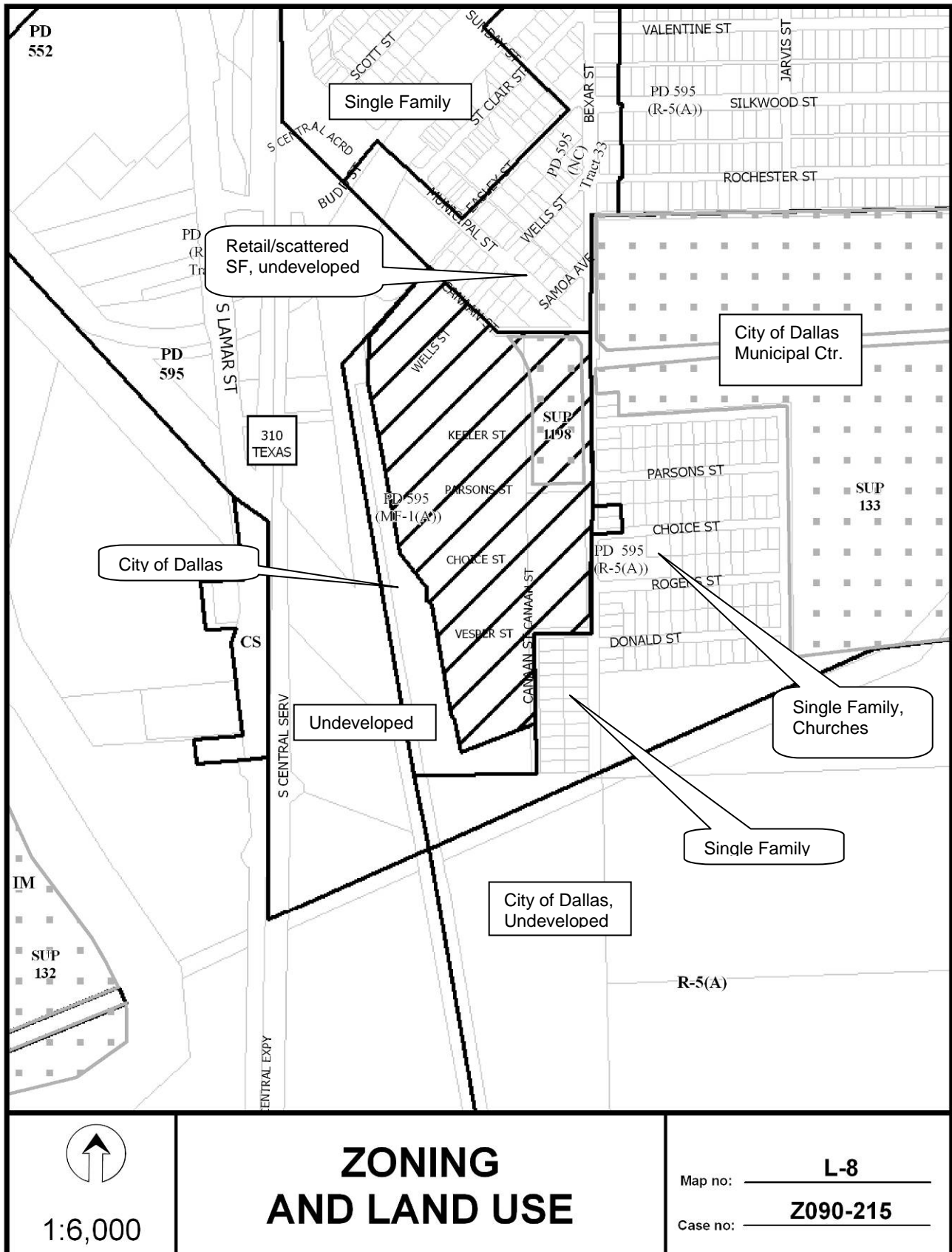
PROPOSED DEVELOPMENT PLAN



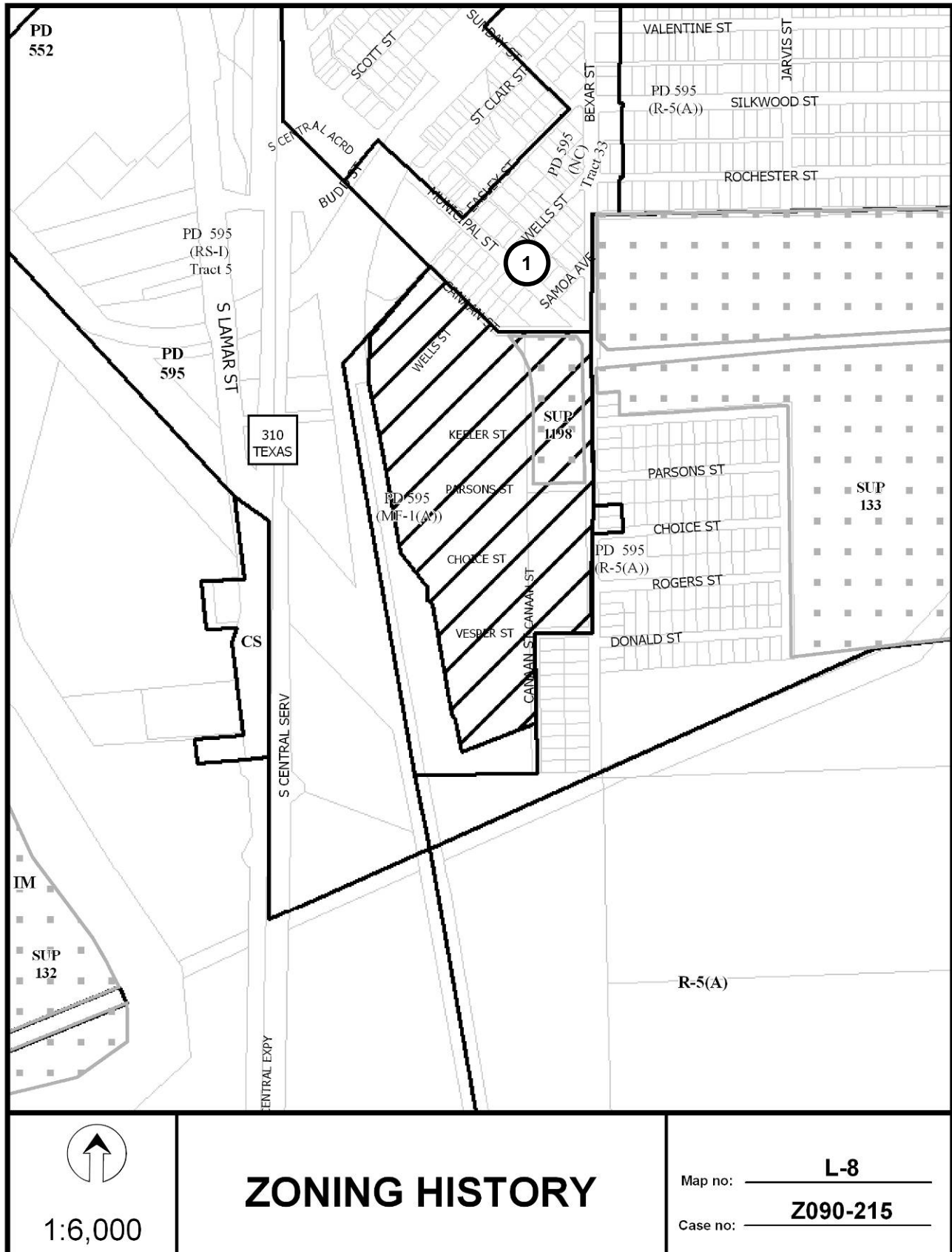




DATE: November 04, 2010



DATE: November 04, 2010



Notification List of Property

Z090-215

122 Property Owners Notified

| Label # | Address | Owner |
|----------------|----------------|--|
| 1 | 6901 CANAAN | DALLAS HOUSING AUTHORITY |
| 2 | 6014 MUNICIPAL | CARTER CHARLIE |
| 3 | 2413 ST CLAIR | BABLE MRS J E |
| 4 | 6100 MUNICIPAL | WRIGHT JAMES E |
| 5 | 6106 MUNICIPAL | BRANCH KENNY & SUSIE |
| 6 | 6114 MUNICIPAL | CUINGTON CHARLES |
| 7 | 2412 ST CLAIR | CARTER CHARLES & MADELL |
| 8 | 2414 ST CLAIR | HENRY MELROSE |
| 9 | 2416 ST CLAIR | WINSTON THELMA % DOROTHY M DOLLSON |
| 10 | 2417 EASLEY | BURTON DATHARD LEON |
| 11 | 6204 MUNICIPAL | WHITE HAROLD L |
| 12 | 6212 MUNICIPAL | JONES CHARLES E |
| 13 | 2410 EASLEY | BENNETT WILL H III & FREDERICK BENNETT |
| 14 | 2521 WELLS | MCCOWAN MANUEL JR & HELEN |
| 15 | 2519 WELLS | PARKER WALLACE % SIMPSON SYLVESTER JR |
| 16 | 2517 WELLS | SYLVESTER SIMPSON JR |
| 17 | 6306 MUNICIPAL | WARREN IRENE |
| 18 | 6310 MUNICIPAL | MOORE RUBIN % IRENE WARREN |
| 19 | 6314 MUNICIPAL | CITYBUILD COMMUNITY DEVELOPMENT CORP |
| 20 | 2516 WELLS | EJIGU ENANU |
| 21 | 2522 WELLS | EJIGU HAILU |
| 22 | 2528 WELLS | SANDERS SARAH |
| 23 | 2519 SAMOA | SPRIGGINS LUCINDA |
| 24 | 2517 SAMOA | SPRIGGINS LUCINDA |
| 25 | 6411 BEXAR | SWKL INC |
| 26 | 6714 BEXAR | EJIGU ENANU |

Thursday, November 04, 2010

| Label # | Address | Owner |
|----------------|----------------|---|
| 27 | 2606 ROCHESTER | EJIGU HAILU & |
| 28 | 6602 BEXAR | CARO DAULTON |
| 29 | 6606 BEXAR | BAUTISTA JUAN FUENTES |
| 30 | 2614 KEELER | HMK LTD |
| 31 | 2616 KEELER | SERAFIN VILLA & JOSEFINA |
| 32 | 2620 KEELER | VILLA SERAFIN & JOSEFINA |
| 33 | 2624 KEELER | OVIEDO AMADEO & PATRICIA |
| 34 | 2628 KEELER | VILLA JAIME & GABRIELA RODRIGUEZ |
| 35 | 2704 KEELER | LEWIS CLEMONTINE |
| 36 | 2708 KEELER | SALINAS DANIEL & JOSEFINA SALINAS |
| 37 | 2712 KEELER | TRANSWORLD SERVICES INC |
| 38 | 2711 PARSONS | NORTH TEX REALTY INV |
| 39 | 2707 PARSONS | BAUTISTA ALICIO & NILSA |
| 40 | 2703 PARSONS | MCFARLAND FRANETTE |
| 41 | 2627 PARSONS | MCCRAY J H EST % LOUIS MCCRAY |
| 42 | 2623 PARSONS | COLLIER IVERY JOYCE |
| 43 | 2619 PARSONS | HERNANDEZ PERLA NOHEMI |
| 44 | 2615 PARSONS | PRADO SANTIAGO & IRMA |
| 45 | 6702 PARSONS | DALLAS HOUSING ACQUISITION & DEV CORP |
| 46 | 6907 BEXAR | DALLAS NEIGHBORHOOD ALLIANCE FOR HABITAT |
| 47 | 6710 BEXAR | EJIGO ENANO |
| 48 | 2612 PARSONS | NOVOA ANTONIO & ESTHER |
| 49 | 2616 PARSONS | RIVERA BENITO & ADELA |
| 50 | 2620 PARSONS | MUNOZ CIRILA |
| 51 | 2624 PARSONS | NARVAEZ ERASTO & GUILLERMINA NARVAEZ |
| 52 | 2704 PARSONS | DUNCAN GERGIA ETTA G |
| 53 | 2712 PARSONS | PRECISION PANEL MFG INC % ROBERT MOORE |
| 54 | 2711 CHOICE | THURMON RILLA |
| 55 | 2707 CHOICE | THOMAS ESTELL ESTATE OF |
| 56 | 2703 CHOICE | PEREZ MARIA |
| 57 | 2629 CHOICE | DALLAS AREA HABITAT FOR HUMANITY INC |

Thursday, November 04, 2010

| Label # | Address | Owner |
|----------------|----------------|--|
| 58 | 2625 CHOICE | ALSTON KAREN |
| 59 | 2621 CHOICE | MOORE SEQUINA |
| 60 | 2617 CHOICE | JONES ANNITRA |
| 61 | 2613 CHOICE | DALLAS PROVIDENCE HOMES INC |
| 62 | 2624 CHOICE | ROGERS BETTY L |
| 63 | 2628 CHOICE | ROMERO RODOLFO & MARIA |
| 64 | 2704 CHOICE | DANIELS LISA K |
| 65 | 2708 CHOICE | TAYLOR WALTER JAMES JR & SHIRLEY ANN |
| 66 | 2712 CHOICE | BROWN PEARL |
| 67 | 2711 ROGERS | VASQUEZ ARNULFO & BLANCA VASQUEZ |
| 68 | 2707 ROGERS | PINA JOSE & MARIA PINA |
| 69 | 2703 ROGERS | FLORES GERMAN & JULIA |
| 70 | 2627 ROGERS | RAMIREZ HUMBERTO & MARGARITA RAMIREZ |
| 71 | 6800 BEXAR | INDEPENDENT MISSIONARY BAPTIST CHURCH |
| 72 | 6804 BEXAR | GABRIEL ONLY & CORDELIA |
| 73 | 6808 BEXAR | PEREZ PABLO M |
| 74 | 6812 BEXAR | RANDALL EZELL % MRS ROY MATTHEWS |
| 75 | 2616 ROGERS | LANGLEY LUCILLE JONES % WAYNE JONES |
| 76 | 2620 ROGERS | JONES WAYNE HAROLD & |
| 77 | 2628 ROGERS | ATTAWAY KATRINA |
| 78 | 2704 ROGERS | NARVAEZ DAVIS G |
| 79 | 2708 ROGERS | DEHARO BENJAMIN & ROSAURA DEHARO |
| 80 | 2712 ROGERS | NARVAEZ GERARDO & MARIA |
| 81 | 2707 DONALD | MURILLO LIBRADO & CAROLINA JIMENEZ |
| 82 | 2703 DONALD | TREJOLUGO CIRILLA |
| 83 | 2627 DONALD | WILLIAMS MARSHALL J |
| 84 | 2623 DONALD | DALLAS HOUSING ACQUISITION & DEV CORP |
| 85 | 2611 DONALD | BALL ROBERT N |
| 86 | 6900 BEXAR | TRUSTEES OF THE SPIRITUAL LIFE CH OF GOD IN CHRIST |
| 87 | 6906 BEXAR | SPIRITUAL LIFE CHURCH OF GOD IN CHRIST |
| 88 | 2612 DONALD | HORN HERMAN |

Thursday, November 04, 2010

| Label # | Address | Owner |
|----------------|----------------|---|
| 89 | 2614 DONALD | MENDOZA INOCENCIO & MARIA |
| 90 | 2620 DONALD | ESPINOZA VICTOR & LOURDES |
| 91 | 2624 DONALD | BISCO VANCE & GONZALEZ GLORIA |
| 92 | 2628 DONALD | PORRAGAS SANDRA |
| 93 | 6207 MUNICIPAL | PRESTWOOD ARTHUR JR |
| 94 | 6205 MUNICIPAL | FLYNARD CHARLIE ETAL |
| 95 | 6216 CANAAN | MITCHELL CORNELIUS |
| 96 | 6218 CANAAN | COMMON GROUND |
| 97 | 6309 MUNICIPAL | POLK CLOVIS ESTATE OF % LARRY POLK |
| 98 | 6307 MUNICIPAL | SPEED ROSEANNA T ET AL |
| 99 | 6301 MUNICIPAL | JONES MILLER L % E J LIGON |
| 100 | 6310 CANAAN | POLK CLOVIS ESTATE & LARRY POLK |
| 101 | 7022 CANAAN | DALLAS CITY OF |
| 102 | 6919 BEXAR | APEX FINANCIAL CORP |
| 103 | 6911 BEXAR | FUQUEZ INVESTMENTS LTD |
| 104 | 6902 CANAAN | NELSON JOSHUA |
| 105 | 6910 CANAAN | DALLAS HOUSING ACQUISITION & DEV CORP CITY HALL |
| 106 | 6914 CANAAN | COLEMAN TOMMIE |
| 107 | 7002 CANAAN | GOLDEN GATE BAPT CHURCH |
| 108 | 7002 LAMAR | TEXAS UTILITIES ELEC CO % STATE & LOCAL TAX DEPT |
| 109 | 6000 LAMAR | ARMSTRONG JERRY DALE SR |
| 110 | 5608 LAMAR | LAY LANG TENG & SRENG LAY |
| 111 | 5610 LAMAR | HODGES STANDARD L |
| 112 | 5601 LAMAR | S R W INVESTMENTS % SHANTAE B WILLIAMS |
| 113 | 5506 LAMAR | GIANSON INC |
| 114 | 5500 LAMAR | VILLARREAL JORGE L |
| 115 | 5504 LAMAR | MILK PRODUCTS LP |
| 116 | 5500 LAMAR | MILK PRODUCT LP |
| 117 | 2418 ST CLAIR | CLAYBURTON EMMA LOIS |
| 118 | 2601 PARSONS | JACQUES VICTOR & MARTHA JACQUES |
| 119 | 6722 BEXAR | LORDS MISSIONARY BAPTIST CHURCH |

Thursday, November 04, 2010

Z090-215(WE)

| Label # | Address | Owner |
|----------------|----------------|---|
| 120 | 9999 NO NAME | UNION PACIFIC RR CO % TAX DEPT |
| 121 | 4401 LINFIELD | ST LOUIS S W RAILWAY CO % UNION PACIFIC PPTY TAX |
| 122 | 9999 NO NAME | UNION PACIFIC RR CO % TAX DEPT |

Thursday, November 04, 2010

FILE NUMBER: Z101-196(RB)

DATE FILED: February 23, 2011

LOCATION: Northeast Line of Lawnview Avenue, South of Forney Road

COUNCIL DISTRICT: 7

MAPSCO: 47 L, M, Q, R

SIZE OF REQUEST: Approx. 13.789 Acres

CENSUS TRACT: 84

APPLICANT: SDC Lawnview, L. P.-Jay Oji, President and Joseph Agumadu, Vice President and Manager

REPRESENTATIVE: Adolphus Oji

OWNER: SDC Oakwood Townhomes- Jay Oji, President and Joseph Agumadu, Vice President and Manager

REQUEST: An application for an MF-2(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District with the D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to develop the site with 120 retirement housing dwelling units. Additionally, deed restrictions have been volunteered to prohibit certain uses as well as provide for certain development standards.

STAFF RECOMMENDATION: Approval of an MF-1(A) Multifamily District in lieu of the requested MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant, with retention of the D-1 Liquor Control Overlay.

PRIOR CPC ACTION: On June 16, 2011, the City Plan Commission recommended to hold this request under advisement until July 7, 2011.

BACKGROUND INFORMATION:

- The request site is undeveloped and possesses a change of elevation downward from northwest to southeast.
- The site possesses frontage along both Lawnview Avenue and Forney Road; the applicant intends to utilize the Lawnview Avenue frontage as the main entrance.
- The applicant proposes to develop the site with 120 retirement housing dwelling units.
- Deed restrictions have been volunteered restricting permitted uses as well as providing for certain development standards.

Zoning History: There have been no recent zoning activity in the immediate area relevant to the request.

| <u>Thoroughfare/Street</u> | <u>Designation; Existing & Proposed ROW</u> |
|-----------------------------------|--|
| Lawnview Avenue | Collector; 60' & 60' ROW |
| Forney Road | Collector; 60' & 60' ROW |

STAFF ANALYSIS:

Comprehensive Plan: The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility: The request site is undeveloped and slopes downward from northwest to southeast. While the site fronts on both Lawnview Avenue and Forney

Road, the applicant proposes to utilize the Lawnview Avenue frontage as the main entrance to the property. Plans call for 120 retirement housing dwelling units.

The surrounding area consists of largely of low density residential uses. Property to the east and south of the site's Lawnview Avenue frontage is undeveloped. An institutional use (Kiagram Hall of Jehovah's Witness) abuts the site's eastern boundary along Forney Road. Lastly, an elevated rail right-of-way traverses along the site's eastern boundary.

While there is merit to removing CR zoning in close proximity to low density residential uses, staff does have a concern as to zoning that permits medium density residential uses (i.e., 32-35 multifamily dwelling units per acre) in this area. Due to flood plain that traverses along the site's eastern boundary, it would be anticipated that any development (existing zoning or requested residential zoning) will be lessened due to this environmental issue, yet could cause a concentration of permitted development (ie, density and structure height) within that portion of the site outside of the flood plain.

Staff has discussed this issue with the applicant (as well as the applicant's involvement in community meetings) and accepts the volunteered deed restrictions which address many of staff's issues. Regardless of the concern of characteristics associated with typical multifamily development (i.e., noise generated from outside activity areas) in close proximity to low density single family uses, staff has determined that an MF-1(A) District provides density maximums that more than accommodates the proposed 120 dwelling units.

As a result of this analysis, staff supports the applicant's requested development but is recommending approval of an MF-1(A) Multifamily District in lieu of the requested MF-2(A) Multifamily District, subject to the attached deed restrictions. Lastly, staff is recommending the retention of the existing D-1 Liquor Control Overlay. Regardless of the requested residential zoning district, staff has long recommended retention of any liquor control overlays so as to serve as a base of consideration for any future zoning requests in these respective areas that would permit uses involving the selling/serving alcoholic beverages.

Traffic: The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the applicant's request and determined that it will not significantly impact the surrounding street system.

Landscaping: As an undeveloped parcel, the site is void of landscape materials, but does possess significant native vegetation and trees. Prior to issuance of a building

Z101-196(RB)

permit, the applicant will be required to submit a tree survey as well as a landscape plan that complies with Article X.

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, SDC Lawnview Villas, LP a Texas company, ("the Owner"), is the owner of the following described property ("the Property"), being a tract or parcel of land situated in the City of Dallas, Dallas County Texas, and being part of Block A/5807 Lawnview Apartment Addition, as recorded in County Clerk's file Number 201000249749, Real Property Records, Dallas County, Texas, and being more particularly described in Exhibit A.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to wit:

1. Main Uses. The following main uses are permitted on the property:

 a. Residential uses.

 -- Handicapped group dwelling unit. *[See section 51A-4.209(3.1)]*

 -- Retirement housing.

 -- Single family

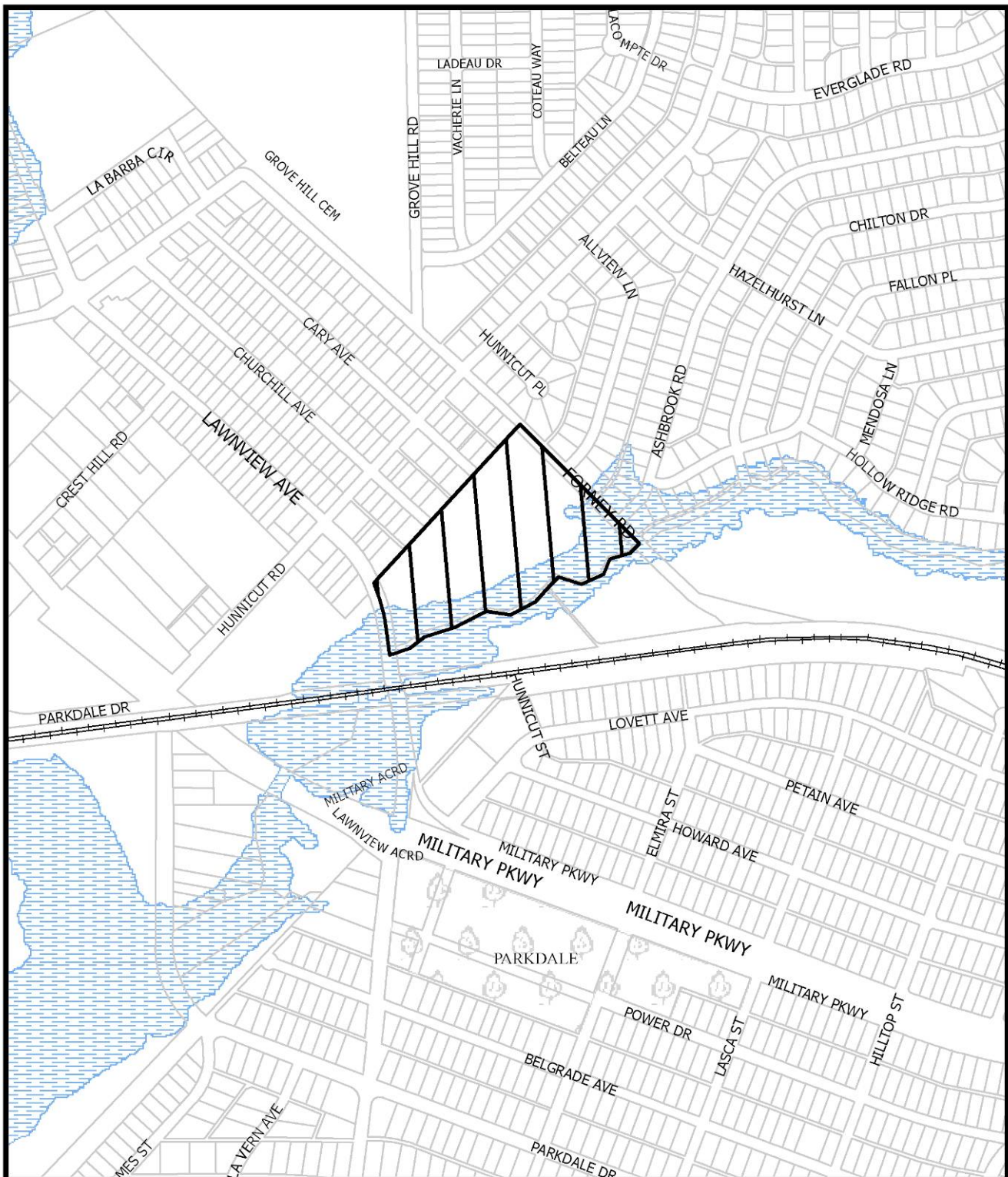
 b. Transportation uses.

 -- Transit passenger shelter.

 -- Transit passenger station or transfer center. *[SUP]*

2. Maximum number of stories is two.

3. Maximum number of dwelling units is 120.



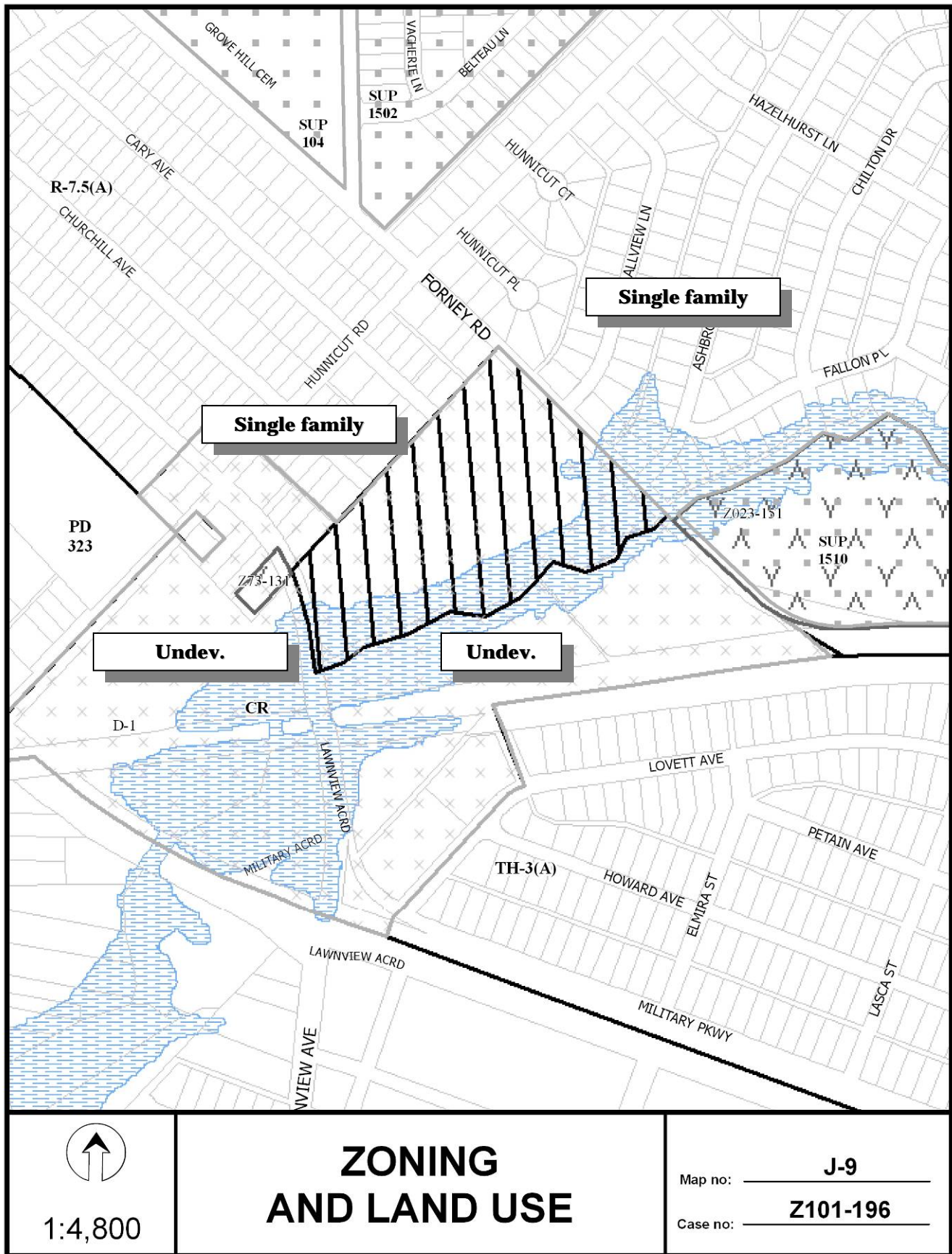
1:7,200


VICINITY MAP

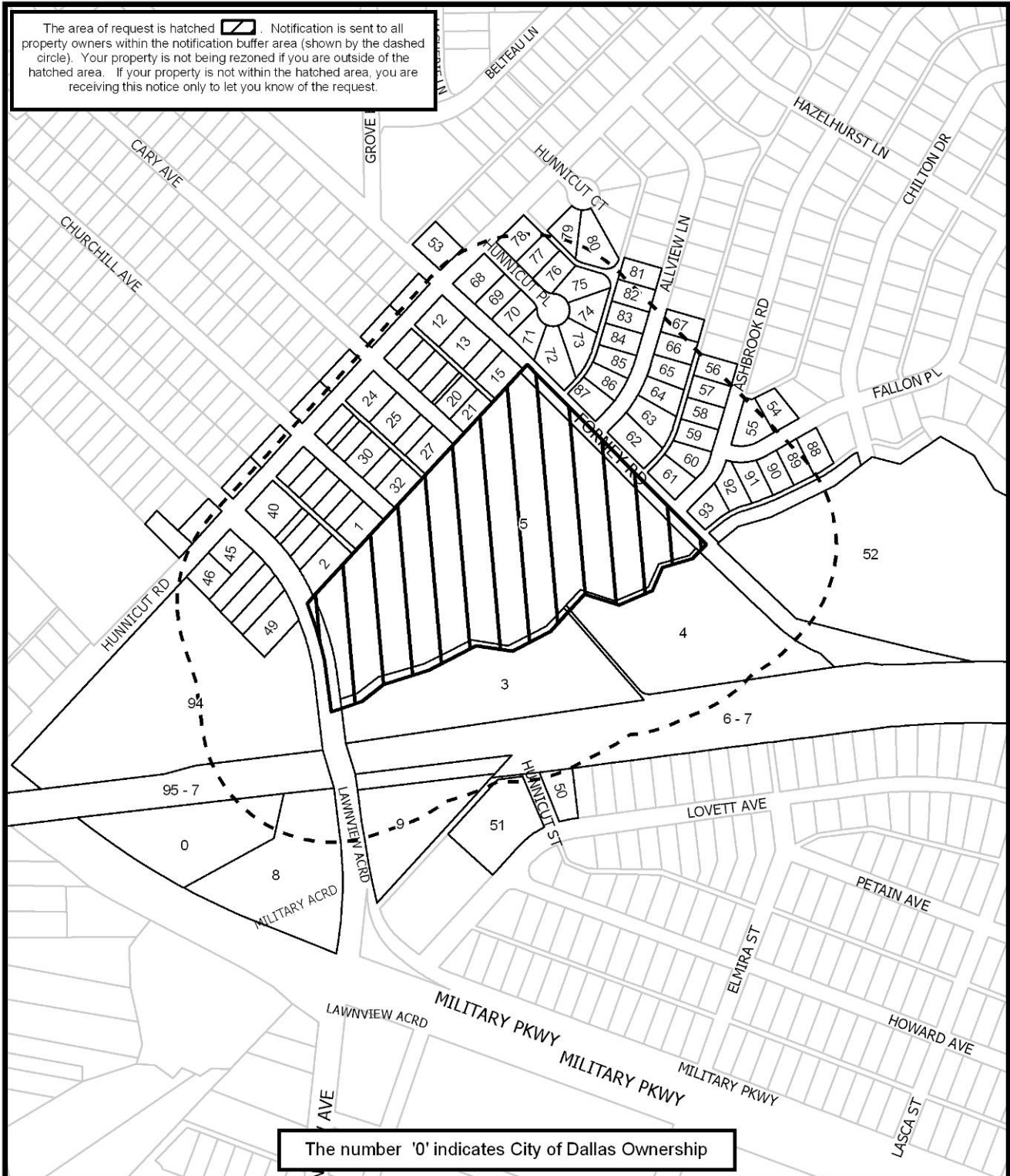
Map no: **J-9**

Case no: **Z101-196**

DATE: May 19, 2011



The area of request is hatched  Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.



The number '0' indicates City of Dallas Ownership

| | | |
|--|---|--|
|  1:4,800 | <h2 style="text-align: center;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">400'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">95</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div> | Map no: <u> J-9 </u> Case no: <u> Z101-196 </u> |
|--|---|--|

DATE: May 19, 2011

Notification List of Property Owners***Z101-196******95 Property Owners Notified***

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 5822 CHURCHILL | WASHINGTON REGINA K |
| 2 | 4146 LAWNVIEW | MUNOZ JUAN C |
| 3 | 4110 LAWNVIEW | CLAY M L |
| 4 | 6008 FORNEY | ESTE SPANISH CONGR OF JEHOVAH WITNESS |
| INC | | |
| 5 | 4120 LAWNVIEW | ASPEN ACQUISITIONS INC |
| 6 | 9999 NO NAME | UNION PACIFIC RR CO % TAX DEPT |
| 7 | 4401 LINFIELD | ST LOUIS S W RAILWAY CO % UNION PACIFIC |
| PPTY TAX | | |
| 8 | 5800 MILITARY | County of Dallas ATTN COUNTY CLERK |
| 9 | 5800 MILITARY | MCELROY JOSEPH III |
| 10 | 5718 FORNEY | CARDENAS GUILLERMO |
| 11 | 5719 CARY | RANGEL SILVESTRE & GUADALUPE RANGEL |
| 12 | 5806 FORNEY | JOHNSON DARRELL |
| 13 | 5814 FORNEY | RANSOM JESSIE & VICKEY FLEWELLEN |
| 14 | 5818 FORNEY | WELLS FARGO BANK NA MAC# X7801-014 |
| 15 | 5822 FORNEY | BROWN ELLA JO |
| 16 | 5803 CARY | MARTINEZ RICARDO |
| 17 | 5807 CARY | QUEVEDO NOE Q & REFINA |
| 18 | 5811 CARY | QUEVEDO NOE & RUFINA |
| 19 | 5817 CARY | SCANTLEN MARVIN M |
| 20 | 5819 CARY | LOPEZ FRANCISCO & MARIA |
| 21 | 5823 CARY | SMITH SHELLIE BAMBI |
| 22 | 5718 CARY | ACOSTA ROMUALDO & ESPERANZA |
| 23 | 5719 CHURCHILL | BELTRAN MARIO & GRACIELA |
| 24 | 5802 CARY | ROMERO ALFREDO |
| 25 | 5814 CARY | LOPEZ EDUARDO & MARIA LOPEZ |
| 26 | 5818 CARY | NELSON EDWARD ALLEN |

Z101-196(RB)

Thursday, May 19, 2011

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|----------------|---|
| 27 | 5822 CARY | NELSON EDWARD ALLEN & JOYCE W |
| 28 | 5805 CHURCHILL | LACROIX WILLIAM R & NANCY |
| 29 | 5807 CHURCHILL | ROMERO FELIPE & AMPARO |
| 30 | 5811 CHURCHILL | DIAZ JUAN |
| 31 | 5819 CHURCHILL | PEREZ CARLOS & MIRIAM E ARREOLA |
| 32 | 5823 CHURCHILL | BROWN CONCHITA |
| 33 | 5718 CHURCHILL | BARTON EVELYN M |
| 34 | 4202 LAWNVIEW | FULLER EARL BETTY S LIFE ESTATE |
| 35 | 5800 CHURCHILL | BELL JIMMY DOUGLAS |
| 36 | 5806 CHURCHILL | RUIZ CHARLES C JR & MOLINA PERLA Y |
| 37 | 5810 CHURCHILL | NARVAEZ JUAN ANTONIO RINCON SILVIA H |
| 38 | 5814 CHURCHILL | RENTERIA ONESIMO A & JUANA |
| 39 | 5818 CHURCHILL | SNEED WILLIAM HENRY |
| 40 | 4162 LAWNVIEW | DALLAS BAPTIST ASSOCIATION INC |
| 41 | 4158 LAWNVIEW | DALLAS BAPTIST ASSOCIATION INC |
| 42 | 4150 LAWNVIEW | MUNOZ JUAN C |
| 43 | 6569 HUNNICUT | ROBOC INVESTMENTS PS |
| 44 | 4203 LAWNVIEW | STEPHENS ROBERT E |
| 45 | 4161 LAWNVIEW | ADAMS & HENDERSON PAINTING COMPANY |
| 46 | 6570 HUNNICUT | CORLEY ALMA G |
| 47 | 4157 LAWNVIEW | NUSS JUDY C |
| 48 | 4153 LAWNVIEW | NUSS CATHERINE |
| 49 | 4149 LAWNVIEW | MENDOZA GILLERMINA |
| 50 | 6003 LOVETT | LARA ADALBERTO & FELICITAS |
| 51 | 5957 LOVETT | KC & GIGI INVESTMENTS INC STE 430 |
| 52 | 5800 FORNEY | HFG ENCLAVE LAND INT LTD STE 306 LB 342 |
| 53 | 6903 HUNNICUT | BUSTAMANTE MARTHA |
| 54 | 4607 FALLON | BAILEY JOE E & RAMONA N |
| 55 | 4603 FALLON | BRENTBLACK BRENDA L |
| 56 | 4627 ASHBROOK | PRICE ALVIN & RHONDA |
| 57 | 4623 ASHBROOK | VAZQUEZ VICTORIA NACOLE & LUIS ISRAEL |

Thursday, May 19, 2011

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|----------------|--|
| 58 | 4617 ASHBROOK | HURLEY LARRY H & JUDITH HURLEY |
| 59 | 4613 ASHBROOK | KLINGBEIL TIMOTHY DREW |
| 60 | 4607 ASHBROOK | BODWIN CHARLES H & SHERRY |
| 61 | 4603 ASHBROOK | TAFALLA JESSE & NELLIE |
| 62 | 6902 ALLVIEW | SANCHEZ JOSE |
| 63 | 6906 ALLVIEW | THOMAS ANN MARLENE |
| 64 | 6912 ALLVIEW | JOHNSON CAROLYN L |
| 65 | 6916 ALLVIEW | FILGO MARK & JANICE |
| 66 | 6922 ALLVIEW | TONEY JERRY LYNN |
| 67 | 6926 ALLVIEW | MILLER DONALD W |
| 68 | 6902 HUNNICUT | WILLIAMS GILL D I & PATRICIA E |
| 69 | 6906 HUNNICUT | MCCULLEN MILDRED |
| 70 | 6910 HUNNICUT | JOHNSON PERCELL M & GRACE E |
| 71 | 6914 HUNNICUT | RAJU SHIJU & MARIAMMA RAJU |
| 72 | 6920 HUNNICUT | JEFFREY JOHNNIE RENEE |
| 73 | 6924 HUNNICUT | HILBURN BOBBIE F |
| 74 | 6930 HUNNICUT | CLARKE BRENDA M |
| 75 | 6934 HUNNICUT | SHIVES RUBEN JR |
| 76 | 6940 HUNNICUT | HERNANDEZ VANESSA |
| 77 | 6946 HUNNICUT | ABRON ANNIE |
| 78 | 6950 HUNNICUT | WILLIAMS MARIAN |
| 79 | 6958 HUNNICUT | MATTHEW ALEX J |
| 80 | 6962 HUNNICUT | WASHINGTON WILLIE E |
| 81 | 6933 ALLVIEW | MULLINS DAVID EUGENE & LAURIE JO MULLINS |
| 82 | 6927 ALLVIEW | MCGHEE STEVEN BATTEE PATRICK |
| 83 | 6923 ALLVIEW | STRADFORD GEORGE C |
| 84 | 6917 ALLVIEW | GREER BILL C |
| 85 | 6913 ALLVIEW | HAYNES CHARLES R & RENEE C FOSSETT |
| 86 | 6907 ALLVIEW | ROBERTS TOMMY L |
| 87 | 6903 ALLVIEW | CORSEY ROBERT L & EVELYN J |
| 88 | 4616 FALLON | SMITH MARY L & ANTONIO C WEST JR |

Thursday, May 19, 2011

Z101-196(RB)

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|----------------|----------------|-----------------------------------|
| 89 | 4612 FALLON | WHALEY BARBARA WILLINGHAM |
| 90 | 4606 FALLON | ODAMAH NICHOLAS S & AGATHA A |
| 91 | 4602 FALLON | DALLAS HOUSING AUTHORITY |
| 92 | 4606 ASHBROOK | MATHA SALVADOR JR |
| 93 | 4602 ASHBROOK | MCMILLIN JULIA MARIE & DAVID ROSS |
| MCMILLIN | | |
| 94 | 6532 HUNNICUT | MARIA KANNON ZEN ASSOCIATION INC |
| 95 | 9999 NO NAME | UNION PACIFIC RR CO % TAX DEPT |

Thursday, May 19, 2011

CITY PLAN COMMISSION

THURSDAY, JULY 7, 2011

Planner: Richard E. Brown

FILE NUMBER: Z101-252(RB)

DATE FILED: April 14, 2011

LOCATION: East Line of East Lake Highlands Drive, South of Northwest Highway

COUNCIL DISTRICT: 9

MAPSCO: 28 W

SIZE OF REQUEST: Approx. 1.68 Acres

CENSUS TRACT: 129

APPLICANT: Prudent Development

REPRESENTATIVE: Rob Baldwin

OWNER: Wyrick Northwest, Ltd.

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant is proposing to develop the site with a mix of retail uses. In conjunction with the request, the applicant has volunteered deed restrictions that prohibit certain uses permitted in the CR Community Retail District as well as provide for specific operational provisions in relation to development of the property.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

PRIOR CPC ACTION: On June 16, 2011, the City Plan Commission held this request under advisement until July 7, 2011.

BACKGROUND INFORMATION:

- The request site is undeveloped.
- The applicant proposes to utilize the property for development of a multi-tenant retail center. While not part of the request, the abutting parcel to the north, currently zoned for CR District Uses is anticipated to be replatted into the request site for an expanded development site.
- In conjunction with the request, the applicant has volunteered deed restrictions that prohibit certain uses as well as to provide for specific operational regulations (see attached instrument).

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request.

Thoroughfare

East Lake Highlands Drive

Designation; Existing & Proposed ROW

Minor Arterial; 100' & 100' ROW

Comprehensive Plan: The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

The request represents an encroachment into an established residential area. As a result, the applicant has made an attempt to mitigate those situations associated with introducing nonresidential zoning in areas such as this (attached deed restrictions) which address many of staff's concerns. As a result, the request remains in compliance with this Building Block.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1

Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility: The request site is undeveloped. A designated flood plain traverses through the area through the site's eastern property line. The applicant is proposing to develop the site with a mix of retail uses. In conjunction with the request, the applicant has volunteered deed restrictions that prohibit certain uses permitted in the CR Community Retail District as well as provide for specific operational provisions in relation to development of the property. While not part of the request, the abutting parcel to the north, currently zoned for CR District Uses is anticipated to be replatted into the request site for an expanded development site.

Except for the property to the north (as noted in the previous paragraph) and northwest across Prairie Creek Road (retail uses permitted in a CR District) the site is located within a residentially zoned area that is developed with single family and multifamily uses. It should be noted that once one travels south of the intersection of East Lake Highlands Drive and Northwest Highway, the area transitions to the previously referenced residential uses. The single family uses to the east, buffered by a designated flood plain, are developed in such a way that many side yards are parallel to the site.

With respect to the built environment, staff has expressed concerns as to the expansion of nonresidential zoning, a mid-block property location, and typical operational characteristics normally associated with those uses permitted in the requested CR District. So as to minimize the impact on the livable environment for adjacent residential uses, the applicant has worked with staff to address prohibiting certain uses and providing for certain operational characteristics of nonresidential uses.

As a result of this analysis and the attached deed restrictions submitted by the applicant, staff supports the applicant's request.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined the request will not significantly impact the surrounding road system.

Landscaping: Prior to the issuance of a building permit for any permitted use, landscaping will be required per Article X requirements.

Off-Street Parking: Any permitted use will require parking per the Dallas Development Code.

Prudent Development

Mostafa Setayesh, Manager
10755 Sandhill Road
Dallas, TX 75238

Wyrick Northwest GP, LLC

Marilyn Wyrick Ingram
President
103 Buckeye Trail
Austin, TX 78746

Phyllis Wyrick Patterson
Vice President
306 Bluffhill
San Antonio, TX 78216

Gilbert Matison Wyrick
Vice President
2760 Ripplewood
Dallas, TX 75228

Phyllis Wyrick Patterson
Treasurer
306 Bluffhill
San Antonio, TX 78216

Gilbert Matison Wyrick
Secretary
2760 Ripplewood
Dallas, TX 75228

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS) KNOW ALL PERSONS BY THESE PRESENTS:

The undersigned, LAKE HIGHLANDS CROSSING, LLC, a Texas limited partnership (“the Owner”), is the owner of the following described property (“the Property”), and being that same tract of land conveyed to the Owner by Wyrick Northwest, LTD., a Texas limited partnership, by deed dated _____, 2011, and recorded in Instrument Number _____, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes.

The Owner does hereby impress all of the Property with the following deed restrictions (“restrictions”), to wit:

Any use that involves outdoor seating may only utilize dark sky lighting fixtures as recognized by International Dark-Sky Association. Light standards (including base, pole, and fixture) may not exceed eight feet in height. All lighting must be directed down and away from residential areas.

Drive-through windows and outside speaker boxes are prohibited on eastern facades of buildings

The following main uses are prohibited:

- (A) Agricultural uses.
 - Crop production.
- (B) Commercial and business service uses.
 - Building repair and maintenance shop.
- (C) Industrial uses.
 - Temporary concrete or asphalt batching plant.
- (D) Institutional and community service uses.
 - Cemetery or mausoleum.
 - College, university, or seminary.
 - Hospital.

- Library, art gallery, or museum.
- (E) Lodging uses.
 - Hotel and motel.
 - Lodging or boarding house.
 - Overnight general purpose shelter.
- (F) Miscellaneous uses.
 - Attached non-premise sign.
 - Carnival or circus (temporary).
- (H) Recreation uses.
 - Country club with private membership.
 - Public park, playground, or golf course.
- (I) Residential uses.
 - College dormitory, fraternity, or sorority house.
- (J) Retail and personal service uses.
 - Alcoholic beverage establishments.
 - Ambulance service.
 - Animal shelter or clinic without outside runs.
 - Business school.
 - Commercial amusement (inside).
 - Commercial amusement (outside).
 - Commercial parking lot or garage.
 - Home improvement center, lumber, brick or building materials sales yard.
 - Household equipment and appliance repair.
 - Mortuary, funeral home, or commercial wedding chapel.
 - Motor vehicle fueling station.

- Pawn shop.
- Swap or buy shop.
- Temporary retail use.

(K) Transportation uses.

- Transit passenger station or transfer center.

(L) Utility and public service uses.

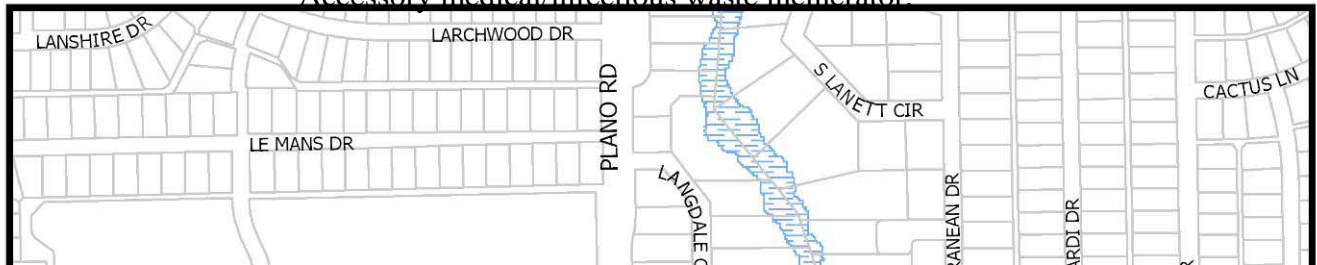
- Commercial radio and television transmitting station.
- Electrical substation.
- Police or fire station.
- Post office.
- Radio, television or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(M) Wholesale, distribution, and storage uses.

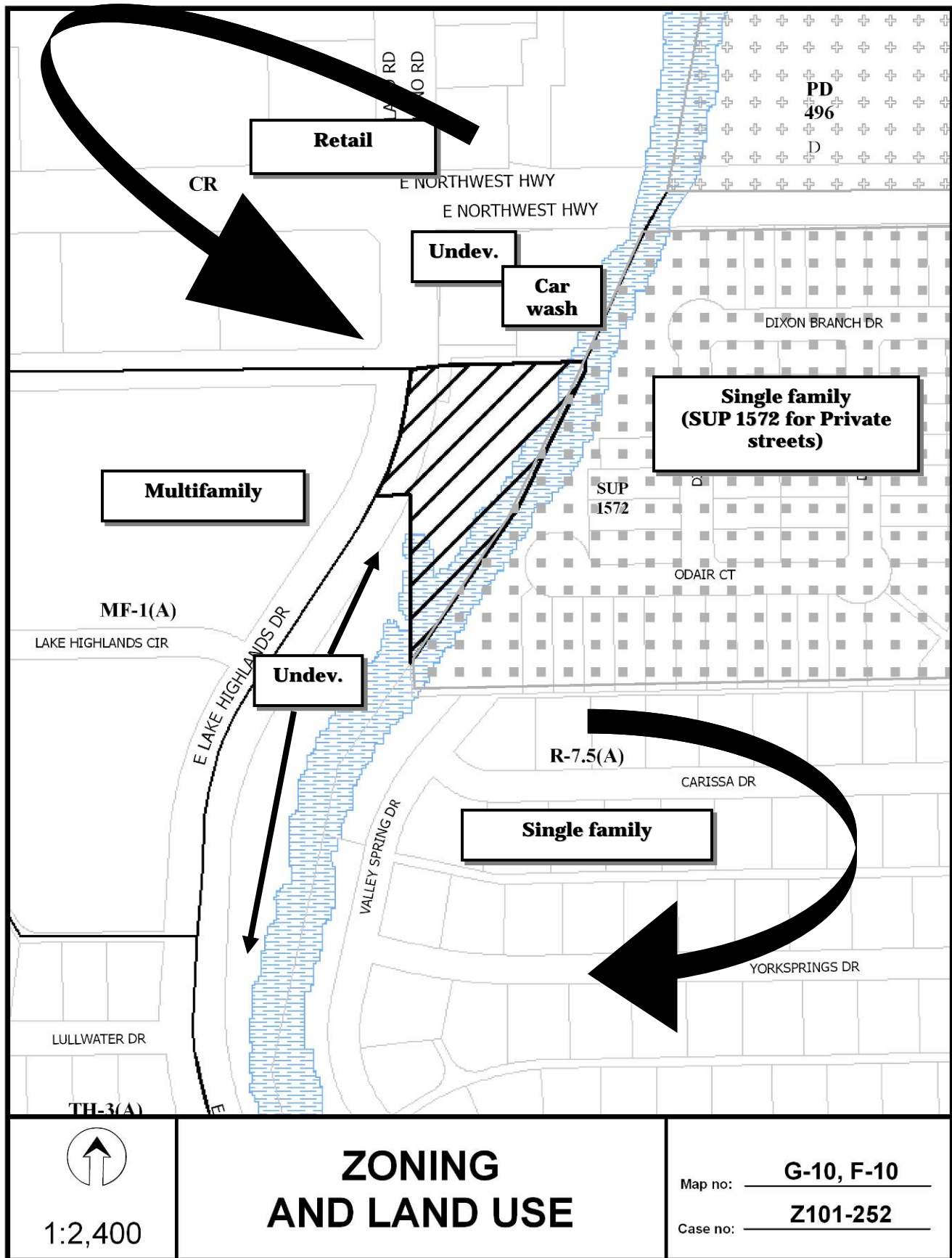
- Mini-warehouse. *[SUP]*
- Recycling buy-back center.
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off for special occasion collection.

(2) The following accessory uses are prohibited:

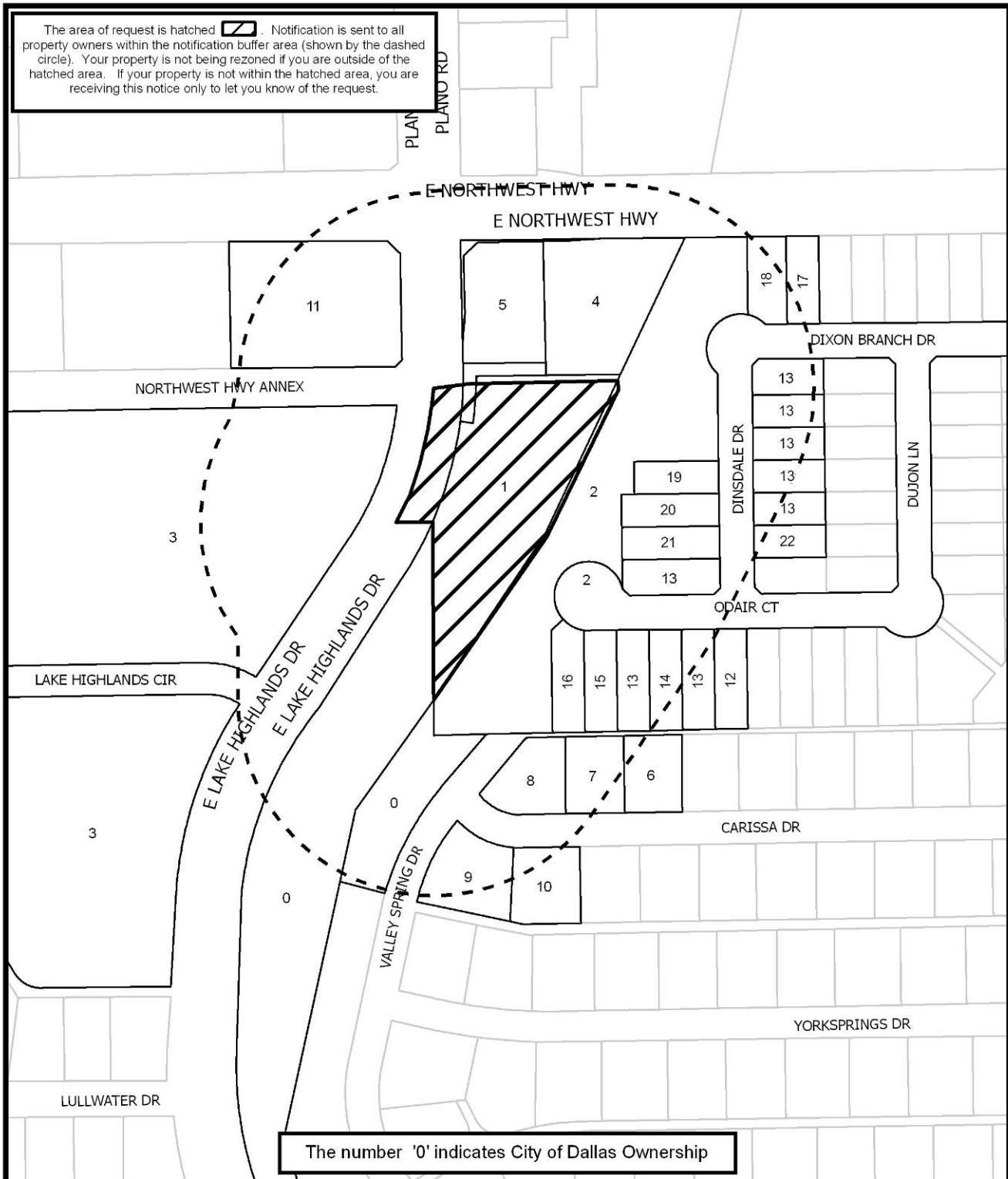
- Accessory community center (private).
- Home occupation.
- Private stable.
- Accessory helistop.
- Accessory medical/infectious waste incinerator.



Z101-252(RB)



The area of request is hatched  . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.



The number '0' indicates City of Dallas Ownership



1:2,400

NOTIFICATION

300'

AREA OF NOTIFICATION

23

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: **G-10, F-10**

Case no: **Z101-252**

DATE: May 19, 2011

Notification List of Property Owners***Z101-252******23 Property Owners Notified***

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|------------------------------------|
| 1 PATTERSON | 8400 LAKE HIGHLANDS | WYRICK NORTHWEST LTD % J RANDALL |
| 2 | 11317 NORTHWEST | PRIORITY DEVELOPMENT LP |
| 3 | 11201 LAKE HIGHLANDS | TLG ARBORS LLC |
| 4 | 10720 NORTHWEST | MATTOX JERRY S ETAL |
| 5 PATTERSON | 10706 NORTHWEST | WYRICK NORTHWEST LTD %J RANDALL |
| 6 | 10823 CARISSA | WILLIAMSON LESTER T |
| 7 | 10817 CARISSA | JONES ARLIE E & ANNEMARIE |
| 8 | 10811 CARISSA | HAMPTON BOBBY J |
| 9 | 10808 CARISSA | TYLER ALBERT N III |
| 10 | 10814 CARISSA | BEILUE BOBBY C |
| 11 DRIVE LP | 10666 NORTHWEST | NORTHWEST HIGHWAY & LAKE HIGHLANDS |
| 12 | 10722 ODAIR | RUTHERFORD JAY TRAVIS & |
| 13 | 11326 ODAIR | WEEKLEY HOMES LP |
| 14 | 10714 ODAIR | CHAPMAN GWEN K & |
| 15 | 10706 ODAIR | AUSTIN NICOLE |
| 16 | 10702 ODAIR | ECKARDT JOHN R & ECKARDT JULIA E |
| 17 | 10707 DIXON BRANCH | DION JUSTIN T |
| 18 | 10703 DIXON BRANCH | HARDY GARY S & STACEY LEE |
| 19 | 11313 DINSDALE | THOMASON GARY P & CYNTHIA G |
| 20 | 11309 DINSDALE | MARTIN PHILLIP N |
| 21 | 11305 DINSDALE | ZOPOLSKY JOSEPH D & ERIN G |
| 22 | 11306 DINSDALE | CHEATHAM RUTH & G LEE |
| 23 | 403 REUNION | DALLAS AREA RAPID TRANSIT |

Thursday, May 19, 2011

FILE NUMBER: Z101-255(MW)

DATE FILED: April 14, 2011

LOCATION: South side of Main Street, east of Field Street

COUNCIL DISTRICT: 14

MAPSCO: 45P

SIZE OF REQUEST: ±0.0875 acre

CENSUS TRACT: 31.01

APPLICANT/REPRESENTATIVE: Strategic Hype, LLC

OWNER: Bryan Foster

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment and a commercial amusement (inside) limited to a class A dance hall on property within Planned Development District No. 619 for Mixed Uses.

SUMMARY: The applicant proposes to operate a restaurant, which is allowed by right, at street level. The purpose of the SUP request is to allow an alcoholic beverage establishment below street level, on the second floor and on the roof top and dance floors on all four levels.

CPC RECOMMENDATION: Denial

BACKGROUND:

- The ±0.0875 acre request, which comprises all four (4) levels of a multistory building, is located within the Central Business District and is further regulated by PDD No. 619. The PDD prohibits alcoholic beverage establishments at street level, but allows commercial amusements (inside) by SUP. Alcoholic beverage establishments are allowed by SUP when located below street level or above street level.
- The applicant proposes to operate a restaurant, which is allowed by right, at street level. The purpose of the SUP request is to allow an alcoholic beverage establishment below street level, on the second floor and on the roof top and dance floors below street level, at street level and on the second floor.
- This request is consistent with SUP No. 1725 approved on the request site on September 10, 2008 for a two-year period. The SUP automatically terminated on September 10, 2010 and was not renewed. However, the establishment has continued to operate without an SUP.
- On April 8 2011 and on April 16, 2011, the request site was cited by the Department of Code Compliance for operating without a valid Certificate of Occupancy (CO). Specifically, the establishment's CO is for a restaurant without drive-in service; however, at the time of inspection, the request site was not operating as a restaurant but as an alcoholic beverage establishment and dance hall.
- As depicted on the site plan, the kitchen is located below street level, while the dining area is at street level. The Code Compliance inspector indicated that the kitchen was being utilized for storage at the time of the referenced citations.
- On May 28, 2011, the request site was cited by the Dallas Police Department Vice Unit for operating without a valid dance hall license.
- The request site is surrounded by a mix of uses, which include residential and retail to the north; restaurants and office to the east, hotel to the south; and hotel; restaurant and residential to the west.

Zoning History:

1. **Z089-264:** On January 13, 2010, the City council approved an SUP for a non-premise district activity video board for a six-year time period.
2. **Z089-263:** On December 9, 2009, the City council approved an SUP for a non-premise district activity video board for a five-year time period.
3. **Z089-130:** On April 22, 2009, the City Council approved a SUP for an alcoholic beverage establishment for a two-year period.

4. **Z067-003:** On June 10, 2009, the City Council approved an SUP for two non-premise district activity video board for a six-year time period.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|--------------------|--------------|
| Main Street | Principal Arterial | 80 feet |
| Filed Street | Principal Arterial | 50 feet |

Land Use:

| | Zoning | |
|--------------|---|---|
| Site | PDD No. 619 | Alcoholic beverage establishment and dance hall |
| North | PDD No. 619; H/87 and SUP 1637 on a portion | Residential; retail |
| East | PDD No. 619 | Restaurants; office |
| South | PDD No. 619; H/36 on a portion | Hotel |
| West | PDD No. 619 | Hotel; restaurant' residential |

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within the City's Downtown; a centrally located hub that provides high intensity concentrated regional job and commercial activity supported by high density housing. A Downtown includes pedestrian-oriented and mixed-use development that offers multiple transportation options.

The applicant's proposal to operate a restaurant, alcoholic beverage establishment and dance hall at this location is consistent with the *forwardDallas! Vision* to promote a pedestrian-oriented mix of uses in the downtown area.

Land Use Compatibility:

The ±0.0875 acre request, which comprises all four (4) levels of a multistory building, is located within the Central Business District and is further regulated by PDD No. 619. The PDD prohibits alcoholic beverage establishments at street level, but allows commercial amusements (inside) by SUP. Alcoholic beverage establishments are allowed by SUP when located below street level or above street level.

The applicant proposes to operate a restaurant, which is allowed by right, at street level. The purpose of the SUP request is to allow an alcoholic beverage establishment below street level, on the second floor and on the roof top and dance floors below street level, at street level and on the second floor. This request is consistent with SUP No. 1725 approved on the request site on September 10, 2008 for a two-year period. The SUP automatically terminated on September 10, 2010 and was not renewed. However, the applicant has continued to operate the establishment illegally; i.e. without a Specific Use Permit, a valid Certificate of Occupancy or a dance hall license. As depicted on the site plan, the kitchen is located below street level, while the dining area is at street level. The Code Compliance inspector indicated that the kitchen was being utilized for storage at the time of the referenced citations.

The request site is surrounded by a mix of uses, which include residential and retail to the north; restaurants and office to the east, hotel to the south; and hotel; restaurant and residential to the west. To promote compatibility with the surrounding uses, the applicant proposes SUP conditions that would prohibit live music on the roof deck and to limit the use of outside speakers and amplified to the hours between 11:00 a.m. and 11:00 p.m.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

As stated previously, this request is consistent with SUP No. 1725 which terminated on September 10, 2010. In 2008, staff recommended approval for a two-year period. Upon review of this request, staff has determined that the applicant has been operating an alcoholic beverage establishment and dance hall without a Specific Use Permit, a valid Certificate of Occupancy or a dance hall license. Furthermore, by operating an alcoholic beverage establishment at street level, the applicant has not complied with the provisions of PDD No. 619. Given that the applicant has not complied with applicable zoning regulations and standards, staff cannot support this request for a Specific Use

Permit. However, if the Commission chooses to recommend approval, staff suggests a condition which clearly states that the alcoholic beverage establishment limited to a bar, lounge or tavern may not operate on the ground floor.

Traffic:


The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Planned Development District No. 619 requires off-street parking to be provided per the CA-1(A) Central Area District standards. For a new structure or an addition to an existing structure, one space is required for each 2,000 square feet of floor area. The proposed use is located within an existing structure, therefore no parking is required.

Police Report:

An online search of the Dallas Police Department's offense incident reports from June 28, 2005 to June 28, 2011 revealed the following no records:






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Virtual Viewer - Public Access






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| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
|---------------------------|--------------|--------------------|---------------------------------|-------|-----|--------|------|----------------|-------|------|
| 0005576-R | 12/30/2005 | GARCIA, JOSE | AGGRAVATED ASSAULT | 01400 | | MAI... | 133 | 2061 | 04131 | |
| 0006125-Y | 01/07/2011 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0014772-X | 01/16/2010 | LANDRENEAU,KRYSTAL | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0017868-W | 01/19/2009 | SPARKS,DEREK | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08121 | |
| 0020446-W | 01/18/2009 | *CLUB PLUSH | CRIMINAL MISCHIEF/VANDALISM | 01400 | | MAI... | 133 | 2061 | 14092 | |
| 0021411-W | 01/19/2009 | SPARKS,DEREK | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08121 | |
| 0023391-X | 01/22/2010 | DEEDS,SUNNY | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26000 | |
| 0024210-X | 01/25/2010 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0028878-V | 01/29/2008 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0029843-X | 01/30/2010 | JACKSON, ANTHONY | ACCIDENTAL INJURY - PUBLIC P... | 01400 | | MAI... | 133 | 2061 | 33070 | |
| 0030100-X | 01/30/2010 | CARTER,JORDAN | ACCIDENTAL INJURY - PUBLIC P... | 01400 | | MAI... | 133 | 2061 | 33020 | |
| 0035448-X | 02/06/2010 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0035842-X | 02/07/2010 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0035921-X | 02/07/2010 | BILOLOUGH,,ELIS | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08311 | |
| 0040466-X | 02/12/2010 | TYREE,TEKI | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08221 | |



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| Search Records - Offense | | | | | | | | | | |
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0134832-X | 05/15/2010 | NGUYEN, ADAM | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0138134-Y | 05/19/2011 | CASHER, LASHAUNTE | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26000 | |
| 0140243-X | 05/21/2010 | MORTON, JUSTIN | ACCIDENTAL INJURY - PUBLIC P... | 01400 | | MAI... | 133 | 2061 | 33083 | |
| 0144774-Y | 06/03/2011 | @CITY OF DALLAS | ASSAULT | 01400 | | MAI... | 133 | 2061 | 26420 | 08981 |
| 0144896-V | 05/16/2008 | *CVS PHARMACY | THEFT | 01400 | | MAI... | 133 | 2061 | 06933 | |
| 0148436-W | 05/24/2009 | @HARRIS COUNTY CONS... | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43030 | |
| 0160441-Y | 06/19/2011 | KETRON, MOLLY | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26000 | |
| 0161123-V | 05/30/2008 | BRISCO, MATHEW | AUTO THEFT-UUMV | 01400 | | MAI... | 133 | 2061 | 07111 | |
| 0162615-X | 06/11/2010 | MICHL, REBECCA | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08311 | |
| 0163841-X | 06/12/2010 | KHOURY, JOHN | TRAFFIC MOTOR VEHICLE | 01400 | | MAI... | 133 | 2061 | 32090 | |
| 0165007-X | 06/13/2010 | JOHNSON, ARON, N | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08121 | |
| 0167294-Y | 06/26/2011 | BRADY, PATRICK | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08121 | |
| 0167295-Y | 06/26/2011 | STUCKEY, AMBER | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08311 | |
| 0169946-W | 05/25/2009 | HERNANDEZ, ERIC, WILLIAM | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26000 | |
| 0179790-X | 06/27/2010 | ELMAZI, BENJAMIN | CRIMINAL MISCHIEF/VANDALISM | 01400 | | MAI... | 133 | 2061 | 14081 | |
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| Search Records - Offense | | | | | | | | | | |
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0182328-X | 06/25/2010 | DEREMER, AUSTIN | LOST PROPERTY | 01400 | | MAI... | 133 | 2061 | 42020 | |
| 0191595-X | 07/03/2010 | TOVAR, JUAN | LOST PROPERTY | 01400 | | MAI... | 133 | 2061 | 42020 | |
| 0193274-W | 07/03/2009 | *ANDREWS DISTRIBUTO... | THEFT | 01400 | | MAI... | 133 | 2061 | 06943 | |
| 0202593-W | 07/11/2009 | %ASH, SCOTT | ACCIDENTAL INJURY - PUBLIC P... | 01400 | | MAI... | 133 | 2061 | 33020 | |
| 0213177-X | 07/29/2010 | FULP, AUDRA | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26000 | |
| 0227647-V | 07/22/2008 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0228920-X | 08/15/2010 | TSOU, DERRICK, WAN | AGGRAVATED ASSAULT | 01400 | | MAI... | 133 | 2061 | 04171 | 08121 |
| 0233427-W | 08/08/2009 | @CITY OF DALLAS | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26610 | |
| 0233966-X | 08/20/2010 | *CHASE BANK | FORGERY & COUNTERFEITING | 01400 | | MAI... | 133 | 2061 | 10021 | |
| 0240101-W | 08/13/2009 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0246980-W | 08/20/2009 | GASTON, DAVID | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08111 | |
| 0251508-W | 08/24/2009 | %STARR, PATRICK, J 7420 | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08921 | |
| 0261567-X | 09/18/2010 | RAMABOBIC, MELITA | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08321 | |
| 0263288-X | 09/19/2010 | MCKELLOP, MICHAEL | ROBBERY | 01400 | | MAI... | 133 | 2061 | 03941 | |
| 0264469-W | 09/04/2009 | CHRISTON, JAMES | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08211 | |
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Search Records - Offense

Filter

| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
|---------------------------|--------------|--------------------|-----------------------------|-------|-----|--------|------|----------------|-------|-------|
| 0351230-W | 11/27/2009 | RUDDER,ASHLEY | THEFT | 01400 | | MAI... | 133 | 2061 | 06901 | 42020 |
| 0352115-W | 11/28/2009 | GRATTON, ALEXANDER | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08111 | |
| 0353301-X | 12/25/2010 | DO, AMY | LOST PROPERTY | 01400 | | MAI... | 133 | 2061 | 42020 | |
| 0385086-V | 12/20/2008 | JONES, ERIC, DEMON | TRAFFIC MOTOR VEHICLE | 01400 | | MAI... | 133 | 2061 | 32090 | |
| 0390793-V | 12/26/2008 | *RAYCO | THEFT | 01400 | | MAI... | 133 | 2061 | 06901 | |
| 0546814-T | 07/21/2007 | @CITY OF DALLAS | OTHER OFFENSES | 01400 | | MAI... | 133 | 2061 | 26420 | |
| 0632335-R | 08/19/2006 | @CITY OF DALLAS | FOUND PROPERTY | 01400 | | MAI... | 133 | 2061 | 43020 | |
| 0645554-T | 09/04/2007 | HARRIS,BIANCA | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08421 | |
| 0652259-T | 09/10/2007 | WILSON, PAIGE | ASSAULT | 01400 | | MAI... | 133 | 2061 | 08213 | |
| 0705282-T | 10/30/2007 | @CVS | THEFT | 01400 | | MAI... | 133 | 2061 | 06933 | |
| 0722898-T | 11/01/2007 | RAWLINGS,TRAVIS | ROBBERY | 01400 | | MAI... | 133 | 2061 | 08121 | 03941 |
| 0740535-T | 11/16/2007 | FIELDS,JONATHAN | THEFT | 01400 | | MAI... | 133 | 2061 | 06941 | |
| 0745923-T | 11/21/2007 | KEARBY, D'ANN | THEFT | 01400 | | MAI... | 133 | 2061 | 06954 | |
| 0794144-P | 10/01/2005 | CHRIST,HANS J | THEFT | 01400 | | MAI... | 133 | 2061 | 06941 | |
| 0958133-R | 12/23/2006 | @CITY OF DALLAS | CRIMINAL MISCHIEF/VANDALISM | 01400 | | MAI... | 133 | 2061 | 14082 | |



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Z101-255(MW)

List of Partners/Principals/Officers

Applicant: Strategic Hype, LLC

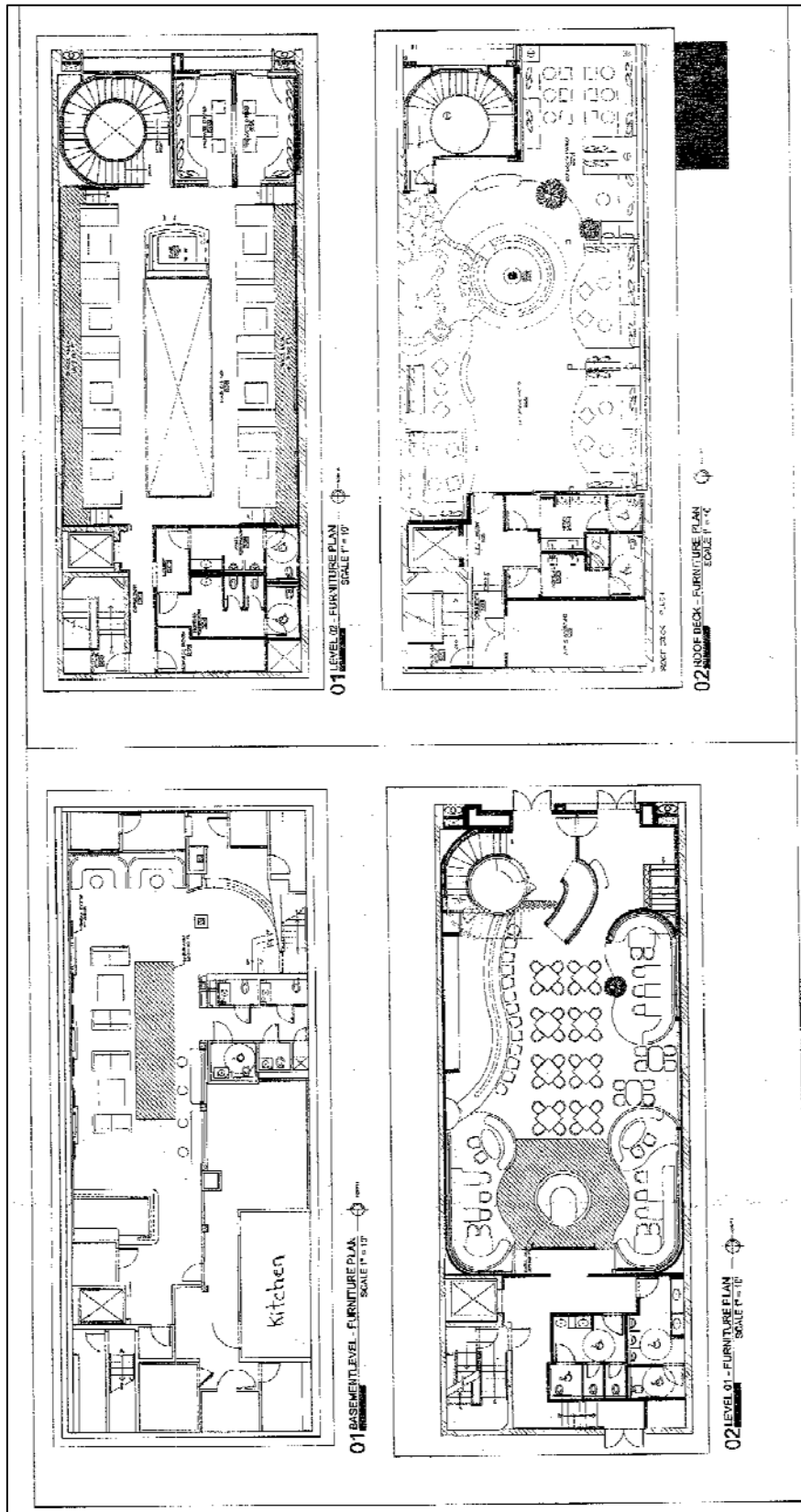
- Kevin Richardson, sole proprietor

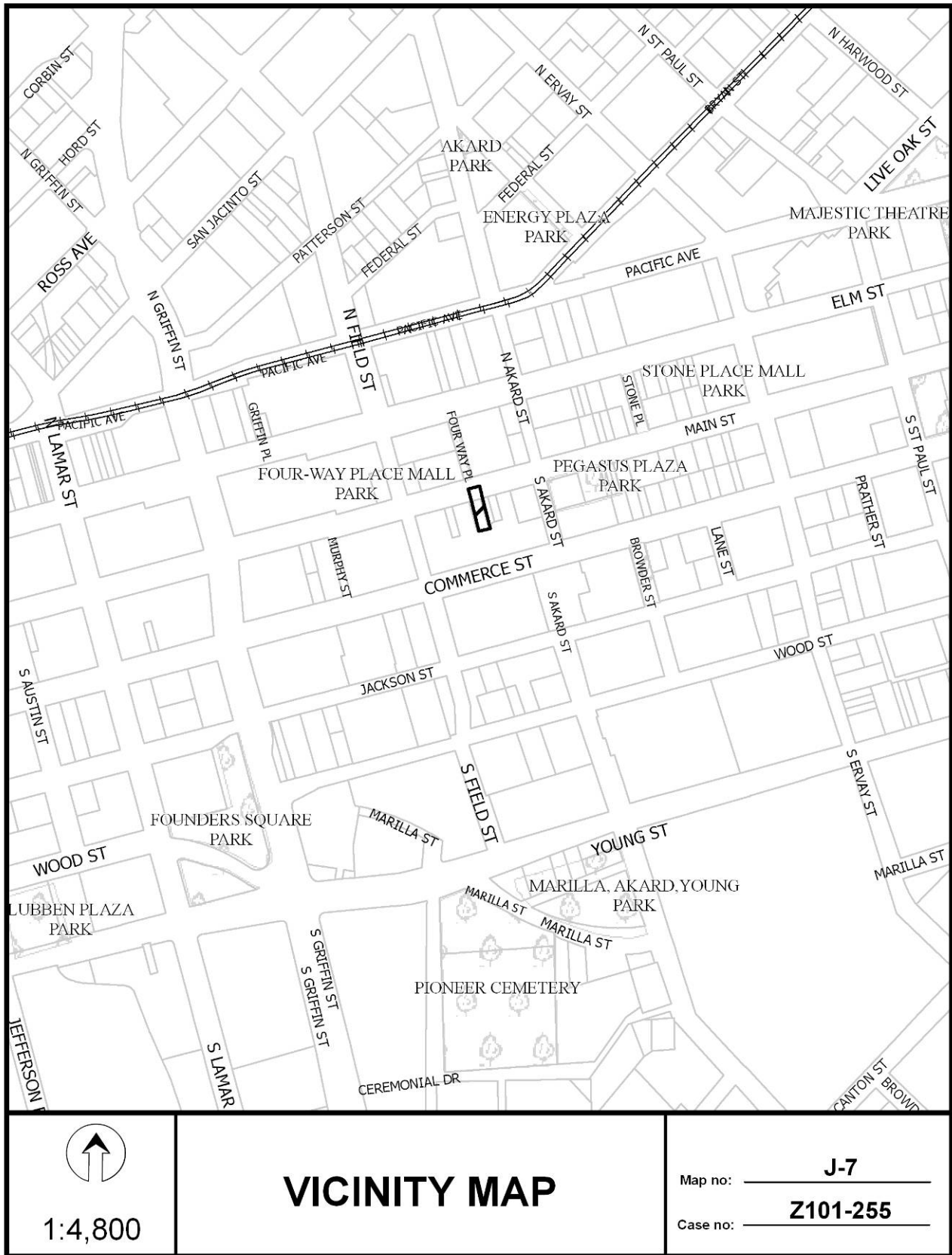
While staff is recommending denial of the applicant's request, the following conditions have been prepared, based on the previous SUP.

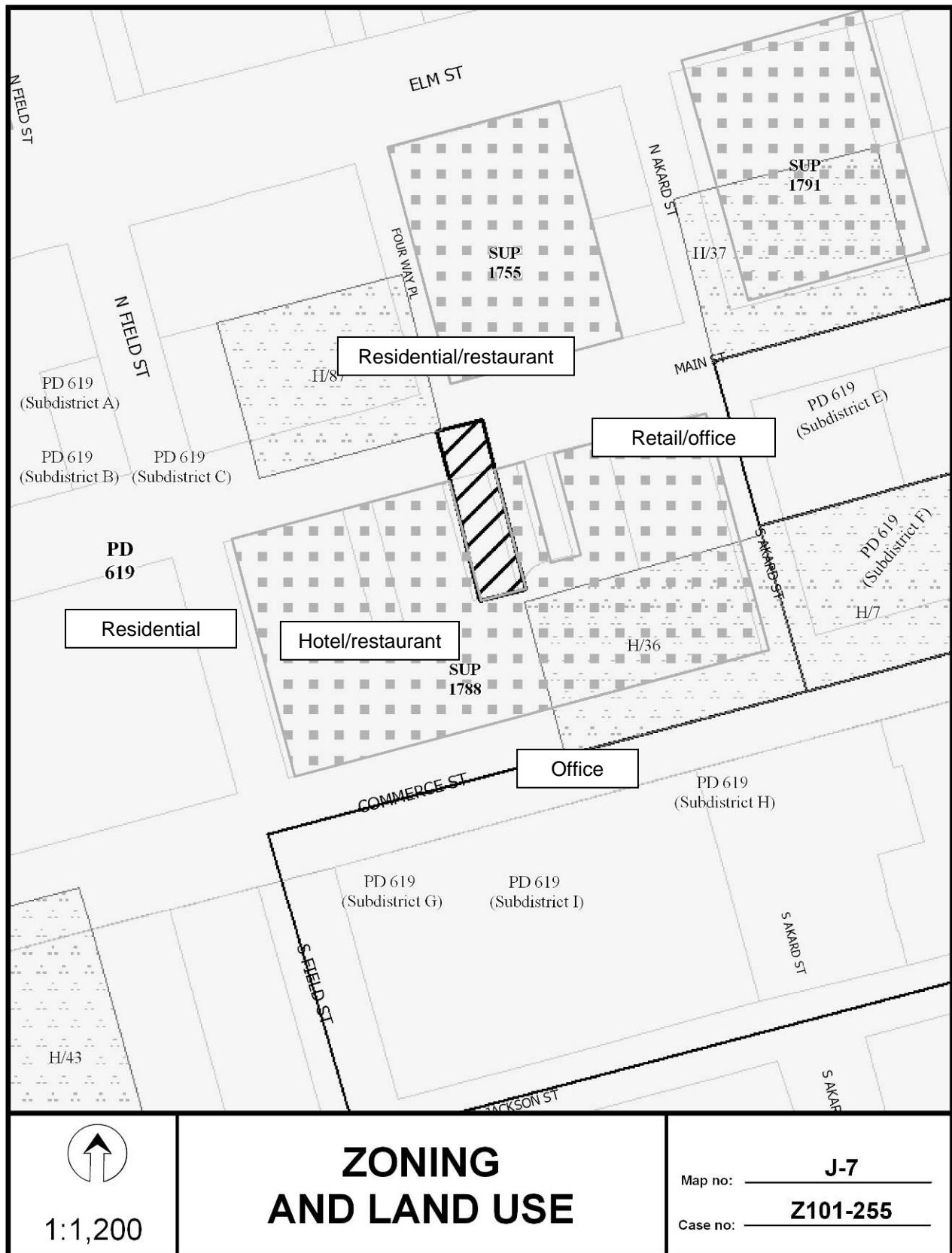
PROPOSED CONDITIONS

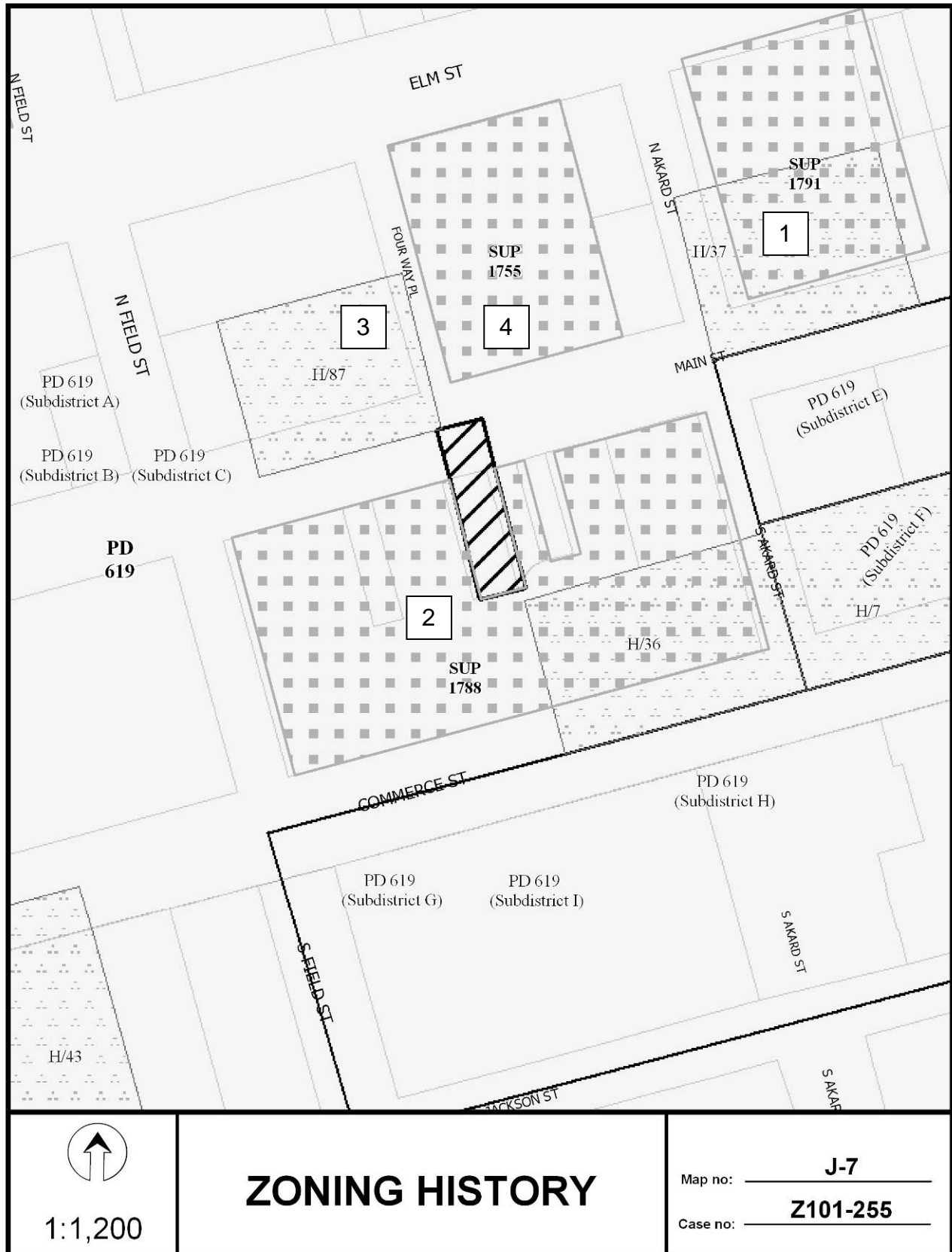
Z101-255

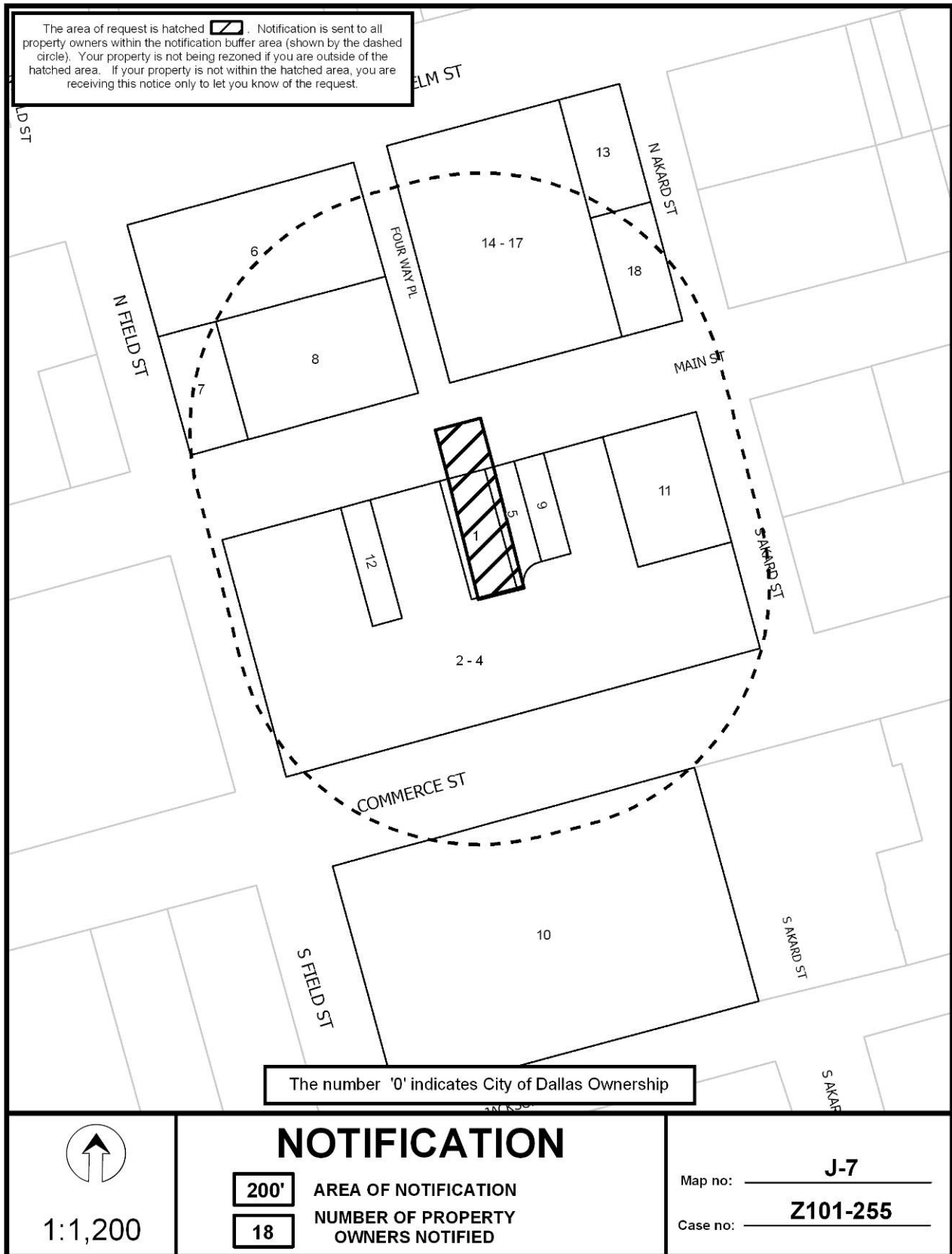
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) use limited to a Class A dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on (two years from passage of the ordinance).
4. FLOOR AREA: The maximum floor area for an alcoholic beverage establishment limited to a bar, lounge or tavern is 12,092 square feet in the locations shown on the attached site plan. The maximum combined floor area of the dance floors is 711 square feet on the basement level, level 1, and level 2 in the locations shown on the attached site plan. Dance floors are prohibited on the roof deck.
5. GROUND FLOOR: The alcoholic beverage establishment limited to a bar, lounge or tavern may not operate on the ground floor.
6. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge or tavern use and the commercial amusement (inside) use limited to a Class A dance hall may only operate between 11:00 a.m. and 2:00 a.m. (the next day), Monday through Sunday.
7. LIVE MUSIC: Live music is prohibited on the roof deck.
8. OUTSIDE SPEAKERS: Speakers and amplified sounds may operate outside only between 11:00 a.m. and 11:00 p.m., Monday through Sunday. Speakers and amplified sounds may not be used in a manner that unreasonably disturbs the peace, quiet, and comfort of an adjacent property.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.











Notification List of Property Owners***Z101-255******18 Property Owners Notified***

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|--------------------------------------|
| 1 | 1400 MAIN | FOSTER BRYAN S |
| 2 | 1315 COMMERCE | ADOLPHUS ASSOC JV |
| 3 | 1315 COMMERCE | ADOLPHUS ASSOC JV |
| 4 | 1315 COMMERCE | DALLAS COMMERCE ASSOC LP % ADOLPHUS |
| ASSOC | | |
| 5 | 1402 MAIN | TIER DEVELOPMENT GROUP LC |
| 6 | 1302 ELM | DAVIS METRO LP STE 170 |
| 7 | 1301 MAIN | CREEKBEND PPTIES LP |
| 8 | 1309 MAIN | DAVIS METRO LP |
| 9 | 1404 MAIN | 1404 MAIN BUILDING LLC |
| 10 | 211 AKARD | SOUTHWESTERN BELL SBC COMMUNICATIONS |
| INC | | |
| 11 | 1412 MAIN | BN 1412 MAIN LP |
| 12 | 1306 MAIN | RASANSKY MITCHELL |
| 13 | 1414 ELM | ELM 1414 PPTIES, LTD |
| 14 | 1407 MAIN | DLD PROPERTIES |
| 15 | 1407 MAIN | DLD PROPERTIES |
| 16 | 1407 MAIN | DRED PROPERTIES LTD |
| 17 | 1407 MAIN | DCAR PROPERTIES LTD |
| 18 | 1415 MAIN | GS RENAISSANCE LTD PS |

FILE NUMBER: Z101-211 (JH)

DATE FILED: March 10, 2011

LOCATION: Bounded by Greenville Avenue, Lewis Street, Hope Street, and La Vista Court

COUNCIL DISTRICT: 14

MAPSCO: 36-X

SIZE OF REQUEST: Approx. 0.62 acres

CENSUS TRACT: 11.01

REPRESENTATIVE: Roger Albright

APPLICANT/OWNER: Lower Greenville Ave. Trust & Susan B. Reese

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley on property zoned Planned Development District No. 842.

SUMMARY: The applicant proposes to operate a bowling alley use past midnight.

STAFF RECOMMENDATION: Approval, for a two year period subject to a site plan and staff conditions

BACKGROUND INFORMATION:

- The request site is currently developed with a vacant dance hall, restaurant, retail (record store), and warehouse uses.
- On January 26, 2011, the City Council established Planned Development District No. 842, which defined a late-hours establishment and require a Specific Use Permit for this use. PDD No. 842 also set a compliance date for late-hours establishments of September 23, 2011.

Zoning History:

| <u>File No.</u> | <u>Request, Disposition, and Date</u> |
|------------------------|--|
|------------------------|--|

- | | |
|-------------|--|
| 1. Z101-260 | An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. Pending a CPC public hearing. |
|-------------|--|

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|-------|--------------|
| Greenville Avenue | Local | 50 ft. |

STAFF ANALYSIS:**Comprehensive Plan:**

The request site lies within a Main Street Building Block. Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on street. Away from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Land Use Compatibility:

The approximately 0.62-acre request site is zoned Planned Development District No. 842 and is currently developed with a vacant dance hall and vacant restaurant. The applicant is proposing to convert the vacant dance hall and vacant restaurant to a bowling alley, which is a permitted use in Planned Development District No. 842. The floor area of the proposed bowling alley is approximately 12,368 square feet and a portion is two-stories with a second story rooftop patio containing a bar service area and seating. The purpose of the request is to allow the bowling alley to operate between the hours of midnight and 6:00 am, which requires a Specific Use Permit for a late-hours establishment.

The surrounding land uses are multifamily and townhouse uses to the north, east, and southeast; retail, personal service, restaurant, liquor store, and auto service center uses are along Greenville Avenue to the north and south; a mixed use development is to the west containing ground level office, vacant commercial space, and upper level multifamily uses.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. No establishments will be required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. A late-hours establishment must receive a Specific Use Permit no later than September 23, 2011 or cease operation during the hours of midnight and 6:00 a.m.

A late-hours establishment is defined in PDD No. 842 as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
- (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
- (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff has received input on the PDD No. 842 criteria from the Central Patrol Division of the Dallas Police Department. Since the majority of the floor area for the proposed bowling alley has been vacant for approximately two years and the remaining floor area was occupied as a restaurant that was not open past midnight, the number of citations and violations related to these addresses is zero. DPD gave the following additional review comments:

“No specific violent crimes have occurred in these two establishments. The aggravated assaults noted by our crime analyst from March 2010 which occurred next to this location were related to a disturbance that had occurred further up

the street at the Eight Lounge; and as the different involved parties were driving away, the other part caught up to them and opened fire on them at that intersection.

While we have nothing related to this location, the Department is cautious that this is one more establishment looking to open late into the night where alcohol will be served. This business will potentially add to the noise pollution complained about by various citizens that live in this area; regarding more noise such as music, traffic and people. If there is no current lease agreement or current approval, no patios or rooftop patios should be allowed at all."

Staff does not agree that alcohol service should be a factor in considering a specific use permit; however, staff agrees that the rooftop patio should not be in operation between the hours of midnight and 6:00 a.m. due to the adjacent residential uses to the north, east, and west. The applicant is requesting SUP conditions that would allow the rooftop patio to be utilized as part of the late-hours establishment but close the rooftop bar at 1:00 a.m. To mitigate sound, the applicant is proposing to use landscaping materials. If the CPC is inclined to approve the rooftop patio use for the late-hours establishment, staff supports potted evergreen landscaping materials that form a six-foot solid screen on the perimeter of the rooftop patio.

Staff recommends approval of the request for a short initial time period of two years. The applicant is requesting a time period of five years due to the improvement costs of converting the dancehall to a bowling alley. The bowling alley is a commercial amusement (inside) use which is a permitted use in PDD No. 842.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|----------------------------------|----------|---|--------------------------------|------------------|-----------------|-------------------------------------|--------------------------------------|
| | Front | Side/Rear | | | | | |
| Existing | | | | | | | |
| PDD 842 Community retail base | 15' | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 office | 54' 4 stories | 60% | Proximity Slope Visual Intrusion | Retail & personal service, office |

Parking/Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

A bowling alley is a commercial amusement (inside) use with a specific parking requirement of six spaces per lane. Six lanes are proposed; therefore at least 36 off-street parking spaces are required for this use. Preliminary floor plans indicate the classification of uses may be both bowling alley and general commercial amusement (inside). The minimum parking requirement will be determined by Building Inspection based on the floor plan at time of Certificate of Occupancy application. The request site's has remote parking agreements in place that served the last use, bar and dance hall, as well as the other uses on the building site that should be adequate to meet the

minimum requirements for the building site. If the remote parking agreements are for a number of spaces above the minimum requirement, the remote parking agreements should be revised at the time of Certificate of Occupancy to release the spaces that are no longer needed per Sec. 51A-4.328(b).

The request site is also in a Modified Delta Overlay, which terminates delta credits when there is an expansion or change in use. The request site is meeting its minimum parking requirement by the combination of 20 on-site parking spaces and remote parking agreements. No delta credits exist for this building site.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.

Z101-211(JH)

List of Partners/Principals/Officers

Lower Greenville Avenue Trust

James G. Vetter, Jr., Trustee

SUP Conditions

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a commercial amusement (inside) for a bowling alley.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

Staff recommended:

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit automatically terminates on (2 years). |
|--|

Applicant proposed:

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit automatically terminates on (5 years). |
|--|

4. FLOOR AREA: The maximum floor area for the late-hours establishment is 12,400 square feet excluding the rooftop patio.

Applicant proposed / Staff does not support:

- | |
|--|
| <p>5. <u>ROOFTOP PATIO</u>:</p> <ol style="list-style-type: none">a. The maximum area for the late-hours establishment rooftop patio is 200 square feet of floor area and 2,000 square feet uncovered area.b. The rooftop patio operating as a late-hours establishment may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. Service on the rooftop patio, including the bar on the rooftop patio and waitress service, may only operate between 12:00 a.m. (midnight) and 1:00 a.m.c. To mitigate sound, potted evergreen plant material or a wall must be installed and maintained to form a solid screen of six feet in height along 50 percent of the western edge, 50 percent of the southern edge, and 100 percent of the eastern edge of the rooftop patio. |
|--|
6. HOURS OF OPERATION: The late-hours establishment limited to a commercial amusement (inside) use for a bowling alley may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.

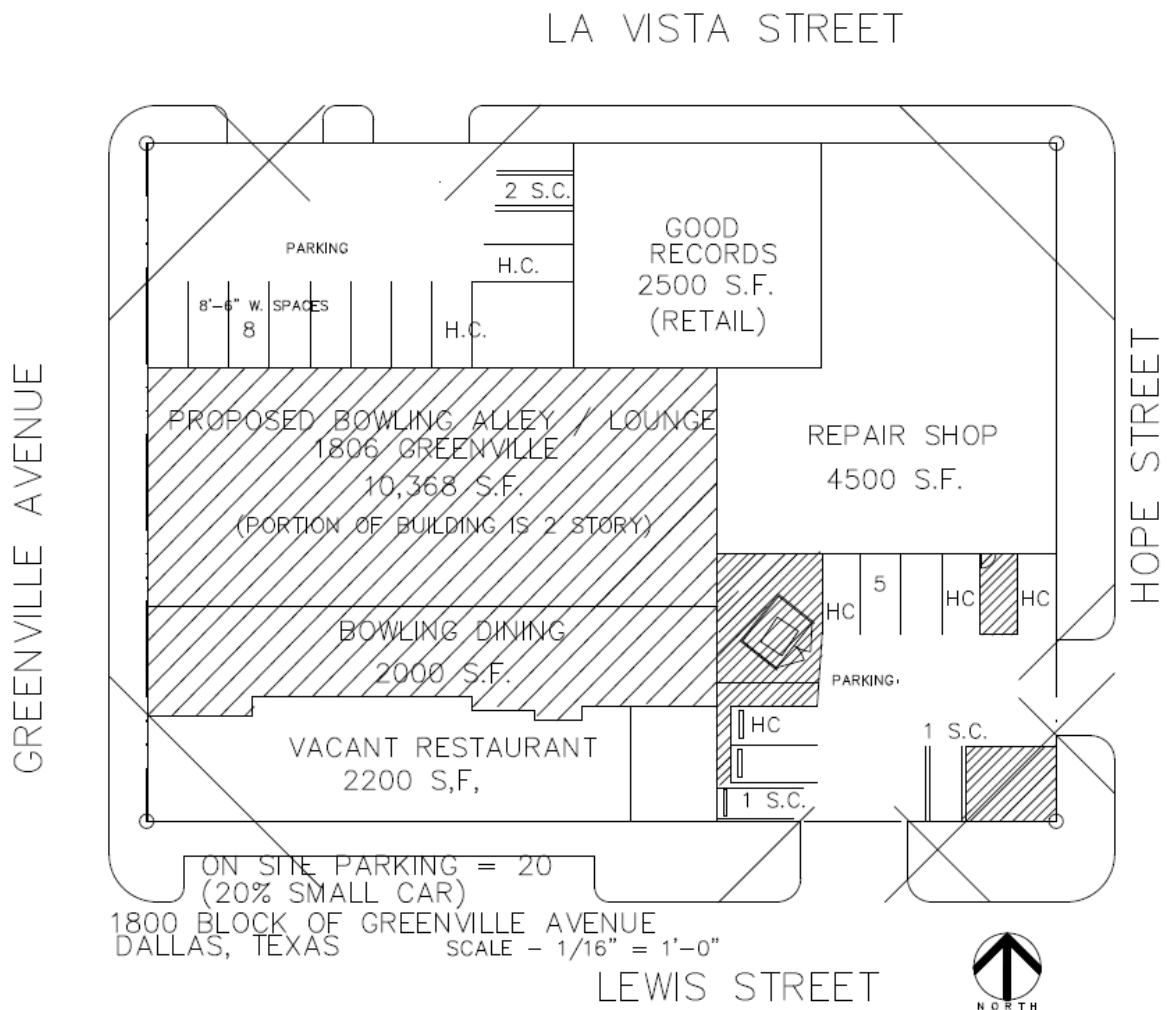
Staff recommended / Applicant does not support:

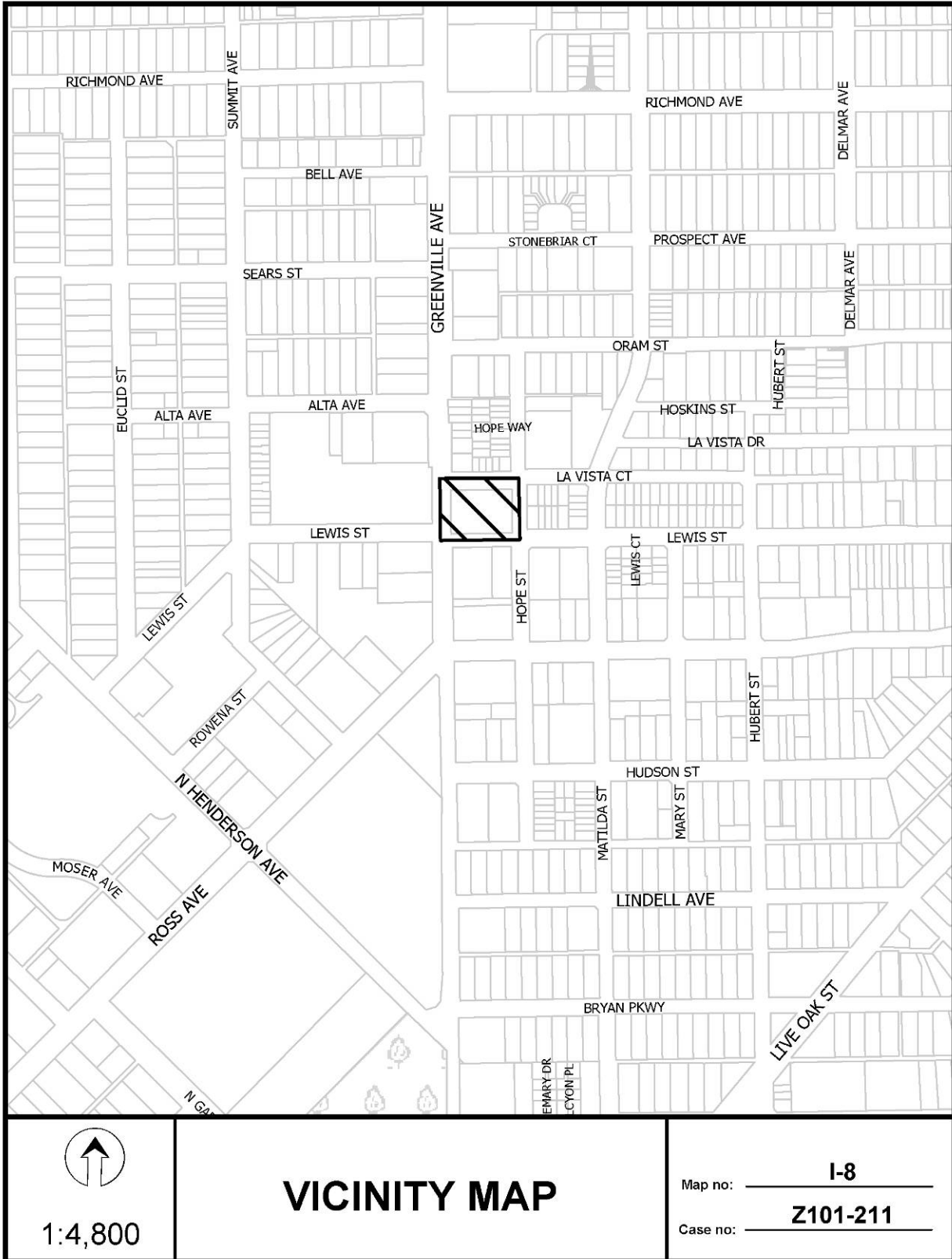
| |
|---|
| The rooftop patio may not operate between 12:00 a.m. (midnight) and 6:00 a.m., Monday through Sunday. |
|---|

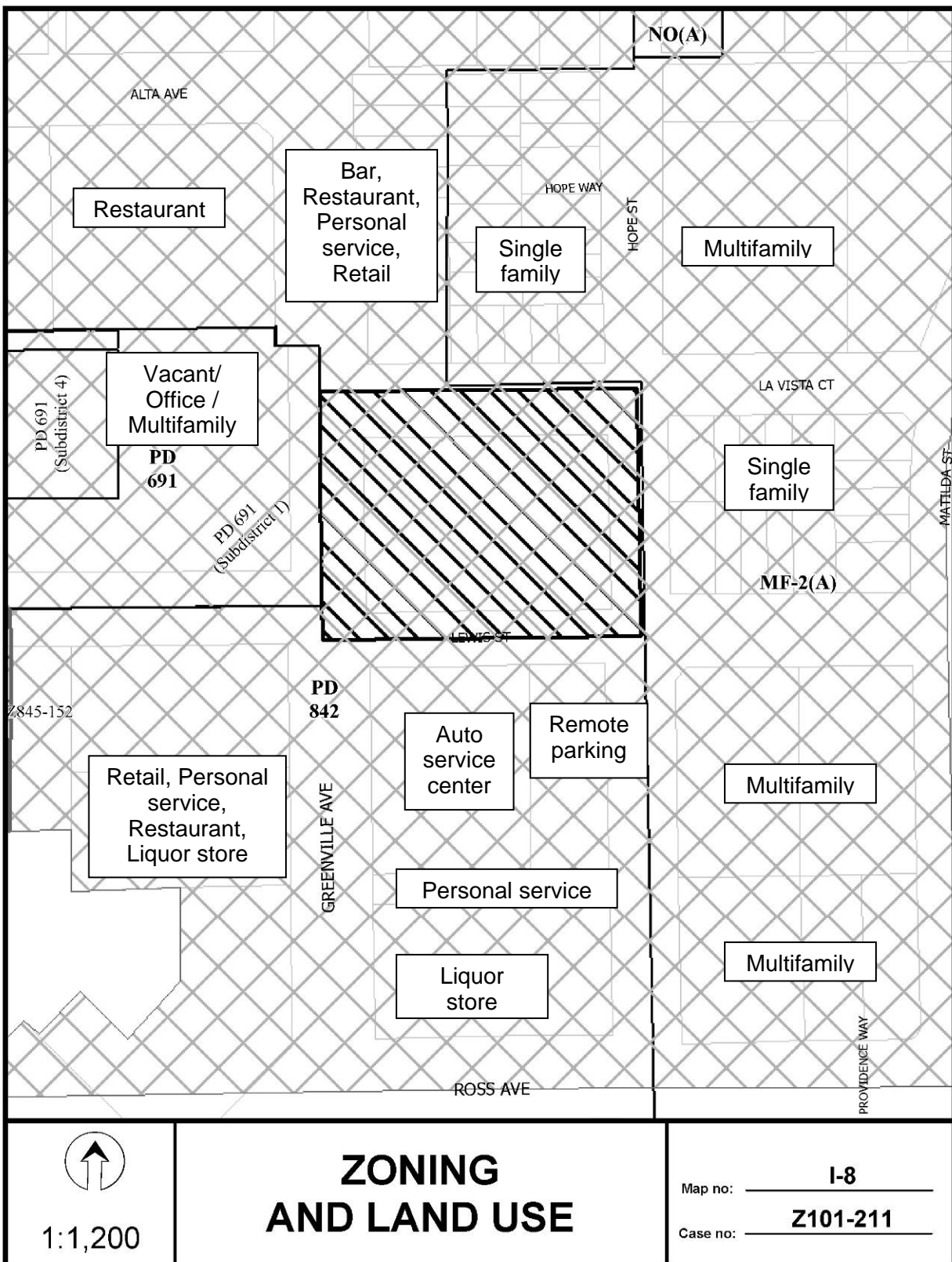
7. OUTSIDE SPEAKERS: Outside speakers may not operate between 12:00 a.m. (midnight) and 6:00 am.

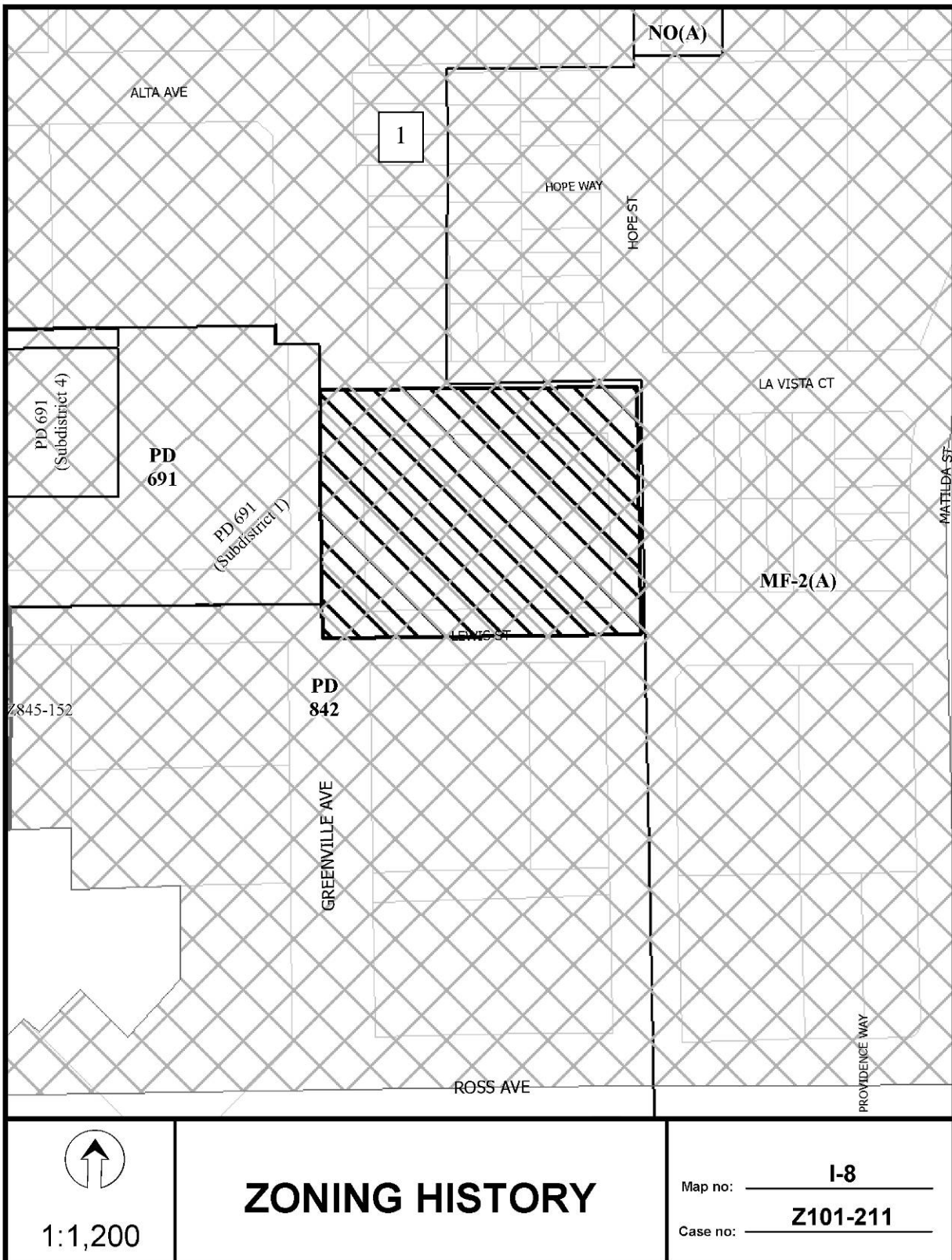
8. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).
9. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
10. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
11. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SITE PLAN

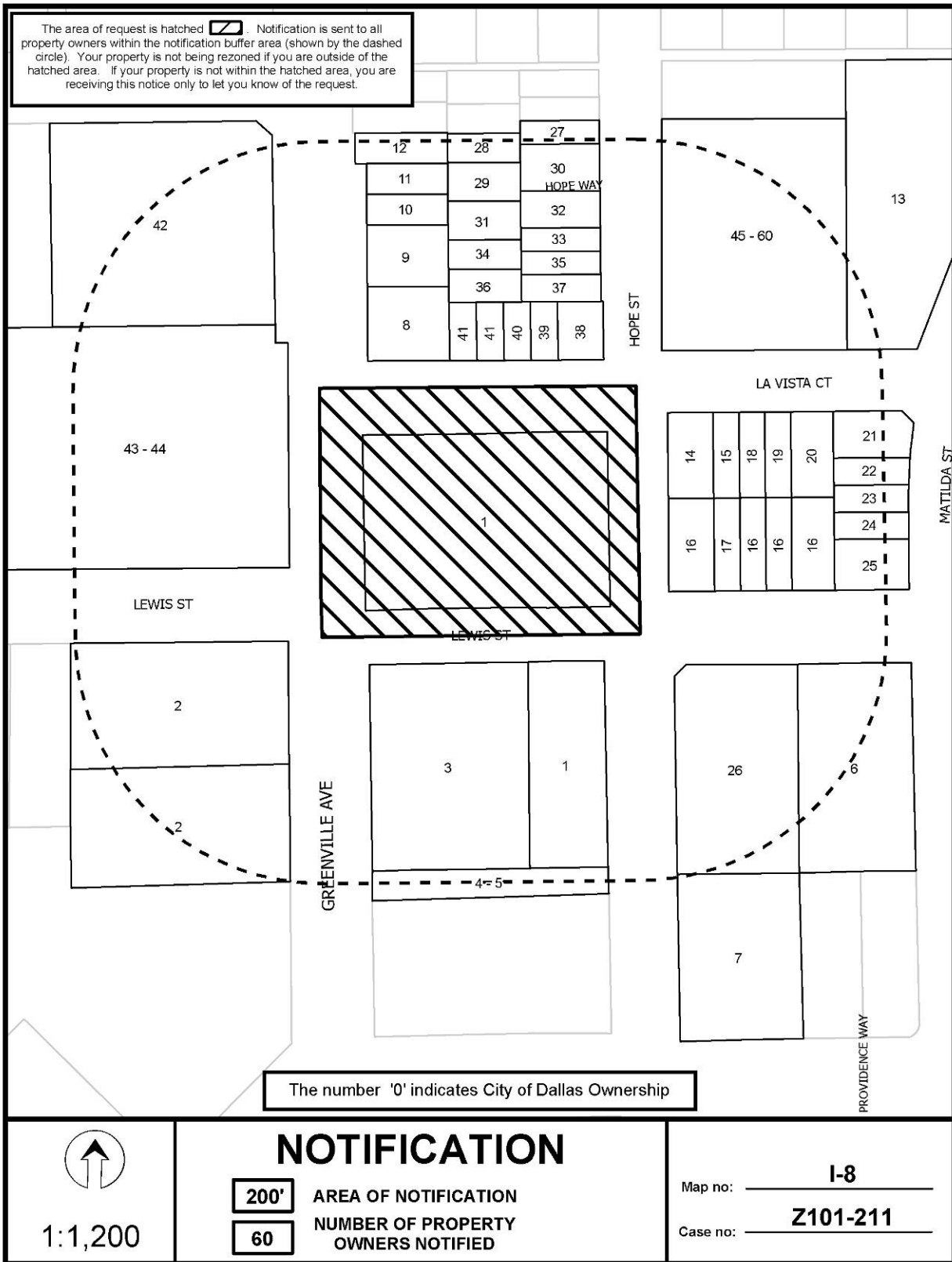








DATE: May 05, 2011



5/5/2011

Notification List of Property Owners

Z101-211

60 Property Owners Notified

| Label # | Address | | Owner |
|---------|---------|------------|---|
| 1 | 5512 | LEWIS | VETTER JAMES G JR TR |
| 2 | 1731 | GREENVILLE | MACATEE FAMILY LIMITED %GEORGE P MACATEE IV |
| 3 | 1710 | GREENVILLE | LEAKE SAM S SR TR LEAKE FAMILY TRUST |
| 4 | 1708 | GREENVILLE | LEAKE SAM S SR TR LEAKE FAMILY TRUST |
| 5 | 1706 | GREENVILLE | SKILLERN & MAJORS 425 DOUGLAS PLAZA |
| 6 | 5610 | LEWIS | MATILDA APARTMENTS LP |
| 7 | 5611 | ROSS | KNOBLER DONALD G |
| 8 | 1900 | GREENVILLE | TRUST REAL ESTATE |
| 9 | 1904 | GREENVILLE | GALANIS CHRIS V ETAL |
| 10 | 1908 | GREENVILLE | AK & ASSOCIATES |
| 11 | 1910 | GREENVILLE | MORENO RICHARD |
| 12 | 1912 | GREENVILLE | CAMPBELL OLIVER |
| 13 | 5735 | LA VISTA | PCB PROPERTIES LLC |
| 14 | 5702 | LA VISTA | JOHNSON C RYAN |
| 15 | 5704 | LA VISTA | DOUGLAS KENNETH D |
| 16 | 5611 | LEWIS | PCB PROPERTIERS LLC |
| 17 | 5605 | LEWIS | DAVIS STACEY & |
| 18 | 5706 | LA VISTA | ABEL ALLYCIN I |
| 19 | 5708 | LA VISTA | MCLEOD ALEXANDER W & MCLEOD SARAH ECHOLS |
| 20 | 5710 | LA VISTA | REED JASON STE 3A |
| 21 | 1811 | MATILDA | BAUMANN MARK |
| 22 | 1809 | MATILDA | AMOS GREGORY C & |
| 23 | 1807 | MATILDA | FALGOUST DAMIEN |
| 24 | 1805 | MATILDA | BROWNGARCIA SONJA J |
| 25 | 1803 | MATILDA | HOYLAND TIM |
| 26 | 5604 | LEWIS | TOPSPIN DEV LP % TOM MOTLOW |
| 27 | 1918 | HOPE WAY | TROMBLEY DJANGO |
| 28 | 1915 | HOPE WAY | ALARCON WALDO & YAZMIN R |

| Label # | Address | Owner |
|----------------|-----------------|---|
| 29 | 1913 HOPE WAY | ARIES VENTURES INC |
| 30 | 1916 HOPE WAY | LARES BRYAN |
| 31 | 1911 HOPE WAY | LOWENSTEIN MARK |
| 32 | 1912 HOPE WAY | CRAVENS KIMBERLY A |
| 33 | 1910 HOPE WAY | DANISH DAVID |
| 34 | 1909 HOPE WAY | KEEPMAN MATTHEW |
| 35 | 1908 HOPE WAY | GANDHI ANUPAMA K |
| 36 | 1907 HOPE WAY | BAILEY TERRANCE V # 132 |
| 37 | 1906 HOPE WAY | PENNINGTON DREW & JORGENSEN JAMIE |
| 38 | 5715 LA VISTA | CATHCART DAVID |
| 39 | 5713 LA VISTA | CHIANG THOMAS S & TRACY C CHIANG |
| 40 | 5711 LA VISTA | WHITE JULIUS |
| 41 | 5709 LA VISTA | SHANE MARIO M & RACHELLE |
| 42 | 1827 GREENVILLE | LOWGREEN PS % SHULA NETZER |
| 43 | 1811 GREENVILLE | LRRP GREENVILLE LLC %GE CAPITAL REAL ESTATE |
| 44 | 1811 GREENVILLE | GREENWAY GREENVILLE LP |
| 45 | 1910 HOPE | MOJICA EDWARD UNIT 1 |
| 46 | 1910 HOPE | ALLIE STEVEN C & |
| 47 | 1910 HOPE | ANAZAGASTY ROBERT A |
| 48 | 1910 HOPE | KUPERMAN YELENA |
| 49 | 1910 HOPE | CROUCH EDIE D |
| 50 | 1910 HOPE | DE LA CERDA PEDRO & ASHLEY E DE LA CEDRA |
| 51 | 1910 HOPE | VIAL TESSA |
| 52 | 1910 HOPE | HENDERSON ROY V & LAVERNE |
| 53 | 1910 HOPE | AGNEW STEPHANIE BARONE & JASON M |
| 54 | 1910 HOPE | KOBAYASHI AARON S & CHEN BARBARA K |
| 55 | 1910 HOPE | CALVERT REGINA K UNIT 11 |
| 56 | 1910 HOPE | DRESCHER CLIFFORD T UNIT 12 |
| 57 | 1910 HOPE | ANKERSEN KRISTEN A |
| 58 | 1910 HOPE | HENDERSON ROY V |
| 59 | 1910 HOPE | FREEMAN SHANE C UNIT 15 |
| 60 | 1910 HOPE | MUIR DAVID E UNIT 16 |

Thursday, May 05, 2011

FILE NUMBER: Z101-261(RB) **DATE SUBMITTED:** March 10, 2011

LOCATION: Greenville Avenue and Bell Avenue, Northwest Corner

COUNCIL DISTRICT: 2 **MAPSCO:** 36 T

SIZE OF REQUEST: Approx. 2,200 Sq. Ft. **CENSUS TRACT:** 10.02

APPLICANT/REPRESENTATIVE: Simon McDonald

OWNER: 2001 Greenville Venture, LTD-Laurence B. Vineyard,
Manager

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property within Planned Development District No. 842 for CR Community Retail District Uses.

SUMMARY: The applicant is proposing to continue operation of an existing restaurant with late hours.

STAFF RECOMMENDATION: Approval for a five-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The existing improvements are utilized for a restaurant without drive-in service. Required parking is provided on-site as well as on an adjacent surface lot, across Bell Avenue.
- On January 26, 2011, the City Council approved Planned Development District No. 842 for CR District Uses, and furthermore requires an SUP for any retail and personal service uses operating after 12:00 a. m.
- The applicant is requesting an SUP for late hours to provide for daily operation between the hours of 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday.
- The applicant is requesting a 750 square foot (approximate) uncovered outdoor patio along the eastern building façade. This will require the issuance of a private license prior to any improvements in this area.
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

Zoning History:

| <u>File No.</u> | <u>Request, Disposition, and Date</u> |
|------------------------|--|
| 1. Z101-260 | An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. Pending a CPC public hearing. |
| 2. Z101-264 | An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a July 7, 2011 CPC public hearing. |
| 3. Z101-270 | An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing. |
| 4. Z101-295 | An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing. |

| <u>Street</u> | <u>Existing & Proposed ROW</u> |
|----------------------|---|
| Greenville Avenue | Local; 50' ROW |

Comprehensive Plan: The request site lies within a Main Street Building Block. Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Area Plans: Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Modified Delta Overlay No. 1: In general terms, ‘delta theory’ means the number of nonconforming parking or loading spaces for a use that may be carried forward when the use is converted or expanded (see attached Delta Theory).

The ‘modified delta’, in effect, prohibits the application of the delta theory due to a ceasing of a need to encourage redevelopment and adaptive reuse of existing structures or that the continued application of the delta theory will create traffic congestion and public safety issues.

The site lies within Modified Delta Overlay No. 1 (MD-1), which consists of three ‘Areas’ in an area generally bounded by Ellsworth Avenue, west of Matilda Street, north of Ross Avenue, and east of Summit Avenue/Worcola Street. This site lies within the Area 3 portion of MD-1 (see attached Area 3 sketch). MD-1 was adopted by the City Council on October 1, 1987.

A June 14, 1995 City Council resolution provides for replacing parking in the right-of-way that is lost due to locating public dining space (subject to the granting of a private license) within this area, and requiring parking for the public dining area (1 space/300 square feet of public dining space). Lastly, a June 28, 1995 amendment to the ordinance provides for the following: 1) a use that is discontinued or remains vacant for 12 months loses the right to carry forward nonconforming parking/loading under the delta theory; 2) the Board of Adjustment may not grant a special exception for required parking; 3) walking distance for remote parking is increased to 900 feet; and, 4) special parking may account for more than 50% of required parking for a use.

Land Use: The request site possesses improvements that are utilized for a restaurant without drive-in service. Required parking is provided on an adjacent surface lot, across Bell Avenue. The applicant is requesting an SUP for a late-hours establishment to permit the existing restaurant to operate beyond 12:00 a.m. and 2:00 a.m., Monday through Sunday. The restaurant has been at this location since May, 2006. Lastly, the applicant has identified a future patio area along the eastern façade which is subject to the granting of a private license.

The site is surrounded by a mix of office, retail, and entertainment uses. A portion of the required parking is located across Bell Avenue from the site.

The purpose of PDD No. 842 is to 'ensure the compatibility of uses with adjacent residential neighborhoods and to reduce the incidence of crime by discouraging an over-proliferation of regional-serving, late-night venues.' As defined in the PDD, a late-hours establishment is any retail or personal service use that operates between 12:00 a.m. and 6:00 a.m., and furthermore requires an SUP for this defined use. Additionally, the City Council adopted a compliance date of September 23, 2011 for any retail and personal service use operating beyond 12:00 a.m. to obtain the required SUP.

PDD No. 842 establishes the following criteria for consideration of an SUP for a late-hours establishment:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

(1) the number of citations issued by police to patrons of the establishment;

(2) the number of citations issued by police for noise ordinance violations by the establishment;

(3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment (see Police Activity exhibit).

In addition to the regulations of PDD No. 842, the Dallas Development Code establishes general criteria for any use requiring an SUP:

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Lastly, in an effort to assess the compatibility of a request for a late-hours establishment, the following information is requested for staff's review:

- (1) Floor plan.
- (2) Certificate of occupancy history.
- (3) Location of required parking, including detail related to applicable delta credits, Board of Adjustment parking reductions, and/or city approved parking agreements.
- (4) Existing or proposed improvements within the right-of-way, including copy of private license.
- (5) For a restaurant, copy of menu and alcohol affidavit.

The applicant has provided necessary documentation related to Nos. 1, 2, and 3. With respect to No. 4, the site is not currently improved with a patio, however an approximate 750 square foot area is noted along the eastern façade, parallel to the Greenville Avenue right-of-way. A private license will be required prior to the applicant completing improvements for this area. With respect to No. 5, staff has received a copy of the restaurant's menu and the applicant has indicated food sales are generally above 30 percent.

The applicant's improvements are oriented along the north-south alignment of Greenville Avenue with no direct access to the residential areas that are found beyond those uses along this street. The applicant has operated in a responsible manner with minimal reported police activity at the location since its occupancy (see Police Activity, below). Lastly, the proposed patio is located along the Greenville Avenue frontage, thus resulting in a location that does not impact the residential uses to the west/northwest. As a result of staff's analysis, support for the request is being given, subject to the attached site plan and conditions.

Traffic: The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system.

Parking: As noted above, the property is situated with the Area 3 portion of Modified Delta Overlay No. 1. As a result of a change of use (the previous use being retail/personal service), the site does not possess any delta credits, therefore 22 off-street parking spaces for the existing restaurant are required. Off-street parking agreements exist for this required parking, which is located on an adjacent lot across Bell Avenue, southwest of the site. For orientation purposes, the attached site plan depicts the off-street parking area.

Landscaping: The existing development is void of landscape materials. The request will not trigger compliance with Article X.

POLICE ACTIVITY
2101 Greenville Avenue – DBA The Libertine

- 1) No citations issued.
- 2) No citations have been issued for noise ordinance violations.
- 3) For 2010, one person associated with this establishment was arrested for public intoxication. For 2011, one person was arrested for DWI.
- 4) No known TABC violations.
- 5) No violent crime originating inside the establishment.

Additional comments:

This is a small location that is located on the west side of Greenville on the northern edge of this area. It does not have a rooftop or patio. The door is always closed and music is rarely heard coming from the location. Compared to other locations, there are not many patrons that visit this location. Those that do are often well-behaved. The employees and management of this location seem to operate the business well within our expectations.

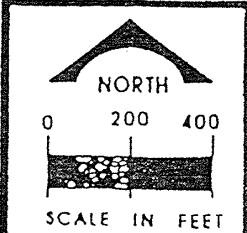
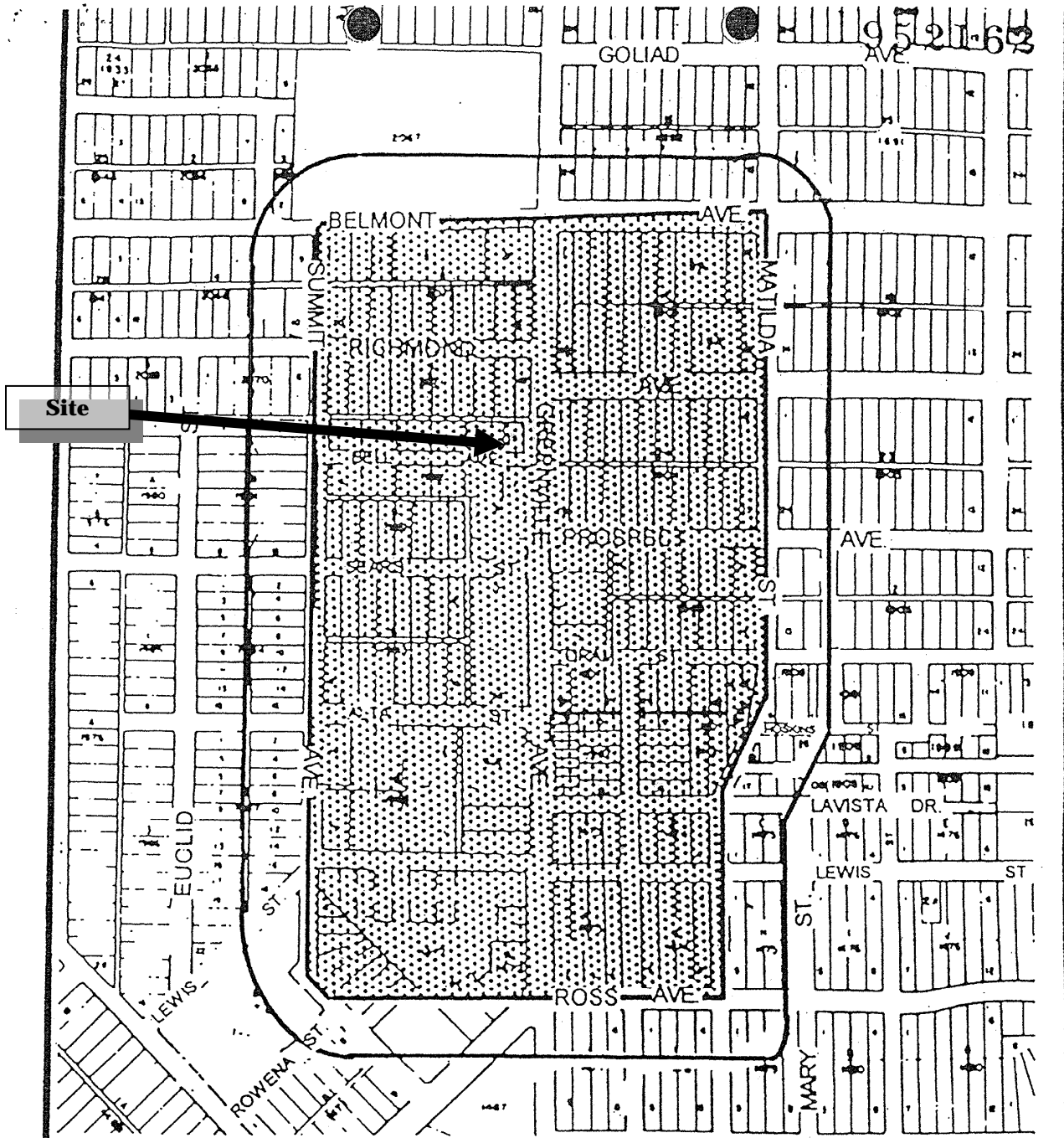
Delta Theory

A person shall not change a use that is nonconforming as to parking or loading to another use requiring more off-street parking or loading unless the additional required off-street parking or loading spaces are provided.

In calculating required off-street parking or loading, the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading shall be calculated in the following manner:

- (1) Number of parking or loading spaces required for existing use. _____
- (2) Number of parking or loading spaces existing on lot or tract. _____
- (3) Subtract line 2 from line 1. This will be the number of parking or loading spaces with nonconforming rights to be carried forward. _____
- (4) Determine number of parking or loading spaces for the new use or expansion. _____
- (5) Subtract line 3 from line 4. This will be the number of parking or loading spaces that will be required. _____

952163



SKETCH
"AREA 3"

MAP NO. H-8, I-8

STAFF RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years).
4. FLOOR AREA: Maximum floor area is 2,200 square feet in the location shown on the attached site plan.
5. OUTDOOR PATIO AREA:
 - A. Maximum land area for the outdoor patio area is 750 square feet in the location shown on the attached site plan.
 - B. The outdoor patio must be uncovered .
 - C. The owner or operator must obtain a private license for an outdoor patio, with copy provided to the building official, before the outdoor patio may be used by customers.
6. HOURS OF OPERATION:
 - A. The late-hours establishment may only operate between 12:00 a.m. (midnight) and 2:00 a.m. (the next day), Monday through Sunday.
 - B. All customers must leave the Property by 2:15 a.m.
7. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment before operating after 12:00 a.m. (midnight).
8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
9. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



LOCATION PLAN
N.T.S.

ROSS AVE.
GREENVILLE AVE.
HENDERSON AVENUE
SUMMIT AVE.
BELL
STARKS
ALLEN
LENS
MATILDA
PROSPECT
GRAHAM
RICHMOND

ROSS AVE.
GREENVILLE AVE.
HENDERSON AVENUE
SUMMIT AVE.
BELL
STARKS
ALLEN
LENS
MATILDA
PROSPECT
GRAHAM
RICHMOND

NORTH

17-11



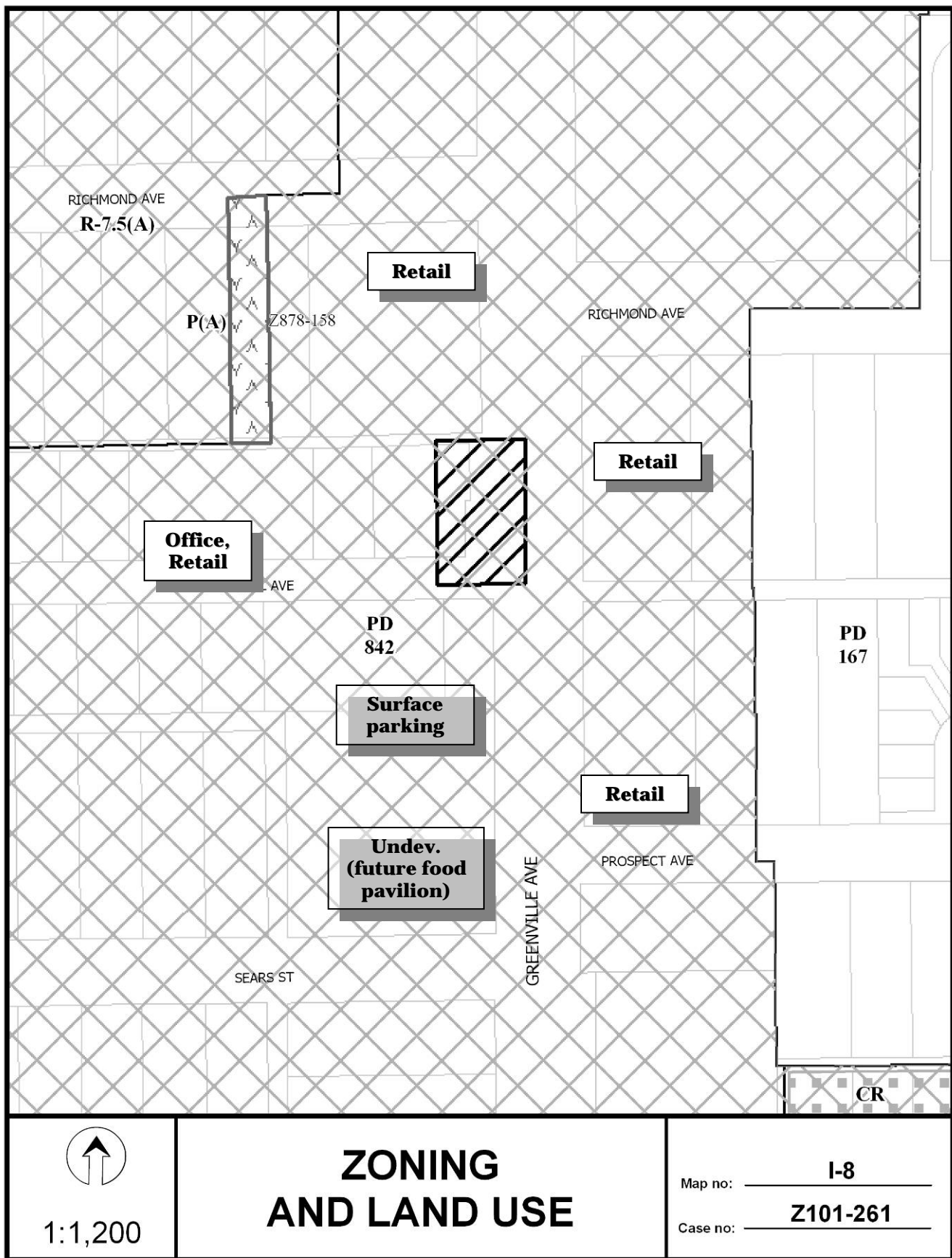
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VICINITY MAP

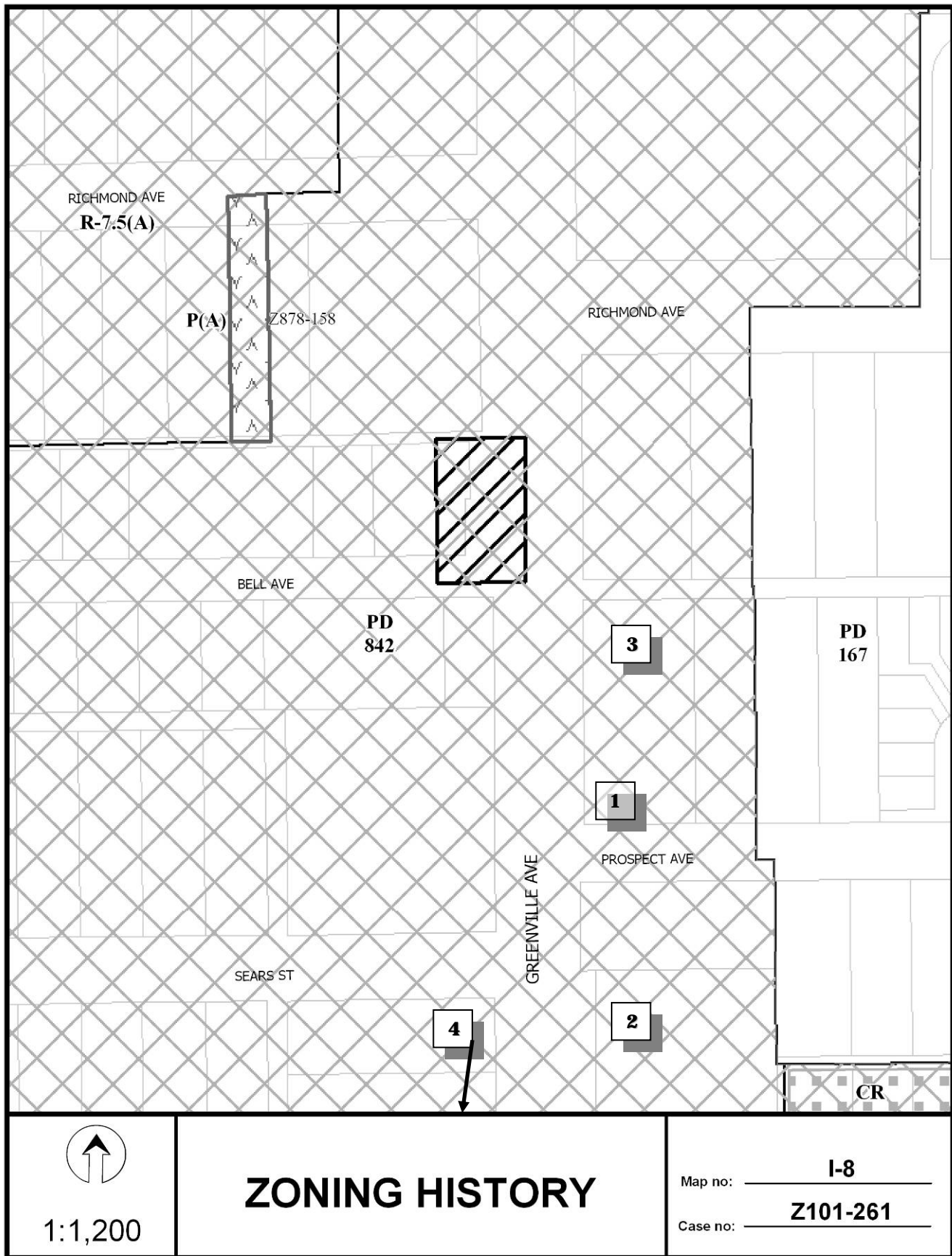
Map no: I-8

Case no: Z101-261


DATE: June 03, 2011

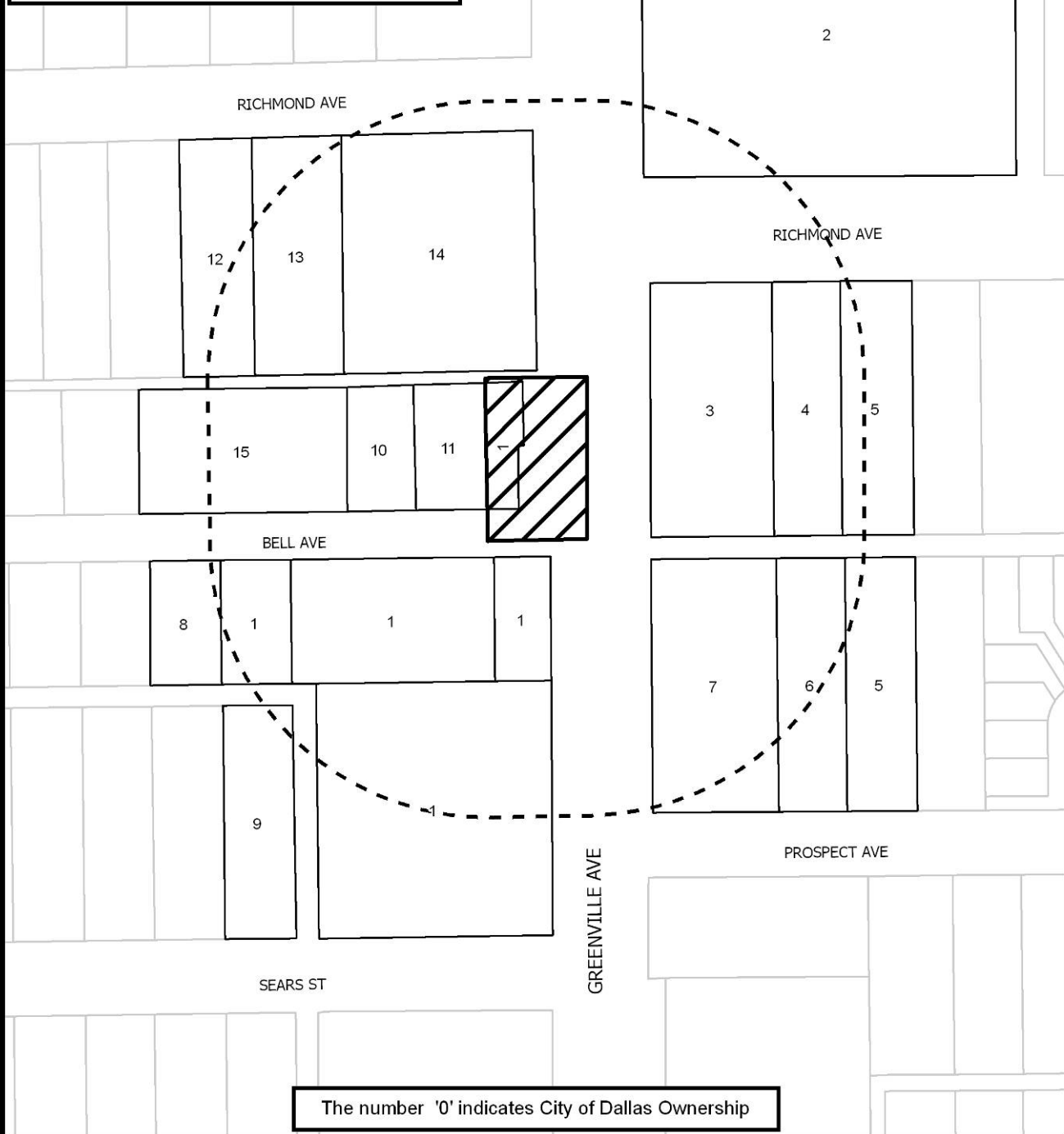


DATE: June 03, 2011



DATE: June 03, 2011

The area of request is hatched  . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

15

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: **I-8**

Case no: **Z101-261**

DATE: June 03, 2011

Notification List of Property Owners

Z101-261

15 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|--|
| 1 | 5642 GREENVILLE | 2001 GRNVILLE VENTURE % MADISON PACIFIC DEV CO |
| 2 | 2218 GREENVILLE | R&F INVESTMENTS II LTD STE 203 |
| 3 | 5702 RICHMOND | GNVILLE ROSS PTNR LTD ATTN: MITCHELL RASANSKY |
| 4 | 5710 RICHMOND | SANCHEZ FIDENCIO & MARIO SANCHEZ |
| 5 | 5715 RICHMOND | REESE GRANDCHILDRENS |
| 6 | 5711 PROSPECT | ANDRES FAMILY TRUST 200 |
| 7 | 2100 GREENVILLE | GREENVILLE 2100 LTD STE 300 |
| 8 | 5626 BELL | WISHART LEATHERS BEVERLY & MALCOLM S HILL |
| 9 | 5631 SEARS ST | LOWER GREENVILLE AVE TR % JAMES G VETTER JR TR |
| 10 | 5639 BELL | EATON ROAD LTD |
| 11 | 5643 BELL | BATM PROP LP |
| 12 | 5628 RICHMOND | HABASHY JONATHAN L & KRISTIE L |
| 13 | 5632 RICHMOND | RICHMAN TRUSTS |
| 14 | 2121 GREENVILLE | RICHMAN HARVEY A & %RICHMAN TR - LGL ARTS |
| 15 | 5627 BELL | LEFEBVRE DALE |

Friday, June 03, 2011

FILE NUMBER: Z101-263(MW)

DATE FILED: April 29, 2011

LOCATION: East side of Greenville Avenue, south of Oram Street.

COUNCIL DISTRICT: 14

MAPSCO: 36-X

SIZE OF REQUEST: ±3,750 square feet

CENSUS TRACT: 11.01

REPRESENTATIVE: Cary Ray

APPLICANT: Raw Bar LLC dba The Crown and Harp

OWNER: Jack Chaplin, Neil Connell and Cary Ray

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern on property zoned Planned Development District No. 842.

SUMMARY: This request would allow the existing establishment to continue to operate after midnight.

STAFF RECOMMENDATION: Approval for a two year period subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±1,875-square foot request site is developed with a two-story, ±3,750-square foot building which currently has a certificate of occupancy, issued on August 23, 2005, for an alcoholic beverage establishment for a bar with mixed drinks. Specifically, the establishment operates as a British-style neighborhood pub (The Crown and Harp).
- The bar, lounge or tavern use is allowed by right at this location, as it is considered legally nonconforming; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight. Current hours of operation are 5:30 pm to 2:00 am.; the applicant proposes to continue these hours.
- The request site is surrounded by restaurants and alcoholic beverage establishments to the north; townhomes to the east; retail and personal service uses the south and a restaurant with drive-in to the west.
- The Crown and Harp maintains a symbiotic relationship with the adjacent restaurant, Daddy Jack's. The Daddy Jack's property is owned by Short Stack, LLC, whose members include the owners of The Crown and Harp property. The two establishments share an office; in addition, Daddy Jack's supplies food to the Crown and Harp in the form of a take-out menu. Customers of Daddy Jack's often patronize The Crown and Harp while waiting for a table when the restaurant is full.
- Per the Certificate of Occupancy, the upstairs occupancy load is 79; the first floor occupancy load is 49.

Zoning History:

1. **Z101-211:** On July 7, 2011, the City Plan Commission will consider an application for an SUP for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|-------|--------------|
| Greenville Avenue | Local | 50 feet |

Land Use:

| | Zoning | Land Use |
|--------------|---------------|---|
| Site | PDD No. 842 | Alcoholic beverage establishment |
| North | PDD No. 842 | Restaurants and alcoholic beverage establishments |
| East | MF-2(A) | Townhomes |
| South | PDD No. 842 | Retail and personal services |
| West | PDD No. 842 | Restaurant with drive-in |

STAFF ANALYSIS:**Area Plans:**

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Comprehensive Plan:

The subject site is identified as being within a Main Street Building Block. Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

In general, the applicant’s proposal is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±1,875-square foot request site is developed with a two-story, ±3,750-square foot building which currently has a certificate of occupancy, issued on August 23, 2005, for an alcoholic beverage establishment for a bar with mixed drinks. Specifically, the establishment operates as a British-style neighborhood pub (The Crown and Harp). The request site is surrounded by restaurants and alcoholic beverage establishments to the north; townhomes to the east; retail and personal service uses to the south and a restaurant with drive-in to the west.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. No establishments will be required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. A late-hours establishment must receive a Specific Use Permit no later than September 23, 2011 or cease operation during the hours of midnight and 6:00 a.m. In addition, the owner or operator must obtain a certificate of occupancy for a late-hours establishment, before operating after 12:00 a.m. (midnight).

A late-hours establishment is defined in PDD No. 842 as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;

(4) the number of Texas Alcoholic Beverage Code violations of the establishment; and

(5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The Dallas Police Department has provided responses to these criteria, which follow later in this report.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

While the request site does have residential adjacency to the east, the establishment appears to be a considerate neighbor. The establishment does not have a rooftop patio nor is a rooftop patio proposed by this application. Based on information provided by the Dallas Police Department, no warnings or citations for noise ordinance violations have been issued for this location. The Dallas Police Department also indicated that there is rarely music emanating from the establishment. The applicant's request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP. Therefore, staff recommends approval of the request for an initial time period of two years.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to §51A-4.210, an alcoholic beverage establishment requires one (1) space per 100 square feet of floor area; therefore, the ±3,750-square foot establishment would typically require 38 spaces. However, the request site is within a Modified Delta Overlay District. Based on staff's review of permit records, the establishment has continuously operated as an alcoholic beverage establishment since the adoption of Modified Delta

Overlay No. 1 on October 21, 1987. Therefore, the site has retained 38 delta credits. As a result, the applicant is not required to provide parking.

The applicant has indicated that the establishment shares a surface lot, located at 5710 Oram Street, with the adjacent restaurant (Daddy Jack's). Employees and customers of The Crown and Harp are allowed to use the lot. According to the applicant, Daddy Jack's has a valet permit and many customers use Daddy Jack's valet and patronize both establishments.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Police Report:

On Thursday, May 26, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 1914 Greenville Avenue – DBA Crown and Harp, formerly The Cavern:

- 1) No citations issued.
- 2) No warnings or citations for noise ordinance violations.
- 3) No public intoxication or disorderly conduct arrests associated with this establishment.
- 4) No known TABC violations.
- 5) No violent crime originating inside the establishment.

On June 28, 2011, the Central Patrol Division of the Dallas Police Department provided the additional comments, as provided below:

1914 Greenville, DBA Crown & Harp (formerly The Cavern)

This is a small location that is located on the east side of Greenville. It has no rooftop or patio. There is hardly ever any music coming from the location. Sometimes they have the door open and the noise is minimal. Compared to other locations, there are not many patrons that visit this location. Those that do are often well-behaved. The employees and management of this location seem to operate the business well within our expectations.

List of Partners/Principals/Officers

The Crown and Harp – List of Partners/Principals/Officers

The Crown and Harp is owned by Raw Bar LLC

Raw Bar LLC is comprised of

Chap, Inc. – John Chaplin, President; and Marna Chaplin, Secretary

Carmitz, Inc. – Cary Ray, President; and Mitzie Corbin, Secretary

Neil Connell

Ray and Connell are Managing Partners of The Crown and Harp

The Property at 1914 Greenville Avenue, Dallas, Texas, 75206 is owned by

John Chaplin – 757 Waterman Rd., Lebanon, CT 06249

Neil Connell – 10849 Wyatt St., Dallas, TX 75218

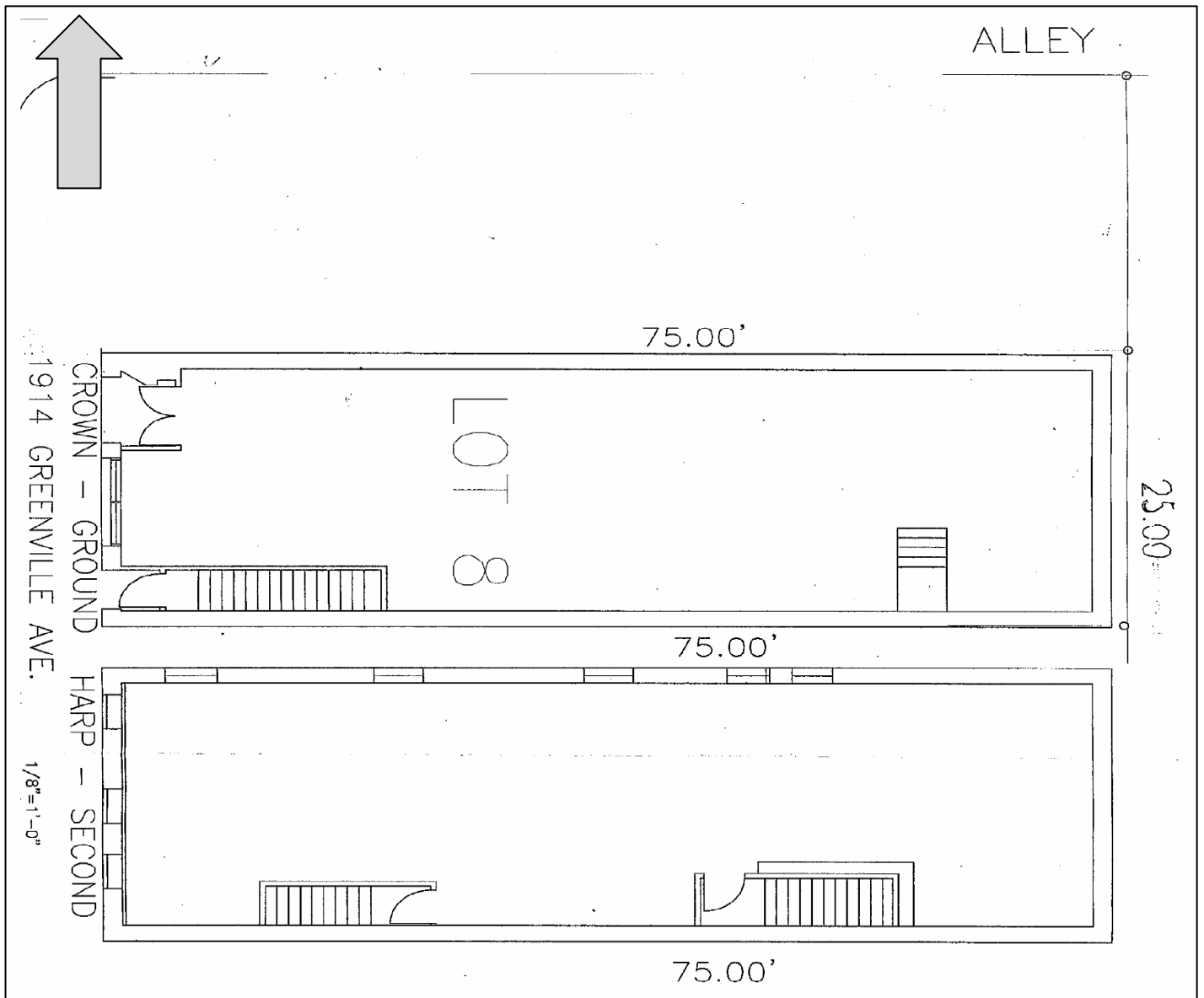
Cary Ray – 5911 Marquita Avenue, Dallas, TX 75206

Z101-263

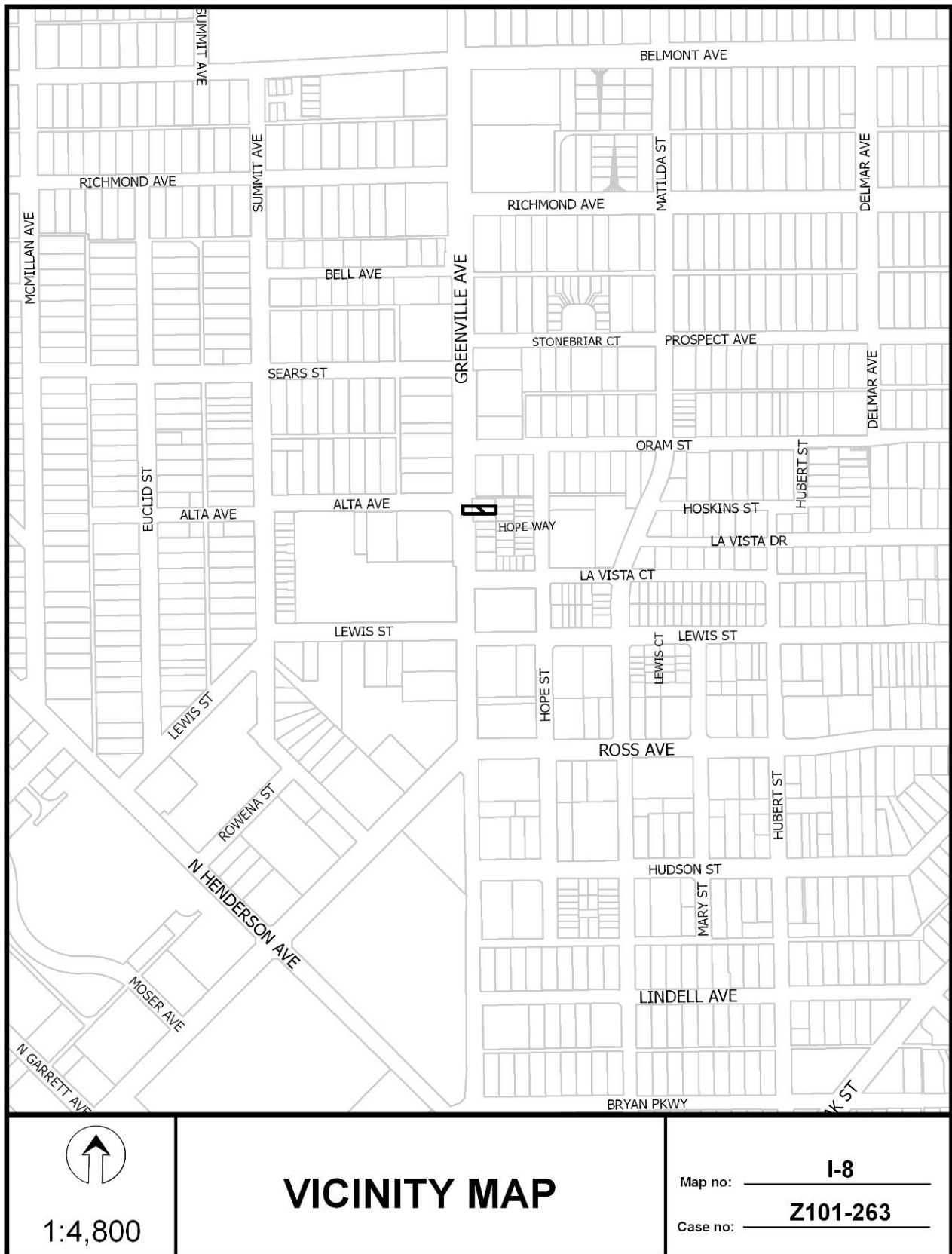
**Z101-263
SUP Conditions**

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on (two years).
4. FLOOR AREA: The maximum floor area is 3,750 square feet.
5. HOURS OF OPERATION: The late hours establishment limited to a bar, lounge or tavern may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 am.
6. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment, before operating after 12:00 a.m. (midnight).
7. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
8. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

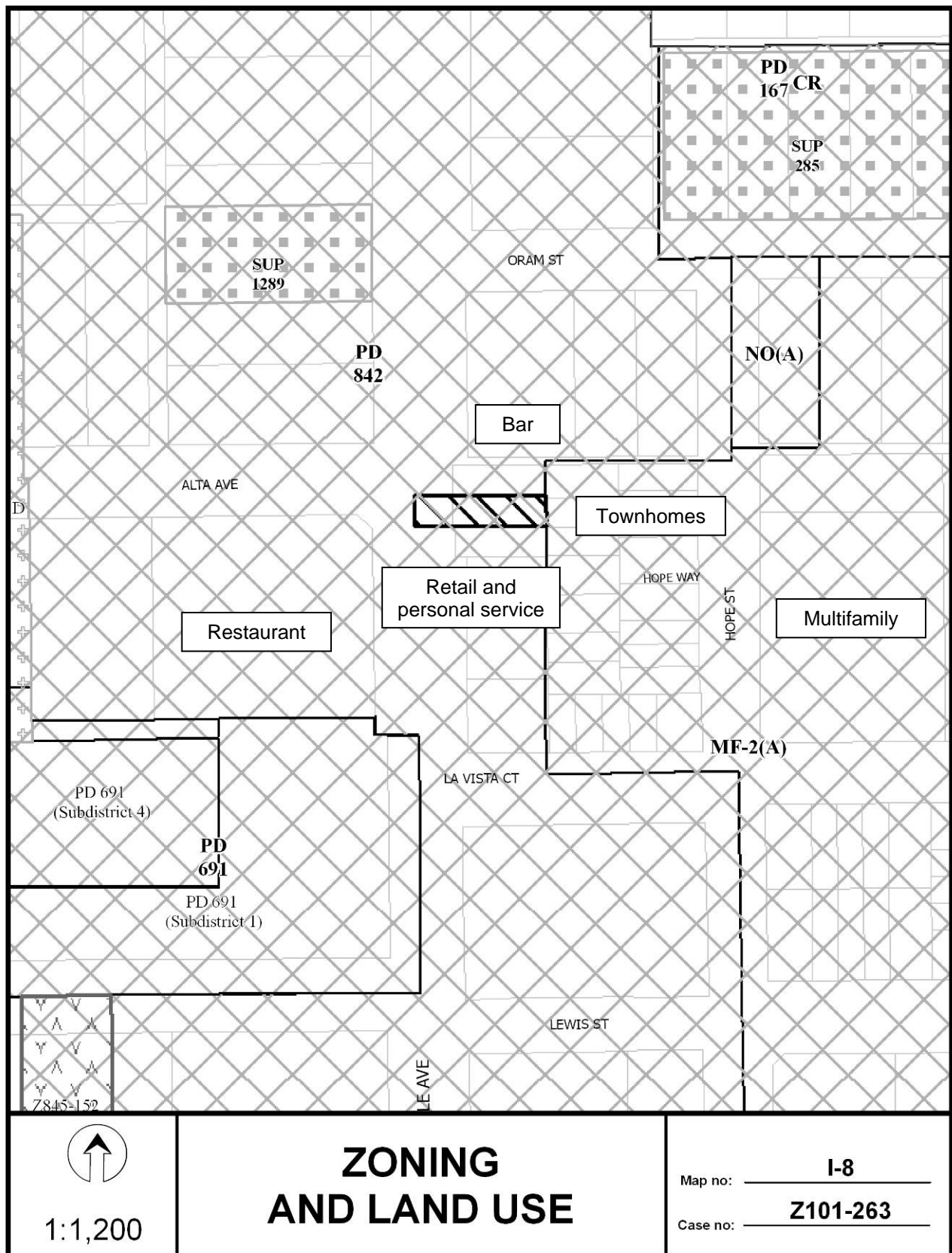
Proposed Site Plan

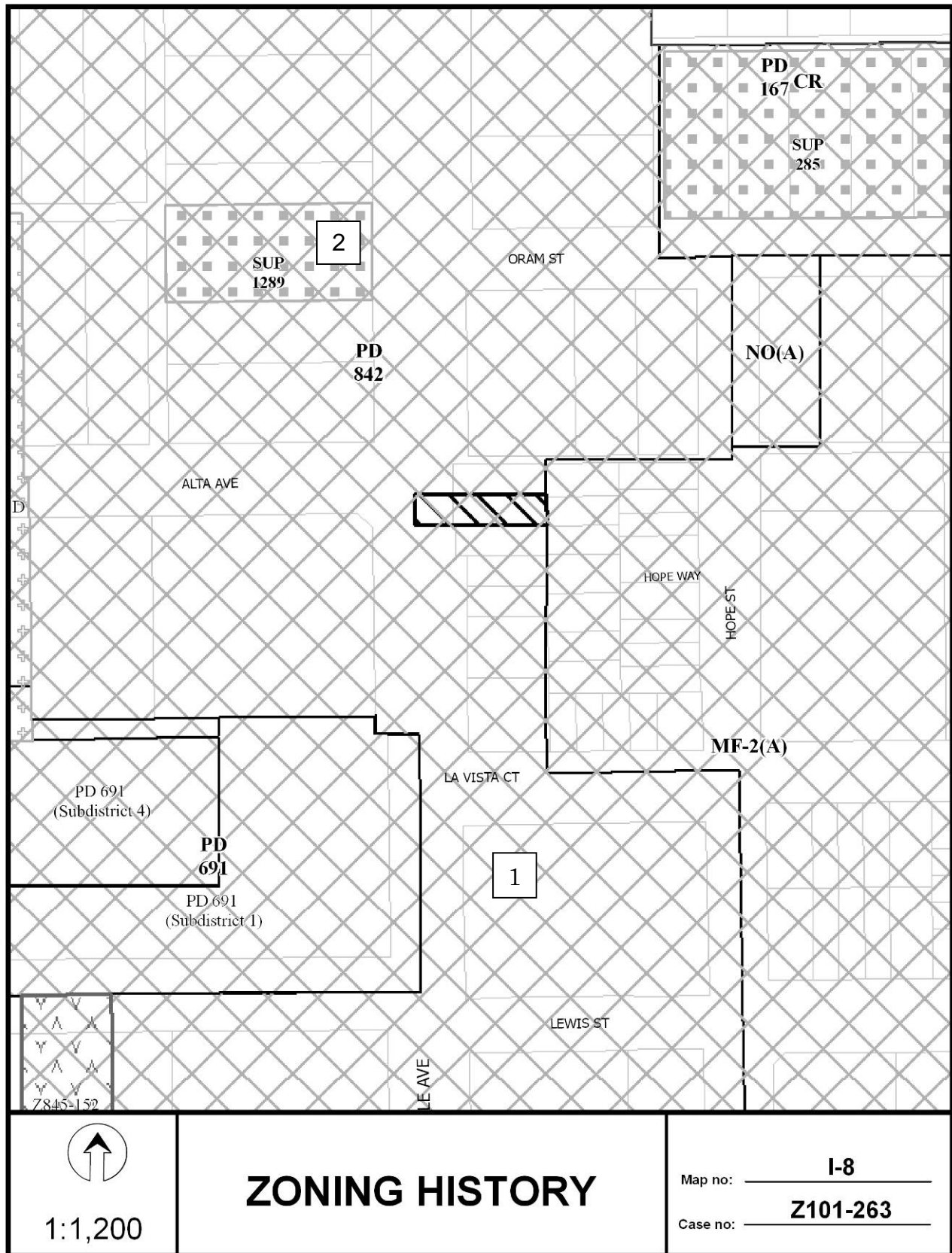


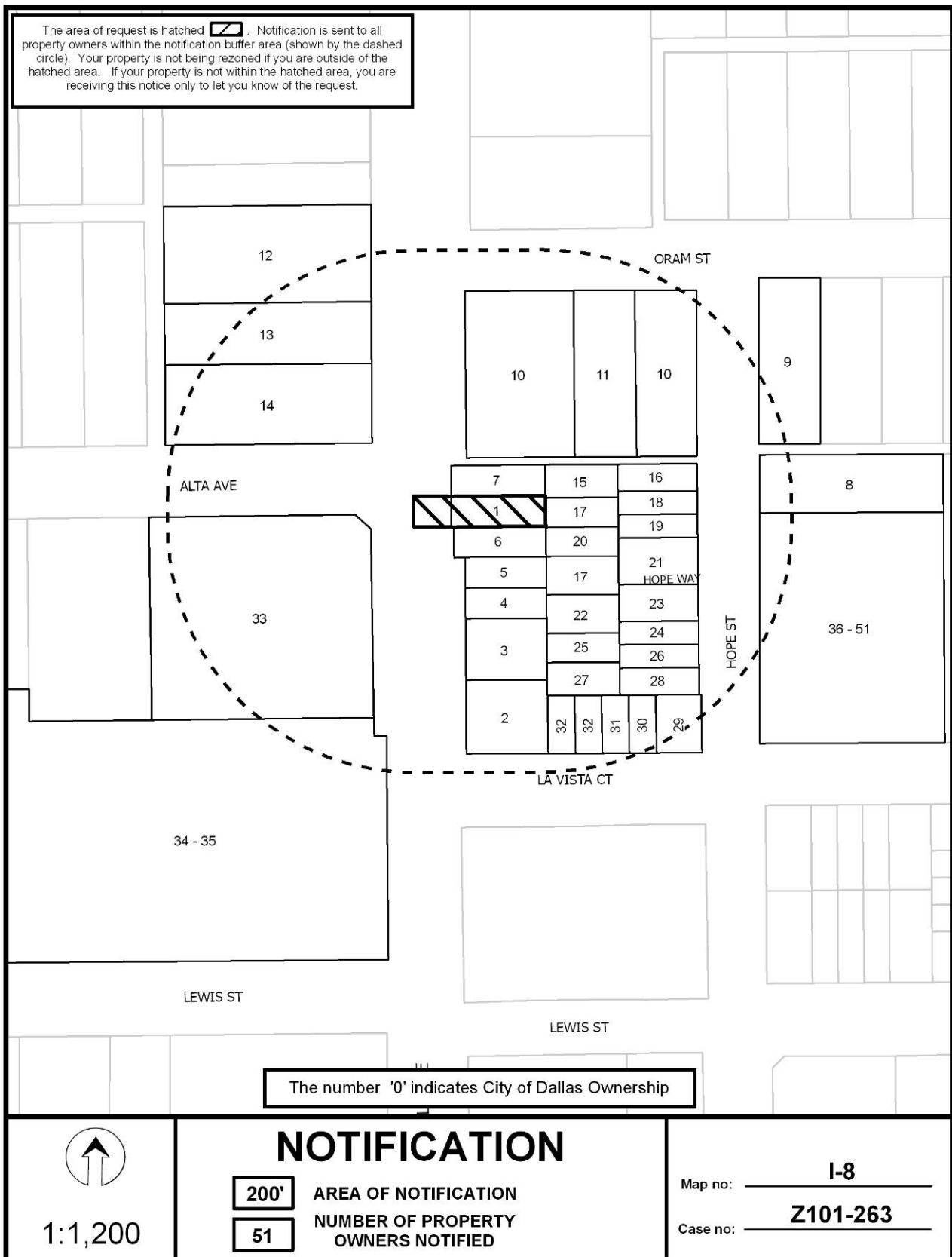
Z101-263 (MW)



DATE: May 24, 2011







5/24/2011

Notification List of Property Owners***Z101-263******51******Property Owners Notified******Label # Address******Owner***

| | | | |
|----|------|------------|-------------------------------------|
| 1 | 1914 | GREENVILLE | CHAPLIN JACK ET AL |
| 2 | 1900 | GREENVILLE | TRUST REAL ESTATE |
| 3 | 1904 | GREENVILLE | GALANIS CHRIS V ETAL |
| 4 | 1908 | GREENVILLE | AK & ASSOCIATES |
| 5 | 1910 | GREENVILLE | MORENO RICHARD |
| 6 | 1912 | GREENVILLE | CAMPBELL OLIVER |
| 7 | 1916 | GREENVILLE | SHORT STACK LLC |
| 8 | 1916 | HOPE | LOZANO CONCEPCION LOPEZ |
| 9 | 5722 | ORAM | MCKINNEY FEARGAL & |
| 10 | 5712 | ORAM | LOWGREEN PS |
| 11 | 5710 | ORAM | SOURIS MINOS |
| 12 | 1911 | GREENVILLE | INTERCITY INVESTMENT PROP SUITE 500 |
| 13 | 1909 | GREENVILLE | WORLDWIDE FOOD INC |
| 14 | 1903 | GREENVILLE | LOWGREEN PS % SHULA NETZER |
| 15 | 1919 | HOPE WAY | NGUYEN NGOC DIEP |
| 16 | 1922 | HOPE WAY | LEE SHI JIN |
| 17 | 1917 | HOPE WAY | ARIES VENTURES INC |
| 18 | 1920 | HOPE WAY | KUMKPOR ELI M |
| 19 | 1918 | HOPE WAY | TROMBLEY DJANGO |
| 20 | 1915 | HOPE WAY | ALARCON WALDO & YAZMIN R |
| 21 | 1916 | HOPE WAY | LARES BRYAN |
| 22 | 1911 | HOPE WAY | LOWENSTEIN MARK |
| 23 | 1912 | HOPE WAY | CRAVENS KIMBERLY A |
| 24 | 1910 | HOPE WAY | DANISH DAVID |
| 25 | 1909 | HOPE WAY | KEEPMAN MATTHEW |
| 26 | 1908 | HOPE WAY | GANDHI ANUPAMA K |

Tuesday, May 24, 2011

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|--|
| 27 | 1907 HOPE WAY | BAILEY TERRANCE V # 132 |
| 28 | 1906 HOPE WAY | PENNINGTON DREW & JORGENSEN JAMIE |
| 29 | 5715 LA VISTA | CATHCART DAVID |
| 30 | 5713 LA VISTA | CHIANG THOMAS S & TRACY C CHIANG |
| 31 | 5711 LA VISTA | WHITE JULIUS |
| 32 | 5709 LA VISTA | SHANE MARIO M & RACHELLE |
| 33 | 1827 GREENVILLE | LOWGREEN PS % SHULA NETZER |
| 34 | 1811 GREENVILLE | LRRP GREENVILLE LLC %GE CAPITAL REAL |
| ESTATE | | |
| 35 | 1811 GREENVILLE | GREENWAY GREENVILLE LP |
| 36 | 1910 HOPE | MOJICA EDWARD UNIT 1 |
| 37 | 1910 HOPE | ALLIE STEVEN C & |
| 38 | 1910 HOPE | ANAZAGASTY ROBERT A |
| 39 | 1910 HOPE | KUPERMAN YELENA |
| 40 | 1910 HOPE | CROUCH EDIE D |
| 41 | 1910 HOPE | DE LA CERDA PEDRO & ASHLEY E DE LA CEDRA |
| 42 | 1910 HOPE | VIAL TESSA |
| 43 | 1910 HOPE | HENDERSON ROY V & LAVERNE |
| 44 | 1910 HOPE | AGNEW STEPHANIE BARONE & JASON M |
| 45 | 1910 HOPE | KOBAYASHI AARON S & CHEN BARBARA K |
| 46 | 1910 HOPE | CALVERT REGINA K UNIT 11 |
| 47 | 1910 HOPE | DRESCHER CLIFFORD T UNIT 12 |
| 48 | 1910 HOPE | ANKERSEN KRISTEN A |
| 49 | 1910 HOPE | HENDERSON ROY V |
| 50 | 1910 HOPE | FREEMAN SHANE C UNIT 15 |
| 51 | 1910 HOPE | MUIR DAVID E UNIT 16 |

Tuesday, May 24, 2011

FILE NUMBER: Z101-264(MW)

DATE FILED: April 29, 2011

LOCATION: East side of Greenville Avenue, north of Oram Street

COUNCIL DISTRICT: 14

MAPSCO: 36-X

SIZE OF REQUEST: ±2,526 square feet

CENSUS TRACT: 11.01

REPRESENTATIVE: Masterplan

APPLICANT: Celtic Nightlife Enterprises

OWNER: Wonderful Seven GP

REQUEST: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service zoned Planned Development District No. 842.

SUMMARY: This request would allow the existing establishment to continue to operate after midnight.

STAFF RECOMMENDATION: Approval for a two year period subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±2,526-square foot request site is developed with a one-story 2,375-square foot building which currently has a certificate of occupancy, issued on April 11, 1996, for a restaurant without drive-in or drive-through service. Additionally, the applicant has a pending application for a new certificate of occupancy (to reflect a change in ownership) also for a restaurant without drive-in or drive-through service. The menu provided by the applicant on June 30, 2011 indicates that food is provided by delivery from Greenville Avenue Pizza Company.
- The restaurant without drive-in or drive-through service use is allowed by right; however, pursuant to the provisions of PDD No. 842, a Specific Use Permit for late hours is required in order for the establishment to operate after midnight. Current hours of operation are 5:00 pm to 2:00 am., Monday through Sunday; the applicant proposes to continue these hours.
- The request site is surrounded by restaurants to the north; office and parking to the east; alcoholic beverage establishments to the south and retail and personal services to the west.
- Per the 1996 certificate of occupancy, the occupancy load is 100.

Zoning History:

1. **Z101-260:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant pending City Plan Commission and City Council Hearings.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|-------|--------------|
| Greenville Avenue | Local | 50 feet |

Land Use:

| | Zoning | Land Use |
|--------------|-------------|----------------------------------|
| Site | PDD No. 842 | Restaurant |
| North | PDD No. 842 | Restaurants |
| East | MF-2(A) | Office; parking |
| South | PDD No. 842 | Alcoholic beverage establishment |
| West | PDD No. 842 | Retail and personal services |

STAFF ANALYSIS:

Area Plans:

Studies conducted in the area include the Lower Greenville Avenue Parking Study (1986) that recommended that “the City enforce premise code violations as it does in other parts of the City of Dallas”. Code Enforcement was also an issue highlighted in the Greenville Avenue Urban Design Study (1996-1997). It was recommended that “initiatives be taken to conduct a comprehensive sweep to clean-up the Greenville Avenue corridor and there after enforce codes with the assistance of property owners, residents, businesses and operations to maintain the property and report violations to the City for follow-up action.” Recommendations from both studies are still applicable today and consistent with authorized hearing SUP recommendations to address quality of life for adjacent residential neighborhoods and the Lowest Greenville Avenue corridor, respectively.

Comprehensive Plan:

The subject site is identified as being within a Main Street Building Block. Main streets are modeled after the American tradition of “main street” as a place for living, working and shopping. Examples of these streets with concentrations of pedestrian activity include Jefferson Boulevard, Knox-Henderson and Lovers Lane. Main streets, typically no more than a mile long, are active areas with buildings one to four stories in height and usually placed right up to the sidewalk with parking available on-street. Away from the “main street,” density quickly diminishes, thus minimizing impacts on nearby neighborhoods. This Building Block will likely be served by bus or rail and contain safe and pleasant walking environments. Streets have trees and wide sidewalks. There may even be landscaped paths from the “main street” to rear parking areas, sidewalk cafes, outdoor dining areas or courtyards. The primary public investment in these areas will be upgrading streets and walkways to create safe high-quality pedestrian environments.

In general, the applicant’s proposal is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±2,526-square foot request site is developed with a one-story 2,375-square foot building which currently has a certificate of occupancy, issued on April 11, 1996, for a restaurant without drive-in or drive-through service. Additionally, the applicant has a pending application for a new certificate of occupancy (to reflect a change in ownership)

also for a restaurant without drive-in or drive-through service. The request site is surrounded by restaurants to the north; office and parking to the east; alcoholic beverage establishments to the south and retail and personal services to the west. The closest residential development is approximately 200 feet to the northeast of the request site.

The main uses permitted in PDD No. 842 are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. PDD No. 842 is intended to help mitigate the possible negative impacts of late hour uses on adjacent residential neighborhoods. No establishments will be required to cease operation per PDD No. 842; all businesses may continue to operate between the hours of 6:00 a.m. and 12:00 a.m. without having to obtain a Specific Use Permit. In order to operate between midnight and 6:00 a.m., the land use becomes a late-hours establishment and a Specific Use Permit is required. A late-hours establishment must receive a Specific Use Permit no later than September 23, 2011 or cease operation during the hours of midnight and 6:00 a.m.

A late-hours establishment is defined in PDD No. 842 as a retail and personal service use that operates between 12 a.m. (midnight) and 6 a.m. The PD gives additional criteria for evaluating a request for a specific use permit:

(e) Factors to be considered for a specific use permit for a late-hours establishment. The city plan commission and city council shall consider the following factors when making the findings required by Section 51A-4.219(a)(3):

- (1) the number of citations issued by police to patrons of the establishment;
- (2) the number of citations issued by police for noise ordinance violations by the establishment;
- (3) the number of arrests for public intoxication or disorderly conduct associated with the establishment;
- (4) the number of Texas Alcoholic Beverage Code violations of the establishment; and
- (5) the number of violent crimes associated with the establishment, with emphasis on violent crimes originating inside the establishment.

The Dallas Police Department has provided responses to these criteria, which follow later in this report.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of

the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The establishment does not have a rooftop patio nor is a rooftop patio proposed by this application; however there is an outdoor patio at street level adjacent to Greenville Avenue. Staff recommends a condition to prohibit outdoor speakers from operating between 12:00 a.m. (midnight) and 6:00 am. Based on information provided by the Dallas Police Department, there have been several occasions since 2010 when DPD officers have warned management to lower the music because it is deemed too loud; however, no citations have been issued to this location.

The applicant's request, subject a site plan and conditions, complies with the general provisions for consideration of an SUP. Therefore, staff recommends approval of the request for an initial time period of two years.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±2,375-square foot establishment requires 24 spaces. However, since the request site is not a platted lot and is included within a larger building site, parking must be evaluated for all uses on the building site. The building site on which the request site is located is within a Modified Delta Overlay, which terminates delta credits when there is an expansion or change in use. Based on staff's research, no delta credits exist for the building site due to expansions and changes in use. Furthermore, parking is not provided on the building site. The combined uses on the building site require a total of 169 spaces. Based on staff research and documentation provided by the applicant, 146 of the required spaces are provided through parking agreements. Therefore, the building site is deficient 23 parking spaces which must be provided through parking agreements in order for the applicant to obtain a certificate of occupancy for late hours.

The applicant has indicated that half of the employees take public transit to work; the other half park in the lot behind the Char-bar (2026 Greenville Avenue). There are no assigned spaces for employees.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Police Report:

On Thursday, May 26, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 2012 Greenville Avenue – DBA Zubar:

- 1) No citations issued.
- 2) On March 28, 2010, Zubar management was warned about the loud music.
- 3) For 2010, three people associated with this establishment were arrested for public intoxication. For 2011, one person associated with this establishment was arrested for public intoxication.
- 4) No known TABC violations.
- 5) A physical assault report that occurred inside this establishment was made by one woman who stated another woman hit her with a bottle to her face. Dallas Fire Rescue was summoned and they put a band-aid on the injury. The investigation did not yield formal charges being filed since everyone had been drinking and there was no reliable independent witness.

On June 28, 2011, the Central Patrol Division of the Dallas Police Department provided the additional comments, as provided below:

2012 Greenville, DBA Zubar

This is a small location that is located on the east side of Greenville next to Hotel Capri. It has a patio but not a rooftop. There have been several occasions since 2010 when DPD officers have warned management to lower the music because it is deemed too loud. The management cooperates and the warnings tend to have been "spread out" over time, thus no citation has been issued to this location. The patrons are often well-behaved. The employees and management of this location seem to operate the business well within our expectations.

Z101-264 (MW)

List of Partners/Principals/Officers

Applicant: Celtic Nightlife Enterprises

Stephen Tenney, Owner

Owner: Wonderful Seven GP

Roger Andres, Manager

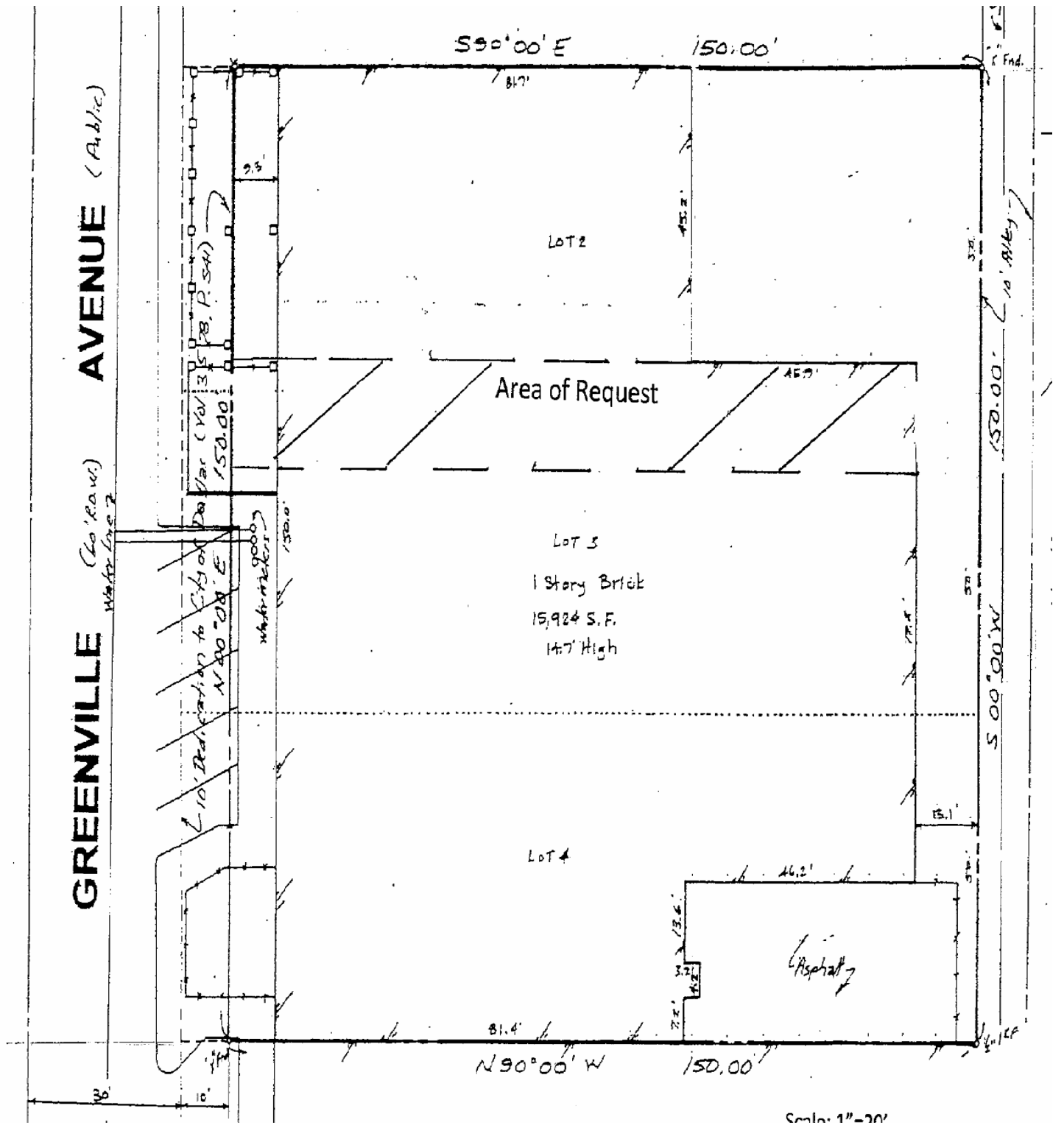
**Z101-264
SUP Conditions**

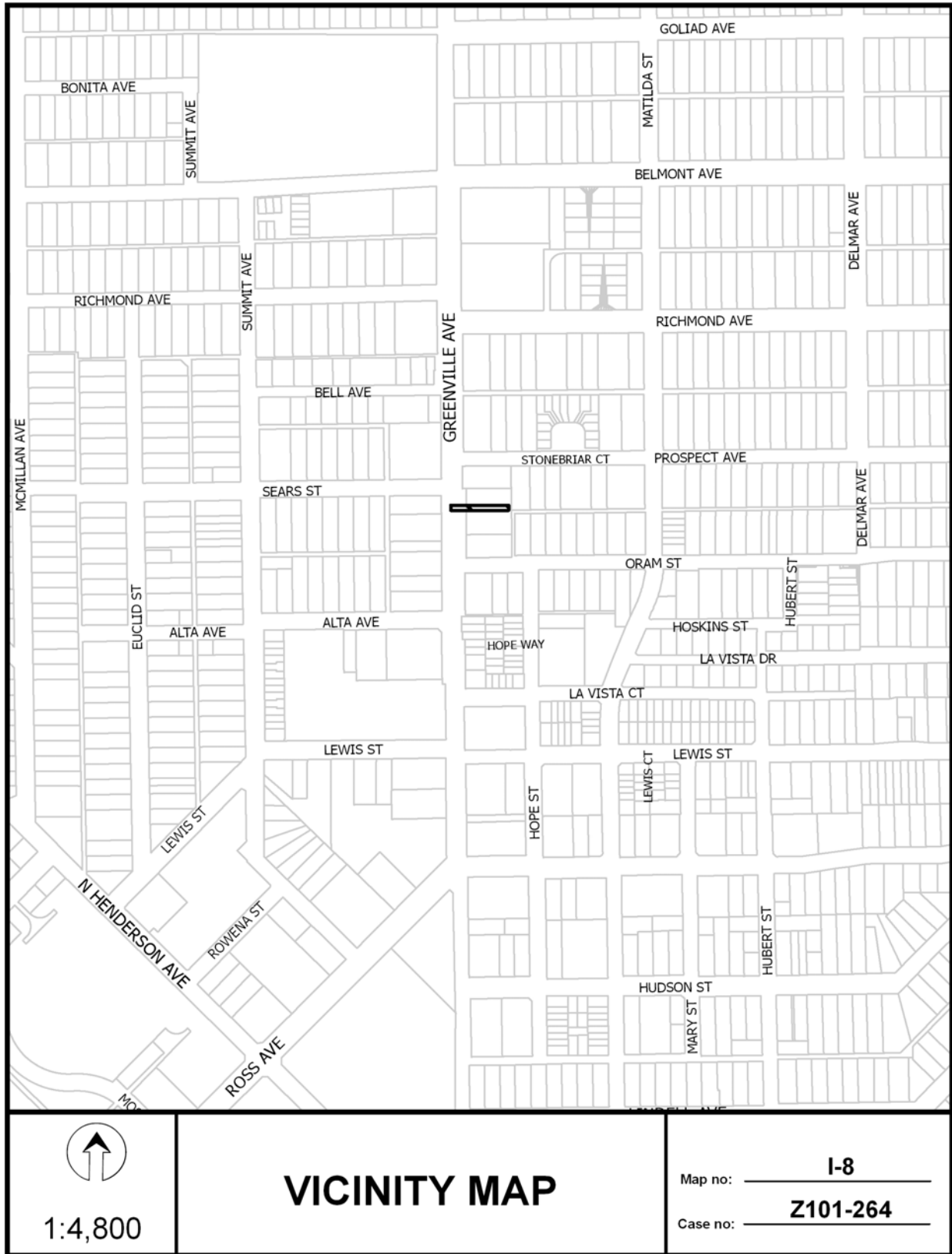
1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on (two years).
4. FLOOR AREA: The maximum floor area is 2,375 square feet.
5. HOURS OF OPERATION: The late hours establishment limited to a restaurant without drive-in or drive-through service may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday. All customers must be removed from the Property by 2:15 a.m.
6. CERTIFICATE OF OCCUPANCY: The owner or operator must obtain a certificate of occupancy for a late-hours establishment, before operating after 12:00 a.m. (midnight).

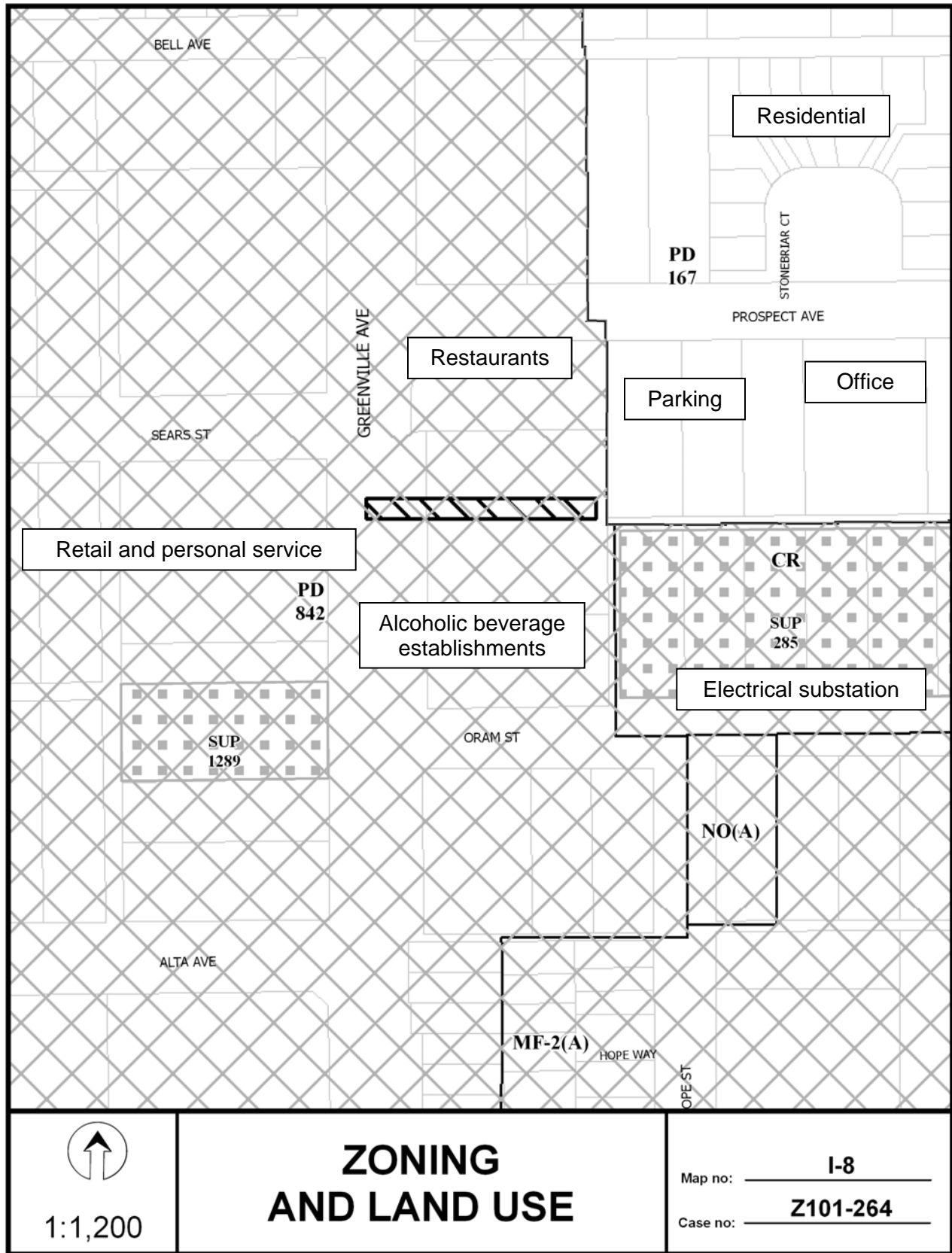
Staff Recommended:

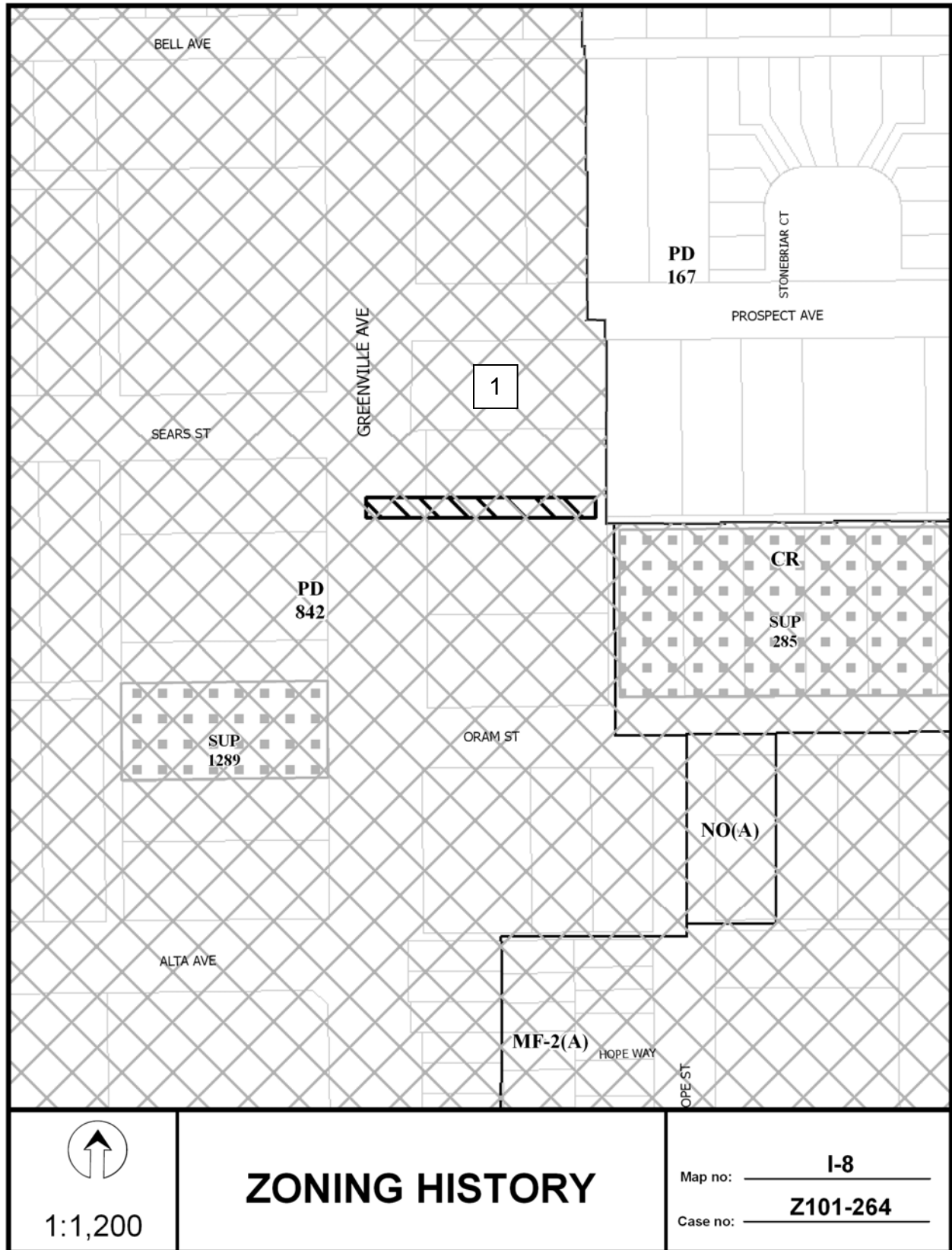
- | |
|--|
| 7. <u>OUTSIDE SPEAKERS</u> : Outside speakers may not operate between 12:00 a.m. (midnight) and 6:00 am. |
|--|
8. PARKING: Parking must be provided in accordance with Planned Development District No. 842 and MD-1 Modified Delta Overlay No. 1.
 9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 10. GENERAL REQUIREMENT: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

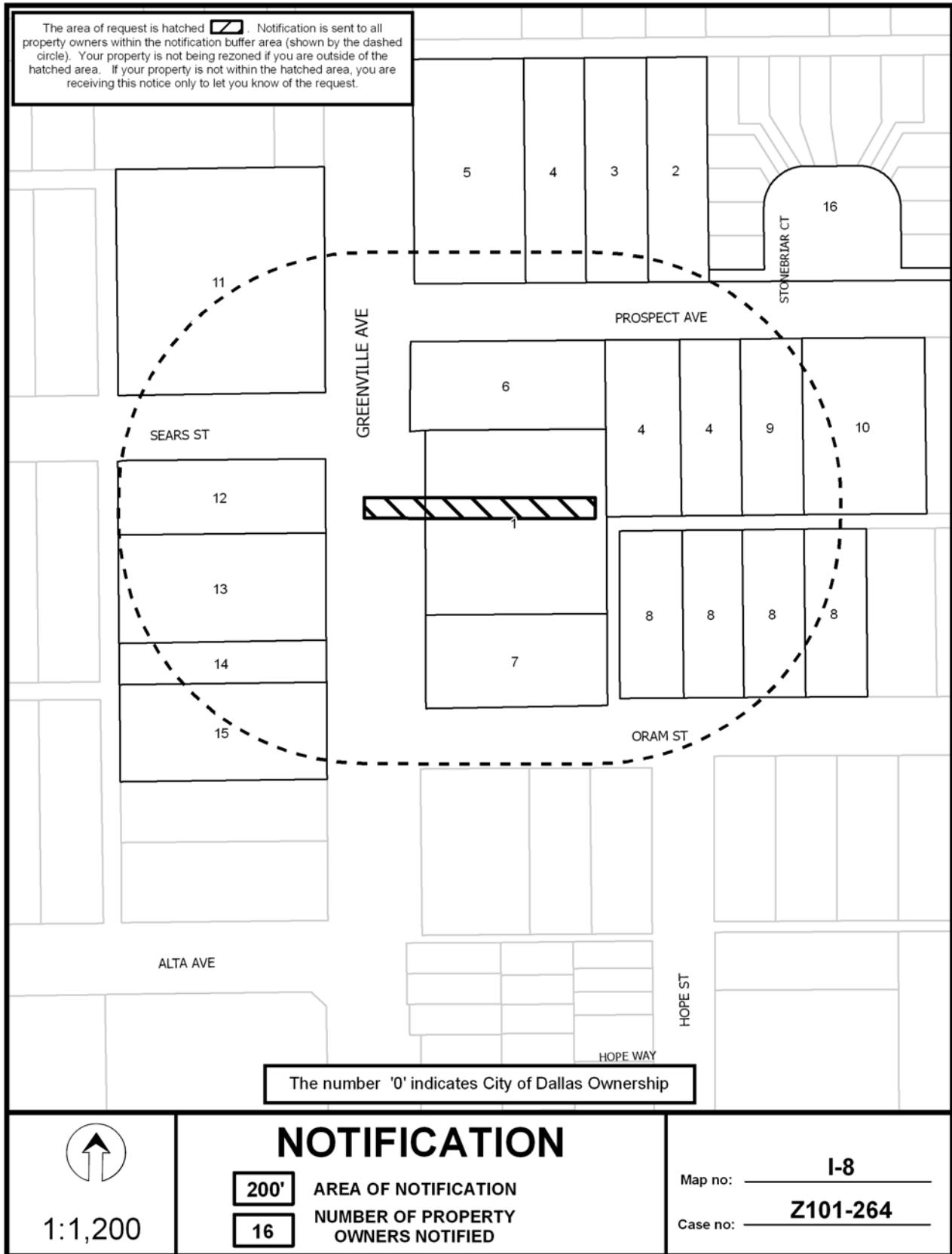
Proposed Site Plan











Notification List of Property Owners

Z101-264

16 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 2008 GREENVILLE | WONDERFUL SEVEN A LP SUITE 200 |
| 2 | 5719 PROSPECT | MADISON PACIFIC DEV COM DEVELOPMENT CO |
| #300 | | |
| 3 | 5715 PROSPECT | REESE GRANDCHILDRENS |
| 4 | 5720 PROSPECT | ANDRES FAMILY TRUST 200 |
| 5 | 2100 GREENVILLE | GREENVILLE 2100 LTD STE 300 |
| 6 | 2026 GREENVILLE | ANDRES FAMILY TRUST |
| 7 | 2000 GREENVILLE | LANDE PAUL & PAUL LANDE EMP PR SH TR |
| 8 | 5727 ORAM | TEXAS UTILITIES ELEC CO % STATE & LOCAL TAX |
| DEPT | | |
| 9 | 5724 PROSPECT | ANDRES DAVE STE 200 |
| 10 | 5728 PROSPECT | WALL JOHN E JR STE 2001 |
| 11 | 2001 GREENVILLE | 2001 GREENVILLE VENTURE % MADISON PACIFIC |
| DEV CO | | |
| 12 | 1931 GREENVILLE | GENARO TRUST 1 % THOMAS ODDO |
| 13 | 1919 GREENVILLE | 1919 27 GREENVILLE LTD |
| 14 | 1917 GREENVILLE | WORLD WIDE FOOD INC |
| 15 | 1911 GREENVILLE | INTERCITY INVESTMENT PROP SUITE 500 |
| 16 | 2100 STONEBRIAR | STONEBRIAR CT H O A |