



CITY OF DALLAS  
CITY PLAN COMMISSION  
Thursday, September 1, 2011  
AGENDA

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BRIEFINGS:	5ES	10:30 a.m.
PUBLIC HEARING	Council Chambers	1:30 p.m.

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

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

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**BRIEFINGS:**

Downtown Dallas 360 Plan  
Peer Chacko Assistant Director, Strategic Planning

Subdivision Docket  
Zoning Docket

**ACTION ITEMS:**

Subdivision Docket Planner: Paul Nelson

Consent Items:

- (1) **S101-151**  
(CC District 2)
- An application to replat a 2.811 acre tract of land containing part of Lots 3, 4 and 5 of City Block 2/862; part of Lots 1, 3, 4 and 5 of City Block 3/862, part of City Block 862 and abandoned Right Of Way of Orleans Street into one lot at 1531 Malcolm X Blvd.  
Applicant/Owner: Central Dallas Community Development Corp.  
Surveyor: Kadleck & Associates  
Application Filed: August 9, 2011  
Zoning: MU-1  
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Building Line Removal:

- (2) **S101-150**  
(CC District 6)
- An application to replat a 0.7106 acre tract of land containing all of Lot 1C in City Block A/5783 to remove the existing platted 30 foot Building Line along the south line of West Northwest Highway and the northwesterly line of Bachman Drive.
- Applicant/Owner: Pablo Chavez/Randy Holcombe  
Surveyor: Maddox Surveying  
Application Filed: August 5, 2011  
Zoning: CR  
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Residential Replat:

- (3) **S101-152**  
(CC District 14)
- An application to replat a 0.189 acre tract of land containing all of Lots 12 and 13 in City Block A/1030 into one 0.189 acre lot on Gillespie Avenue southeast of Hood Street.
- Applicant/Owner: TC Regents Park Residences II, LP/Judson Pankey  
Surveyor: Hennessey Engineering, Inc.  
Application Filed: August 9, 2011  
Notices sent: 182 notices total were sent August 15 & 16, 2011  
Zoning: PD 193 (PDS 29)  
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Miscellaneous Docket

- M101-028**  
Richard Brown  
(CC District 2)
- An application for a minor amendment to the development plan for Planned Development Subdistrict No. 75 for MF-2 Multiple Family Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of Lucas Drive and Cotton Belt Avenue.
- Staff Recommendation: **Approval**  
Applicant: Southwest Embarcadero, L.P.  
Representative: Karl Crawley

Zoning Cases – Consent

1. **Z101-269(WE)**  
Warren Ellis  
(CC District 14)  
An application for the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses on the northeast corner of Elm Street and N. Griffin Street.  
Staff Recommendation: **Approval**, subject to a development plan and conditions.  
Applicant: Lowen 1025 Elm, LLC  
Representative: Aguirre Roden, Inc - Dan Powyszynski
  
2. **Z101-322(CH)**  
Carolyn Horner  
(CC District 11)  
An application for a renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) use on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Interstate 635 (LBJ Freeway) and Meandering Way.  
Staff Recommendation: **Approval** for a ten-year time period, subject to conditions.  
Applicant: Ryan Lawler  
Representative: MASTERPLAN - Dallas Cothrum
  
3. **Z101-327(WE)**  
Warren Ellis  
(CC District 6)  
An application for an LI Light Industrial District on property zoned a CS Commercial Service District on the west line of Brockbank Drive, between Bynum Avenue and Lombardy Lane.  
Staff Recommendation: **Approval**  
Applicant: Lopez Food  
Representative: DC Development/Odell Design
  
4. **Z101-307(WE)**  
Warren Ellis  
(CC District 13)  
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 greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of Walnut Hill Lane and Marsh Lane.  
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: CVS Corporation  
Representative: MASTERPLAN - Santos Martinez

5. **Z101-310(WE)**  
Warren Ellis  
(CC District 7)
- 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 greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the southeast corner of Samuell Boulevard and N. Jim Miller 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: CVS Corporation  
Representative: MASTERPLAN - Santos Martinez
6. **Z101-287(MG)**  
Michael Grace  
(CC District 7)
- An application for a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue.  
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions.  
Applicant/Representative: Ulisses Rusher
7. **Z101-317(MG)**  
Michael Grace  
(CC District 8)
- An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway (U.S. 175) and S. Belt Line Road.  
Staff Recommendation: **Approval** for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions.  
Applicant: Alamo Investments, LTD  
Representative: Kenneth D. Baca
8. **Z101-320(MG)**  
Michael Grace  
(CC District 8)
- An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with restaurant less than 3,500 square feet on property zoned a CR Community Retail District with a D-1 District Overlay on the south line of S. Belt Line Road, east of Kleberg Road.  
Staff Recommendation: **Approval** for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions.  
Applicant: Elvira G. Almaraz  
Representative: Pamela Craig



9. **Z101-306(MW)**  
Megan Wimer  
(CC District 7)
- An application for a Specific Permit for the sale and service of alcoholic beverages in conjunction with a drive-through or drive-in restaurant on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East RL Thornton Freeway, west of Buckner Boulevard.  
Staff Recommendation: **Approval** for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.  
Applicant: Cabana Beverages, Inc.  
Representative: Jackson Walker, LLP
10. **Z101-285(MW)**  
Megan Wimer  
(CC District 6)
- An application for a Specific Use Permit for a government installation other than listed for a youth residential facility and treatment center on property zoned an IM Industrial Manufacturing District on the northwest corner of Denton Drive and Lombardy Lane.  
Staff Recommendation: **Approval** for a permanent time period, subject to a site plan and conditions.  
Applicant: Dallas County  
Representative: Shannon Brown u
11. **Z101-296(MW)**  
Megan Wimer  
(CC District 14)
- An application to amend Planned Development District No. 786 for MU-3 Mixed Use District uses on the southeast corner of SMU Boulevard and Worcola Street.  
Staff Recommendation: **Approval**, subject to a revised development plan and conditions.  
Applicant: 5640 SMU Blvd., L.P  
Representative: Jackson Walker, LLP
12. **Z101-313(MW)**  
Megan Wimer  
(CC District 8)
- An application to renew Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive.  
Staff Recommendation: **Approval** for a five-year period with eligibility for automatic renewal for additional five-year periods; subject to conditions.  
Applicant/Representative: Angela Prox

Zoning Cases – Individual

13. **Z101-280(WE)**  
Warren Ellis  
(CC District 1)
- An application for an RR Regional Retail District on property zoned an MU-1 Mixed Use District on the northeast corner of E. Jefferson Boulevard and E. 9<sup>th</sup> Street.  
Staff Recommendation: **Denial**  
Applicant: Armando DeAnda  
Representative: Elias Rodriguez - Construction Concepts

14. **Z101-311(MW)**  
Megan Wimer  
(CC District 14)
- An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses 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/Representative: Hechos A Mano, Inc.
15. **Z101-312(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 for CR Community Retail District Uses on the east side of Greenville Avenue, north of Prospect Avenue.  
Staff Recommendation: **Approval** for a one-year period, subject to a site plan and conditions.  
Applicant: MJN Partners, Ltd.  
Representative: MJN, Inc., Marty Carter
16. **Z101-318(MW)**  
Megan Wimer  
(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 north side of Alta Avenue, west of Greenville Avenue.  
Staff Recommendation: **Approval** for a three-year period, subject to a site plan and conditions.  
Applicant: Nakhon, Inc. dba Nandina  
Representative: Woot Lervisit
17. **Z101-314(RB)**  
Richard Brown  
(CC District 2)
- An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, south of Sears Street.  
Staff Recommendation: **Denial**  
Applicant: Greenville Avenue Service Bar-loannis Manettas-President  
Representative: T. Craig Sheils

18. **Z101-323(RB)**  
Richard Brown  
(CC District 2)
- An application for a Specific Use Permit for a late-hours establishment limited to a Restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the southwest corner of Greenville Avenue and Alta Avenue.  
Staff Recommendation: **Approval** for a period ending September 30, 2013, subject to a site plan and conditions.  
Applicant: Texas Taco Cabana, L.P.  
Representative: Suzan Kedron
19. **Z101-301(RB)**  
Richard Brown  
(CC District 2)
- An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, north of Alta Street. Additionally Specific Use Permit No. 1289 for an Alcoholic beverage establishment for a Bar, lounge, or tavern is permitted on the property.  
Staff Recommendation: **Denial**  
Applicant: Yucatan  
Representative: Audra Buckley
20. **Z101-326(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 west line of Greenville Avenue, south of Sears Street.  
Staff Recommendation: **Approval** for a five-year period, subject to a site plan and conditions.  
Applicant/Representative: Samuel J. Mandell, III
21. **Z101-260(JH/DC)**  
David Cossum  
(CC District 14)
- An application for a Specific Use Permit for a late-hours establishment limited to a restaurant on property zoned Planned Development District No. 842 for a CR Community Retail District on the northeast corner of Greenville Avenue and Prospect Avenue.  
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions.  
Applicant: Adriss Ata  
Representative: Jackie Herrera

Landmark Appeal

Mark Doty  
(CC District )

An appeal of the Landmark Commission decision to deny without prejudice Certificate of Appropriateness CA101-211(MD) for 1) New 6'-0" metal and store fence in front and corner side yard and 2) New metal gate, 6'-0" over driveway at 116 N. Cliff Street within the Tenth Street Historic District.

Staff Recommendation: **Denial**

Landmark Commission Recommendation: **Denial without prejudice**

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Other Matters

Minutes: August 18, 2011

Adjournment

**CITY PLAN COMMISSION PUBLIC COMMITTEE MEETINGS**

**Tuesday, September 13, 2011**

**SPECIAL SIGN DISTRICT ADVISORY COMMITTEE (SSDAC) MEETING** – Tuesday, September 13, 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](http://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, SEPTEMBER 1, 2011****FILE NUMBER:** S101-151**Subdivision Administrator:** Paul Nelson**LOCATION:** 1531 Malcolm X Blvd.**DATE FILED:** August 5, 2011**ZONING:** PD 595, Subdistrict CC**CITY COUNCIL DISTRICT:** 6**SIZE OF REQUEST:** 0.7106**MAPSCO:** 33C**OWNER/APPLICANT:** Central Dallas Community Development Corp.

**REQUEST:** An application to replat a 2.811 acre tract of land containing part of Lots 3, 4 and 5 of City Block 2/862; part of Lots 1, 3, 4 and 5 of City Block 3/862, part of City Block 862 and abandoned Right Of Way of Orleans Street into one lot at 1531 Malcolm X Blvd.

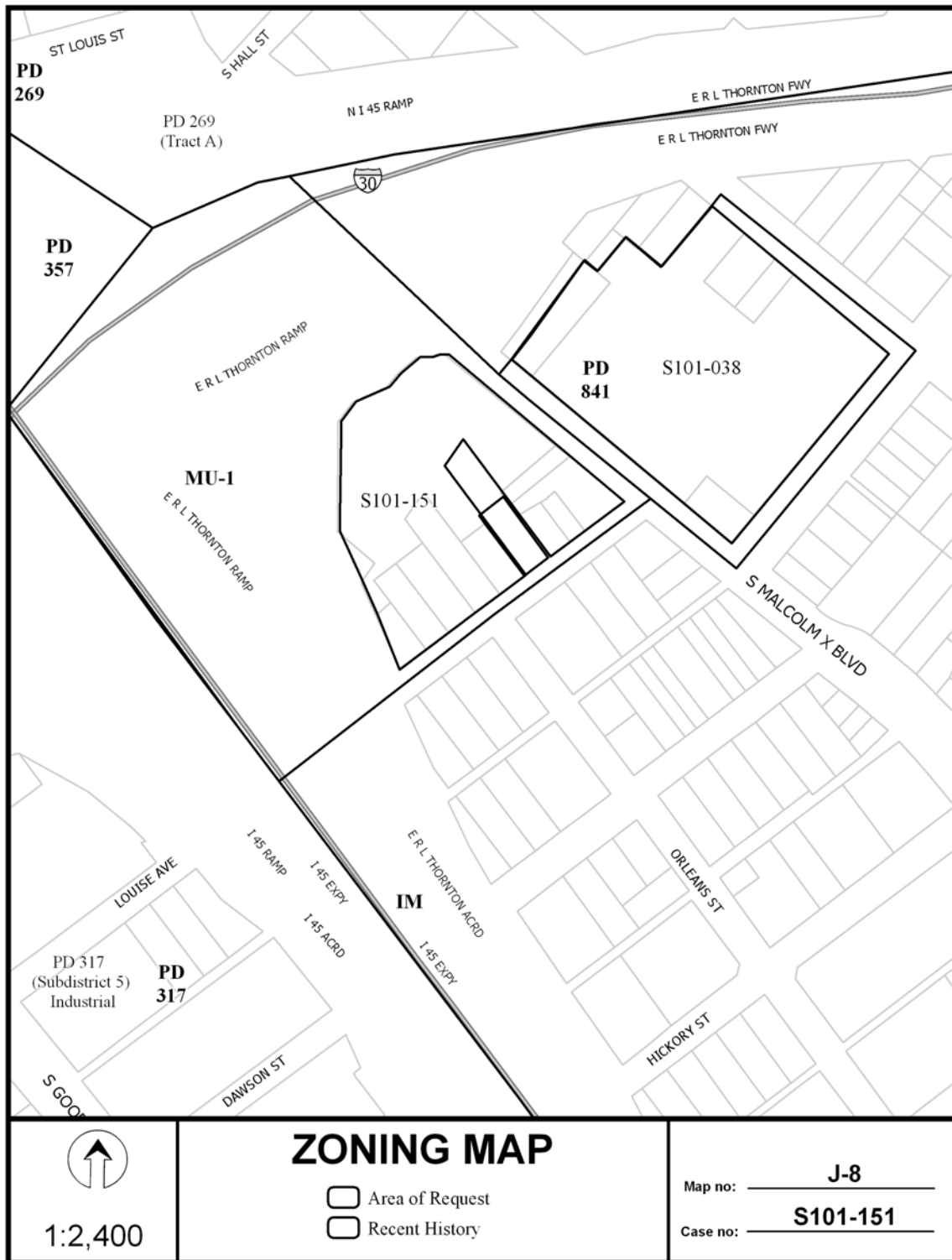
**SUBDIVISION HISTORY:** There has been no recent platting activity with close proximity to this request.

**STAFF RECOMMENDATION:** The proposed subdivision complies with the requirements of PD 595 Subdistrict CC; therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat shall 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. Compliance with all plans, contracts, ordinances and requirements of the City of Dallas.
4. 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 Plan Commission in a format that is compatible with the "Microstation" format to the Survey Section, Engineering Division in Room 200, 320 E. Jefferson Boulevard.
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. In addition, any detached sign must be shown on the final plat.
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 maximum number of lots permitted by this plat is 1.
10. Prior to final plat confirm if “No Parking Signs” and shown on Holly Hill Dr. and Greenville Ave. are City of Dallas signs. If private signs, a license may be required.
11. Prior to final plat confirm if the “Real Estate Sign” is located on private property or right of way. If the sign is located on right of way, a license may be required. Please contact Real Estate at 214-948-4100 for more information regarding licenses.
12. 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.
13. Place a note on the final plat “Lot to lot drainage will not be allowed without Engineering Section approval.”
14. On the final plat dedicate 30’ right of way from the established center line of Holly Hill Dr.
15. On the final plat dedicate 50’ right of way from the established center line of Greenville Ave.
16. On the final plat dedicate 15’ x 15’ corner clip at Greenville Ave. and Holly Hill Dr.
17. On the final plat show how all adjoining right of way was created.
18. On the final plat show all additions or tracts of land within 150’ of property with recording information.
19. On the final plat monument all set corners per monumentation ordinance.
20. On the final plat show distances/widths of right of way across Greenville Ave.
21. A site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed buildings and development.
22. On the final plat change Ridgecrest to Ridgecrest Road.
23. On the final plat identify the property as City Block 5/5197 Lot 16A and 17B.







 <p>1:2,400</p>	<h3 style="text-align: center;">AERIAL MAP</h3> <p> <input type="checkbox"/> Area of Request  <input type="checkbox"/> Recent History         </p>	<p>Map no: <u>          J-8          </u></p> <p>Case no: <u>          S101-151          </u></p>
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DATE: August 18, 2011





**CITY PLAN COMMISSION**

**THURSDAY, SEPTEMBER 1, 2011**

**FILE NUMBER:** S101-150

**Subdivision Administrator:** Paul Nelson

**LOCATION:** 3021 Bachman Dr.

**DATE FILED:** August 5, 2011

**ZONING:** CR

**CITY COUNCIL DISTRICT:** 6

**SIZE OF REQUEST:** 0.7106 acre

**MAPSCO:** 33C

**OWNER/APPLICANT:** Randy Holcombe/Pablo Chavez

**REQUEST:** An application to replat a 0.7106 acre tract of land containing all of Lot 1C in City Block A/5783 to remove the existing platted 30 foot Building Line along the south line of West Northwest Highway and the northwesterly line of Bachman Drive.

**SUBDIVISION HISTORY:** There has been no recent platting activity with close proximity to this request.

**BUILDING LINE REMOVAL STANDARD:** The commission may approve a relocation or removal of the platted building line with a minimum front, side, or rear yard setback greater than required by zoning regulation only:

(1) upon the affirmative vote of at least three- fourths of the commission members present; and

(2) if the commission finds that relocation or removal of the platted building line will not:

“(i) require a minimum front, side, or rear yard setback less than required by zoning regulation;”

- The CR District requires a minimum 15 foot front yard setback, this request will allow for the zoning setback to control the development of the property.

“(ii) be contrary to the public interest;”

- The removal of the building line will allow development of this parcel to be the same as adjoining properties adjacent to the west.

“(iii) adversely affect neighboring properties; and”

- The neighboring properties are governed by the 15 foot zoning setback.

“(iv) adversely affect the plan for the orderly development of the subdivision.”

- There is no known adverse impacts on the adjoining properties or negative impacts on the orderly development of the area.

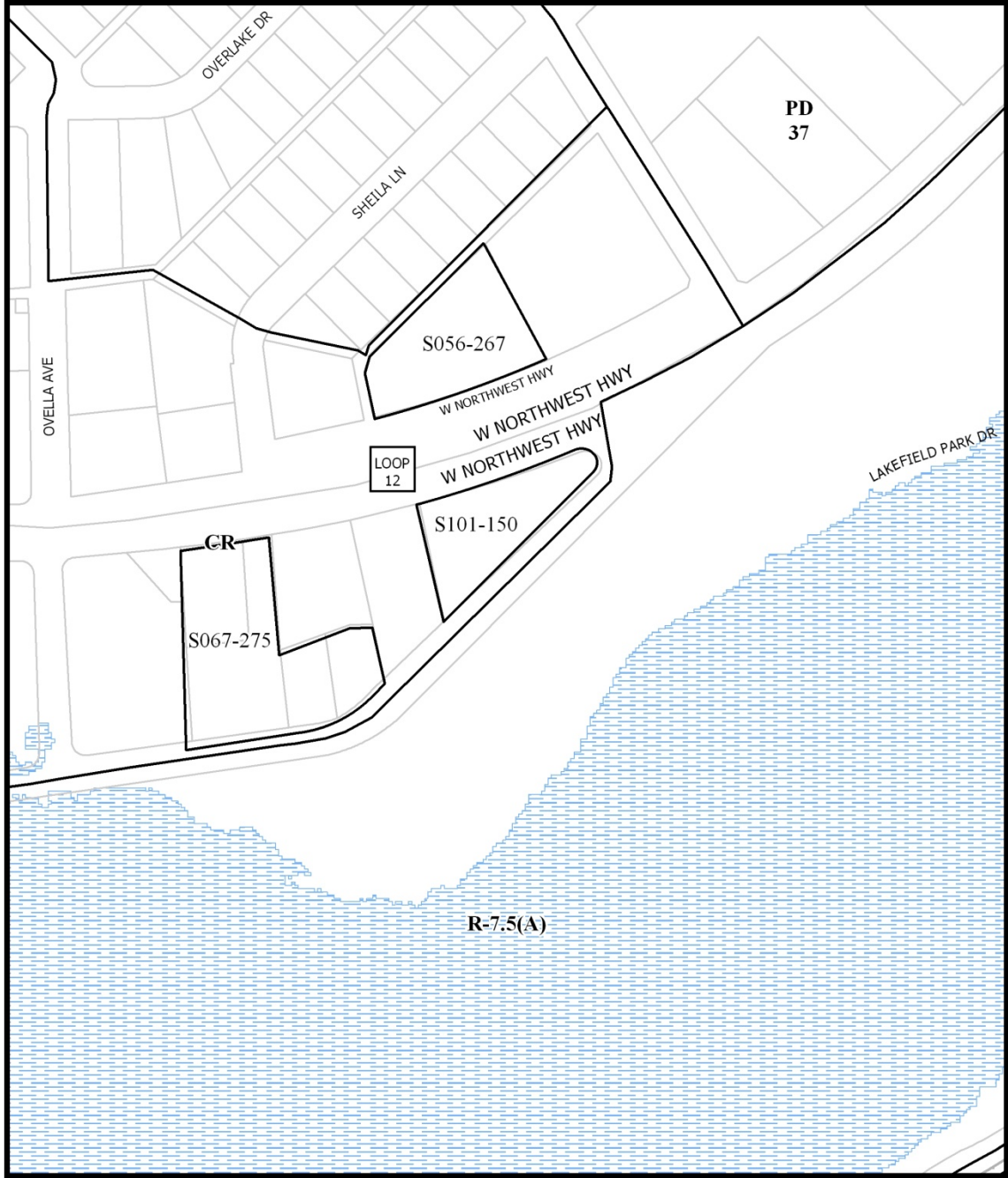
**STAFF RECOMMENDATION OF BUILDING LINE REMOVAL:** The request has been found to comply with the requirements of Section 51A-8.505(c) for reduction or removal of building lines; therefore, staff recommends approval of the building line removal.

**STAFF RECOMMENDATION:** The proposed subdivision complies with the requirements of the CR district and the requirements for removing an existing platted building line as contained in Section 51A-8.505 of the Dallas Development Code;

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 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 Subdivision Administrator in a format that is compatible with the "Microstation" format.
7. Prior to submittal of the final plat all easements and ROW abandonments must be by separated instrument and shown on the face of the final plat. A final release is required from the Real Estate Division prior to the Chairman signing the final plat.
8. The final plat is limited to a maximum of 1 lot.
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. 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, Street Easement, Public Utility, Sidewalk Easement from the established centerline of Bachman Drive
13. On the final plat dedicated 53.5 feet of ROW from the established center line of Northwest Highway.
14. On the final plat add a note stating: "Modification to Northwest Highway requires TXDOT approval.
15. On the final plat show how all adjoining ROW was created.

16. On the final plat show correct recording information for the subject property.
17. On the final plat monument all set corners per the monumentation ordinance in Article 8, Plat Regulations of the Dallas Development Code.
18. On the final plat provide a new addition name.
19. On the final plat list all utility easements as retained within street abandonments when stated in the abandonment ordinance.
20. On the final plat show owner's name and recording information in the preamble of the owners certificate.
21. On the final plat remove "West" from West Northwest Highway.
22. On the final plat show "Northwest Highway" as "State Highway Loop 12" in parenthesis after Northwest Highway.
23. On the final plat change "30' Building Line to be abandoned by this plat." To "30' Building Line removed by this plat."
24. On the final plat show the recording information of the building line to be removed.
25. On the final plat area noted as "vacated" should read "Abandoned, closed and vacated".
26. On the final plat show the existing Building Lines as "Removed by this plat."
27. On the final plat add the note:"The site is within the 65 Ldn contour of Love Field Airport and this noise level may require special construction standards for certain uses per the building code."
28. 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.
29. On the final plat identify the property as Lot 1C, City Block A/5783.
30. The sign shown on the plat as being in the Bachman Drive ROW may require a license. Contact the Real Estate Division at 320 E. Jefferson Blvd. for more information.



 1:2,400	<h2>ZONING MAP</h2> <ul style="list-style-type: none"> <li><input type="checkbox"/> Area of Request</li> <li><input type="checkbox"/> Recent History</li> </ul>	Map no: <u>          G-5          </u> Case no: <u>          S101-150          </u>
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DATE: August 18, 2011





**CITY PLAN COMMISSION****THURSDAY, SEPTEMBER 01, 2011****FILE NUMBER:** S101-152**Subdivision Administrator:** Paul Nelson**LOCATION:** Gillespie Avenue southeast of Hood Street**DATE FILED:** August 9, 2011**ZONING:** PD193, PDS 29**CITY COUNCIL DISTRICT:** 14    **SIZE OF REQUEST:** 0.189 Acres    **MAPSCO:** 35W**OWNER/APPLICANT:** TC Regents Park Residences II, LP/Judson Pankey

**REQUEST:** An application to replat a 0.189 acre tract of land containing all of Lots 12 and 13 in City Block A/1030 into one 0.189 acre lot on Gillespie Avenue southeast of Hood Street.

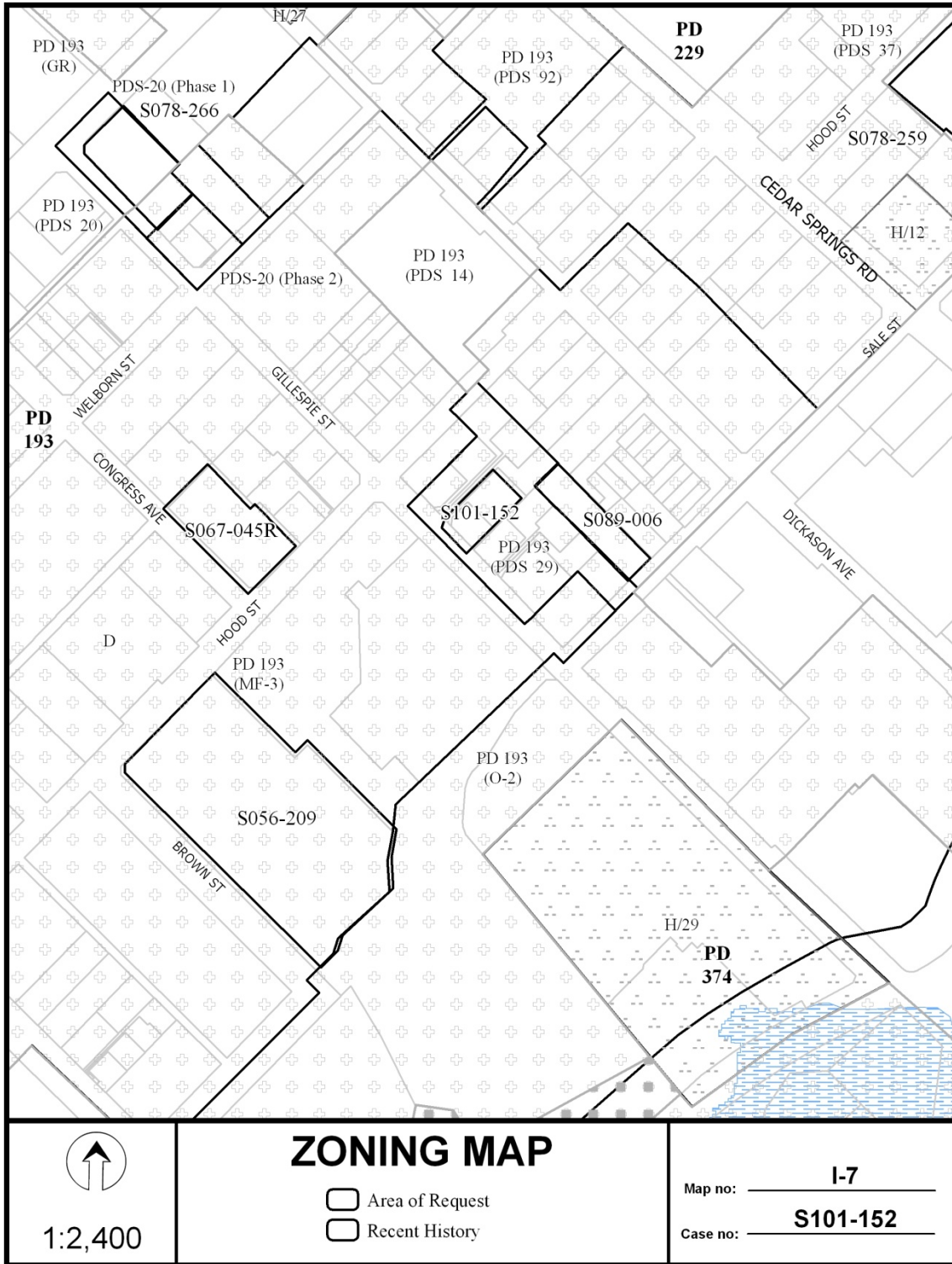
**SUBDIVISION HISTORY:** There has been no recent platting activity with close proximity to this request.

**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..."

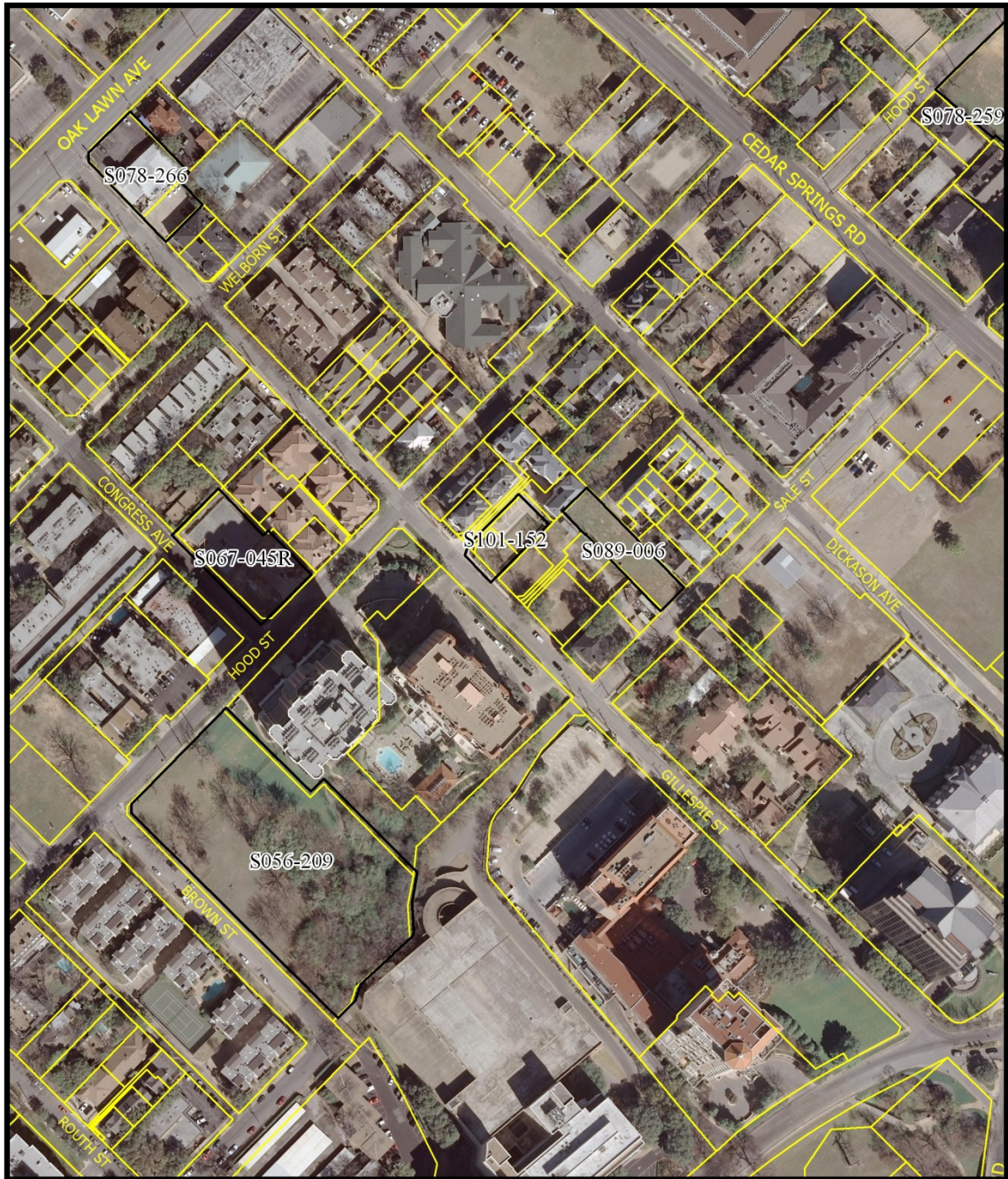
The proposed subdivision complies with the requirements of the PD193, PDS 29 District and is similar to other parcels in the vicinity; therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat shall 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. Compliance with all plans, contracts, ordinances and requirements of the City of Dallas.
4. 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 Plan Commission in a format that is compatible with the "Microstation" format to the Survey Section, Engineering Division in Room 200, 320 E. Jefferson Boulevard.
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. In addition, any detached sign must be shown on the final plat.
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 maximum number of lots permitted by this plat is 1.
  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."
  14. On the final plat dedicate 25' right of way from the established center line of Sneed Street, Carlisle Street, and Bowen Street.
  15. On the final plat show how all adjoining ROW was created.
  16. On the final plat show recording information on all existing easements within 150 feet of property.
  17. On the final plat show correct recording information for the subject property.
  18. On the final plat list all utility easements as retained within street abandonments when stated in the abandonment ordinance.
  19. On the final plat show distances of ROW across Sneed Street.
  20. On the final plat show Sneed Street Abandonment as a "Water and sanitary sewer Easement.
  21. On the final plat provide an easement for the AT&T Control Box encroachment.
  22. On the final plat dedicate a street easement on Carlisle Street in fee simple.
  23. On the final plat show Allen Street and how it was created.
  24. Engineer shall furnish plans for water and sanitary sewer. Developer shall furnish a contract for water and sanitary sewer.
  25. Water/wastewater main extension is required by Private Development Contract.
  26. On the final plat change Ridgecrest to Ridgecrest Road.
  27. On the final plat identify the property as City Block A/1030, Lot 12A.
  28. On the final plat change "Gillespie Avenue" to "Gillespie Street".

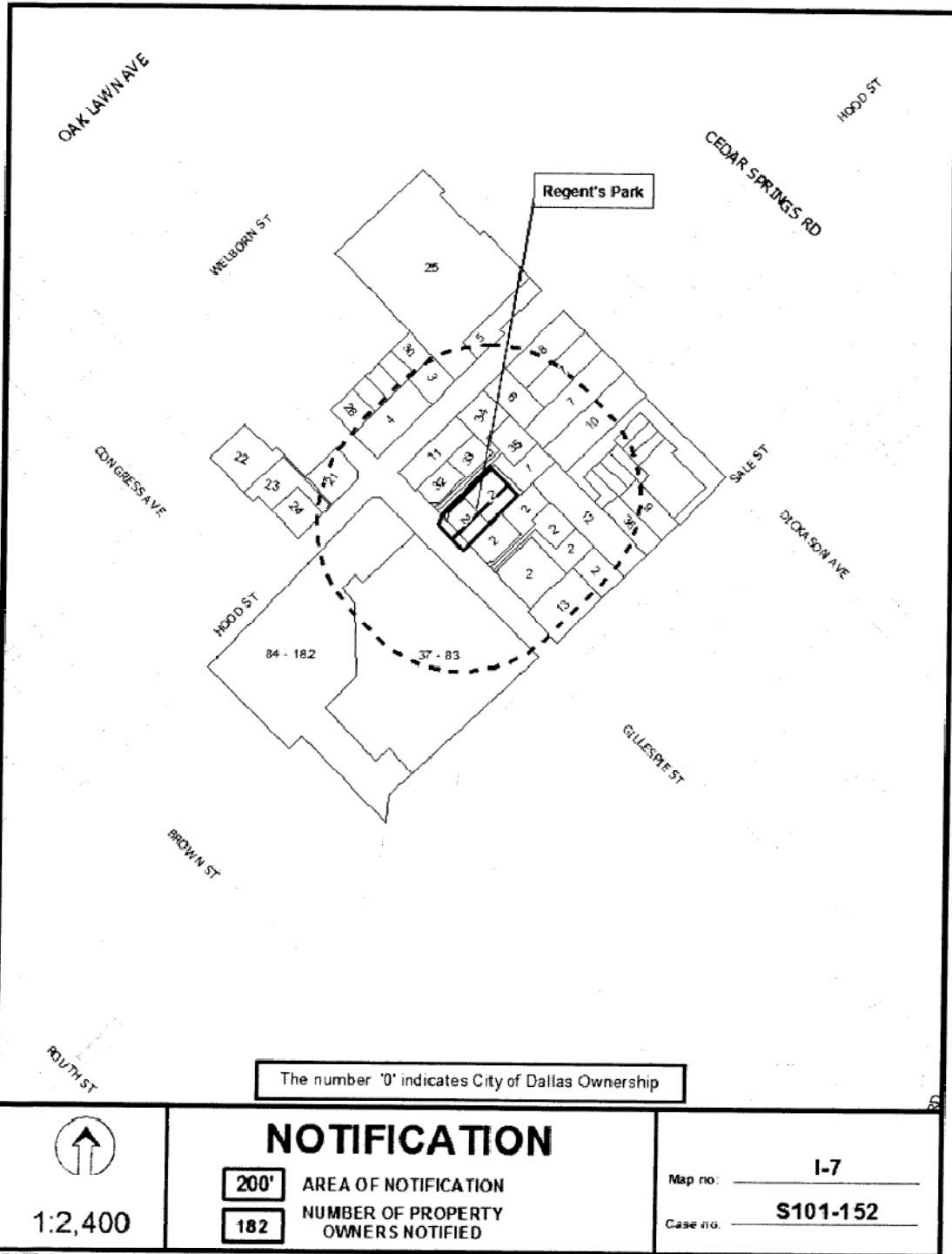






 1:2,400	<h2>AERIAL MAP</h2> <ul style="list-style-type: none"> <li><input type="checkbox"/> Area of Request</li> <li><input type="checkbox"/> Recent History</li> </ul>	Map no: <u>      I-7      </u> Case no: <u>      S101-152      </u>
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DATE: August 18, 2011



## *Notification List of Property Owners*

### *S101-152*

#### *182 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3522 GILLESPIE	TC REGENTS PARK RESIDENCES LP
2	3520 SALE	REGENTS PARK RESIDENCES II LP
3	2913 HOOD	TABATABAIE HOSSEIN G
4	3500 GILLESPIE	BAKER DALE & KAY BAKER
5	3501 DICKASON	CLARK RICHARD M
6	2914 HOOD	BLOOM WILLIAM WILLIS ETAL
7	3521 DICKASON	BECKER STEPHEN J
8	3529 DICKASON	MARTIN JIM & ELLEN
9	2921 SALE	PERKINS JOE B LIFE ESTATE REM: SCOTT GRANOWSKI
10	3515 DICKASON	BECKER STEPHEN
11	3530 GILLESPIE	MORGAN CHARLES D & MORGAN JANIS S
12	2913 SALE	LENNOX EDWARD & LENNOX LISA
13	3502 GILLESPIE	KLEMENT MICHAEL
14	3511 DICKASON	LENTZ HAROLD CALVIN III UNIT 1
15	3511 DICKASON	LIN CHUN HAN & UNIT A
16	3509 DICKASON	STREIDL LISA APT 901
17	3509 DICKASON	WAINSCOTT MICHAEL P
18	3507 DICKASON	ARKAN EROI F UNIT 5
19	3507 DICKASON	ROSA EMILIO
20	3505 DICKASON	ADAMS DAVID G BLDG B UNIT 7
21	2845 HOOD	SMITH ALEXANDER W & ANNE
22	2833 HOOD	DOROTHY L MANAGEMENT TR I
23	2825 HOOD	COOKE HOWARD F TR
24	2821 HOOD	GANARAJ POSAVANIKE S & RATNA CO TRUSTEES
25	3611 DICKASON	SILVERADO SENIOR LIVING TURTLEE CREEK INC
26	3610 GILLESPIE	MINNA JOHN D & LYNN

*Friday, August 12, 2011*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3610 GILLESPIE	REMICK KARL V
28	3610 GILLESPIE	ROSE BRYAN F &
29	3610 GILLESPIE	HEILMAN RONALD H & KAREN L HEILMAN
30	3610 GILLESPIE	REMICK KARL V & SVETLANA N
31	3500 DICKASON	SALE STREET HOMEOWNERS AS
32	3528 GILLESPIE	PEARL GREGORY J
33	3526 GILLESPIE	THOMPSON J DIETER
34	2908 HOOD	MORGAN CHARLES D & JANIS
35	3524 GILLESPIE	ANDERSON WILLIAM BRANTLEY
36	2917 SALE	GRANOWSKI SCOTT
37	3535 GILLESPIE	DENNEY KAZUMI O #101
38	3535 GILLESPIE	ELECTRO ENTERPRISES INC
39	3535 GILLESPIE	GUERIN DEAN & JO ALICE
40	3535 GILLESPIE	MURPHY SUSAN W UNIT 104
41	3535 GILLESPIE	AUGUR MARILYN
42	3535 GILLESPIE	BRINDELL CHARLES R JR &
43	3535 GILLESPIE	GREEN LEE A
44	3535 GILLESPIE	MONTANA ROBERT C II & PRISCILA A C MONTANA
45	3535 GILLESPIE	MIRKEN MARK C
46	3535 GILLESPIE	CROZIER LESLIE ANN UNIT 602
47	3535 GILLESPIE	CROZIER LESLIE ANN
48	3535 GILLESPIE	GREEN G GARDINER JR & BOBBIE S
49	3535 GILLESPIE	MALONE MARY LINK APT 207
50	3535 GILLESPIE	SWEENEY FRANCIS & PAULA SUITE 1900
51	3535 GILLESPIE	FARRAR WILLIAM D
52	3535 GILLESPIE	FRANK ANDREW G APT 406
53	3535 GILLESPIE	HOWELL BILLYE
54	3535 GILLESPIE	ANTIOCO JOHN F UNIT 304
55	3535 GILLESPIE	ALVAREZ SERGIO R
56	3535 GILLESPIE	KELLEY CHARLES D & FRANCES J
57	3535 GILLESPIE	MARCHBANK SUNIE G TR

*Friday, August 12, 2011*



<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	3535 GILLESPIE	SALMANS TODD L & DEBORAH K SALMANS
59	3535 GILLESPIE	COLLINS ROBERT A & MARTHA B COLLINS
60	3535 GILLESPIE	HEATHER DAVID & LINDA HEATHER
61	3535 GILLESPIE	KRAUSSE BILLIE B UNIT 404
62	3535 GILLESPIE	KNEESE CAROLYN C APT 121
63	3535 GILLESPIE	SAVARIEGO VELINDA UNIT 406
64	3535 GILLESPIE	MCWILLIAMS GEORGE L & REBECCA D MCWILLIAMS
65	3535 GILLESPIE	DESRUISSEAU ANNE E UNIT 408
66	3535 GILLESPIE	PARK REAL ESTATE PLAZA 501 LLC
67	3535 GILLESPIE	LAPHAM PHYLLIS UNIT 502
68	3535 GILLESPIE	PARK DAVID J & KIMMIE J
69	3535 GILLESPIE	SANDERS GEORGE STE 650
70	3535 GILLESPIE	PADILLA EZEQUIEL & MARIA
71	3535 GILLESPIE	LOVETT NIGEL
72	3535 GILLESPIE	BRADLEY KATRINA D
73	3535 GILLESPIE	STEPHENSON KAREN
74	3535 GILLESPIE	COULTER JAMIE B
75	3535 GILLESPIE	FERNANDES GARY J & SANDRA UNIT 604
76	3535 GILLESPIE	BOWMAN BRUCE W & BEVERLY
77	3535 GILLESPIE	RITZ ESTHER
78	3535 GILLESPIE	LARSON WILLIAM D 10700 LYNDALE AVE S
79	3535 GILLESPIE	SHAMIS CAROLYN T
80	3535 GILLESPIE	KIVOWITZ DONALD P UNIT 703
81	3535 GILLESPIE	WOLFSWINKEL RANDALL V
82	3535 GILLESPIE	MCGONIGLE J OLIVER UNIT 705
83	3535 GILLESPIE	TEMPLETON WILLIAM M # 706
84	2828 HOOD	PLAZA APARTMENTS PHASE II LTD
85	2828 HOOD	PLAZA TURTLE CREEK IV
86	2828 HOOD	HERNANDEZ ASDRUBAL
87	2828 HOOD	UTLEY ROBERT & ANN
88	2828 HOOD	UTLEY GROUP II LTD UNIT 403

*Friday, August 12, 2011*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2828 HOOD	UTLEY GROUP II LTD STE 601
90	2828 HOOD	WOODWARD PROPERTIES LTD
91	2828 HOOD	MOUSSA STANLEY A UNIT 406
92	2828 HOOD	RISINGER DENNIS R & MELBA
93	2828 HOOD	ADAMO KENNETH R
94	2828 HOOD	SONNENSCHNEIN MABELLE G
95	2828 HOOD	GODSEYJETSON CATHY G &
96	2828 HOOD	MASSINGILL LYNN
97	2828 HOOD	PASTRANA DARIO # 504
98	2828 HOOD	BAKER CHARLES DON UNIT 505
99	2828 HOOD	NEUFELD JOHN A & CHERYL M
100	2828 HOOD	PINK ELISABETH R UNIT 507
101	2828 HOOD	BASILBAY PARTICIPATION BOX 3129
102	2828 HOOD	MEXICAN & GOURMET INTL UNIT 601
103	2828 HOOD	GONZALES DEBORA UNIT 602
104	2828 HOOD	WASKOM ENTERPRISES LLC UNIT 603
105	2828 HOOD	PE GLORIA ST
106	2828 HOOD	SWANSON GORDON
107	2828 HOOD	WHITELEY CARMALETA UNIT 606
108	2828 HOOD	JORDAN SUE S
109	2828 HOOD	DRENNAN JOHN C IV
110	2828 HOOD	ADAMO KENNETH R
111	2828 HOOD	SAFIR ANN GENE UNIT 702
112	2828 HOOD	MARCIA MORAN ELLIS FAMILY LIVING TRUST
113	2828 HOOD	DW OPERATING LLC ATTN DAVID WEISSMAN
114	2828 HOOD	LAGUARDIA LOUIS M & ELENA
115	2828 HOOD	STONER MARY & DAVID YOST
116	2828 HOOD	TELLO RHONDA # 707
117	2828 HOOD	DOUNING WILLIAM H & KAREN K
118	2828 HOOD	MINITAS COMPANY S A % JERRY CARDEN
119	2828 HOOD	GINERIS MARC A & JEAN M

*Friday, August 12, 2011*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2828 HOOD	KRUMSICK HERBERT L & KATHLEEN
121	2828 HOOD	HADEN MASTER TRUST 2004
122	2828 HOOD	PORTER JARVIS H & PAMELA
123	2828 HOOD	FOKAS TERRY
124	2828 HOOD	SILCOCK JAMES
125	2828 HOOD	OSUAGWU CHUKWUMA J
126	2828 HOOD	REVERCHON PARTNERS II LTD
127	2828 HOOD	GRAY RICHARD A JR UNIT 903/904
128	2828 HOOD	WILLIFORD WARD & ROBERTA WILLIFORD
129	2828 HOOD	LOPEZ LEONARD MR
130	2828 HOOD	IBI KEIKO
131	2828 HOOD	STEPHENSON KAREN
132	2828 HOOD	SAHLYIEH HANNA F UNITS 1003 & 1004
133	2828 HOOD	SELL STEPHEN G
134	2828 HOOD	GILBERT REVOCABLE TRUST UNIT 1006
135	2828 HOOD	BARBOSA VERA LUCIA F
136	2828 HOOD	CANTER PEGGY S
137	2828 HOOD	YATES DENISE
138	2828 HOOD	GOURLEY JOHN D
139	2828 HOOD	MOORER REVOCABLE TRUST
140	2828 HOOD	KETTMAN JOHN R & DIANA M UNIT 1104
141	2828 HOOD	STILL MARC STE 1550
142	2828 HOOD	CONDAL LLC UNIT 1106
143	2828 HOOD	GARRETT DONNA N STE 1107
144	2828 HOOD	BRODIE RACHEL D
145	2828 HOOD	JACOBSON EUGENE B & MARGARET M
146	2828 HOOD	DUKE MARTHA W
147	2828 HOOD	ZELAZNY CHARLES L
148	2828 HOOD	HALL MARK
149	2828 HOOD	WISMER ANN
150	2828 HOOD	BAILEY ROBERT D & BONNIE L BOGS

Monday, August 15, 2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	2828 HOOD	REICHSTADT EMIL & SHIRLEY
152	2828 HOOD	ST PE ROZALYN
153	2828 HOOD	FORD JOE T & JO ELLEN FORD
154	2828 HOOD	BECKETT JAMES III
155	2828 HOOD	CARTNER STUART
156	2828 HOOD	RVO TEXAS HOLDINGS LLC UNIT 1307
157	2828 HOOD	BACKA RICHARD F & LOUISE P
158	2828 HOOD	WOLIN BARTON AND JUDITH UNIT 1401
159	2828 HOOD	SIEMER CLEMENS H & MARY RITA
160	2828 HOOD	BARTON THOMAS P & ANNIE A # 1403
161	2828 HOOD	LEACH JAMES E ESTATE OF %JENNIFER D PORT EXTR
162	2828 HOOD	HIGHFIELD EQUITIES INC ATTN: RUSSELL JENKINS
163	2828 HOOD	PLAZA TURTLE CREEK IV
164	2828 HOOD	ZIELKE DONALD A & ANNE MARY
165	2828 HOOD	MITCHELL ALEXANDRA E
166	2828 HOOD	HULL CRAIG W & MARY W
167	2828 HOOD	JOHNSON STEPHEN C & MIMI
168	2828 HOOD	ARP DONNA LIFE ESTATE
169	2828 HOOD	ROBINSON DAVID B & REBECCA M
170	2828 HOOD	WESTERN PPTY DEV
171	2828 HOOD	SAHLYYEH HANNA F #1003
172	2828 HOOD	STINSON FRANK M & BRENDA B STINSON
173	2828 HOOD	KAUFMAN CHESTER & DELPHINE 1992 TRUST
174	2828 HOOD	HULSEY ROBERT A & SHARON D
175	2828 HOOD	HALL CRAIG & KATHRYN HALL CO-TRUSTEES
176	2828 HOOD	DALE RICHARD P JR
177	2828 HOOD	FISCHER BENNO JOHN UNIT 1705
178	2828 HOOD	SIMMONS DENNIS E UNIT 1706
179	2828 HOOD	MINITAS COMPANY S A
180	2828 HOOD	MINITAS CO SA
181	2828 HOOD	MINITAS COMPANY SA

Monday, August 15, 2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	2828 HOOD	LARUE JOHN

*Monday, August 15, 2011*



**FILE NUMBER:** M101-028

**DATE FILED:** June 15, 2011

**LOCATION:** Lucas Drive and Cotton Belt Avenue, South Corner

**COUNCIL DISTRICT:** 2

**MAPSCO:** 34 V, Z

**SIZE OF REQUEST:** Approx. 3.06 Acres

**CENSUS TRACT:** 4.05

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**APPLICANT/OWNER:** Southwest Embarcadero, L.P.

**REPRESENTATIVE:** Karl Crawley

**MISCELLANEOUS DOCKET ITEM**

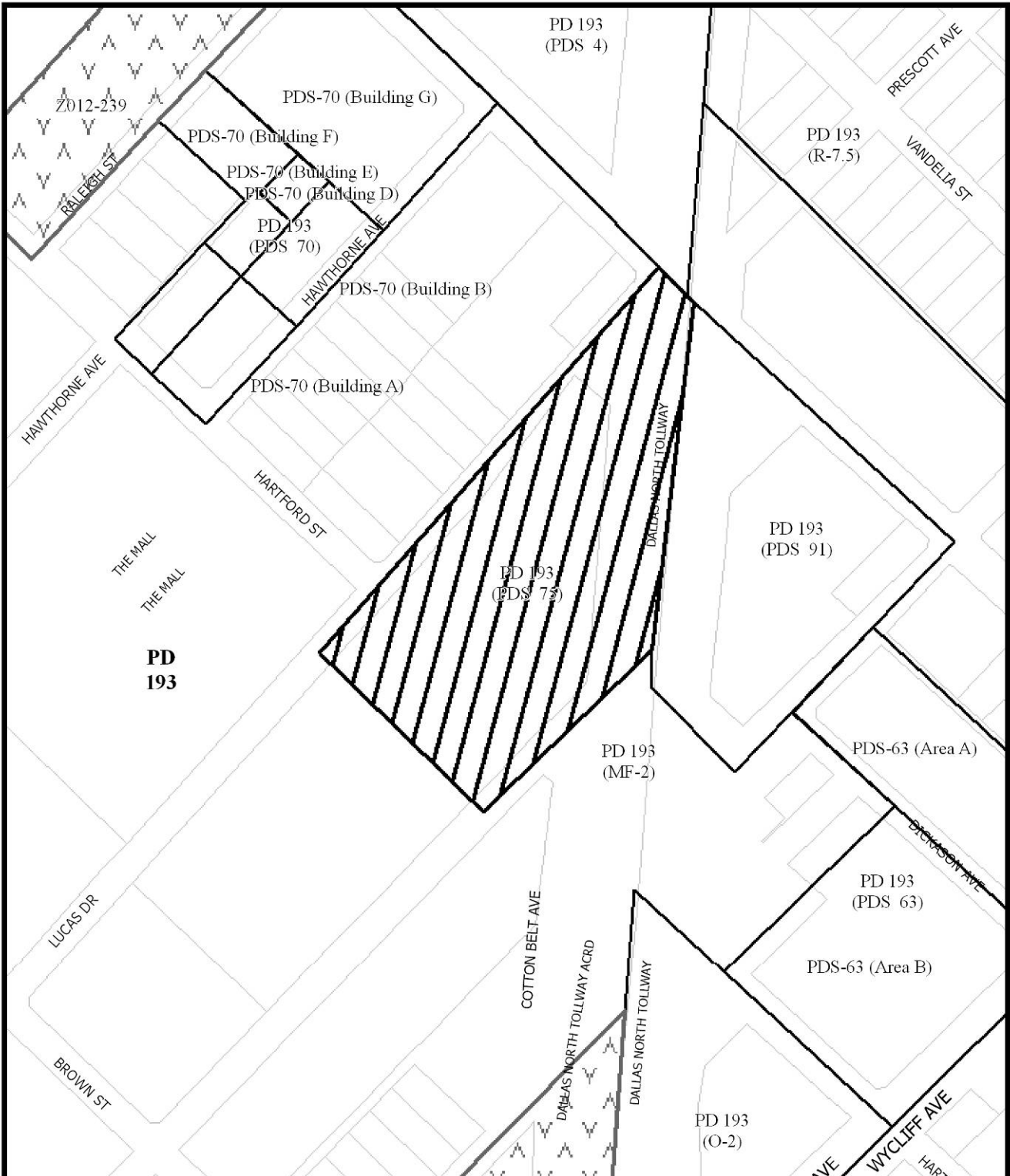
**Minor Amendment for Development Plan**

On February 28, 2007, the City Council passed Ordinance No. 26593 which established Planned Development Subdistrict No. 75 for MF-2 Multiple Family Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District.

At this time, the property owner has submitted an application for a minor amendment to permit the following: 1) revise the massing of the landscape plazas, and 2) provide an off-street parking area along the Lucas Drive frontage. With respect to the landscape plazas, the aggregate surface area remains consistent between both plans.

The applicant's request does not impact any of the other regulations governing the property and otherwise complies with the provisions for consideration of a minor amendment to a development plan.

**STAFF RECOMMENDATION:** Approval



1:2,400

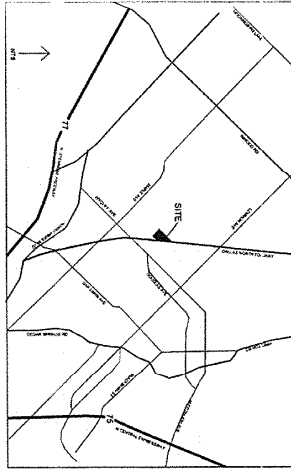
# ZONING MAP

Map no:           I-7          

Case no:           M101-028          

DATE: July 19, 2011

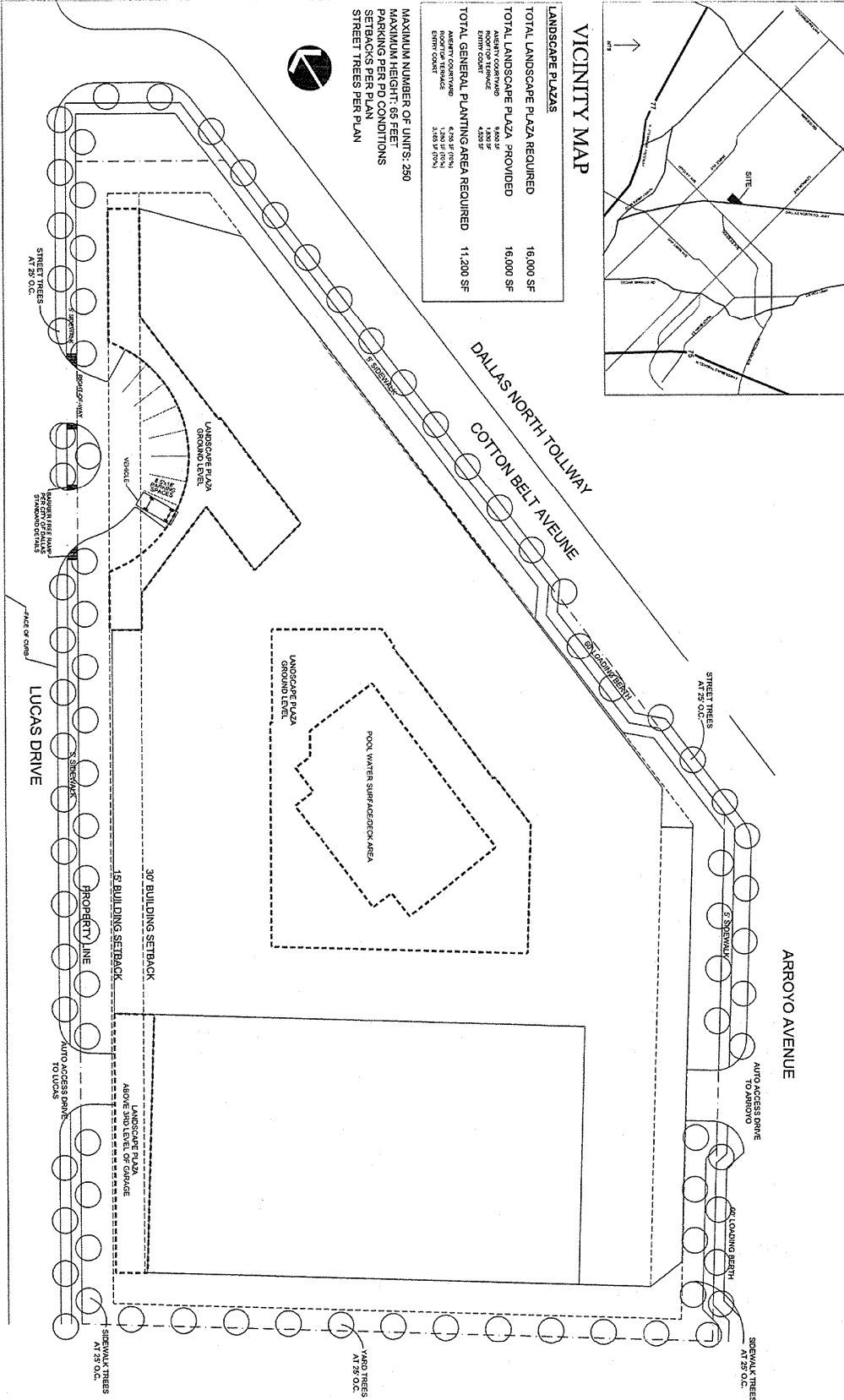




**VICINITY MAP**

<b>LANDSCAPE PLAZAS</b>	
TOTAL LANDSCAPE PLAZA REQUIRED	16,000 SF
TOTAL LANDSCAPE PLAZA PROVIDED	16,000 SF
<small>           ASBESTY COEFFICIENT: 1.600 SF            ASBESTY COEFFICIENT: 1.600 SF            ENTRY COUNT: 4,000 SF            ENTRY COUNT: 4,000 SF            AMBERT COEFFICIENT: 1,200 SF (10%)            FOOTING SERVICES: 1,200 SF (10%)            ENTRY COUNT: 2,000 SF (10%)         </small>	
<b>TOTAL GENERAL PLANTING AREA REQUIRED</b>	<b>11,200 SF</b>

MAXIMUM NUMBER OF UNITS: 290  
 MAXIMUM HEIGHT: 65 FEET  
 MAXIMUM NUMBER OF STORIES: 10  
 SETBACKS PER PLAN  
 STREET TREES PER PLAN

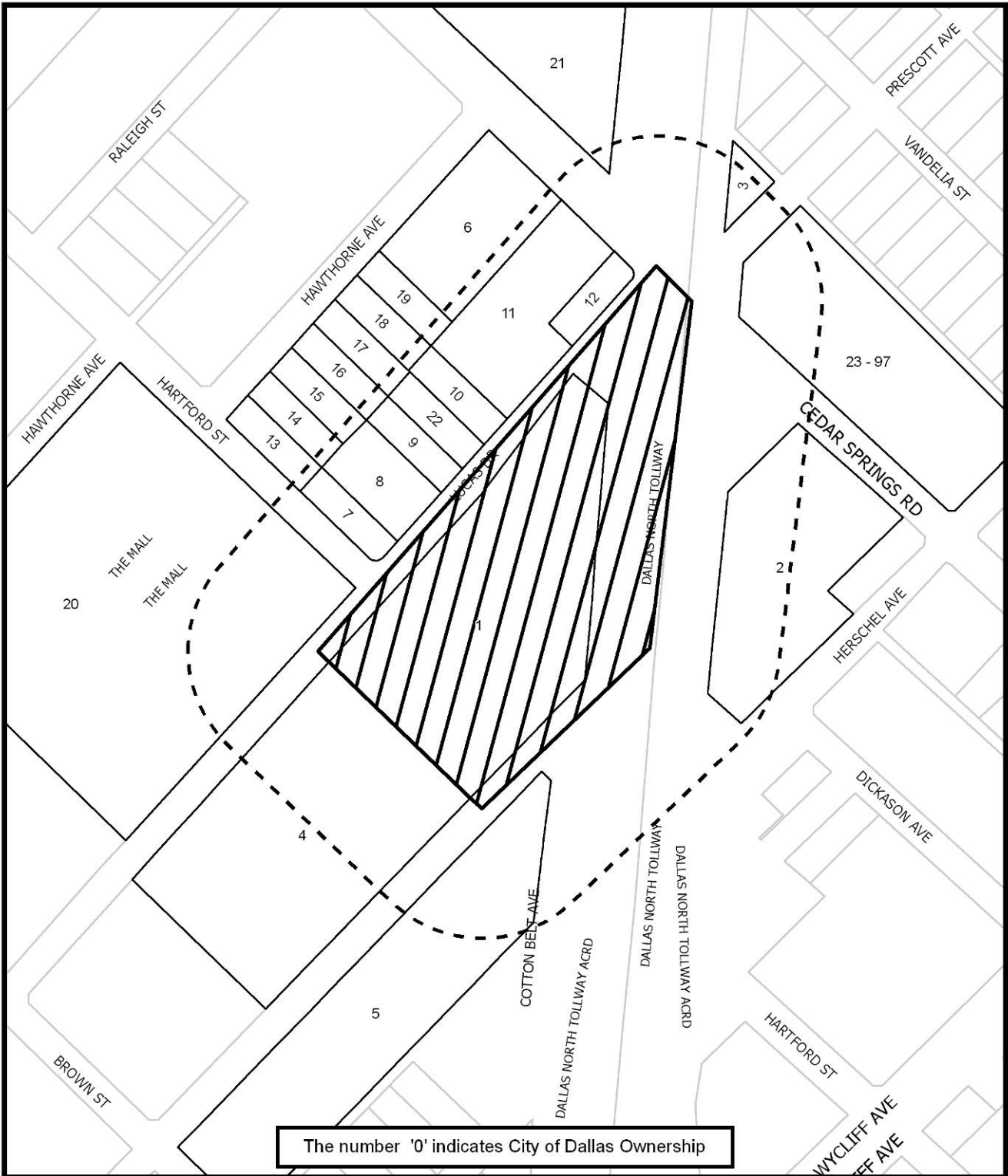


**DEVELOPMENT PLAN**  
 SCALE 1" = 20' - 0"

**PLANNED DEVELOPMENT DISTRICT NUMBER 193**

**Proposed Development Plan**





1:2,400

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**97**

NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           I-7          

Case no:           M101-028          

DATE: July 19, 2011

## ***Notification List of Property Owners***

***M101-028***

### ***97 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1 BARGE	2924 LUCAS	SOUTHWEST EMBARCADERO LP % RICHARD M
2	4411 CEDAR SPRINGS	DALLAS CEDAR POINT LTD
3 DEPT	3111 PRESCOTT	TEXAS UTILITIES ELEC CO % STATE & LOCAL TAX
4 BLANCA APT	2816 LUCAS	MELROSE PLACE APARTMENTS C/O CASA
5 INV	2702 ARROYO	SAVANNAH HEIGHTS APTS LP %CENTAURUS
6	4515 CEDAR SPRINGS	BETHANY PRESBYTERIAN CH
7	2903 LUCAS	SOOCKAR KARL D
8	2909 LUCAS	KELCHER MANAGEMENT INC
9	2915 LUCAS	RODNEY E JOHNSON PPTIES LLC
10	2923 LUCAS	GREATER MOUNT ZION BAPTIST CHURCH
11	4505 CEDAR SPRINGS	CS VILLAS LLC
12 SHELTON	4503 CEDAR SPRINGS	TEXAS TURNPIKE AUTHORITY ATTN JERRY M
13	2900 HAWTHORNE	MUMM CHARLES
14	2906 HAWTHORNE	MONZURES ERASMO & ENEDINA
15	2908 HAWTHORNE	GUEVARA ANTONIO & ROSA TERESA GALINDO
16	2912 HAWTHORNE	ALEJANDRO JOSE ALFREDO
17	2916 HAWTHORNE	ALEJANDRO JOSE A & BLANCA
18	2920 HAWTHORNE	LARA PEDRO
19	3002 HAWTHORNE	SKINNER LEO
20	2801 LUCAS	DALLAS HOUSING AUTHORITY
21	4606 CEDAR SPRINGS	M&A TEXAS MADISON LP
22	2919 LUCAS	IRVIN ROSS GREGORY
23	4414 CEDAR SPRINGS	SAMUEL STEVEN D
24	4414 CEDAR SPRINGS	HU JOSEPH UNIT 101
25	4414 CEDAR SPRINGS	PRICE LESLIE C UNIT 103
26	4414 CEDAR SPRINGS	ARMENDARIZ KARLA G UNIT 105

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4414 CEDAR SPRINGS	ARONOWICZ JOEL #107
28	4414 CEDAR SPRINGS	CLENDANIEL JOHN J & JEANA K
29	4414 CEDAR SPRINGS	SCHIAVONE JILL M UNIT 111
30	4414 CEDAR SPRINGS	FEDERAL HOME LOAN MTG CORP
31	4414 CEDAR SPRINGS	INKS ANGELA
32	4414 CEDAR SPRINGS	FLECHA LANE INC
33	4414 CEDAR SPRINGS	MCCREA ROBERT S # 119
34	4414 CEDAR SPRINGS	REEVES SHAWN A UNIT 121
35	4414 CEDAR SPRINGS	DANIELS CHIP R UNIT 123
36	4414 CEDAR SPRINGS	LAPORTE MIKEL #124
37	4414 CEDAR SPRINGS	BOLDING GARY UNIT 125
38	4414 CEDAR SPRINGS	TERRELL PAUL & NORMA
39	4414 CEDAR SPRINGS	GOINS MICAH & TRACEY
40	4414 CEDAR SPRINGS	CHEN TING YU UNIT 201
41	4414 CEDAR SPRINGS	DAGROSA ANTHONY L
42	4414 CEDAR SPRINGS	PARK EDWARD UNIT 203
43	4414 CEDAR SPRINGS	PAULUS MICHAEL J APT 307
44	4414 CEDAR SPRINGS	CONNELL KATHERINE K UNIT 205
45	4414 CEDAR SPRINGS	PADDOCK LOUIS &
46	4414 CEDAR SPRINGS	LAI MY LINH UNIT 207
47	4414 CEDAR SPRINGS	KATES TIFFANY R UNIT 208
48	4414 CEDAR SPRINGS	HANDLER LESLIE MIRANDA
49	4414 CEDAR SPRINGS	KIM BILLY J APT 1116
50	4414 CEDAR SPRINGS	PHAM RICHARD T NO 10026
51	4414 CEDAR SPRINGS	HERCULES ELLSWORTH D APT 212
52	4414 CEDAR SPRINGS	MANN JENNIFER M UNIT 213
53	4414 CEDAR SPRINGS	TERRELL PAUL A & NORMA L
54	4414 CEDAR SPRINGS	PLASTERER ROGER
55	4414 CEDAR SPRINGS	HEATH LEA ANNE UNIT 216
56	4414 CEDAR SPRINGS	HEIMBACH SARAH E UNIT 217
57	4414 CEDAR SPRINGS	MIHECOBY ALLEN F

*Tuesday, July 19, 2011*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	4414 CEDAR SPRINGS	DRURY MARK #219
59	4414 CEDAR SPRINGS	PETTIT STACY L UNIT 220
60	4414 CEDAR SPRINGS	BENNETT LORIE A
61	4414 CEDAR SPRINGS	ROSSER L B UNIT 222
62	4414 CEDAR SPRINGS	MUTREJA SWADESH & JAI G UNIT 223
63	4414 CEDAR SPRINGS	SHARMA DARPAN &
64	4414 CEDAR SPRINGS	FAROOQI MIDHAT S & APT 225
65	4414 CEDAR SPRINGS	HESS JENIFER D UNIT 226
66	4414 CEDAR SPRINGS	DO THAO #227
67	4414 CEDAR SPRINGS	APNAR JOHN UNIT 228
68	4414 CEDAR SPRINGS	RICE JAMES H JR UNIT 229
69	4414 CEDAR SPRINGS	HO ELIZABETH D #230
70	4414 CEDAR SPRINGS	BURGOON LARRY REV TRUST
71	4414 CEDAR SPRINGS	JOHNSON JILL UNIT 302
72	4414 CEDAR SPRINGS	VOLLMER DAVID W UNIT 303
73	4414 CEDAR SPRINGS	HARIRI WAHIB & HARIRI HEATHER
74	4414 CEDAR SPRINGS	DYTKO MICHAEL A UNIT 305
75	4414 CEDAR SPRINGS	REEVES JEFFREY S &
76	4414 CEDAR SPRINGS	SANFORD QUINN A UNIT #307
77	4414 CEDAR SPRINGS	PIRZADEH SARA UNIT 308
78	4414 CEDAR SPRINGS	GOH YEE KHAI & YIWEN LEE STE 309
79	4414 CEDAR SPRINGS	POWELL TIFFANY #310
80	4414 CEDAR SPRINGS	ODUNSI ABAYOMI N #311
81	4414 CEDAR SPRINGS	GRAY FALLYN UNIT 312
82	4414 CEDAR SPRINGS	DENNIE DEIDRE D UNIT 313
83	4414 CEDAR SPRINGS	CHENET FLORENCE J
84	4414 CEDAR SPRINGS	TAVARES CARLOS L & ZELIA R
85	4414 CEDAR SPRINGS	GIDDENS CHRISTOPHER # 316
86	4414 CEDAR SPRINGS	CHISOLM HENRY JR & UNIT 317
87	4414 CEDAR SPRINGS	PHAM LINH L
88	4414 CEDAR SPRINGS	TRUONG HUY A UNIT 319

*Tuesday, July 19, 2011*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	4414 CEDAR SPRINGS	TRUONG HUY A UNIT 320
90	4414 CEDAR SPRINGS	GRIMES STEPHANIE R
91	4414 CEDAR SPRINGS	BASHARA VIRGINIA & MICHAEL E
92	4414 CEDAR SPRINGS	ANDERSON HEATHER L
93	4414 CEDAR SPRINGS	WEINER FRANK PHILLIP
94	4414 CEDAR SPRINGS	CHEN JIAQIANG UNIT 327
95	4414 CEDAR SPRINGS	GOODWIN BOBBY A UNIT #328
96	4414 CEDAR SPRINGS	BROCKHOFF HANS C & JUYD BROCKHOFF
97	4414 CEDAR SPRINGS	DINEEN SEAN & MISTY L UNIT 330

*Tuesday, July 19, 2011*

**Planner: Warren F. Ellis**

**FILE NUMBER:** Z101-269(WE)                      **DATE FILED:** May 13, 2011  
**LOCATION:** Elm Street and N. Griffin Street, northeast corner  
**COUNCIL DISTRICT:** 14                              **MAPSCO:** 45-K  
**SIZE OF REQUEST:** Approx. 138,000 sq. ft.      **CENSUS TRACT:** 31.01

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**APPLICANT / OWNER:** Lowen 1025 Elm, LLC

**REPRESENTATIVE:** Aguirre Roden, Inc  
Dan Powyszynski

**REQUEST:** An application for the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses.

**SUMMARY:** The purpose of this request is to create a new subdistrict to modify certain ground level retail requirements of PD No. 619 and allow the entire tract to be treated as one lot for purposes of determining applicable setback and floor area requirements.

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



**BACKGROUND INFORMATION:**

- On June 12, 2002, the City Council approved Planned Development District No. 619 with retention of the CC City Core Subdistrict, Secondary Parking Subdistrict, H Historic, CP Core Pedestrian Precinct and SP Secondary Pedestrian Precinct.
- Planned Development District No. 619 was created as a result of several public and private studies that developed retail strategies for the CBD area and promote the downtown core as a “full time” activity area. Moreover, the goal was to encourage the development of retail and service uses in the area and create a mixed use urban activity center.
- Planned Development District No. 619 retained the existing underlying CA-1(A) zoning district development standards and regulations except for the following:
  - Tailor the permitted use list to encourage a higher level of retail and pedestrian activity;
  - Alcoholic beverage establishments shall be allowed by right in tracts adjacent to or across from pedestrian ways or plazas to allow for some clustering of such uses, otherwise, they will be allowed by SUP. Restaurants with bars are not subject to this amendment.
  - Require 75% of the street frontage of a building/property at street level to be occupied by retail uses.
- The applicant’s request to create a new Subdistrict in PDD No. 691 that will allow for the modification of the certain ground retail uses as well as retain the existing development rights for a proposed hotel development.

**Zoning History:** There has not been any recent zoning request in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Elm Street	Collector	80 ft.	80 ft.
N. Griffin Street	Minor Arterial	100 ft.	100 ft.
Pacific Avenue	Local	60 ft.	60 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
Site	PDD 691	Office
North	CA-1(A)	Surface parking
South	PDD 691	Office
East	PDD 691 & SUP No. 644	Office
West	CA-1(A)	Hotel

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The existing hotel development is located within the Downtown Building Block which provides high intensity, concentrated regional job and commercial activity supported by high-density housing. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide sidewalks and easy-to-use signs for finding points of interest.

The Downtown Building Block is an important transit hub for commuter rail, light rail, bus and local systems. This area warrants significant public investment to sustain itself as the signature address in the North Central Texas region and to continually reinvent itself to maintain its competitive advantage.

**Land Use**

Goal 1.1 Align land use strategies with economic development priorities

Policy 1.1.3 Build a dynamic and expanded Downtown.

Goal 1.2 Promote Desired development

Policy 1.2.1 Use Vision building blocks as a general guide for desired development patterns

**Economic**

Goal 2.2 Engage in strategic economic development

Policy 2.2.5 Focus on companies that represent the greatest potential for job growth and investment.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The request site is developed with a multi-story office building that comprise of approximately 138,000 square feet of floor area. The applicant is requesting to create a new Subdistrict in PDD No. 691 that will allow for the

modification of certain ground retail uses as well as retain the existing development rights for the proposed hotel development. Currently, the existing building does not comply with the restrictions of uses in Subdistrict A in PDD No. 619. The applicant is proposing to renovate the ten story, 138,000 square foot office building into a 130 room hotel, with a restaurant use on street level. The proposed restaurant will be used mainly by the hotel guest.

Planned Development District No. 619 created vertical Subdistricts that permit specific uses on the street level, below street level and above street level to operate within the designated Subdistricts. The request site is location within the CBD area and is adjacent to various retail, hotel and office uses.

Staff has reviewed and supports the applicant’s request to create a new Subdistrict in PDD No. 691. The applicant’s request will create one additional vertical Subdistrict within the Planned Development District, which will allow for the proposed hotel development to operate a restaurant use on the street level. The one additional Subdistrict will also comply with the same development standards and regulations that are listed in Subdistrict I; except for the new Subdistrict will not be subject to the 75 percent rule that comply with the restrictions on uses in Subdistrict A, which pertains to pedestrian-oriented uses.

The pedestrian-oriented uses is described as any use that is not a retail and personal service use, a financial institution without drive-in window, or a transportation use, and is located in a building in Subdistrict A is not permitted if, at the time of the request for a certificate of occupancy, less than 75 percent of the frontage of that building at street level (excluding docking and loading areas, driveways, exit ramps, and entrance ramps) is occupied by, or is made available exclusively for use by, retail and personal service uses, financial institution without drive-in window, and/or transportation uses that extend at least 50 feet into the building. Staff can support the omission of this provision in the new Subdistrict because the building was constructed in 1923, prior to the creation of Planned Development District No. 619. The proposed use will occupy retail and personal service space on the street level that is less than 75 percent of the buildings frontage.

Staff recommends approval of the creation of a new Subdistrict, subject to the development plan and conditions. The request should not have an adverse impact on the surrounding retail and office uses because there are no changes to the development rights of the proposed development.

**Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
PDD No. 619 Central area	0'	0'	20.0 FAR	Any legal height	100%	75% of street frontage retail	Retail, Office High Density Residential

**Landscaping:** Landscape in this district must comply with all landscaping requirements set forth for the CA-1(A) District, and should be consistent with any design guidelines for the district approved by the council.

**Parking:** The off-street parking and loading regulations contained in Section 51A-4.124(a)(5) and Section 51A-4.306 for the CA-1-A Central Area District apply in this district. There is an adjacent parking structure that is attached to the proposed hotel use.

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

**LIST OF OFFICERS  
Lowen 1025 Elm, LLC**

- Bimal Naik
- Sanjay Naik
- Ajay Desai

**PROPOSED PD CONDITIONS**

**PD 619.**

**SEC. 51P-619.101. LEGISLATIVE HISTORY.**

PD 619 was established by Ordinance No. 24960, passed by the Dallas City Council on June 12, 2002.

**SEC. 51P-619.102. PROPERTY LOCATION AND SIZE.**

PD 619 is established on property bounded by the centerlines of Pacific Avenue, Harwood Street, Jackson Street, and Griffin Street, in the city of Dallas. The size of PD 619 is approximately 34 acres.

**SEC. 51P-619.103. DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) DATA CENTER means a facility for storing, managing, processing, converting, warehousing, or disseminating data or information and includes the equipment that supports the data center, including computers, servers, and other data storage devices.
- (c) STREET LEVEL means, in a multi-level building, the level having the floor closest in elevation to the adjacent street. If the floors of two levels are equally close in elevation to the adjacent street, the level with the higher elevation is the street level.
- (d) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (e) This district is considered to be a nonresidential zoning district.
- (f) The symbol *[E]* appearing after a listed use means that the use is not permitted when located at street level, except that it is permissible to have an entrance for the use at street level if the entrance provides access to a level of the building on which the use is permitted. (Ord. Nos. 24960; 27470)

**SEC. 51P-619.103.1. GENERAL MERCHANDISE OR FOOD STORE.**

- (a) Unless otherwise stated, the regulations set forth in Section 51A-4.210 for a general merchandise or food store 3,500 square feet or less apply to a general merchandise or food store 2,000 square feet or less in this article, except that the maximum size of this use is 2,000 square feet.

(b) Unless otherwise stated, the regulations set forth in Section 51A-4.210 for a general merchandise or food store greater than 3,500 square feet apply to a general merchandise or food store greater than 2,000 square feet in this article, except that the size of this use must be greater than 2,000 square feet.

**SEC. 51P-619.103.2. TATTOO OR BODY PIERCING STUDIO.**

Unless otherwise stated, the regulations set forth in Section 51A-4.210 for a personal service use apply to a tattoo or body piercing studio in this article.

**SEC. 51P-619.104. DEVELOPMENT PLAN.**

(a) In general. A development plan is required, and the provisions of Section 51A-4.702 regarding submission of a development plan and a development schedule apply. The location and type of all proposed street level uses must be indicated on the development plan. The provisions of Section 51A-4.702 regarding submission of a site analysis, conceptual plan, and landscape plan do not apply. Amendments to the development plan must follow the same procedure set forth in this section for a development plan, and the provisions of Section 51A-4.702(h) do not apply.

(b) Pre-application conference. An applicant shall consult with the director to determine whether the proposed project complies with the requirements of this article, and the extent to which the project is consistent with any design guidelines for the district approved by city council.

(c) Copies to be provided to advisory bodies. When the application is submitted to the director, the applicant shall also send a copy of the proposed development plan and development schedule to the Board of Directors of Tax Increment Financing Reinvestment Zone No. 5 (City Center TIF), c/o Area Redevelopment Manager, Economic Development Department, 1500 Marilla Street, Room 5CS, Dallas, Texas 75201, and to the Downtown Partnership, Inc., 1623 Main Street, Dallas, Texas 75201, or their successors.

**SEC. 51P-619.105. SUBDISTRICTS.**

(a) Subdistrict A is street level Property, except Property in Subdistricts F, G, and J. In general terms, this is all street level Property except Property adjacent to the south side of Pegasus Plaza, Property bounded by Field Street, Commerce Street, Jackson Street, and Browder Street, and Property bounded by Pacific Avenue, Griffin Place, Elm Street, and North Griffin Street.

(b) Subdistrict B is Property that is below street level, except Property in Subdistricts D and H. In general terms, this is all underground Property except Property adjacent to Pegasus Plaza and Stone Street Mall and Property bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(c) Subdistrict C is Property that is one or more levels above street level, except Property that is in Subdistricts E and I. In general terms, this is all Property above ground level except Property above the area adjacent to Pegasus Plaza and Stone Street Mall and Property bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(d) Subdistrict D is Property that is below street level, in the area described in Exhibit 619A. In general terms, this is all underground Property that is adjacent to Pegasus Plaza and Stone Street Mall.

(e) Subdistrict E is Property that is one or more levels above street level, in the area described in Exhibit 619A. In general terms, this is all Property above ground level in the area adjacent to Pegasus Plaza and Stone Street Mall.

(f) Subdistrict F is street level Property in the area described in Exhibit 619B. In general terms, this is all street level Property that is adjacent to the south side of Pegasus Plaza.

(g) Subdistrict G is street level Property in the area described on Exhibit 619C. In general terms, this is all street level Property that is bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(h) Subdistrict H is Property that is below street level in the area described on Exhibit 619C. In general terms, this is all underground Property that is bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(i) Subdistrict I is Property that is one or more levels above street level in the area described on Exhibit 619C. In general terms, this is all Property above ground level that is bounded by Field Street, Commerce Street, Jackson Street, and Browder Street.

(j) Subdistrict J is street level Property in the area described in Exhibit 619F. In general terms, this is all street level Property that is bounded by Pacific Avenue, Griffin Place, Elm Street, and North Griffin Street.

**SEC. 51P-619.106.1. MAIN USES PERMITTED IN SUBDISTRICTS A, F, G, AND J (STREET LEVEL).**

(a) Agricultural uses.

-- None permitted.

(b) Commercial and business service uses.

-- Catering service. [See Section 51P-619.106.4.]

-- Custom business services. [See Section 51P-619.106.4.]



- Custom woodworking, furniture construction, or repair. *[E][See Section 51P-619.106.4.]*
- Electronics service center. *[E][See Section 51P-619.106.4.]*
- Job or lithographic printing. *[E][See Section 51P-619.106.4.]*
- Medical or scientific laboratory. *[E][See Section 51P-619.106.4.]*
- Technical school. *[E][See Section 51P-619.106.4.]*
- Tool or equipment rental. *[E][See Section 51P-619.106.4.]*

(c) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Adult day care facility. *[E][See Section 51P-619.106.4.]*
- Child-care facility. *[See Section 51P-619.106.4.]*
- Church. *[See Section 51P-619.106.4.]*
- College, university, or seminary. *[See Section 51P-619.106.4.]*
- Community service center. *[E][See Section 51P-619.106.4.]*
- Convalescent and nursing homes, hospice care, and related institutions. *[E][See Section 51P-619.106.4.]*
- Convent or monastery. *[E][See Section 51P-619.106.4.]*
- Hospital. *[See Section 51P-619.106.4.]*
- Library, art gallery, or museum. *[See Section 51P-619.106.4.]*
- Public or private school. *[See Section 51P-619.106.4.]*

(e) Lodging uses.

- Hotel or motel. *[See Section 51P-619.106.4.]*
- Lodging or boarding house. *[See Section 51P-619.106.4.]*

(f) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window. *[See Section 51P-619.106.4.]*
- Medical clinic or ambulatory surgical center. *[See Section 51P-619.106.4.]*
- Office. *[See Section 51P-619.106.4.]*

(h) Recreation uses.

- Private recreation center, club, or area. *[See Section 51P-619.106.4.]*

-- Public park or playground. *[Golf course is not permitted.][See Section 51P-619.106.4.]*

(i) Residential uses.

-- College dormitory, fraternity, or sorority house. *[E][See Section 51P-619.106.4.]*

-- Group residential facility. *[E][SUP required if spacing component of Section 51A-4.209(3) is not met.][See Section 51P-619.106.4.]*

-- Multifamily. *[E][See Section 51P-619.106.4.]*

-- Retirement housing. *[E][See Section 51P-619.106.4.]*

(j) Retail and personal service uses.

-- Alcoholic beverage establishments. *[E, otherwise by SUP only. See Section 51A-4.210(b)(4).]*

-- Ambulance service.

-- Business school. *[E]*

-- Commercial amusement (inside). *[SUP]*

-- Commercial amusement (outside). *[SUP]*

-- Commercial parking lot or garage. *[Permitted only up to a maximum of 25 percent of the ground floor area of a building, and this use must be part of a multiple level parking garage; a single level commercial parking lot or garage is not permitted in this subdistrict.]*

-- Dry cleaning or laundry store.

-- Furniture store.

-- General merchandise or food store 2,000 square feet or less.

-- General merchandise or food store greater than 2,000 square feet.

-- Household equipment and appliance repair.

-- Mortuary, funeral home, or commercial wedding chapel.

-- Nursery, garden shop, or plant sales.

-- Outside sales. *[Permitted only if the outside sales are adjacent to and accessory to a permitted retail and personal service use in this subdistrict.]*

-- Personal service uses.

-- Restaurant without drive-in or drive-through service.

-- Tattoo or body piercing studio. *[SUP]*

-- Temporary retail use.

-- Theater.

-- Vehicle display, sales, and service. *[SUP][Vehicle display is limited to the inside of a building.]*

(k) Transportation uses.

-- Commercial bus station and terminal. *[SUP]*

-- Heliport. *[E]*

-- Helistop. *[E]*

- STOL (short takeoff or landing) port. *[E]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(l) Utility and public service uses.

- Commercial radio or television transmitting station. *[See Section 51P-619.106.4.]*
- Communications exchange facility. *[E][See Section 51P-619.106.4.]*
- Data Center. *[Subdistrict G only.]*
- Electrical substation. *[E][See Section 51P-619.106.4.]*
- Local utilities. *[See Section 51P-619.106.4.]*
- Police or fire station. *[See Section 51P-619.106.4.]*
- Post office. *[See Section 51P-619.106.4.]*
- Utility or government installation other than listed. *[See Section 51P-619.106.4.]*

(m) Wholesale, distribution, and storage uses.

- Freight terminal. *[E][See Section 51P-619.106.4.]*
- Mini-warehouse. *[E][See Section 51P-619.106.4.]*
- Office showroom/warehouse. *[See Section 51P-619.106.4.]*
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.][See Section 51P-619.106.4.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.][See Section 51P-619.106.4.]*
- Trade center. *[See Section 51P-619.106.4.]*
- Warehouse. *[E][See Section 51P-619.106.4.]*

**SEC. 51P-619.106.2. MAIN USES PERMITTED IN SUBDISTRICTS B, D, AND H (BELOW STREET LEVEL).**

(a) Agricultural uses.

- None permitted.

(b) Commercial and business service uses.

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. *[RAR]*

- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(c) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Child-care facility. *[See Section 51P-619.106.4.]*
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*
- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*
- Convent or monastery.
- Hospital.
- Library, art gallery, or museum. *[SUP]*
- Public or private school.

(e) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(f) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(h) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground. *[Golf course is not permitted.]*

(i) Residential uses.

- College dormitory, fraternity, or sorority house.

- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
- Multifamily.
- Retirement housing.

(j) Retail and personal service uses.

- Alcoholic beverage establishments. *[This use is permitted only when the use has direct public access to the exterior of the building at street level. See Section 51A-4.210(b)(4). By SUP only in Subdistricts B and H.]*
- Ambulance service.
- Business school.
- Commercial amusement (inside). *[By SUP only in Subdistricts B and H.]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 2,000 square feet or less.
- General merchandise or food store greater than 2,000 square feet. *[SUP]*
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales. *[SUP]*
- Personal service uses. *[SUP required if this use exceeds 2,000 square feet.]*
- Restaurant without drive-in or drive-through service. *[SUP required if this use exceeds 2,000 square feet.]*
- Tattoo or body piercing studio. *[SUP]*
- Temporary retail use. *[SUP]*
- Theater.
- Vehicle display, sales, and service. *[SUP][Vehicle display is limited to the inside of a building.]*

(k) Transportation uses.

- Commercial bus station and terminal. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[SUP]*

(l) Utility and public service uses.

- Commercial radio or television transmitting station.
- Communications exchange facility.
- Data Center. *[Subdistrict H only.]*
- Electrical substation.
- Local utilities.
- Police or fire station.

- Post office.
- Utility or government installation other than listed.

(m) Wholesale, distribution, and storage uses.

- Freight terminal. *[DIR]*
- Mini-warehouse.
- Office showroom/warehouse.
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.]*
- Trade center.
- Warehouse.

**SEC. 51P-619.106.3. MAIN USES PERMITTED IN SUBDISTRICTS C, E, AND I (ABOVE STREET LEVEL).**

(a) Agricultural uses.

- None permitted.

(b) Commercial and business service uses.

- Catering service.
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. *[RAR]*
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(c) Industrial uses.

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(d) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*
- Convalescent and nursing homes, hospice care, and related institutions. *[SUP]*

- Convent or monastery.
- Hospital.
- Library, art gallery, or museum.
- Public or private school.

(e) Lodging uses.

- Hotel or motel.
- Lodging or boarding house.

(f) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(g) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.

(h) Recreation uses.

- Private recreation center, club, or area.
- Public park, playground. *[Golf course is not permitted.]*

(i) Residential uses.

- College dormitory, fraternity, or sorority house.
- Group residential facility. *[SUP required if spacing component of Section 51A-4.209(3) is not met.]*
- Multifamily.
- Retirement housing.

(j) Retail and personal service uses.

- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4). By SUP only in Subdistricts C and I.]*
- Ambulance service.
- Business school.
- Commercial amusement (inside). *[By SUP only in Subdistricts C and I.]*
- Commercial amusement (outside). *[SUP]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.

- General merchandise or food store 2,000 square feet or less.
- General merchandise or food store greater than 2,000 square feet.
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Tattoo or body piercing studio. [SUP]
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. [SUP][*Vehicle display is limited to the inside of a building.*]

(k) Transportation uses.

- Commercial bus station and terminal. [SUP]
- Heliport. [SUP]
- Helistop. [SUP]
- Railroad passenger station. [SUP]
- STOL (short takeoff or landing) port. [SUP]
- Transit passenger shelter.
- Transit passenger station or transfer center. [SUP]

(l) Utility and public service uses.

- Commercial radio or television transmitting station.
- Communications exchange facility. [SUP]
- Data center. [*Subdistrict I only.*]
- Electrical substation.
- Local utilities.
- 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.
- Office showroom/warehouse.
- Recycling drop-off container. [SUP *required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.*]
- Recycling drop-off for special occasion collection. [SUP *required if the requirements of Subparagraph (E) of Section 51A-4.213(11.3) are not satisfied.*]
- Trade center.
- Warehouse.



**SEC. 51P-619.106.4. RESTRICTIONS ON USES IN SUBDISTRICT A.**

(a) Pedestrian-oriented uses. Any use that is not a retail and personal service use, a financial institution without drive-in window, or a transportation use, and is located in a building in Subdistrict A is not permitted if, at the time of the request for a certificate of occupancy, less than 75 percent of the frontage of that building at street level (excluding docking and loading areas, driveways, exit ramps, and entrance ramps) is occupied by, or is made available exclusively for use by, retail and personal service uses, financial institution without drive-in window, and/or transportation uses that extend at least 50 feet into the building. The 50-foot measurement is made perpendicularly from the facade of the building having the frontage. For the purpose of this subsection, “frontage” means the length of property between property or lease boundary lines along one side of a street that is: (1) at least 35 feet wide; or (2) a closed street that has not been abandoned by the city.

(b) Special exception.

(1) The board may grant a special exception to reduce the minimum 75 percent requirement in Subsection (a) to no less than 50 percent upon making a special finding from the evidence presented that:

(A) strict compliance with the requirements of this section will unreasonably burden the use of the property;

(B) the special exception will not adversely affect neighboring property;  
and

(C) the proposed use will not discourage street level activity.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors: the location of the site, and the extent to which existing or proposed amenities will compensate for the reduction of retail and personal service uses, financial institution without drive-in window, and/or permitted transportation uses in this subdistrict.

(3) The board may waive the filing fee for a special exception under Paragraph (1) when the board finds that payment of the fee would result in financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.

**SEC. 51P-619.107. 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 uses are permitted in this district only when accessory to a commercial parking garage:

- Vehicle or engine repair or maintenance. *[DIR]*
- Auto service center.
- Car wash.
- Motor vehicle fueling station.

(c) The following accessory use is permitted in this district by SUP only:

- Private street or alley.

**SEC. 51P-619.108. 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.)

(a) Except as provided below, the yard, lot, and space regulations contained in Section 51A-4.124(a)(4) for the CA-1(A) Central Area District, and where CP Core Pedestrian Precinct and SP Secondary Pedestrian Precinct overlays exist, the yard, lot, and space regulations contained in Section 51A-4.124(a)(8)(B), apply to this planned development district.

(b) Front yard. No minimum front yard.

(c) Side and rear yard. No minimum side and rear yard.

(d) Maximum floor area ratio. Subdistricts G, H, and I are considered one lot for purposes of calculating maximum floor area ratio.

**SEC. 51P-619.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Unless otherwise provided, the off-street parking and loading regulations contained in Section 51A-4.124(a)(5) and Section 51A-4.306 for the CA-1(A) Central Area District apply in this district. Consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for multifamily uses. Consult the off-street parking and loading regulations (Divisions 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

(b) Parking bay dimensions. Each off-street parking space must be provided in accordance with the following dimensional standards:

(1) A parking space parallel with the access lane must be 22 feet long and 8 feet wide. A one-way access lane must be at least 10 feet wide; a two-way access lane must be at least 20 feet wide.

(2) The following restrictions apply to the use of 7.5-foot-wide stalls to satisfy off-street parking requirements:

(A) 7.5-foot-wide stalls must be double-striped and identified by pavement markings to indicate that the stalls are for small car parking.

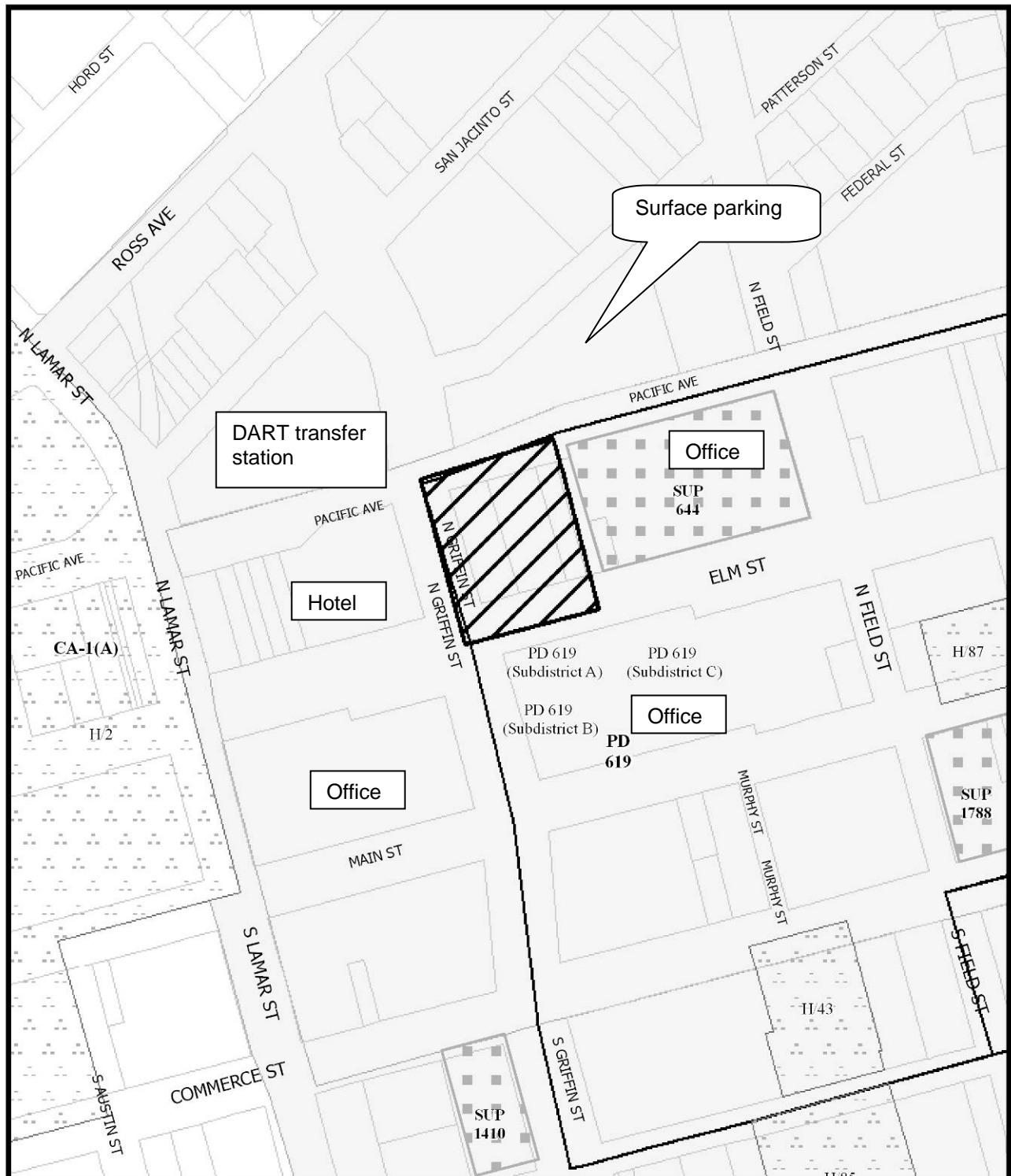
(B) 7.5-foot-wide stalls may constitute no more than 35 percent of the required parking spaces for any use.

(C) The following parking bay widths must be provided.

Aisle	Aisle	One Row	One Row	Two Rows	Two Rows	
Parking Angle	One Way	Two Way	One Way	Two Way	One Way	Two Way
30	12.0'	18.0'	26.5'	32.5'	41.0'	47.0'
40	12.0'	18.0'	28.0'	34.0'	44.0'	50.0'
50	12.0'	18.0'	29.1'	35.1'	46.2'	52.2'
60	14.0'	18.0'	31.6'	35.6'	49.2'	53.2'
70	15.0'	18.0'	32.6'	35.6'	50.2'	53.2'
80	18.0'	18.0'	35.1'	35.1'	52.2'	52.2'
90	18.0'	18.0'	34.0'	34.0'	50.0'	50.0'





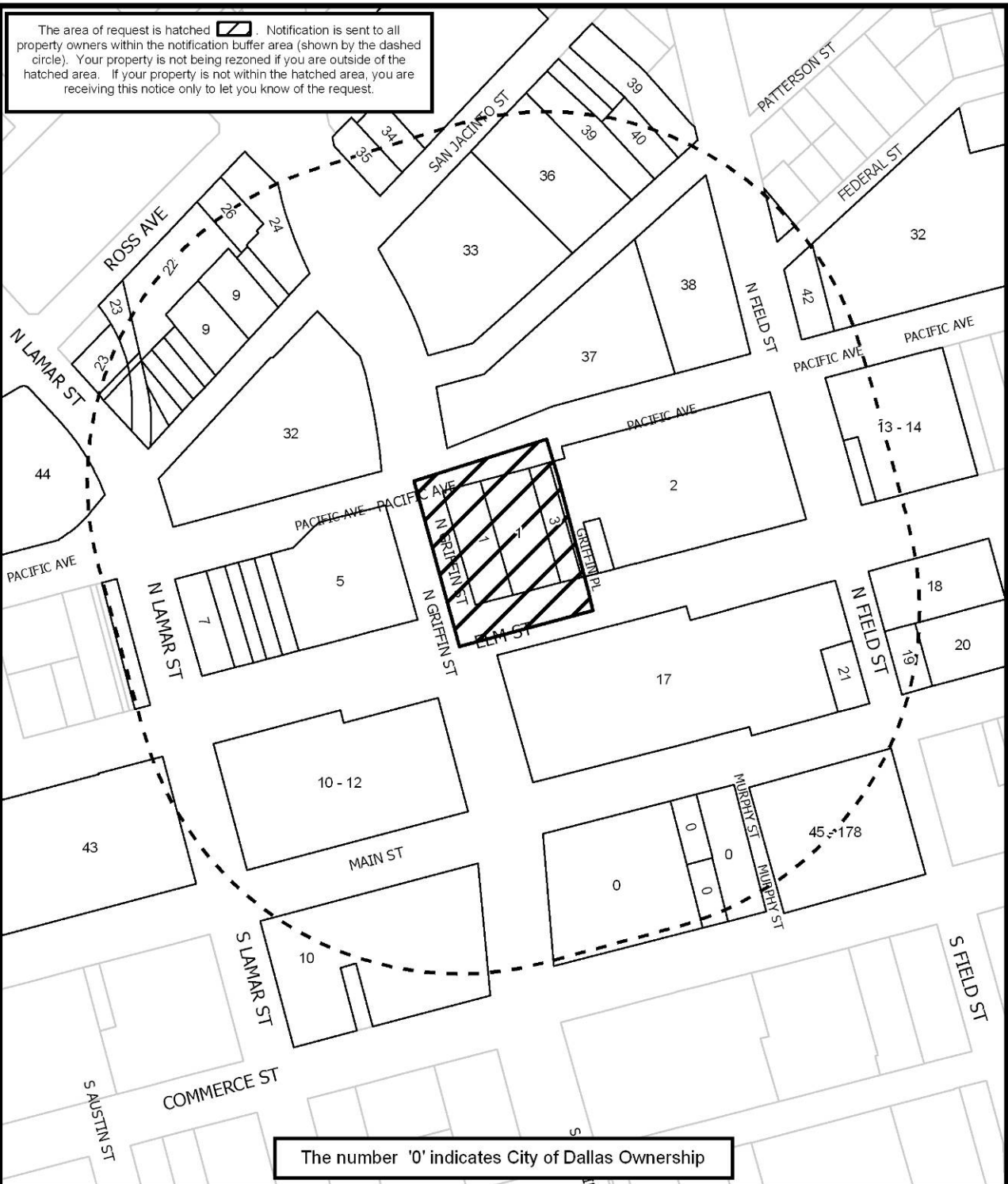


1:2,400

# ZONING AND LAND USE

Map no:           J-7            
Case no:           Z101-269          

DATE: July 28, 2011



 1:2,400	<h1>NOTIFICATION</h1>	Map no: <u>          J-7          </u>			
	<table border="1"> <tr> <td style="padding: 2px;"><b>500'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;"><b>178</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>500'</b>	AREA OF NOTIFICATION	<b>178</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>500'</b>	AREA OF NOTIFICATION				
<b>178</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

DATE: July 28, 2011



## **Notification List of Property**

### **Z101-269**

#### **178 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	200 GRIFFIN	BACM 2000-2 ELM ST OFFICES LLC %LNR PARTNERS INC
2	1201 ELM	BINYAN REALTY LP % JOSEPH MOINIAN
3	1029 ELM	BACM 2000-2 ELM STREET OFFICE LLC %LNR PARTNERS INC
4	815 ELM	GRIENAUER JOSEPH J ET AL
5	1015 ELM	TOG HOTELS DOWNTOWN DALLAS LLC
6	907 ELM	HARMON FRANK G III ET AL
7	905 ELM	DART
8	911 ELM	HIRSH FAMILY TRUST ET AL BERNARD & BEATRICE HIRSH
9	915 SAN JACINTO	RADER HOMER J JR
10	901 MAIN	DALLAS MAIN LP %SUNBELT MGMT CO STE 215
11	900 MAIN	INTERFIRST BANK DALLAS SUITE 5009
12	901 MAIN	INTERFIRST BANK DALLAS 5009 1ST REPUBLICBK PLAZA
13	1401 ELM	ELM TOWER REALTY LP % RICHARD E SHAW JR
14	1401 ELM	ELM STREET PORTFOLIO LP
15	1411 ELM	SCIROEV TEXAS PARTNER LP ATTN BARBARA CURRY
16	1201 ELM	BANK ONE TEXAS TRUSTEE OF DONALD SUHGERS TR ET
17	1201 MAIN	RAK MAIN PLACE ASSOC LP % RAK GROUP LLC
18	1302 ELM	DAVIS METRO LP STE 170
19	1301 MAIN	CREEKBEND PPTIES LP
20	1309 MAIN	DAVIS METRO LP
21	1217 MAIN	FWS GROUP DALLAS LLC %STEVE M SPENCER CPA
22	912 ROSS	ZADIK MARC Y TRUSTEE
23	908 SAN JACINTO	UNG LY EAV & HONG KIM CHHOUR
24	505 GRIFFIN	SCHWARTZ HYMIE TRUST & JEANNETTE SCHWARTZ TR

**Thursday, July 28, 2011**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
25	911 SAN JACINTO	ANDERSON PATRICIA P
26	1012 ROSS	SCHWARTZ JEANNETTE TESTAMENTARY TR
27	1003 SAN JACINTO	FONBERG PETER D STE 203
28	907 SAN JACINTO	UNG LY EAV & KIM CHHOUR DBA STAR LIQUOR
29	905 SAN JACINTO	UNG LY EAV & CHHOUR KIM DBA STAR LIQUOR
30	913 SAN JACINTO	ANDERSON PATRICIA
31	913 SAN JACINTO	ANDERSON PATRICIA P
32	202 PACIFIC	DALLAS AREA RAPID TRANSIT
33	1109 PATTERSON	DALLAS FORT WORTH ARGYLE TELEVISION INC
34	1200 SAN JACINTO	CHAVEZ PROPERTIES 1200 ROSS LP
35	500 GRIFFIN	BLASSINGAME & OSBURN % ROBERT H OSBURN
36	1205 PATTERSON	CP CANTONPATTERSON ST LTD PARTNERSHIP
37	1100 PATTERSON	CHAVEZ LAND INCOME PROPERTIES LP
38	1201 PACIFIC	PRUDENTIAL INSURANCE CO STE 4900
39	1217 SAN JACINTO	SJ ACQUISITION LP
40	1215 PATTERSON	SWEARING COMP TR
41	1311 FEDERAL	MORGAN W B & JACK S
42	1307 PACIFIC	J & D MERRIMAN LTD %MERRIMAN ASSOC/ARCHITECT
43	705 MAIN	DALLAS COUNTY COMMUNITY COLLEGE EL CENTRO
44	800 ROSS	JEFFERSON ON ROSS AVE PHASE II LP STE1800
45	1200 MAIN	BELLINGHAUSEN WIL J
46	1200 MAIN	NEWMAN PAULETTE E
47	1200 MAIN	PETREAS JAMES G
48	1200 MAIN	FLEEMAN WILLIAM B & SUSAN P
49	1200 MAIN	SHAH VINAY
50	1200 MAIN	DIXON GLORIA D UNIT 206
51	1200 MAIN	GONZALO 1200 MAIN LLC
52	1200 MAIN	SMITH DANIEL E & HERMA A
53	1200 MAIN	FREEMAN SCOTT UNIT 303
54	1200 MAIN	BOYD CURTIS W & GLENNA HALVORSON STE#130
55	1200 MAIN	GARZA STEVEN

**Thursday, July 28, 2011**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
56	1200 MAIN	NEVAREZ HECTOR O UNIT 306
57	1200 MAIN	AMONGKOL JITTADA KITTY
58	1200 MAIN	CRIST EUGENE SCOTT STE 319
59	1200 MAIN	TERESI MARK A & TERESI JEANNE N
60	1200 MAIN	WEBER JOHN C
61	1200 MAIN	SANADI NISAR & THU NGUYET UNIT 405
62	1200 MAIN	LYONS JOE UNIT 406
63	1200 MAIN	MASTAGLIO LINDA R
64	1200 MAIN	BAILEY PETER & MARY
65	1200 MAIN	PERRI ANTHONY J & DOROTHY G
66	1200 MAIN	RATH OMKAR R &
67	1200 MAIN	BAGARIA SAPNA & SURESH
68	1200 MAIN	PARKER RUBY
69	1200 MAIN	SALVANT WAYNE
70	1200 MAIN	ELLER KELLEY
71	1200 MAIN	FLEEMAN WILLIAM B & % LEHMAN BROS 13TH FL
72	1200 MAIN	DASH PRIYARANJAN & AMITA K SAHU
73	1200 MAIN	RASHID TYRONE & ELIZABETH
74	1200 MAIN	CUEVAS ISRAEL F UNIT 607
75	1200 MAIN	EDWARDS JAMES & BARBARA
76	1200 MAIN	THOMPSON JAMES E SHARON R
77	1200 MAIN	KADAN PROPERTIES LP
78	1200 MAIN	ADAMS WILHELMINA J UNIT 705
79	1200 MAIN	BEVERS MARC UNIT 707
80	1200 MAIN	WHITE JESSICA UNIT 708
81	1200 MAIN	MATZ TIMOTHY L & PATRICE A
82	1200 MAIN	BLACK PAUL
83	1200 MAIN	HAQUE NAZ & HAQUE MUHAMMAD
84	1200 MAIN	SCHNAPPAUF MICHAEL STE 803
85	1200 MAIN	GARRISON DANIEL L
86	1200 MAIN	ANDRES DANIEL & MICHELLE

**Thursday, July 28, 2011**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
87	1200 MAIN	NGUYEN MICHAEL
88	1200 MAIN	KORE ALTIN APT 2304
89	1200 MAIN	SAIED ANNA M
90	1200 MAIN	BURNS CHRISTOPHER J UNIT 812
91	1200 MAIN	CRIST EUGENE SCOTT
92	1200 MAIN	DAVID CRANE & ASSOC PPTY LTD SUPERANNUATION FUND
93	1200 MAIN	ELLER TOM & ROBYN UNIT 905
94	1200 MAIN	SULLIVANMCMULLEN DAVID UNIT 907
95	1200 MAIN	THEIS LANGSTON UNIT 912
96	1200 MAIN	VONALI RITTER & JAMES HILL
97	1200 MAIN	BROWN GLENN ALAN UNIT 1003
98	1200 MAIN	ROMERO GERALD & LOURDES
99	1200 MAIN	BENITEZ RONALD A
100	1200 MAIN	SMITH RICHARD
101	1200 MAIN	CHOY MIRNA % METROPOLITAN
102	1200 MAIN	FANNIE MAE
103	1200 MAIN	SALVANT BRIAN
104	1200 MAIN	DOMINGUEZ JOSE R & ZOILA
105	1200 MAIN	GRIEGO MANUEL R JR & DEBRA
106	1200 MAIN	LO TYRONE & PILAR
107	1200 MAIN	MA MAU & JUYEI
108	1200 MAIN	STOUT DORIS
109	1200 MAIN	PATRO LOKANATH
110	1200 MAIN	LIN JEFF P UNIT 1108
111	1200 MAIN	SENDKER JAN
112	1200 MAIN	RADFORD TRACI UNIT 1111
113	1200 MAIN	SETO BRIAN &
114	1200 MAIN	TRAN DONG V
115	1200 MAIN	HOSKINS BRIAN
116	1200 MAIN	LITTLE STERLING UNIT 1210
117	1200 MAIN	LIN XIEQING

**Thursday, July 28, 2011**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
118	1200 MAIN	ASHON HASSEB
119	1200 MAIN	WEBER DANIEL T & GAIL G UNIT 1213
120	1200 MAIN	KHUNTIA ASHOK
121	1200 MAIN	ABRAS MARKIN APT 3F
122	1200 MAIN	SALVANT WAYNE F & BEVERLY B
123	1200 MAIN	YATES RALPH & FAYE UNIT 1503
124	1200 MAIN	HILL DANIEL &
125	1200 MAIN	KAMAL ZEBA
126	1200 MAIN	TRIPP THOMAS UNIT 4405
127	1200 MAIN	LUTZ CHRISTINE & THOMAS E LUTZ
128	1200 MAIN	KHAN MOIN
129	1200 MAIN	LOS ANGELES MANAGEMENT TRUST
130	1200 MAIN	POLANCO PAUL UNIT 1608
131	1200 MAIN	METRO 1609 LLC
132	1200 MAIN	PATTERSON JEFF
133	1200 MAIN	BROWNELL SUSAN K &
134	1200 MAIN	AHUMADA MUCIO UNIT 1708
135	1200 MAIN	VIRANI ASIF
136	1200 MAIN	JACKSON JILL A UNIT 1803
137	1200 MAIN	CARTON JEFF
138	1200 MAIN	LIN JAMES
139	1200 MAIN	GARCIA WAYNE UNIT 1809
140	1200 MAIN	ZOLLER ROBERT W
141	1200 MAIN	LEWIS KRISTOPHER KYLE UNIT 1901
142	1200 MAIN	SLAUGHTER JUSTIN UNIT 1906
143	1200 MAIN	VANSANT CAROLYN
144	1200 MAIN	ROMERO ROBERT R &
145	1200 MAIN	ALDINGER CRAIG & LAUREN M
146	1200 MAIN	FARTHING DANIEL
147	1200 MAIN	MCCLAIN JONI L
148	1200 MAIN	TARVER CHRISTOPHER T & MONIQUE

**Thursday, July 28, 2011**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
149	1200 MAIN	YING KEN W
150	1200 MAIN	PERRY BEVERLY UNIT 2109
151	1200 MAIN	WAYGOOD PATRICK S & PARKER ROBERT W
152	1200 MAIN	DURRA OMAR
153	1200 MAIN	PHILLIPS DAVID G
154	1200 MAIN	MARKHOFF STEVEN UNIT 2205
155	1200 MAIN	TIBI ZUHAIR B UNIT 2206
156	1200 MAIN	FEDERAL HOME LOAN MTG CORP
157	1200 MAIN	PERRI ANTHONY J III MD
158	1200 MAIN	MERRITT THOMAS JOSEPH & LISA LAWRENCE
159	1200 MAIN	LUDWIG CURTIS A UNIT 2303
160	1200 MAIN	SCHWARTZ GREGORY A
161	1200 MAIN	PAZDZIOR JOSEPH M UNIT 2306
162	1200 MAIN	RODRIGUEZ PETRA
163	1200 MAIN	BOWENS BARRY C
164	1200 MAIN	KRIDER SUE E
165	1200 MAIN	BORICHEVSKY BRIAN & AMANDA
166	1200 MAIN	ENGRAM AARON
167	1200 MAIN	COX JOHN VERNON & GAY GAYLE UNIT 2401
168	1200 MAIN	BIERI MATTHEW B & REBECCA
169	1200 MAIN	GILMAN ALEX
170	1200 MAIN	SARDARABADI ABDOL M & DICKSON DEBRA
171	1200 MAIN	JAY STEPHEN C
172	1200 MAIN	ACKER PARLEY E III
173	1200 MAIN	WELKER EDWARD & JOANNE
174	1200 MAIN	TRAMMELL DUANE &
175	1200 MAIN	MAURER IAN S
176	1200 MAIN	MERCHANT REHAN I & BHULA ROSHNI
177	1200 MAIN	REAGANS KIMBERLY
178	1200 MAIN	WAYGOOD DAVID NEAL & LISA

**Thursday, July 28, 2011**

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Planner: Carolyn Horner

**FILE NUMBER:** Z101-322(CH)                      **DATE FILED:** July 6, 2011

**LOCATION:** Northeast corner, Meandering Way and LBJ Freeway

**COUNCIL DISTRICT:** 11                              **MAPSCO:** 16-S, N

**SIZE OF REQUEST:** Approx. 2.62 ac.              **CENSUS TRACT:** 136.10

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**APPLICANT/ OWNER:** Ryan Lawler

**REPRESENTATIVE:** MASTERPLAN  
Dallas Cothrum

**REQUEST:** An application for a renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) on property zoned MU-1(SAH).

**SUMMARY:** The purpose of this request is to continue to operate a detached non-premise sign (billboard) on an undeveloped site.

**STAFF RECOMMENDATION:** Approval, for a ten-year time period, subject to conditions.



**BACKGROUND INFORMATION:**

- The applicant’s request is for a renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard).
- Special Use Permit No. 1454 was created on September 26, 2001 for a ten year period. This is the first renewal request.
- Chapter 51A-7.307(b) states that “no detached non-premise sign may be relocated within 100 feet of an expressway unless it was originally located within 100 feet of an expressway or new expressway.” Chapter 51A-7.307(g) states that “no detached HBA sign may be relocated within 300 feet of a non-business or residential zoning district.”
- City Council may grant a specific use permit to authorize a detached non-premise sign to have lesser spacing than that required in Chapter 51A-7.307(g).

**Zoning History:** There has not been any recent zoning activity in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Meandering Way	Local Street	56 ft.	60 ft.
LBJ Freeway Frontage Road	Variable Width, Limited Access Freeway		

**Land Use:**

	Zoning	Land Use
Site	MU-1 (SAH)	Vacant
North	D(A)	Duplex
South		LBJ Freeway
East	R-7.5(A)/SUP 67	Church
West	MF-2(A)	Apartments

**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 a *Residential Neighborhood*. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal to continue the detached non-premise sign at this location is not inconsistent with the following goal and policy of the Comprehensive Plan. The area has been developed with the same residential pattern since the original SUP was granted in 2001.

#### LAND USE ELEMENT

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** The site is currently vacant with a non-premise sign located on site. The area to the north is zoned D(A) and is developed with residential uses. The area to the east is zoned R-7.5(A) and is developed with a church. The area to the west is zoned MF-2(A) and is developed with apartment uses. The renewal of the non-premise sign would not adversely impact the surrounding uses in the area.

Special Use Permit No. 1454 was originally granted on September 26, 2001. This is the first request to renew this SUP. There are no proposed changes to the conditions, and the site plan is the same. The renewal period is ten years.

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.

**Parking:** No parking required for this use.

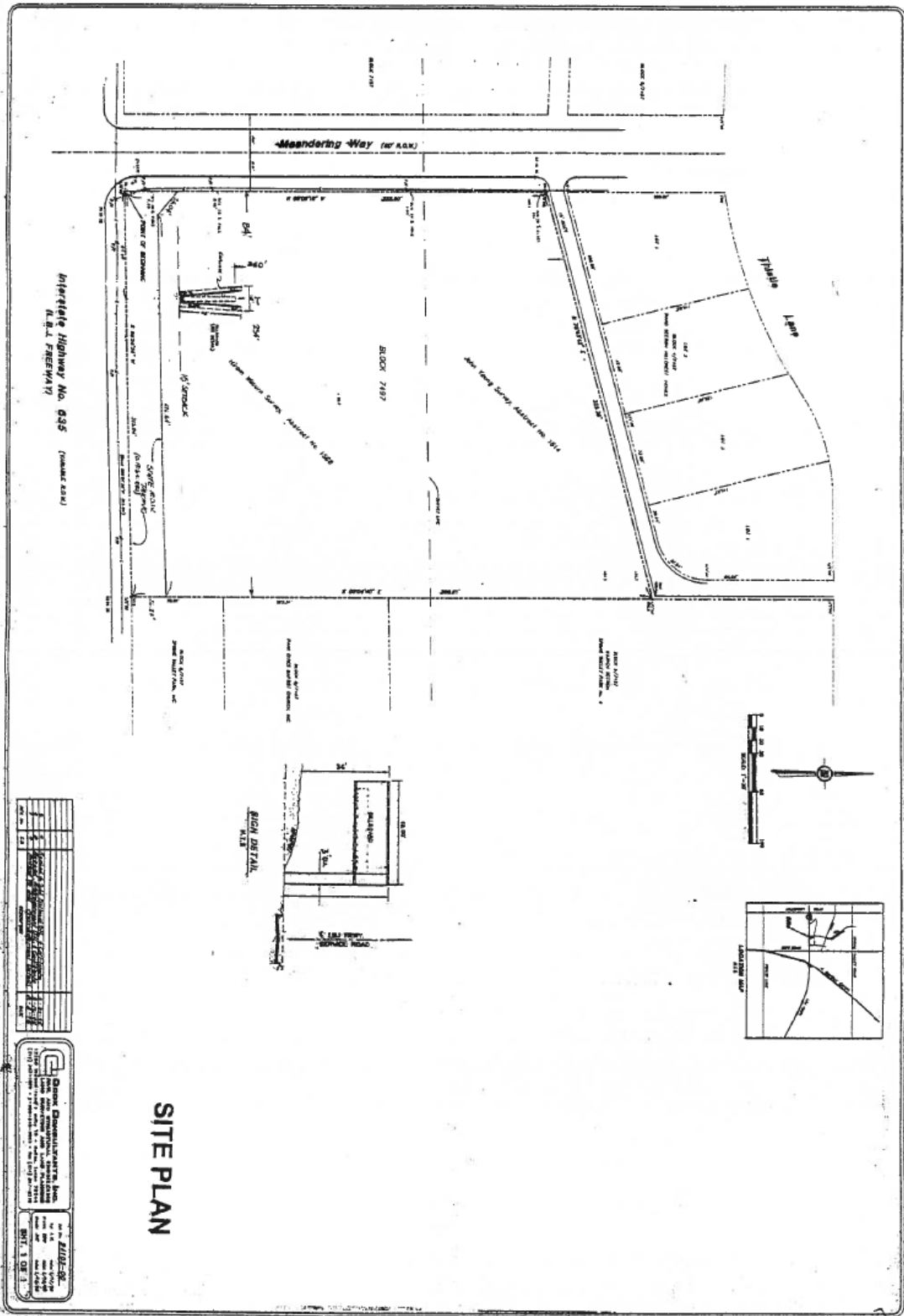
**Sign Setbacks:** Minimum setbacks are measured from the edge of the nearest expressway or new expressway travel lane. No sign may occupy the space between two feet and 14 feet above grade within 15 feet of the right-of-way, except for supports. No sign may be nearer than five feet to the public right-of-way or to the right-of-way line extended across a railroad right-of-way. The existing sign meets the setback requirements.

**SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is a detached non-premise sign (billboard).
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 \_\_\_\_\_ (ten years from date of passage).
4. MAINTENANCE: The entire 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

EXISTING SITE PLAN

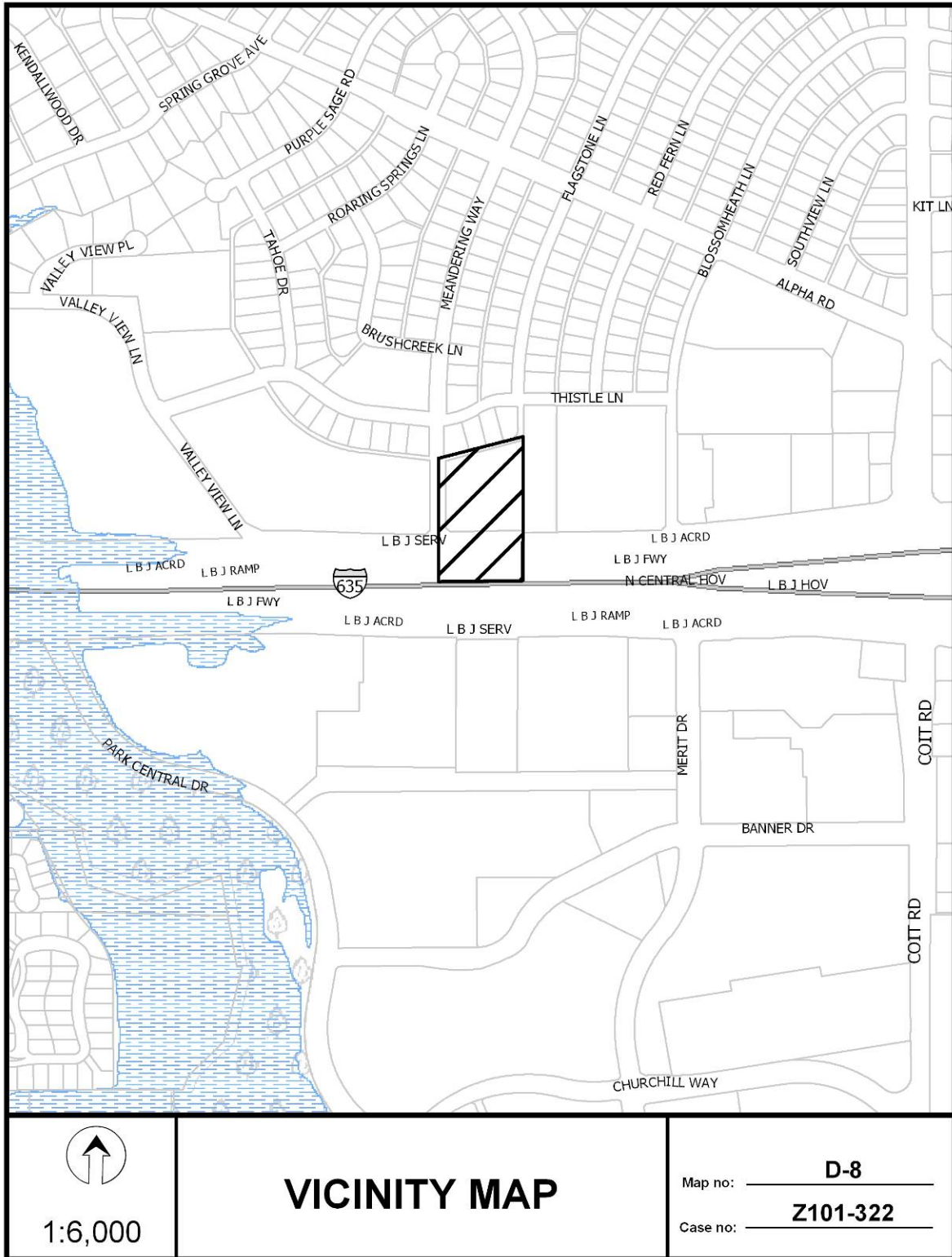
Z101-322

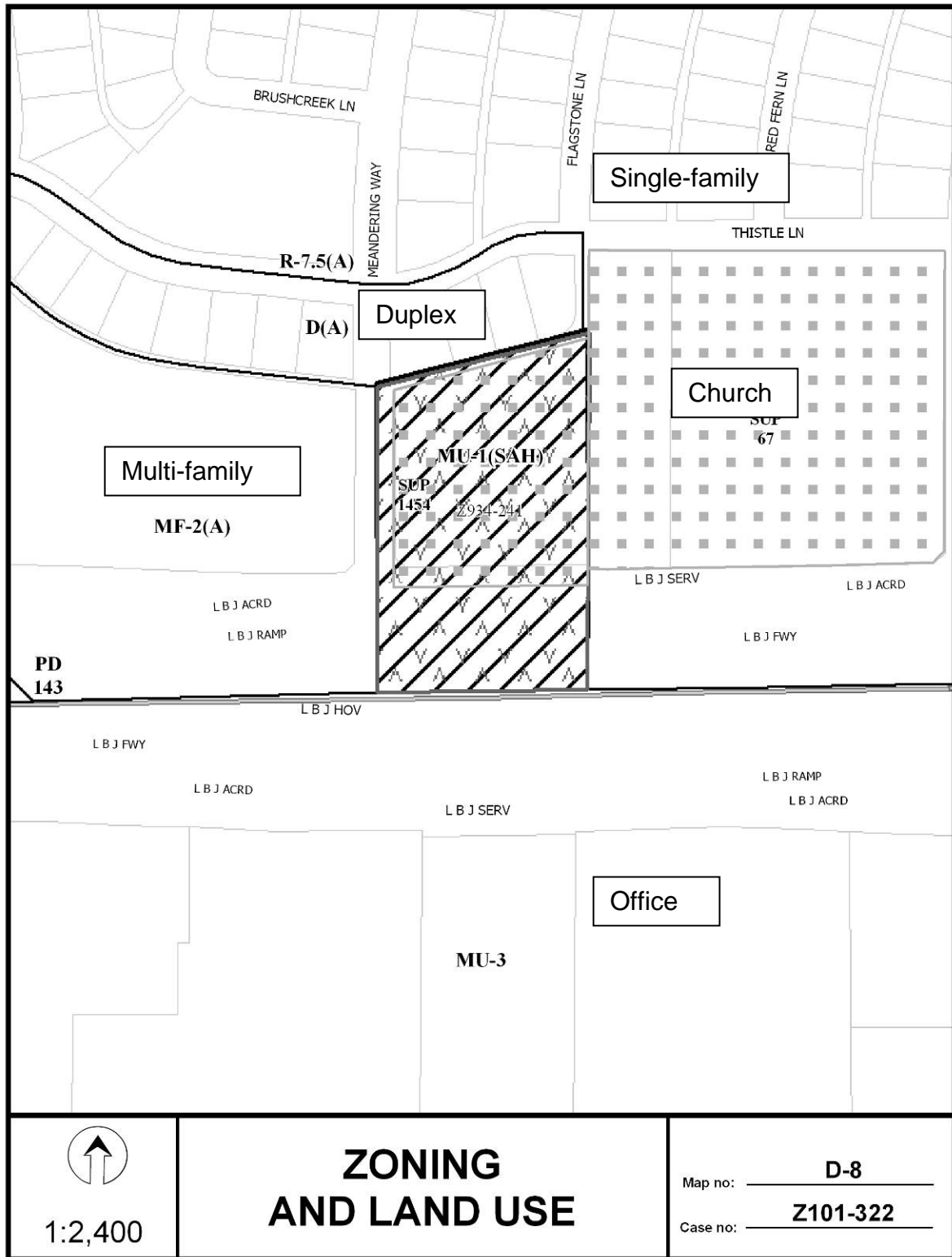


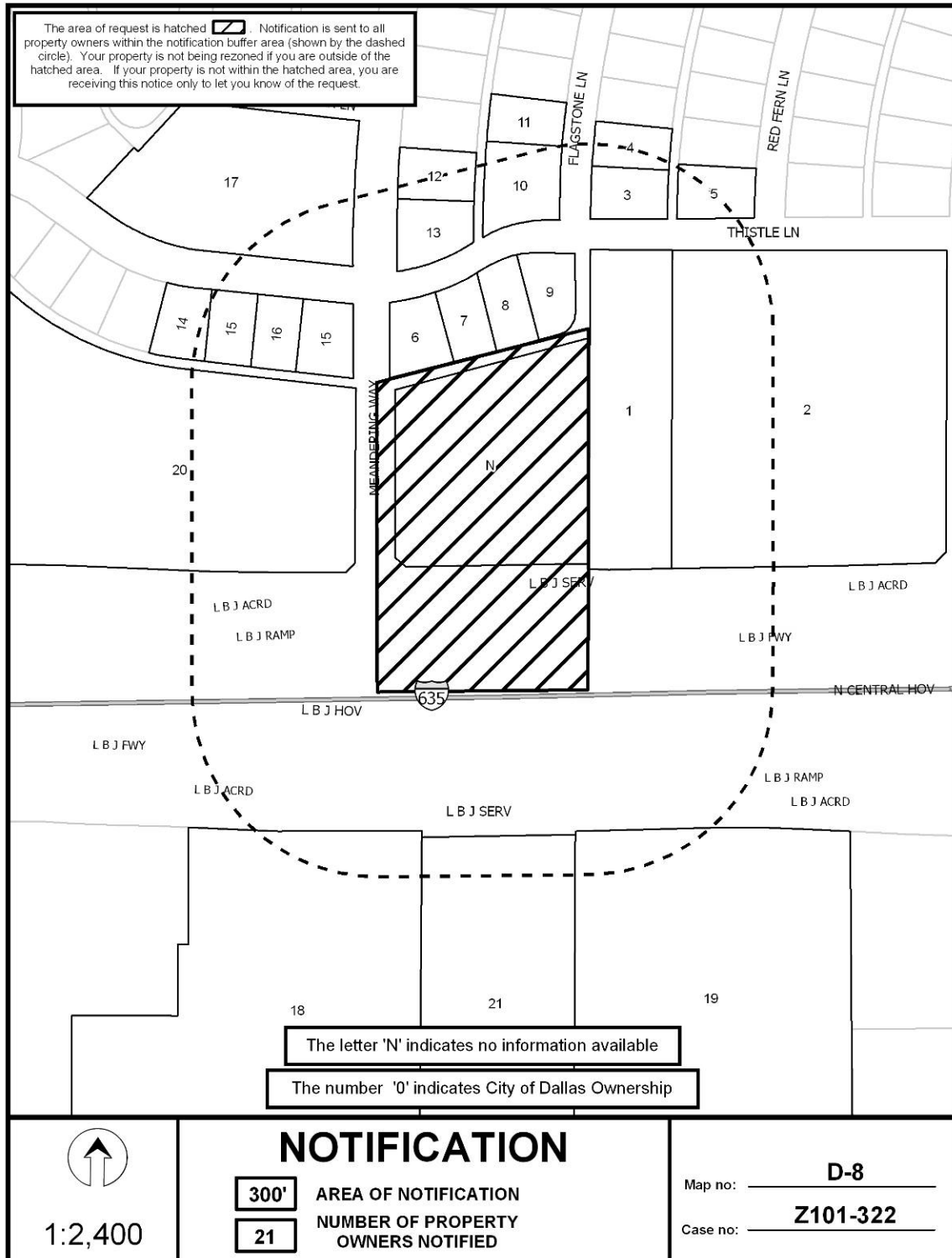
NO.	DATE	DESCRIPTION
1	11/11/88	PRELIMINARY PLAN
2	11/11/88	FINAL PLAN

**Geometric Design Associates, Inc.**  
 1117 West 10th Street, Suite 100  
 Anchorage, Alaska 99501  
 Phone: (907) 562-1111  
 Fax: (907) 562-1112

Project No. 8108-88  
 Date: 11/11/88  
 Scale: 1" = 30'









**Notification List of Property Owners****Z101-322****21 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	7775 LBJ	SPRING VALLEY BAPTIST CH EXEMPT
2	7777 LBJ	SPRING VALLEY BAPTIST CH
3	13106 FLAGSTONE	DIAZ JUAN P
4	13112 FLAGSTONE	SHEARER KATHY A
5	13105 RED FERN	METLIFE HOME LOANS
6	7606 THISTLE	FRAZIN LORRAINE
7	7612 THISTLE	ZAFAR SHADMAN
8	7616 THISTLE	BEAL LAWANDA JO
9	7622 THISTLE	GANNON JEFFREY
10	13111 FLAGSTONE	TESSEMMA TADESSE & KAFALE YALEMDESTA
11	13117 FLAGSTONE	GALLEGOS JOSEFINA
12	13090 MEANDERING WAY	DOWL SOPHIA
13	13084 MEANDERING WAY	BOWDEN FLORA JOSEPHINE
14	7552 THISTLE	BAJ LAND & TITLE CO INC
15	7580 THISTLE	GONSKY SHARON
16	7570 THISTLE	HELLER DOROTHY C
17	13093 MEANDERING WAY	CHURCH IN DALLAS THE
18	7616 LBJ	HARTMAN INCOME REIT PPTY HOLDINGS LLC STE 420
19	7750 LBJ	PALACE AT PARK CENTRAL LLC
20	7373 VALLEY VIEW	7373 VALLEY VIEW APTS LP SUITE 3700
21	7642 LBJ	IA ORCHARD HOTELS DALLAS LTD PS

**Thursday, July 28, 2011**

**FILE NUMBER:** Z101-327(WE)                      **DATE FILED:** July 15, 2011  
**LOCATION:** West line of Brockbank Drive, between Bynum Avenue and Lombardy Lane  
**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 23-T  
**SIZE OF REQUEST:** Approx. 0.911 acres              **CENSUS TRACT:** 98.03

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**APPLICANT:** Lopez Food  
**OWNER:** Armando Lopez  
**REPRESENTATIVE:** DC Development / Odell Design

**REQUEST:** An application for an LI Light Industrial District on property zoned a CS Commercial Service District.

**SUMMARY:** The purpose of this request is to allow for an existing light manufacturing business to exceed 10,000 square feet of floor area. The current CS zoning district permits a maximum of 10,000 square feet of floor area for an industrial (inside) for light manufacturing use.

**STAFF RECOMMENDATION:** Approval

**BACKGROUND INFORMATION:**

- The applicant’s request for an LI Light Industrial District will allow for the existing light manufacturing business to exceed 10,000 square feet of floor area. The current CS zoning district permits a maximum of 10,000 square feet of floor area for an industrial (inside) for light manufacturing use.
- The applicant expanded a portion of the light manufacturing operations which exceeded the maximum allowable square footage by 6,237 square feet. In addition, the adjoining property to the north, which is developed as an office use, will be demolished and for additional a surface parking.
- The surrounding land uses consist of a variety of commercial industrial, office, retail and auto related uses.

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

1. Z090-172 On Wednesday, September 8, 2010, the City Council denied a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property zoned a CS Commercial Service District on the north side of Lombardy Lane, between Abernathy Avenue and Brockbank Drive. (not shown on map)

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Brockbank Drive	Local	56 ft.	56 ft.

**Land Use:**

	Zoning	Land Use
Site	CS	Commercial
North	CS	Office
South	CS	Undeveloped
East	CS	Storage warehouse/auto related uses
West	CS	Storage warehouse /auto related uses

**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 Commercial Center Block.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

## **Economic Development**

### **Goal 2.1 Promote balanced growth**

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

## **Urban Design**

### **Goal 5.2 Strengthen community and neighborhood identity**

Policy 5.2.4 Enhance retail, industrial and business operations

## **STAFF ANALYSIS:**

**Land Use Compatibility:** The 0.911 acre site is developed as an industrial (inside) for light manufacturing use. The applicant's request for a LI Light Industrial District will allow for continued operation of the facility. The CS Commercial Service District permits, by right, an industrial (inside) for light manufacturing use, however, the use may not exceed 10,000 square feet of floor area

The applicant built an expansion of the manufacturing portion of the facility on the northwest portion of the property, which violated the maximum allowable floor area that is permitted in a CS Commercial Service District. The applicant exceeded the maximum floor area by 6,237 square feet.

The request site is adjacent to a primarily warehouse uses. However, there is an office use that is located to the north of the request site and several auto related uses that located east, across Brockbank Drive. In addition, the applicant will have to file a

parking agreement with the Building Official indicating that the request site will meet the required off-street parking requirements. The adjacent office will provide the additional parking spaces, which is north of the request site.

Staff has reviewed the applicant’s request and recommends approval of a LI Light Industrial District. The proposed LI Light Industrial District should not adversely impact the surrounding area.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CS - existing Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office
LI - proposed Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

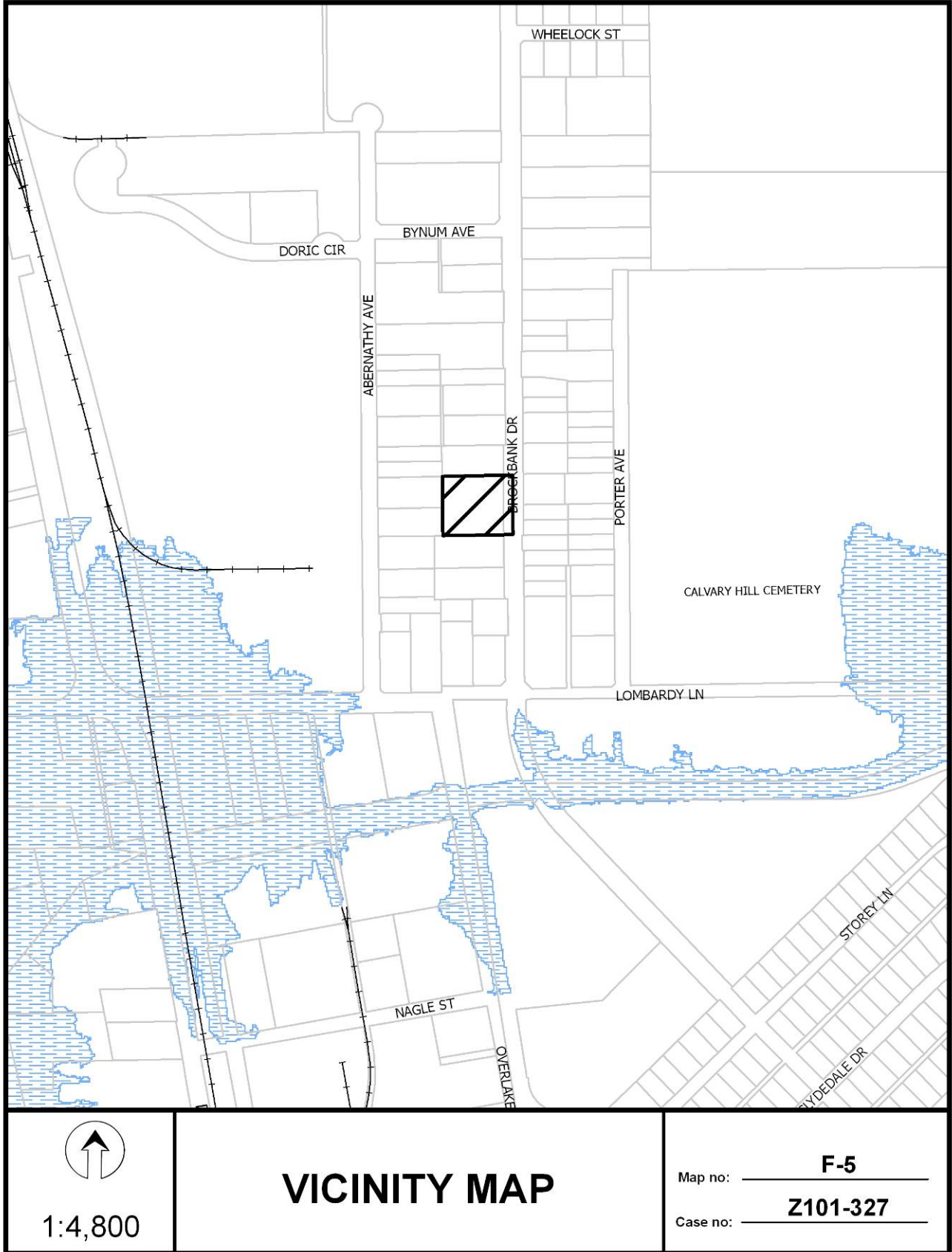
**Landscaping:** Landscaping must be provided and maintained in accordance with PDD No. 193. Plant materials must be maintained in a healthy, growing condition.

**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.

**LIST OF OWNERS**  
Lopez Food

- Armando Lopez
- Ramiro Lopez
- Elizabeth Lopez

Z101-327WE)



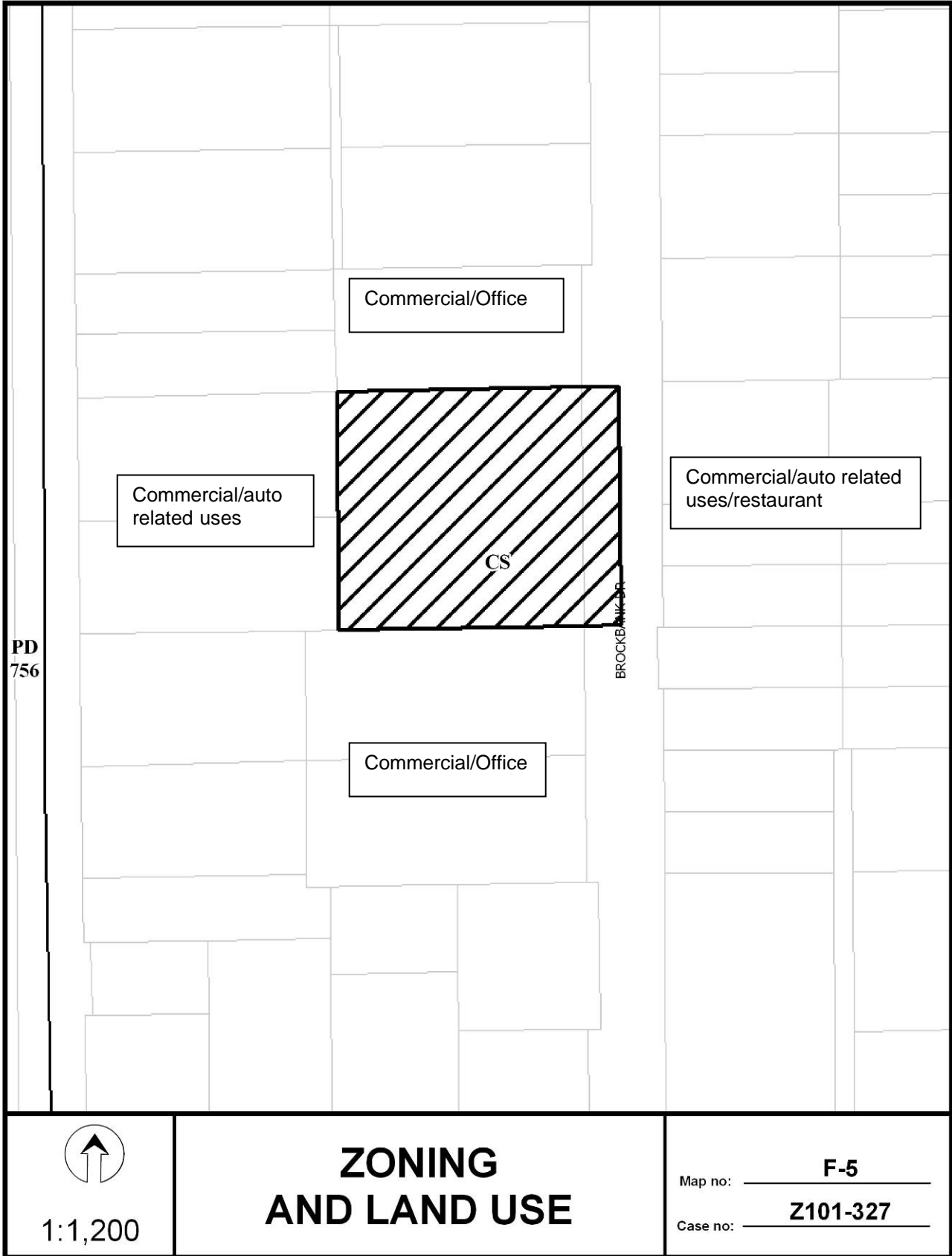
1:4,800

# VICINITY MAP

Map no:           F-5          

Case no:           Z101-327          

DATE: August 04, 2011



1:1,200

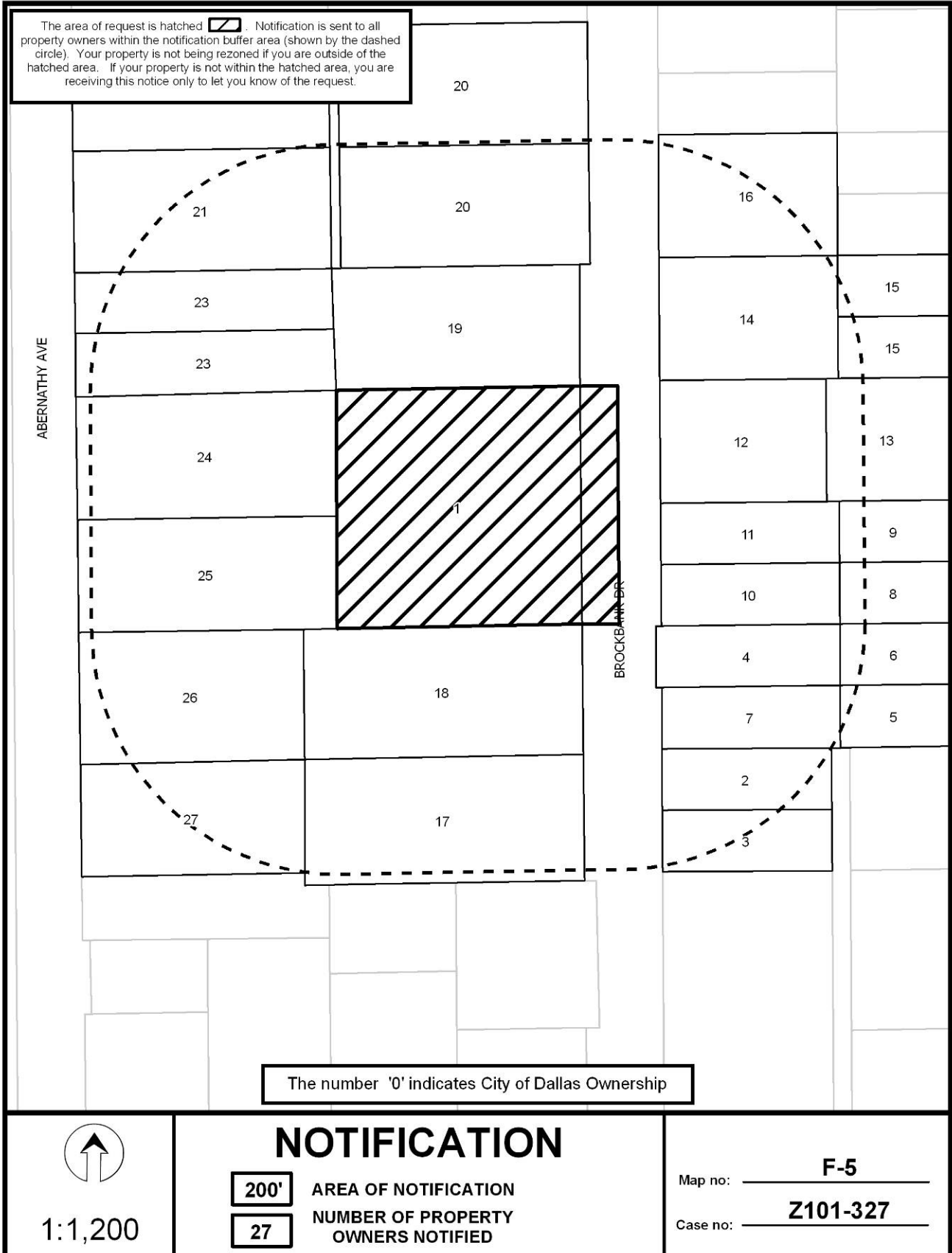
# ZONING AND LAND USE

Map no:           F-5          

Case no:           Z101-327          

DATE: August 04, 2011





DATE: August 04, 2011

## **Notification List of Property Owners**

### **Z101-327**

#### **27 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	9727 BROCKBANK	LOPEZ RAMIRO & ELIZABETH
2	9714 BROCKBANK	PEREZ ARMANDO & JOSE LUIS MARTINEZ
3	9710 BROCKBANK	MARTINEZ JOSE LUIS &
4	9718 BROCKBANK	ARVIZU MOISES & JAIME VALENZUELA
5	9717 PORTER	SANCHEZ RUBEN & PERLA A SANCHEZ
6	9719 PORTER	RODRIGUEZ MARTIN
7	9716 BROCKBANK	GARLAND CLYDE L JR
8	9721 PORTER	RODRIGUEZ MARTIN &
9	9723 PORTER	SANCHEZ RAMIRO
10	9720 BROCKBANK	RENERIA GREGORIO
11	9722 BROCKBANK	MARTINEZ ARTURO
12	9726 BROCKBANK	TREVINO & ASSOC MECH INC DBA TREVINO MECHA
13	9725 PORTER	TREVINO MIGUEL & FELICIA IRREVOCABLE TRUST
14	9732 BROCKBANK	MANRIQUE ROGELIO & JULIETA CHAVEZ M
15	9731 PORTER	MANRIQUE ROGELIO
16	9734 BROCKBANK	ELM FAMILY PARTNERS LTD
17	9715 BROCKBANK	KOREAN SENIOR CITIZENS ASSOCIATION OF DALLAS
18	9719 BROCKBANK	CLEMENTS STEPHEN O
19	9731 BROCKBANK	PENEDERGRASS JOHN B ETAL
20	9737 BROCKBANK	STARKS TOWING INC
21	9734 ABERNATHY	GANESH GROUP INC THE
22	9738 ABERNATHY	CONCRETE CORING CO INC
23	9730 ABERNATHY	GANESH GROUP THE
24	9726 ABERNATHY	9726 REAL ESTATE HOLDINGS

**Thursday, August 04, 2011**

Z101-327(WE)

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
25	9722 ABERNATHY	9722 REAL ESTATE HOLDINGS
26	9716 ABERNATHY	9722 REAL ESTATE HOLDINGS LP
27	9712 ABERNATHY	POWELL MARK J

**Thursday, August 04, 2011**

**Planner: Warren F. Ellis**

**FILE NUMBER:** Z101-307(WE)      **DATE FILED:** January 10, 2011

**LOCATION:** Walnut Hill Lane and Marsh Lane, northwest corner

**COUNCIL DISTRICT:** 13      **MAPSCO:** 23-R

**SIZE OF REQUEST:** Approx. 1.34 acres      **CENSUS TRACT:** 97.02

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**APPLICANT:** CVS Corporation

**OWNER:** Gupta Walnut Hill Investments

**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 store greater 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 drug 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 greater than 3,500 square feet.
- The proposed use is to sell alcohol for off-premise consumption in conjunction with the existing 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 Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- In March 1992, the City Council recommended approval of Specific Use Permit No. 1100 for a radio, television or microwave tower for a permanent time period.
- The surrounding land uses consist of a variety of retail uses to the north and west of the site. The properties east of Marsh Lane are developed with retail uses. South of the site, across Walnut Hill Lane is developed with office and single family uses

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

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Marsh Lane	Principal Arterial	100 ft.	100 ft.
Walnut Hill Lane	Principal Arterial	90 ft.	90 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	CR-D w/SUP No. 1100	General Merchandise store & Radio, television or microwave tower
<b>North</b>	CR-D	Retail
<b>South</b>	R-7.5(A), NO(A) w/ SUP 748	Single Family, Offices & Bus Shelter
<b>East</b>	CR	General Merchandise store, Service Station
<b>West</b>	CR-D	Retail

**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 in the Residential Neighborhoods Building 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.

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 1.34 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 greater than 3,500 square feet within a 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.

The surrounding land uses consist of a variety of retail uses to the north and west of the site. The properties east of Marsh Lane are developed with retail uses. South of the site, across Walnut Hill Lane is developed with office and single family 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.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
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 55 spaces with 65 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		
<a href="#">0000946-W</a>	01/01/2009	GARCIA, MARIA	AGGRAVATED ASSA...	10003		MARSHLN	534	3035	04311			
<a href="#">0002706-Y</a>	01/04/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
<a href="#">0010637-Y</a>	01/10/2008	FOREMAN, SHERYL	THEFT	10003		MARSHLN	534	3035	06941			
<a href="#">0013812-Y</a>	01/17/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06935			
<a href="#">0019934-Y</a>	01/24/2011	@CITY OF DALLAS	FOUND PROPERTY	10003		MARSHLN	554	3035	43020			
<a href="#">0027324-X</a>	01/28/2010	@CITY OF DALLAS	NARCOTICS DRUG ...	10003		MARSHLN	554	3035	18711			
<a href="#">0032231-Y</a>	02/07/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
<a href="#">0032528-Y</a>	02/07/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
<a href="#">0032931-W</a>	01/03/2009	*OLSHAN FONDATION	THEFT	10003		MARSHLN	554	3035	06952			
<a href="#">0051301-X</a>	02/23/2010	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
<a href="#">0063327-X</a>	03/07/2010	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
<a href="#">0083355-Y</a>	04/04/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06933			
<a href="#">0084415-Y</a>	04/05/2011	*CVS PHARMACY #7748	THEFT	10003		MARSHLN	554	3035	26000	06933		
<a href="#">0087289-Y</a>	04/08/2011	*CVS PHARMACY - 7748	THEFT	10003		MARSHLN	554	3035	06934			
<a href="#">0090331-Y</a>	04/11/2011	NORWOOD,RICHARD	ASSAULT	10003		MARSHLN	554	3035	08121			
<a href="#">0108414-Y</a>	04/28/2011	*CVS PHARMACY 7748	THEFT	10003		MARSHLN	554	3035	06933			
<a href="#">0118416-X</a>	04/29/2010	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
<a href="#">0121965-Y</a>	05/12/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06933			
<a href="#">0122787-X</a>	05/03/2010	*CVS	THEFT	10003		MARSHLN	554	3035	06932			
<a href="#">0127901-W</a>	05/05/2009	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06901			
<a href="#">0128694-W</a>	05/06/2009	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06935			
<a href="#">0129530-Y</a>	05/20/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06932			
<a href="#">0134939-Y</a>	05/25/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06934			
<a href="#">0141725-Y</a>	06/01/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
<a href="#">0156943-T</a>	03/07/2007	*CVS 7748	CRIMINAL MISCHIE...	10003		MARSHLN	654	3035	14082			
<a href="#">0174073-Y</a>	07/03/2011	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
<a href="#">0190981-W</a>	06/30/2009	*CVS PHARMACY	NARCOTICS DRUG ...	10003		MARSHLN	554	3035	18711			
<a href="#">0198279-T</a>	03/21/2007	*CVS	THEFT	10003		MARSHLN	654	3035	06934			
<a href="#">0206111-V</a>	07/02/2008	*CVS PHARMACY #7748	THEFT	10003		MARSHLN	534	3035	06933			
<a href="#">0215538-X</a>	08/01/2010	*CVS	THEFT	10003		MARSHLN	554	3035	06932			
<a href="#">0243126-X</a>	08/29/2010	@CITY OF DALLAS	FOUND PROPERTY	10003		MARSHLN	554	3035	43020			
<a href="#">0243127-X</a>	08/29/2010	@CITY OF DALLAS	FOUND PROPERTY	10003		MARSHLN	554	3035	43020			
<a href="#">0251509-T</a>	04/10/2007	*CVS PHARMACY	BURGLARY	10003		MARSHLN	654	3035	05131			
<a href="#">0255722-V</a>	08/18/2008	BUNCH, FLORA	THEFT	10003		MARSHLN	534	3035	06941			
<a href="#">0322674-W</a>	10/30/2009	*CVS PHARMACY	THEFT	10003		MARSHLN	554	3035	06931			
<a href="#">0664848-T</a>	09/22/2007	*CVS PHARMACY #7748	BURGLARY	10003		MARSHLN	654	3035	05131			
<a href="#">0686689-T</a>	10/12/2007	JONES,POLIET,R.	MISSING PERSON	10003		MARSHLN	654	3035	41021			
<a href="#">0689617-R</a>	09/10/2006	CANTRELL, GARY	THEFT	10003		MARSHLN	654	3035	06941			
<a href="#">0892268-R</a>	11/27/2006	*CVS	THEFT	10003		MARSHLN	654	3035	06901			



**LIST OF OFFICERS**  
CVS

- Thomas Ryan                      Chairman of the Board
- Larry Merio                        President, COO
- Thomas S. Mofatt                Vice President and Assistant Secretary

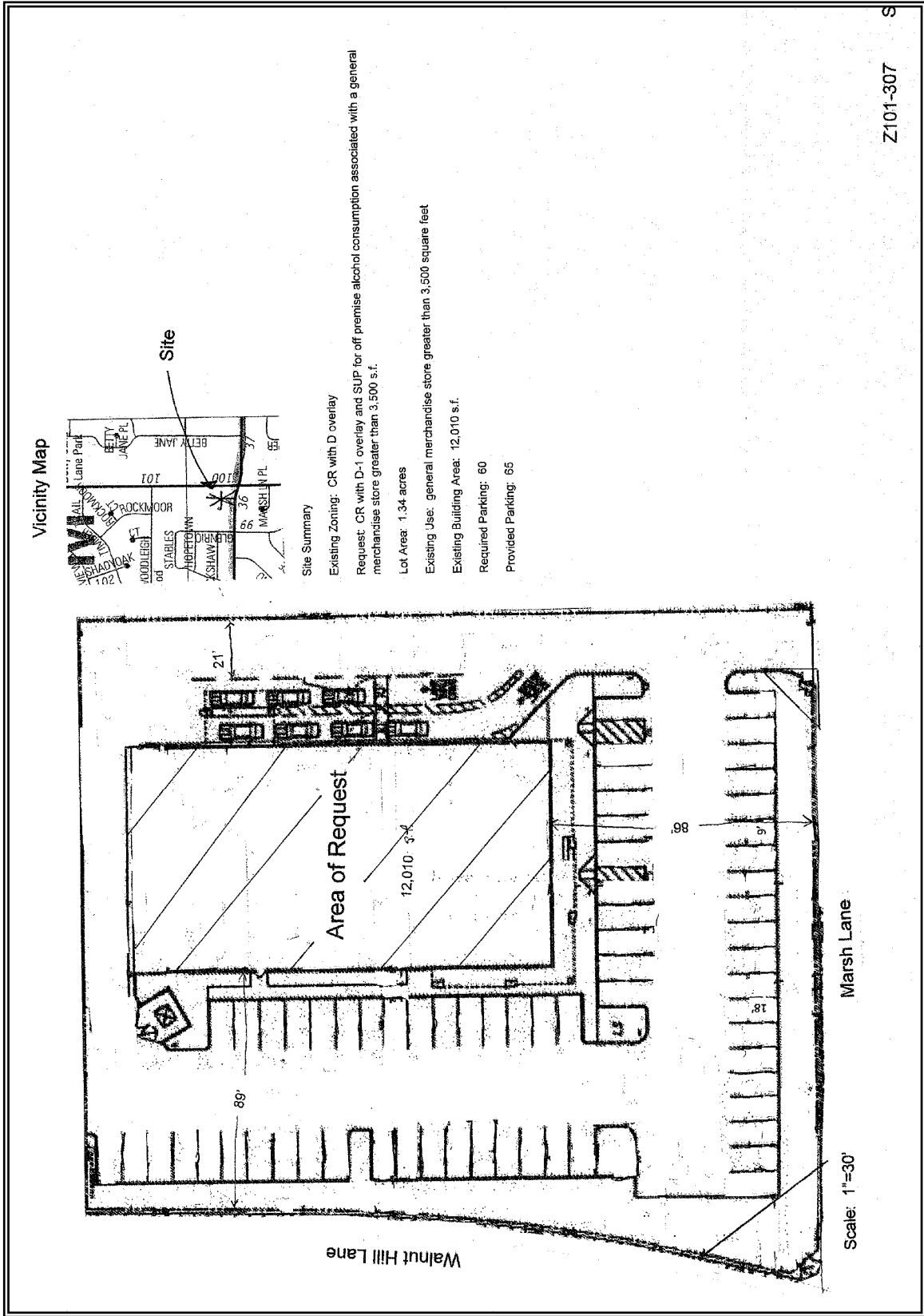
**LIST OF OFFICERS**  
Gupta Walnut Hill Investments

- Pushpa Gupta – Sole Owner

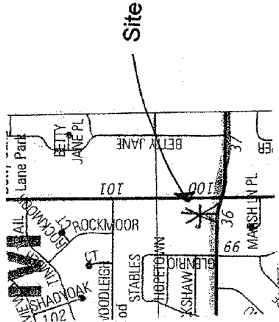
**PROPOSED SUP CONDITIONS**

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 greater 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-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: Off-street parking must be located as shown on the attached site plan.
6. DRIVE-THROUGH WINDOW: A retail 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



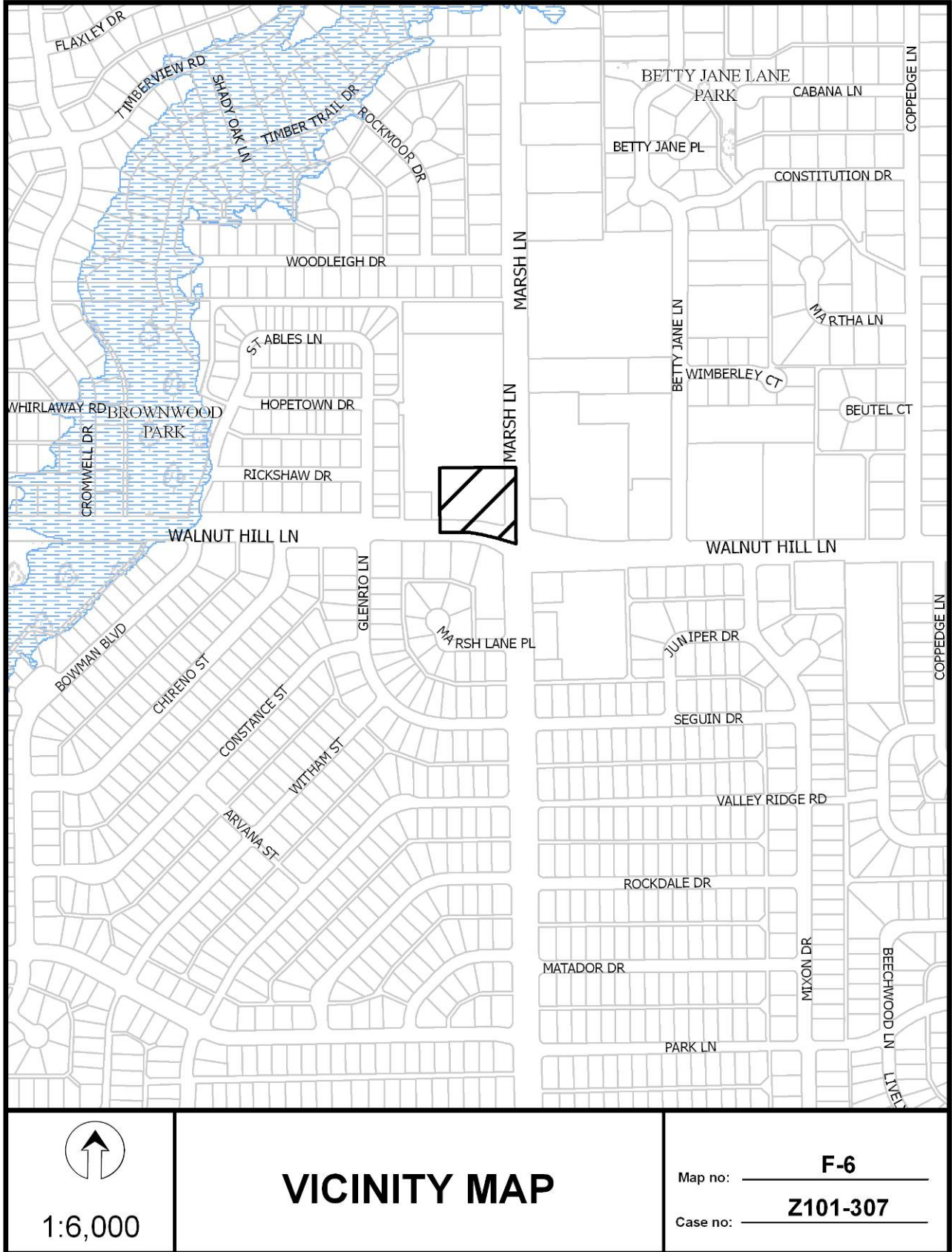
Vicinity Map



**Site Summary**

- Existing Zoning: CR with D overlay
- Request: CR with D-1 overlay and SUP for off premise alcohol consumption associated with a general merchandise store greater than 3,500 s.f.
- Lot Area: 1.34 acres
- Existing Use: general merchandise store greater than 3,500 square feet
- Existing Building Area: 12,010 s.f.
- Required Parking: 60
- Provided Parking: 66

Z101-307 S

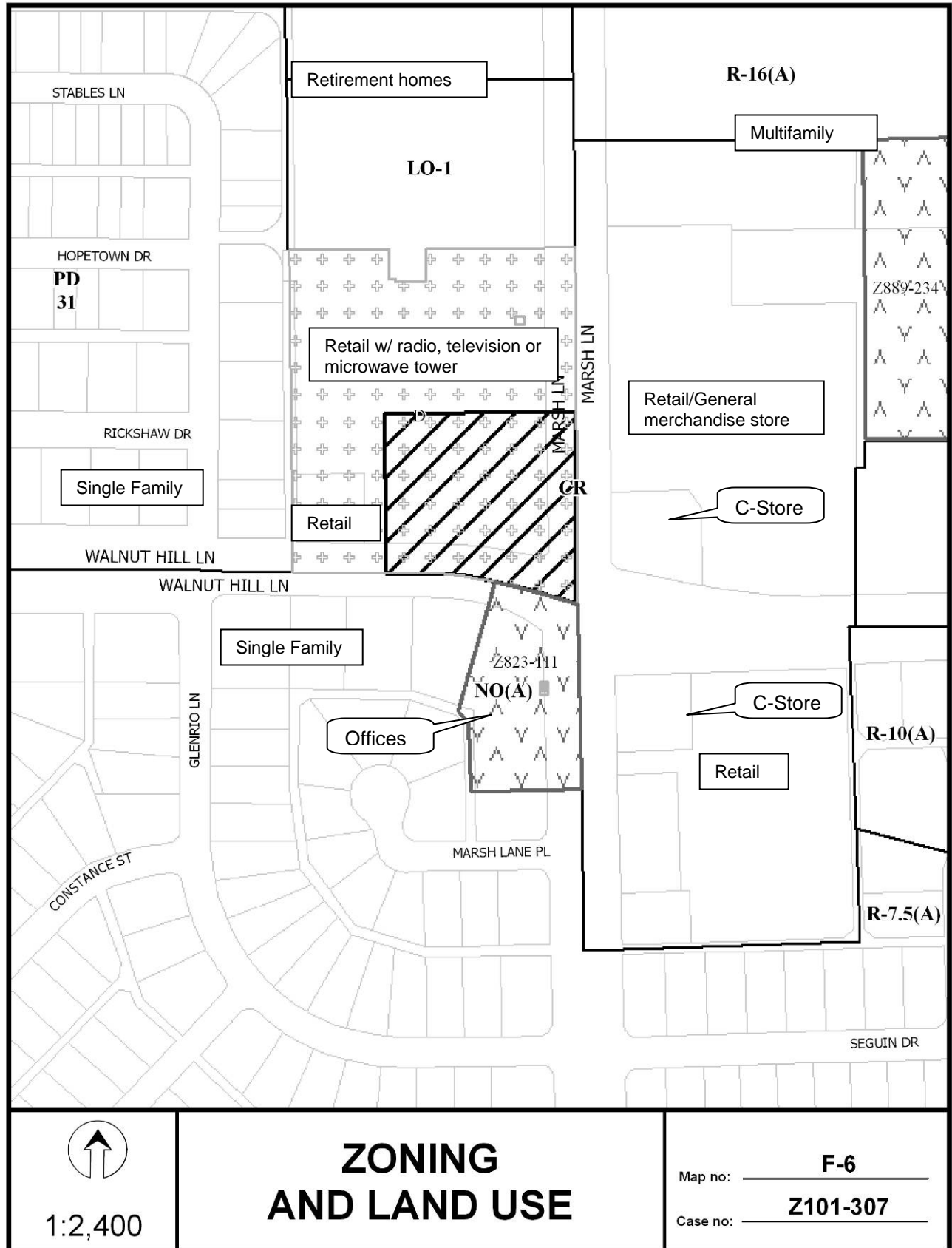


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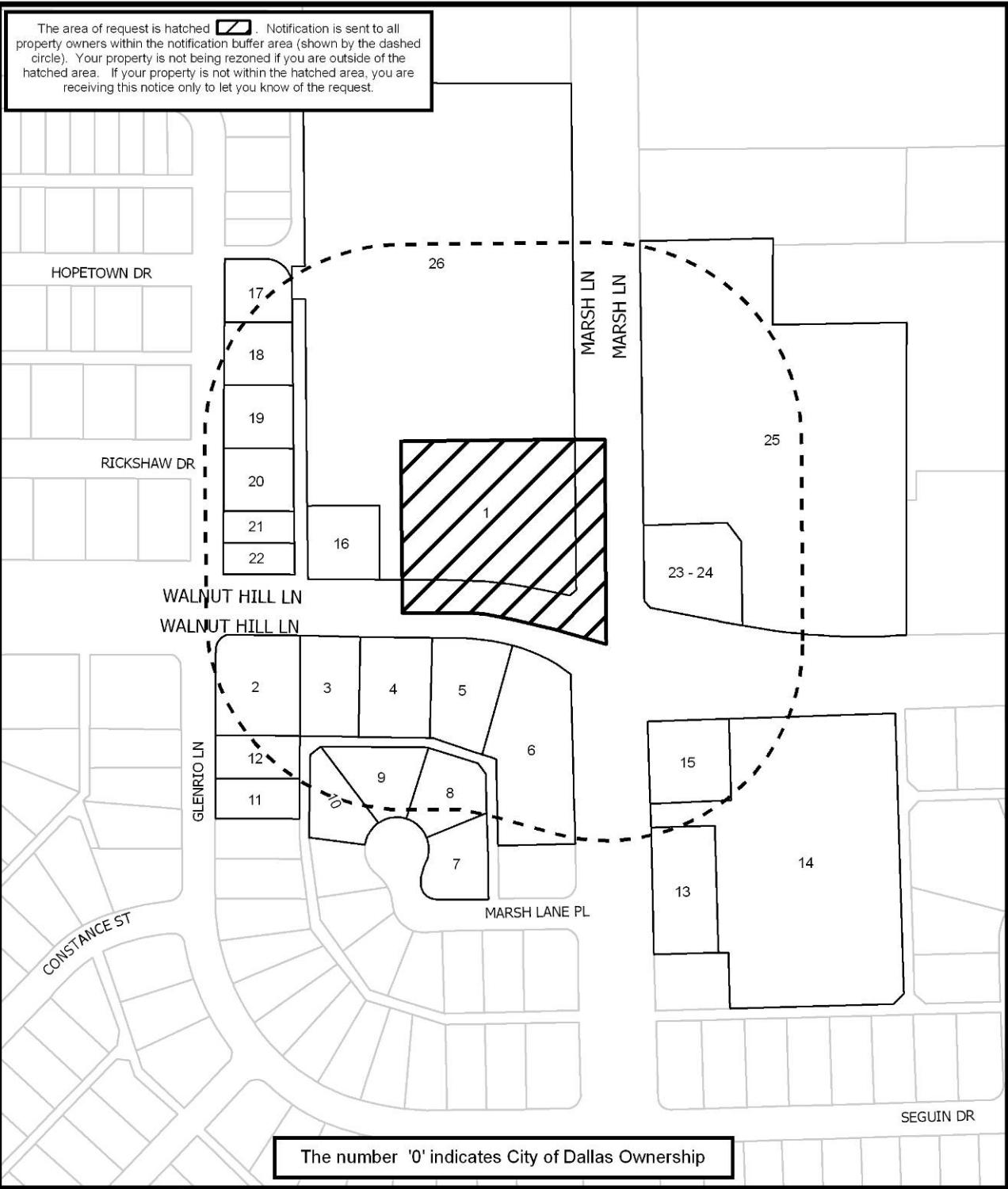
### VICINITY MAP

Map no:           F-6            
Case no:           Z101-307          

DATE: July 21 2011



DATE: July 21, 2011



1:2,400

## NOTIFICATION

**300'** AREA OF NOTIFICATION

**26** NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           F-6          

Case no:           Z101-307          

DATE: July 21, 2011

## **Notification List of Property Owners**

### **Z101-307**

#### **26 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	10003 MARSH	GUPTA WALNUT HILL INVESTMENTS
2	3634 WALNUT HILL	DALTON GEORGE R & MALE DALTON
3	3642 WALNUT HILL	ESTRELLO ERNEST
4	3650 WALNUT HILL	DENTON EDWARD J
5	3658 WALNUT HILL	DENTON EDWARD J
6	9991 MARSH	BERMANI PROPERTIES LTD % MDH ENTERPRISES
7	3611 MARSH LANE	FOSTER BRAD W & CINDY G FOSTER
8	3607 MARSH LANE	ANDERSON JOHN B
9	3603 MARSH LANE	NASTASI RAYMOND L
10	3602 MARSH LANE	GORDON DWIGHT N
11	9928 GLENRIO	JOLON GUILLERMO
12	9932 GLENRIO	AGUILAR FERMIN & VIRGINIA
13	9976 MARSH	BERLIN RONALD P & GAIL M
14	3720 WALNUT HILL	ZIMMERMANN ENTERPRISES LLC
15	9998 MARSH	MPC PROPERTIES LTD C/O ONE STOP FOOD STORES
16	10031 MARSH	PICKERING MARY K ETAL
17	10040 GLENRIO	MAGELLAN FUNDING PTRS FUND I LP
18	10028 GLENRIO	TADESSE TEWABECH N
19	10022 GLENRIO	BRODEUR LAURA D & ERIC R FAMILY TRUST
20	10014 GLENRIO	ENGRAM BRYAN H
21	10004 GLENRIO	DAKINGKING SERAFIN V & DAKINGKING ERNA M
22	10002 GLENRIO	PAMPELL PATRICIA D EDWARD L JOHNSON
23	10002 MARSH	COPPEDGE HAROLD G TR ETAL
24	10004 MARSH	CHEVRON USA INC
25	10020 MARSH	COPPEDGE HAROLD G ET AL % ALBERTSONS # 4287
26	10051 MARSH	MARSH LANE PLAZA LP STE 900

**Thursday, July 21, 2011**

**Planner: Warren F. Ellis**

**FILE NUMBER:** Z101-310(WE) **DATE FILED:** January 10, 2011

**LOCATION:** N. Jim Miller Road and Samuell Boulevard, southeast corner

**COUNCIL DISTRICT:** 7 **MAPSCO:** 48-E

**SIZE OF REQUEST:** Approx. 0.98 acres **CENSUS TRACT:** 122.07

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**APPLICANT:** CVS Corporation

**OWNER:** Michael Parker

**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 greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay

**SUMMARY:** The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing drug 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.
- 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 Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The surrounding land uses consist of a variety of retail, office and auto related uses to the north. The properties west of Jim Miller Road are developed with auto related and retail and personal service uses and the development south of the site consist of 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
Samuell Blvd.	Principal Arterial	120 ft.	120 ft.
N. Jim Miller Road	Principal Arterial	100 ft.	100 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	RR-D	General Merchandise store
<b>North</b>	RR-D-1	Auto related use, Restaurant, Office
<b>South</b>	RR-D	Retail
<b>East</b>	RR-D	Retail
<b>West</b>	RR-D	Auto Related use, Office

**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 within a Business Center or Corridor.

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.

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 42,688.8 square foot site is zoned a RR-D Regional Retail District with a D Liquor Control Overlay and is currently developed with a general merchandise or food store greater than 3,500 square feet within a 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.

The surrounding land uses consist of a variety of retail, office and auto related uses to the north. The properties west of Jim Miller Road are developed with auto related and retail and personal service uses and the development south of the site consist of retail and personal service 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.

**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 general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 55 spaces with 55 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.

 <b>DALLAS POLICE DEPARTMENT</b> <span style="float: right;"> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property Class Code</a> </span>										
Virtual Viewer - Public Access										Welcome
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
<a href="#">0002708-W</a>	01/03/2009	LOPEZ, JUAN	THEFT	06004		SAMUELL...	323	1217	06951	
<a href="#">0004620-Y</a>	01/06/2011	*CVS #2011	ROBBERY	06004		SAMUELL...	318	1217	03742	
<a href="#">0007519-X</a>	01/08/2010	**CVS PHARMACY #6966	THEFT	06004		SAMUELL...	318	1217	06934	
<a href="#">0007856-W</a>	01/09/2009	@CVS PHARMACY	BURGLARY	06004		SAMUELL...	318	1217	05134	
<a href="#">0018278-Y</a>	01/22/2011	*ONCOR	CRIMINAL MISCHIEF/VA...	06004		SAMUELL...	318	1217	14081	
<a href="#">0018646-V</a>	01/17/2008	*CVS STORE#6969	THEFT	06004		SAMUELL...	323	1217	06934	06933
<a href="#">0020567-T</a>	01/09/2007	*CVS PHARMACY	THEFT	06004		SAMUELL...	322	1217	06934	
<a href="#">0028467-V</a>	01/28/2008	*CVS	THEFT	06004		SAMUELL...	323	1217	06933	
<a href="#">0029697-V</a>	01/29/2008	MCCORD-SUMMEY, RAC...	ASSAULT	06004		SAMUELL...	323	1217	08322	08312
<a href="#">0030426-V</a>	01/30/2008	*CVS PHARMACY #6966	THEFT	06004		SAMUELL...	323	1217	06934	
<a href="#">0030564-V</a>	01/30/2008	*CVS PHARMACY	THEFT	06004		SAMUELL...	323	1217	06933	
<a href="#">0030951-X</a>	02/01/2010	@CITY OF DALLAS	FOUND PROPERTY	06004		SAMUELL...	318	1217	43020	
<a href="#">0032770-X</a>	02/03/2010	*CVS	THEFT	06004		SAMUELL...	318	1217	06935	
<a href="#">0051857-W</a>	02/18/2009	*CVS PHARMACY	NARCOTICS DRUG LAWS	06004		SAMUELL...	318	1217	18711	
<a href="#">0052969-Y</a>	03/03/2011	MONREAL,ESTHER	ASSAULT	06004		SAMUELL...	318	1217	08322	

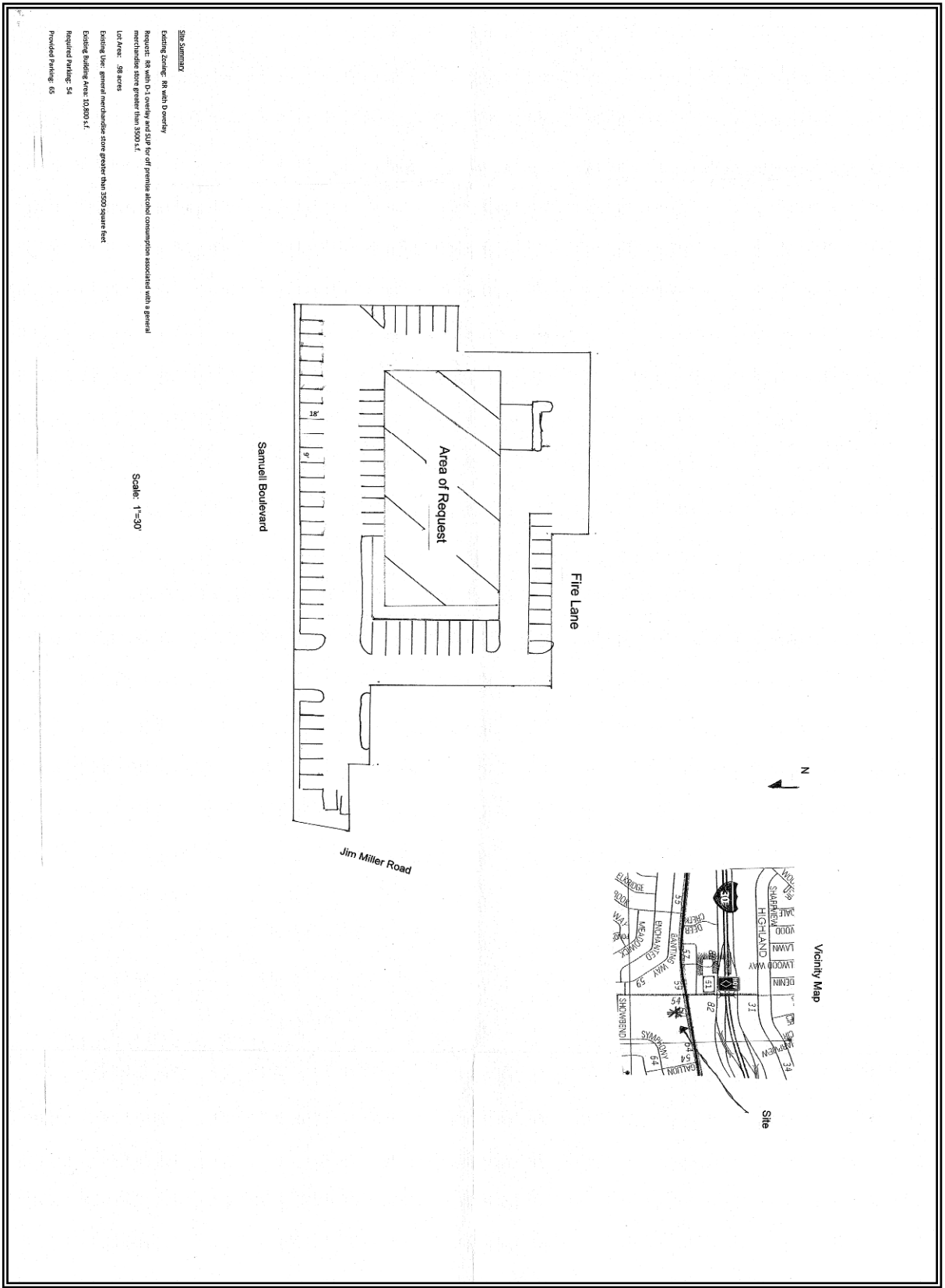
**LIST OF OFFICERS**  
CVS

- Thomas Ryan                      Chairman of the Board
- Larry Merio                        President, COO
- Thomas S. Mofatt                Vice President and Assistant 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 greater 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-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: Off-street parking must be located as shown on the attached site plan.
6. DRIVE-THROUGH WINDOW: A retail 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.
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.

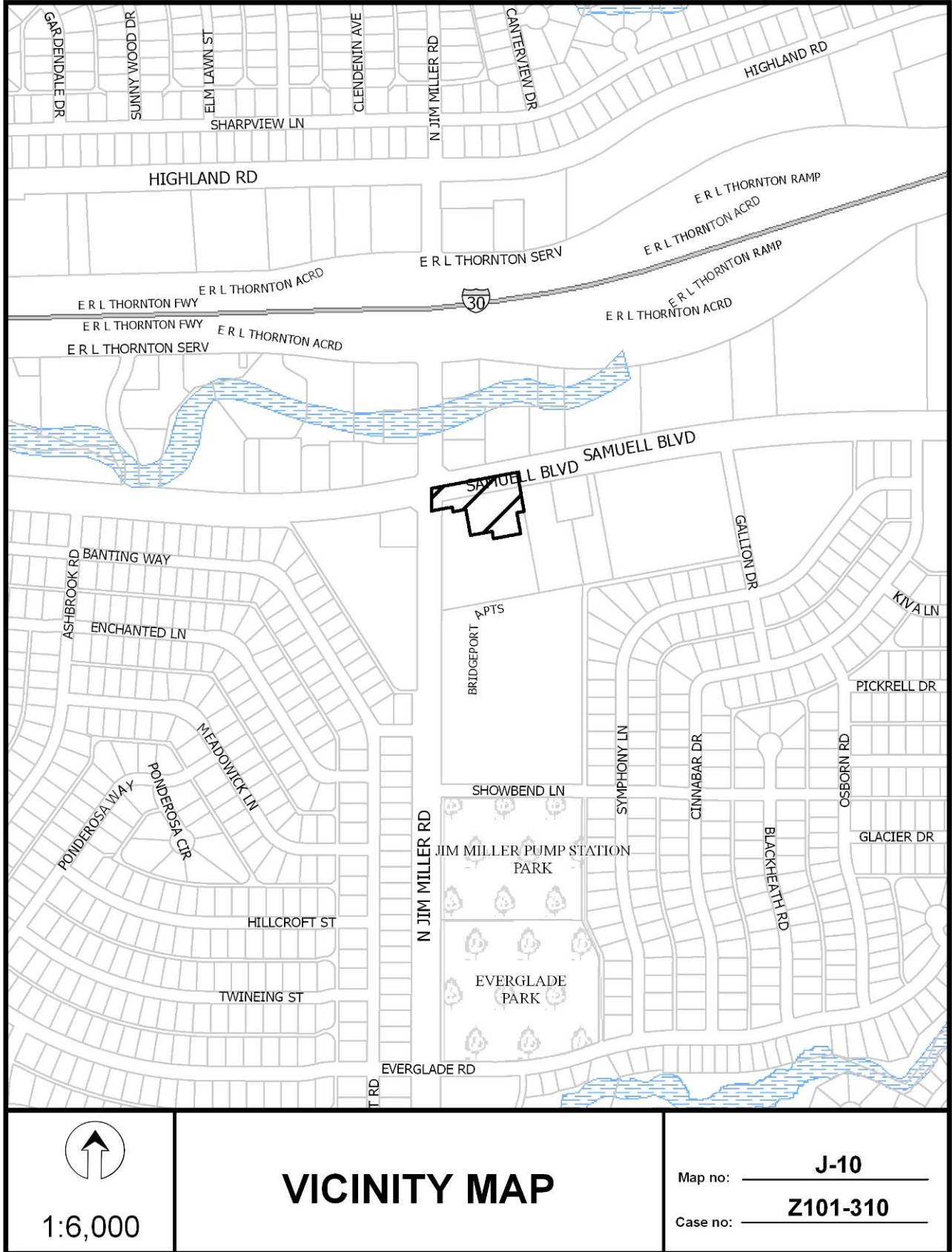
# PROPOSED SITE PLAN



**Site Summary**  
 Existing Zoning: R8 with D overlay  
 Request: R8 with D-1 overlay and SLP for off-premise alcohol consumption associated with a general merchandise store greater than 3500 s.f.  
 Lot Area: .98 acres  
 Existing Use: general merchandise store greater than 3500 square feet  
 Existing Building Area: 10,800 s.f.  
 Required Parking: 54  
 Provided Parking: 65

Scale: 1"=30'

Z101-310WE)



1:6,000

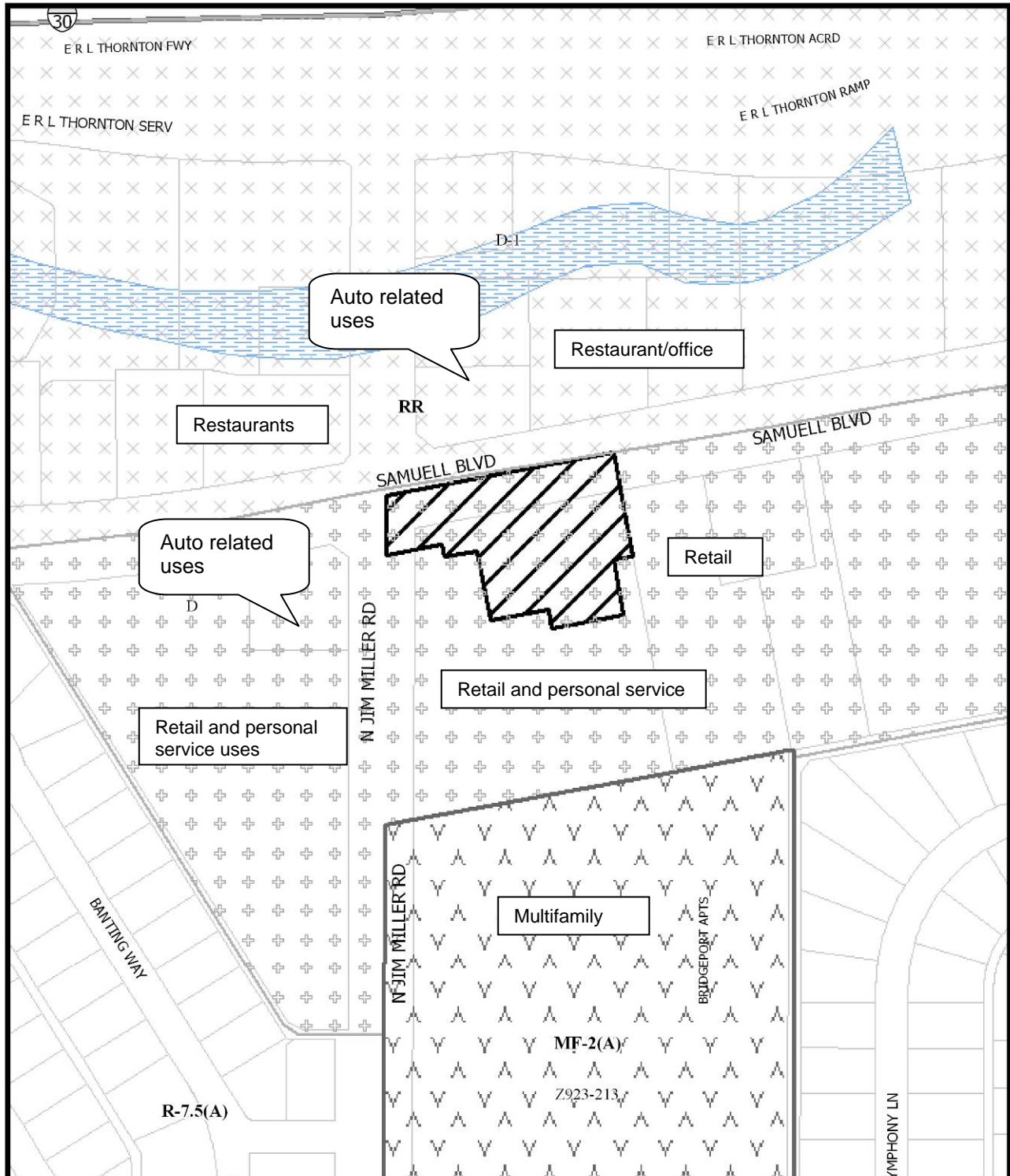
# VICINITY MAP

Map no:           J-10          

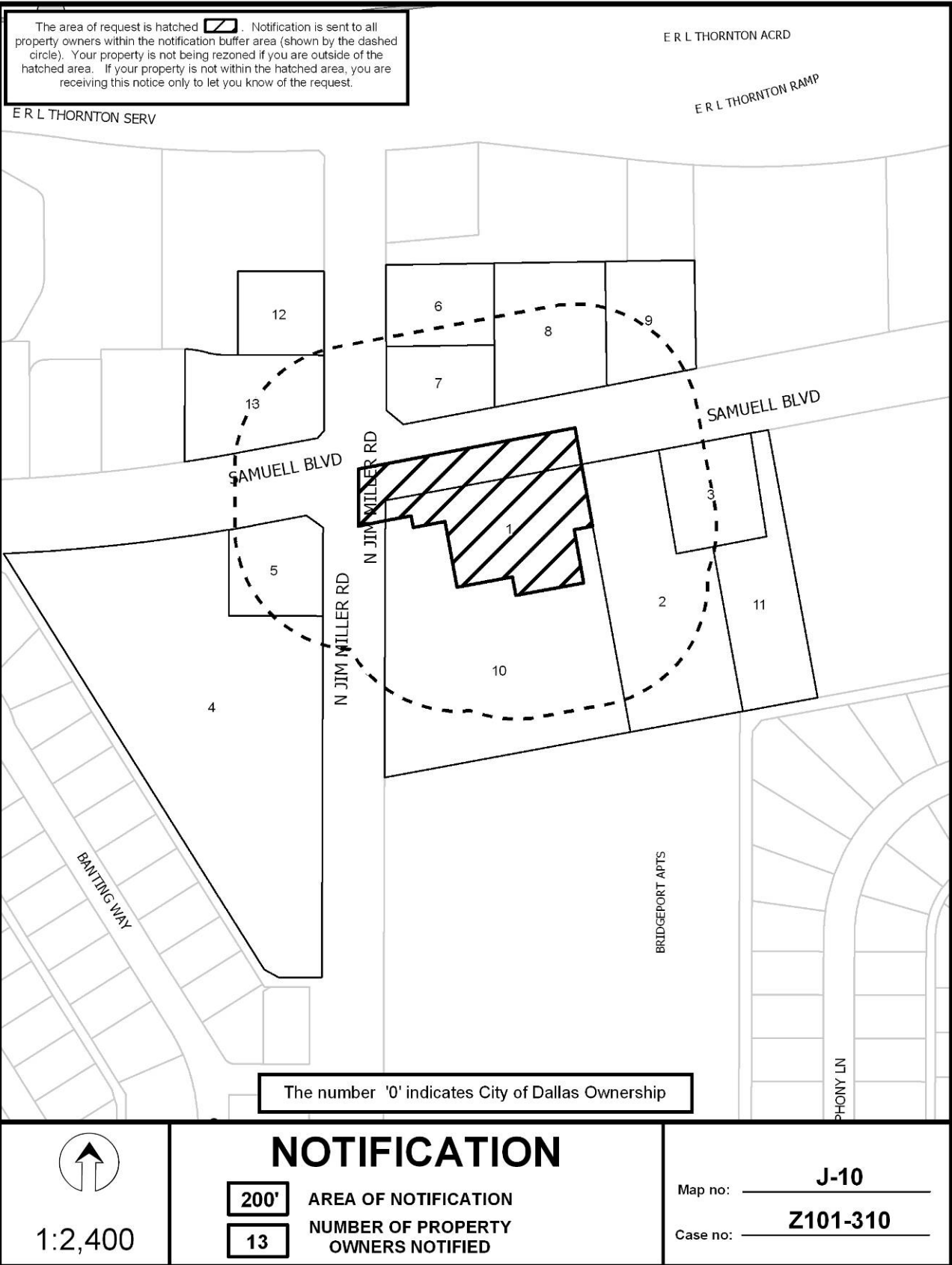
Case no:           Z101-310          

DATE: July 21, 2011





 1:2,400	<h1>ZONING AND LAND USE</h1>	Map no: <u>      J-10      </u> Case no: <u>      Z101-310      </u>
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## ***Notification List of Property Owners***

### ***Z101-310***

#### **13    *Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6004 SAMUELL	PARKER MICHAEL
2	6118 SAMUELL	BALLAS VICTOR
3	6000 SAMUELL	CHUNG JOE INKI TR & HELLEN YOUNG CHUNG TR
4	5409 JIM MILLER	JIM MILLER SHOPPING CENTER LP
5	5475 JIM MILLER	ISSA DAVID
6	5514 JIM MILLER	USRP FUNDING 2001 A LP
7	5510 JIM MILLER	DAY MARIE L
8	6885 SAMUELL	BURGER KING CORP 3997 % PPTY TAX ACCOUNTANT
9	6155 SAMUELL	SAMUELL RETAIL LTD STE 100
10	5470 JIM MILLER	CFIC LLC
11	6024 SAMUELL	DRY WAYNE F
12	5575 JIM MILLER	SIDERIS BASIL K ET AL % R W BALL INC
13	5555 JIM MILLER	SIDERIS BASIL K ET AL TAX DEPARTMENT 412

***Thursday, July 21, 2011***

**FILE NUMBER:** Z101-287(MG)

**DATE FILED:** June 3, 2011

**LOCATION:** Southwest Line of Exposition Avenue, West of Parry Avenue

**COUNCIL DISTRICT:** 7

**MAPSCO:** 46 K

**SIZE OF REQUEST:** 3,250 Sq. Ft.

**CENSUS TRACT:** 29

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**REPRESENTATIVE/**

**APPLICANT:** Ulisses Rusher

**OWNER:** Expo Park Partners, Ltd.

**REQUEST:** An application for a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

**SUMMARY:** The applicant is requesting an SUP in order to continue operation of an existing bar, lounge, or tavern use.

**STAFF RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site consists of a two-story structure. The second story is utilized as a residence with direct access from the rear of the property.
- The existing bar encompasses 1,085 square feet of floor area (first floor).
- On June 14, 2006, the City Council approved an amendment to PDD No. 269 which requires an SUP for this use category.
- Specific Use Permit No. 1693 for an alcoholic beverage establishment limited to a bar, lounge or tavern was previously approved, but expired on December 12, 2010 for this location

**Zoning History:**

There have been two recent zoning requests within the general vicinity.

1. Z101-172

On March 25, 2011 City Council approved to the renewal of Specific Use Permit No. 1691 for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

2. Z067-340

On December 12, 2007 City Council approved an SUP for a Bar, lounge, or tavern on property zoned Planned Development District No. 269 (current request site).

**Thoroughfares/Streets:**

<b>Thoroughfares/Street</b>	<b>Type</b>	<b>Existing ROW</b>	<b>Proposed ROW</b>
Exposition Avenue	Collector	80 ft.	80 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 269	Bar/lounge/tavern, residential
<b>North</b>	PDD No. 269	Retail
<b>South</b>	PDD No. 269	Retail
<b>East</b>	PDD No. 269	Retail
<b>West</b>	PDD No. 269	Retail

**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 an Urban Mixed Use 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 mid-rise 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 storefronts 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.

**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 request site consists of a two-story structure with the existing bar occupying 1,100 square feet of floor area. The applicant is requesting an SUP in order to continue operation of an existing bar. A certificate of occupancy for a restaurant without drive-thru was issued on March 6, 2003. The existing bar does not have a certificate of occupancy.

The site is surrounded by a mix of office/retail/restaurant uses that are served by various surface parking lots and metered spaces along Exposition Avenue.

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 staff's recommended conditions, complies with the general provisions for consideration of an SUP.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 269 Mixed use-	0'	0'	4.0 FAR	130/150"	NA	Proximity Slope U-form setback	Retail, bar, lounge, tavern, residential

**Parking:** PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located within an original building on the first floor. The applicant occupies 1,085 square feet of floor area and is not required to provide any designated parking for the use. It should be noted that a significant number of metered on-street parking spaces exist as well as surface parking lots throughout the immediate area.

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

## DPD Report

The screenshot displays the Dallas Police Department's Virtual Viewer interface. At the top left, the Dallas Police Department logo and name are visible. To the right, there are links for [UCR Codes](#), [Year Codes](#), and [Property Class Codes](#). Below the header, a yellow bar contains the text "Virtual Viewer - Public Access" on the left and "Welcome" on the right. The main content area is a light gray rectangle with a small blue and orange icon in the top left corner. In the center of this area, a dark blue box contains the text "No found results." Below this box, a white box with a thin border contains the text "The search parameters found no records." At the bottom of the interface, a dark blue footer bar contains the text "AgencyWeb® All rights reserved. ©2009 Orion Communications, Inc."



**List of  
Partners/Principles/Officers**

JSM Investments, Ltd.  
309 W. 7<sup>th</sup> Street, Suite 1100  
Fort Worth, Texas 76102

Expo Park Partners  
309 W. 7<sup>th</sup> Street, Suite 1100  
Fort Worth, Texas 76102

Reese Grandchildren Trust II  
James Vetter Jr., Trustee  
901 Main Street, Suite 2500  
Dallas, Texas 75202-3714

LGAT  
3100 Monticello Avenue, Suite 300  
Dallas, Texas 75205

SDL Partners, Ltd.  
3100 Monticello Avenue, Suite 300  
Dallas, Texas 75025

**PROPOSED SUP CONDITIONS**

1. USE: The only use 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.

*Staff's Recommendation:*

3. TIME LIMIT: This specific use permit expires on (five years), pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended.

*Applicant's Request:*

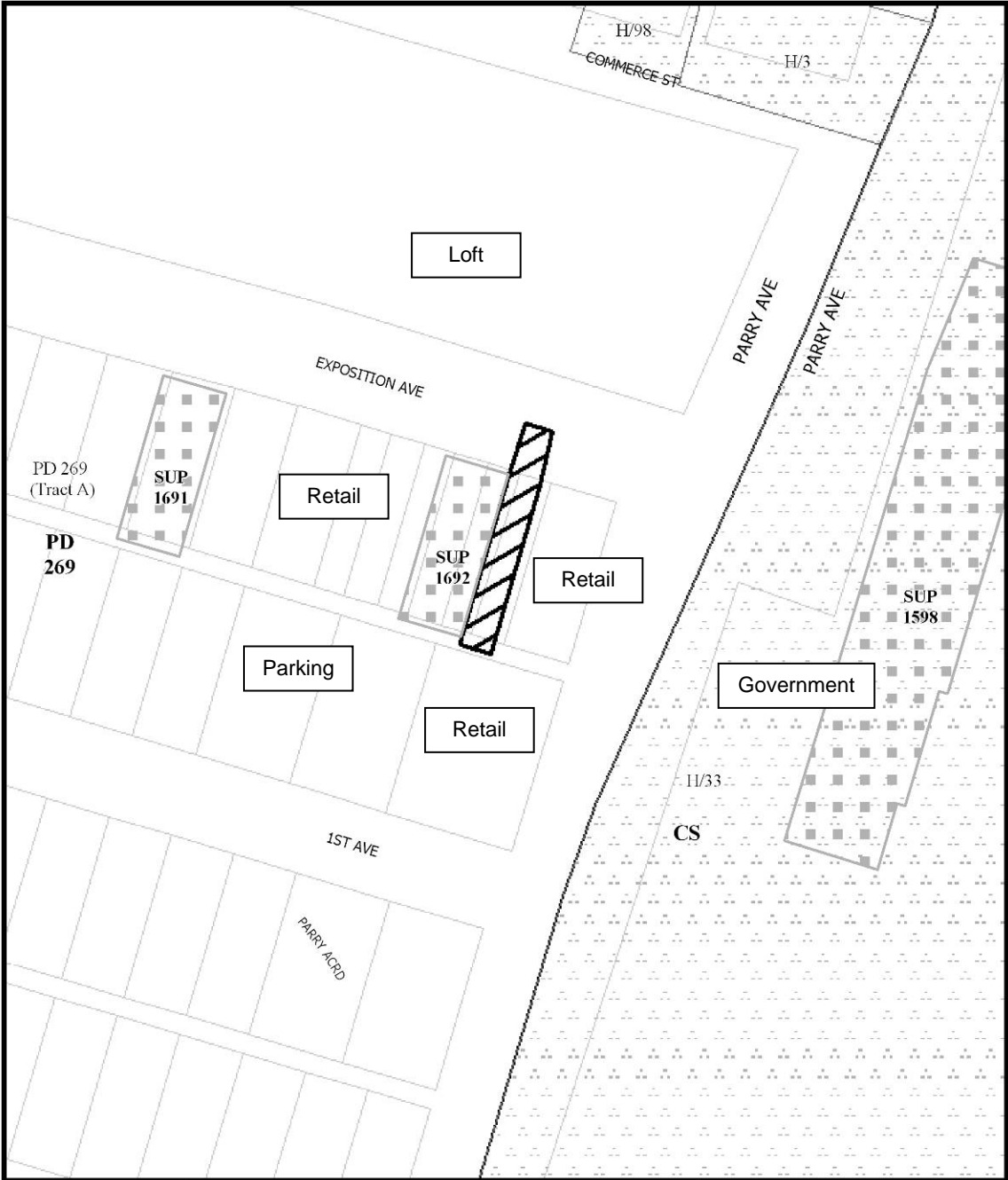
3. TIME LIMIT: This specific use permit expires on (five years), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application 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. CERTIFICATE OF OCCUPANCY: The alcoholic beverage establishment limited to a bar, lounge, or tavern must obtain an amended certificate of occupancy from the building official by [30 days after the SUP is granted]. All requirements of this specific use permit and Planned Development District No. 269, the Deep Ellum Special Purpose District, must be met before the building official may issue the amended certificate of occupancy.
5. MAXIMUM FLOOR AREA: The maximum floor area is 1,100 square feet in the location shown on the attached site plan.
6. OFF-STREET PARKING: Parking must be provided in accordance with the remote and special parking requirements of Planned Development District No. 269, the Deep Ellum Special Purpose District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
7. MAINTENANCE: The entire 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.





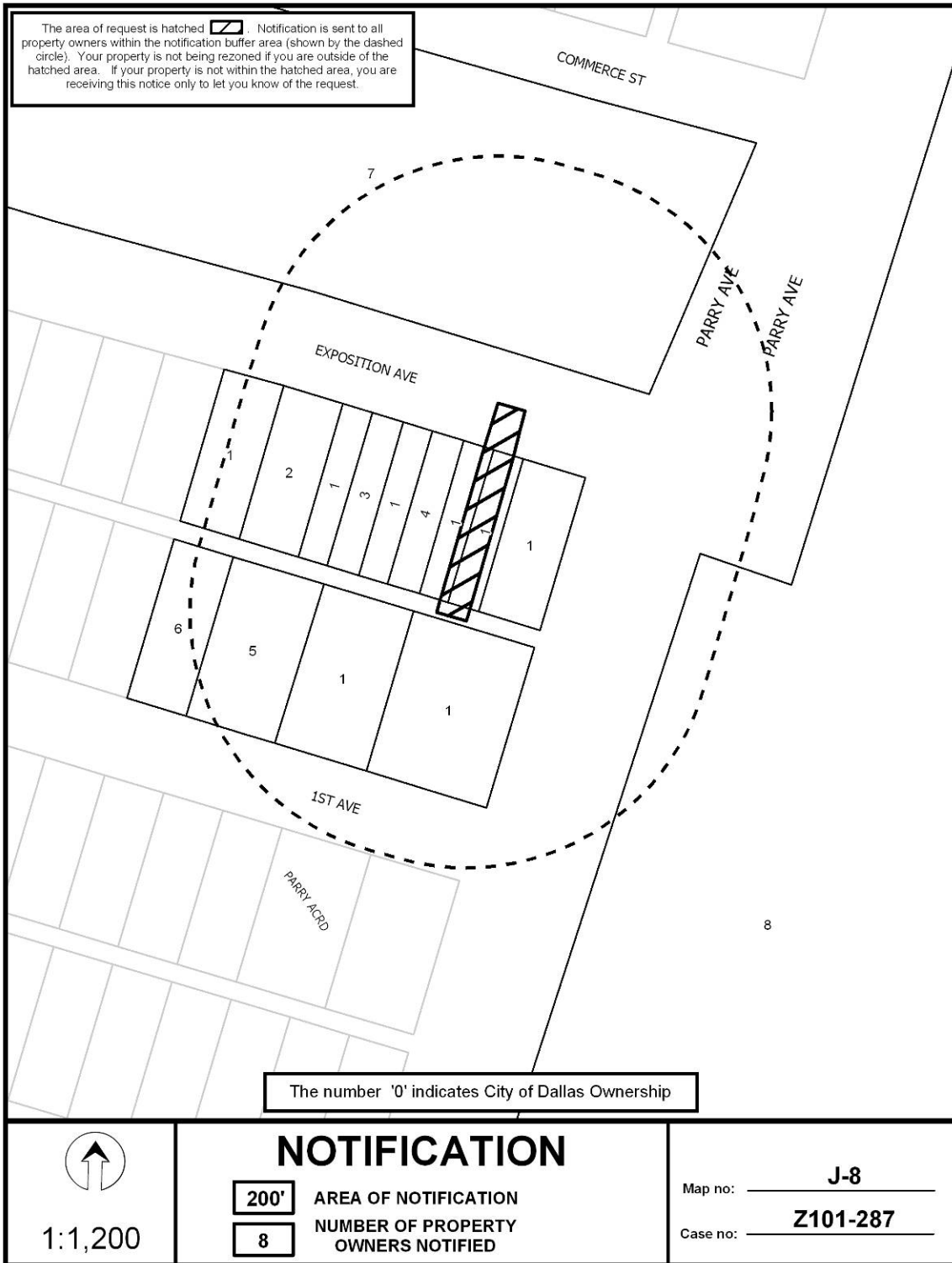


 1:1,200	<b>ZONING AND LAND USE</b>	Map no: <u>        J-8        </u> Case no: <u>        Z101-287        </u>
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DATE: August 04, 2011



DATE: August 04, 2011



DATE: August 04, 2011



## ***Notification List of Property Owners***

### ***Z101-287***

#### ***8 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	842 EXPOSITION	EXPO PARK PARTNERS LTD & HARVEY H MUELLER II
2	821 EXPOSITION	MCNEILL ROBERT K
3	827 EXPOSITION	GREENE PATRICK % LIZ GREENE
4	829 EXPOSITION	HAYS BURL A
5	820 1ST	JAMES WILLIAM PRITCHETT REVOCABLE LIVING TRUST
6	816 1ST	JAMES W PRICHETT REVOCABLE LIVING TRUST
7	4115 COMMERCE	BLOCK 811 LTD
8	3839 FITZHUGH	MCA PACE AMPHITHEATERS LP

***Thursday, August 04, 2011***

**FILE NUMBER:** Z101-317 (MG)

**DATE FILED:** June 29, 2011

**LOCATION:** Southeast corner of C.F. Hawn Freeway (U.S. 175) and S. Belt Line Road

**COUNCIL DISTRICT:** 8

**MAPSCO:** 69A-R

**SIZE OF REQUEST:** Approx. 1.1 acres

**CENSUS TRACT:** 170.01

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**REPRESENTATIVE:** Kenneth D. Baca

**APPLICANT/  
OWNER:** Alamo Investments, LTD

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

**SUMMARY:** The applicant proposes to sell alcohol for off-premise consumption in conjunction with a general merchandise or food store.

**STAFF RECOMMENDATION:** Approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal of additional five year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with an approximately 5,430 square foot building containing 3,860 sq. ft. general merchandise/food store and motor vehicle fueling station and a 1,570 sq. ft. restaurant with drive-in or drive-through service.
- The sale of alcohol is prohibited in the D Liquor Control Overlay district.
- The general merchandise/food store, motor vehicle fueling station and restaurant with drive-in or drive-through service uses are permitted by right in the CS Community Service District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- The request for the Specific Use Permit is in conjunction with the general merchandise/food store use.

**Zoning History:**

1. Z101-320 An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay. (Scheduled for the September 1, 2011 CPC hearing).
2. Z101-259 On July 7, 2011 CPC recommended approval of an application for 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. (Scheduled for August 24, 2011 City Council.)
3. Z101-156 On Wednesday, April 27, 2011, the City Council approved 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.
4. Z101-142 On Wednesday April 13, 2011, the City Council approved an application for a Specific Use Permit for a commercial amusement (inside) use for a dance hall.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Belt Line Rd.	Principle	100 ft.	100 ft.

**Land Use:**

	Zoning	Land Use
Site	CS-D-1	General Merchandise/food store/motor vehicle fueling station/restaurant
North	CS-D-1	Undeveloped
West	CS-D-1	Undeveloped
East	CS-D-1	General Merchandise/food store/motor vehicle fueling station

**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 Commercial Center or Corridor.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor’s experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other “town center” features. Public transit enhancements as

well as quality access and visibility are important components of successful auto-oriented development.

## **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 1.1 acre request site is zoned a CS-D-1 Community Service District with a D-1 Liquor Control Overlay and is currently developed with an approximately 5,430 square foot building containing 3,860 sq. ft. general merchandise/food store and motor vehicle fueling station and a 1,570 sq. ft. restaurant with drive-in or drive-through service. No additional improvements are proposed. The applicant proposes to sell alcohol for off-premise consumption in conjunction with general merchandise uses and motor vehicle fueling station. A Specific Use Permit for the sale of alcoholic beverages is required 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 applicant is proposing to continue the general merchandise, motor vehicle fueling station and restaurant with drive-in or drive-through service uses with the sale of alcoholic beverages for off premise consumption. The initial short time period will also require that the request be re-evaluated 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					
<b>Existing</b>							
CS- existing Community Retail	15/0"	20' adjacent to residential OTHER: No Min.	NA	45'	80%	Proximity Slope Visual Intrusion	Commercial, business service, retail

**Landscaping:** Landscaping required per Article X of the Dallas Development Code.

**Parking:** 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 area plus two additional spaces for the motor vehicle fueling station use. Restaurant with drive-in or drive-through service use requires one space for each 100 square feet of floor area. The existing uses are to remain and require a total of 37 parking spaces. The attached site plan illustrates 37 spaces.

Z101-317

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has no objections.

**BAMA MASRI INVESTMENT INC. D.B.A. TIGERMART 48**

Officers

Mohammad Masri, President-Secretary

Abdelrazak Masri, Vice President



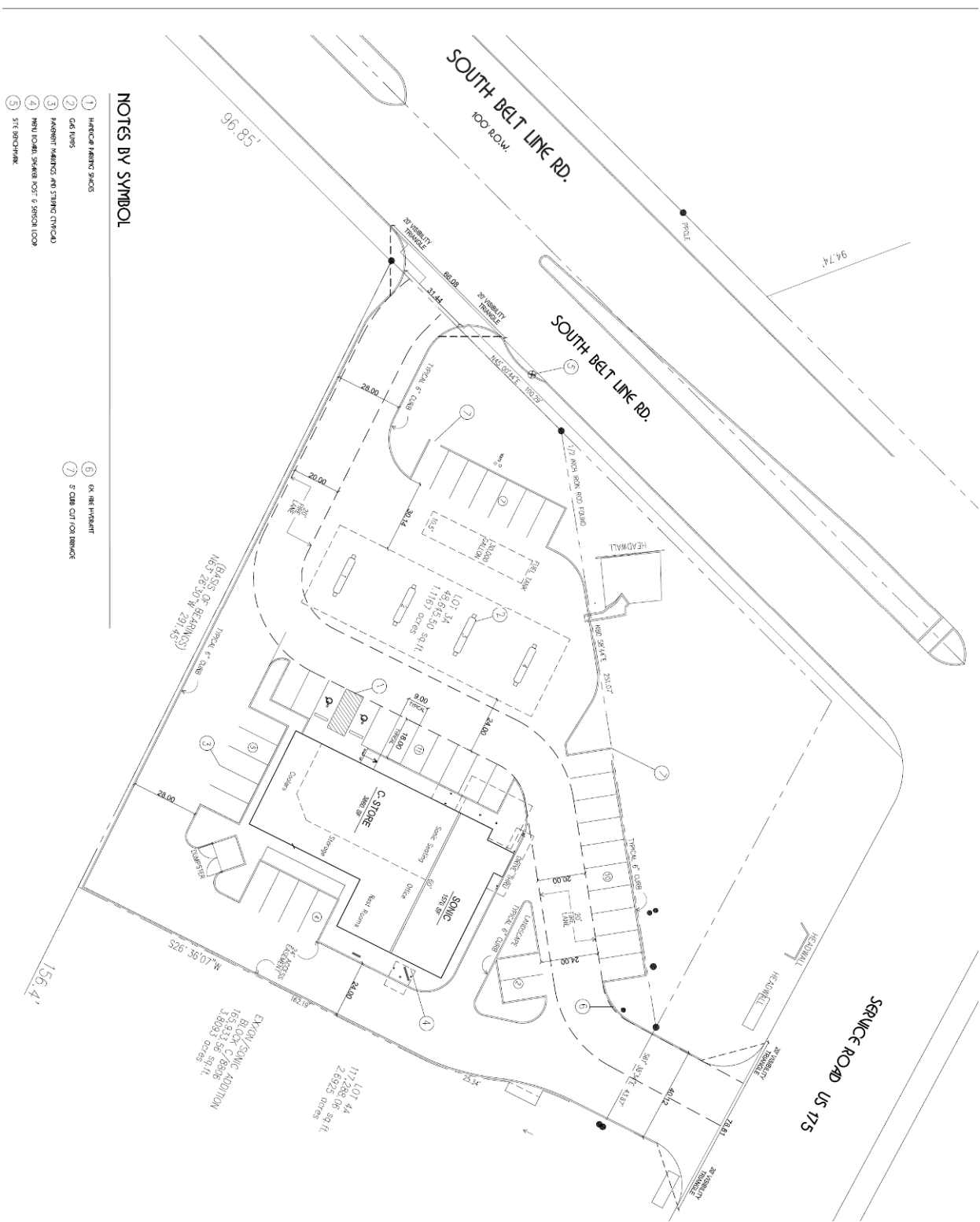
## DPD Report

The screenshot displays the Dallas Police Department's Virtual Viewer interface. At the top left, the Dallas Police Department logo and name are visible. To the right, there are links for [UCR Codes](#), [Year Codes](#), and [Property Class Codes](#). Below the header, a yellow bar contains the text "Virtual Viewer - Public Access" on the left and "Welcome" on the right. The main content area is a light gray rectangle with a small blue icon in the top left corner. In the center of this area, a dark blue box contains the text "No found results." Below this box, a white box with a thin border contains the text "The search parameters found no records." At the bottom of the interface, a dark blue footer bar contains the text "AgencyWeb® All rights reserved. ©2009 Orion Communications, Inc."

Proposed SUP Conditions

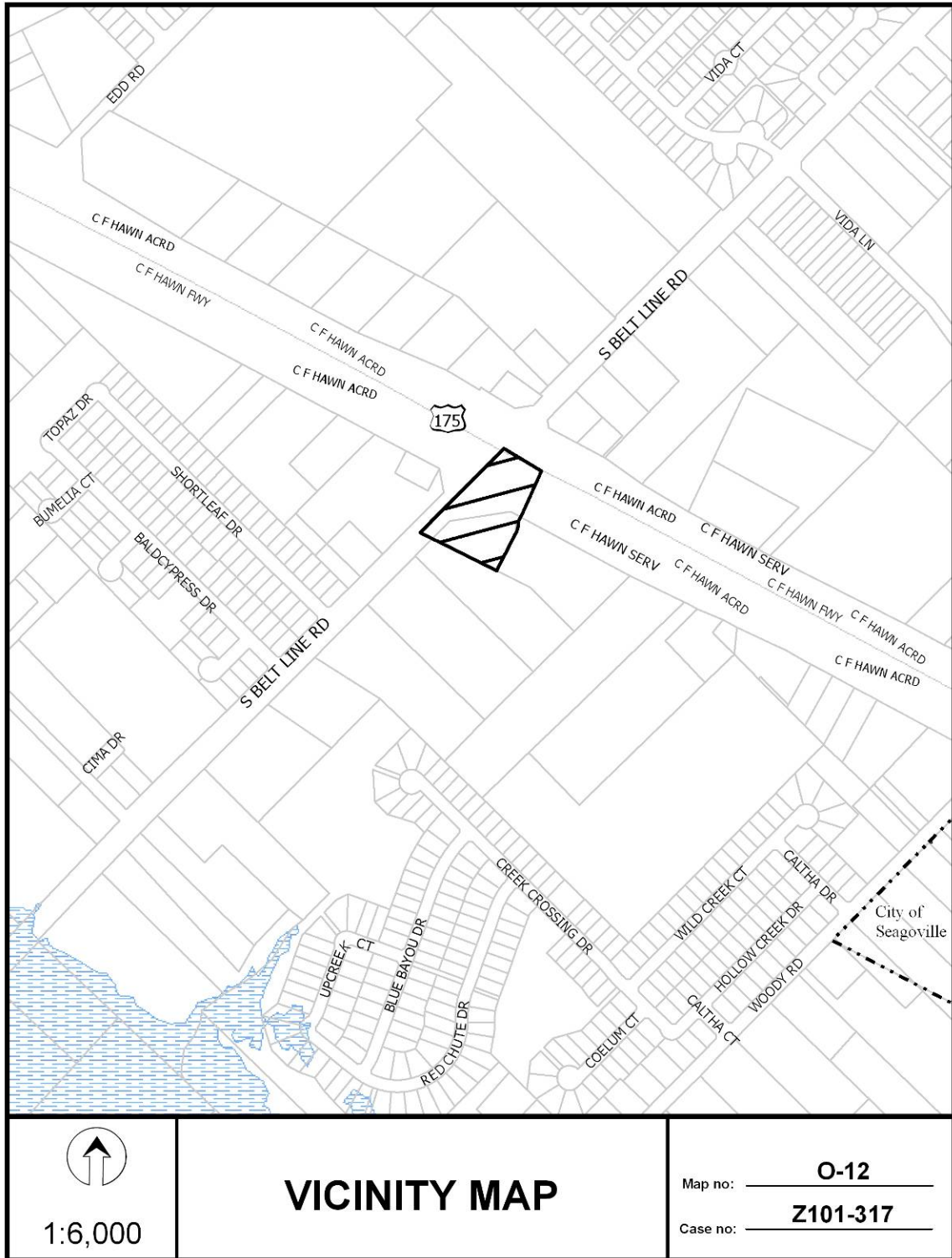
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific 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.

EXISTING SITE PLAN

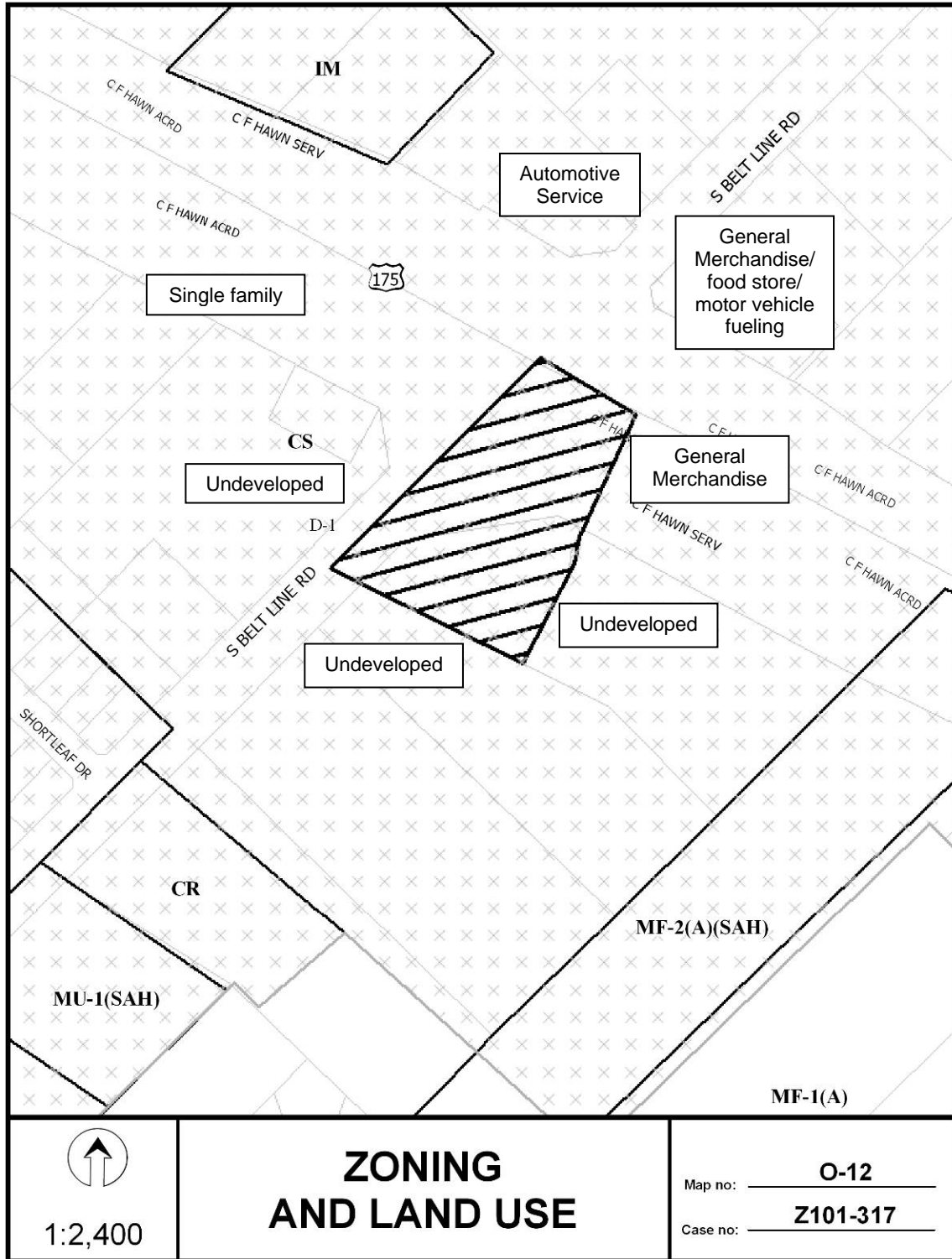


NOTES BY SYMBOL

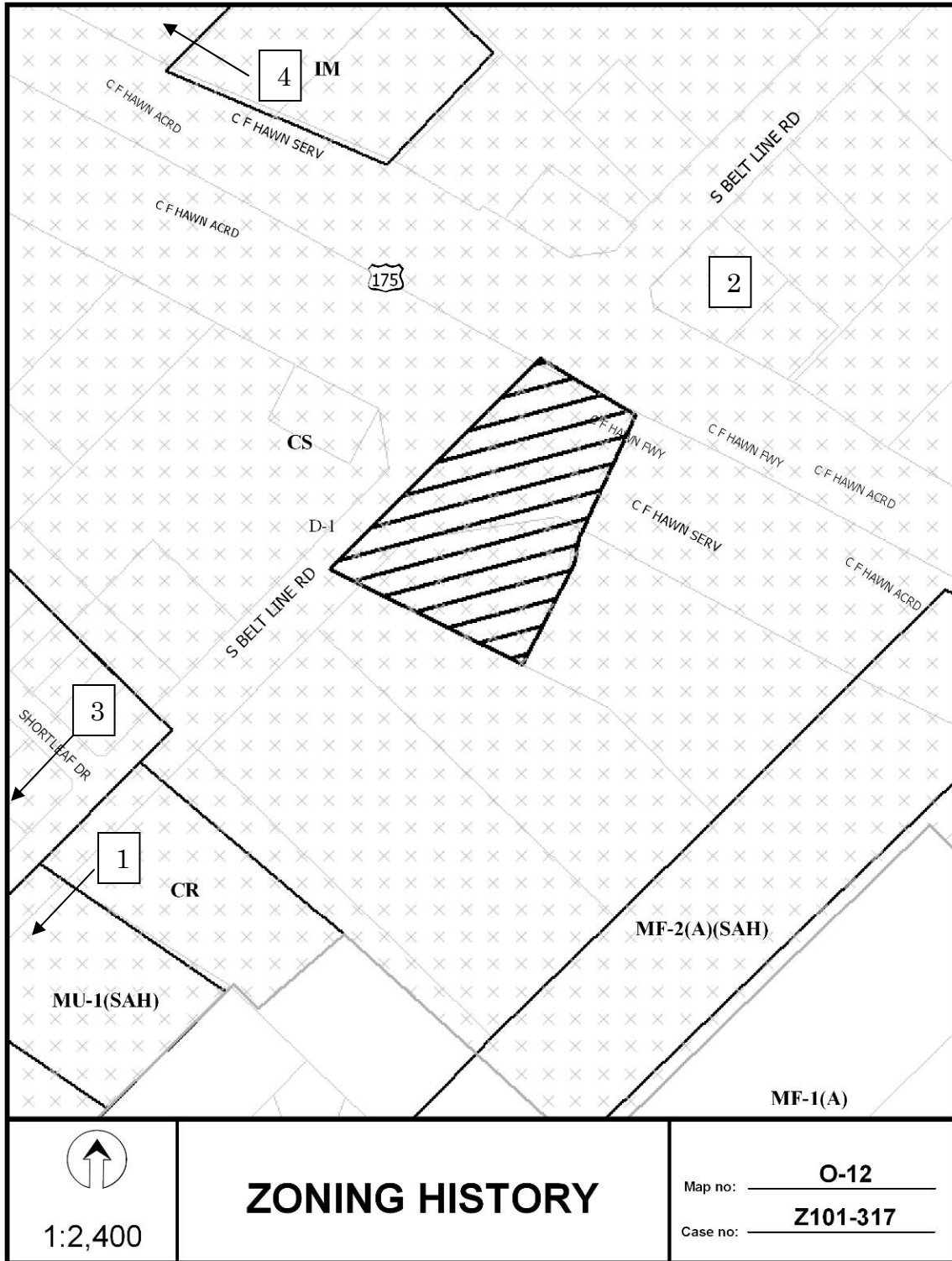
- ① HANDICAP PARKING SPACES
- ② GAS TANKS
- ③ PARKING MARKINGS AND STRIPING (TYPICAL)
- ④ MENU BOARD, SPEAKER HOLES & SERVICE LOCKS
- ⑤ SITE BENCHMARK
- ⑥ 6X 88' HYDRANT
- ⑦ 5' CURB CUT (20' MINIMUM)



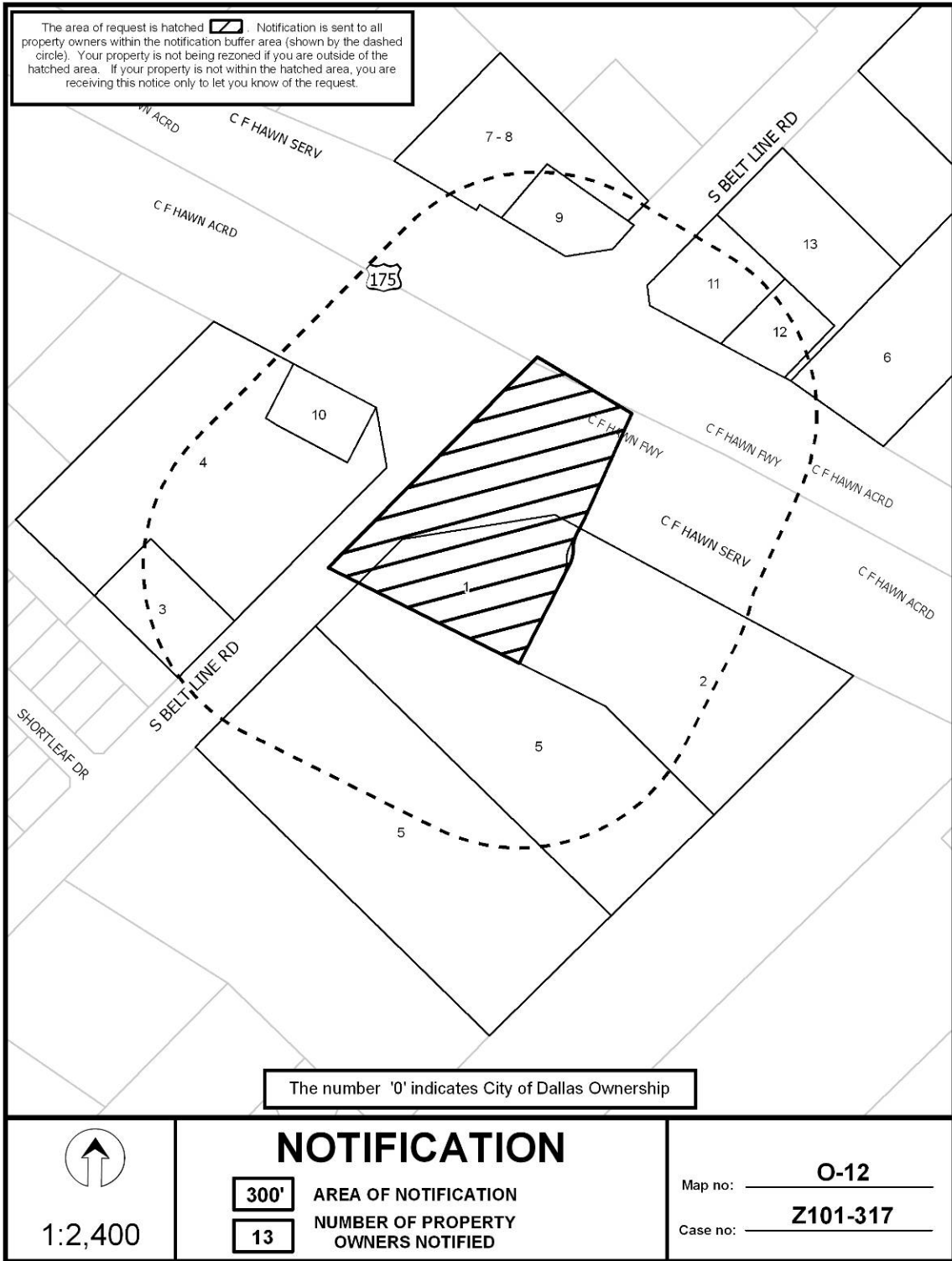
DATE: July 28, 2011



DATE: July 28, 2011



DATE: July 28, 2011



Z101-317

Page 1 of 1  
7/28/2011

## ***Notification List of Property Owners***

***Z101-317***

### ***13 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1920 BELTLINE	ALMO INVESTMENTS LTD
2	13558 C F HAWN	COMEDA REAL ESTATE ATTN GARY SHULTZ
3	1931 BELTLINE	MORAN JOSEPH P
4	13508 C F HAWN	ALMO INVESTMENT II LTD
5	2304 BELTLINE	ANTI DEFAMATION LEAGUE FOUNDATION & % DAVID S
6	13600 C F HAWN	FOX RUSSELL TRUSTEE STE G
7	13415 C F HAWN	PATEL SURENDRA KUMAR
8	13415 C F HAWN	PATEL S
9	13525 C F HAWN	B & B PRODUCTS CO % J D POWERS
10	13510 C F HAWN	LEWIS HAROLD B TR
11	13601 C F HAWN	SOUTHLAND CORP 27206
12	13700 C F HAWN	SADEGHIAN KHOSROW
13	1800 BELTLINE	MCDONALDS CORP 42 524 % ROLAND PARRISH

***Thursday, July 28, 2011***



**FILE NUMBER:** Z101-320 (MG)

**DATE FILED:** June 30, 2011

**LOCATION:** South line of S. Belt Line Road, east of Kleberg Road

**COUNCIL DISTRICT:** 8

**MAPSCO:** 69A - U

**SIZE OF REQUEST:** Approx. 1 acre

**CENSUS TRACT:** 170.01

---

**REPRESENTATIVE:** Pamela Craig

**APPLICANT/  
OWNER:** Elvira G. Almaraz

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive through service on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to sell alcohol for off-premise consumption in conjunction with a general merchandise or food store and restaurant without drive-in or drive through service.

**STAFF RECOMMENDATION:** Approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal of additional five year periods, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site is developed with an approximately 2,057 square foot restaurant that is undergoing renovation.
- The restaurant 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.
- The sale of alcohol is only allowed in the D-1 Liquor Control Overlay with an approved Specific Use Permit.

**Zoning History:**

There have been two recent zoning cases within the general vicinity.

1. Z101-317  
An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet. (This case is also scheduled for the September 1, 2011 CPC hearing.)
2. Z101-156  
On Wednesday, April 27, 2011, the City Council approved 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.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Belt Line Rd.	Principle	100 ft.	100 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
Site	CR-D-1	Restaurant
North	CR-D-1	Single family
South	R-10(A)	Undeveloped
East	CR-D-1	Undeveloped
West	CR-D-1	Single family

**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 1.0 acre request site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a 2,057 sq. ft. restaurant. No additional improvements are proposed. Hickory Creek forms the eastern and a portion of the southern boundary of the subject site. The applicant proposes to sale alcohol for on-premise consumption in conjunction with the restaurant use. A Specific Use Permit for the sale of alcoholic beverages is required in the D-1 Liquor Control Overlay.

The existing restaurant is currently undergoing renovation and is surrounded by undeveloped properties to the east and south. Single family residential development exists adjacent to the west and across S. Belt Line Road to the north.

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 as properties immediately adjacent to the request site are zoned CR Community Retail. The adjacent single family use to the west is screened from the subject property by heavy tree growth. The applicant is proposing to continue the restaurant use and add the sale of alcoholic beverages for on-premise consumption. 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					
<b>Existing</b>							
CR- existing Community Retail	15'	20' adjacent to residential OTHER: No Min.	NA	54'	60%	Proximity Slope Visual Intrusion	Business, community

**Landscaping:** Landscaping required per Article X of the Dallas Development Code.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a

Z101-320

restaurant use at one space for each 100 square feet of floor area. The existing use is to remain and requires 21 parking spaces. The attached site plan illustrates 28 spaces.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has no objections.

## DPD Report

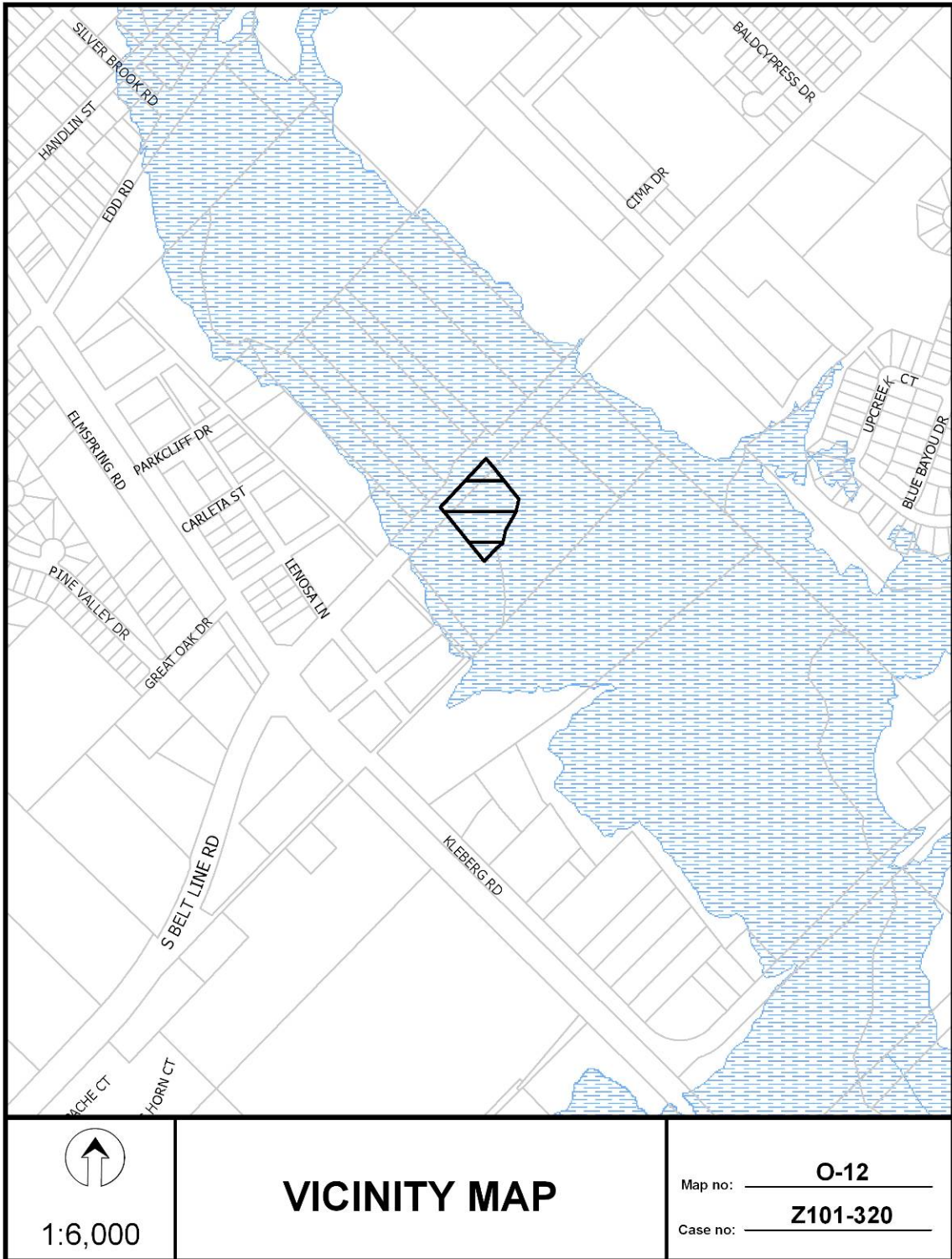
The screenshot displays the Dallas Police Department's Virtual Viewer interface. At the top left, the Dallas Police Department logo and name are visible. To the right, there are links for [UCR Codes](#), [Year Codes](#), and [Property Class Codes](#). Below the header, a yellow bar contains the text "Virtual Viewer - Public Access" on the left and "Welcome" on the right. The main content area is a light gray rectangle with a small blue and orange icon in the top left corner. In the center of this area, a dark blue box contains the text "No found results." Below this box, a white box with a thin border contains the text "The search parameters found no records." At the bottom of the interface, a dark blue footer bar contains the text "AgencyWeb® All rights reserved. ©2009 Orion Communications, Inc."

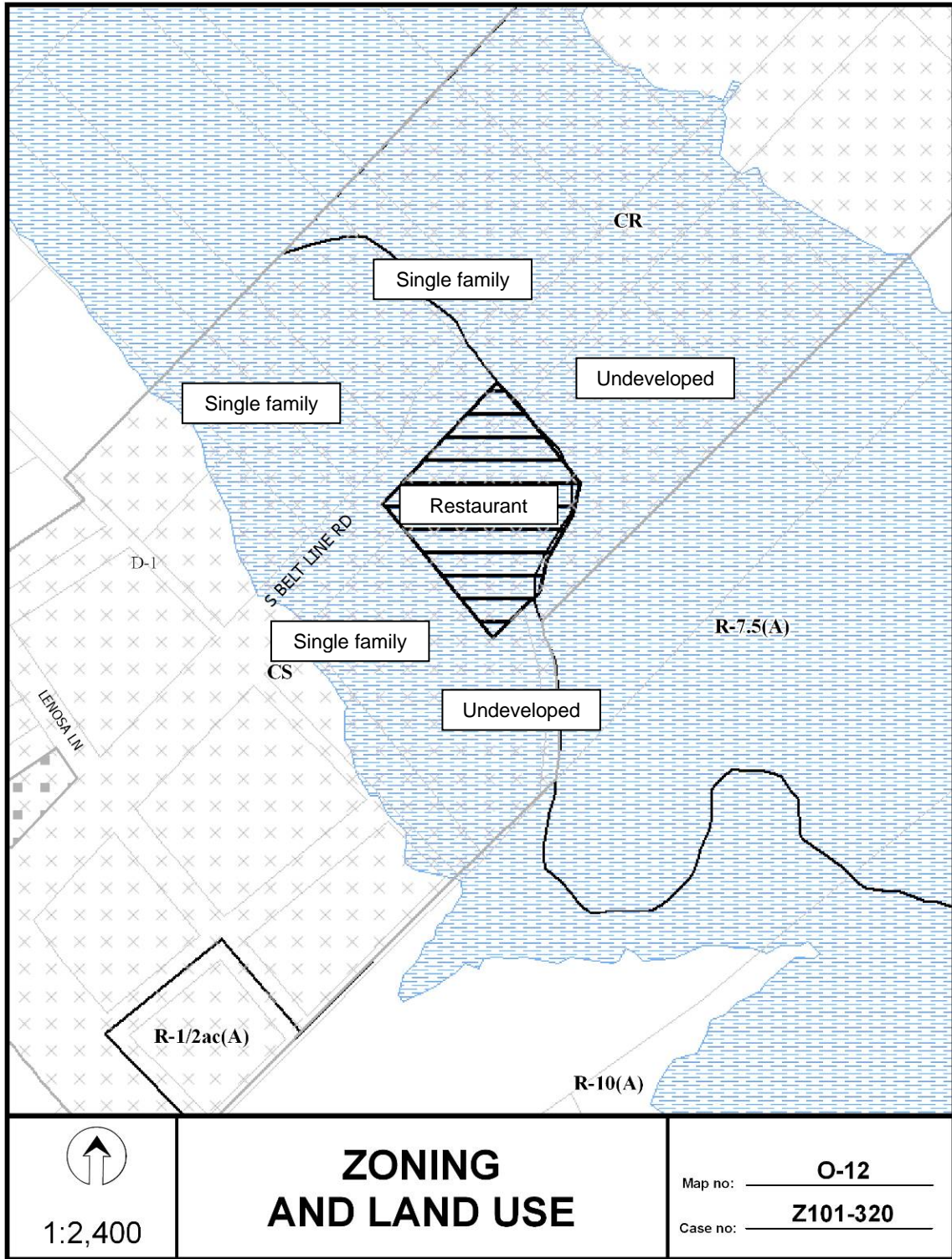
Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through 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 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.

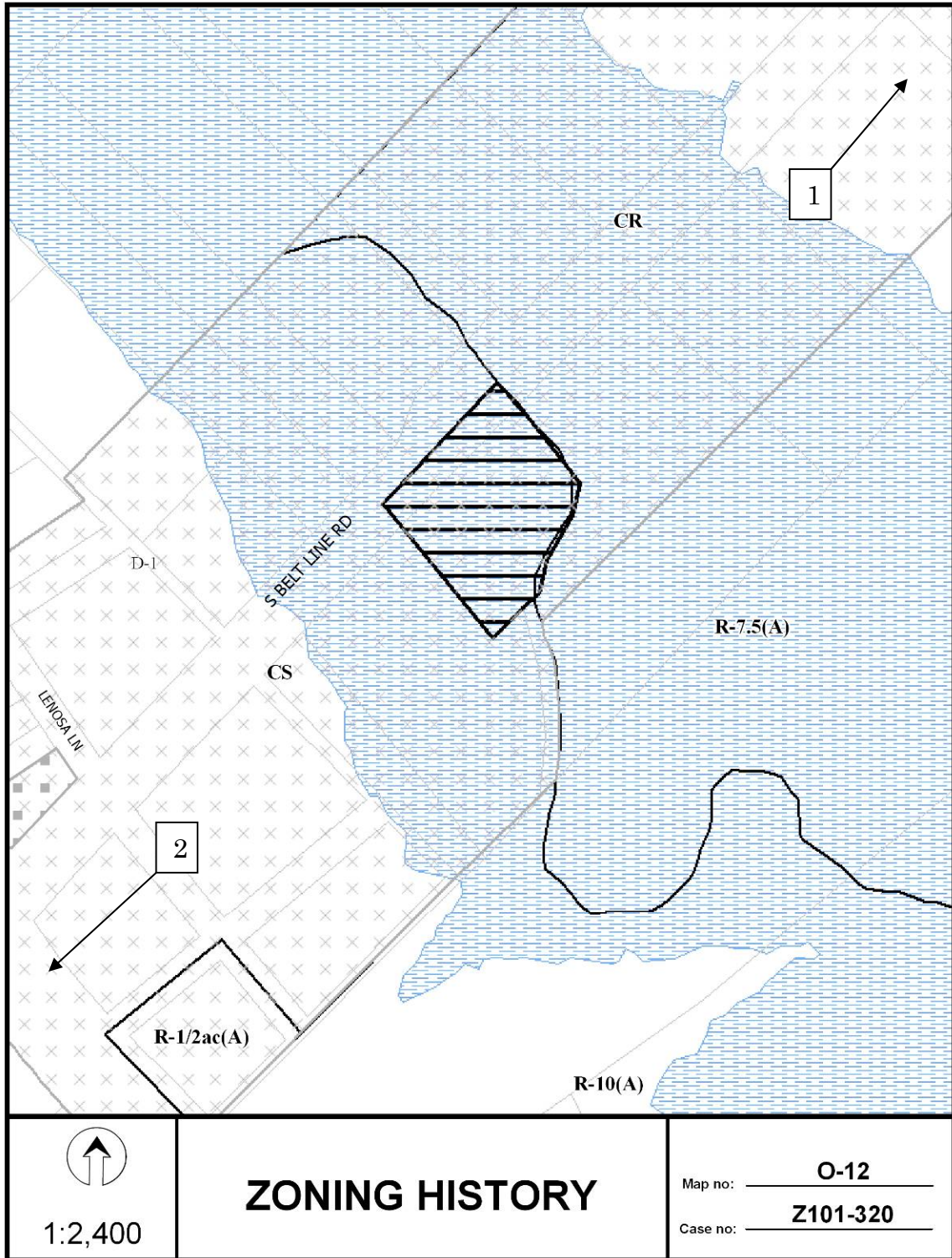




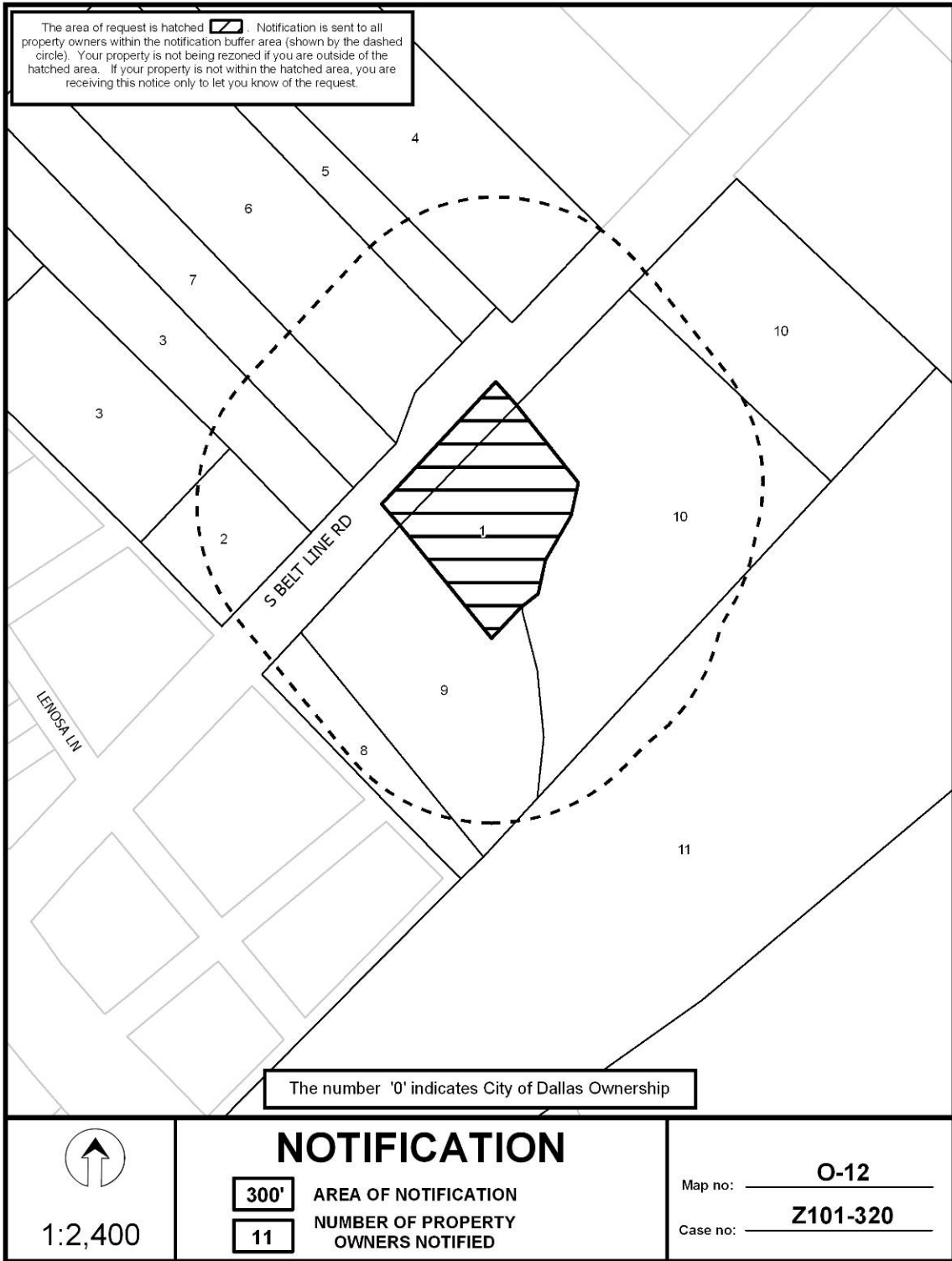








DATE: August 18, 2011



8/18/2011

## ***Notification List of Property Owners***

### ***Z101-320***

#### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2348 BELTLINE	SALMAN TAREQ
2	2369 BELTLINE	HETMER AGNES ANN
3	716 LENOSA	LUTTRELL LEONA ROSE
4	2327 BELTLINE	STOVALL ILONA A
5	2333 BELTLINE	STOVALL ILONA
6	2347 BELTLINE	HARVEY JEREMY DALE WAYNE APRIL ANN WARRE
7	2355 BELTLINE	HERNANDEZ JAVIER & MARIA
8	2346 BELTLINE	ARELLANO ESTANBAN
9	2368 BELTLINE	MONCADA MARICELA
10	2300 BELTLINE	QUON CARMENCITA W TR CARMENCITA W QUON R
11	13700 KLEBERG	FREEMAN WILLIAM D & MARY M FREEMAN

**FILE NUMBER:** Z101-306(MW)

**DATE FILED:** June 23, 2011

**LOCATION:** South side of East RL Thornton Freeway, west of Buckner Boulevard.

**COUNCIL DISTRICT:** 7

**MAPSCO:** 48-F

**SIZE OF REQUEST:** ±0.713 acre

**CENSUS TRACT:** 122.07

---

**REPRESENTATIVE:** Jackson Walker, LLP

**APPLICANT:** Cabana Beverages, Inc.

**OWNER:** Mary Properties, LLC

**REQUEST:** An application for a Specific Permit for the sale and service of alcoholic beverages in conjunction with a drive-through or drive-in restaurant on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East RL Thornton Freeway, west of Buckner Boulevard.

**SUMMARY:** The applicant proposes to sell alcoholic beverages for on-premise consumption at an existing restaurant with drive-through service.

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

**BACKGROUND INFORMATION:**

- The ±0.713-acre request site is developed with a ±4,018-square foot restaurant with drive-through service.
- The applicant proposes to sell alcoholic beverages for on-premise consumption at the existing restaurant.
- The restaurant with drive-through service allowed is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The request site is surrounded by RL Thornton Freeway right-of-way to the north; a shopping center to the east; retail to the south and retail and a bank to the west.

**Zoning History:**

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

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
RL Thornton Freeway	Primary Highway	Variable Lane Width

**Land Use:**

	Zoning	Land Use
Site	RR-D-1	Restaurant with drive-through service
North	RR-D-1	RL Thornton Freeway right-of-way
East	RR-D-1	Shopping Center
South	RR-D-1	Retail
West	RR-D-1	Retail; bank

**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 a *Business Center or Corridor* Building Block. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark 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.

In general, the applicant's request for a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a drive-through or drive-in restaurant is consistent with the following goal and policy of the Comprehensive Plan.

**LAND USE ELEMENT**

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

**Land Use Compatibility:**

The ±0.713-acre request site is developed with a ±4,018-square foot restaurant with drive-through service. The applicant proposes to sell alcoholic beverages for on-premise consumption at the existing restaurant. The restaurant with drive-through service allowed is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.



The request site is surrounded by RL Thornton Freeway right-of-way to the north; a shopping center to the east; retail to the south and retail and a bank to the west.

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.

**Development Standards:**

DISTRICT	SETBACKS	Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
RR-D-1 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

**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:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant with drive-in or drive-through service is one (1) space per 100 square feet of floor area. Therefore, the ±4,018-square foot restaurant requires 40 parking spaces; 42 parking spaces are provided, as depicted on the site plan.

**Landscaping:**

Any new development on the property will require landscaping per Article X of the Dallas Development Code.

**Partners/Principals/Officers:**

**Applicant: Cabana Beverages, Inc.**

<b>Cabana Beverages, Inc.</b> (TX, 11/4/91) FID 74-2616290 Stockholder: TC Bevco LLC 100% License holder of all mixed beverage licenses in Texas (does not include private clubs) Management company: Texas Taco Cabana, LP	
President / Treasurer/ Director	Shanna M. Ramirez
Secretary/ Director	Armando Lopez
VP/ Director	Rodney Dunn
Registered Agent	CT Corporation System, 350 N. St. Paul St., Dallas, TX 75201

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**Owner: Mary Properties LLC**

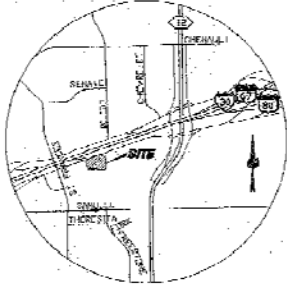
The Mary L Macchiaroli Family Trust  
Mary L Macchiaroli, Trustee, Manager

- Thomas G. Kindred, Jr. – SVP
- Todd V. Jones – VP & Assistant Secretary
- Carolyn Craft Martin - VP & Assistant Secretary
- Barbara Habhab - VP & Assistant Secretary
- Deborah Barker – VP
- Lisa Everroad – VP
- Delaine Gordon – VP
- Kelly Hallford – VP
- Kenneth R. Heimlich – VP
- Donna Ramsay – VP
- Sheila Samples – VP
- Anton (Butch) Tratar – VP
- Dale van Gelder – VP
- Harold Vinson - VP

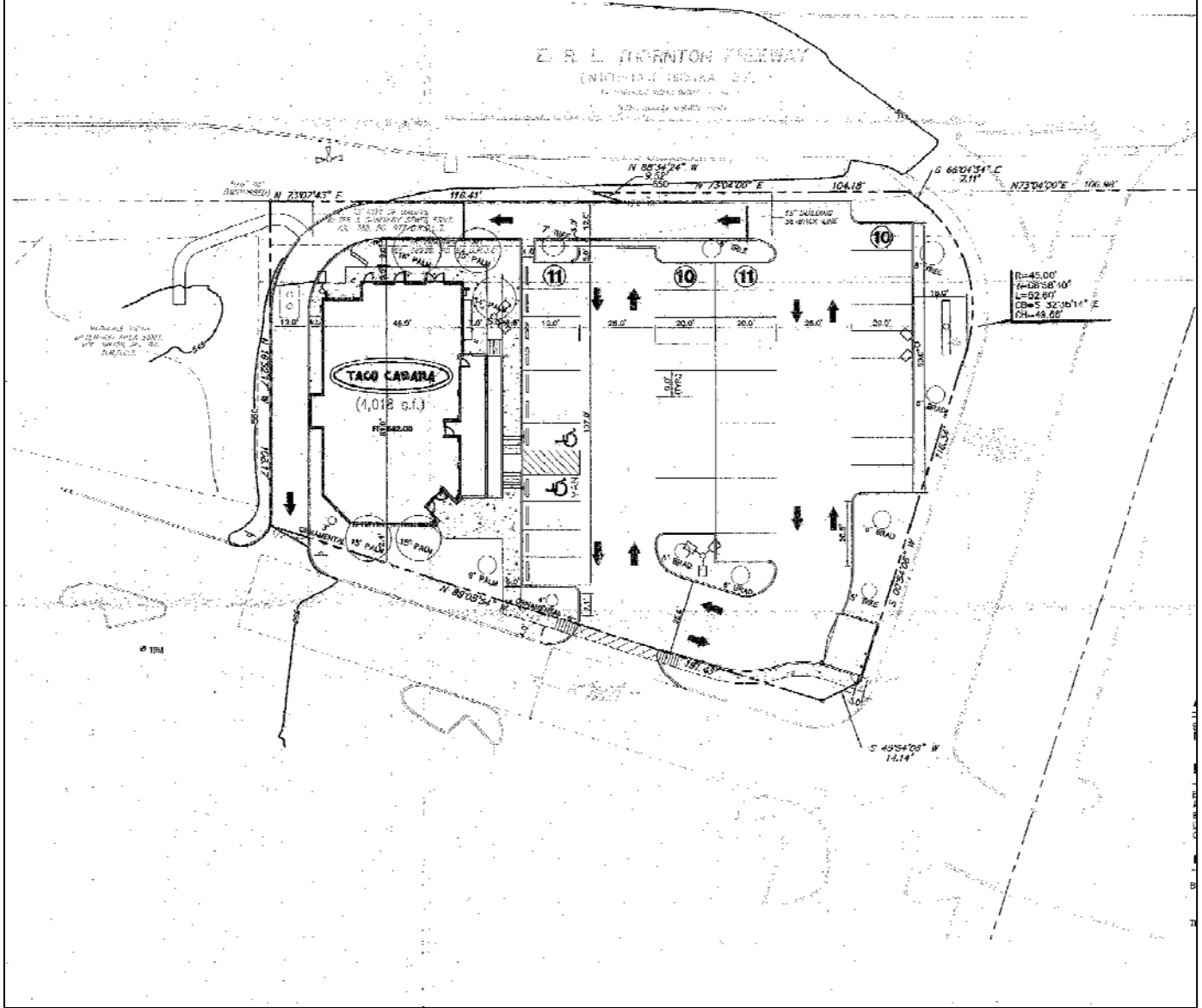
**Z101-306  
Proposed SUP Conditions**

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.
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. DRIVE-THROUGH WINDOW: A retail use may not use a drive-through window for retail sales of alcoholic beverages.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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.

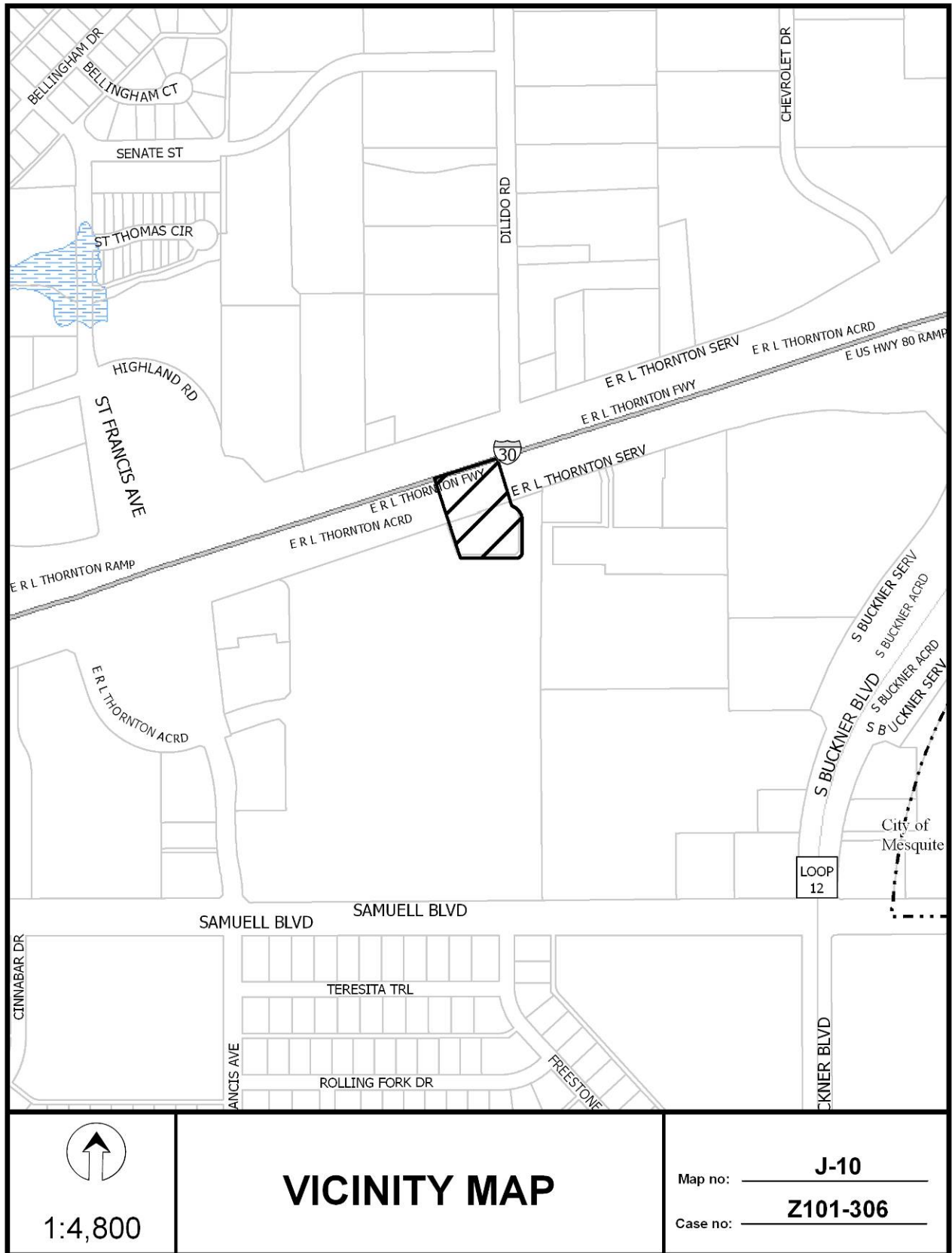
Proposed Site Plan



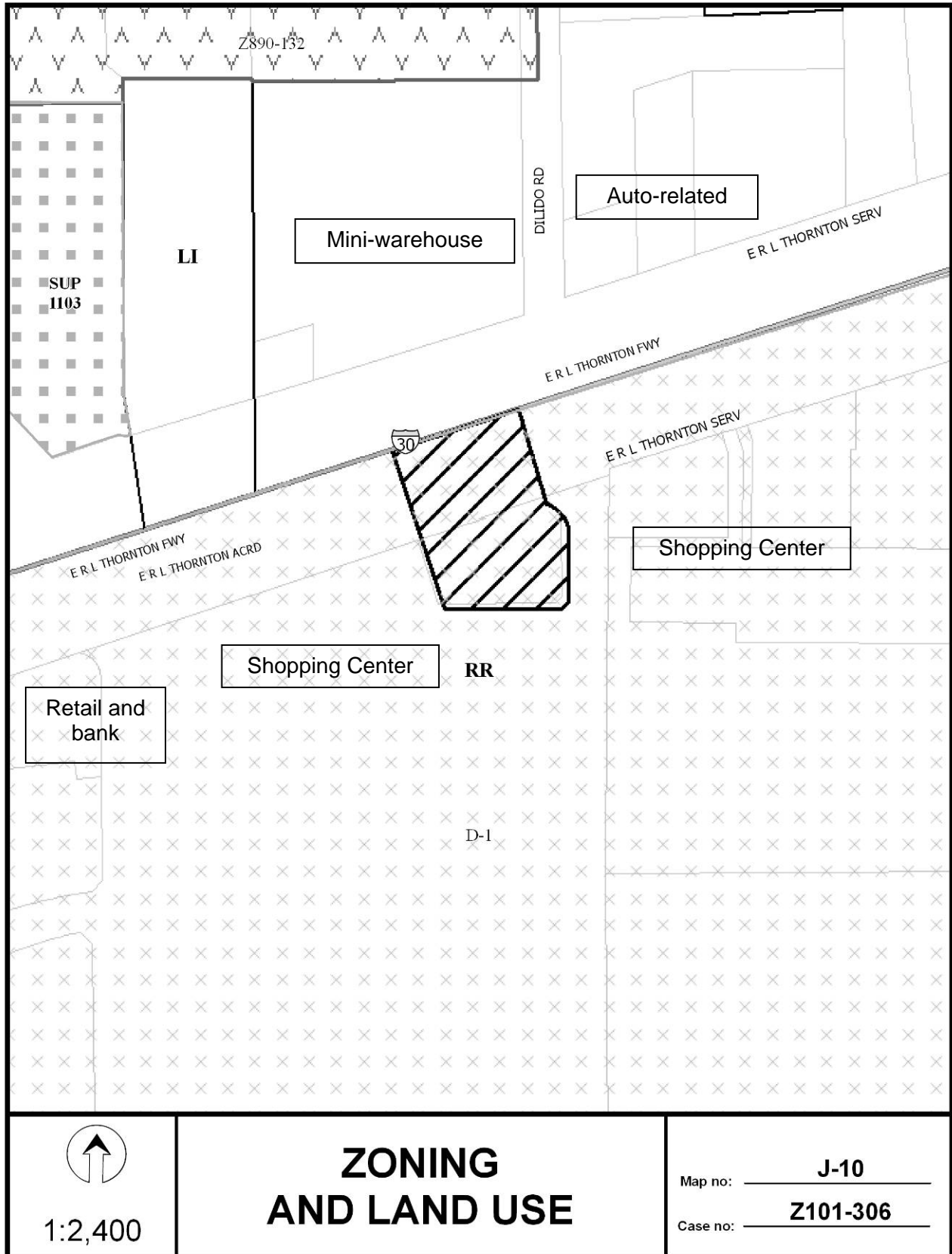
VICINITY MAP  
N.T.S.  
DALLAS, TEXAS



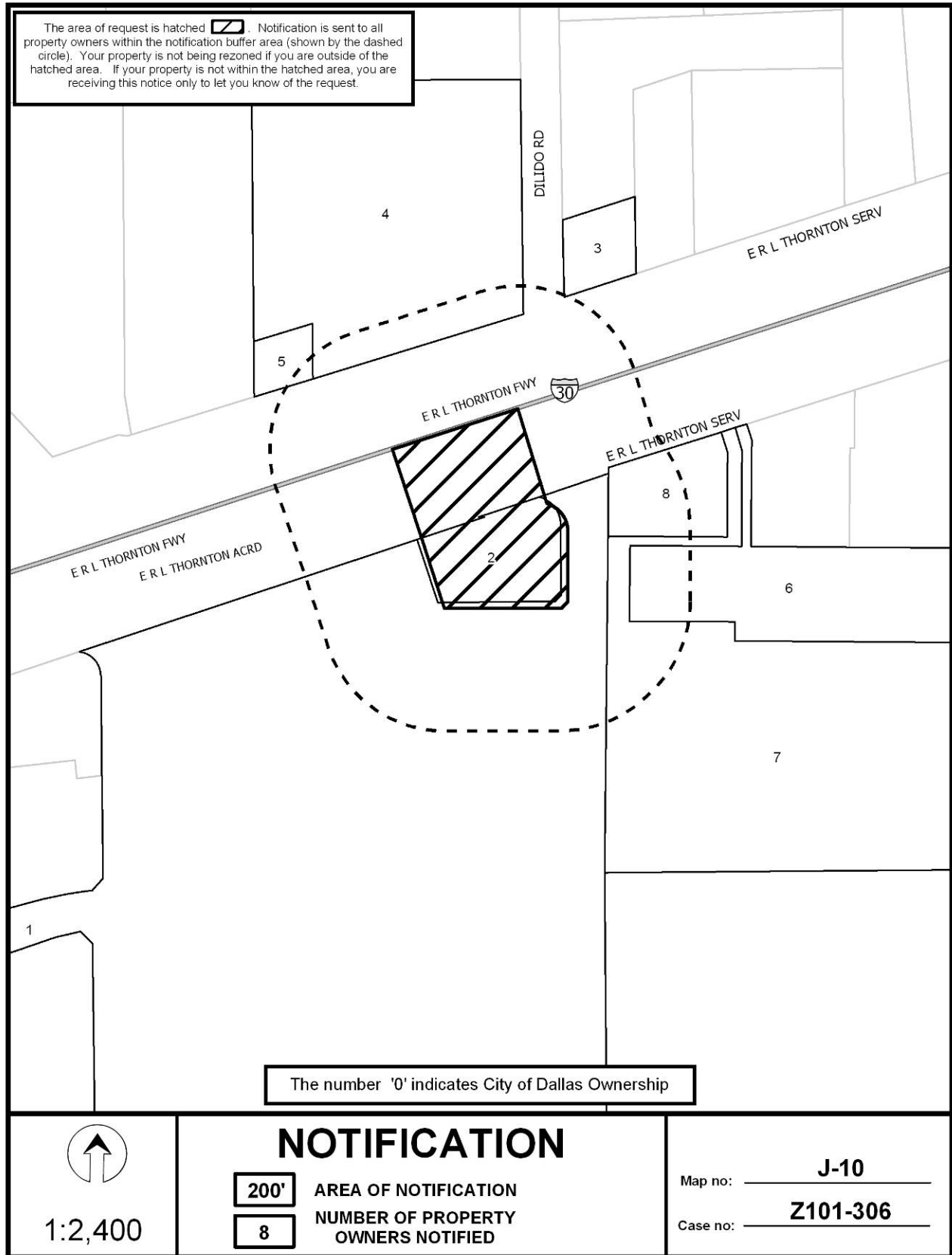
Z101-306(MW)



DATE: August 18, 2011



DATE: August 18, 2011



DATE: August 18, 2011

8/18/2011

## ***Notification List of Property Owners***

### ***Z101-306***

#### ***8 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9100 R L THORNTON	WAL MART REAL EST BUS TR % WAL-MART PPTY
2	9210 R L THORNTON	MARY PPTIES LLC %MICHAEL SHEBAY
3	9103 R L THORNTON	GARLAND E PARTNERSHIP LP % COMMERCIAL RE
4	9001 R L THORNTON	LAMPLIGHTER MOTEL LTD
5	9001 R L THORNTON	SINNI CORPORATION
6	9222 R L THORNTON	IACONO ELANA FAMILY LTD
7	9208 R L THORNTON	BUCKNER SHOPPING CE LP SUITE 301
8	9214 R L THORNTON	BUCKNER SHOPPING CE LP SUITE 205



**FILE NUMBER:** Z101-285(MW)

**DATE FILED:** July 15, 2011

**LOCATION:** Northwest corner of Denton Drive and Lombardy Lane

**COUNCIL DISTRICT:** 6

**MAPSCO:** 23-T

**SIZE OF REQUEST:** ±4.7 acres

**CENSUS TRACT:** 99

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**REPRESENTATIVE:** Shannon Brown

**APPLICANT/OWNER:** Dallas County

**REQUEST:** An application for a Specific Use Permit for a government installation other than listed limited to a youth residential facility and treatment and rehabilitation center on property zoned a .

**SUMMARY:** The applicant proposes to continue to utilize the property for youth residential facility and treatment and rehabilitation center and to expand the use.

**STAFF RECOMMENDATION:** Approval for permanent time period subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- Pursuant to Section 51A-4.212 of the Dallas Development Code, a “government installation other than listed” is an installation owned or leased by a government agency and that is not specifically covered by the use regulations in this chapter.
- The ±4.7-acre request site is currently developed with a ±40,000-square foot facility (The Letot Center) which functions as a shelter for male and female youth (18 and under) who have been referred by law enforcement for runaway, truancy and class C misdemeanors.
- The existing facility has operated since 1990, at which time a certificate of occupancy was issued for a correctional institution. The facility is licensed by the Texas Department of Family and Protective Services and provides intake, residential (emergency shelter), non-residential, clinical and educational services.
- The applicant proposes the addition of a ±55,000-square foot facility that will serve as a residential treatment facility for female youth (18 and under) who are under the jurisdiction of the Dallas County Juvenile Department.
- The program associated with the proposed expansion will target post-adjudicated girls with a six to nine-month program which will include residential treatment services, educational services, and out-patient services to help the youth transition back into the community.
- The request site is surrounded by retail and industrial uses to the north; a rail yard to the east and auto-related uses to the south and west.

**Zoning History:**

<b>1.</b>	<b>Z056-307</b>	On May 23, 2007, the City Council approved a Planned Development District for a railroad yard, roundhouse, or shops, and IR Industrial Research uses on property zoned an IM Industrial Manufacturing District and an LI Light Industrial District.
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**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Lombardy Lane	Collector	60 ft.
Denton Drive	Collector	60 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	IM	Youth residential facility and treatment and rehabilitation center; undeveloped
<b>North</b>	IM	Retail; industrial
<b>East</b>	PDD No. 756	Rail yard
<b>South</b>	IR	Auto-related uses
<b>West</b>	IM;IR	Auto-related uses

**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 a *Business Center or Corridor*. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark 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.

In general, the applicant's request is consistent with the following goal and policy of the Comprehensive Plan.

## **LAND USE ELEMENT**

Goal 1.1: Promote desired development

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

## **NEIGHBORHOOD ELEMENT**

Goal 7.1 PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.4 Promote clean and safe neighborhoods.

Policy 7.1.5 Provide public infrastructure to support neighborhoods.

### **Land Use Compatibility:**

The ±4.7-acre request site is currently developed with a ±40,000-square foot facility (The Letot Center) which functions as a shelter for male and female youth (18 and under) who have been referred by law enforcement for runaway, truancy and class C misdemeanors. The existing facility has operated since 1990, at which time a certificate of occupancy was issued for a correctional institution. The facility is licensed by the Texas Department of Family and Protective Services and provides intake, residential (emergency shelter), non-residential, clinical and educational services.

The applicant proposes the addition of a ±55,000-square foot facility that will serve as a residential treatment facility for female youth (18 and under) who are under the jurisdiction of the Dallas County Juvenile Department. The program associated with the proposed expansion will target post-adjudicated girls with a six to nine-month program which will include residential treatment services, educational services, and out-patient services to help the youth transition back into the community.

To accommodate the proposed use of the property, the applicant is requesting a Specific Use Permit for a government installation other than listed. Pursuant to Section 51A-4.212 of the Dallas Development Code, a “government installation other than listed” is an installation owned or leased by a government agency and that is not specifically covered by the use regulations in this chapter.

The request site is surrounded by retail and industrial uses to the north; a rail yard to the east and auto-related uses to the south and west.

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 a site plan and conditions, complies with the general provisions for consideration of an SUP.

**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:**

Pursuant to §51A-4.212 of the Dallas Development Code, the required off-street parking requirement for a government installation is determined by the building official based on the most equivalent use in terms of function. If a specific use permit is required, the off-street parking regulation may be established in the ordinance granting the permit. As depicted on the site plan, 38 spaces will be provided.

**Landscaping:**

Landscaping must be provided pursuant to Article X of the Dallas Development Code.

Z101-285(MW)

**Partners, Principals, Officers:**

**Dallas County Commissioners Court**

Judge Clay Lewis Jenkins

Commissioner Maurine Dickey, District 1

Commissioner Mike Cantrell, District 2

Commissioner John Wiley Price, District 3

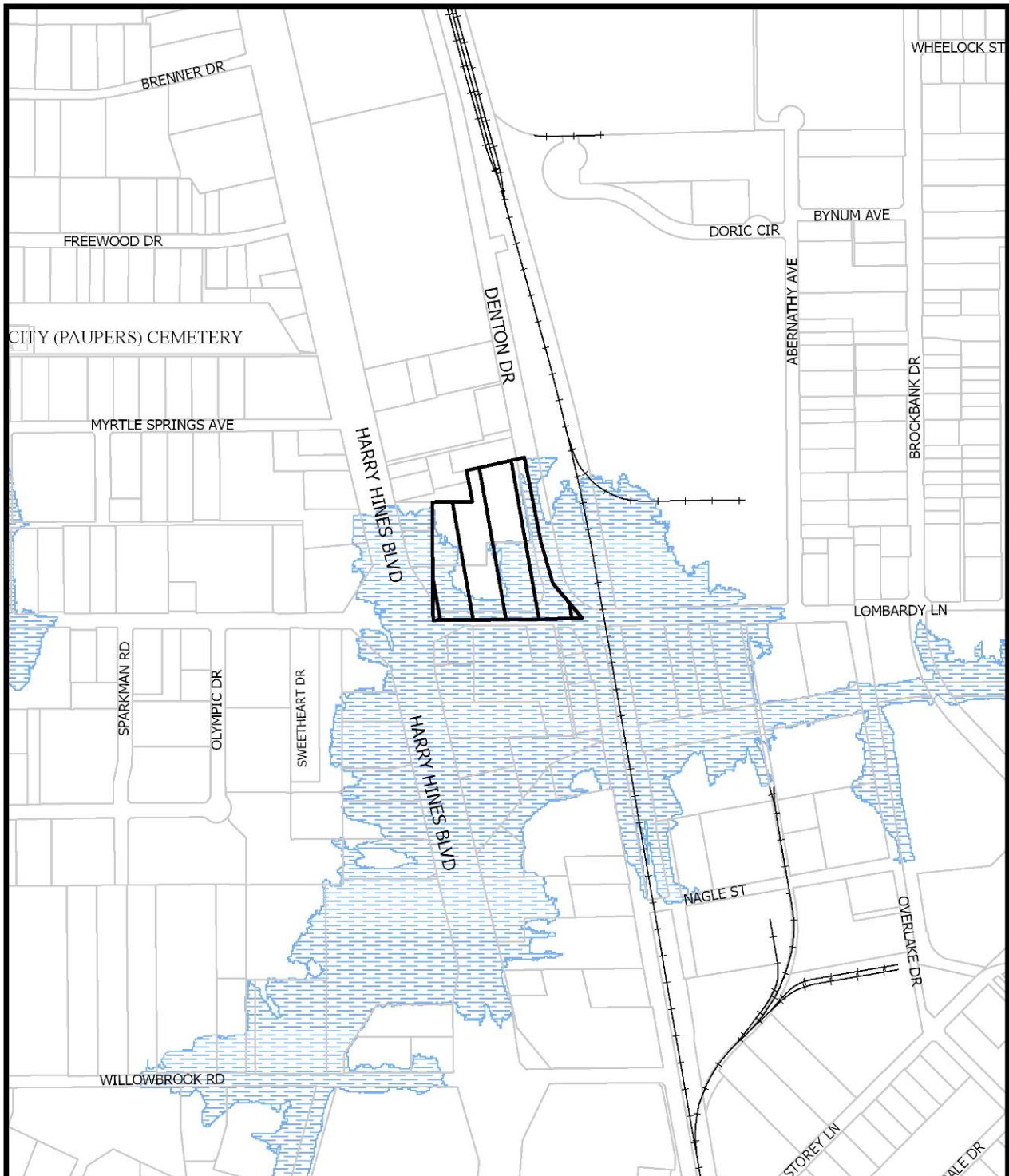
Commissioner Elba Garcia, DDS, District 4


**Z101-285  
Proposed Conditions**

1. USE: The only use authorized by this specific use permit is a government installation other than listed limited to a youth residential facility and treatment and rehabilitation center.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit has no expiration date.
4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended. Plant materials must be maintained in a healthy, growing condition.
5. INGRESS-EGRESS: Ingress and egress must be provided 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.





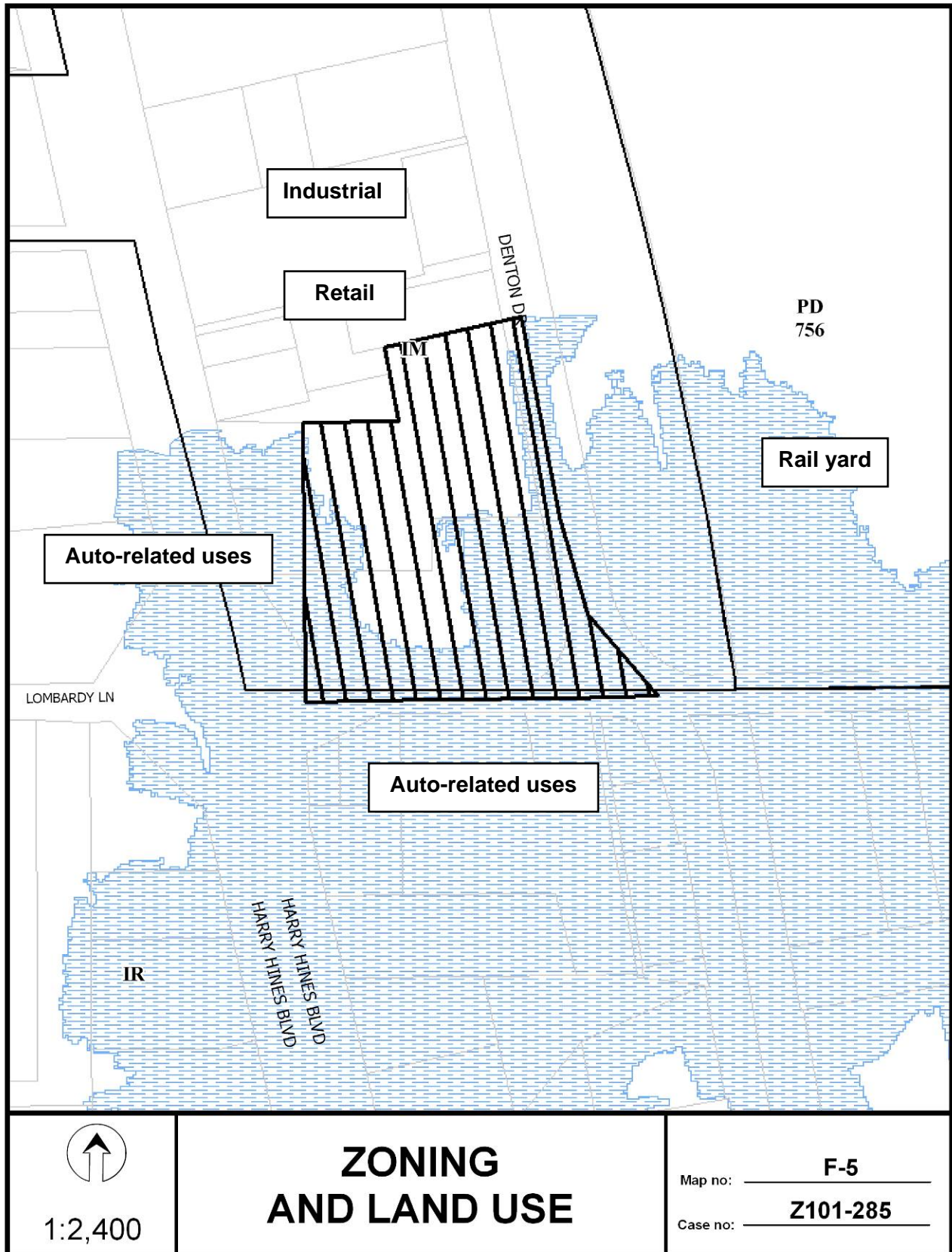


  
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# VICINITY MAP

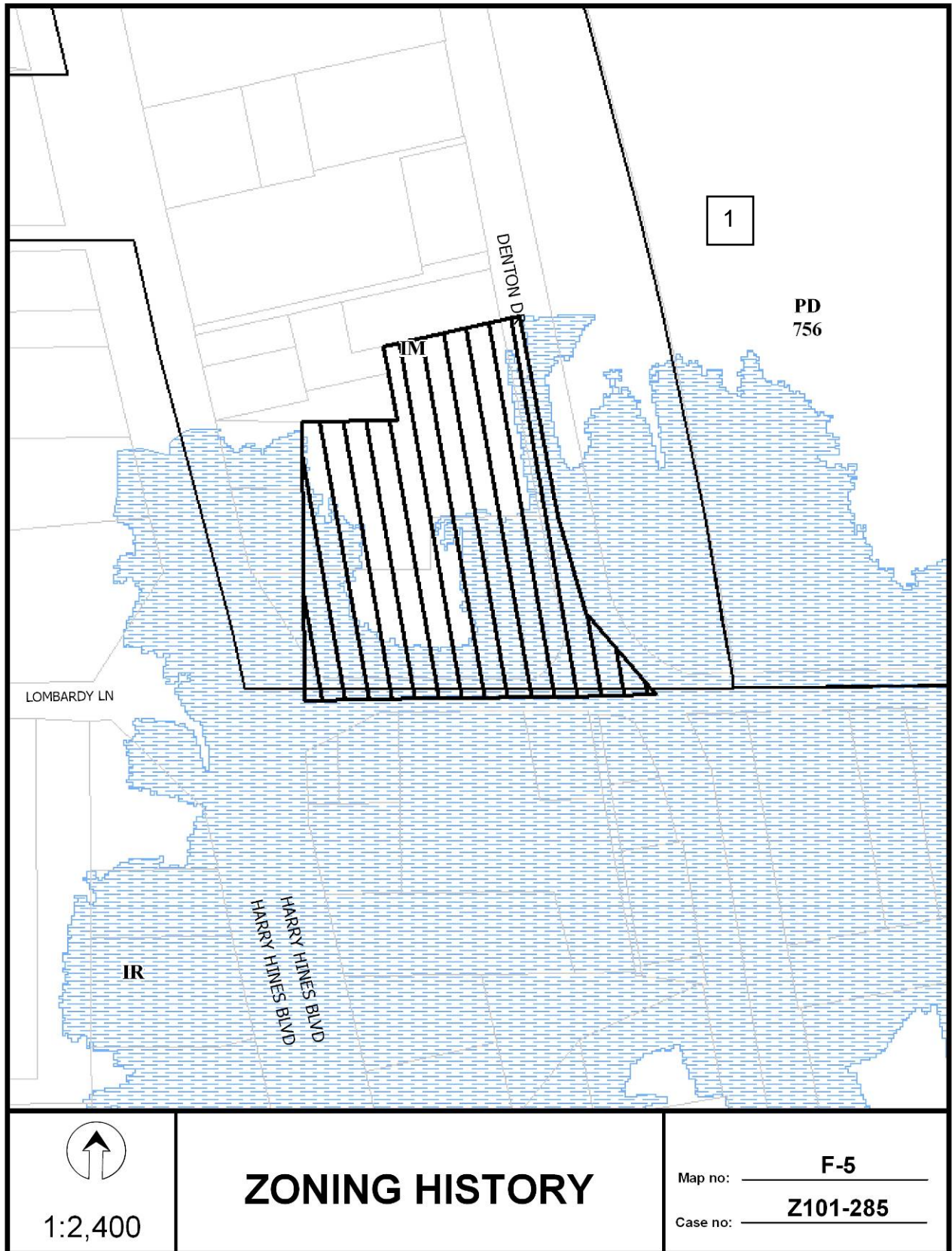
Map no:           F-5            
Case no:           Z101-285          

DATE: August 19, 2011

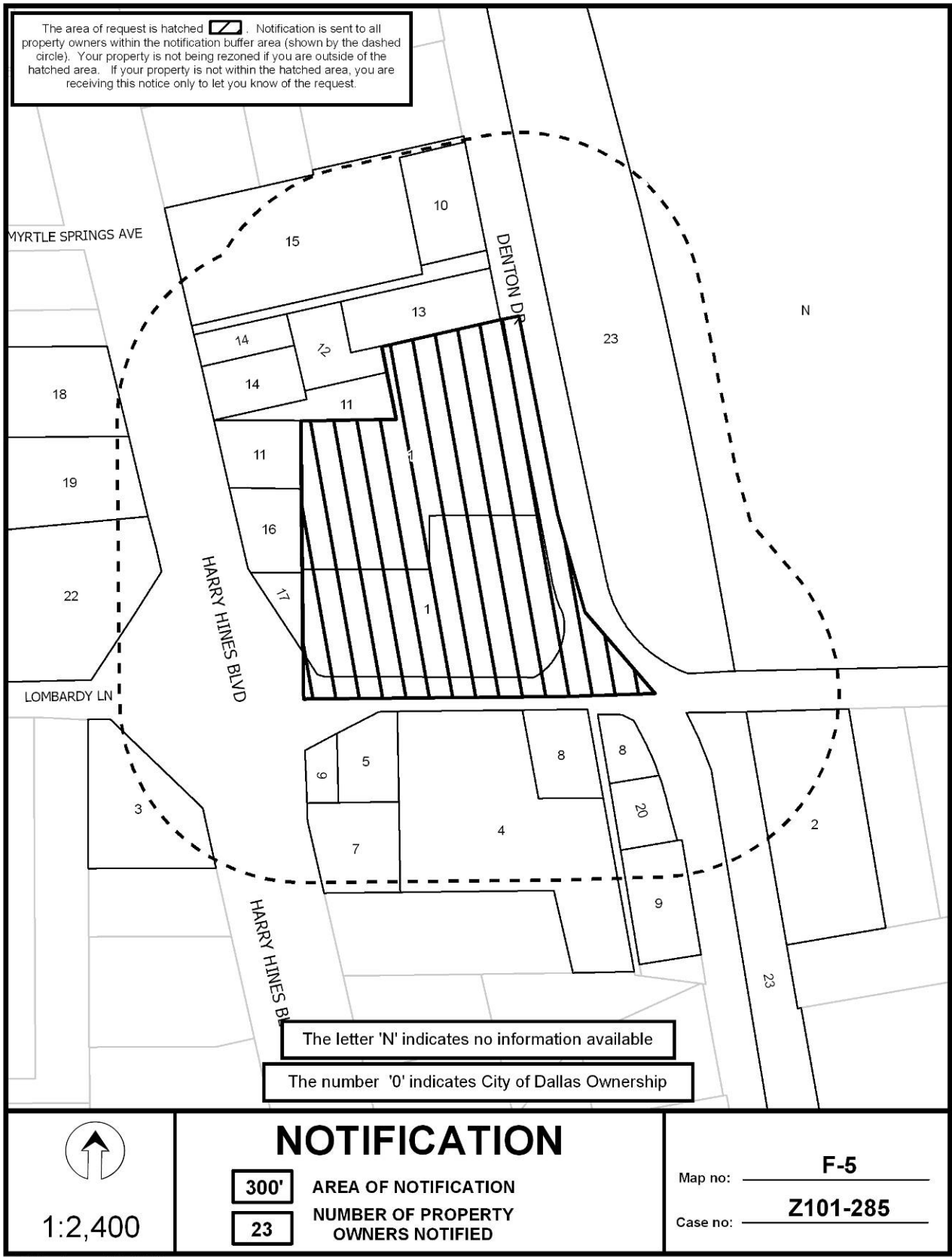


DATE: August 19, 2011





DATE: August 19, 2011



DATE: August 19, 2011

8/19/2011

***Notification List of Property Owners******Z101-285******23 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2727 LOMBARDY	County of Dallas ATTN COUNTY CLERK
2	2818 LOMBARDY	HILL KATHERINE MAE
3	10429 HARRY HINES	STATE STREET BANK & TR CO C/O GPC ATT:IN
4	2726 LOMBARDY	JINOO CORPORATION
5	2700 LOMBARDY	FAUST KATHRYNE REVOC LIV %DOROTHEA
LAV ER		
6	10430 HARRY HINES	HOWARD JERRY ALLEN
7	10422 HARRY HINES	FAUST KATHRYNE REVOC LIVI %DOROTHEA
LAV E		
8	10449 DENTON	FLORES MUFFLER & RADIATOR INC
9	10427 DENTON	JAVIER JOSE G & ZENAIDA Q ARRIAGA
10	10573 DENTON	KIM HO GUN
11	10520 HARRY HINES	SOSTECKE REAL ESTATE CO LTD
12	10600 HARRY HINES	DARDEN DONNA D BUSINESS TRUST
13	10549 DENTON	LINSLEY WILMER A JR TR DONNA DEHN
DARD EN		
14	10532 HARRY HINES	SOSTECKE EDWARD F TR
15	10544 HARRY HINES	DAJEN L C
16	10516 HARRY HINES	SOSTECKE EDWARD F
17	10508 HARRY HINES	FRISCO REAL ESTATE GROUP LLC
18	10529 HARRY HINES	C MEDINA ENTERPRISES INC
19	10525 HARRY HINES	CIK HOLDINGS ATTN BRYAN KAMINSKI
20	10437 DENTON	FLORES GUADALUPE F
21	10573 DENTON	TEXAS STATE OF %TX DOT
22	10507 HARRY HINES	10507 HARRY HINES BLVD LTD
23	8008 ELAM	DART

**FILE NUMBER:** Z101-296(MW)

**DATE FILED:** June 6, 2011

**LOCATION:** Southeast corner of SMU Boulevard and Worcola Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 36-E; 36-F

**SIZE OF REQUEST:** ±3.629 acres

**CENSUS TRACT:** 79.05

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**REPRESENTATIVE:** Jackson Walker, LLP

**APPLICANT/OWNER:** 5640 SMU Blvd., L.P

**REQUEST:** An application to amend Planned Development District No. 786 for mixed uses.

**SUMMARY:** The applicant is requesting to amend the PDD conditions to 1) clarify the multifamily parking standards and to 2) revise the development plan to reconfigure the parking on SMU Boulevard and to combine leasing area and clubhouse amenities with the area originally designated as ground floor retail, resulting in a reduced footprint for the non-residential area.

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan and conditions.

**BACKGROUND INFORMATION:**

- The ±3.65-acre request site is currently under development with a mixed use project which will consist of residential units with ground floor retail.
- Planned Development District No. 786 was approved by the Dallas City Council on June 11, 2008 (zoning case Z078-168).
- The applicant is requesting to amend the PDD conditions to 1) clarify the multifamily parking standards and to 2) revise the development plan to reconfigure the parking on SMU Boulevard and to combine leasing area and clubhouse amenities with the area originally designated as ground floor retail, resulting in a reduced footprint for the non-residential area.
- Additional revisions to the development plan include refinement of the schematic parking layout (the parking remains labeled “schematic” to provide some flexibility as the project progresses.)
- The mixed use project is targeted to SMU students. When creating the PDD, specific considerations were given to the site’s proximity to public transit.
- SMU, the City of Dallas and the North Central Texas Council of Governments (NCTCOG) have been working in partnership on streetscape improvements which will include wider sidewalks, pedestrian lighting, and other amenities along SMU Boulevard between Central Expressway and Greenville Avenue.
- The request site is surrounded by a mix of office, retail and personal service uses to the north, an electric substation to the east across elevated Greenville Avenue, the University Park Fred N. Peek Service Center to the south and a restaurant and post office to the west.

**Zoning History:**

**1) Z067-189:** On September 26, 2007, the City Council approved a Planned Development District for MU-3 District uses on property zoned an MU-3 Mixed Use District.

**2) Z067-284:** On December 7, 2010, the City Council approved a Planned Development District for MU-3 District uses on property zoned an MU-3 Mixed Use District.

**3) Z101- 243:** On August 24, 2011, the City Council approved an amendment to Specific Use Permit No. 1140 for a Municipal Service Center on property zoned an MU-3 Mixed Use District.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Greenville Avenue	Principle Arterial	100 ft.
Yale Boulevard	Collector	100 ft.
Worcola Street	Minor Arterial	50 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	PDD 786	Under development with mixed use project
<b>North</b>	MU-3, PD 769	office, retail and personal service uses
<b>East</b>	MU-3	Electric substation (across Greenville
<b>South</b>	MU-3 with SUP No. 1140	University Park Fred N. Peek Service
<b>West</b>	MU-3	Restaurant, post office

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The subject site is identified as being within an Urban Mixed Use Building Block on the *forwardDallas! Vision Illustration*, adopted June 2006. The Urban Mixed Use Building Block provides for a healthy balance of housing, jobs and shopping that permits residents to live, work and play in the same neighborhood. These areas are linked to the rest of the city by means of the transit system and should be designed to encourage pedestrian mobility. 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.

The applicant’s proposal to redevelop the site with mixed uses is consistent with the *forwardDallas! Vision* and further complies with the following goals and policies of the Comprehensive Plan.

**ECONOMIC ELEMENT**

**GOAL 2.2: ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT**

Policy 2.2.2: Maximize development opportunities around DART stations.



## **HOUSING**

GOAL 3.2 Answer the need for housing options.

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

The southwest portion of the request site is within ¼ mile of the Mockingbird Park and Ride station.

## **ENVIRONMENT ELEMENT**

GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY

Policy 6.3.3 Limit vehicle miles traveled.

## **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.

GOAL 5.1 Promote a sense of place, safety, and walkability.

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

### **Land Use Compatibility:**

The ±3.65-acre request site is currently under development with a mixed use project which will consist of residential units with ground floor retail. Planned Development District No. 786 was approved by the Dallas City Council on June 11, 2008 (zoning case Z078-168).

The applicant proposes to amend the PDD conditions to so that no parking is required for an accessory community center (private). This clarification to the multifamily parking standards will ensure that common areas for residents such as swimming pools, game courts, workout areas, tanning beds, computer areas and/or coffee/snack areas, which are ancillary to the multifamily portion of the project, do not require additional parking. Typically, Building Inspection classifies such uses as “accessory community center (private)”. Pursuant to the Dallas Development Code, an accessory community center (private) is defined as “an integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development and that is used by residents of the project or development for a place of meeting, recreation or social activity. Typically, the parking required for this accessory use require is one (1) space per 100 square feet of floor area.

The mixed use project is targeted to SMU students. When creating the PDD, specific considerations were given to the site’s proximity to public transit. SMU, the City of Dallas and the North Central Texas Council of Governments (NCTCOG) have been working in partnership on streetscape improvements which will include wider sidewalks, pedestrian lighting, and other amenities along SMU Boulevard between Central Expressway and Greenville Avenue.

The request site is surrounded by a mix of office, retail and personal service uses to the north, an electric substation to the east across elevated Greenville Avenue, the University Park Fred N. Peek Service Center to the south and a restaurant and post office to the west.

The proposed amendments are consistent with the intent of PDD No. 786; therefore, staff is recommending approval.

**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD 786	3'	0'	3.0 FAR max.	70' 6 stories above grade	95%	No Urban form setback  Tower spacing does not apply	Retail and Residential

**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:**

Given the request site’s proximity to the Mockingbird Park and Ride station, a 22 percent reduction in required parking was approved for the PDD, consistent with the principles of transit oriented development. The approved parking ratios are as follows:

**Multifamily uses.**

- (1) For each dwelling unit with 1,000 square feet or less of floor area, a minimum of one-and-two-tenths off-street parking spaces are required.
- (2) For each dwelling unit with more than 1,000 square feet of floor area, a minimum of one-and-one-half off-street parking spaces is required.

**Retail and personal service uses:**

- (1) Except for restaurant uses, a minimum of one off-street parking space for each 400 square feet of floor area is required.

(2) For a restaurant use, a minimum of one off-street parking space for each 200 square feet of floor area is required.

On-street parking spaces on SMU Boulevard may be counted toward meeting the parking requirements for any use.

The applicant proposes to amend the PDD conditions to clarify the multifamily parking standards to ensure that common areas for residents such as swimming pools, game courts, workout areas, tanning beds, computer areas and/or coffee/snack areas do not require additional parking. Typically, Building Inspection classifies such uses as “accessory community center (private)”. Pursuant to the Dallas Development Code, an accessory community center (private) is defined as “an integral part of a residential project or community unit development that is under the management and unified control of the operators of the project or development and that is used by residents of the project or development for a place of meeting, recreation or social activity. The parking required for this accessory use require is one (1) space per 100 square feet of floor area.

The approved development plan included on-street back-in angled parking on SMU Boulevard. At the time of the PDD application, staff noted concerns with the alternative parking design, since such vehicular movements can delay traffic flow. The applicant proposes to revise the development plan to reconfigure the parking on SMU Boulevard to a standard angled parking layout.

**Landscaping:**

Landscaping must comply with the provisions of PDD No. 786.

**List of Partners/Principals/Officers:**

LIST OF PARTNERS/PRINCIPALS/OFFICERS  
5640 SMU BLVD, L.P.

**PARTNER:**

*5640 SMU BLVD GP, LLC*, a Delaware limited liability company, a general partner

Prescott Realty Group – **Vance Detwiler** and **Jud Pankey**  
Apollo Real Estate Advisors Fund V

*MC TOWNHOMES I, L.P.*, a Delaware limited liability company

By: Prescott MC Townhomes I Genpar LP, a Texas limited partnership, a general partner

Prescott Realty Group – **Vance Detwiler** and **Jud Pankey**

By: AP-GP Townhomes, LLC, a Delaware limited liability company, a general partner

Apollo Real Estate Advisors Fund V

**PARTNER:**

*NM TWIN CREEKS GP, LLC*, a Delaware limited liability company, its general partner

By: NM Imperial, LLC, a Delaware limited liability company, its sole member

By: NML Real Estate Holdings, LLC, a Wisconsin limited liability company, its sole member

By: The Northwestern Mutual Life Insurance Company, a Wisconsin corporation, a sole member

By: Northwestern Investment Management Company, LLC, a Delaware limited liability company, its wholly-owned affiliate and authorized representative

*THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY*, a Wisconsin corporation

By: Northwestern Investment Management Partnership, LLC, a Delaware limited liability company, its wholly-owned affiliate and authorized representative

Z101-296

**Z101-296**  
**Proposed Amendment to Conditions**

**SEC. 51P-786.110. 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) For each dwelling unit with 1,000 square feet or less of floor area, a minimum of one-and-two-tenths off-street parking spaces are required.

(2) For each dwelling unit with more than 1,000 square feet of floor area, a minimum of one-and-one-half off-street parking spaces is required.

(3) (No parking is required for an accessory community center (private)).

**ARTICLE 786.  
PD 786.**

**SEC. 51P-786.101. LEGISLATIVE HISTORY.**

PD 786 was established by Ordinance No. 27215, passed by the Dallas City Council on June 11, 2008. (Ord. 27215)

**SEC. 51P-786.102. PROPERTY LOCATION AND SIZE.**

PD 786 is established on property located on the south side of Yale Boulevard, east of Worcola Street. The size of PD 786 is approximately 3.65 acres. (Ord. 27215)

**SEC. 51P-786.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations 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. In this article:

(1) DOOR YARD ZONE means the area between the edge of the sidewalk furthest from the street and the front building facade.

(2) ENHANCED PAVING means any permeable or nonpermeable decorative pavement materials intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass pavers, exposed aggregate concrete, and stamped or stained concrete.

(3) FACADE WALL means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are considered as part of a single facade wall.

(4) ROOF COURTYARD means a recreational area on top of a structure that is open to the sky and may include landscaping, a pool, and other amenities.

(c) This district is considered to be a nonresidential zoning district. (Ord. 27215)

**SEC. 51P-786.104. EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit 786A: development plan. (Ord. 27215)

**SEC. 51P-786.105. DEVELOPMENT PLAN.**

Development and use of the Property must comply with the development plan (Exhibit 786A). If there is a conflict between the text of this article and the development plan, the text of this article controls. (Ord. 27215)

**SEC. 51P-786.106. MAIN USES PERMITTED.**

The only main uses permitted are those main uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this district; etc. (Ord. 27215)

**SEC. 51P-786.107. 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 medical/infectious waste incinerator.
  - Private stable.

- (c) The following accessory use is permitted by SUP only:
- Accessory helistop. (Ord. 27215)

**SEC. 51P-786.108. 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) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-3 Mixed Use District apply.

(b) Front yard.

- (1) Minimum front yard is three feet.
- (2) The urban form setback does not apply.
- (3) Underground off-street parking may extend to the property line.

(c) Side and rear yard.

- (1) No minimum side and rear yard.
- (2) Tower spacing does not apply.
- (3) Underground off-street parking may extend to the property line.

(d) Density. Maximum number of dwelling units is 450.

(e) Floor area ratio.

(1) Maximum floor area ratio is 3.0.

(2) Maximum floor area of retail uses combined is 22,000.

(f) Height. Maximum structure height is 70 feet.

(g) Lot coverage. Maximum lot coverage is 95 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(h) Lot size. No minimum lot size.

(i) Stories. Maximum number of stories above grade is six. (Ord. 27215)

**SEC. 51P-786.109. DESIGN STANDARDS FOR WORCOLA STREET FRONTAGE.**

(a) Purpose. Continuous facades along pedestrian-oriented streets often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design. These design standards are also intended to make adaptive reuse of structures possible and compatible with surrounding land uses.

(b) Worcola Street facade walls. Worcola Street facade walls must incorporate at least three of the following design elements. The cumulative length of these design elements must extend for at least 60 percent of the facade wall's horizontal length.

(1) A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that have a relief of at least eight inches.

(2) At least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street:

(A) Architectural details such as arches, friezes, tile work, murals, or moldings.

(B) Integral planters or wing walls that incorporate landscaping or seating.

(C) Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounting accent lights, or decorative pedestal lights.

(D) Prominent three-dimensional features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.

(E) A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.

(3) Arcades, awnings, canopies, covered walkways, or porticos.

(4) Display windows, faux windows, or decorative windows.



(5) Trim or accent elements using decorative contrasting colors or decorative neon lighting on at least 10 percent of the area of the facade wall exclusive of fenestration.

(c) Worcola Street facade wall changes. Worcola Street facade walls must have one or more of the following changes:

(1) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(2) Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(d) Worcola Street materials and colors. No more than 75 percent of the area of a Worcola street facade wall, exclusive of fenestration, may have a single material or color. (Ord. 27215)

**SEC. 51P-786.110. 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) For each dwelling unit with 1,000 square feet or less of floor area, a minimum of one-and-two-tenths off-street parking spaces are required.

(2) For each dwelling unit with more than 1,000 square feet of floor area, a minimum of one-and-one-half off-street parking spaces is required.

(c) Retail and personal service uses.

(1) Except for restaurant uses, a minimum of one off-street parking space for each 400 square feet of floor area is required.

(2) For a restaurant use, a minimum of one off-street parking space for each 200 square feet of floor area is required.

(d) On-street parking.

(1) Except as provided in this paragraph, on-street parking spaces on Yale Boulevard may be counted as a reduction of the parking requirement for any use on the Property.

(A) An on-street parking space may not be used to reduce the required parking for more than one use, except that on-street parking spaces on Yale Boulevard may be used to reduce the total parking requirement of a mixed use project.

(B) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of times that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ( $8 \div 24 = \text{one-third}$ ). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(2) On-street back-in angled parking is permitted on Yale Boulevard in the locations shown on the development plan. If on-street back-in angled parking is provided, signs must be posted in compliance with city regulations stating that back-in parking is required.

(3) On-street parking spaces must be marked in accordance with city regulations. (Ord. 27215)

**SEC. 51P-786.111. ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Except as provided in this section, see Article VI.

(b) Green building standards. The following green building standards apply:

(1) The landscape irrigation systems for open space must be designed to use 15 percent less water than the Environmental Protection Agency Act of 1992 baseline.

(2) The landscape irrigation system must use rain water harvesting that complies with the applicable building code to supplement the public water supply. (Ord. 27215)

**SEC. 51P-786.112. LANDSCAPING.**

(a) In general.

(1) Except as provided in this section, landscaping must be provided in accordance with Article X.

(2) Sections 51A-10.125, "Mandatory Landscaping Requirements," and 51A-10.126, "Design Standards," do not apply.

(3) The areas between the building and Yale Boulevard, Worcola Street, and Greenville Avenue are divided into three zones, as shown on the development plan:

(A) Planting zone.

(B) Sidewalk zone.

(C) Door yard zone.

(b) Planting zone.

(1) Number of parkway trees.

(A) The minimum number of parkway trees required on Yale Boulevard is determined by dividing the number of feet of street frontage, excluding visibility triangles, by 40.

(B) The minimum number of parkway trees required for the Worcola Street frontage from Yale Boulevard south to the north driveway is determined by dividing the number of feet of street frontage, excluding visibility triangles and driveways, by 40.

(C) The minimum number of parkway trees required for the Worcola Street frontage from the north driveway south to the Property line is determined by dividing the number of feet of street frontage, excluding visibility triangles, by 25.

(2) Location of parkway trees.

(A) Parkway trees must be planted at least 10 feet from any building and must be spaced as uniformly as practical.

(B) A minimum eight-and-one-half-foot-wide planting zone must be provided from back of curb parallel to Yale Boulevard in the location shown on the development plan. A minimum of 60 percent of the planting zone must contain living trees, turf, grass, flowers, or ground cover vegetation that is recommended by the building official.

(C) A minimum five-and-one-half-foot-wide planting zone must be provided from back of curb parallel to Worcola Street in the location shown on the development plan. A minimum of 60 percent of the planting zone must contain living trees, turf, grass, flowers, or ground cover vegetation that is recommended by the building official.

(D) A minimum six-foot-wide planting zone must be provided between a building and back of curb parallel to Greenville Avenue in the location shown on the development plan. A minimum of 20 percent of the planting zone must contain living trees, turf, grass, flowers, or ground cover vegetation that is recommended by the building official.

(3) Type of parkway trees.

(A) Except where small trees are allowed, parkway trees must be large trees with a minimum height of 12 feet and a minimum caliper of two-and-one-half inches at the time of planting.

(B) For the Worcola Street frontage from Yale Boulevard south to the north driveway, a minimum of two large trees and two small trees are required.

(C) Large trees must be one of the following species:

*Acer barbatum* 'Caddo' Caddo Maple

*Acer rubrum* Red Maple

*Fraxinus texensis* Texas Ash

*Ginkgo biloba* Ginkgo

*Pistacia chinensis* Chinese Pistache

*Pinus thunbergii* Japanese Black Pine

*Quercus shumardii* Shumard Oak

*Quercus virginiana* Live Oak

*Taxodium distichum* Pond Cypress

*Taxodium distichum* Bald Cypress

*Ulmus crassifolia* Cedar Elm

*Ulmus parvifolia* Lacebark Elm

*Acer rubrum* 'October Glory' October Glory Maple

*Liquidambar styraciflua* Sweetgum

*Magnolia grandiflora* Southern Magnolia

*Magnolia grandiflora* 'Claudia Wannamaker' Claudia Wannamaker Magnolia

*Quercus virginiana* 'Highrise' Highrise Live Oak

*Ulmus parvifolia* 'Drake' Drake Elm

*Ulmus parvifolia* 'EmerII' Allee Elm

(D) Small trees means a tree of a species that normally reaches a height of less than 30 feet upon maturity.

(4) Planting requirements.

(A) If trees are planted in an area with less than 450 cubic feet of permeable (planting) area, Cornell University structural soils, applied as specified by the Urban Horticultural Institute of Cornell University, must be used.

(B) Any tree planted within 18 inches of pavement must have a tree grate that is at least five feet by five feet.

(5) Other.

(A) Large parkway trees may count towards the tree replacement requirements in Division 51A-10.130.

(B) Wheel stops must be provided along Yale Boulevard between on-street parking spaces and parkway trees. The wheel stops must be located a minimum of five feet from the center of a parkway tree.

(c) Sidewalk zone.

(1) A minimum 10-foot-wide unobstructed sidewalk must be provided parallel to Yale Boulevard and Worcola Street as shown on the development plan. ADA-approved tree grates are not considered a sidewalk obstruction.

(2) Sidewalks may include enhanced paving.

(3) Sidewalks within the sidewalk zone must be dedicated as sidewalk easement to the city to assure their availability to the public as a permanent pedestrian way.

(d) Door yard zone.

(1) A four-foot-wide door yard zone must be provided parallel to Yale Boulevard in the location shown on the development plan.

(2) The door yard zone may contain hardscaping, landscaping, and pedestrian amenities.

(3) Fences or screening must be 50 percent open and may not exceed four feet in height.

(e) Pedestrian amenities.

(1) Pedestrian amenities must be located along Yale Boulevard or Worcola Street, and may be located within the planting zone, sidewalk zone (but a minimum 10-foot-wide unobstructed sidewalk must be provided), or door yard zone.

(2) At least 10 pedestrian street lamps (free-standing or wall-mounted) must be provided.

(3) A minimum of two of the following pedestrian amenities must also be provided:

- (A) At least three light fixtures.
- (B) At least two park benches.
- (C) At least two bicycle racks.

- (D) At least two pieces of outdoor furniture, including tables and chairs.
- (E) At least two umbrellas.
- (F) At least two trash receptacles.
- (G) At least one piece of public art.
- (H) At least one water feature.
- (I) At least two bollards.

(f) Open space. A minimum of 25,000 square feet of roof courtyard must be provided.

(g) Parking structure screening.

(1) Aboveground parking structures must have a facade that is similar in materials, architecture, and appearance to the facade of the main structure that the parking serves.

(2) Breaks in the parking structure facade not exceeding 40 feet in width are permitted at entrances and exits.

(3) Openings in the parking structure facade may not exceed 50 percent of the total parking structure facade area.

(4) A minimum of 750 square feet of the parking structure openings, other than ingress and egress points, must be screened with one or more of the following plant material that are capable of achieving 12 feet in height and six feet in width within three years of planting:

*Bignonia capreolata* L. Crossvine  
*Campsis radicans* Trumpet Vine  
*Gelsemium sempervirens* Carolina Jessamine  
*Hedera Helix* English Ivy  
*Jasminum multiflorum* Star Jasmine  
*Parthenocissus tricuspidata* Boston Ivy  
*Parthenocissus quinquefolia* Virginia Creeper  
*Rosa spp. 'Banksia'* Lady Banks Rose  
*Wisteria japonica* Wisteria

(h) 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 or pedestrian amenity 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 resolution 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 acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, 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 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. 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.

(i) 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 proposes.

(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) A 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 denial of a parkway landscape permit.

(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 section if compliance is made impossible due to the building official's revocation of a parkway landscape permit.

Z101-296(MW)

(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.

(j) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. 27215)

**SEC. 51P-786.113. SIGNS.**

Signs must comply with the provisions for business zoning districts in Article VII. (Ord. 27215)

**SEC. 51P-786.114. 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. (Ord. 27215)

**SEC. 51P-786.115. COMPLIANCE WITH CONDITIONS.**

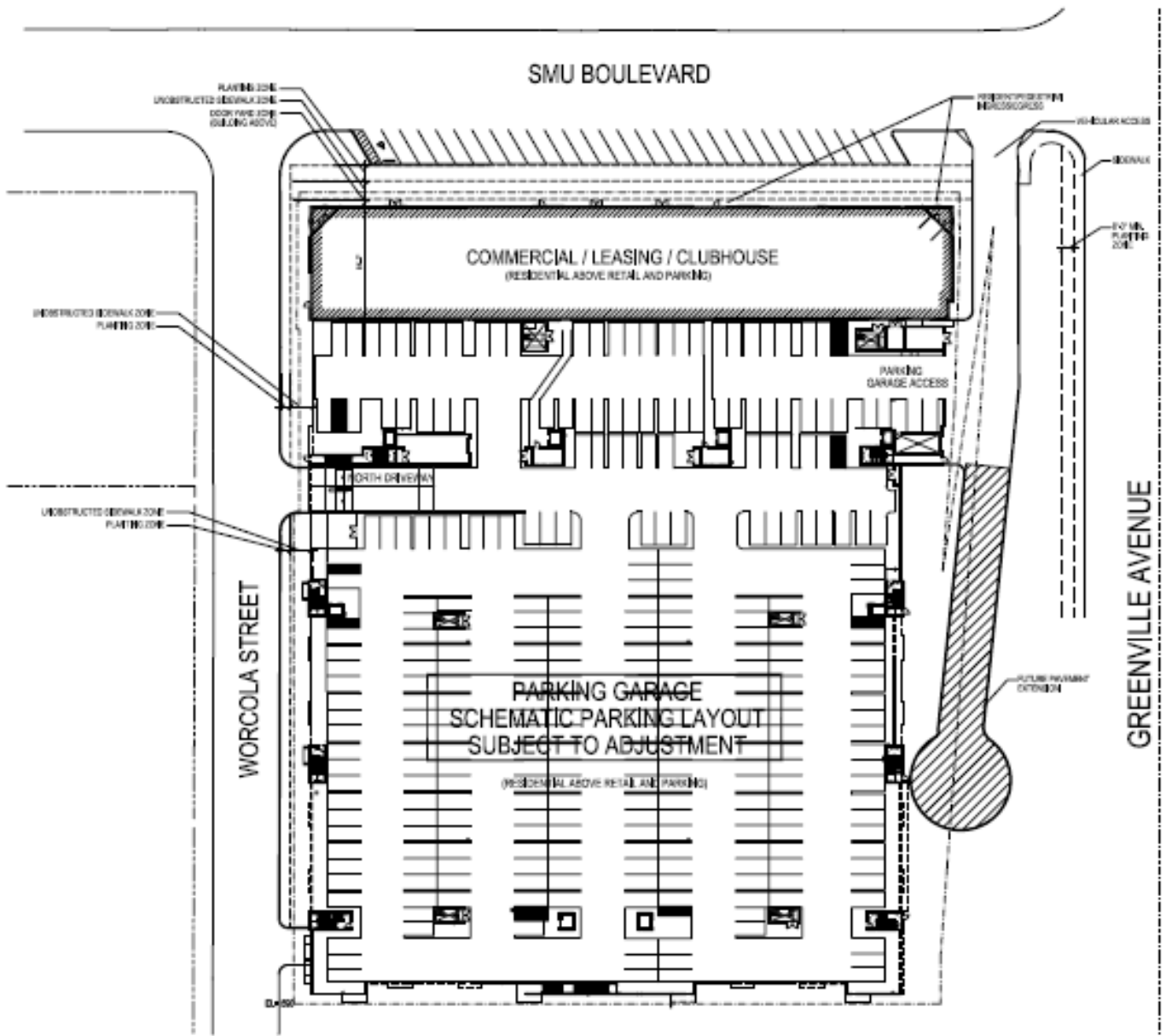
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(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, in this 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. (Ord. 27215)

**SEC. 51P-786.116. ZONING MAP.**

PD 786 is located on Zoning Map Nos. G-8 and H-8. (Ord. 27215)

**Proposed Development Plan**



DEVELOPMENT PLAN  
PD 786 - EXHIBIT A



SCALE: 1" = 30' (24"x36" SHEET)  
0' 30' 60' 120'

A2.01



**Existing Development Plan**

YALE BOULEVARD

PLANTING ZONE  
UNOBSTRUCTED SIDEWALK ZONE  
DOOR YARD ZONE  
(BUILDING ABOVE)

RESIDENT/PEDESTRIAN  
INGRESS/EGRESS

8' MINIMUM  
PLANTING ZONE

RETAIL  
(RESIDENTIAL ABOVE RETAIL AND PARKING)

UNOBSTRUCTED SIDEWALK ZONE  
PLANTING ZONE

LEASING

NORTH DRIVEWAY

UNOBSTRUCTED SIDEWALK ZONE  
PLANTING ZONE

WORCOLA STREET

GREENVILLE AVENUE

PARKING GARAGE  
SCHEMATIC PARKING LAYOUT  
SUBJECT TO ADJUSTMENT

(RESIDENTIAL ABOVE RETAIL AND PARKING)

FUTURE PAVEMENT  
EXTENSION

081710  
27215

APPROVED BY  
CITY COUNCIL

JUN 11 2008

*Richard Blanton*  
City Secretary

Exhibit 786A

Planned Development  
District No. 786

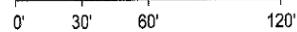
Approved  
City Plan Commission  
May 8, 2008

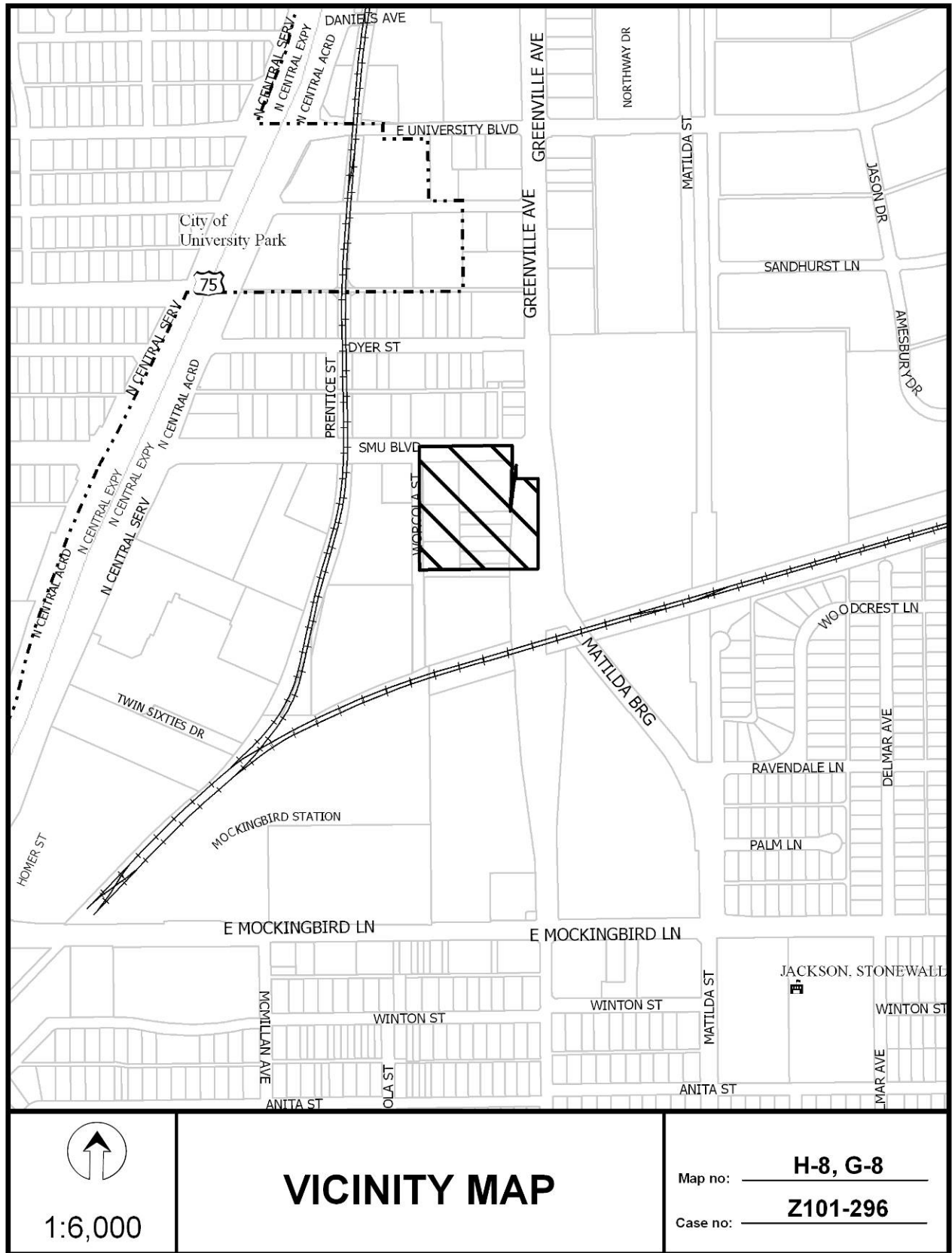
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3078-168

DEVELOPMENT PLAN



SCALE: 1" = 30' (24"x36" SHEET)





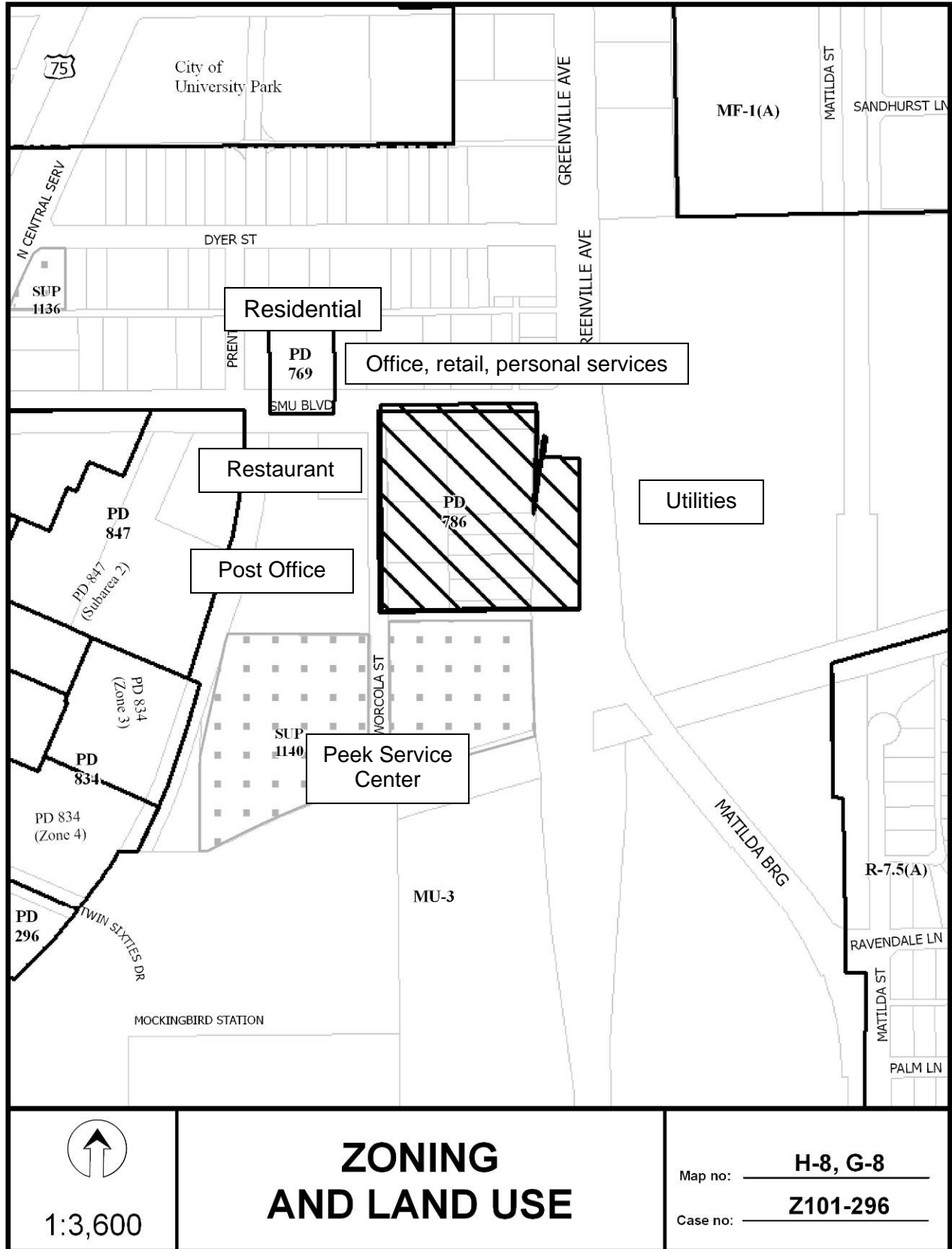
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# VICINITY MAP

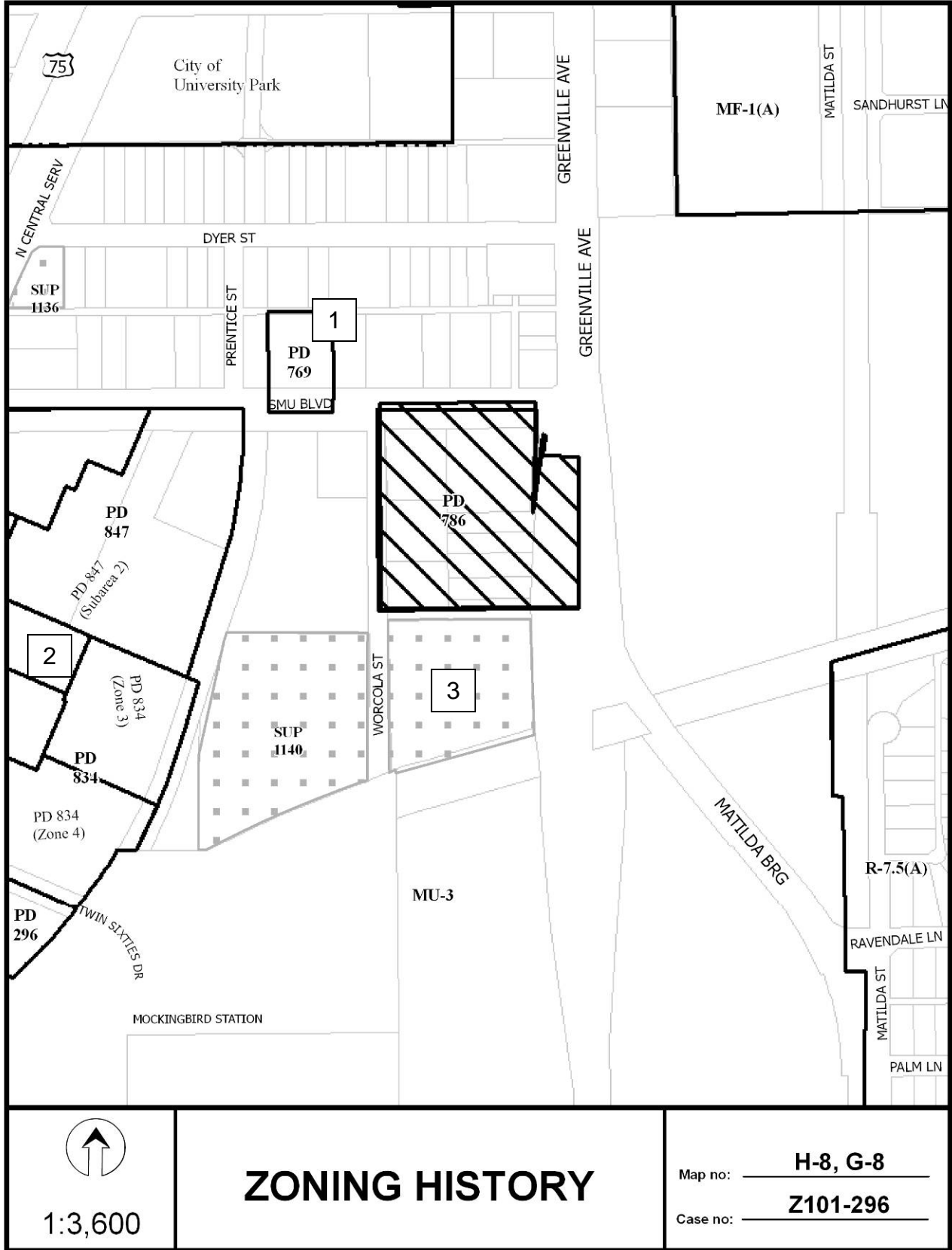
Map no:           H-8, G-8          

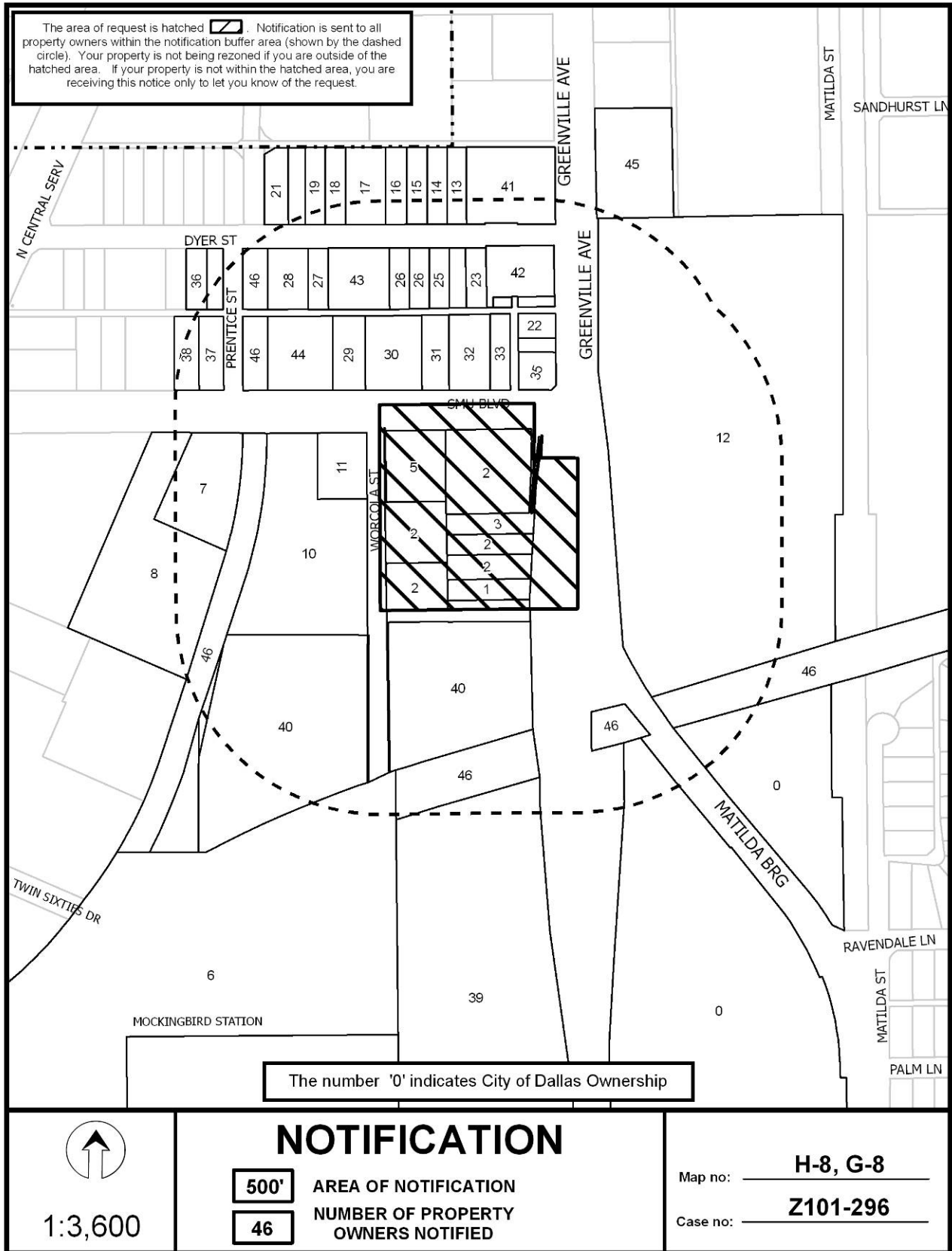
Case no:           Z101-296          

DATE: August 19, 2011



DATE: August 19, 2011





8/19/2011

## ***Notification List of Property Owners***

### ***Z101-296***

#### ***46 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4421 GREENVILLE	MC TOWNHOMES I LP STE 101
2	4436 WORCOLA	MC TOWNHOMES I LP STE 642
3	4439 GREENVILLE	MC TOWNHOMES I LP
4	4417 GREENVILLE	MC TOWNHOMES 1 LP
5	5630 YALE	MC TOWNHOMES I LP SUITE 101
6	5465 MOCKINGBIRD	DALLAS AREA RAPID TRANSIT
7	5550 YALE	SOUTHERN METHODIST UNIVERSITY
8	5540 YALE	SOUTHERN METHODIST UNIV OFFICE OF REAL E
9	4417 GREENVILLE	UNIVERSITY PARK CITY OF CITY HALL
10	5606 YALE	U S POSTAL SERVICE
11	5612 YALE	YALE CENTRAL LLC
12	4500 GREENVILLE	TEXAS UTILITIES ELEC CO % STATE & LOCAL
13	5641 DYER	SHELBY SHARON A
14	5639 DYER	PORTMANN W KRISTIN & PEGGY
15	5631 DYER	JACKSON LEASING PTNRS LTD % JERRY JACKSO
16	5627 DYER	GRINNAN PAULINE S % MANNING GRINNAN JR
17	5619 DYER	DYER STREET INVESTORS LP
18	5615 DYER	HAYS JERRY
19	5607 DYER	RUCKER GALE A & DONALD R POLAN
20	5605 DYER	BALLARD VENDORS INC % W L BALLARD JR
21	5601 DYER	BALLARD VENDORS INC % BILL BALLARD
22	4515 GREENVILLE	SMITH M NED
23	5644 DYER	HOLLYWOOD OVERHEAD DOOR CO
24	5642 DYER	HOLLYWOOD OVERHEAD DOOR CO INC
25	5634 DYER	PRENGLER HERSCHEL
26	5626 DYER	JACKSON LEASING PARTNERS LTD

8/19/2011

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	5610 DYER	DIFRANCESCO PSP PARTNERS LTD
28	5602 DYER	NAK JOINT VENTURE LTD
29	5619 YALE	HOLTVET HOLDINGS LLC
30	5629 YALE	HARBISON JEWELL G SUITE 603
31	5635 YALE	EDM ASSOCIATES INC
32	5641 YALE	5641 YALE LTD PS
33	5645 YALE	MCAFEE MRS SUE N
34	4509 GREENVILLE	HUAMAN JAMES & LUPE MORENO
35	4503 GREENVILLE	4503 GREENVILLE AVE JOINT VENTURE &
36	5538 DYER	SOUTHERN METHODIST UNIVERSITY
37	5555 YALE	SECRET SALES CO INC
38	5551 YALE	STARK JERRY COMPANIES INC
39	5665 MOCKINGBIRD	KROGER TEXAS LP
40	4419 WORCOLA	UNIVERSITY PARK CITY OF
41	4615 GREENVILLE	MOONDANCE INVESTMENTS LTD
42	4529 GREENVILLE	MOONDANCE INV LTD
43	5622 DYER	DYER STREET INVESTORS LP
44	5609 YALE	MC 5609 YALE LP
45	4600 GREENVILLE	4600 GREENVILLE LLC % ANA PROPERTIES
46	555 2ND	DART

**FILE NUMBER:** Z101-313(MW)

**DATE FILED:** June 27, 2011

**LOCATION:** North side of Kirkley Street, west of Teague Drive

**COUNCIL DISTRICT:** 8

**MAPSCO:** 66-S

**SIZE OF REQUEST:** 7,500 square feet

**CENSUS TRACT:** 114.01

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**APPLICANT/REPRESENTATIVE:** Angela Prox

**OWNER:** Angela and Cecil Prox

**REQUEST:** An application to renew Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District.

**SUMMARY:** The applicant proposes to continue to operate an existing handicapped group dwelling unit. A handicapped group dwelling unit is allowed by right when located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units; otherwise, an SUP is required.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewal for additional five-year periods; subject to conditions.



**BACKGROUND INFORMATION:**

- The ±7,500-square foot request site is located within an established single family neighborhood and is developed with a ±1,269-square foot dwelling unit which was constructed on the site in 2005.
- On June 24, 2009, SUP No. 1760 was approved for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. However, the applicant missed the deadline for automatic renewal.
- The request site is surrounded by single family residential homes to the north, undeveloped property to the east and single family residential homes south and west.

**Zoning History:**

There has been no recent zoning activity within the immediate area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Kirkley Street	Local	50 feet
Teague Street	Local	60 feet

**Land Use:**

	Zoning	Land Use
<b>Site</b>	R-7.5(A)	Single Family
<b>North</b>	R-7.5(A)	Single Family
<b>East</b>	R-7.5(A)	Undeveloped
<b>South</b>	R-7.5(A)	Single Family
<b>West</b>	R-7.5(A)	Single Family

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The subject site is identified as being within a *Residential Neighborhood* on the **forwardDallas! Vision Illustration**, adopted June 2006.

The applicant's proposal to provide a residential use at this location 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.

#### **Land Use Compatibility:**

The ±7,500-square foot request site is located within an established single family neighborhood and is developed with a ±1,269-square foot dwelling unit which was constructed on the site in 2005.

A handicapped group dwelling unit is allowed by right when located at least 1,000 feet from group residential facilities and all other licensed handicapped group dwelling units; otherwise, an SUP is required. The request site is within 1,000 feet of an existing handicapped group dwelling unit at 6324 Teague Drive.

Section 51A-4.209 of the Dallas Development Code defines a handicapped group dwelling unit as a single dwelling unit that is the domicile of not more than eight handicapped persons who are not a "family" as that term is defined in Chapter 51A, and who are living together as a single housekeeping unit. Up to two supervisory personnel may reside on the premises, provided that the total number of residents, including the supervisory personnel, does not exceed eight.

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.

The applicant's request; subject to conditions, complies with the general provisions for consideration of an SUP.

**Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%	N/A	Single family

**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:**

A handicapped group dwelling unit requires one off-street parking space in the R-7.5(A) Single Family District. However, if an SUP is required, the off-street parking requirement may be established in the ordinance granting the SUP.

The site plan depicts one parking space within an attached garage.

**Landscaping:**

Landscaping is required per Article X of the Dallas Development Code.

**Additional Provisions:**

No certificate of occupancy is required for this use.

Z101-313(MW)

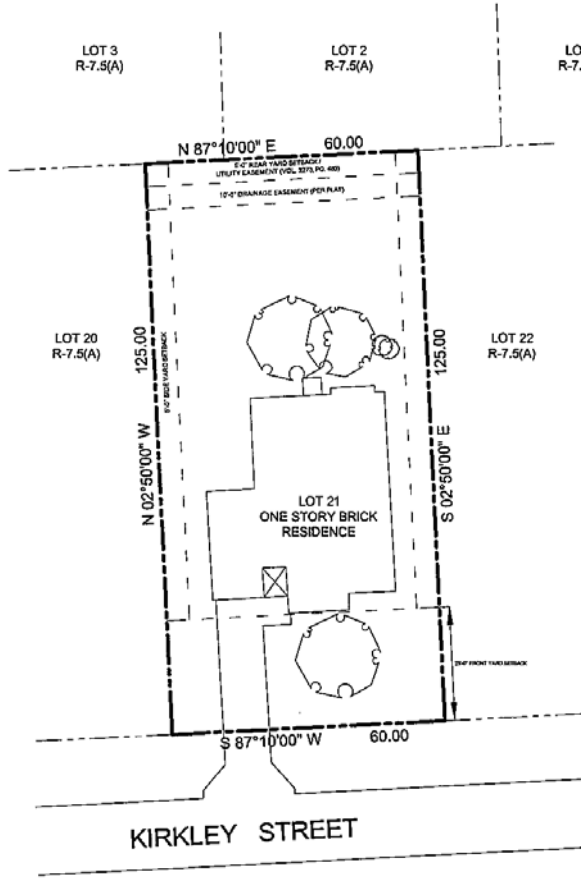
**List of Partners/Principals/Officers:**

**Applicant/Owner:**

- Angela Prox, Director (owner/applicant)
- Cecil Prox (owner)

### **Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit is a handicapped group dwelling unit.
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-year period), 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 application 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.



VICINITY MAP (N.T.S.)

**SITE NOTES:**  
 ADDRESS: 2539 KIRKLEY STREET  
 LEGAL: LOT 21, BLOCK 13/0887  
 ADDITION: ALAMEDA HEIGHTS ADDITION  
 ZONING: R-7.5(A)  
 LOT AREA: 7,500 SF  
 STRUCTURE SF: 1,612.22  
 LOT COVERAGE: 21% (45% ALLOWED BY CODE)  
 FRONT SETBACK: 25'-0"  
 SIDE/REAR SETBACK: 5'-0"

**PARKING:**  
 REQUIRED = 1 SPACE  
 PROVIDED = 1 SPACE (GARAGE)

LARGE CANOPY TREE: EXISTING

Z089-183

(A) SITE PLAN  
 SCALE: 1" = 10'-0"



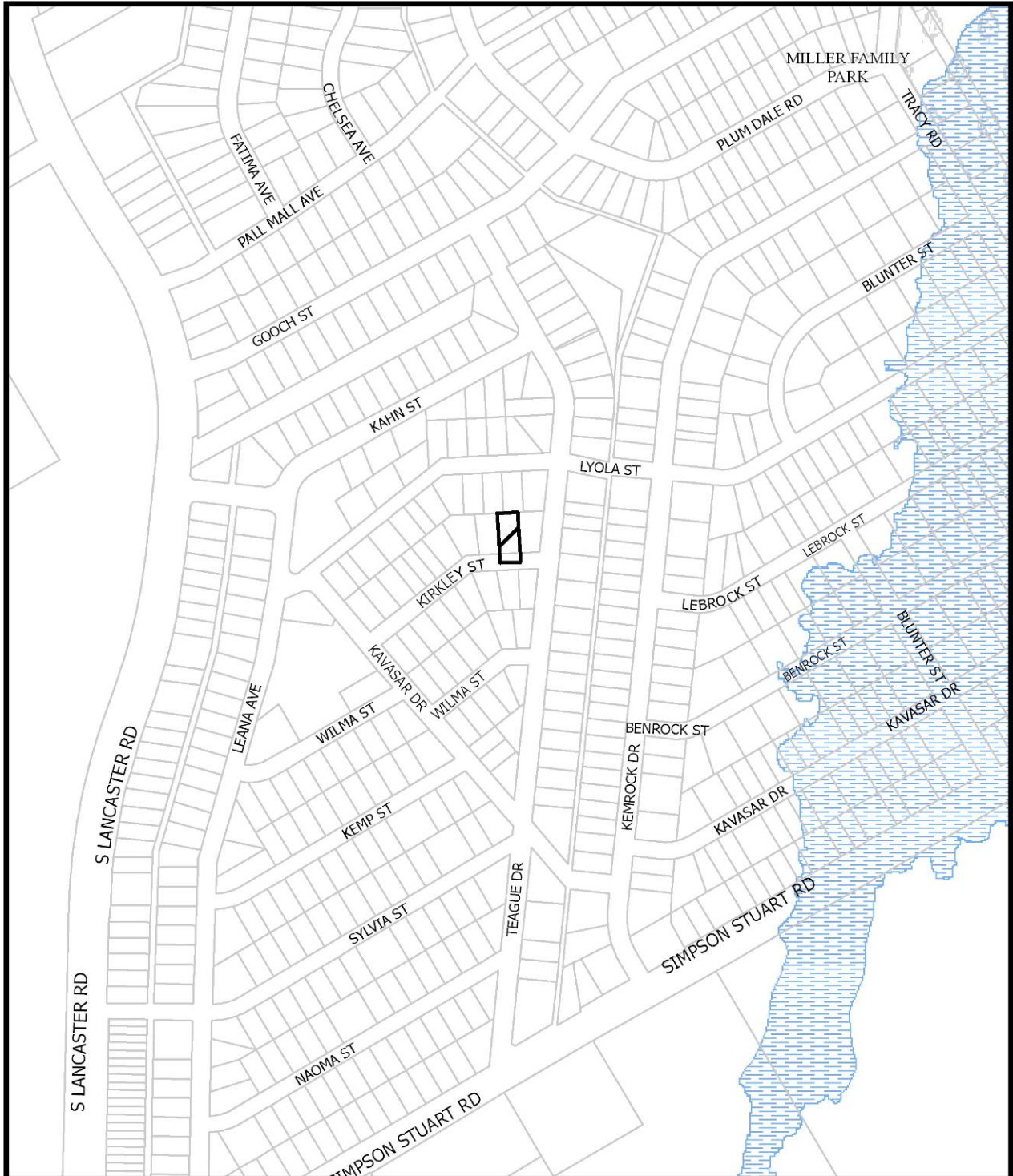
HOME OF HOPE  
 2539 KIRKLEY STREET  
 DALLAS, TEXAS

Issue/Revisions		
No.	Date	Description
01	02/08/09	Issue
02	02/08/09	Issue
03	02/08/09	Issue
04	02/08/09	Issue
05	02/08/09	Issue
06	02/08/09	Issue

Drawing Title  
**SITE PLAN**  
 Issue Date: 02/08/09  
 Coker Co Project: 09-0002023  
 Reviewed By: MKD  
 Drawn By: eoc

Drawing Number  
**S-1**  
 Filename: PROJ046801.DWG

Existing Site Plan



 1:4,800	<h3>VICINITY MAP</h3>	Map no: <u>          O-8          </u> Case no: <u>          Z101-313          </u>
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DATE: July 21, 2011



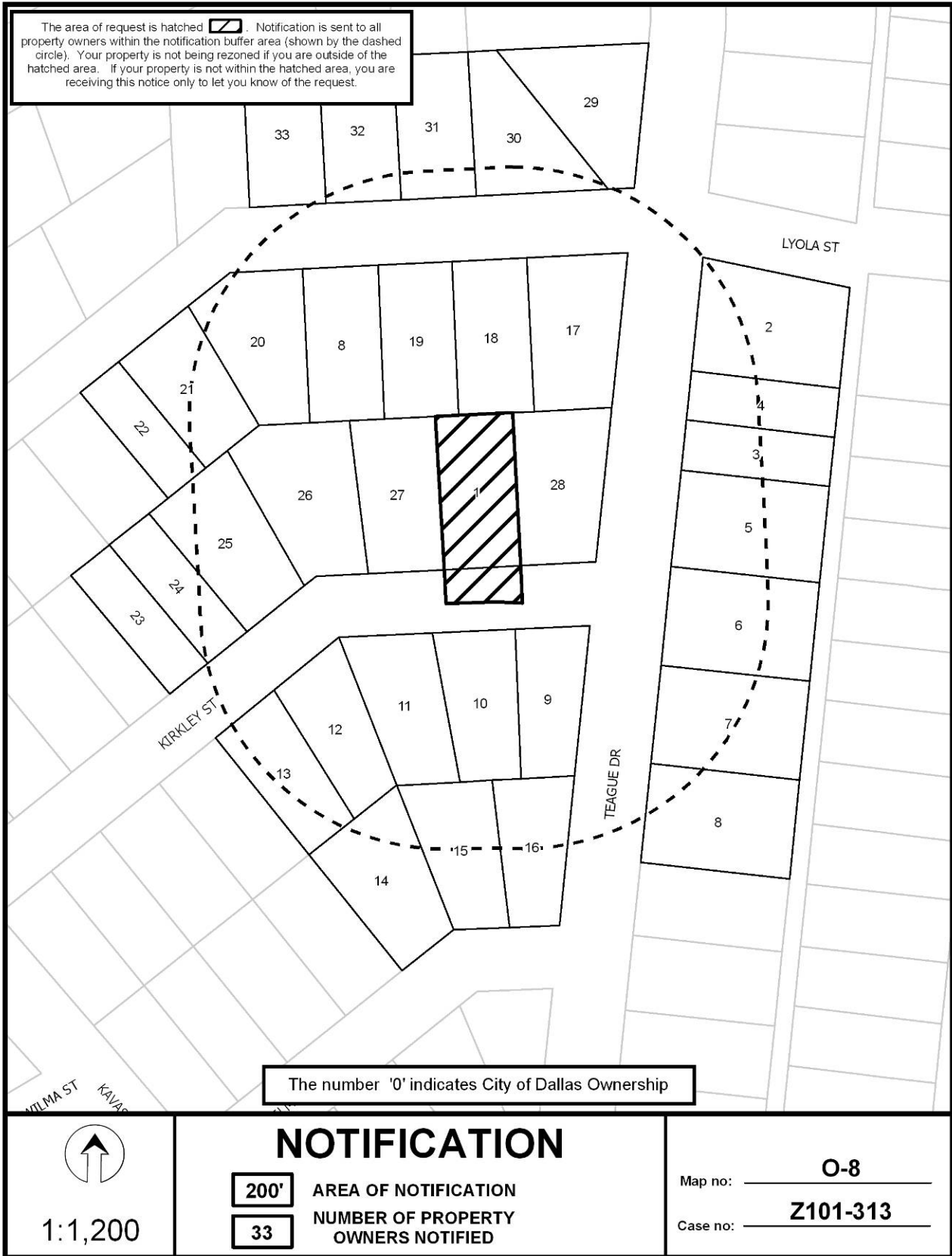
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# ZONING AND LAND USE

Map no:           O-8            
Case no:           Z101-313          

DATE: July 21, 2011





DATE: July 21, 2011

## ***Notification List of Property Owners***

### ***Z101-313***

#### ***33 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2539 KIRKLEY	PROX CECIL
2	6304 TEAGUE	JOHNSON RAY
3	6310 TEAGUE	PENDLETON TOM
4	6308 TEAGUE	WHITE LEROY JR
5	6316 TEAGUE	LEVY SHEVEY
6	6324 TEAGUE	ASKEW CHARLES R & LATONDRA D
7	6330 TEAGUE	HARLEY BETTY JOANN
8	6336 TEAGUE	SOMMERS LOU
9	2540 KIRKLEY	BECK WILLIE FAYE
10	2536 KIRKLEY	STURNS RILEY JR
11	2530 KIRKLEY	JOHNSON EMMA LEE
12	2524 KIRKLEY	KING OLANDO
13	2520 KIRKLEY	NPOT PARTNERS I LP
14	2519 WILMA	REED VERONICA D &
15	2523 WILMA	TAYLOR LESLIE
16	2527 WILMA	RANKIN YOLANDA
17	2526 LYOLA	RABB VIRGIE MAE
18	2520 LYOLA	GERST KRISTIN
19	2514 LYOLA	ADVANCED INVESTMENT INC
20	2506 LYOLA	TURKNETT L E
21	2430 LYOLA	TURKNETT L E & ODESSA
22	2426 LYOLA	TURKNETT LE & ODESSA
23	2519 KIRKLEY	TERRIS HOLDINGS LLC STE 102 186
24	2523 KIRKLEY	YETTER EDWARD
25	2527 KIRKLEY	SHEPHERD ROBERT
26	2531 KIRKLEY	VU MINH & MYLINH

***Thursday, July 21, 2011***

Z101-313(MW)

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2535 KIRKLEY	PINERES SHEILA
28	2545 KIRKLEY	MCGLOTHLIN IRENE
29	6227 TEAGUE	JBIII INV INC
30	2525 LYOLA	SOMMERS LOUIS
31	2519 LYOLA	GONZALEZ MARIA
32	2513 LYOLA	BARNES VANNESSA A ETAL
33	2560 LYOLA	MITCHELL WILLIE JR

**FILE NUMBER:** Z101-280(WE) **DATE FILED:** May 24, 2011

**LOCATION:** E. Jefferson Boulevard and E. 9<sup>th</sup> Street, northeast corner

**COUNCIL DISTRICT:** 1 **MAPSCO:** 55-A

**SIZE OF REQUEST:** Approx. 19.947acres **CENSUS TRACT:** 48.00

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**APPLICANT:** Armando DeAnda

**OWNER:** Rios Properties

**REPRESENTATIVE:** Elias Rodriguez  
Construction Concepts

**REQUEST:** An application for an RR Regional Retail District on property zoned an MU-1 Mixed Use District.

**SUMMARY:** The purpose of this request is to develop the property with a car dealership.

**STAFF RECOMMENDATION:** Denial

**BACKGROUND INFORMATION:**

- The applicant’s request for an RR Regional Retail District will permit the development of a car dealership.
- There are several existing car dealerships within the immediate area; however, those existing dealerships were operating prior to the 1989 Development Code change. Currently, the existing dealerships are operating as a non-conforming use.
- The surrounding land uses consist of single family uses to the north and east, an auto related use to the south and a vehicle display, sales and services and public school to the west, across E. Jefferson Boulevard.

**Zoning History:** There has not been any recent zoning request in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
E. Jefferson Blvd.	Minor Arterial	100 ft.	100 ft.
E. 9 <sup>th</sup> Street	Local Street	60 ft.	60 ft.

**Land Use:**

	Zoning	Land Use
Site	MU-1	Vacant structure and parking lot
North	MU-1	Single Family
South	MU-1	Auto related uses
East	MU-1	Single Family
West	RR	Car Dealership

**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 located within an Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job

opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

The proposed request is not consistent with the framework of the *ForwardDallas!* Comprehensive Plan and the Trinity River Corridor Land Use Plan. The proposed vehicle display, sales and service uses do not promote a mix of uses that are currently permitted the MU-1 District as well as comply with the recommendations in the *ForwardDallas!* Plan.

## **Land Use**

### **Goal 1.1** Align land use strategies with economic development priorities

Policy 1.1.1 Implement the Trinity River Corridor Plan.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

### **Goal 1.2** Promote Desire 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 developed with a vacant one-story structure and a surface parking lot. The applicant's request for an RR Regional Retail District will permit the development of a car dealership. The site is adjacent to single family uses to the north and east, an auto related use to the south and a vehicle display, sales and services and public school to the west, across E. Jefferson Boulevard.

There are several existing car dealerships within the immediate area; however, those existing dealerships were operating prior to the 1989 Development Code change. Currently, the existing dealerships are operating as a non-conforming use.

The current MU-1 Mixed Use District provides a mix of uses that are consistent within the development pattern on the east side of E. Jefferson Boulevard. In addition, the *ForwardDallas!* and the Trinity River Corridor Land Use Plan recommends that the area

develops with a variety of mix uses. The Trinity River Plan describes the request site as being in “Study Area 14: the Oak Cliff Gateway Study Area. The study area proposes mixed uses and “envisions a walkable, mix use community surrounding a core residential community around Lake Cliff Park.”

In December 2009, the City Council recommended approval of an amendment to the comprehensive plan of the City of Dallas to incorporate the Oak Cliff Gateway Land Use Opportunity Plan in the Trinity River Corridor Comprehensive Land Use Plan and a resolution amending the Trinity River Corridor Comprehensive Land Use Plan to incorporate the Oak Cliff Gateway Land Use Opportunity Plan and Urban Design Framework Plan.

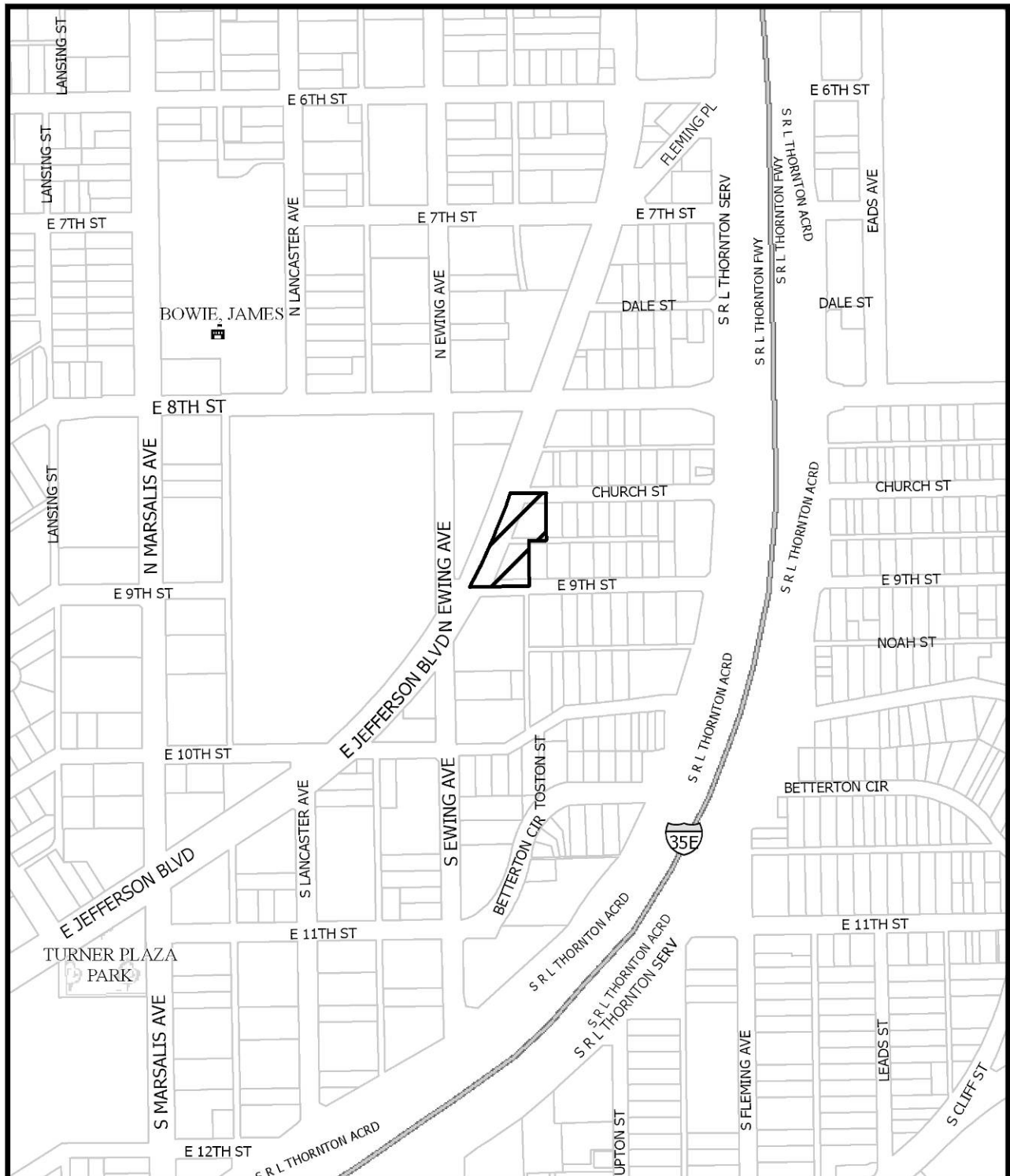
The proposed RR Regional Retail District may have an adverse impact on the surrounding residential uses. The uses permitted in the RR District are too intrusive and are inconsistent with the existing development patterns and any future developments proposed for the area. Staff has reviewed the applicant’s request and recommends denial of the RR Regional Retail District.


**Development Standards:**

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RR - proposed 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
MU-1 -existing Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

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

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



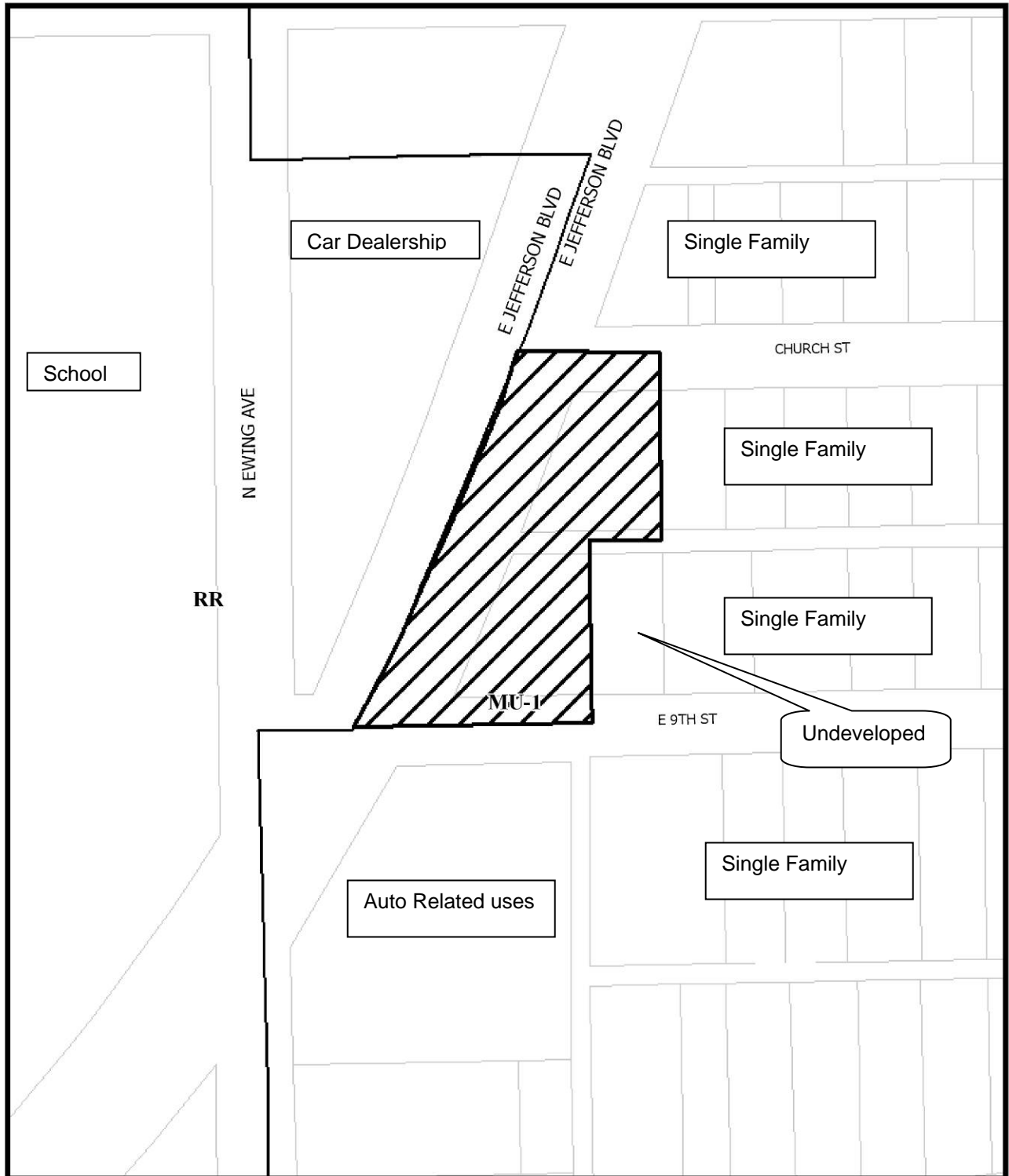
  
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# VICINITY MAP

Map no:           L-7            
Case no:           Z101-280          

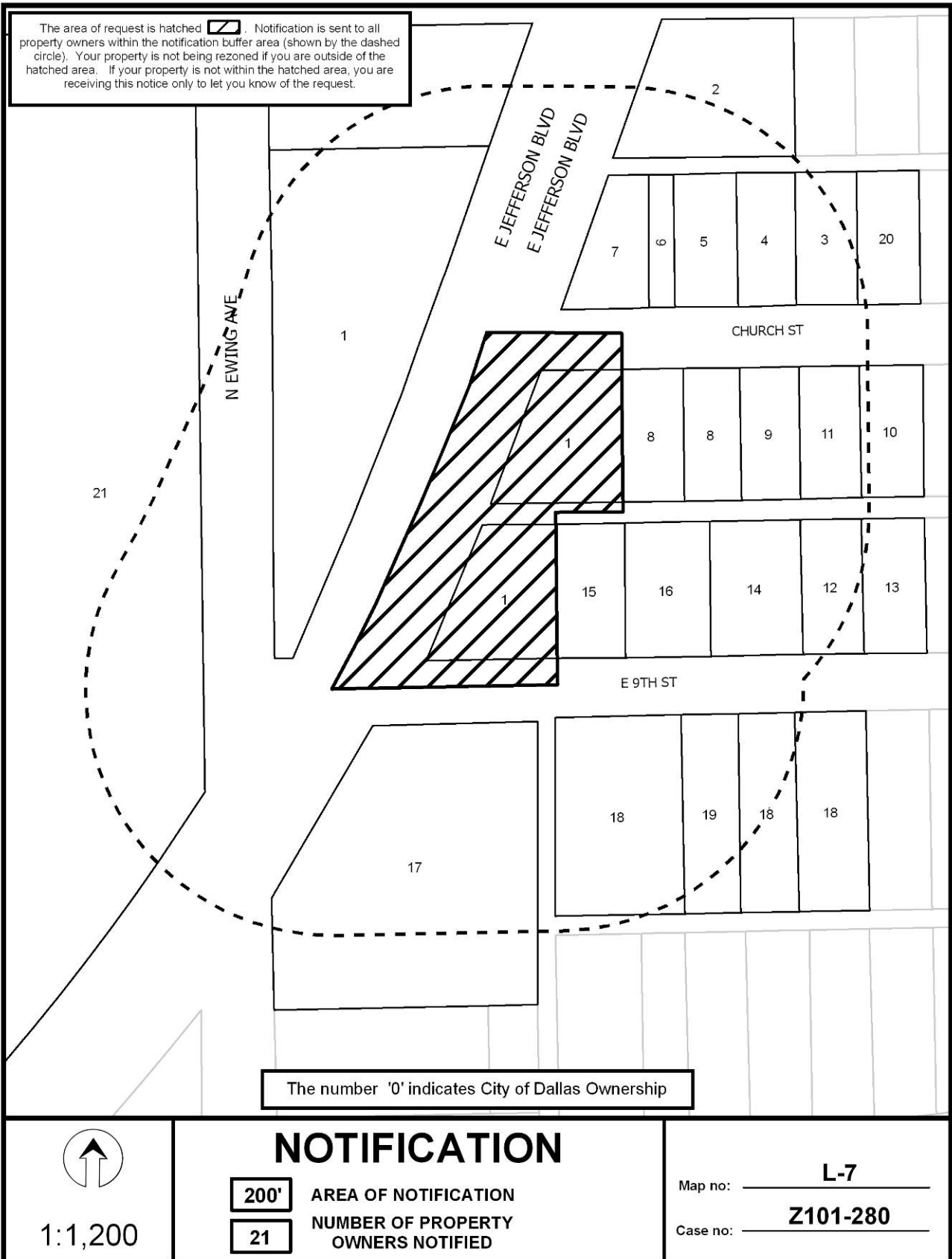
DATE: July 28, 2011





 1:1,200	<b>ZONING AND LAND USE</b>	Map no: <u>          L-7          </u> Case no: <u>          Z101-280          </u>
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DATE: July 28, 2011



DATE: July 28, 2014

## ***Notification List of Property***

### ***Z101-280***

#### ***21 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	819 JEFFERSON	RIOS PROPERTIES LLC
2	842 JEFFERSON	LACKEY JOHN
3	919 CHURCH	RIOS CARLOS & EFIGENIA
4	915 CHURCH	BRAVO ALFREDO & BERTHA
5	911 CHURCH	CEDILLO MARIA
6	905 CHURCH	VILLEGAS VENANCIO
7	901 CHURCH	VILLEGAS VENANCIO
8	906 CHURCH	MARTINEZ LUIS H & ELIA
9	908 CHURCH	GRIMES D W
10	916 CHURCH	CHAVARRIA CRUZ T &
11	912 CHURCH	GRIMES DAVID & RHONDA
12	901 9TH	MURPHY ROGER
13	905 9TH	CERVANTES DAVID & BLANCA
14	817 9TH	LOPEZ SIMON C
15	811 9TH	KING SHAUNTAI H
16	815 9TH	GUSTAVO QUEME LUES
17	806 9TH	LONGORIA LOUIS A DBA MOVING SERVICES CO
18	900 9TH	EMMETT SAM
19	822 9TH	EMMETT JOSEPHINE
20	923 CHURCH	MCDONALD D D
21	700 EIGHTH	Dallas ISD % LARRY GROPPPEL

***Thursday, July 28, 2011***

**FILE NUMBER:** Z101-311(MW)

**DATE FILED:** June 24, 2011

**LOCATION:** East side of Greenville Avenue, south of Oram Street

**COUNCIL DISTRICT:** 14

**MAPSCO:** 36-X

**SIZE OF REQUEST:** ±.4 706 square feet

**CENSUS TRACT:** 11.01

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**APPLICANT/REPRESENTATIVE:** Hechos A Mano, Inc.

**OWNER:** Lowgreen PS

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

**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 ±4,706-square foot request site comprises ±3,810 square feet of floor area within a ±10,961-square foot structure. At the time of this application, the building has no other occupants.
- On November 9, 2004, a certificate of occupancy for a commercial amusement (inside) was issued for the request site.
- Per the 2004 certificate of occupancy, the occupancy load is 261.
- A private license was issued on August 11, 1993, granting the use of Greenville Avenue right-of-way for patio seating.
- The commercial amusement (inside) 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.
- The request site is surrounded by bars and restaurants to the north; surface parking to the east; retail and personal service uses, restaurants, bars and residential to the south and surface parking to the west.

**Zoning History:**

- 1. Z101-211:** On, July 21, 2011, the City Plan Commission recommended denial of a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley. The City Council hearing date is September 14, 2011.
- 2. Z101-263:** On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern.
- 3. Z101-264:** On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.
- 4. Z101-303:** On August 18, 2011, the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to a limited to a restaurant without drive-in or drive-through service. The City Council hearing date is September 28, 2011.
- 5. Z101-314:** An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission and City Council Hearings.

Z101-311(MW)

- 6. Z101-318:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.
- 7. Z101-323:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-through service pending City Plan Commission and City Council Hearings.
- 8. Z101-326:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.
- 9. Z101-337:** An application for a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern 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	Commercial amusement (inside)
North	PDD No. 842	Bars and restaurants
East	PDD No. 842; NO(A)	Surface parking
South	PDD No. 842	Retail and personal service uses; restaurants; bars; residential
West	PDD No. 842	Surface parking

**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 ±4,706-square foot request site comprises ±3,810 square feet of floor area within a ±10,961-square foot structure. At the time of this application, the building has no other occupants.

On November 9, 2004, a certificate of occupancy for a commercial amusement (inside) was issued for the request site. Per the 2004 certificate of occupancy, the occupancy load is 261. A private license was issued on August 11, 1993, granting the use of Greenville Avenue right-of-way for patio seating. Once the Greenville Avenue improvements are complete, the applicant proposes to rebuild an uncovered patio at the location shown on the site plan.

The commercial amusement (inside) 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.

The request site is surrounded by bars and restaurants to the north; surface parking to the east; retail and personal service uses, restaurants, bars and residential to the south and surface parking to the west.

Since the request site has residential adjacency, staff recommends a condition to prohibit outdoor speakers in association with the late-hours establishment.

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 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 commercial amusement (inside) requires restaurant requires one (1) space per 100 square feet of floor area. Therefore, the ±3,800-square foot establishment requires 38 spaces. Since the request site is not a platted lot and is included within a larger building site, parking is 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. Currently, the ±3,800-square foot commercial amusement (inside) is the only use occupying the building site.

Based documentation provided by the applicant, 58 spaces are provided through parking agreements, which is adequate to serve the current occupancy i.e., the request site.

**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 August 12, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 1920 Greenville - DBA Billiard Bar:

**Number of citations issued by police to patrons – 0**

**Number of citations issued by police for noise ordinance violations by the establishment – 0**

**Number of arrests for public intoxication or disorderly conduct associated with the establishment**

3 public intoxication arrests in 2010  
1 Possession of Cocaine arrest in 2010

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment – 0**

In addition, the Police Department has provided the following commentary:

**1920 Greenville, Billiard Bar**

This is a medium-sized location on the east side of Greenville. It has a patio, but no rooftop. Music is played in the patio and it can be heard in the street, but the noise is minimal and it not in violation of the city anti-noise ordinance. Many of this business' patron sit in the patio; they talk and drink and almost always they are well-behaved. Rarely, have we had to take any enforcement or give warnings to the employees or the patrons of this establishment. The employees and management of this location seem to operate the business well within our expectations.

The Billiard Bar has been relatively quiet as well. In 2011, no enforcement has been warranted for any violations. Last year, a total of three Public Intoxication arrests and one Possession of Cocaine arrest were made from this establishment. No other TABC, nuisance issues, or violent crimes have been observed or documented. The Billiard Bar remains one of the low key businesses in the area.

Z101-311(MW)

Partners/Principals/Officers:

Lowgreen P.S. Ltd. is a domestic limited partnership (LP) formed 8/15/1997 in Texas.

Charter # 0010051010

The executives are as follows:

Shula Netzer- President, Director

R L Andres- Vice President, Director

HECHOS A MANO INC.

OWNER - JASON APPINO

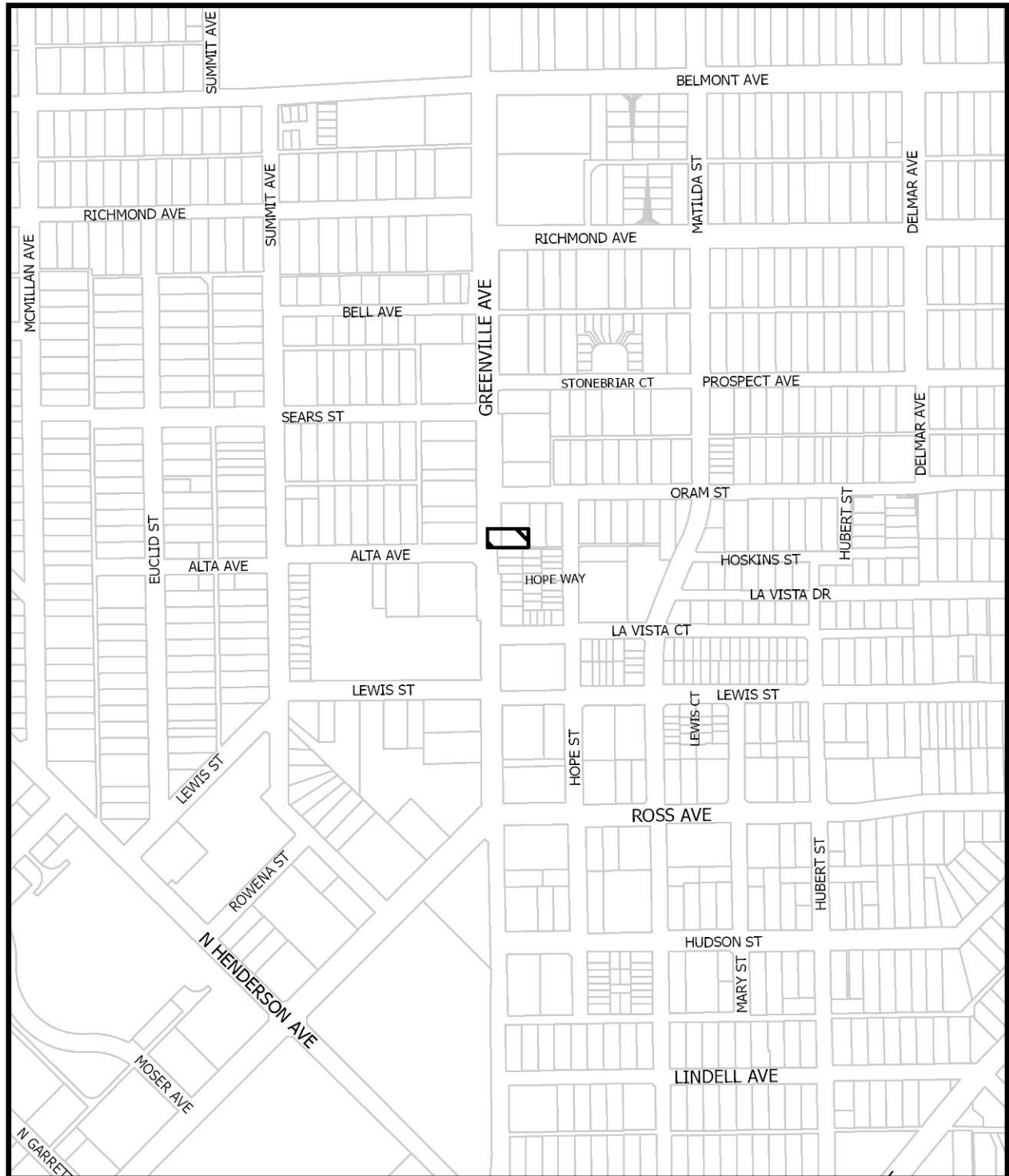
**Z101-311**

**Z101-311  
Proposed 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 billiard 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).
4. FLOOR AREA: The maximum floor area is 3,810 square feet.
5. HOURS OF OPERATION: The late-hours establishment limited to a commercial amusement (inside) use 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).
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
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.

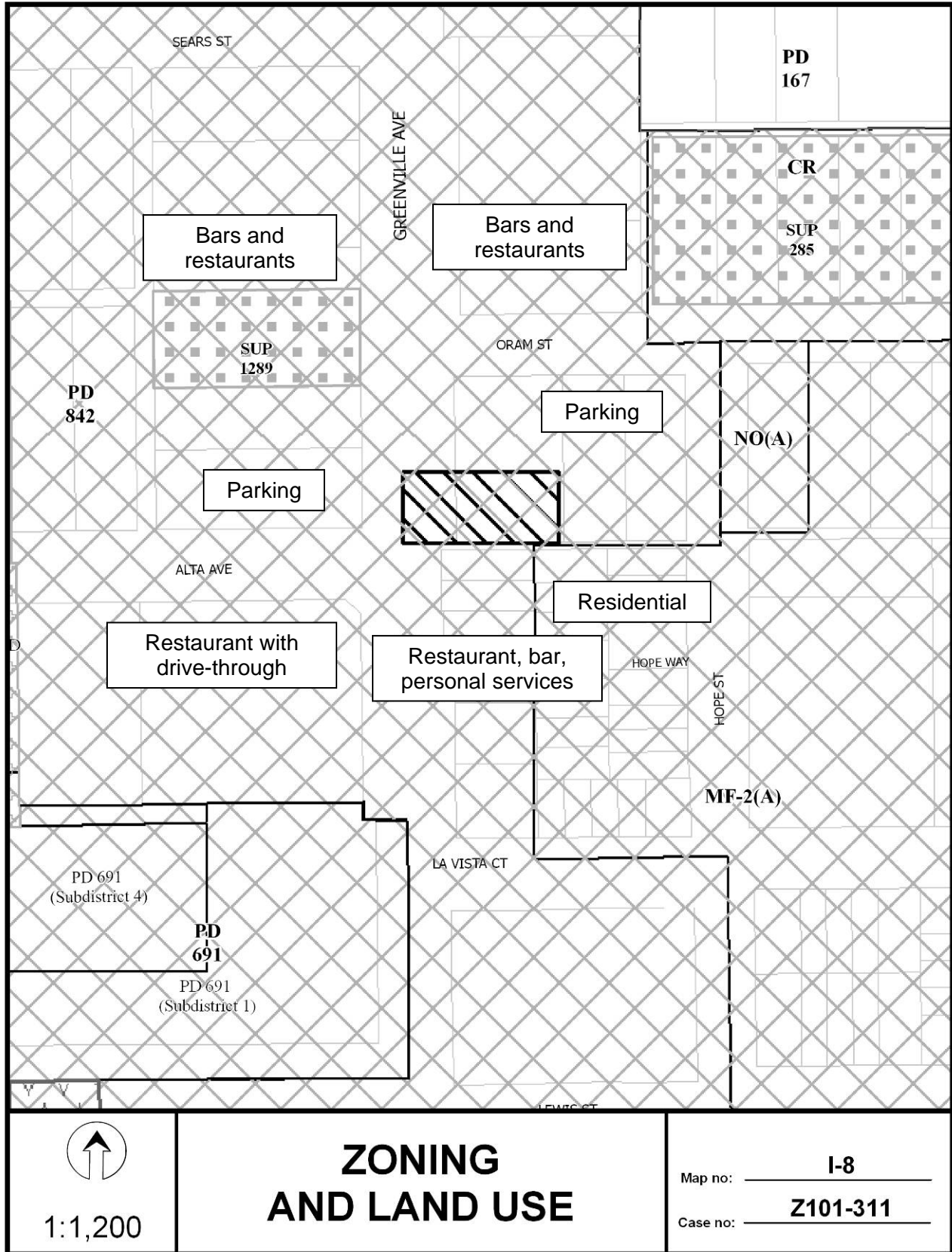


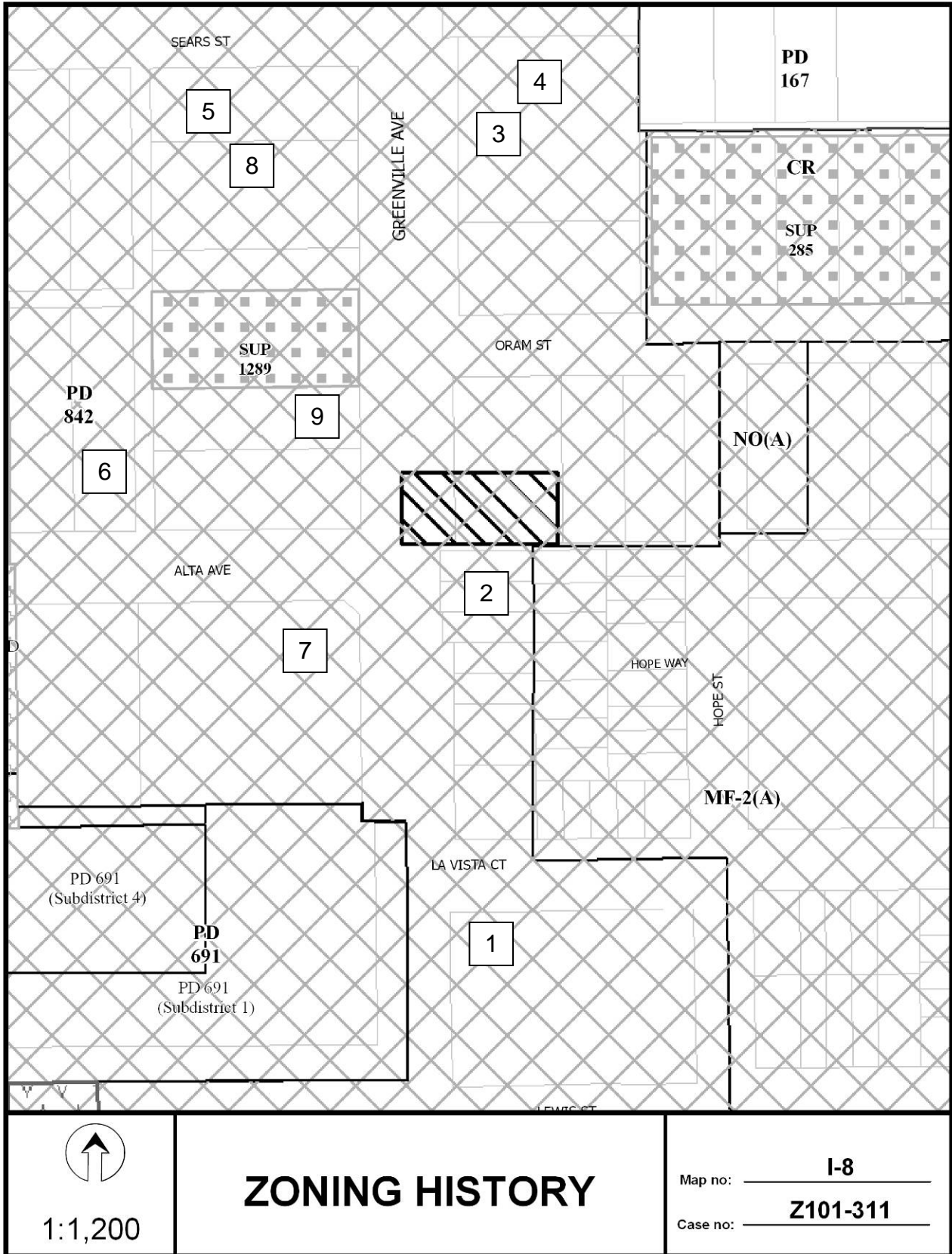
Z101-311(MW)



 1:4,800	<h1>VICINITY MAP</h1>	Map no: <u>      I-8      </u> Case no: <u>      Z101-311      </u>
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DATE: August 04, 2011





1:1,200


# ZONING HISTORY

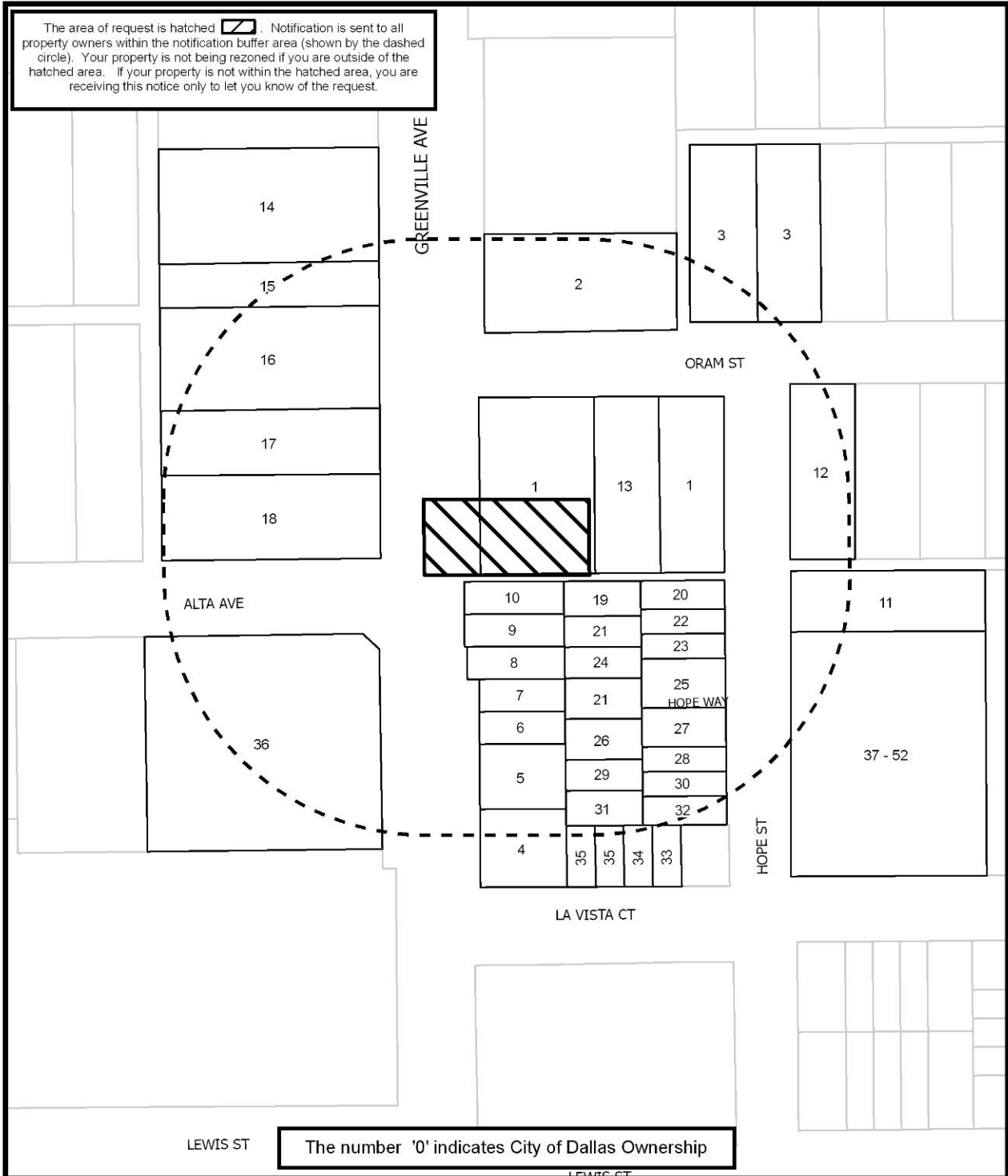
Map no: I-8

Case no: Z101-311

DATE: August 04, 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.



LEWIS ST

The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td><b>52</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>52</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Map no: <u>          I-8          </u> Case no: <u>          Z101-311          </u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>52</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

DATE: August 04, 2011

***Notification List of Property Owners******Z101-311******52 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5712 ORAM	LOWGREEN PS
2	2000 GREENVILLE	LANDE PAUL & PAUL LANDE EMP PR SH TR
3	5719 ORAM	TEXAS UTILITIES ELEC CO % STATE & LOCAL TAX
DEPT		
4	1900 GREENVILLE	TRUST REAL ESTATE
5	1904 GREENVILLE	GALANIS CHRIS V ETAL
6	1908 GREENVILLE	AK & ASSOCIATES
7	1910 GREENVILLE	MORENO RICHARD
8	1912 GREENVILLE	CAMPBELL OLIVER
9	1914 GREENVILLE	CHAPLIN JACK ET AL
10	1916 GREENVILLE	SHORT STACK LLC
11	1916 HOPE	LOZANO CONCEPCION LOPEZ
12	5722 ORAM	MCKINNEY FEARGAL &
13	5710 ORAM	SOURIS MINOS
14	1919 GREENVILLE	1919 27 GREENVILLE LTD
15	1917 GREENVILLE	WORLD WIDE FOOD INC
16	1911 GREENVILLE	INTERCITY INVESTMENT PROP SUITE 500
17	1909 GREENVILLE	WORLDWIDE FOOD INC
18	1903 GREENVILLE	LOWGREEN PS % SHULA NETZER
19	1919 HOPE WAY	NGUYEN NGOC DIEP
20	1922 HOPE WAY	LEE SHI JIN
21	1917 HOPE WAY	ARIES VENTURES INC
22	1920 HOPE WAY	KUMEKPOR ELI M
23	1918 HOPE WAY	TROMBLEY DJANGO
24	1915 HOPE WAY	ALARCON WALDO & YAZMIN R
25	1916 HOPE WAY	LARES BRYAN
26	1911 HOPE WAY	LOWENSTEIN MARK

*Thursday, August 04, 2011*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1912 HOPE WAY	CRAVENS KIMBERLY A
28	1910 HOPE WAY	DANISH DAVID
29	1909 HOPE WAY	KEEPMAN MATTHEW
30	1908 HOPE WAY	GANDHI ANUPAMA K
31	1907 HOPE WAY	BAILEY TERRANCE V # 132
32	1906 HOPE WAY	PENNINGTON DREW & JORGENSEN JAMIE
33	5713 LA VISTA	CHIANG THOMAS S & TRACY C CHIANG
34	5711 LA VISTA	WHITE JULIUS
35	5709 LA VISTA	SHANE MARIO M & RACHELLE
36	1827 GREENVILLE	LOWGREEN PS % SHULA NETZER
37	1910 HOPE	MOJICA EDWARD UNIT 1
38	1910 HOPE	ALLIE STEVEN C &
39	1910 HOPE	ANAZAGASTY ROBERT A
40	1910 HOPE	KUPERMAN YELENA
41	1910 HOPE	CROUCH EDIE D
42	1910 HOPE	DE LA CERDA PEDRO & ASHLEY E DE LA CEDRA
43	1910 HOPE	VIALI TESSA
44	1910 HOPE	HENDERSON ROY V & LAVERNE
45	1910 HOPE	AGNEW STEPHANIE BARONE & JASON M
46	1910 HOPE	KOBAYASHI AARON S & CHEN BARBARA K
47	1910 HOPE	CALVERT REGINA K UNIT 11
48	1910 HOPE	DRESCHER CLIFFORD T UNIT 12
49	1910 HOPE	ANKERSEN KRISTEN A
50	1910 HOPE	HENDERSON ROY V
51	1910 HOPE	FREEMAN SHANE C UNIT 15
52	1910 HOPE	MUIR DAVID E UNIT 16

**FILE NUMBER:** Z101-312(MW)

**DATE FILED:** June 24, 2011

**LOCATION:** East side of Greenville Avenue, north of Prospect Avenue

**COUNCIL DISTRICT:** 14

**MAPSCO:** 36-T

**SIZE OF REQUEST:** ±3,105 square feet

**CENSUS TRACT:** 11.01

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**APPLICANT:** MJN Partners, Ltd.

**REPRESENTATIVE:** MJN, Inc., Marty Carter

**OWNER:** Greenville 2100, Ltd.

**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 zoned Planned Development District No. 842 for CR Community Retail District Uses.

**SUMMARY:** This request would allow the existing establishment to continue to operate after midnight.

**STAFF RECOMMENDATION:** Approval for a one-year period subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The ±3,105-square foot request site includes ±2,682 square feet of floor area within a ±12,161-square foot structure and a ±475-square foot covered patio. Therefore, the total floor area associated with the use is 3,157 square feet.
- On December 15, 2004, a certificate of occupancy for a restaurant without drive-in service was issued for the request site.
- Per the 2004 certificate of occupancy, the occupancy load is 121.
- A private license was issued on February 12, 1997, granting the use of Greenville Avenue right-of-way for patio seating.
- 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.
- The request site is surrounded by retail to the north; surface parking to the east; restaurants and bars to the south and surface parking to the west.

**Zoning History:**

- 1. Z101-260:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.
- 2. Z101-261:** On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.
- 3. Z101-264:** On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service.
- 4. Z101-270:** On August 4, 2011, the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge or tavern. The City Council hearing date is pending.
- 5. Z101-303:** On August 18, 2011, the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to a limited to a restaurant without drive-in or drive-through service. The City Council hearing date is September 28, 2011.

Z101-312 (MW)

**6. Z101-314:** An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission and City Council Hearings.

**7. Z101-326:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.

Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	50 feet

**Land Use:**

	Zoning	Land Use
Site	PDD No. 842	Restaurant
North	PDD No. 842	Retail
East	PDD No. 842; PDD No. 167	Surface parking
South	PDD No. 842	Restaurant; bar
West	PDD No. 842	Surface parking

**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 ±3,105-square foot request site includes ±2,682 square feet of floor area within a ±12,161-square foot structure and a ±475-square foot covered patio. Therefore, the total floor area associated with the use is 3,157 square feet.

On December 15, 2004, a certificate of occupancy for a restaurant without drive-in service was issued for the request site. 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.

The request site is surrounded by retail to the north; surface parking to the east; restaurants and bars to the south and surface parking to the west. The closest residential development is approximately 100 feet to the east of the request site; therefore, staff recommends a condition to prohibit outdoor speakers in association with the late-hours establishment.

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 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 one year.

**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:**

The ±2,682-square foot restaurant and 475-square foot covered patio equate to 3,157 square feet of floor area for which parking must be provided. Pursuant to §51A-4.210, a restaurant requires one (1) space per 100 square feet of floor area. Therefore, 32 spaces are required.

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. The applicant is claiming delta credits, but based on staff's research, no delta credits exist for the use due to expansions and changes in use. Furthermore, parking is not provided on the building site. The combined uses on the building site (which include expansions) require a total of 134 spaces. Based on documentation provided by the applicant, 24 of the required spaces for the building site are provided through a parking agreement. The applicant will need to identify what use these parking spaces are applied to and demonstrate full compliance with parking requirements for this use prior to a late-hours certificate of occupancy being issued for the use.

**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 August 12, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 2114 Greenville Avenue – DBA Shade:

**Number of citations issued by police to patrons:**

- 1 Disorderly Conduct citation issued in 2011
- 4 Disorderly Conduct (fighting) citations issued in 2010

**Number of citations issued by police for noise ordinance violations by the establishment :**

- 2 Anti-Noise Ordinance citations issued in 2011

**Number of arrests for public intoxication or disorderly conduct associated with the establishment:**

- 1 public intoxication arrest in 2010

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment – 0**

**Notations:**

- 2 DWI arrests of patrons who had left Shade in 2010
- 1 Assault Misdemeanor A report made in 2011

In addition, the Police Department has provided the following commentary:

**2114 Greenville, Shade**

This is a medium-sized location that is located on the far north end of the east side of Greenville. It has a patio, but no rooftop. Music is played in the patio and it can be heard in the street; there have been a few occasions when this business has been warned and cited for the loud music coming from the patio. On some weekend nights, this business has a large crowd that congregates in the patio. Sometimes, they are loud because there are so many as they start talking and drinking. Most often, it has been our experience that the employees and management of this location will cooperate with police requests for compliance when they are warned.

In 2011, Officers have issued Shade management 2 anti-noise ordinance citations. In addition, personnel were warned a couple of times for loud music, both time were when a live band was playing inside. However, management immediately complied without

Z101-312 (MW)

any further issues. A total of five Disorderly Conduct (fighting) citations were issued to patrons in 2010 (4) and 2011 (1). There was also one Public Intoxication arrest and two Driving While Intoxicated arrests stemming from Shade on 2010. Besides one Misdemeanor Assault offense reported in 2011, there have been no other notable violent crimes associated with this establishment. According to officers who work this area, besides the above listed incidents, Shade remains relatively low key.

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**Partners/Principals/Officers:**

April 19, 2011

**Officers for Greenville 2100, LTD.**

Susan B. Reese  
Larry Vineyard

**Z101-312**

**Las Colinas FedEx Office**

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**From:** Marty Carter [lonestarcustompools@yahoo.com]  
**Sent:** Friday, June 24, 2011 12:24 PM  
**To:** usa0639@fedex.com  
**Subject:** Fwd: mjn ptrs

2 copies

Sent from my iPhone

Begin forwarded message:

**From:** Glenn LaBauve <glennlab@yahoo.com>  
**Date:** June 22, 2011 1:16:26 PM CDT  
**To:** Marty Carter <lonestarcustompools@yahoo.com>  
**Subject:** mjn ptrs

**LABAUVE TAX CONSULTING**

**1127 COOMBS CREEK DRIVE**

**DALLAS TX 75211**

**214-337-2834**

**June 22, 2011**

The following is partnership breakdown for M.J.N. Partners LTD, EIN 76-0771054.

Partnership name...

M.J.N PARTNERS LTD

5311 MAPLE LANE

**Z101-312**

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COLLEYVILLE TX 76034

EIN 76-0771054

GENERAL PARTNER:

M.J.N, INC

5311 MAPLE LANE

COLLEYVILLE TX 76034

EIN 90-0188833

PERCENT OWNERSHIP ...1%

LIMITED PARTNERS

(In ascending order of ownership)

OSCAR RIMILO

520 FARMERS MARKET WAY APT 8106

DALLAS TX 75201

SSN 156-82-2743 PERCENT OWNERSHIP...5%

RENE REYES

1606 TRIBECA WAY

DALLAS TX 75204

SSN 641-84-7600 PERCENT OWNERSHIP...10%

JERMEY ADAMS BARNES

300 N AKARD APT 2901

DALLAS TX 75201

**Z101-312**

Z101-312 (MW)

SSN 633-01-9200 PERCENT OWNERSHIP 20%

MARTY L CARTER  
5311 MAPLE AVE  
COLLEYVILLE TX 76034  
SSN 411-98-2554 PERCENT OWNERSHIP...64%

This document reflects the current ownership and the ownership presented for the 2010 tax year.

This document contains confidential tax information. Unauthorized disclosure may result in civil and criminal penalties.

Glenn LaBauve

**Z101-312**

**Z101-312  
Proposed 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 (one year).
4. FLOOR AREA: The maximum floor area is 3,157 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).
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
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.



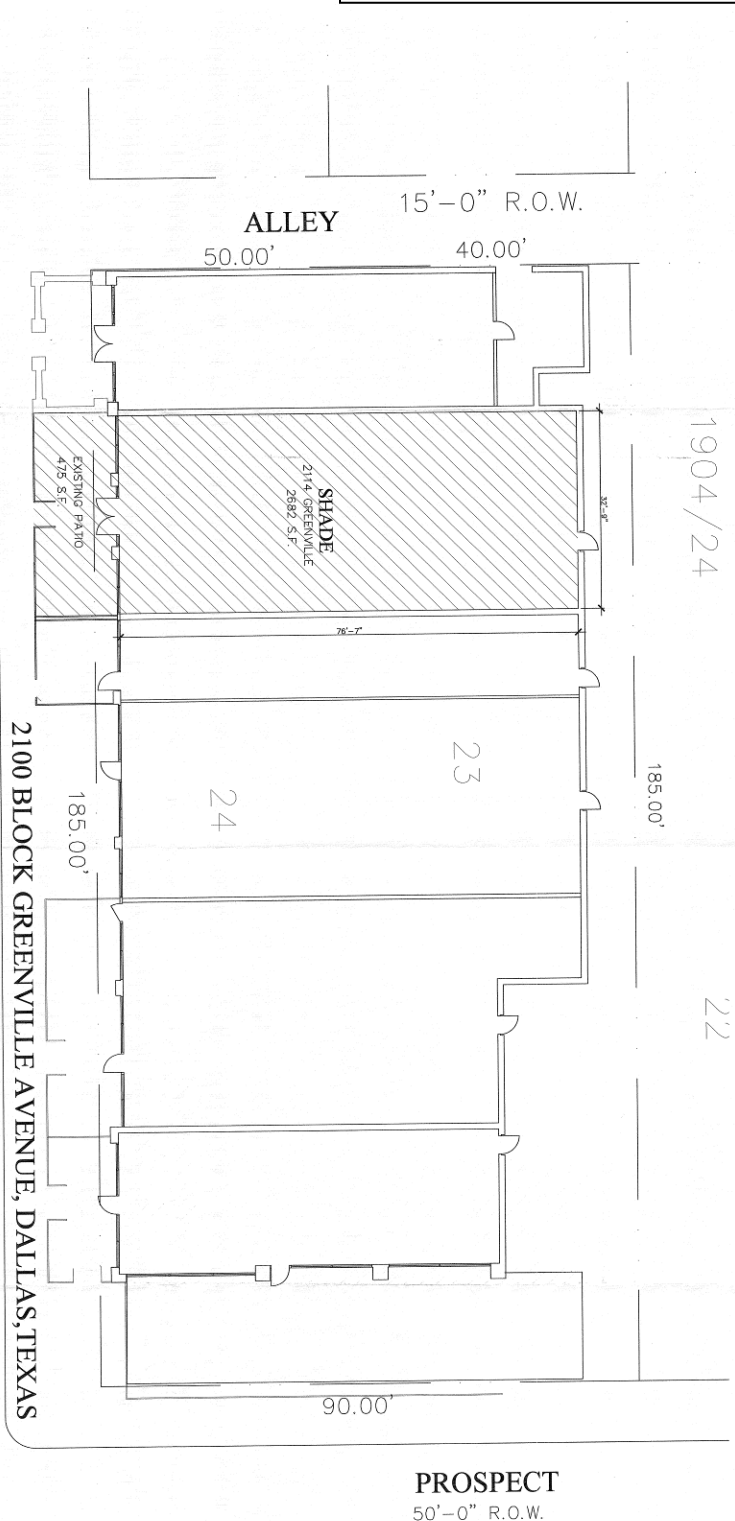
**Proposed Site Plan**



**SITE PLAN**  
SCALE: 1/8" = 1'-0"

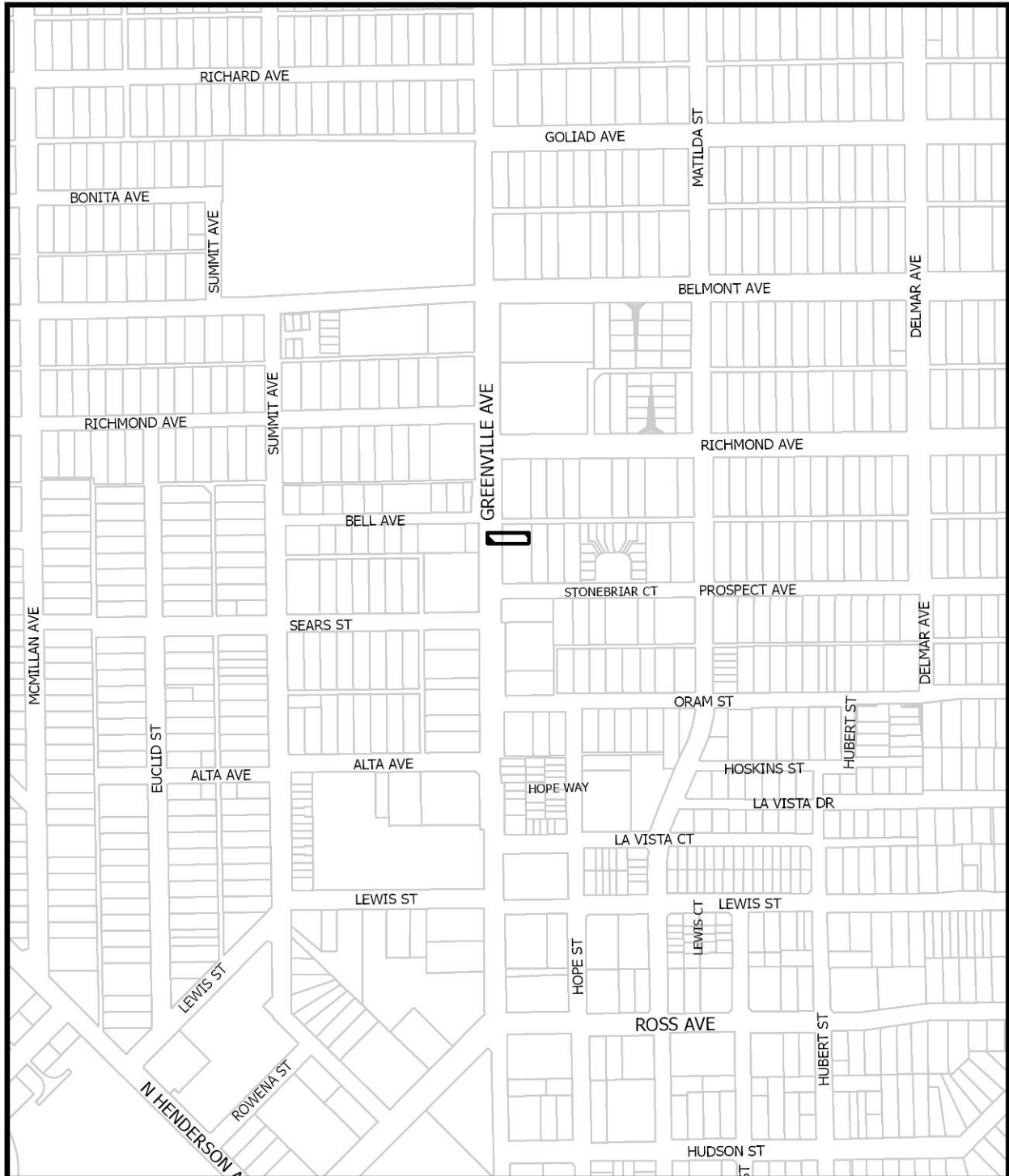


**GREENVILLE AVE.**  
100'-0" R.O.W.  
USE- ALCOHOLIC BEVERAGE ESTABLISHMENT  
FLOOR AREA = 2882 S.F.  
PATIO AREA = 475 S.F.  
HEIGHT: 19'-0"  
STORES: ONE



SCALE	0' 15' 40'	NORTH
2100 BLOCK GREENVILLE AVENUE, DALLAS, TEXAS		
DATE: 06/20/21		
SITE PLAN - SHADE, 2114 GREENVILLE AVE.		
ZONING CASE NO.		

**Z101-312**



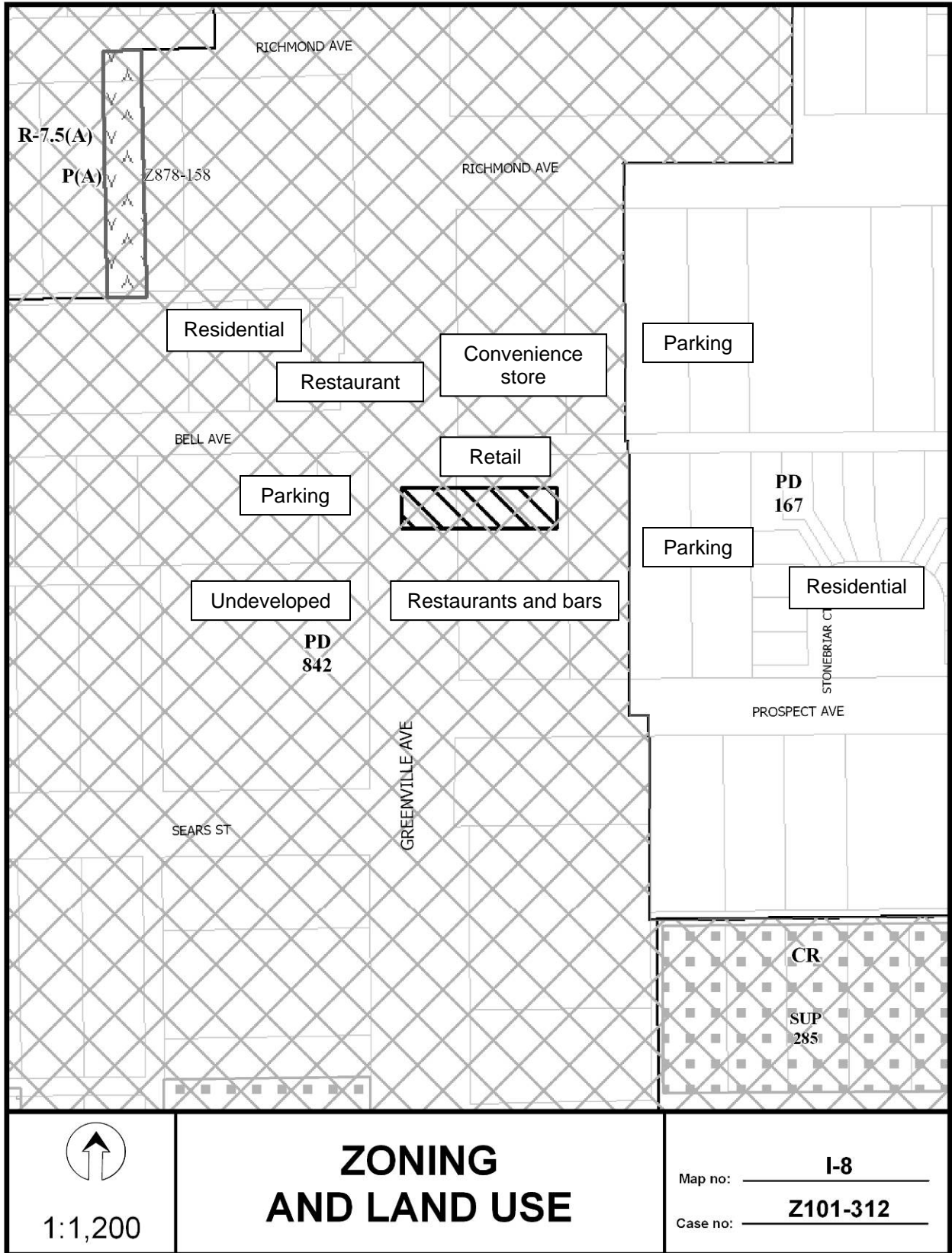
1:4,800

# VICINITY MAP

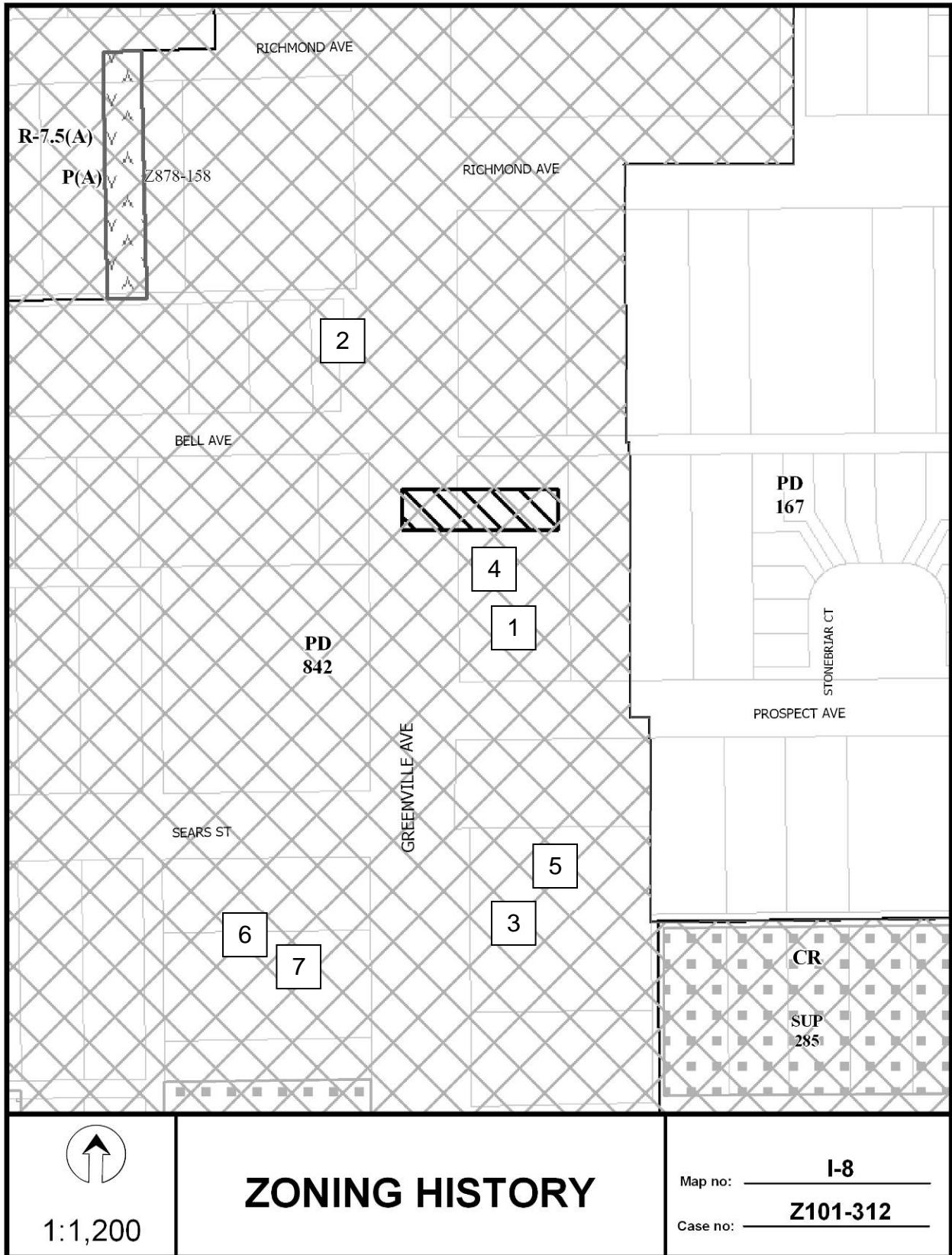
Map no:           I-8          

Case no:           Z101-312          

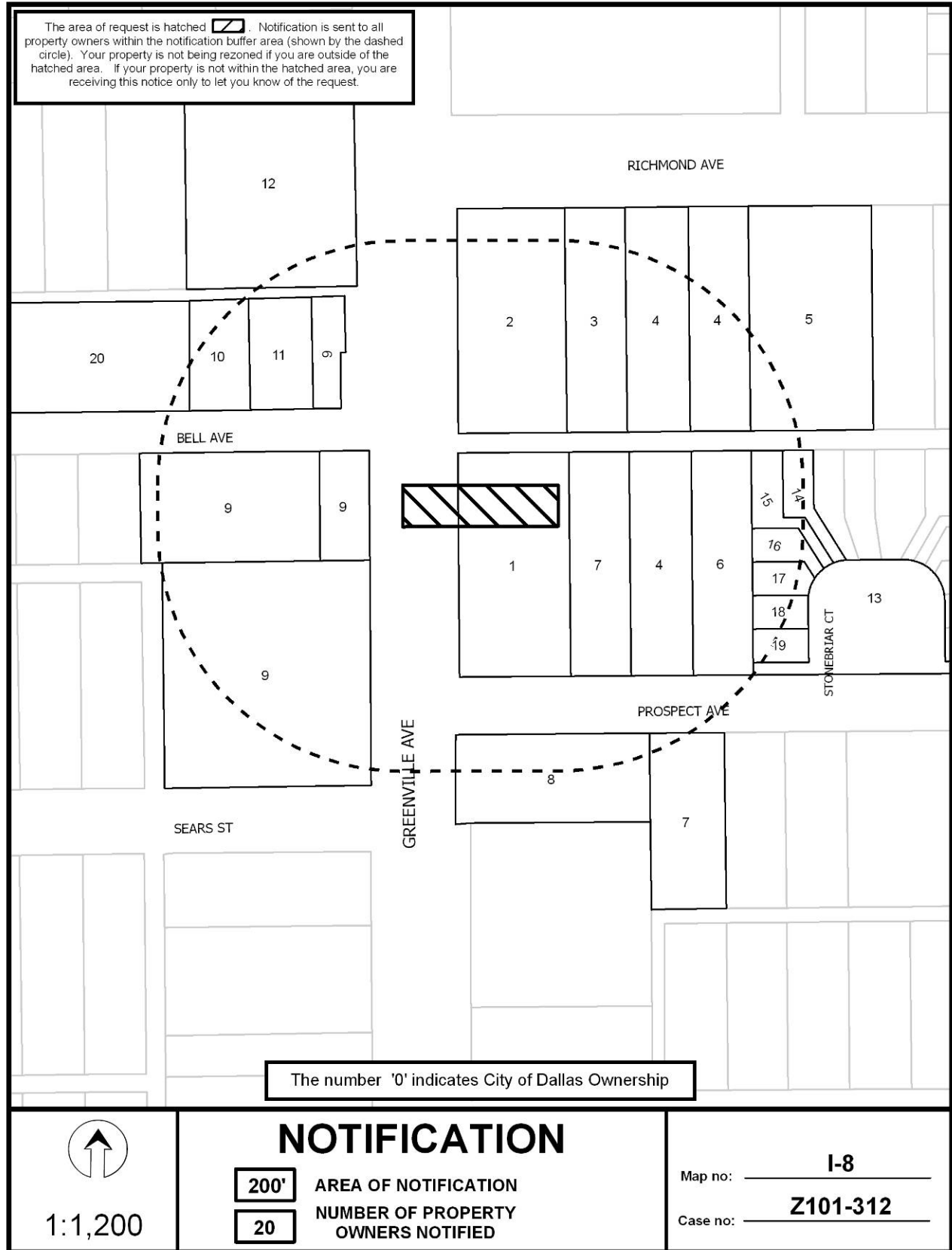
DATE: August 04, 2011



DATE: August 04, 2011



DATE: August 04, 2011



## **Notification List of Property Owners**

### **Z101-312**

#### **20 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	2100 GREENVILLE	GREENVILLE 2100 LTD STE 300
2	5702 RICHMOND	GREENVILLE ROSS PTNR LTD ATTN: MITCHELL
RASANSKY		
3	5710 RICHMOND	SANCHEZ FIDENCIO & MARIO SANCHEZ
4	5716 RICHMOND	REESE GRANDCHILDRENS
5	5722 RICHMOND	EUSTACHIO PIETRO
6	5719 PROSPECT	MADISON PACIFIC DEV COM DEVELOPMENT CO
#300		
7	5716 PROSPECT	ANDRES FAMILY TRUST 200
8	2026 GREENVILLE	ANDRES FAMILY TRUST
9	5642 GREENVILLE	2001 GREENVILLE VENTURE % MADISON PACIFIC
DEV CO		
10	5639 BELL	EATON ROAD LTD
11	5643 BELL	BATM PROP LP
12	2121 GREENVILLE	RICHMAN HARVEY A & %RICHMAN TR - LGL ARTS
13	2100 STONEBRIAR	STONEBRIAR CT H O A
14	6 STONEBRIAR	KELLEY STEPHANIE C & MALCOLM L
15	5 STONEBRIAR	CUMMINGHAM CAROLINE
16	4 STONEBRIAR	STOKES ROBERT CHARLES
17	3 STONEBRIAR	MATTHEWS TEVIS C
18	2 STONEBRIAR	WHITE SHARI
19	1 STONEBRIAR	HOOPER NICOLE E
20	5627 BELL	LEFEBVRE DALE

**FILE NUMBER:** Z101-318(MW)

**DATE FILED:** June 30, 2011

**LOCATION:** North side of Alta Avenue, west of Greenville Avenue

**COUNCIL DISTRICT:** 2

**MAPSCO:** 36-W

**SIZE OF REQUEST:** ±3,105 square feet

**CENSUS TRACT:** 10.02

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**APPLICANT:** Nakhon, Inc. dba Nandina

**REPRESENTATIVE:** Woot Lervisit

**OWNER:** WSVV, LLC

**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 zoned Planned Development District No. 842 for CR Community Retail District Uses.

**SUMMARY:** This request would allow the existing establishment to continue to operate after midnight.

**STAFF RECOMMENDATION:** Approval for a three-year period subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The ±8,975-square foot request site is developed with a ±3,207-square foot structure which currently has a certificate of occupancy, issued on March 18, 2010, for a restaurant without drive-in or drive-through service.
- 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.
- The request site is surrounded by a bar to the north; a restaurant, bars and surface parking to the east; a restaurant with drive-through service and an institutional use to the south; and an undeveloped lot (used for surface parking) and single family homes to the west.

**Zoning History:**

1. **Z101-211:** On, July 21, 2011, the City Plan Commission recommended denial of a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley. The City Council hearing date is September 14, 2011.
2. **Z101-263:** On August 10, 2011, the City Council approved a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern.
3. **Z101-311:** An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) pending City Plan Commission and City Council Hearings.
4. **Z101-314:** An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission and City Council Hearings.
5. **Z101-323:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-through service pending City Plan Commission and City Council Hearings.
6. **Z101-326:** An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission and City Council Hearings.



Thoroughfare/Street	Type	Existing ROW
Greenville Avenue	Local	50 feet

**Land Use:**

	Zoning	Land Use
Site	PDD No. 842	Restaurant without drive-through
North	PDD No. 842	Bar
East	PDD No. 842; SUP No. 1289	Restaurant, bars, surface parking
South	PDD No. 842	Restaurant with drive-through; institutional
West	PDD No. 842	Undeveloped, single family

**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 ±8,975-square foot request site is developed with a ±3,207-square foot structure which currently has a certificate of occupancy, issued on March 18, 2010, for a restaurant without drive-in or drive-through service.

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.

The request site is surrounded by a bar to the north; a restaurant, bars and surface parking to the east; a restaurant with drive-through service and an institutional use to the south; and an undeveloped lot (used for surface parking) and single family homes to the west. The closest residential development is approximately 50 feet to the west of the request site; therefore, staff recommends a condition to prohibit outdoor speakers in association with the late-hours establishment.

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 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 three 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 ±3,207-square foot restaurant requires 32 spaces. As depicted on the site plan, 9 spaces will be provided onsite. The applicant owns the adjacent property to the west of the request site and utilizes the lot for restaurant parking. However, the property is currently unimproved. In order for the applicant to utilize the adjacent property to satisfy the parking requirements for the request site, the lot must be paved and striped, as depicted on the site plan, and a parking agreement must be implemented. The required 32 spaces must be provided onsite and/or through a parking agreement in order for the applicant to obtain a certificate of occupancy for late hours.

**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 August 12, 2011, the Central Patrol Division of the Dallas Police Department provided the following comments regarding 5631 Alta Avenue – DBA Nandina:

**Number of citations issued by police to patrons:**

1 Urinating in Public citation issued in 2011

**Number of citations issued by police for noise ordinance violations by the establishment – 0**

**Number of arrests for public intoxication or disorderly conduct associated with the establishment – 0**

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment – 0**

In addition, the Police Department has provided the following commentary:

**5631 Alta, Nandina**

This is a medium-sized location that is located on the north side of Alta; west of Greenville and across the street from the Taco Cabana. This location is a restaurant where some of the crowd from Greenville will go and eat after the other locations close at 2:00 a.m. It remains open until 3:00 a.m. Rarely is police service required at this location. The employees and management of this location seem to operate the business well within our expectations.

Nandina also does not require a lot of attention. The only enforcement taken was one Urinating in Public citation in 2011. There were no other TABC, nuisance violations, or violent crimes stemming from this establishment.

**Partners/Principals/Officers:**

Nakhon, Inc., dba Nandina Restaurant

- Vivit Lervisit owns 100% of Nakhon, Inc. and is the President of the company.
- Nakhon, Inc. does business as Nandina Restaurant and is located at 5631 Alta Ave. Dallas, TX 75206.

WSVV, LLC.

- Vivit Lervisit is the sole owner and manager of WSVV, LLC.
- WSVV, LLC owns the real property at 5631 Alta Ave. Dallas, TX 75206 where Nandina Restaurant is located.

**Z101-318**

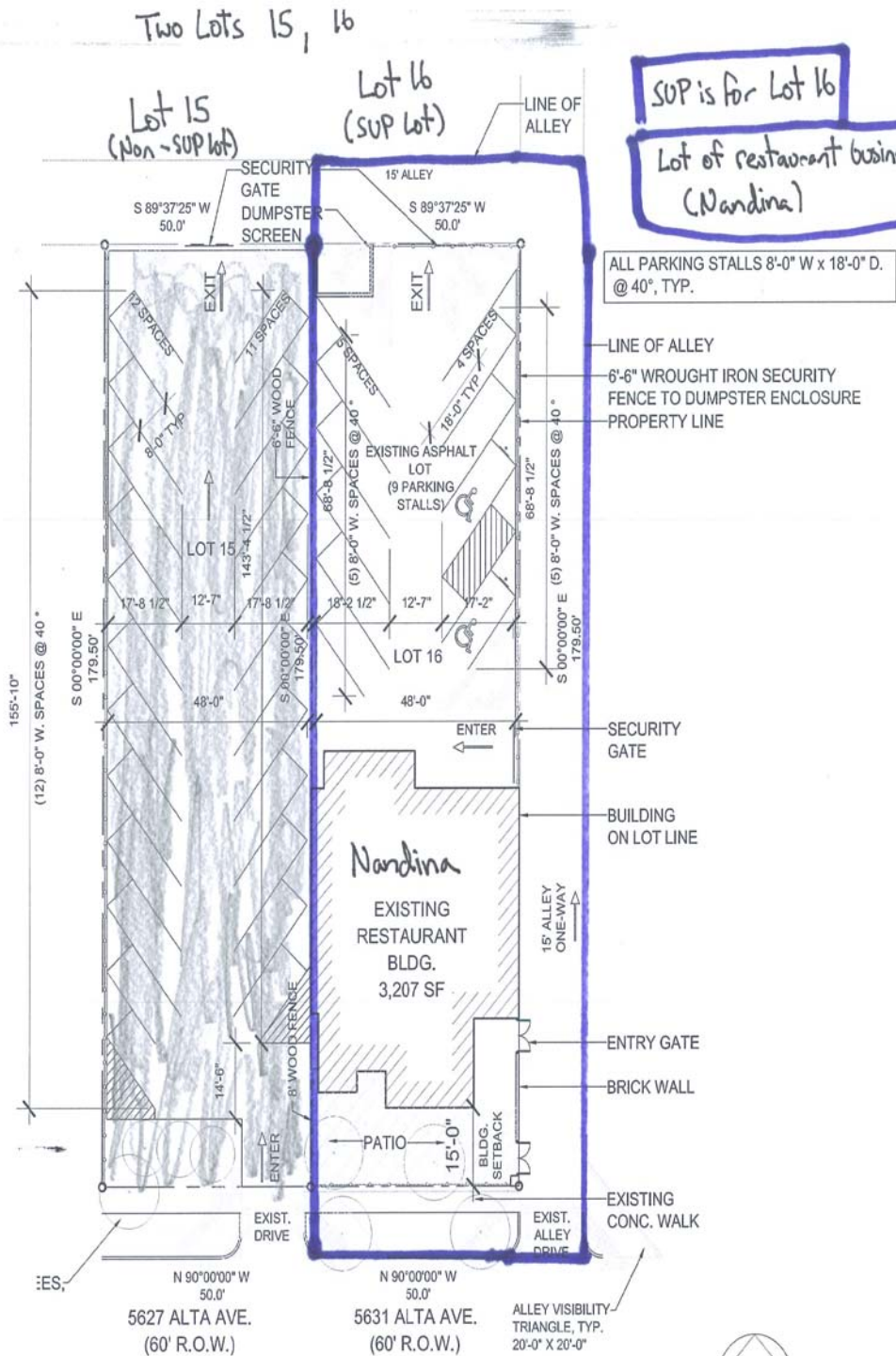
**Z101-318  
Proposed SUP Conditions**

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 3,207 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).
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
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**

Lot 15 contains parking for restaurant.  
 Both lots (15, 16) are owned by same owner, WSV, LLC.

SUP is for Lot 16  
 Lot of restaurant business (Nandina)



1 SITE PLAN  
 1/32"=1'-0"

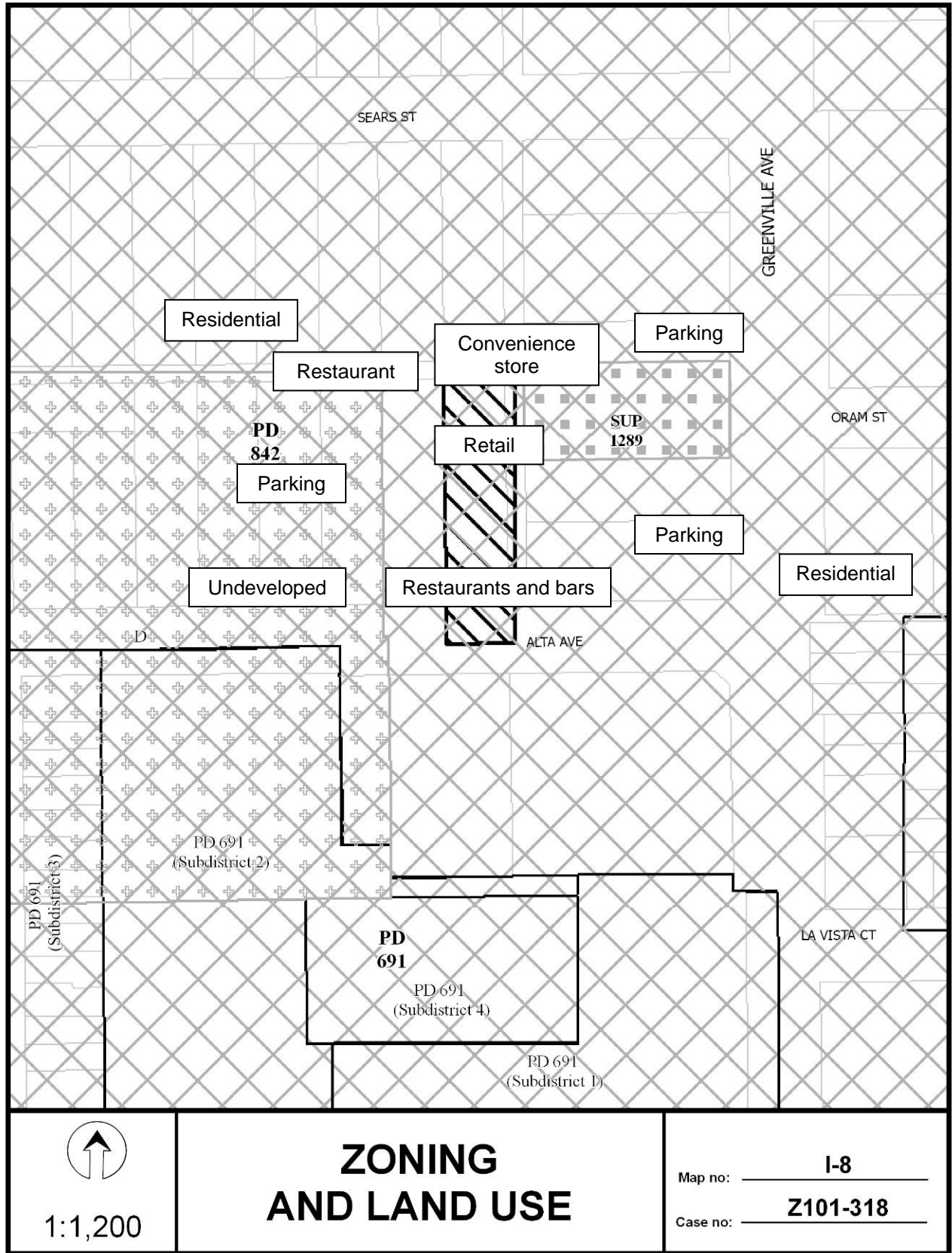






 1:4,800	<h1>VICINITY MAP</h1>	Map no: <u>          I-8          </u> Case no: <u>          Z101-318          </u>
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DATE: July 28, 2011



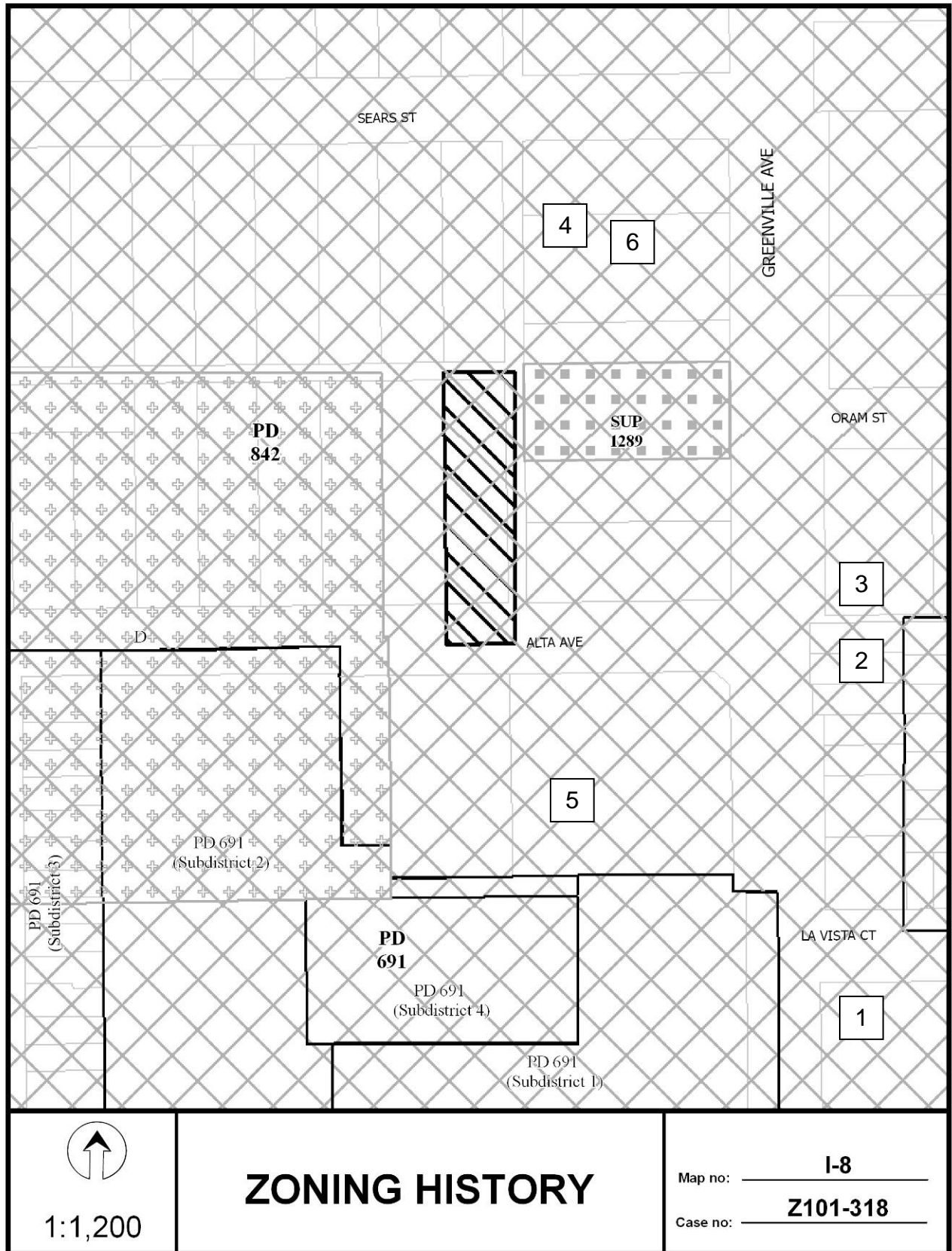
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# ZONING AND LAND USE

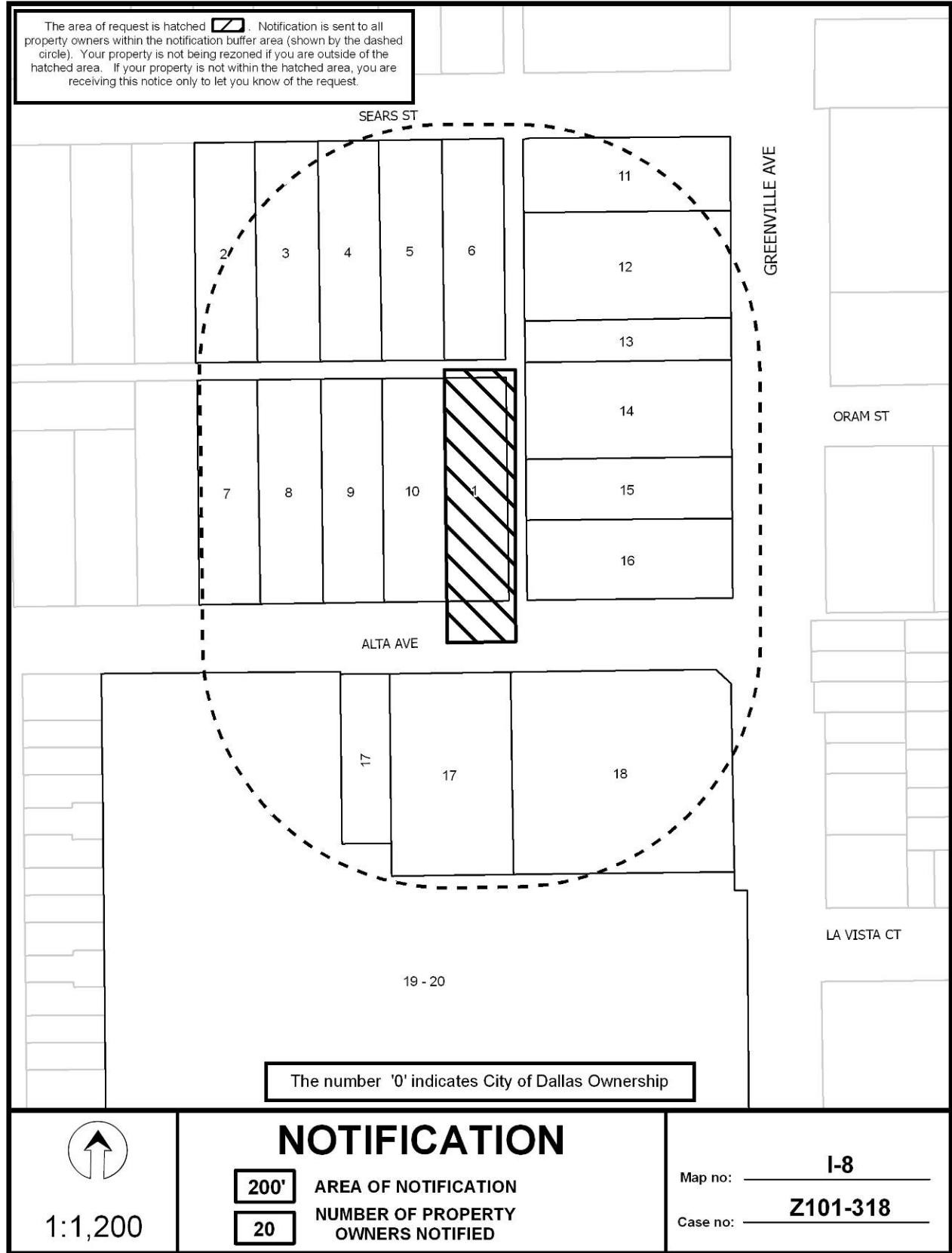
Map no: I-8

Case no: Z101-318

DATE: July 28, 2011



DATE: July 28, 2011



DATE: July 28, 2011

## *Notification List of Property Owners*

### *Z101-318*

#### *20 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5631 ALTA	WSVV LLC
2	5614 SEARS ST	GREENVILLE HOLDINGS INC STE 260
3	5618 SEARS ST	GREENVILLE HOLDINGS CO STE 260
4	5622 SEARS ST	ROY MARION B
5	5624 SEARS ST	5624 SEARS STREET LTD
6	5628 SEARS ST	CHOTAS SOPHIE
7	5615 ALTA	THACKER RICHARD E
8	5619 ALTA	THACKER RICHARD E JR
9	5623 ALTA	SHIELDS WILLIAM OLIVER
10	5627 ALTA	WSVV
11	1931 GREENVILLE	GENARO TRUST 1 % THOMAS ODDO
12	1919 GREENVILLE	1919 27 GREENVILLE LTD
13	1917 GREENVILLE	WORLD WIDE FOOD INC
14	1911 GREENVILLE	INTERCITY INVESTMENT PROP SUITE 500
15	1909 GREENVILLE	WORLDWIDE FOOD INC
16	1903 GREENVILLE	LOWGREEN PS % SHULA NETZER
17	5626 ALTA	LATORRE ROBERT INC
18	1827 GREENVILLE	LOWGREEN PS % SHULA NETZER
19	1811 GREENVILLE	LRRP GREENVILLE LLC % GE CAPITAL REAL ESTATE
20	1811 GREENVILLE	GREENWAY GREENVILLE LP

**Planner: Richard E. Brown**

**FILE NUMBER:** Z101-314(RB) **DATE FILED:** June 23, 2011

**LOCATION:** West Line of Greenville Avenue, South of Sears Street

**COUNCIL DISTRICT:** 2 **MAPSCO:** 36 X

**SIZE OF REQUEST:** Approx. 15,073 Sq. Ft. **CENSUS TRACT:** 10.02

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**APPLICANT:** Greenville Avenue Service Bar-Ioannis Manettas-President

**REPRESENTATIVE:** T. Craig Sheils

**OWNER:** 1919-27 Greenville, Ltd.

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses.

**SUMMARY:** The applicant is proposing to continue operation of an existing bar with late hours.

**STAFF RECOMMENDATION:** Denial.

**BACKGROUND INFORMATION:**

- The existing improvements are utilized for a bar, lounge, or tavern. The applicant has operated at this location since May, 2007.
- The applicant occupies 1,837 square feet of floor area and possesses a 2,128 square foot patio, of which 1,192 square feet is covered.
- 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 site lies within the Area 3 portion of Modified Delta Overlay No. 1.

**Zoning History:**

<b><u>File No.</u></b>	<b><u>Request, Disposition, and Date</u></b>
1. Z101-260	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
2. Z101-261	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. On August 10, 2011, the City Council recommended approval for a four-year period, subject to a site plan and conditions.
3. Z101-264	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 10, 2011, the City Council recommended approval for a two-year period, subject to a site plan and conditions.
4. Z101-270	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 4, 2011, the CPC recommended approval for a two-year period. Pending the September 14, 2011 CC public hearing.
5. Z101-295	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing.

6. Z101-303 An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. On August 18, 2011, the CPC recommended approval for a five-year period. Pending the September 14, 2011 CC public hearing.
7. Z101-301 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment limited to a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.
8. Z101-323 An SUP for a late-hours establishment limited to a restaurant with drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
9. Z101-326 An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.

**Street**

**Existing & Proposed ROW**

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 bar, lounge, or tavern; 1,837 square feet of floor area and 2,128 square feet for a patio, of which 1,192 square feet is covered. The applicant is requesting an SUP for a late-hours establishment to permit the existing use to operate beyond 12:00 a.m. and 2:00 a.m., Monday through Sunday. The restaurant has been at this location since May, 2007.

The site is surrounded by a mix of retail, and entertainment uses. Residential uses (single family and multifamily structures) are found on properties further northwest/west towards Summit Avenue.

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.

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 No. 2. Documentation related to No. 1 has not been provided, while Nos. 4 and 5 are not applicable to the request.

With respect to required off-street parking (No. 3), the existing area in the rear of the site will require certain improvements to be consistent with what is shown on the site plan, but it should be noted that the property owner's intent is to allow this parking area to satisfy off-street parking requirements for a separate SUP request for a late-hours establishment for a restaurant without drive-in or drive-through service (Z101-326). As a result, staff has not confirmed that delta credits are valid for satisfying off-street parking requirements as the applicant/property owner will present at the public hearing.

The applicant's improvements are oriented along the north-south alignment of Greenville Avenue with a small number of required spaces located in the rear of the property. This parking area is accessed from Alta Avenue through a public alley with signage providing for one-way vehicular movements (south to north).

While the proposed use is consistent with similar uses along the Greenville Avenue corridor, staff does have some concern related to the reported offenses and overall attention to responsibilities associated with the operation of the use (see Police Activity, below).

As a result of this analysis, staff cannot support the applicant's request. Should CPC consider granting the request, the attached requested conditions have been provided as a base for such a recommendation.

**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:** The existing bar requires one space for each 100 square feet of floor area. As noted above, a portion of the patio is covered (1,192 sf), thus 30 spaces will be

Z101-314(RB)

required. It should be noted the applicant's representative is aware of the off-street parking issue and will be required to confirm such prior to application for a certificate of occupancy for the requested late-hours establishment.

**Landscaping:** The existing development is void of landscape materials. The request will not trigger compliance with Article X.

**Police Analysis  
1919 Greenville Service Bar**

**Number of citations issued by police to patrons – 0**

**Number of citations issued by police for noise ordinance violations by the establishment –**

**1 loud noise warning given in 2011**

**Number of arrests for public intoxication or disorderly conduct associated with the establishment –**

**8 public intoxication arrests in 2010; 8 public intoxication arrests in 2011**

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment –**

**1 Assault Misdemeanor A report made in 2010**

**1 Assault Misdemeanor C report made in 2010**

**Notations:**

**1 Over Capacity citation issued by Dallas Fire Rescue in 2010**

**6 citations issued by Health Dept in 2011**

1919-27 Greenville, Ltd.

2622 Commerce Street  
Dallas, Texas 75226

June 24, 2011

City of Dallas  
Department of Development Services  
1500 Marilla Street, #5BN  
Dallas, Texas 75201

Re: Specific Use Permit for Late Hours Operation at Greenville Avenue Service Bar, Inc.  
Located at 1919 Greenville Avenue, Dallas, Texas 75206.

To Whom It May Concern:

1919-27 Greenville, Ltd. ("Landlord") is the owner of the property located at 1919 Greenville Avenue, Dallas, Texas 75206 ("Property"), which Property is leased to Greenville Avenue Service Bar, Inc. ("Tenant"). Landlord hereby authorizes Tenant to act on behalf of Landlord in pursuit of a specific use permit for late hours operation of Tenant's business on the Property.

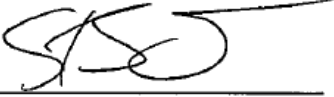
The partners of 1919-27 Greenville, Ltd., which own an undivided one hundred percent (100%) of the Property, are: Hope Street, LLC, Reese Children's Trust II, KTR Investments, LLC and AJ Associates. The sole officer and director of Hope Street, LLC is Loren Weinstein. The sole manager of KTR Investments, LLC is Katherine T. Reese. The partners of AJ Associates are Stephen Schwartz and Loren Weinstein.

Sincerely,

1919-27 GREENVILLE, LTD.

By: Hope Street, LLC, General Partner

By: AJ Associates

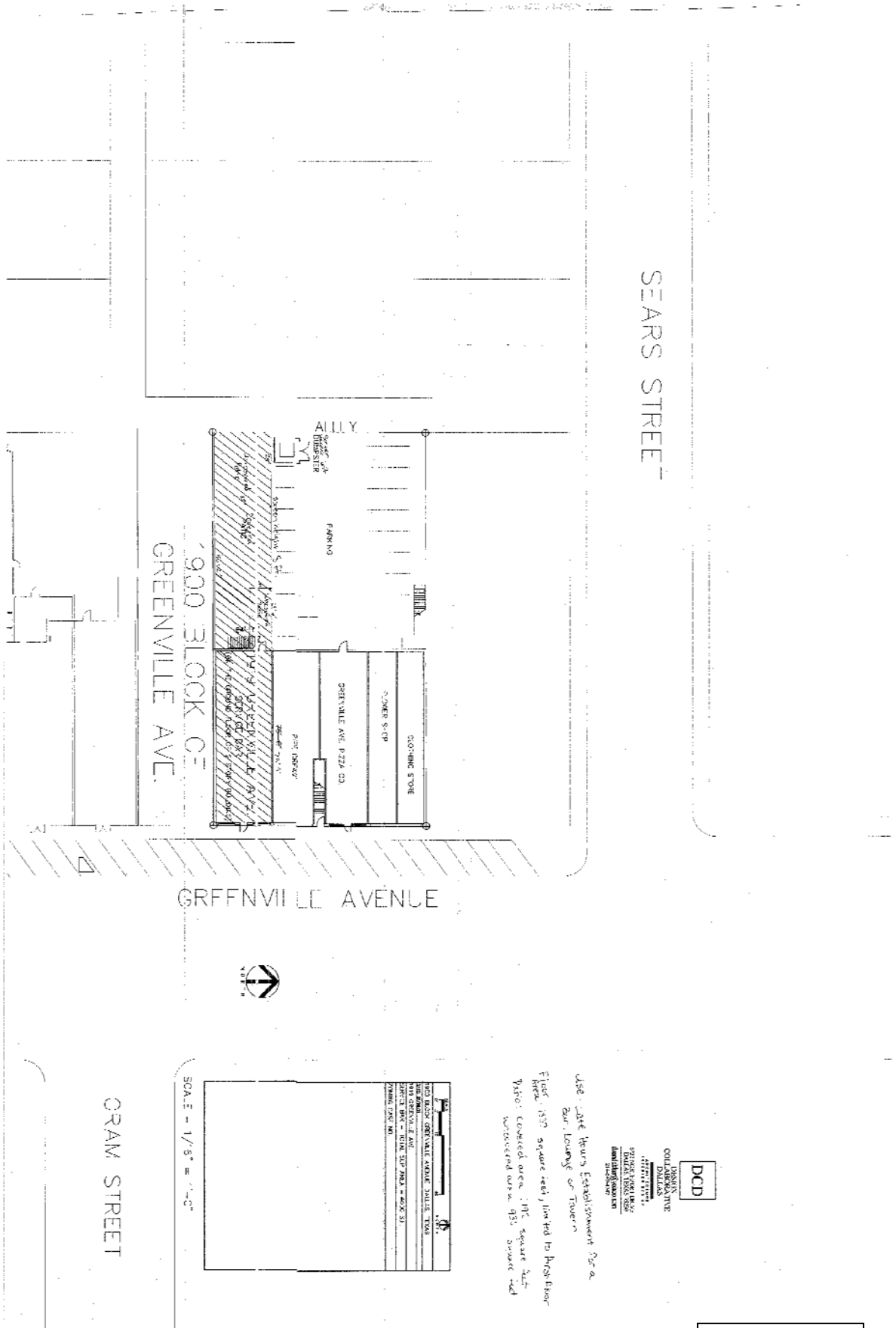
By:   
Stephen Schwartz, Partner

**Z101-314**

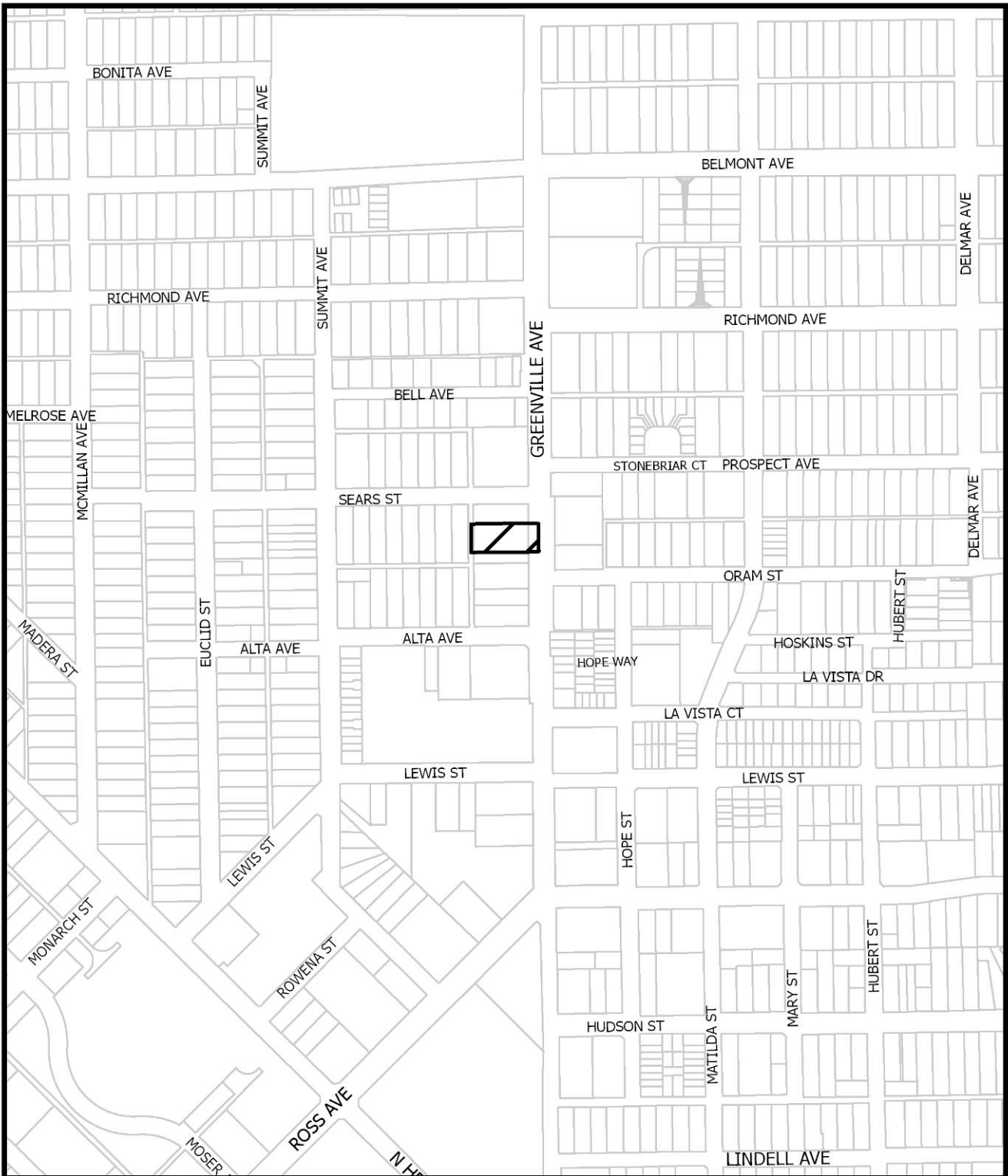
**CONDITIONS FOR SPECIFIC USE PERMIT**

(approved as to form by the city attorney)

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to 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 (two years).
4. FLOOR AREA:
  - A. The maximum floor area is 1,837 square feet, limited to the first floor.
  - B. The maximum covered portion of the outdoor patio area is 1,192 square feet in the location shown on the attached site plan.
  - C. The maximum uncovered portion of the outdoor patio area is 936 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION:
  - A. The late-hours establishment may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday.
  - B. All customers must leave the Property by 2:15 a.m.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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**



1:4,800

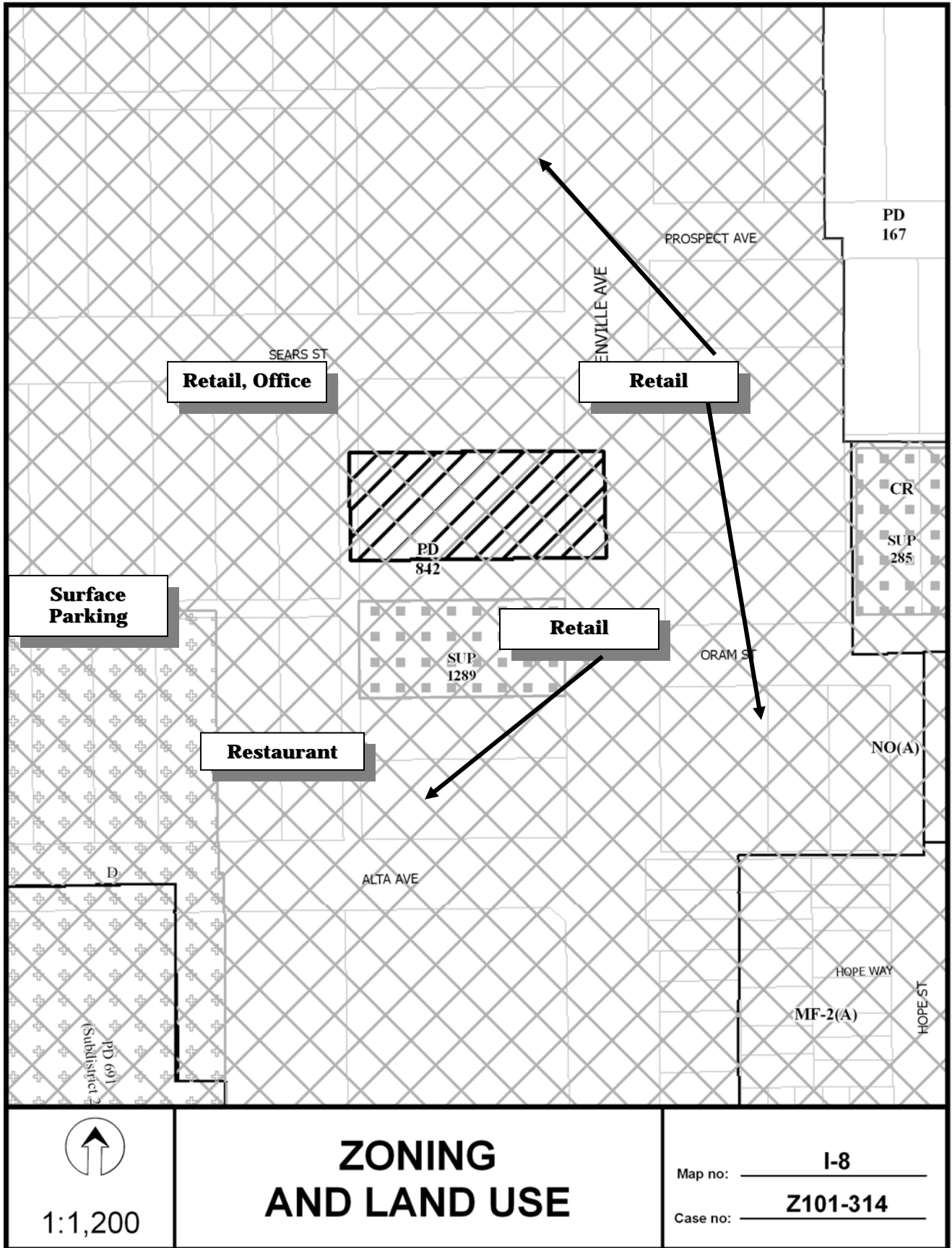
# VICINITY MAP

Map no:           I-8          

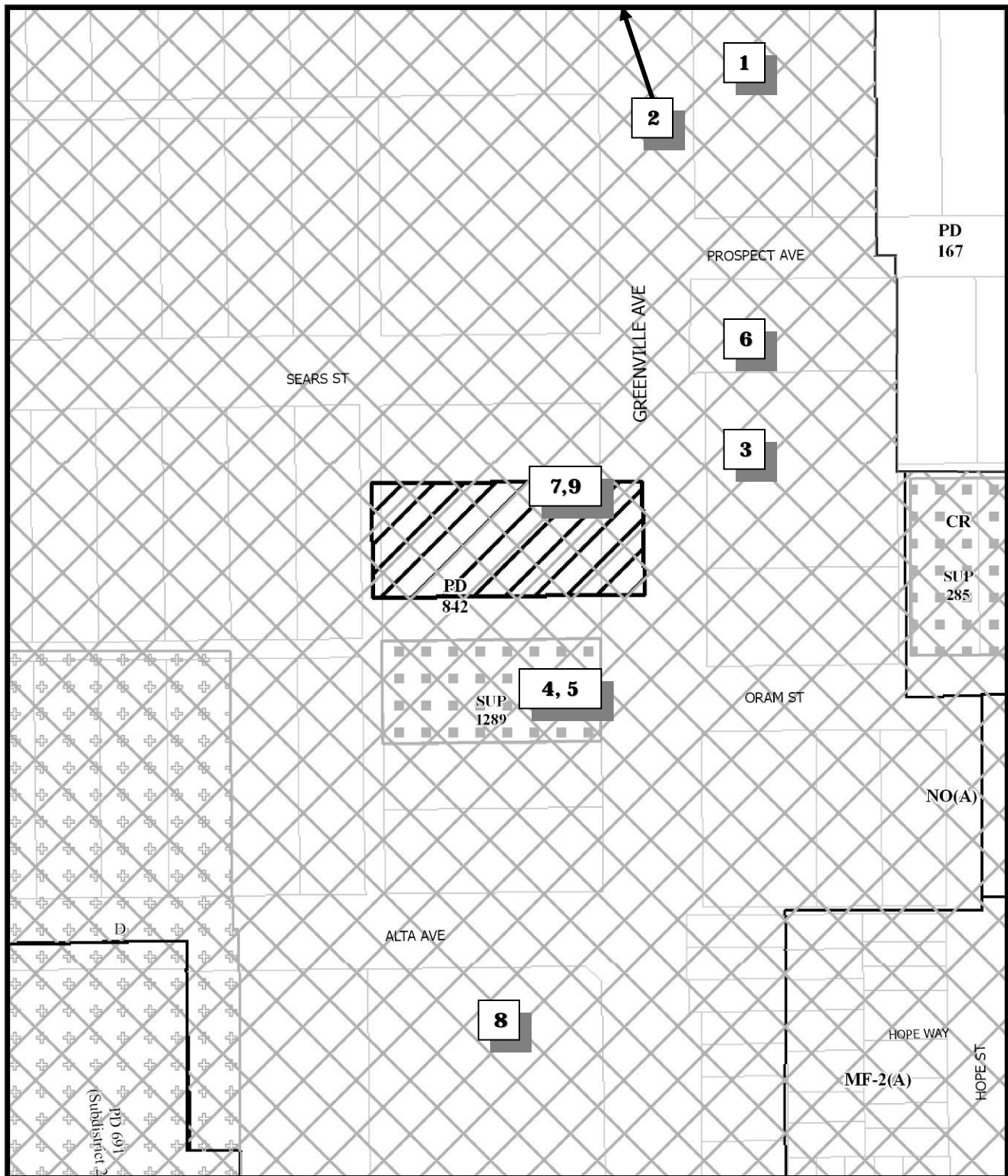
Case no:           Z101-314          

DATE: July 21, 2011





DATE: July 21, 2011




1:1,200

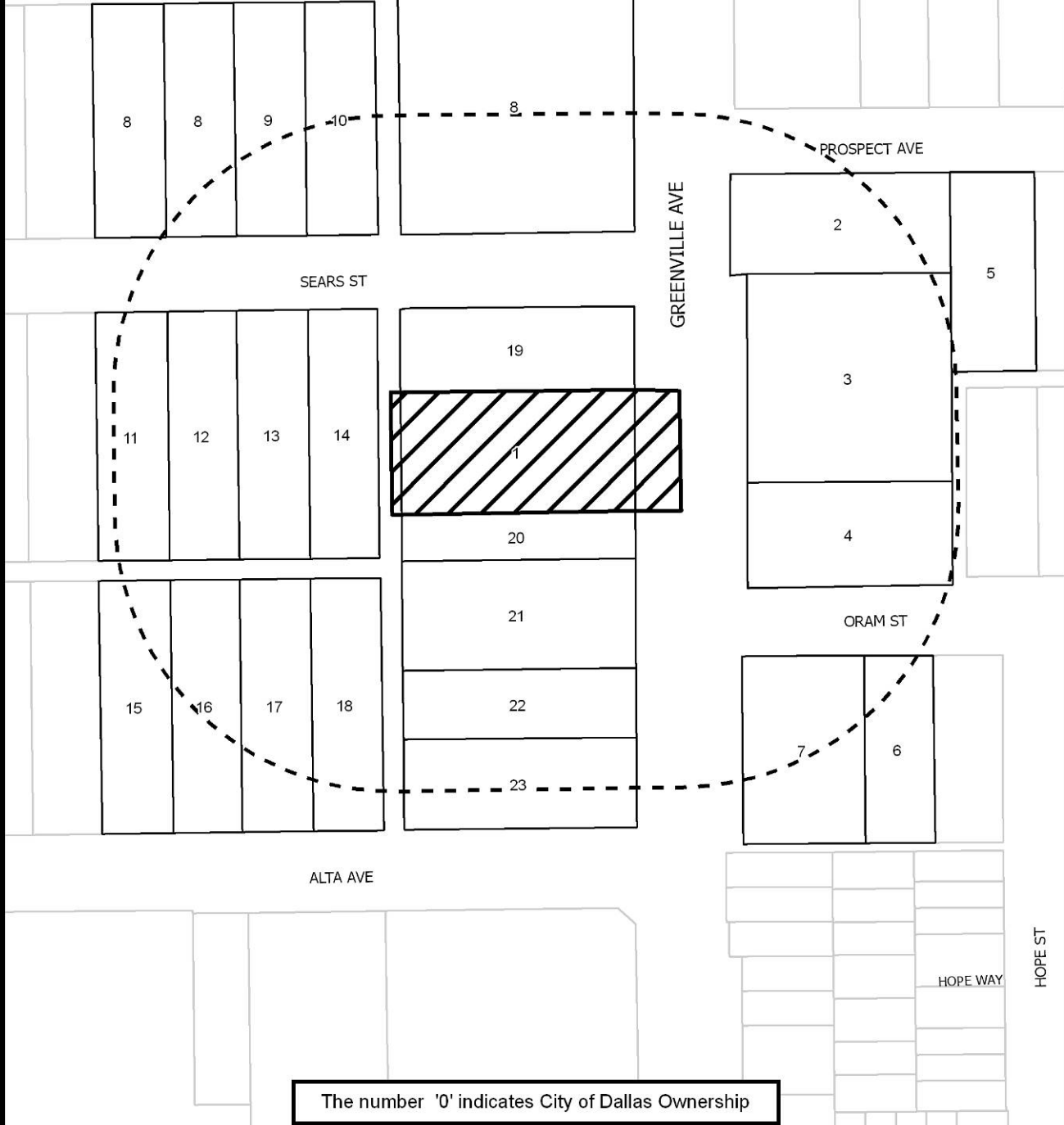
# ZONING HISTORY

Map no:           I-8          

Case no:           Z101-314          

DATE: July 21, 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  
**23** NUMBER OF PROPERTY OWNERS NOTIFIED

Map no: I-8  
Case no: Z101-314

DATE: July 21, 2011

## *Notification List of Property Owners*

### *Z101-314*

#### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1919 GREENVILLE	1919 27 GREENVILLE LTD
2	2026 GREENVILLE	ANDRES FAMILY TRUST
3	2008 GREENVILLE	WONDERFUL SEVEN A LP SUITE 200
4	2000 GREENVILLE	LANDE PAUL & PAUL LANDE EMP PR SH TR
5	5716 PROSPECT	ANDRES FAMILY TRUST 200
6	5710 ORAM	SOURIS MINOS
7	1920 GREENVILLE	LOWGREEN PS
8	5623 SEARS ST DEV CO	2001 GREENVILLE VENTURE % MADISON PACIFIC
9	5627 SEARS ST	2001 GREENVILLE VENTURE LTD ATTN WM
10	5631 SEARS ST JR TR	LOWER GREENVILLE AVE TR % JAMES G VETTER
11	5618 SEARS ST	GREENVILLE HOLDINGS CO STE 260
12	5622 SEARS ST	ROY MARION B
13	5624 SEARS ST	5624 SEARS STREET LTD
14	5628 SEARS ST	CHOTAS SOPHIE
15	5619 ALTA	THACKER RICHARD E JR
16	5623 ALTA	SHIELDS WILLIAM OLIVER
17	5627 ALTA	WSVV
18	5631 ALTA	WSVV LLC
19	1931 GREENVILLE	GENARO TRUST 1 % THOMAS ODDO
20	1917 GREENVILLE	WORLD WIDE FOOD INC
21	1911 GREENVILLE	INTERCITY INVESTMENT PROP SUITE 500
22	1909 GREENVILLE	WORLDWIDE FOOD INC
23	1903 GREENVILLE	LOWGREEN PS % SHULA NETZER

*Thursday, July 21, 2011*

**Planner: Richard E. Brown**

**FILE NUMBER:** Z101-323(RB) **DATE FILED:** July 8, 2011  
**LOCATION:** Southwest Corner of Greenville Avenue and Alta Avenue  
**COUNCIL DISTRICT:** 2 **MAPSCO:** 36 X  
**SIZE OF REQUEST:** Approx. 30,078 Sq. Ft. **CENSUS TRACT:** 10.02

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**APPLICANT:** Texas Taco Cabana, L.P.

**REPRESENTATIVE:** Suzan Kedron

**OWNER:** Lowgreen PS

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to a limited to a Restaurant with drive-in or drive-through service on property zoned 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 period ending September 30, 2013, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The existing improvements are utilized for a restaurant. The applicant has operated at this location since 1993.
- The restaurant occupies 3,983 square feet of floor area and possesses a 1,450 square foot uncovered patio located along the site's Greenville Avenue frontage.
- 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 24 hours per day.
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

**Zoning History:**

<b><u>File No.</u></b>	<b><u>Request, Disposition, and Date</u></b>
1. Z101-264	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 10, 2011, the City Council recommended approval for a two-year period, subject to a site plan and conditions.
2. Z101-270	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 4, 2011, the CPC recommended approval for a two-year period. Pending the September 14, 2011 CC public hearing.
3. Z101-295	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing.
4. Z101-303	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. On August 18, 2011, the CPC recommended approval for a five-year period. Pending the September 14, 2011 CC public hearing.
5. Z101-314	An SUP for a late-hours establishment limited to an Alcoholic beverage establishment limited to a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.

- 6. Z101-301 An SUP for a late-hours establishment limited to a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.
  
- 7. Z101-326 An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.

<u>Street</u>	<u>Existing &amp; Proposed ROW</u>
Greenville Avenue	Local; 50' ROW
Alta Avenue	Local; 60' 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; 3,983 square feet of floor area and 1,450 square feet for an uncovered patio that fronts along the site's Greenville Avenue frontage. The applicant is requesting an SUP for a late-hours establishment to permit the existing use to operate daily, 24 hours per day. The restaurant has been at this location since 1993. Surface parking serving the use is located on-site.

In addition to the mix of retail and entertainment uses located along Greenville Avenue north and south of the site, residential uses (single family and multifamily structures) are found on properties further northwest/west towards Summit Avenue. A vacant office structure abuts the site's western boundary. There is a medium-density residential component (multifamily dwellings) associated with the mixed use development immediately south of 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.

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:

Z101-323(RB)

- (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 5. Item Nos. 3 and 4 are not applicable; both required off-street parking as well as the patio area are located on the property.

The applicant's improvements are oriented along the north-south alignment of Greenville Avenue. Platted as a cornerside lot, the property provides access along both Greenville Avenue and Alta Avenue. The speaker box for the drive-through portion of the operation is located along the western façade, with the speaker facing the residential uses further west of the property. The applicant has operated in a responsible manner with minimal reported police activity at the location since its occupancy (see Police Activity, below).

There is some concern as to the orientation of the drive-thru operation, however, it should be noted that this use currently operates in a similar manner as a restaurant, which is permitted by right in a CR District. As a result of staff's analysis, support for the request is being given, subject to the attached site plan and conditions. With respect to the recommended time period, the applicant's representative has indicated this date allows the operator to finalize future business decisions and allow for an adequate time in which to submit an application to renew this SUP.

**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:** The existing restaurant requires one space for each 100 square feet of floor area. All required parking is provided as shown on the attached site plan.

**Landscaping:** The existing development provides for landscaping that complies with Article X as well as enhanced planting areas surrounding the patio. No revisions are proposed nor required with this application.

**Police Analysis  
1827 Greenville Taco Cabana**

Z101-323(RB)

**Number of citations issued by police to patrons – 0**

**Number of citations issued by police for noise ordinance violations by the establishment – 0**

**Number of arrests for public intoxication or disorderly conduct associated with the establishment –**

**2 public intoxication arrests in 2010, 3 public intoxication arrests in 2011**

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment – 0**

**Two notations:**

**1 other arrest for city warrants (outstanding tickets) in 2011**

**Taco Cabana has off-duty Dallas police officers hired to work at the location Thursday night thru Saturday nights which minimizes the chances of a disturbance from occurring at this establishment.**

**T.C. Management, Inc.** (DE, DOI: 10/26/1993) FID 74-2686352

Stockholder: Taco Cabana, Inc. 100%

0.9352% General Partner of Texas Taco Cabana, L.P.

\*T.C. Management, Inc. is a holding company without any employees or tangible assets.

Director & Chairman	Alan Vituli
Director & President	Daniel T. Accordino
Executive VP	Michael A. Biviano
VP & Secretary	Joseph A. Zirkman
VP & Treasurer	Paul R. Flanders
VP & Asst. Secretary	Shanna M. Ramirez
VP	Richard G. Cross
VP	Bradley D. Smith
VP	William E. Myers

Z101-323

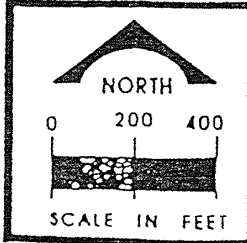
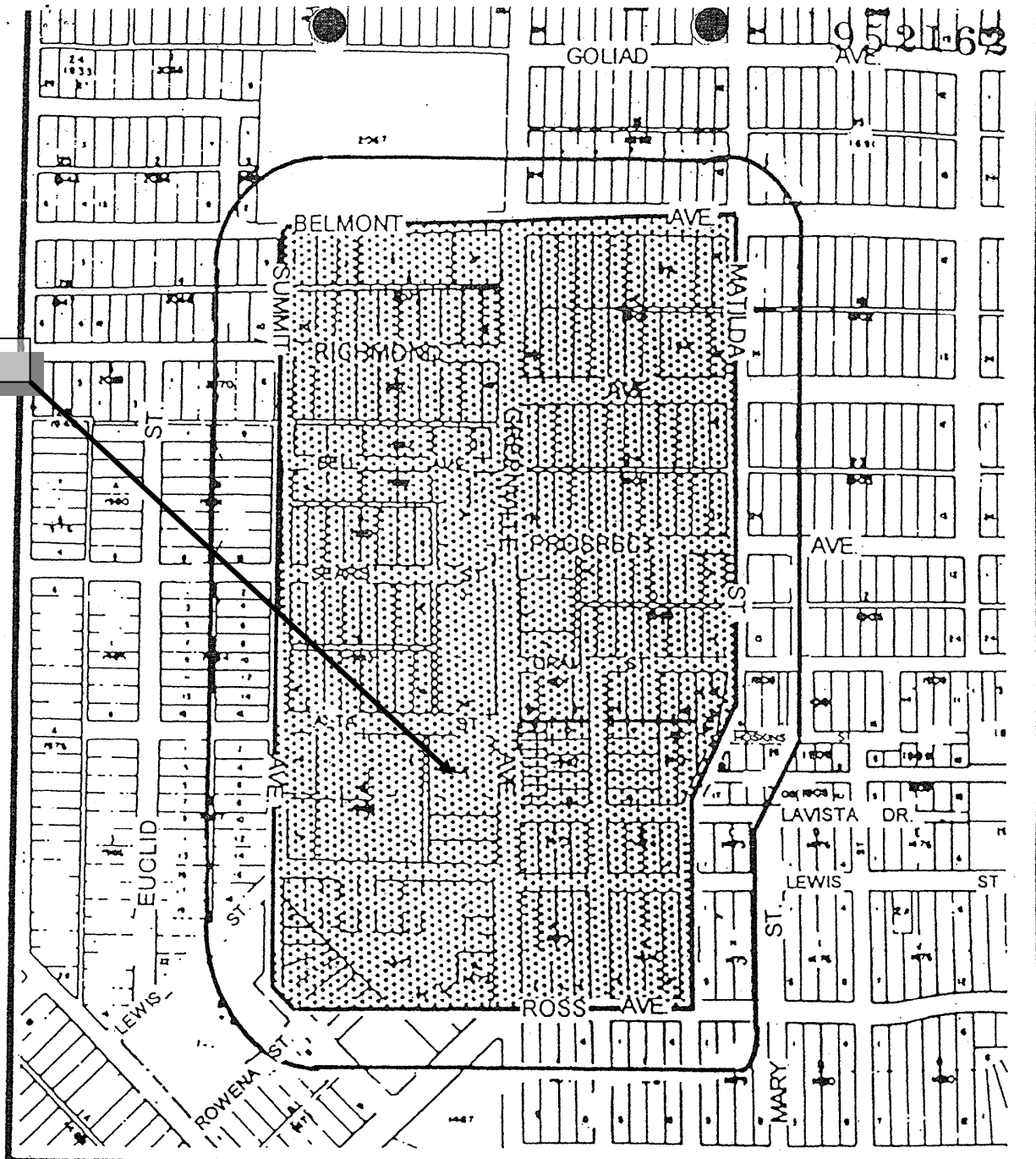
**LOWGREEN PS  
A TEXAS JOINT VENTURE**

Marc Andres	Joint Venturer
Roger Andres	Joint Venturer
Aharon Netzer	Joint Venturer
Shula Netzer	Joint Venturer

Z101-323

9521-63

Site



SKETCH  
"AREA 3"

MAP NO. H-8, I-8

**STAFF RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT**

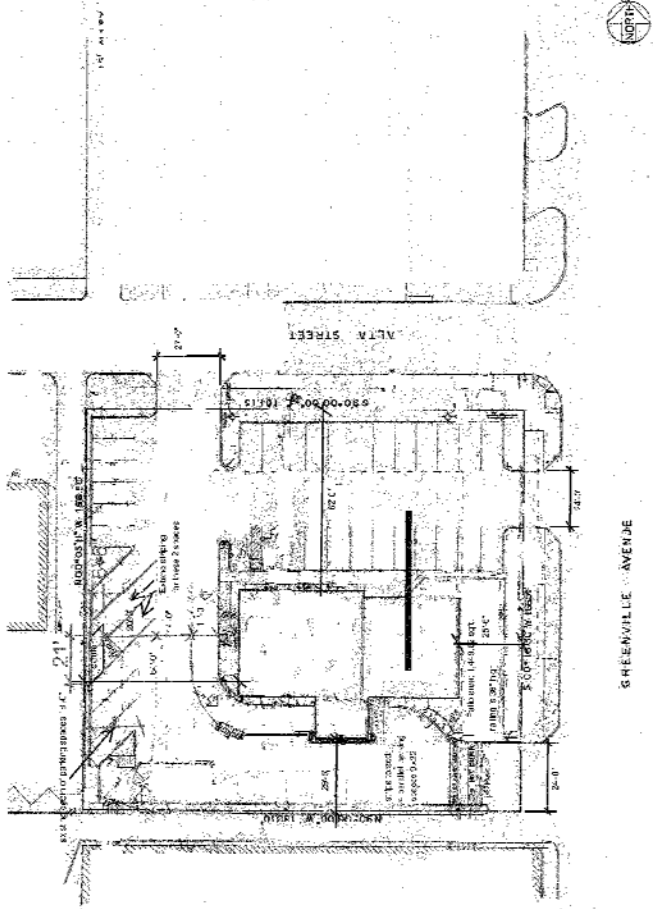
1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to a restaurant with drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on September 31, 2013.
4. FLOOR AREA: Maximum floor area is 3,983 square feet in the location shown on the attached site plan.
5. OUTDOOR PATIO AREA:
  - A. Maximum land area for the outdoor patio is 1,450 square feet in the location shown on the attached site plan.
  - B. The outdoor patio must be uncovered.
6. HOURS OF OPERATION:
  - A. The late-hours establishment limited to a restaurant with drive-in or drive-through service 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. OUTSIDE SPEAKERS: Except for the existing speaker box for use at the menu board located as shown on the site plan, outside speakers are prohibited.
10. MAINTENANCE: The 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

**REVISIONS**

NO.	DATE	DESCRIPTION
1	11/11/17	As shown, per City of Dallas
2	11/11/17	As shown, per City of Dallas

Taco Cabana  
 Dallas, TX 75206  
 1827 Greenville

Case File #  
 Z 101-323(RB)

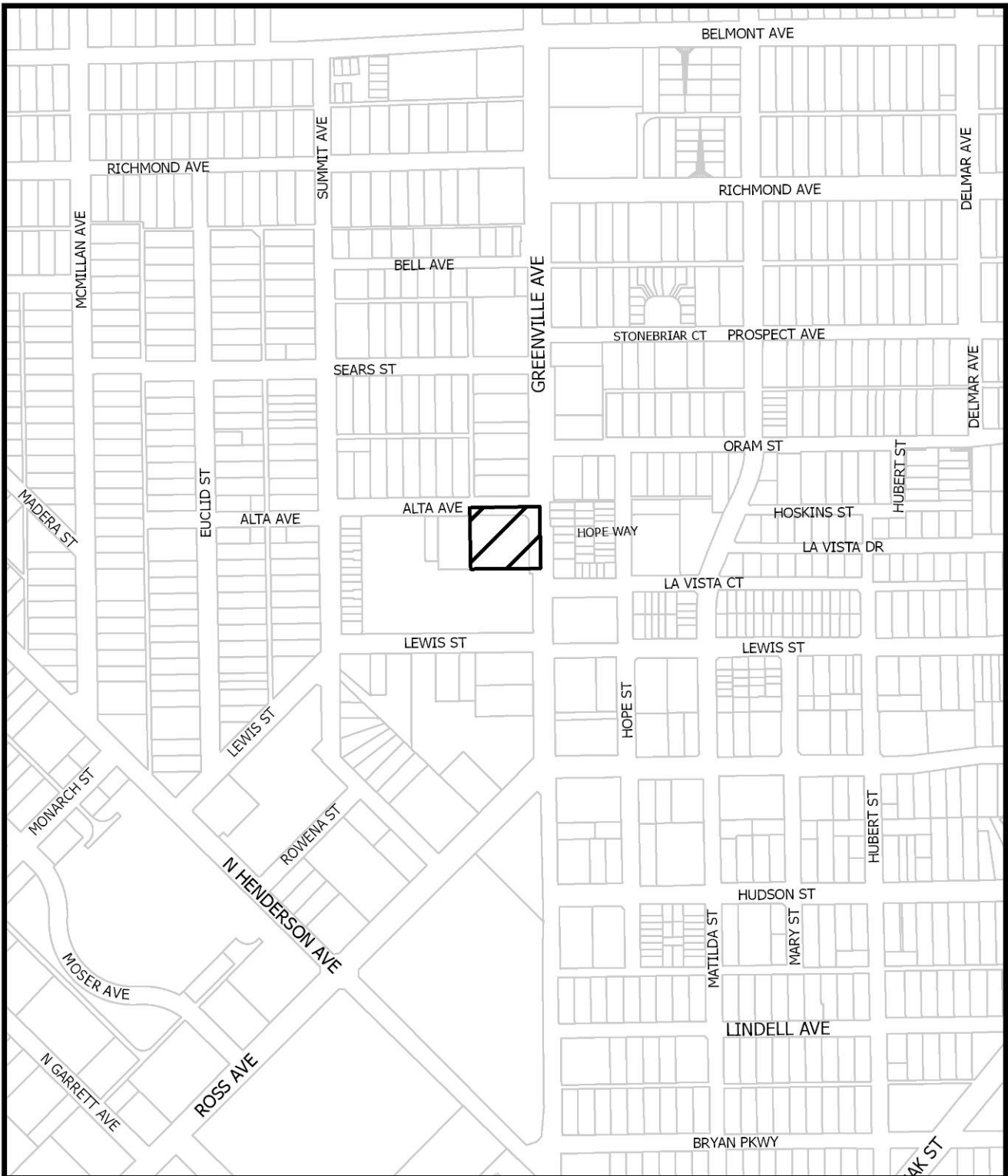


Building Sq. are footage breakdown	
Mazzanline area	814.00 sqft
Kitchen storage	121.26 sqft
Kitchen area	1,368.00 sqft
Lobby & dining area	1,880.00 sqft
Total Building Area	3,983.26 sqft
Total parking spaces required	40
Total parking spaces provided	40

Late hour's establishment for a restaurant with a drive-in or drive thru service

SITE PLAN





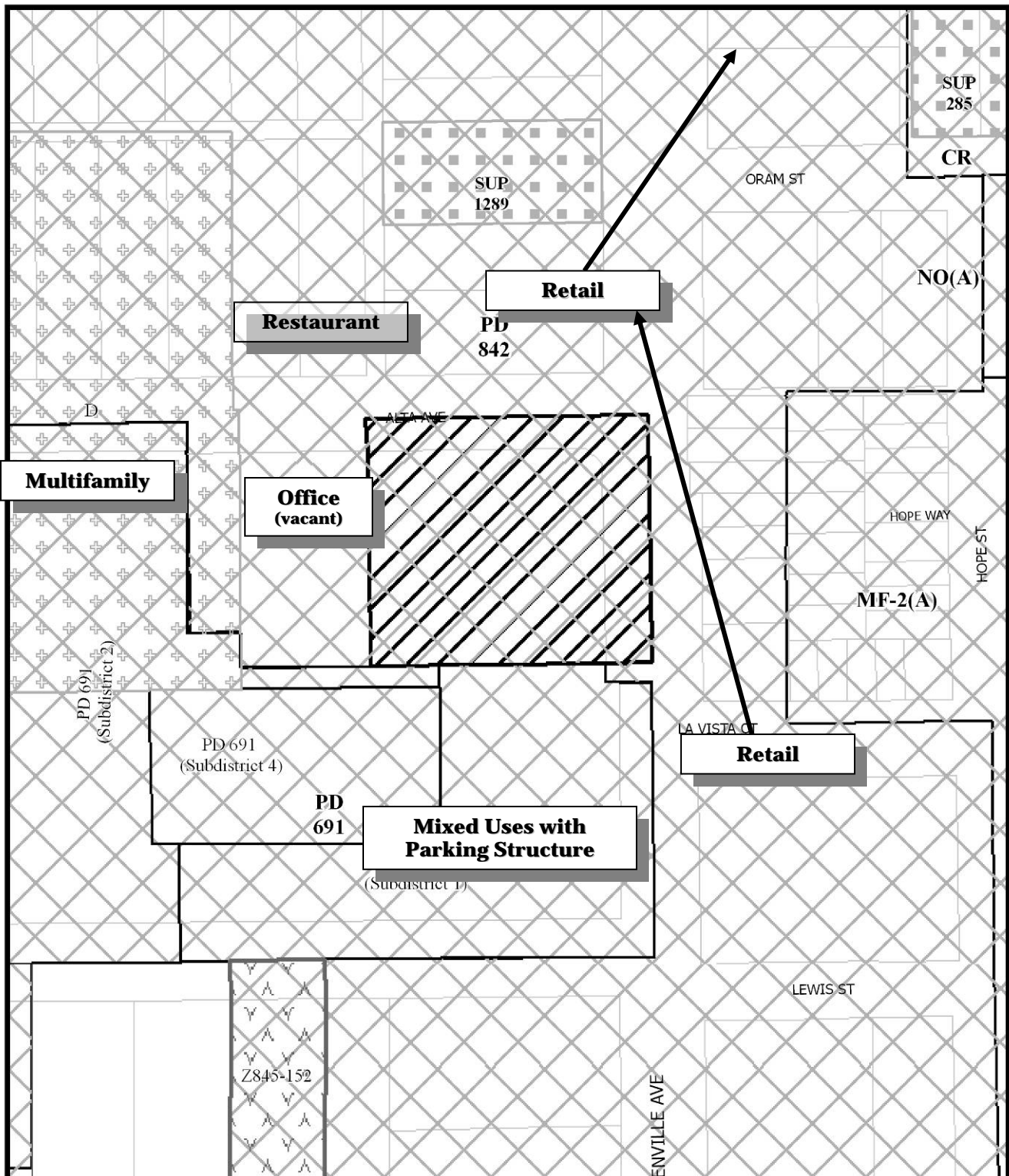
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# VICINITY MAP

Map no:           I-8          

Case no:           Z101-323          

DATE: July 28, 2011



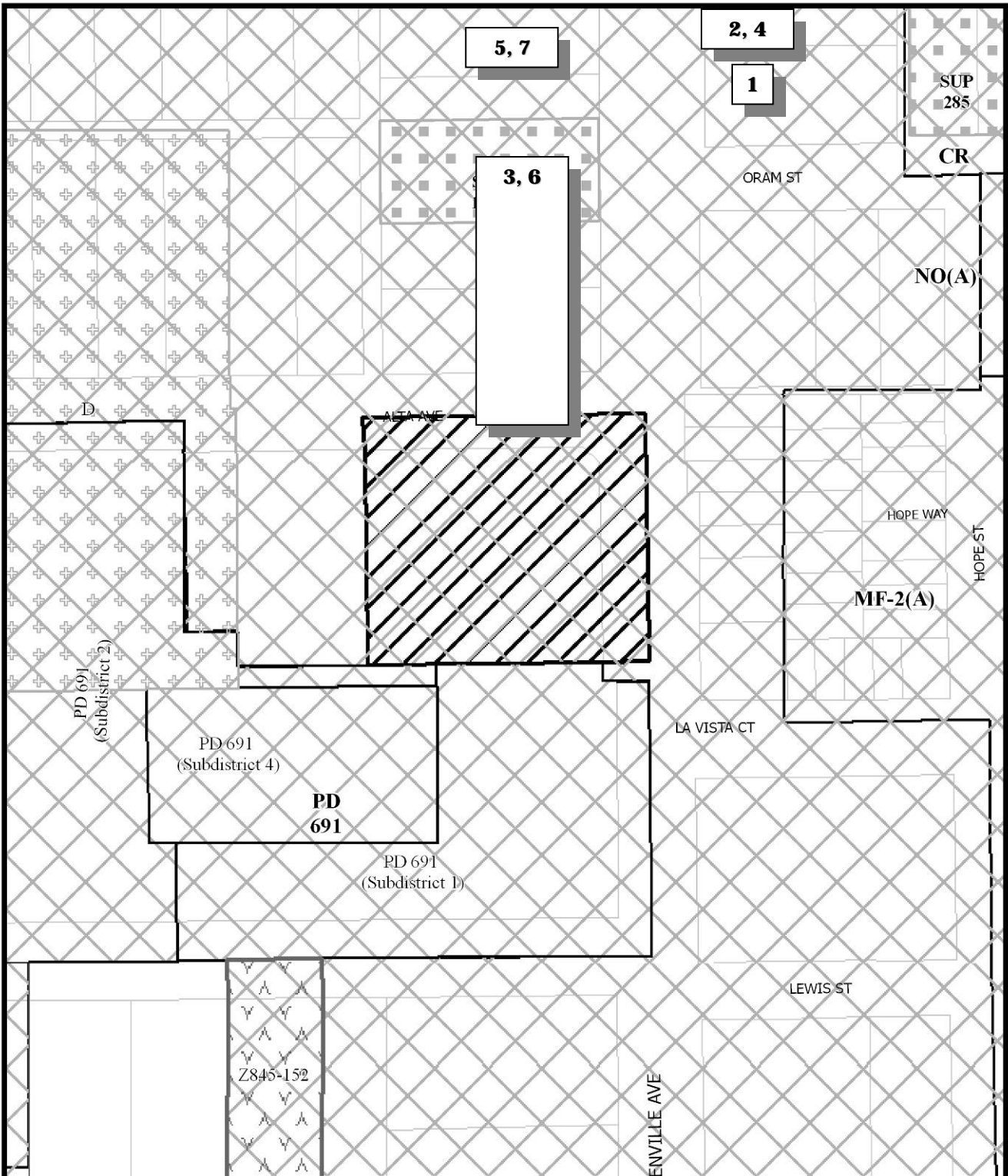
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# ZONING AND LAND USE

Map no:           I-8          

Case no:           Z101-323          

DATE: July 28, 2011




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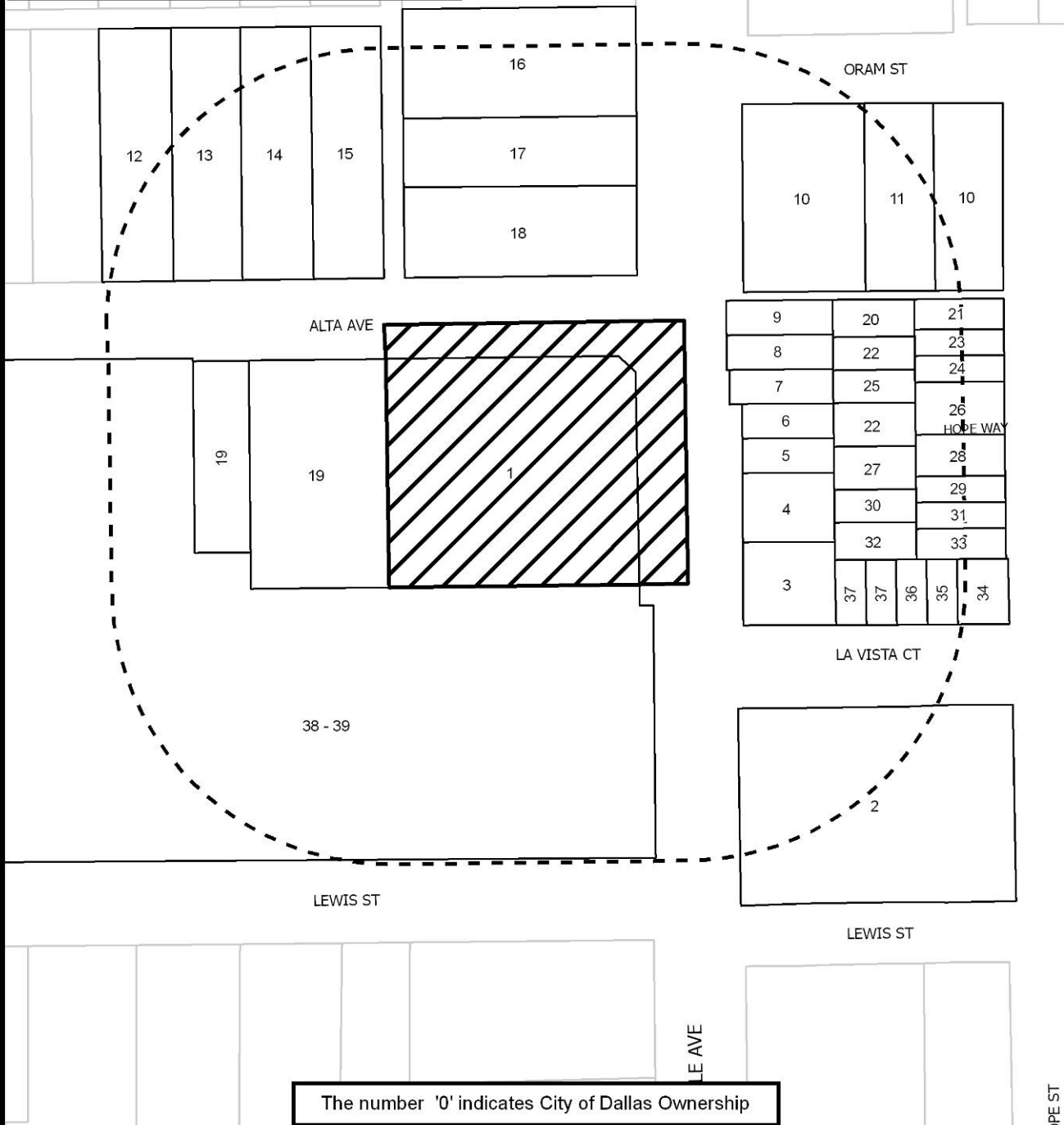
# ZONING HISTORY

Map no:           I-8          

Case no:           Z101-323          

DATE: July 28, 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  
**39** NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           I-8            
 Case no:           Z101-323          

DATE: July 28, 2011

## *Notification List of Property Owners*

### *Z101-323*

#### *39 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1827 GREENVILLE	LOWGREEN PS % SHULA NETZER
2	1802 GREENVILLE	VETTER JAMES G JR TR
3	1900 GREENVILLE	TRUST REAL ESTATE
4	1904 GREENVILLE	GALANIS CHRIS V ETAL
5	1908 GREENVILLE	AK & ASSOCIATES
6	1910 GREENVILLE	MORENO RICHARD
7	1912 GREENVILLE	CAMPBELL OLIVER
8	1914 GREENVILLE	CHAPLIN JACK ET AL
9	1916 GREENVILLE	SHORT STACK LLC
10	5712 ORAM	LOWGREEN PS
11	5710 ORAM	SOURIS MINOS
12	5619 ALTA	THACKER RICHARD E JR
13	5623 ALTA	SHIELDS WILLIAM OLIVER
14	5627 ALTA	WSVV
15	5631 ALTA	WSVV LLC
16	1911 GREENVILLE	INTERCITY INVESTMENT PROP SUITE 500
17	1909 GREENVILLE	WORLDWIDE FOOD INC
18	1903 GREENVILLE	LOWGREEN PS % SHULA NETZER
19	5626 ALTA	LATORRE ROBERT INC
20	1919 HOPE WAY	NGUYEN NGOC DIEP
21	1922 HOPE WAY	LEE SHI JIN
22	1917 HOPE WAY	ARIES VENTURES INC
23	1920 HOPE WAY	KUMEKPOR ELI M
24	1918 HOPE WAY	TROMBLEY DJANGO
25	1915 HOPE WAY	ALARCON WALDO & YAZMIN R
26	1916 HOPE WAY	LARES BRYAN

*Thursday, July 28, 2011*

Z101-323(RB)

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1911 HOPE WAY	LOWENSTEIN MARK
28	1912 HOPE WAY	CRAVENS KIMBERLY A
29	1910 HOPE WAY	DANISH DAVID
30	1909 HOPE WAY	KEEPMAN MATTHEW
31	1908 HOPE WAY	GANDHI ANUPAMA K
32	1907 HOPE WAY	BAILEY TERRANCE V # 132
33	1906 HOPE WAY	PENNINGTON DREW & JORGENSEN JAMIE
34	5715 LA VISTA	CATHCART DAVID
35	5713 LA VISTA	CHIANG THOMAS S & TRACY C CHIANG
36	5711 LA VISTA	WHITE JULIUS
37	5709 LA VISTA	SHANE MARIO M & RACHELLE
38	1811 GREENVILLE	LRRP GREENVILLE LLC %GE CAPITAL REAL ESTATE
39	1811 GREENVILLE	GREENWAY GREENVILLE LP

*Thursday, July 28, 2011*

**Planner: Richard E. Brown**

**FILE NUMBER:** Z101-301(RB) **DATE FILED:** June 20, 2011

**LOCATION:** West Line of Greenville Avenue, North of Alta Street

**COUNCIL DISTRICT:** 2 **MAPSCO:** 36 X

**SIZE OF REQUEST:** Approx. 5,227 Sq. Ft. **CENSUS TRACT:** 10.02

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**APPLICANT:** Yucatan

**REPRESENTATIVE:** Audra Buckley

**OWNER:** Intercity Investment Properties

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to a limited to a Alcoholic beverage establishment for a Bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses. Additionally Specific Use Permit No. 1289 for an Alcoholic beverage establishment for a Bar, lounge, or tavern is permitted on the property.

**SUMMARY:** The applicant is proposing to continue operation of an existing bar, lounge, or tavern use with late hours.

**STAFF RECOMMENDATION:** Denial.

**BACKGROUND INFORMATION:**

- The existing improvements are utilized for a bar, lounge, or tavern. The applicant has operated at this location since August, 2010.
- The bar occupies 2,375 square feet of floor area. A small surface parking area is located in the rear of the property.
- 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.
- SUP No. 1289 for an Alcoholic beverage establishment for a bar, lounge, or tavern was approved by the City Council on August 14, 1996 for a permanent time period, subject to a site plan and conditions (see attached). The property providing for this SUP includes the use associated with this request as well as a similar use on the northern portion of the SUP property boundary.
- 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 site lies within the Area 3 portion of Modified Delta Overlay No. 1.

**Zoning History:**

<b><u>File No.</u></b>	<b><u>Request, Disposition, and Date</u></b>
1. Z101-260	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
2. Z101-261	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. On August 10, 2011, the City Council recommended approval for a four-year period, subject to a site plan and conditions.
3. Z101-264	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On August 10, 2011, the City Council recommended approval for a two-year period, subject to a site plan and conditions.
4. Z101-270	An SUP for a late-hours establishment limited to a bar,



lounge, or tavern. On August 4, 2011, the CPC recommended approval for a two-year period. Pending the September 14, 2011 CC public hearing.

5. Z101-295 An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing.
6. Z101-303 An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. On August 18, 2011, the CPC recommended approval for a five-year period. Pending the September 14, 2011 CC public hearing.
7. Z101-314 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment limited to a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.
8. Z101-323 An SUP for a late-hours establishment limited to a restaurant with drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
9. Z101-326 An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.

**Street**

**Existing & Proposed ROW**

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 bar, lounge, or tavern; 2,375 square feet of floor area and a small surface parking area in the

rear of the property. The applicant is requesting an SUP for a late-hours establishment to permit the existing use to operate beyond 12:00 a.m. and 2:00 a.m., Monday through Sunday. The applicant has been at this location since August, 2010. The site is part of the land area for SUP No. 1289 for an Alcoholic beverage establishment for a Bar, lounge, or tavern. This SUP was approved for a permanent time period.

The site is surrounded by a mix of retail, and entertainment uses. Residential uses (single family and multifamily structures) are found on properties further northwest/west towards Summit Avenue. Lastly, it should be noted there are various surface lots on properties generally west of this blockface, near Summit Avenue.

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. Item Nos. 4 and 5 are not relevant to this request.

The applicant's improvements are oriented along the north-south alignment of Greenville Avenue with a small number of required spaces located in the rear of the property. This parking area is accessed from Alta Avenue through a public alley with signage providing for one-way vehicular movements (south to north).

While the identified land use is consistent with that found on adjacent properties along the north/south alignment of Greenville Avenue, consideration of compatibility of a request is given to not only the impact of a requested use on adjacent residential areas (found further west of the site), but compatibility on adjacent nonresidential uses as well. As noted below, certain activity has been associated with this property that raises concerns as to the impact of the proposed use during late hours (as defined in PDD No. 842).

As a result of this analysis, staff cannot support the applicant's request. Should CPC consider granting the request, the attached requested conditions have been provided as a base for such a recommendation.

**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:** The existing bar, lounge, or tavern occupies 2,501 square feet of floor area. SUP No. 1289 provides for four spaces of the applicant's requirements, with the balance (21 spaces) provided for via City-approved parking agreements.

**Landscaping:** The existing development is void of landscape materials. The request will not trigger compliance with Article X.

**Police Analysis  
1915 Greenville Yucatan (also formerly Malibu)**

**Number of citations issued by police to patrons –**

**1 Urinating in Public citation issued in 2010, 2 Urinating in Public citations issued in 2011**

**Number of citations issued by police for noise ordinance violations by the establishment – 0**

**Number of arrests for public intoxication or disorderly conduct associated with the establishment –**

**19 public intoxication arrests in 2010, 5 public intoxication arrests in 2011**

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment – 1 Assault Misdemeanor A reported in 2011; 2 MIR reports made on disturbances inside the establishment.**

**One notation:**

**1 other arrest for warrants**

**1 No dance hall license citation issued in 2010;**

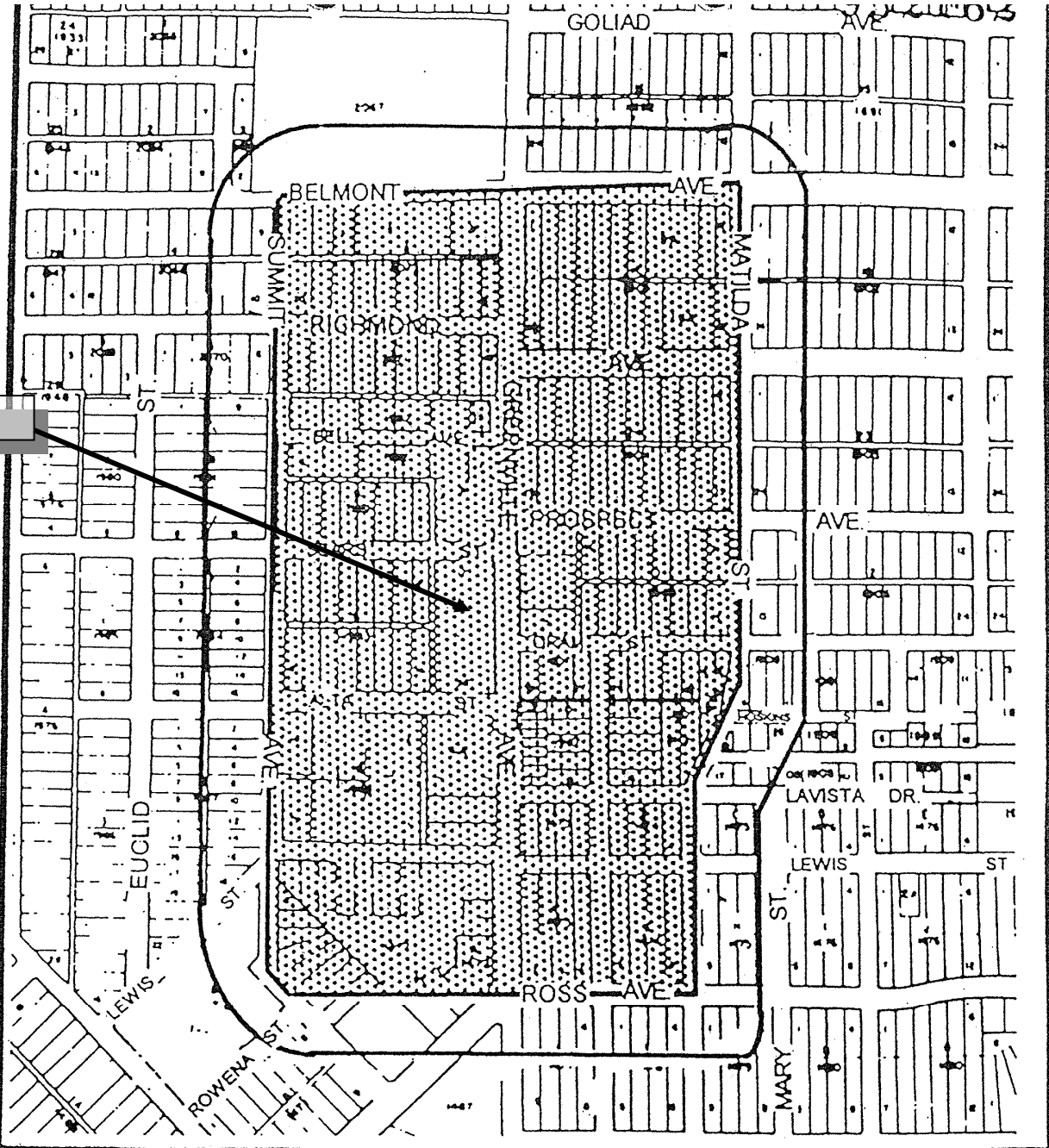
**1 No dance hall license citation issued in 2011;**

**4 citations issued by Health Dept in 2011**

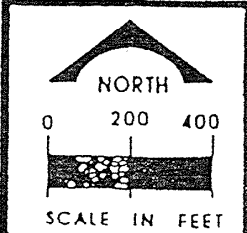
**Notice to Comply warning by Fire Inspector in 2011**

**1 Over Capacity citation issued Dallas Fire Rescue in 2011**

**For the past few years, this establishment has often been coached and given information about rules of behavior and a stricter dress code to reduce the amount of police enforcement involving it. This establishment often allows males who are wearing large t-shirts and baggie pants and makes no effort to improve its dress requirements.**



Site

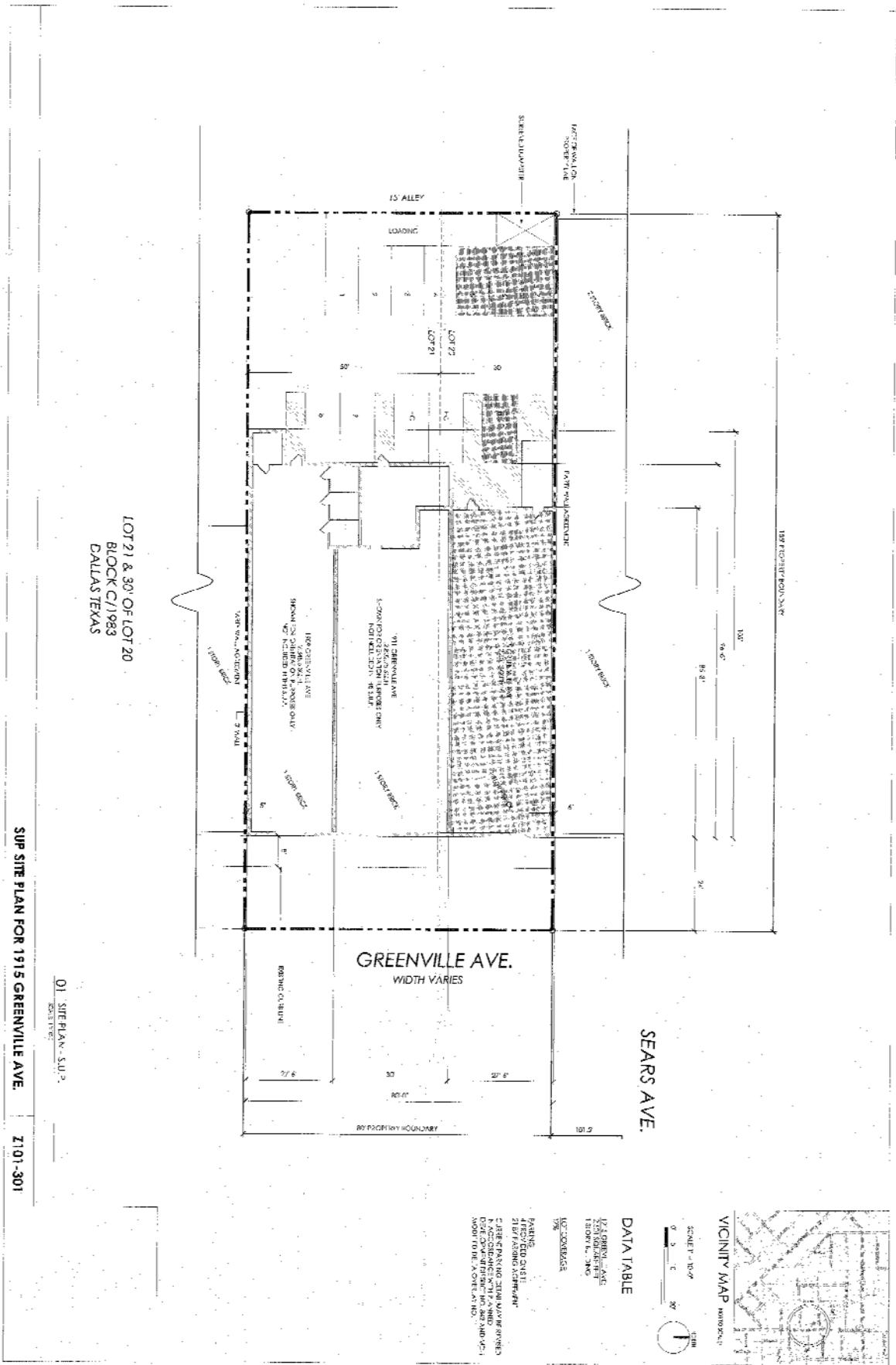


SKETCH  
"AREA 3"

MAP NO.           H-8, I-8

**APPLICANT REQUESTED CONDITIONS FOR SPECIFIC USE PERMIT**

1. USE: The only use authorized by this specific use permit is a late-hours establishment limited to 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 \_ (two years).
4. FLOOR AREA: Maximum floor area is 2,501 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION:
  - A. The late-hours establishment limited to an alcoholic beverage 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.
  - B. All customers must leave the Property by 2:15 a.m.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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.



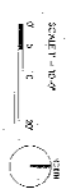
LOT 21 & 30' OF LOT 20  
 BLOCK C/1983  
 DALLAS TEXAS

SUP SITE PLAN FOR 1915 GREENVILLE AVE. Z101-301

01 SITE PLAN - SU-2  
 EXISTING

DATA TABLE

- 1. SITE PLAN - SU-2
- 2. SITE PLAN - SU-2
- 3. SITE PLAN - SU-2
- 4. SITE PLAN - SU-2
- 5. SITE PLAN - SU-2
- 6. SITE PLAN - SU-2
- 7. SITE PLAN - SU-2
- 8. SITE PLAN - SU-2
- 9. SITE PLAN - SU-2
- 10. SITE PLAN - SU-2
- 11. SITE PLAN - SU-2
- 12. SITE PLAN - SU-2
- 13. SITE PLAN - SU-2
- 14. SITE PLAN - SU-2
- 15. SITE PLAN - SU-2
- 16. SITE PLAN - SU-2
- 17. SITE PLAN - SU-2
- 18. SITE PLAN - SU-2
- 19. SITE PLAN - SU-2
- 20. SITE PLAN - SU-2



VICINITY MAP





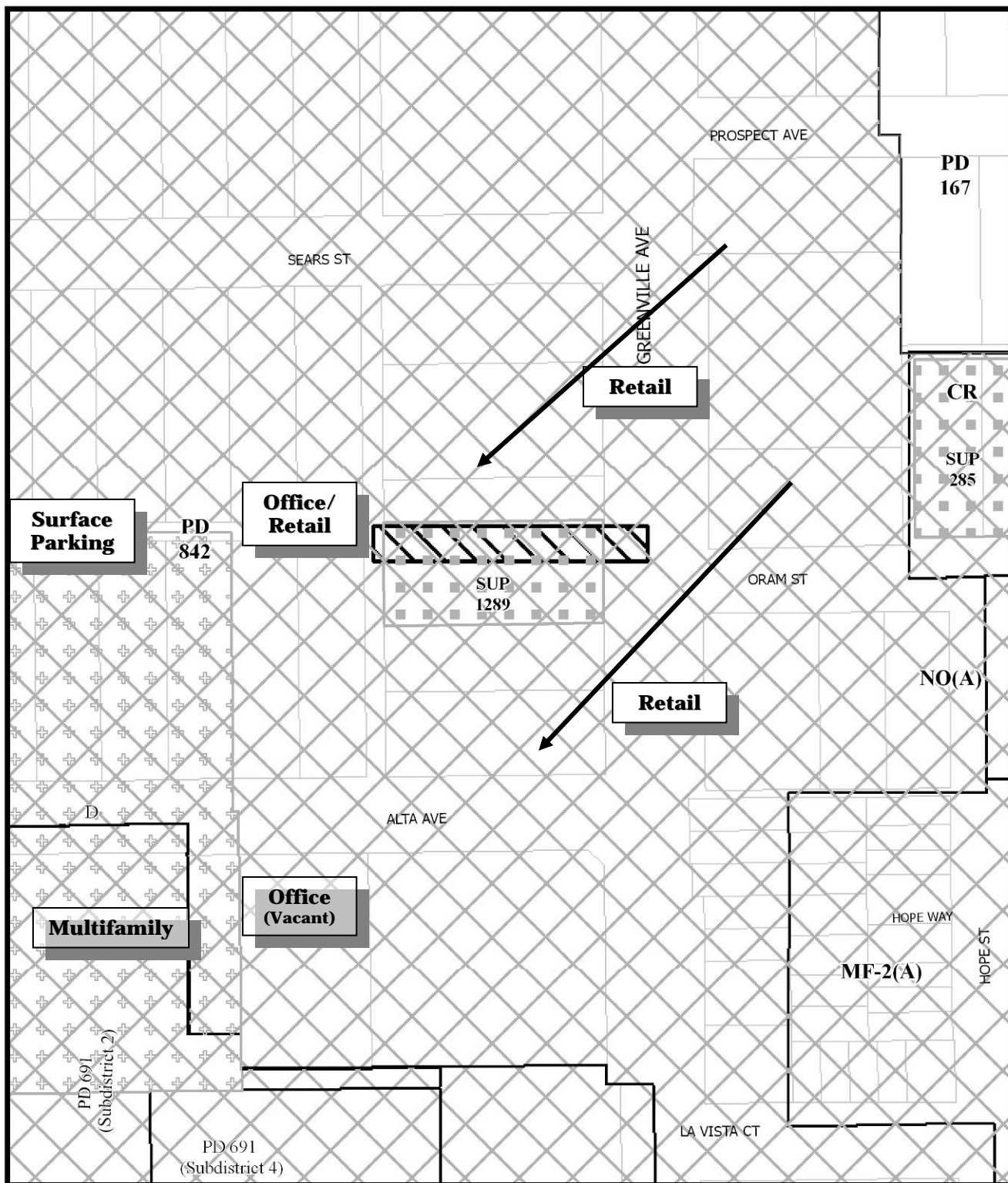
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## VICINITY MAP

Map no: I-8

Case no: Z101-301

DATE: August 04, 2011



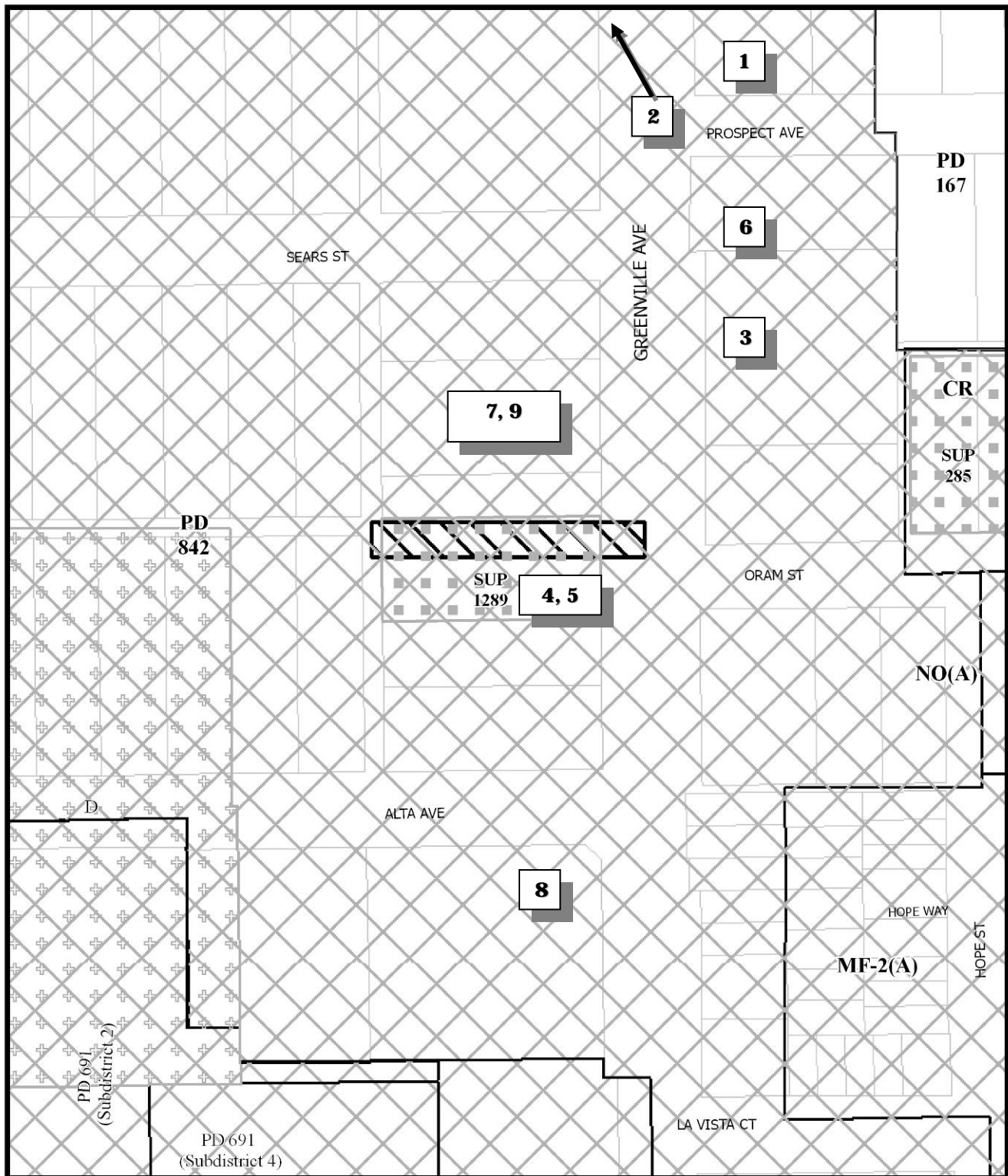
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# ZONING AND LAND USE

Map no:           I-8          

Case no:           Z101-301          

DATE: August 04, 2011




1:1,200

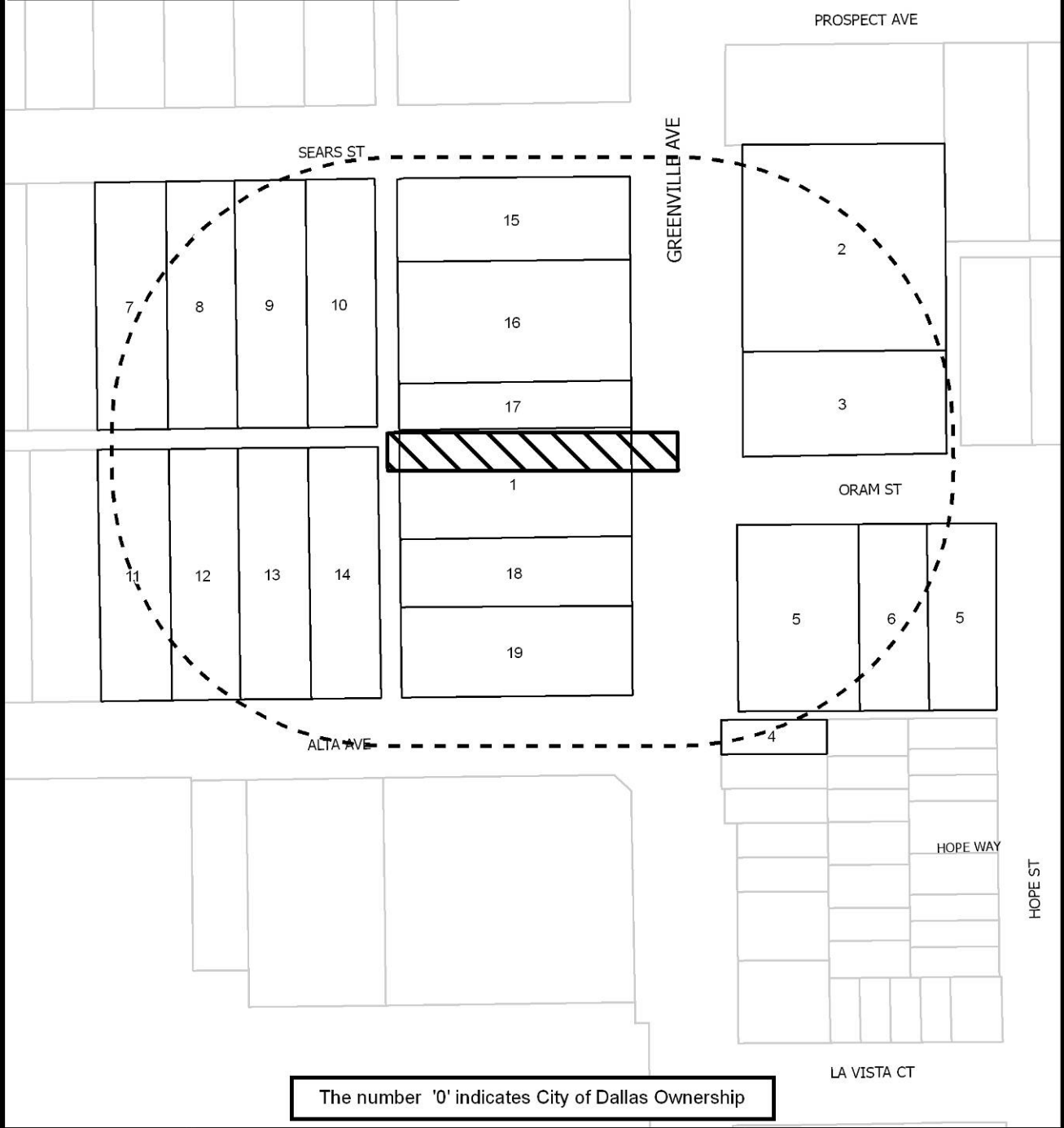
# ZONING HISTORY

Map no: I-8

Case no: Z101-301

DATE: August 04, 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  
**19** NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           I-8            
Case no:           Z101-301          

DATE: August 04, 2011

## ***Notification List of Property Owners***

### ***Z101-301***

#### ***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1911 GREENVILLE	INTERCITY INVESTMENT PROP SUITE 500
2	2008 GREENVILLE	WONDERFUL SEVEN A LP SUITE 200
3	2000 GREENVILLE	LANDE PAUL & PAUL LANDE EMP PR SH TR
4	1916 GREENVILLE	SHORT STACK LLC
5	5712 ORAM	LOWGREEN PS
6	5710 ORAM	SOURIS MINOS
7	5618 SEARS ST	GREENVILLE HOLDINGS CO STE 260
8	5622 SEARS ST	ROY MARION B
9	5624 SEARS ST	5624 SEARS STREET LTD
10	5628 SEARS ST	CHOTAS SOPHIE
11	5619 ALTA	THACKER RICHARD E JR
12	5623 ALTA	SHIELDS WILLIAM OLIVER
13	5627 ALTA	WSVV
14	5631 ALTA	WSVV LLC
15	1931 GREENVILLE	GENARO TRUST 1 % THOMAS ODDO
16	1919 GREENVILLE	1919 27 GREENVILLE LTD
17	1917 GREENVILLE	WORLD WIDE FOOD INC
18	1909 GREENVILLE	WORLDWIDE FOOD INC
19	1903 GREENVILLE	LOWGREEN PS % SHULA NETZER

***Thursday, August 04, 2011***

**Planner: Richard E. Brown**

**FILE NUMBER:** Z101-326(RB) **DATE FILED:** July 13, 2011

**LOCATION:** West Line of Greenville Avenue, South of Sears Street

**COUNCIL DISTRICT:** 2 **MAPSCO:** 36 X

**SIZE OF REQUEST:** Approx. 15,073 Sq. Ft. **CENSUS TRACT:** 10.02

---

**APPLICANT/REPRESENTATIVE:** Samuel J. Mandell, III

**OWNER:** 1919-27 Greenville, Ltd.

**REQUEST:** An application for a Specific Use Permit for a late-hours establishment limited to a 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.

**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. The applicant has operated at this location since July, 2007.
- The restaurant occupies 1,475 square feet of floor area and is requesting approval for a future 253 square foot uncovered patio located along the site's Greenville Avenue frontage; the latter subject to approval of a private license.
- 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 until 2:00 a.m.
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

**Zoning History:**

<b><u>File No.</u></b>	<b><u>Request, Disposition, and Date</u></b>
1. Z101-260	An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
2. Z101-261	An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. On August 10, 2011, the City Council recommended approval for a four-year period, subject to a site plan and conditions.
3. Z101-264	An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern. On August 10, 2011, the City Council recommended approval for a two-year period, subject to a site plan and conditions.
4. Z101-270	An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern. On August 4, 2011, the CPC recommended approval for a two-year period. Pending the September 14, 2011 CC public hearing.

Z101-326(RB)

5. Z101-295 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern. Pending a CPC public hearing.
6. Z101-303 An SUP for a late-hours establishment limited to a Restaurant without drive-in or drive-through service. On August 18, 2011, the CPC recommended approval for a five-year period. Pending the September 14, 2011 CC public hearing.
7. Z101-314 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.
8. Z101-323 An SUP for a late-hours establishment limited to a Restaurant with drive-in or drive-through service. Pending the September 1, 2011 CPC public hearing.
9. Z101-301 An SUP for a late-hours establishment limited to an Alcoholic beverage establishment for a Bar, lounge, or tavern. Pending the September 1, 2011 CPC public hearing.

**Street**

**Existing & Proposed ROW**

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; 1,475 square feet of floor area and a request for a future 253 square feet for an uncovered patio that fronts along the site’s Greenville Avenue frontage. The applicant is requesting an SUP for a late-hours establishment to permit the existing use to operate past midnight; Monday through Sunday until 2:00a.m. The restaurant has been at this location since July, 2007.

In addition to the mix of retail and entertainment uses located along Greenville Avenue north and south of the site, residential uses (single family and multifamily structures) are found on properties further northwest/west towards Summit Avenue. A vacant office structure abuts the site's western boundary. There is a medium-density residential component (multifamily dwellings) associated with the mixed use development immediately south of 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.

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.

At this point, the applicant has provided documentation for Nos. 2, 3, 4 (subject to the granting of a private license), and 5. At this time, a floor plan (No. 1) has not been received.

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). 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:** The existing restaurant requires 15 off-street parking spaces. The property owner has indicated that required parking will be provided in the rear of the property as located on the site plan. It should be noted the applicant and the property owner are aware of the requirement that the off-street parking area must comply with the building code (wheel stops, adequate maneuvering, and striping) prior to the issuance of a certificate of occupancy for the requested late-hours establishment.

**Landscaping:** The existing development is void of landscape materials. The request will not trigger compliance with Article X.

**Miscellaneous:** It should be noted the certificate of occupancy is issued for a general merchandise or food store less than 3,500 square feet with a notation for carry-out food service. The applicant and property owner have indicated that tables and chairs do exist, thus classifying the use as a restaurant without drive-in or drive-through service. It should be noted that at the time of application for a late-hours establishment, the applicant will need to apply for the appropriate certificate of occupancy and provide off-street parking accordingly, consistent with this application.

**Police Analysis**

**1923 Greenville - Greenville Ave Pizza Company**

**Number of citations issued by police to patrons – 0**

**Number of citations issued by police for noise ordinance violations by the establishment – 0**

**Number of arrests for public intoxication or disorderly conduct associated with the establishment – 0**

**Number of Texas Alcoholic Beverage Code violations – 0**

**Number of violent crimes associated with the establishment/ originating inside the establishment –**

**1 Resisting arrest of a patron made inside, but management of this establishment had asked for police assistance regarding this patron and her companion. 139619-Y**

**1 Assault Misdemeanor C report made in 2010**

**One notation:**

**This establishment primarily serves food and very little alcoholic beverages.**

**1919-27 GREENVILLE, LTD.**

2622 Commerce Street  
Dallas, Texas 75226

July 8, 2011

To Whom It May Concern:

The undersigned as tenants-in-common, are the owners of the property known as 1919 Greenville Avenue in Dallas County, Texas ("Property"). The undersigned have no objections to the application of Mandell Family Ventures, LLC for a specific use permit for the Property located at 1919 Greenville Avenue for a restaurant.

The partners of 1919-27 Greenville, Ltd., which own an undivided one hundred percent (100%) of the Property, are: Hope Street, LLC, a Texas limited liability company, Reese Children's Trust II, KTR Investments, LLC and AJ Associates.

Please contact the undersigned if you have any questions regarding this correspondence.

Sincerely,

**1919-27 GREENVILLE, LTD.**

a Texas limited partnership

By: Hope Street, LLC,  
a Texas limited liability company  
its general partner

By: AJ Associates, Member



By:  
Name: Stephen Schwartz\_  
Title: Partner

Z101-326

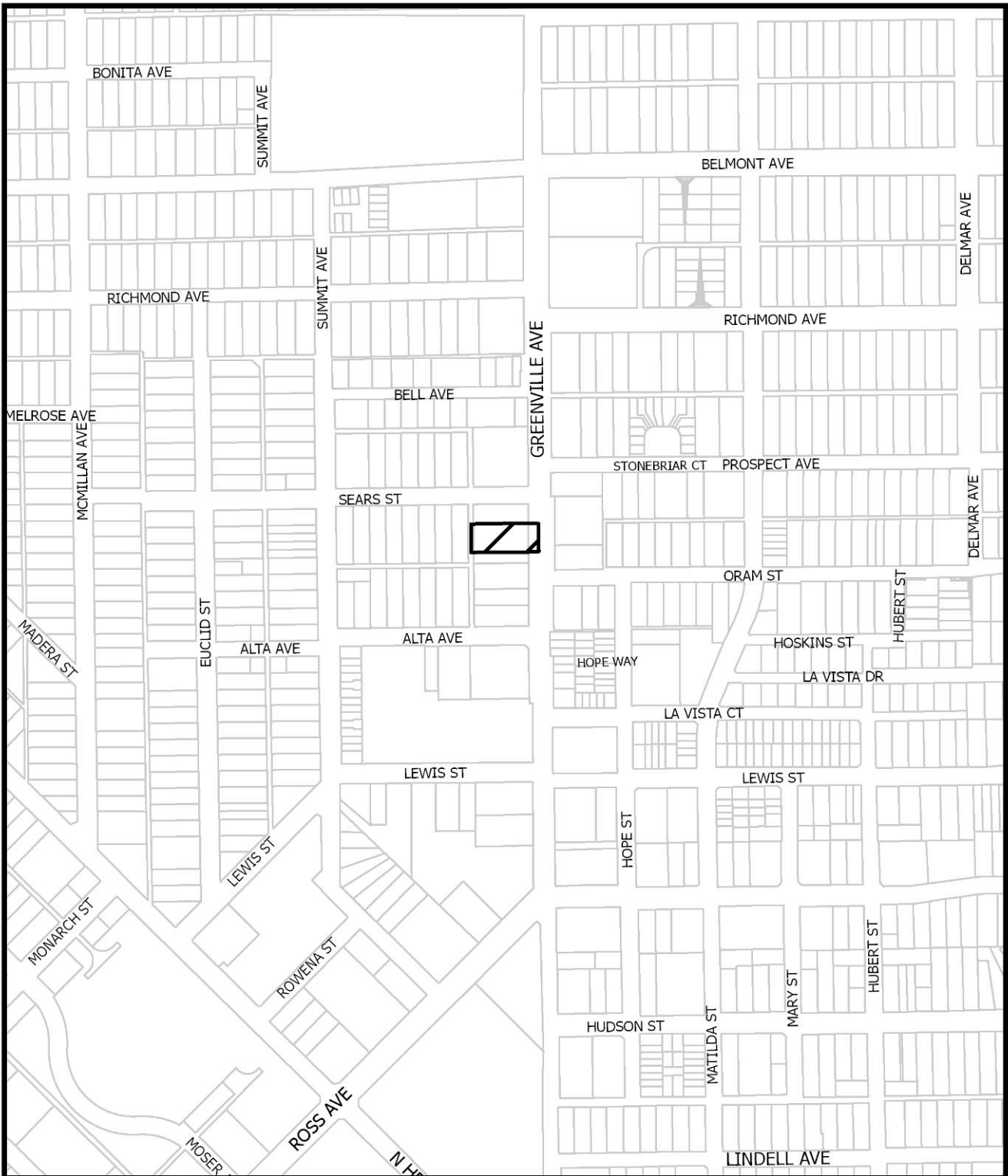
**STAFF RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT**

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 automatically terminates on (five years).
4. FLOOR AREA:
  - A. The maximum floor area is 1,475 square feet.
  - B. The maximum outdoor patio area is 253 square feet in the location shown on the attached site plan.
  - C. The patio must be uncovered.
  - D. 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.
5. HOURS OF OPERATION:
  - A. The late-hours establishment may only operate between 12:00 a.m. (midnight) and 2:00 a.m., Monday through Sunday.
  - B. All customers must leave the Property by 2:15 a.m.
6. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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.

Z101-326(RB)

Proposed site plan

To be provided at the sept. 1/11 staff briefing



1:4,800

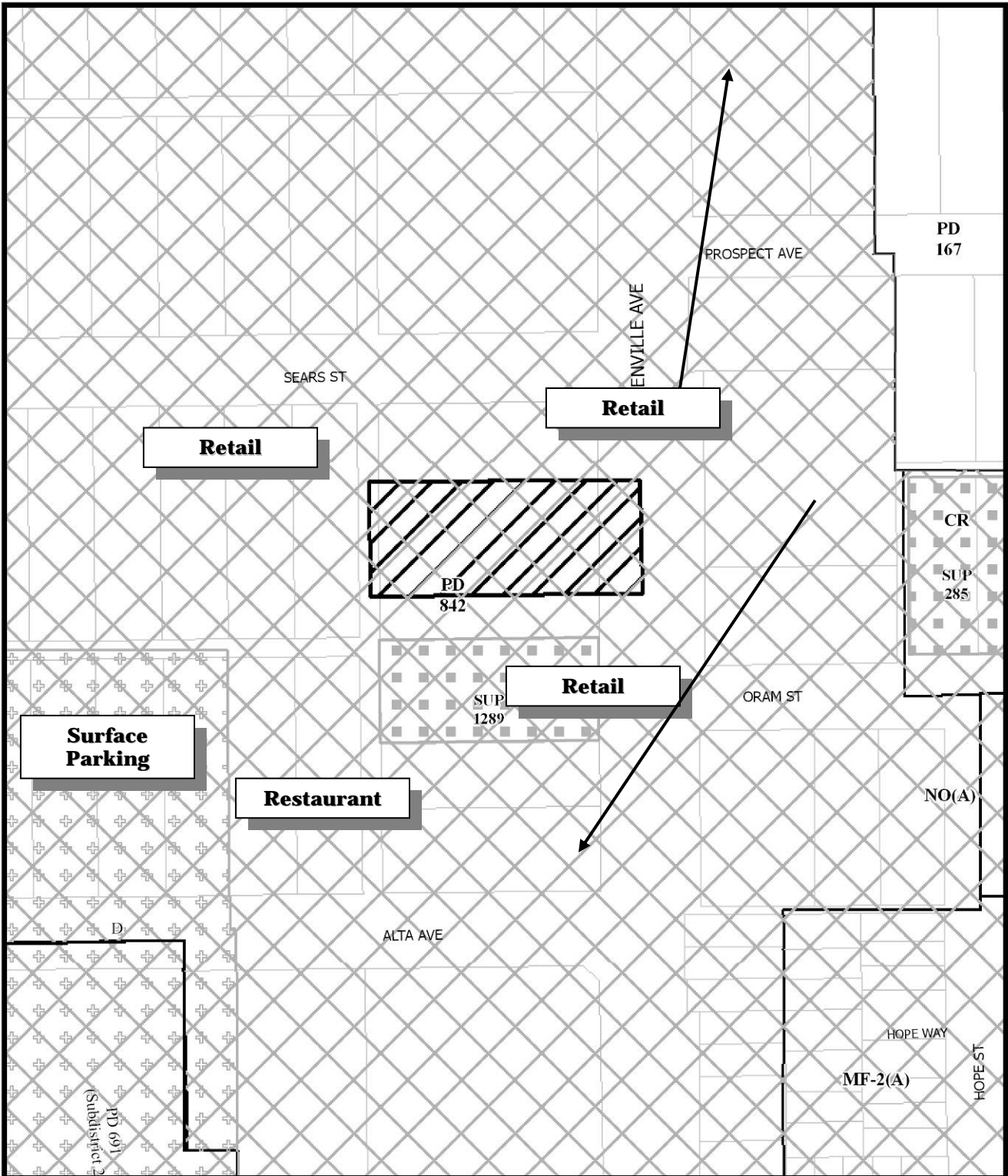
# VICINITY MAP

Map no:           I-8          

Case no:           Z101-326          

DATE: August 23, 2011



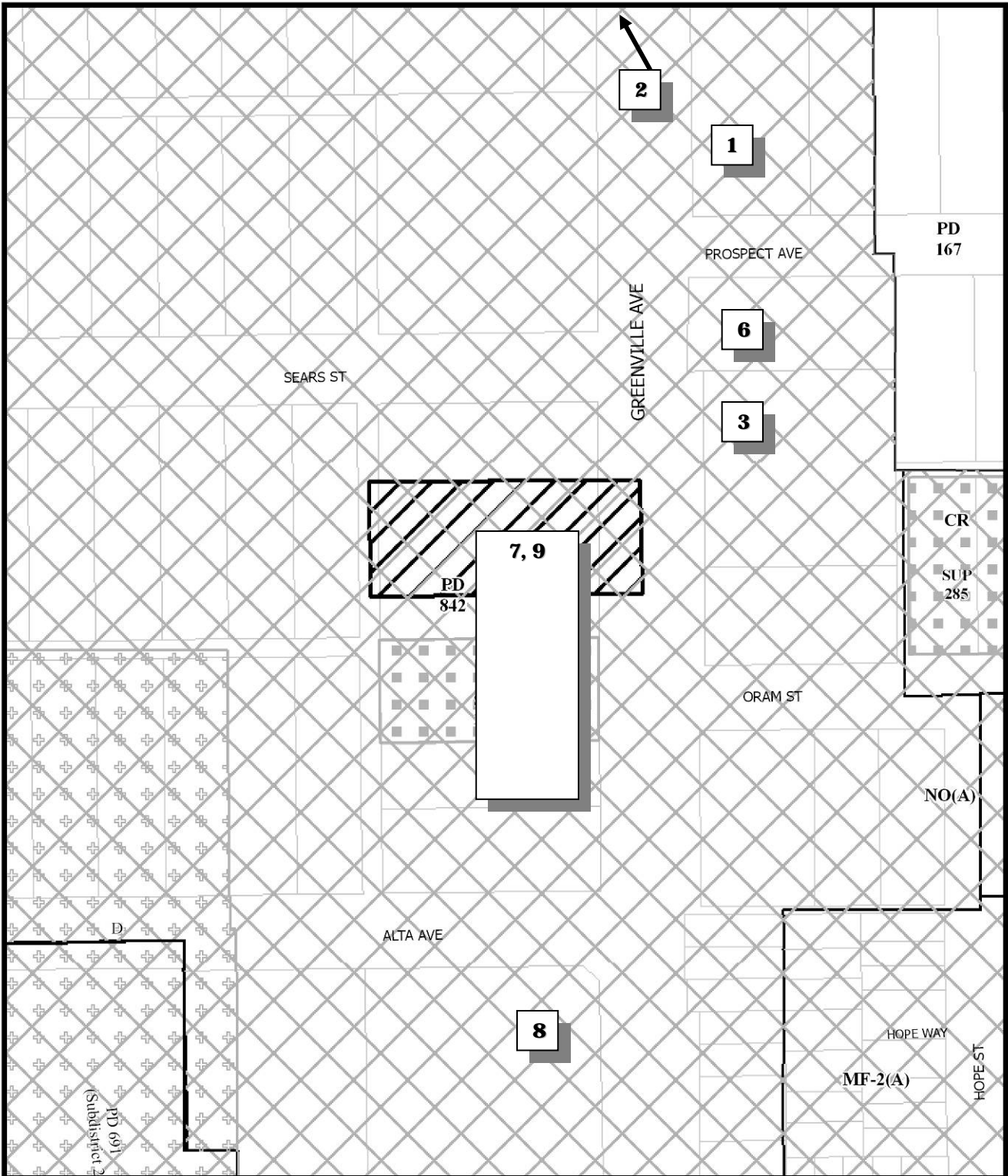


  
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# ZONING AND LAND USE

Map no:           I-8            
 Case no:           Z101-326          

DATE: August 23, 2011




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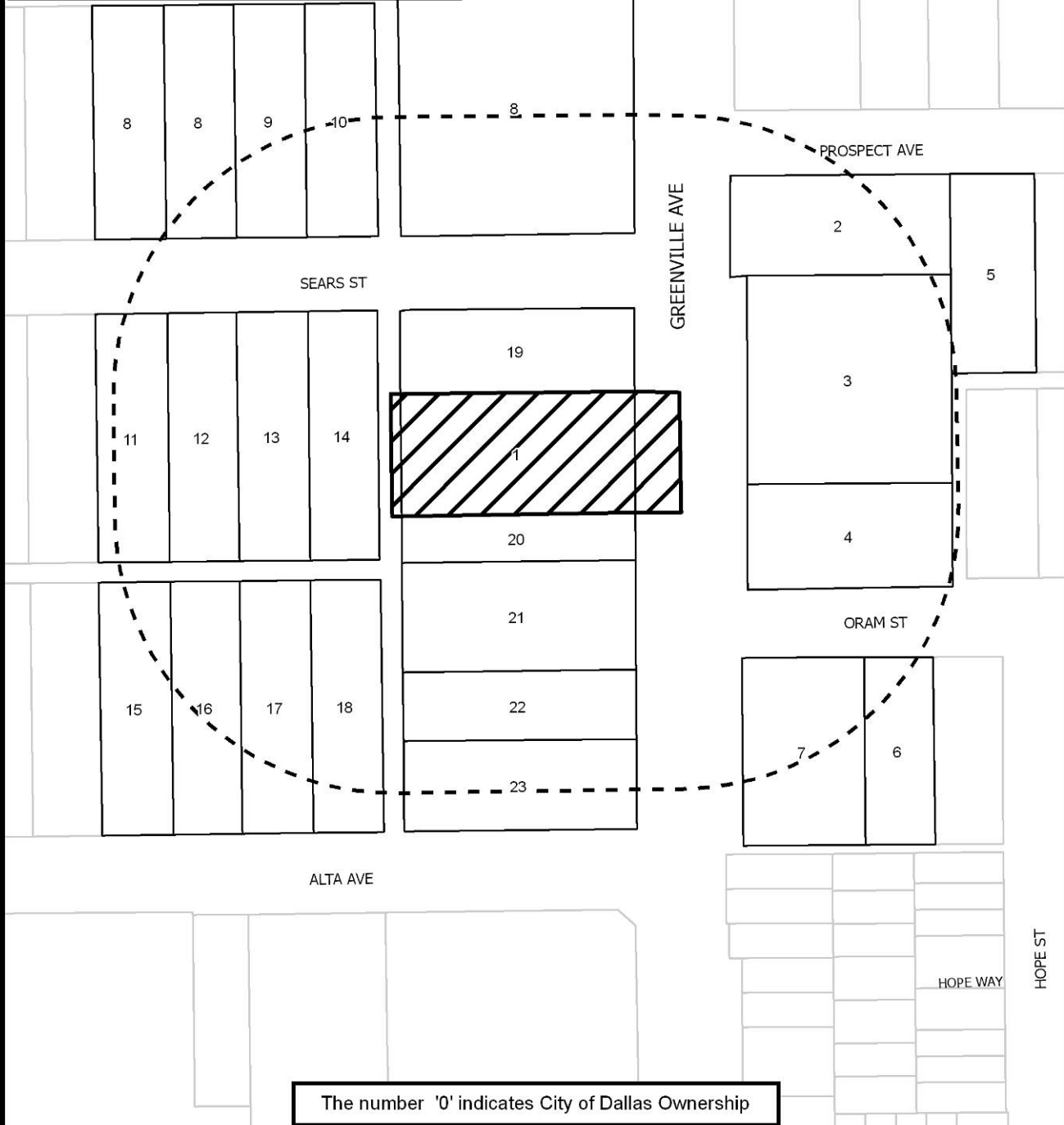
# ZONING HISTORY

Map no:           I-8          

Case no:           Z101-326          

DATE: August 23, 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  
**23** NUMBER OF PROPERTY OWNERS NOTIFIED

Map no:           I-8            
 Case no:           Z101-326          

DATE: August 23, 2011

## *Notification List of Property Owners*

### *Z101-326*

#### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1919 GREENVILLE	1919 27 GREENVILLE LTD
2	2026 GREENVILLE	ANDRES FAMILY TRUST
3	2008 GREENVILLE	WONDERFUL SEVEN A LP SUITE 200
4	2000 GREENVILLE	LANDE PAUL & PAUL LANDE EMP PR SH TR
5	5716 PROSPECT	ANDRES FAMILY TRUST 200
6	5710 ORAM	SOURIS MINOS
7	1920 GREENVILLE	LOWGREEN PS
8	5623 SEARS ST	2001 GREENVILLE VENTURE % MADISON PACIFIC DEV CO
9	5627 SEARS ST	2001 GREENVILLE VENTURE LTD ATTN WM
10	5631 SEARS ST	LOWER GREENVILLE AVE TR % JAMES G VETTER JR TR
11	5618 SEARS ST	GREENVILLE HOLDINGS CO STE 260
12	5622 SEARS ST	ROY MARION B
13	5624 SEARS ST	5624 SEARS STREET LTD
14	5628 SEARS ST	CHOTAS SOPHIE
15	5619 ALTA	THACKER RICHARD E JR
16	5623 ALTA	SHIELDS WILLIAM OLIVER
17	5627 ALTA	WSVV
18	5631 ALTA	WSVV LLC
19	1931 GREENVILLE	GENARO TRUST 1 % THOMAS ODDO
20	1917 GREENVILLE	WORLD WIDE FOOD INC
21	1911 GREENVILLE	INTERCITY INVESTMENT PROP SUITE 500
22	1909 GREENVILLE	WORLDWIDE FOOD INC
23	1903 GREENVILLE	LOWGREEN PS % SHULA NETZER

*Tuesday, August 23, 2011*

**Planner: David Cossum**

**FILE NUMBER:** Z101-260(JH)      **DATE SUBMITTED:** March 10, 2011  
**LOCATION:** Greenville Avenue and Prospect Avenue, Northeast Corner  
**COUNCIL DISTRICT:** 14      **MAPSCO:** 36 T  
**SIZE OF REQUEST:** Approx. 3,968 Sq. Ft.      **CENSUS TRACT:** 11.01

---

**APPLICANT:** Adriss Ata

**REPRESENTATIVE:** Jackie Herrera

**OWNER:** Greenville 2100 Ltd.

**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 two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The existing improvements are utilized for a restaurant without drive-in service. The current CO was issued based on asserted rights to delta credits for 100 percent of the required parking. Staff believes these delta credits were forfeited with additions to the building and use in accordance with the provisions of Modified Delta Overlay No. 1.
- 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's site plan is showing a 1,380 square foot (approximate) patio along the southern building façade. The patio is presently covered and will need to be parked at 1 space per 100 s/f of covered area. A portion of the covered patio area encroaches into the required building setback and a portion encroaches into the required 40 ft visibility triangle at the intersection of Prospect Avenue and Greenville Avenue. If the patio is to remain covered in these areas, the applicant will need to seek relief from the Board of Adjustment,
- The site lies within the Area 3 portion of Modified Delta Overlay No. 1.

**Zoning History:**

<b><u>File No.</u></b>	<b><u>Request, Disposition, and Date</u></b>
1. Z101-261	An SUP for a late-hours establishment limited to a restaurant without drive-in or drive-through service. Approved by City Council on August 10, 2011. [Libertine]
2. Z101-264	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. On July 21, 2011 CPC recommended approval for a three-year period, subject to a site plan and conditions. Approved by City Council on August 10, 2011. [Zubar]
3. Z101-270	An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CC public hearing on September 14, 2011, CPC recommended approval. [Single Wide]

4. Z101-295 An SUP for a late-hours establishment limited to a bar, lounge, or tavern. Pending a CPC public hearing. [Old Crow]
5. Z101-303: On August 18, 2011, the City Plan Commission recommended approval of a Specific Use Permit for a late-hours establishment limited to a limited to a restaurant without drive-in or drive-through service. The City Council hearing date is September 28, 2011. [Teppo]
6. Z101-314: An application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern pending City Plan Commission n on September 1, 2011. [Service Bar]
7. Z101-326: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission on September 1, 2011. [Greenville Avenue Pizza Company]
8. Z101-337: An application for a Specific Use Permit for a late-hours establishment limited to a bar, lounge or tavern pending City Plan Commission and City Council Hearings. [Sofranos]
9. Z101-311: An application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall pending City Plan Commission on September 1, 2011. [Billiard Bar]
10. Z101-312: An application for a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service pending City Plan Commission September 1, 2011. [Shade]

**Street**

**Existing & Proposed ROW**

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. The applicant is requesting an SUP for a late-hours establishment to permit the existing restaurant to operate between 12:00 a.m. and 2:00 a.m., Monday through Sunday. The restaurant has been at this location since September, 2009. Lastly, the applicant has identified a patio area along the southern façade. All of this patio area has been covered. No building permit has been found that would have allowed the covered addition. A portion of the covered addition encroaches into the required building setback and a 40 ft required visibility triangle at the intersection of Prospect Avenue and Greenville Avenue. There was a Board of Adjustment case in 1992 that authorized a variance to the setback requirements for a portion of the addition, toward the western boundary of the property, but no building permit has been found related to the expansion.

The site is surrounded by a mix of retail, restaurant and bar uses.

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. All businesses may continue to operate without a late hours establishment SUP provided they close by 12:00 a.m.

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 5.

Other than the failure to obtain building permits for certain improvements, the applicant has operated in a generally responsible manner with minimal reported police activity at the location since its occupancy (see Police Activity, below).

As a result of staff's analysis, support for the request is being given, subject to the attached site plan and conditions. The applicant will need to show compliance with all parking requirements prior to obtaining a Certificate of Occupancy for the late hours use.

**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 additions to the building and use, staff has concluded all asserted delta credits have been forfeited, therefore a minimum of 16 off-street parking spaces for the interior of the restaurant are required. Additional spaces may be required for any covered patio area. Currently there is approximately 1,380 square feet of patio area indicated on the site plan which has been covered. This will require an additional 14 spaces if the patio cover remains (no building permit has been found to allow the covered additions and building permits would be required). The applicant will need to demonstrate parking meets all zoning requirements prior to being able to obtain a Certificate of Occupancy for the late hours use if the SUP is approved.

**Landscaping:** The existing development is void of landscape materials. The request will not trigger compliance with Article X.

**POLICE ACTIVITY**  
**2100 Greenville Avenue – DBA Kush**

- 1) No citations issued.
- 2) On January 11, 2010, Kush management was warned about the loud music. February 27, 2011, Kush management was warned about the loud music.
- 3) For 2010, six people associated with this establishment were arrested for public intoxication and one other was arrested for DWI. For 2011, no related public intoxication or disorderly conduct arrests associated with this establishment have been made.
- 4) No known TABC violations.
- 5) No violent crime originating inside the establishment.

**Officers for Kush Inc.**

Adriss Ata

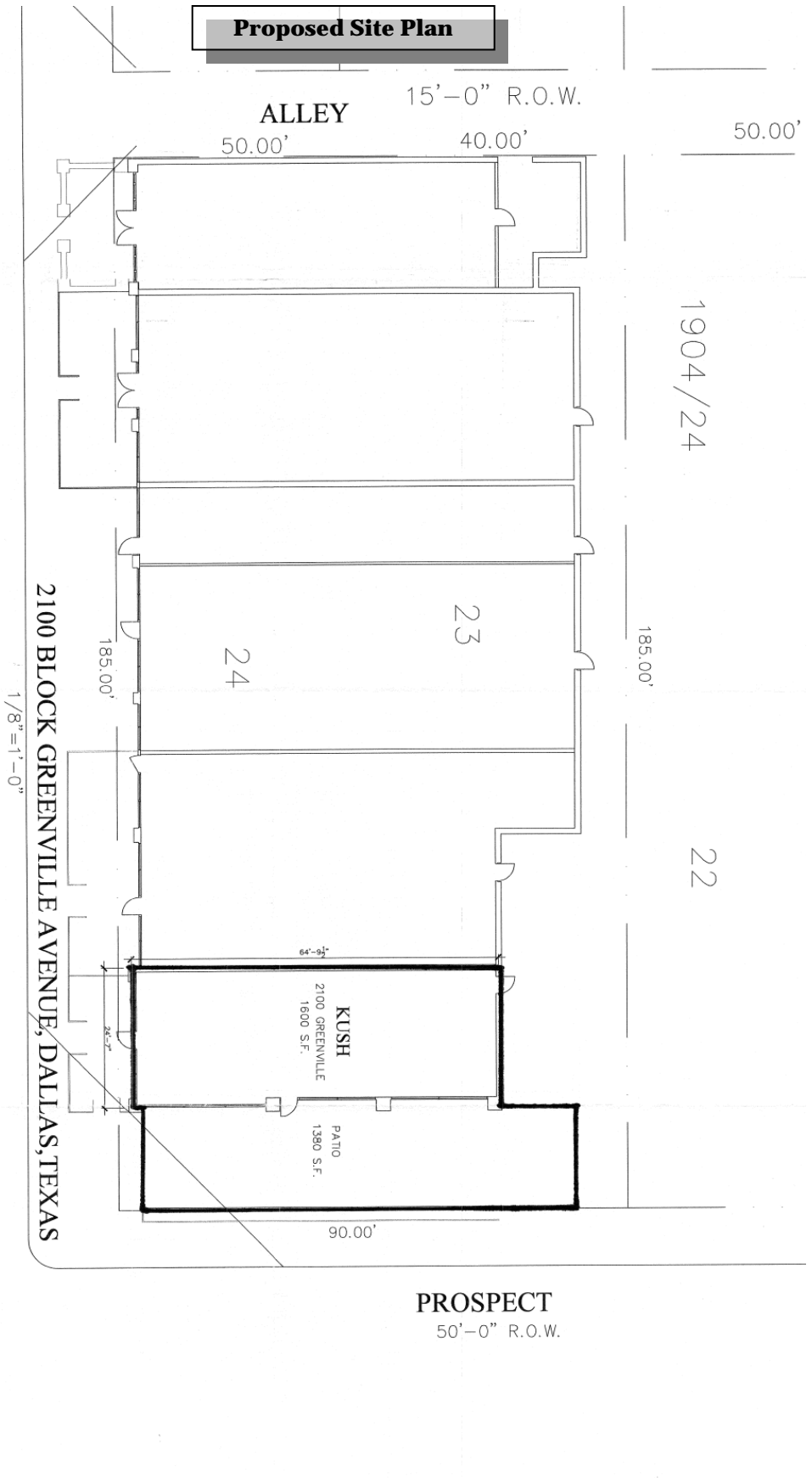
**Officers for Greenville 2100, LTD.**

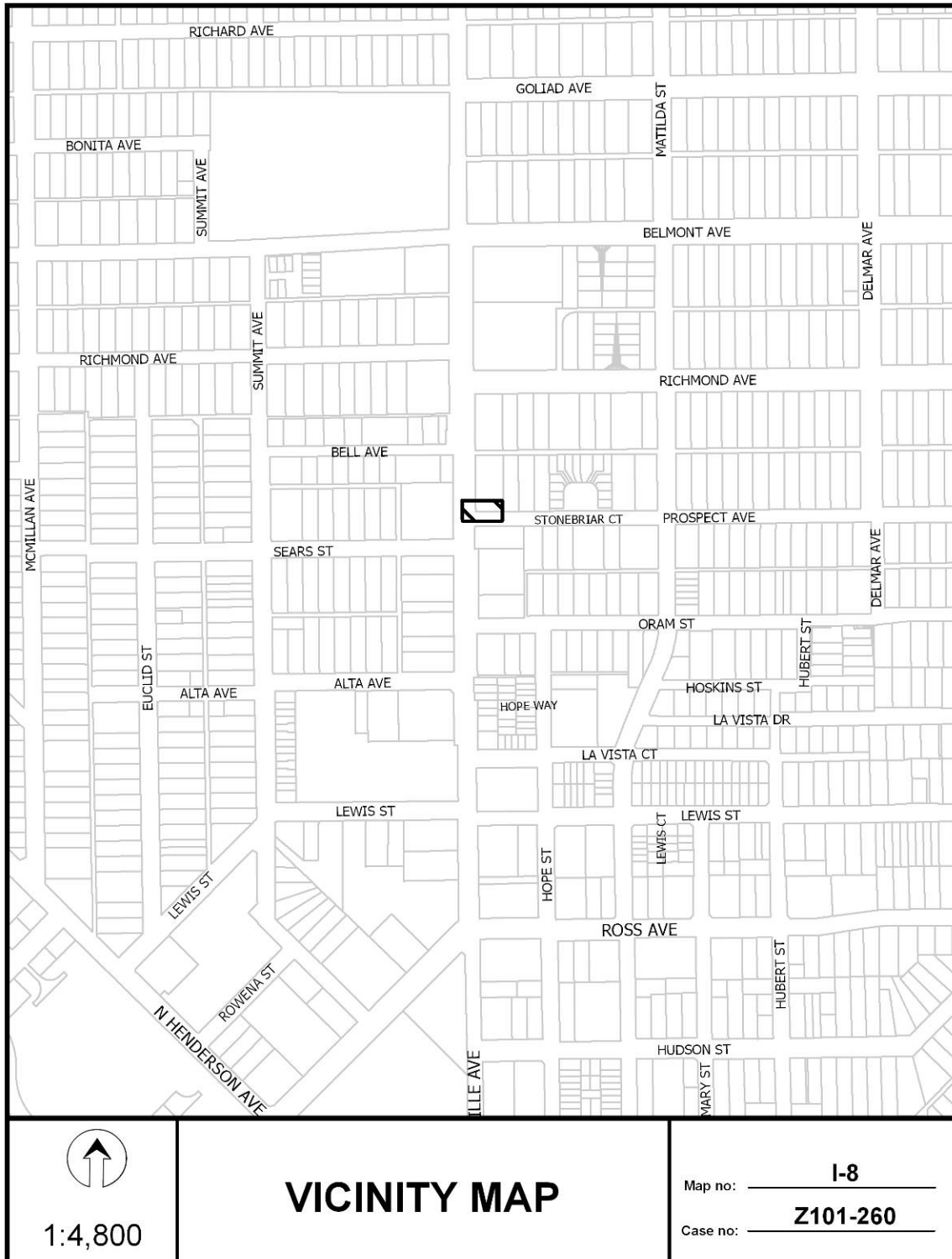
Susan B. Reese  
Larry Vineyard

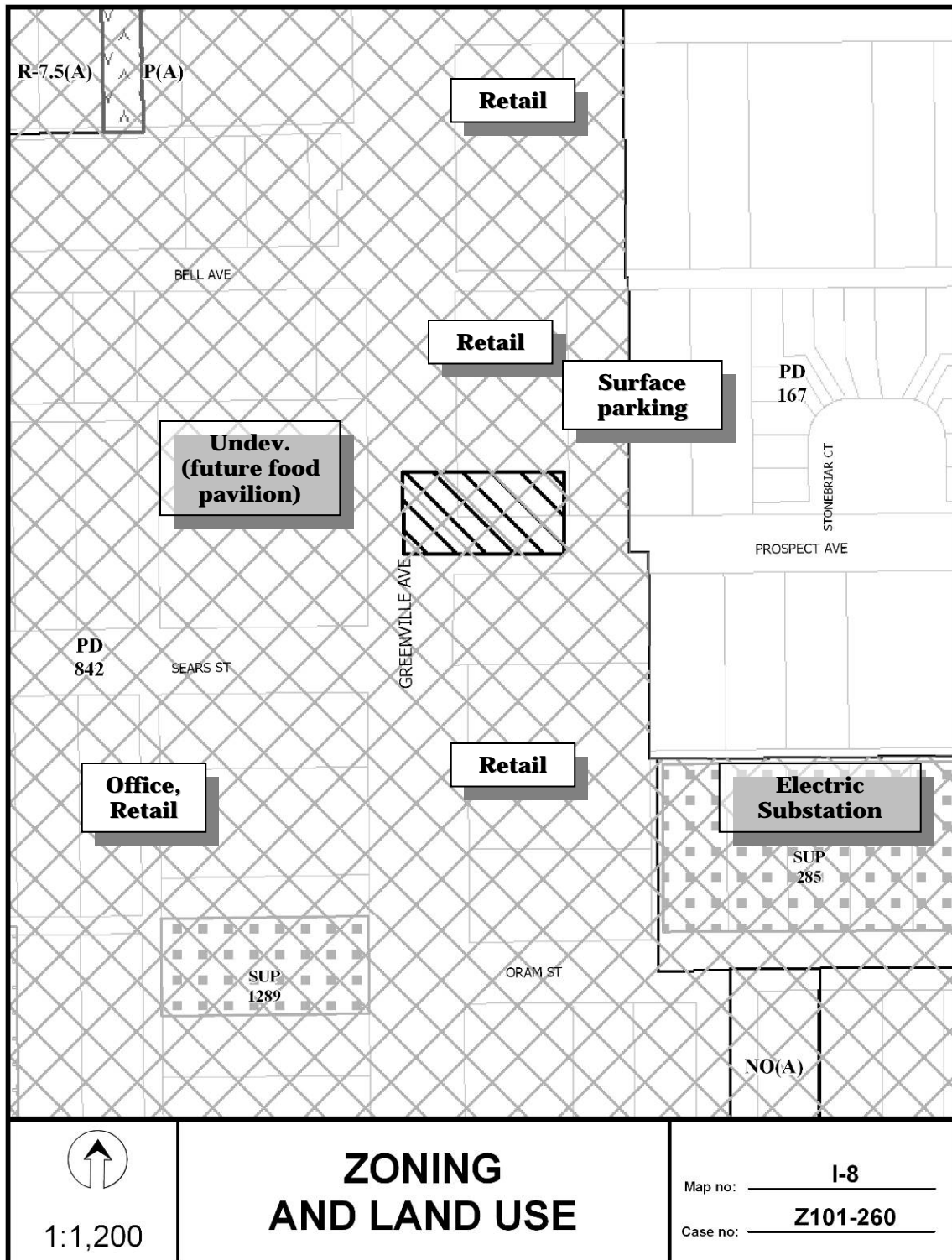
**RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT**

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 in two years
4. FLOOR AREA: Maximum floor area is 1,600 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 1,380 square feet in the location shown on the attached site plan.
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. Any covered patio area must be parked to code.
9. OUTDOOR LOUDSPEAKERS: Use of outdoor loudspeakers on the Property is prohibited.
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.

**Proposed Site Plan**

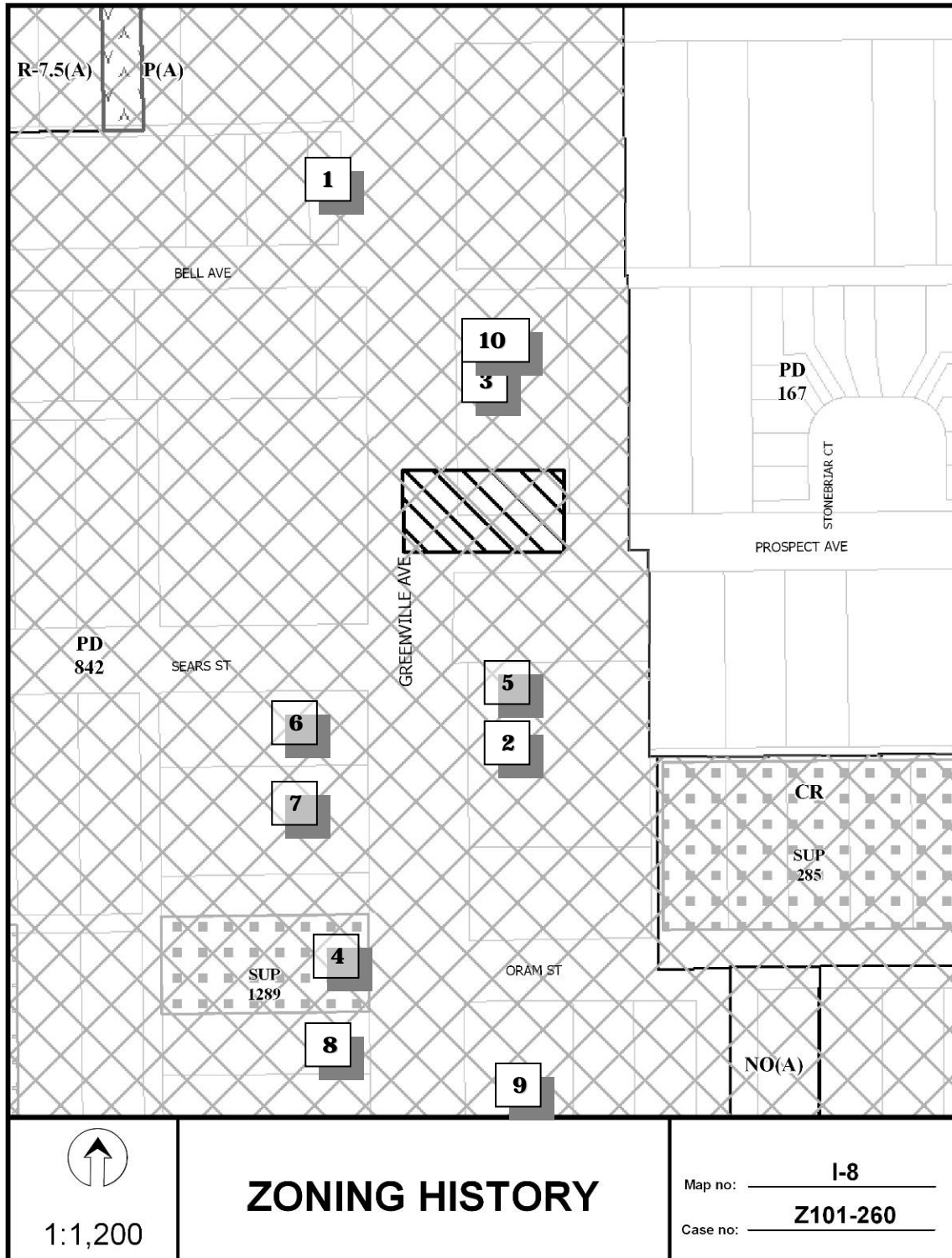






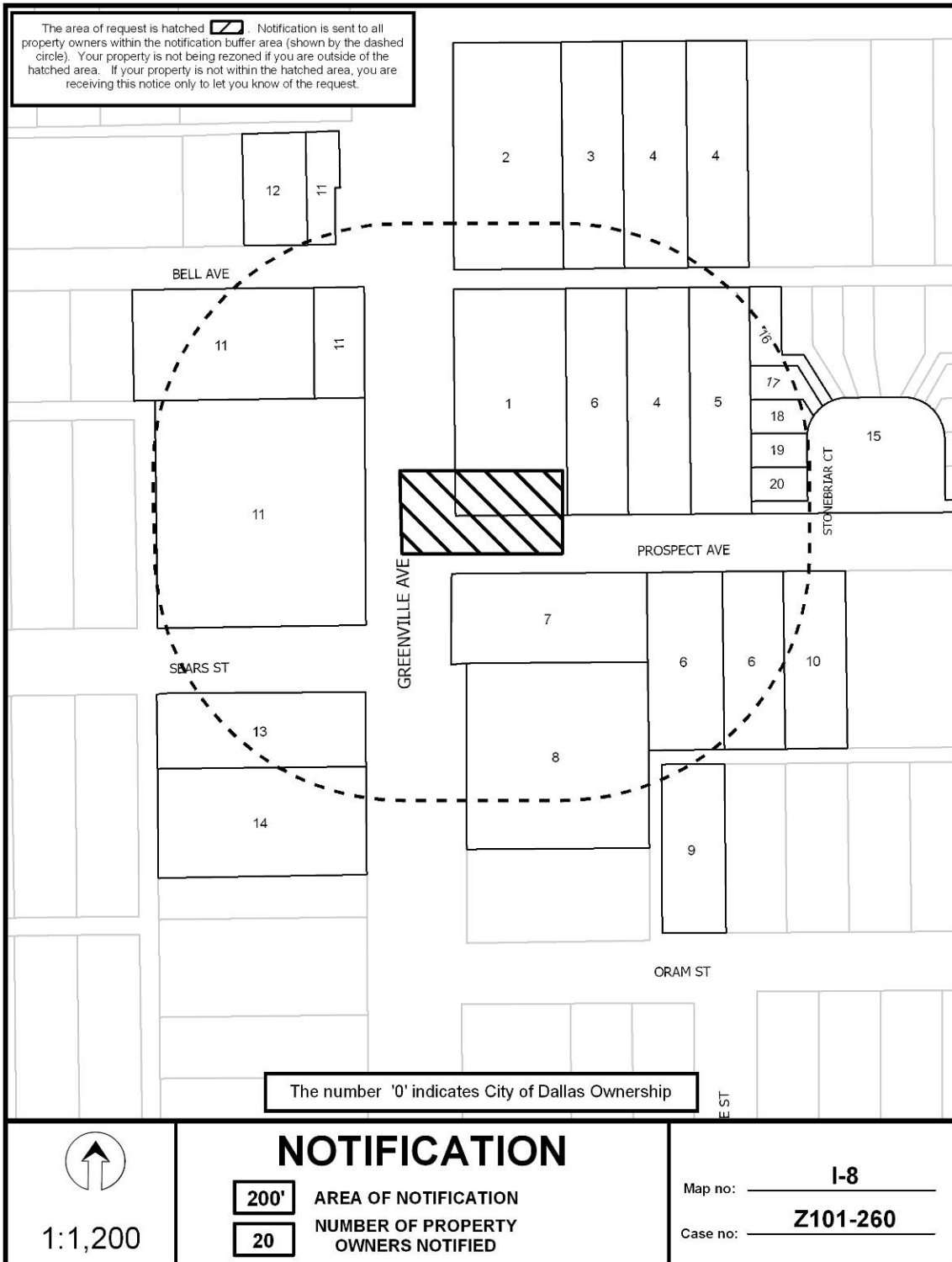
DATE: May 19, 2011





DATE: May 19, 2011

**Property Owner  
Notices**



DATE: May 19, 2011

## **Notification List of Property Owners**

### **Z101-260**

#### **20 Property Owners Notified**

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	2100 GREENVILLE	GREENVILLE 2100 LTD STE 300
2	5702 RICHMOND	GREENVILLE ROSS PTNR LTD ATTN: MITCHELL RASANSKY
3	5710 RICHMOND	SANCHEZ FIDENCIO & MARIO SANCHEZ
4	5716 RICHMOND	REESE GRANDCHILDRENS
5	5719 PROSPECT	MADISON PACIFIC DEV COM DEVELOPMENT CO #300
6	5720 PROSPECT	ANDRES FAMILY TRUST 200
7	2026 GREENVILLE	ANDRES FAMILY TRUST
8	2008 GREENVILLE	WONDERFUL SEVEN A LP SUITE 200
9	5715 ORAM	TEXAS UTILITIES ELEC CO % TAX DEPT
10	5724 PROSPECT	ANDRES DAVE STE 200
11	5642 GREENVILLE	2001 GREENVILLE VENTURE % MADISON PACIFIC DEV CO
12	5643 BELL	BATM PROP LP
13	1931 GREENVILLE	GENARO TRUST 1 % THOMAS ODDO
14	1919 GREENVILLE	1919 27 GREENVILLE LTD
15	2100 STONEBRIAR	STONEBRIAR CT H O A
16	5 STONEBRIAR	CUMMINGHAM CAROLINE
17	4 STONEBRIAR	STOKES ROBERT CHARLES
18	3 STONEBRIAR	MATTHEWS TEVIS C
19	2 STONEBRIAR	WHITE SHARI
20	1 STONEBRIAR	HOOPER NICOLE E

Thursday, May 19, 2011