

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, NOVEMBER 11, 2020

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-299(LG) **DATE FILED:** July 7, 2020
LOCATION: North of Commerce Street, east of South Good Latimer Expressway
COUNCIL DISTRICT: 2 **MAPSCO:** 45 M
SIZE OF REQUEST: 2,278 SF **CENSUS TRACT:** 204.00

**REPRESENTATIVE/
APPLICANT:** Tammy Moss

OWNER: Deep Ellum Holdings, LLC

REQUEST: An application for the renewal of Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and an inside commercial amusement limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The purpose of this request is to allow the applicant to continue operating bar, lounge or tavern (Rhythm Beats Culture) on site.

CPC RECOMMENDATION: Approval for a four-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a four-year period, subject to conditions.

BACKGROUND INFORMATION:

- On October 28, 2009, the City Council approved the creation of Specific Use Permit No. 1767 for a two-year period.
- On August 10, 2011, the City Council approved a renewal of Specific Use Permit No. 1767 for a three-year period. The applicant requested that the live music provision in the SUP conditions be deleted. Live music was no longer performed at that time.
- On August 13, 2014, the City Council approved a renewal of Specific Use Permit No. 1767 for a two-year period.
- On October 26, 2016, the City Council approved a renewal of and an amendment to Specific Use Permit No. 1767 for the addition of live music to the specific use permit conditions for a four-year period.

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

1. Z145-342 On November 10, 2015, the City Council approved a Demolition District Overlay (DDO), named the CBD/Downtown District Overlay, for the site and the surrounding area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Commerce Street	Local	60 ft.

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

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 an Urban Mixed Use Building Block. The request site is consistent with the 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.

Surrounding Land Use:

	Zoning	Land Use
Site	PD No. 269, SUP No. 1767	Bar, lounge, or tavern and inside commercial amusement
North	PD No. 269	Retail and personal service
South	PD No. 269	Retail/Restaurant
East	PD No. 269	Retail
West	PD No. 269	Surface parking/Retail

Land Use Compatibility: The request site is located within a one-story structure with an elevated patio. The applicant’s request is for a renewal of Specific Use Permit No. 1767 to permit the continued operation of a bar, lounge or tavern and an inside commercial amusement limited to a live music venue use within the existing structure. The site plan is not changing from the previously approved plan.

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

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 site use is consistent and compatible with surrounding uses. The use of the site has not had a negative effect on the welfare of the community. The use is also compatible with other uses in the area, and the current site complies with all applicable zoning regulations and standards.

Parking: PD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. Additionally, a ten percent reduction is permitted for any property within one-quarter mile of mass transit. The existing use is located within an original building with a first floor area of 2,278 square feet and does not trigger off-street parking requirements.

Dallas Police Department: A copy of the crime statistics showing the number of offenses at the request site after the SUP renewal and amendment in 2016 is provided below:

Master_Incident_Num	Response_Date	Response_Time	Problem	Priority_Description	Location_Name	Address
19-2030364	10/26/2019	10:23:00 PM	40 - Other	3 - General Service	RBC BAR	2617 Commerce St
19-0410957	3/9/2019	2:44:00 AM	6X - Major Dist (Violence)	2 - Urgent		2617 Commerce St
18-0433968	3/12/2018	1:58:00 AM	6XA - Major Dist Ambulance	2 - Urgent	FREE MAN BAR	2617 COMMERCE ST
19-0509426	3/23/2019	6:02:00 PM	11B - Burg of Bus	3 - General Service	RBC	2617 COMMERCE ST
19-0571268	4/2/2019	2:04:00 AM	6X - Major Dist (Violence)	2 - Urgent	RBC	2617 Commerce St
19-1073630	6/12/2019	3:09:00 PM	40 - Other	3 - General Service	RBC	2617 Commerce St

IncidentNum	Watch	OffIncident	Premise	Address	Date1	Time1
231129-2018	1	ASSAULT -VERBAL THREAT	Bar/NightClub/DanceHall ETC.	2617 COMMERCE ST	10/20/2018	1:30:00 AM
032475-2019	3	ASSAULT -BODILY INJURY ONLY	Highway, Street, Alley ETC	2617 COMMERCE ST	2/16/2019	9:00:00 PM
193942-2019	3	ASSAULT -BODILY INJURY ONLY	Bar/NightClub/DanceHall ETC.	2617 COMMERCE ST	9/21/2019	9:45:00 PM
058095-2019	1	BURGLARY OF BUILDING - FORCED ENTRY	Restaurant/Food Service/TABC Location	2617 COMMERCE ST	3/23/2019	4:42:00 AM
172229-2018	1	BMV	Parking (Business)	2617 COMMERCE ST	8/4/2018	11:45:00 PM

There was a total of six calls and five offenses. There were no arrests at this location in the past four years.

Market Value Analysis

Market Value Analysis (MVA) is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is uncategorized, there are properties to the north and east of said property located within Category “E”. There are also properties located further northwest and southwest in Categories “C” and “E”.

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Partners

Owner:

Deep Ellum Holdings, LLC
2622 Commerce Street
Dallas, TX 75226

Susan Reese, Managing Member
Rudy Beuttenmuller, Registered Agent

CPC Action
October 1, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and an inside commercial amusement limited to a live music venue for a four-year period, subject to conditions on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway.

Maker: Jung
Second: Murphy
Result: Carried: 13 to 0

For: 13 - MacGregor, Stinson, Johnson, Shidid,
Carpenter, Jackson, Blair, Jung, Myers,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 1 - Hampton
Vacancy: 1 - District 11

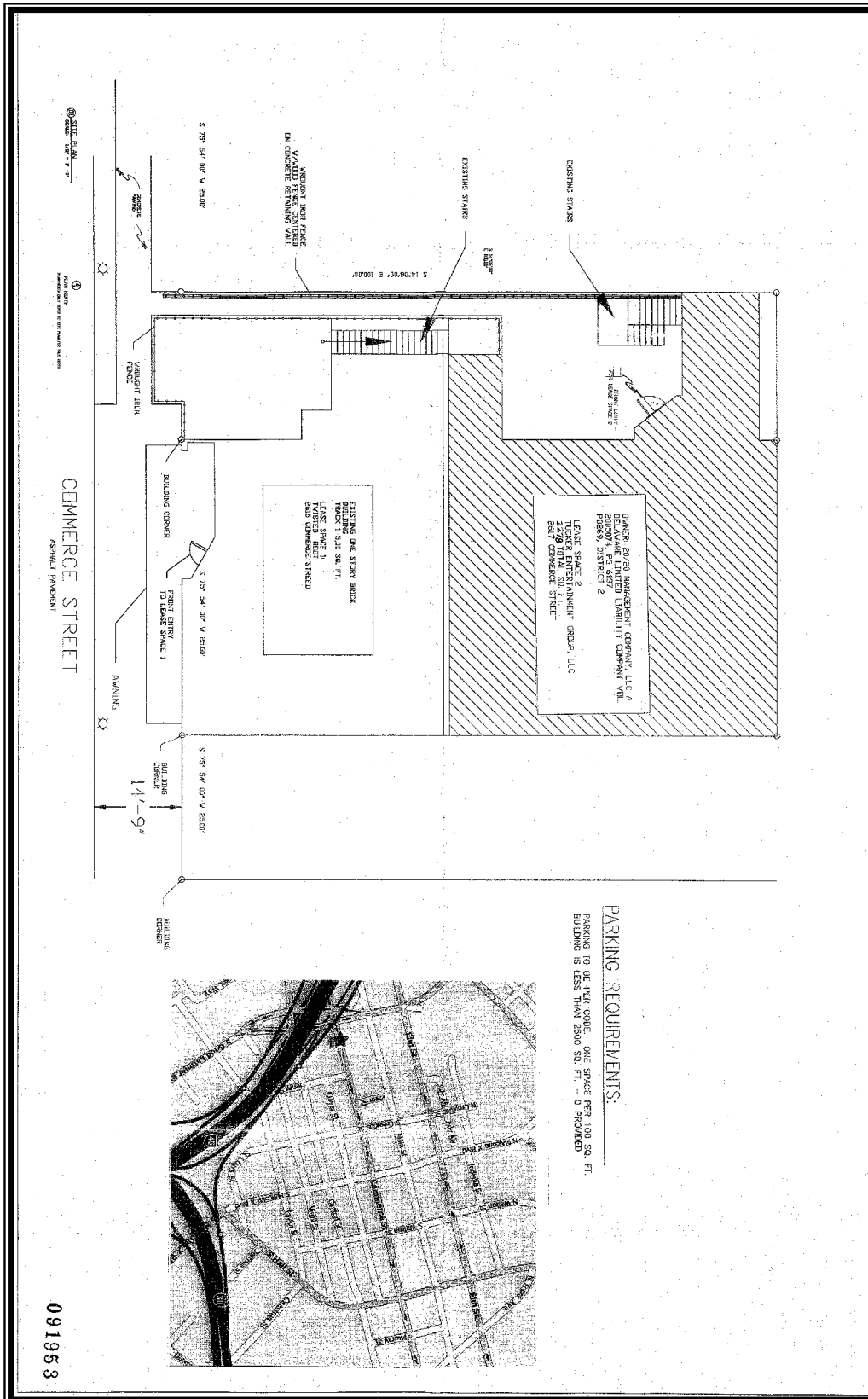
Notices: Area: 200 Mailed: 7
Replies: For: 1 Against: 0

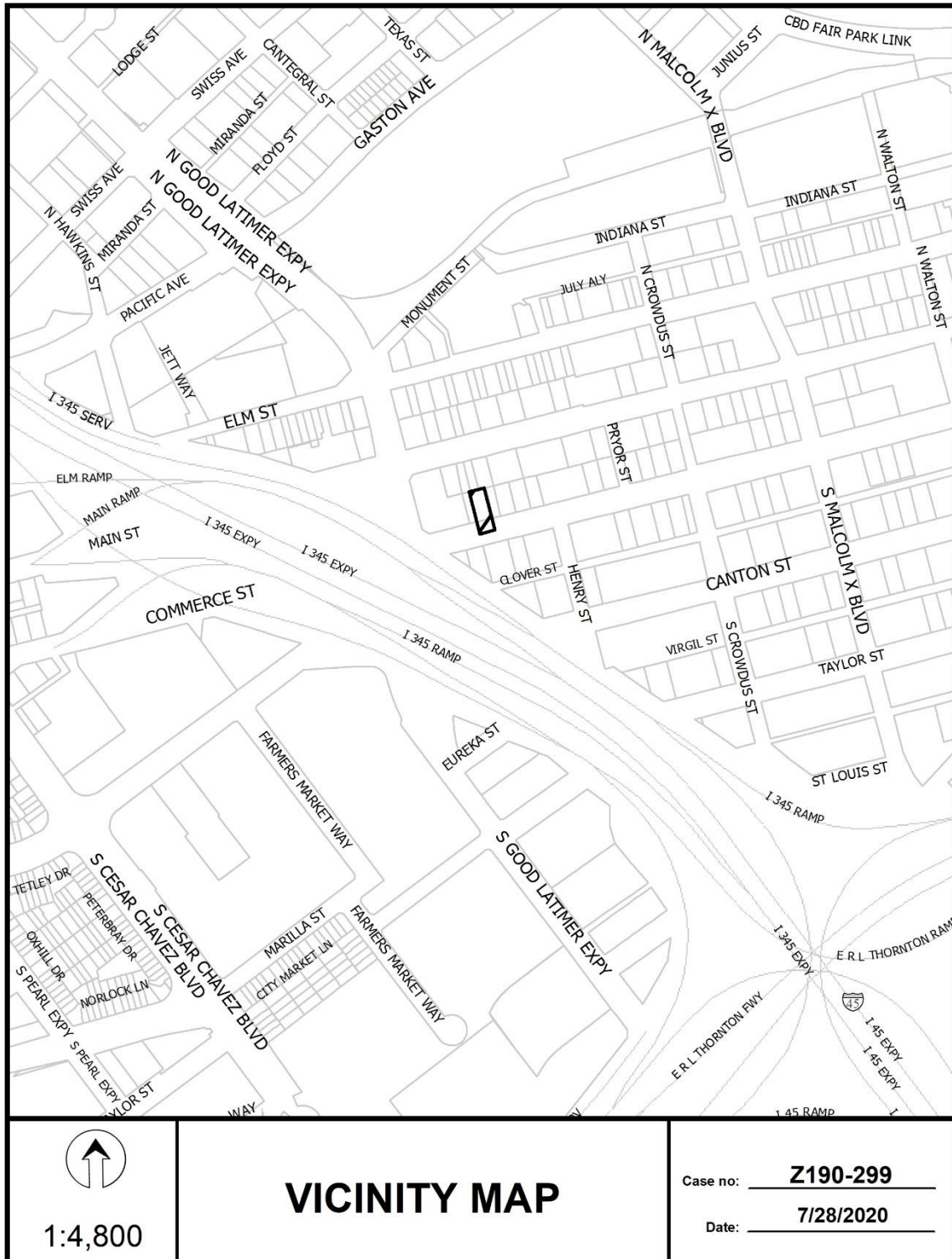
Speakers: None

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only uses authorized by this specific use permit are a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
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 ~~October 26, 2020~~ [four years from the passage of this ordinance].
4. FLOOR AREA: The maximum floor area is 2,278 square feet.
5. HOURS OF OPERATION: The bar, lounge, or tavern and inside commercial amusement limited to a live music venue may only operate between 2:00 p.m. and 2:00 a.m. (the next day), Monday through Sunday.
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 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



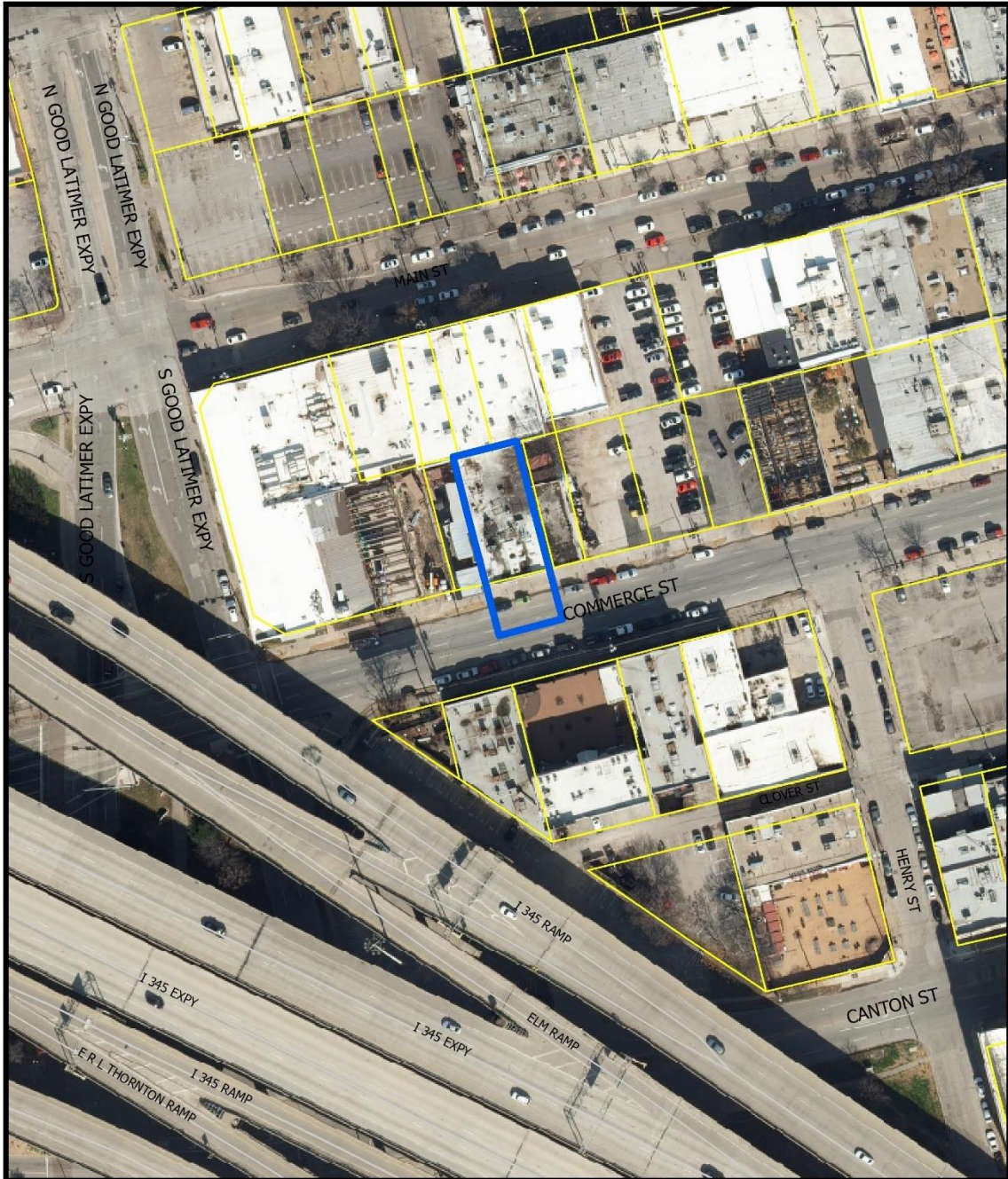


1:4,800

VICINITY MAP

Case no: Z190-299

Date: 7/28/2020

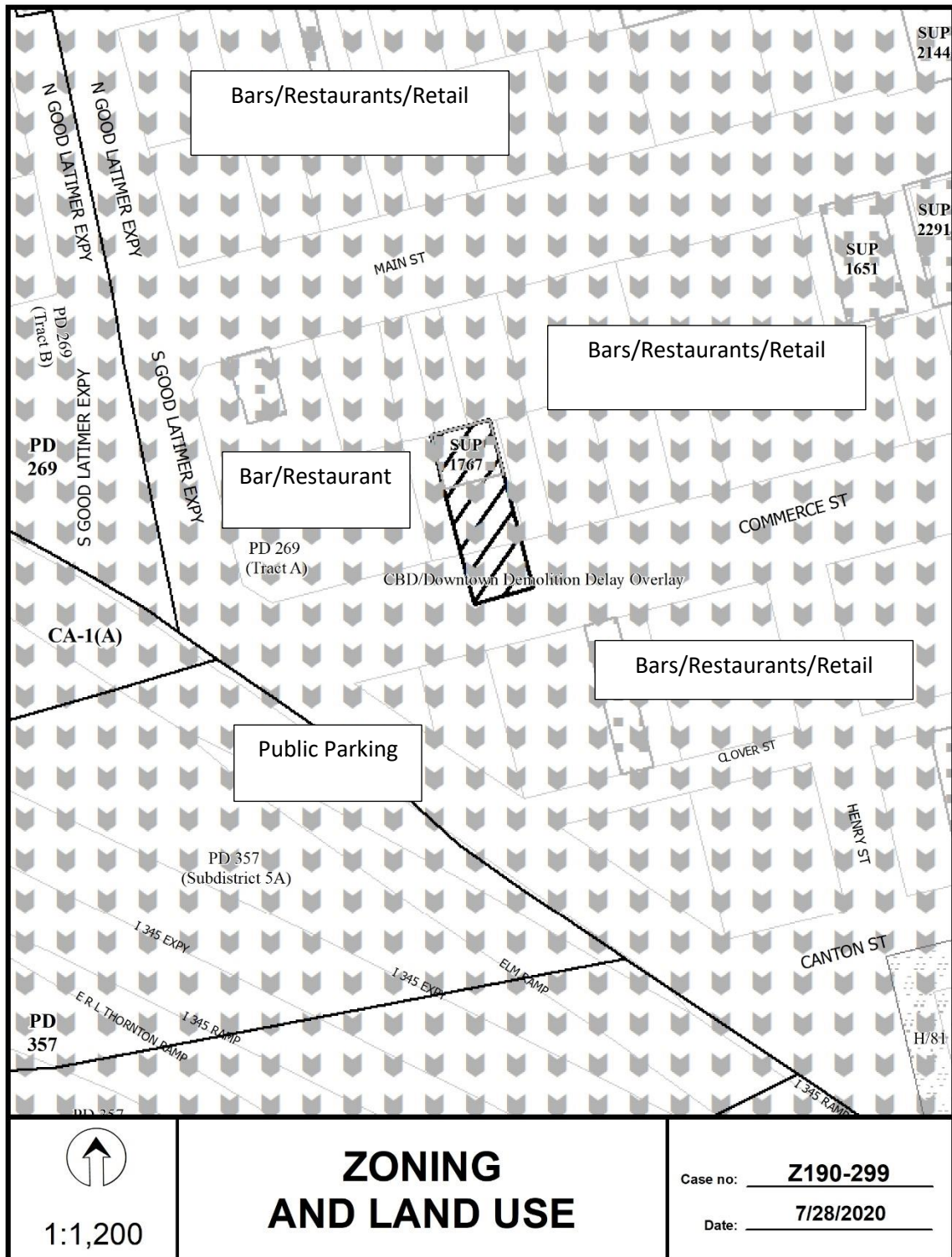


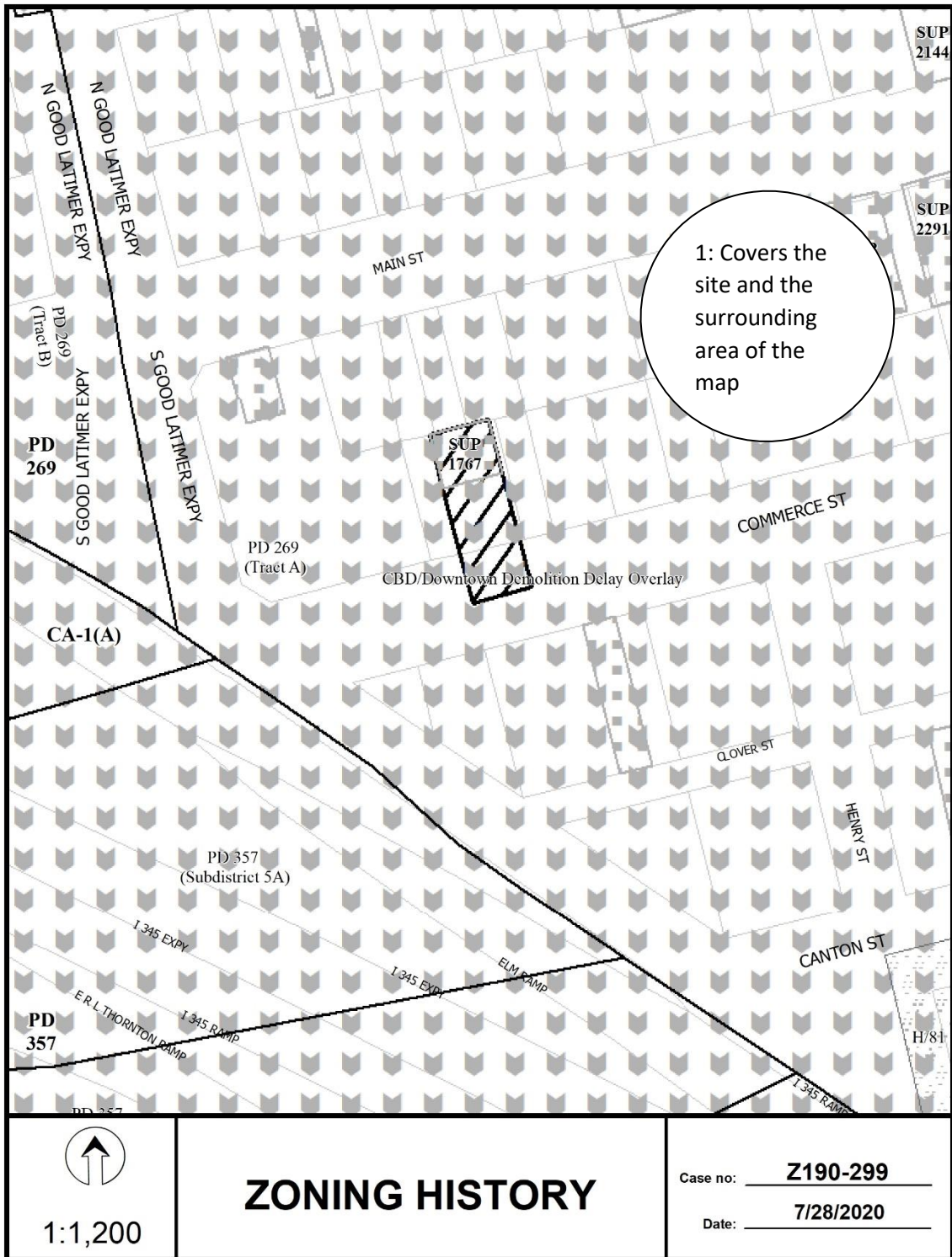
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AERIAL MAP

Case no: Z190-299

Date: 7/28/2020







Market Value Analysis



Market Value Analysis

Printed Date: 7/28/2020

CPC RESPONSES



<u>7</u>	Property Owners Notified (24 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/1/2020</u>	Date

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CPC



1:1,200

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09/30/2020

Reply List of Property Owners

Z190-299

7 Property Owners Notified

1 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2612 COMMERCE ST	DEEP ELLUM HOLDINGS LLC
	2	2625 MAIN ST	AP DEEP ELLUM LLC
	3	2623 COMMERCE ST	KLUCK LINDA LOU
	4	2620 MAIN ST	AP DEEP ELLUM LLC
O	5	2630 COMMERCE ST	WESTDALE PPTIES AMERICA I
	6	2622 COMMERCE ST	SDL PARTNERS LTD
	7	2616 COMMERCE ST	NOLA LTD