

**FILE NUMBER:** Z190-202(JT)

**DATE FILED:** February 18, 2020

**LOCATION:** South line of Elm Street, east of North Good Latimer Expressway

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45 M

**SIZE OF REQUEST:** Approx. 0.75 acres.

**CENSUS TRACT:** 204

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**REPRESENTATIVE:** Jason Marshall, Marshall Firm, PC

**APPLICANT:** Twilite on Elm, LLC, Twilite on Elm

**OWNER:** 42 Deep Ellum, LP

**REQUEST:** An application for the renewal of Specific Use Permit No. 2019 for a bar, lounge, or tavern and a commercial amusement inside use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

**SUMMARY:** The applicant proposes to continue the use of the property of a bar, lounge, or tavern and commercial amusement inside use limited to a live music venue. [The Twilite Lounge]

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

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

**BACKGROUND INFORMATION:**

- The request site is currently developed with a 2,500 square feet one-story structure used as bar, lounge, or tavern and a commercial amusement inside use limited to a live music venue with a 1000 square foot patio.
- On June 14, 2006, the City Council approved an amendment to Plan Development District No. 269 which requires a SUP for this use category.
- On February 27, 2013, the City Council approved Specific Use Permit No. 2019 for an alcoholic beverage establishment limited to a bar, lounge or tavern for a two-year period.
- The Certificate of Occupancy for the alcoholic beverage establishment limited to a bar, lounge or tavern and to add commercial amusement (inside) limited to a live music venue [Twilite Lounge] was received on April 11, 2013.
- On January 28, 2015, the City Council approved an amendment to and the renewal of SUP No. 2019 to add commercial amusement (inside) limited to a live music venue for a two-year period.
- On November 29, 2016, staff received the SUP renewal application; however, staff held the application to ensure compliance with the site plan.
- On March 22, 2017, the City Council approved Specific Use Permit No. 2019 for an alcoholic beverage establishment limited to a bar, lounge or tavern with live music for a three-year period.
- No revisions or expansion of the use is being requested.
- Per PD No. 269 a LIVE MUSIC VENUE means an inside commercial amusement use primarily for the performance of live (not recorded) music for an audience. A use having a dance hall license pursuant to Chapter 14 of the Dallas City Code, as amended, is not a live music venue.
- Per 51A-4.210 a BAR, LOUNGE, OR TAVERN means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

**Zoning History:** There have been 14 zoning change requests in the area within the last five years.

1. **Z145-121** On February 11, 2015, the City Council approved the renewal of SUP No. 1783 for a bar, lounge, or tavern for a two-year period.
2. **Z156-134** On February 24, 2016, the City Council approved SUP No. 2181 for a tattoo studio for a three-year period.
3. **Z156-230** On June 22, 2016, the City Council approved the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 26, the Deep Ellum/Near East Side Special Purpose District.
4. **Z167-142** On March 22, 2017, the City Council approved the renewal of Specific Use Permit No. 2019 for a bar, lounge or tavern use and a commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
5. **Z167-154** On April 12, 2017, the City Council approved the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
6. **Z167-233** On June 14, 2017, the City Council approved the renewal of Specific Use Permit No. 1685 for a bar, lounge, or tavern use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
7. **Z167-275** On August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
8. **Z167-328** On September 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern use and an inside commercial amusement limited to a Class A dance hall use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
9. **Z167-392** On January 10, 2018, the City Council approved the renewal of Specific Use Permit No. 1694 for a bar, lounge, or tavern use and a commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

10. **Z178-175** On May 9, 2018, the City Council approved the renewal of Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
11. **Z189-276** On September 25, 2019, the City Council approved Specific Use Permit No. 1757 for a bar, lounge, or tavern use and an inside commercial amusement use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
12. **Z189-289** On September 25, 2019, the City Council approved Specific Use Permit No. 2252 for a bar, lounge, or tavern use and an inside commercial amusement use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
13. **Z189-289** On April 8, 2020, the City Council approved Specific Use Permit No. 2144 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
14. **Z156-303** On September 2, 2016, Specific Use Permit No. 1651 was automatically renewed until January 10, 2022.

**Thoroughfare/Streets**

Thoroughfares/Street	Type	Existing ROW
Main Street	Minor Arterial	60 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the original SUP request and determined that the existing development would not have a negative impact on the surrounding street system and the Engineering Division maintains this recommendation.

**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 proposed zoning request meets the below goals and objectives of the Comprehensive Plan.

**Urban Design Element**

**Goal 5.1** Promote a sense of Place, Safety and Walkability

*Policy 5.1.1* Promote pedestrian-friendly streetscapes

**Goal 5.3** Establishing Walk-To Convenience

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

**Economic Element**

**Goal 2.3** Build a Dynamic and Expanded Downtown

*Policy 2.3.1* Restore Downtown Dallas as the economic and cultural heart of North Central Texas

*Policy 2.3.3* Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 269 (Tract A)	Bar, lounge or tavern
<b>North</b>	PD No. 269 (Tract A)	School, Restaurant; Bar;
<b>East</b>	PD No. 269 (Tract A)	Bar; Restaurant;
<b>South</b>	PD No. 269 (Tract A)	Restaurants;
<b>West</b>	PD No. 269 (Tract A)	Restaurants; General Merchandise or Food Store; Surface Parking

**Land Use Compatibility:**

The request site is located in Deep Ellum, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

The applicant is requesting the renewal of SUP No. 2019 in order to continue operation of an existing bar with live entertainment. The use incorporates a patio (1000 square feet) abutting the southern façade. (see attached site plan)

The request site consists of a one-story structure that is situated in a blockface consisting of similar architectural character (structures that existed prior to June 1984), all of which have enjoyed adaptive reuse as this area has enjoyed a significant presence for entertainment venues and compatible retail uses. With the continued expansion of services provided by DART (i.e., completion of the Green Line that traverses this general area), construction and occupancy of medium-density residential projects have

established that, in part, serve the hospital campus and downtown central business district. The site is surrounded by a mix of office/retail/restaurant uses that are served by various surface parking lots and metered spaces along Elm 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.

Continuation of the proposed use is consistent with not only the most recent use on the property but is similar in operational characteristics of other entertainment/retail venue uses in the immediate area. As noted above, the general land use in the immediate area provides for a significant presence of various retail and entertainment venue uses that serve the new housing stock in Deep Ellum as well as serving as a destination for patrons outside of the area.

As a result of this analysis, the request complies with the general provisions for consideration of renewal of SUP No. 2019, subject to conditions; no revisions are required to the existing site plan.

**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. The site is not within an identifiable MVA category, nor is it adjacent to other MVA categories.

**Police Activity:** There have been 54 reported offenses for the most recent four-year period associated near this location as noted below from the Dallas Police Department.

<b>Date</b>	<b>Time</b>	<b>Problem</b>
7/15/2016	9:06 PM	Other
7/30/2016	12:55 AM	Other
9/4/2016	9:12 AM	Major Disturbance (Violence)
9/4/2016	10:22 PM	Other
10/31/2016	8:15 PM	Robbery
12/11/2016	1:57 AM	Major Disturbance (Violence)
12/15/2016	12:17 AM	Other
1/14/2017	3:53 AM	Business Alarm
1/22/2017	5:01 PM	Other
1/25/2017	5:08 AM	Burlarized Motor Vehicle
2/4/2017	12:44 AM	Major Disturbance (Violence)
2/23/2017	2:07 AM	Major Disturbance (Violence)
3/17/2017	11:46 AM	Major Disturbance (Violence)
3/22/2017	11:57 AM	Suspicious Person
4/15/2017	9:26 PM	Major Disturbance (Violence)
4/16/2017	12:55 AM	Other
4/22/2017	1:17 PM	Suicide
4/28/2017	12:37 AM	Other
4/30/2017	11:13 PM	Major Disturbance (Violence)
5/27/2017	10:45 AM	Burlarized Motor Vehicle
5/29/2017	10:07 PM	Major Disturbance (Violence)
6/30/2017	11:04 AM	Major Disturbance (Violence)
7/21/2017	12:40 AM	Major Disturbance (Violence)
8/13/2017	11:13 PM	DAEF-Dist Armed Encounter Foot
8/25/2017	12:13 AM	Major Disturbance (Violence)
9/21/2017	9:42 PM	Major Disturbance (Violence)
9/25/2017	2:39 PM	Other
10/11/2017	12:18 AM	Major Disturbance (Violence)
11/13/2017	1:43 AM	Major Disturbance Ambulance
11/22/2017	12:51 AM	Major Disturbance (Violence)
11/22/2017	1:38 AM	Robbery
2/12/2018	8:19 PM	Major Disturbance (Violence)
3/21/2018	4:57 PM	Major Disturbance (Violence)
3/24/2018	1:08 AM	Major Disturbance (Violence)
3/30/2018	12:02 AM	Other
5/20/2018	8:13 PM	Other
7/4/2018	9:22 PM	Other
7/5/2018	12:49 AM	Major Disturbance (Violence)

7/22/2018	3:27 AM	Major Disturbance (Violence)
8/6/2018	10:16 PM	Major Disturbance (Violence)
8/8/2018	11:56 PM	Other
9/17/2018	4:06 PM	Major Disturbance (Violence)
9/30/2018	12:50 PM	Major Disturbance (Violence)
10/27/2018	11:34 PM	Robbery
11/11/2018	8:05 PM	Major Disturbance (Violence)
11/17/2018	10:32 AM	Citation
11/20/2018	3:11 PM	Major Disturbance (Violence)
12/5/2018	8:01 AM	Business Alarm
2/8/2019	2:22 AM	Other
3/3/2019	10:23 PM	Minor Accident
6/25/2019	12:51 AM	Open Air Drug Sales
7/28/2019	7:34 PM	Major Disturbance (Violence)
9/22/2019	2:22 AM	Other
10/9/2019	12:45 AM	Minor Accident

**Off-Street Parking:** PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for a bar, lounge, or tavern use on the first floor in an original building. The patio is considered part of the original building. After the first 2,500 square feet, the remainder is parked at one space per 100 square feet of floor area. The applicant occupies 2,500 square feet of floor area. Therefore, no off-street parking is required for the petitioned site. Additionally, 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 west of the site.



**LIST OF PARTNERS**

**42 Deep Ellum, LP – Property Owner**

Scott Rohrman, Partner

Mike Geisler, Partner

**Twilite on Elm, LLC – Applicant**

Daniel A. Balis, Member

William J. Barr, Member

Benjamin Scott Meek, Member

Jason C. Marshall, Member

Barnett D. Hammond, Jr., Member

**CPC Action:  
June 4, 2020**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2019 for a bar, lounge, or tavern with live music and a commercial amusement inside use limited to a live music venue for a three-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the south line of Elm Street, east of North Good Latimer Expressway.

Maker: Hampton  
Second: Garcia  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Jung, Housewright,  
Schultz, Schwope, Murphy, Garcia, Rubin  
Against: 0  
Absent: 1 - Blair  
Vacancy: 0

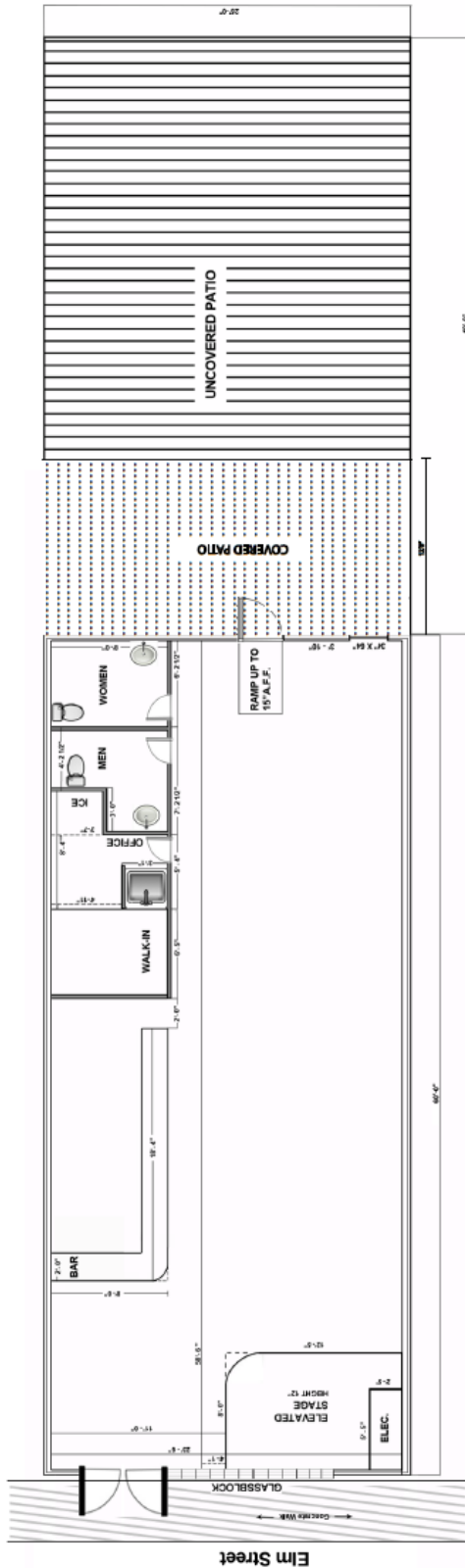
**Notices:** Area: 200 Mailed: 15  
**Replies:** For: 3 Against: 0

**Speakers:** None

### CPC RECOMMENDED 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 \_\_\_\_\_ (three years).
4. FLOOR AREA: Maximum floor area for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue is 1,500 square feet in the location shown on the site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern and an inside commercial amusement limited to a live music venue may only operate between 11:00 a.m. and 2:00 a.m. (the next day), Monday through Sunday.
6. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4), may not be used to meet off-street parking requirements.
7. PATIO:
  - a. The uncovered patio may not exceed 700 square feet in the location shown on the attached site plan.
  - b. The covered patio may not exceed 300 square feet in the location shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. 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**  
(no requested revisions)



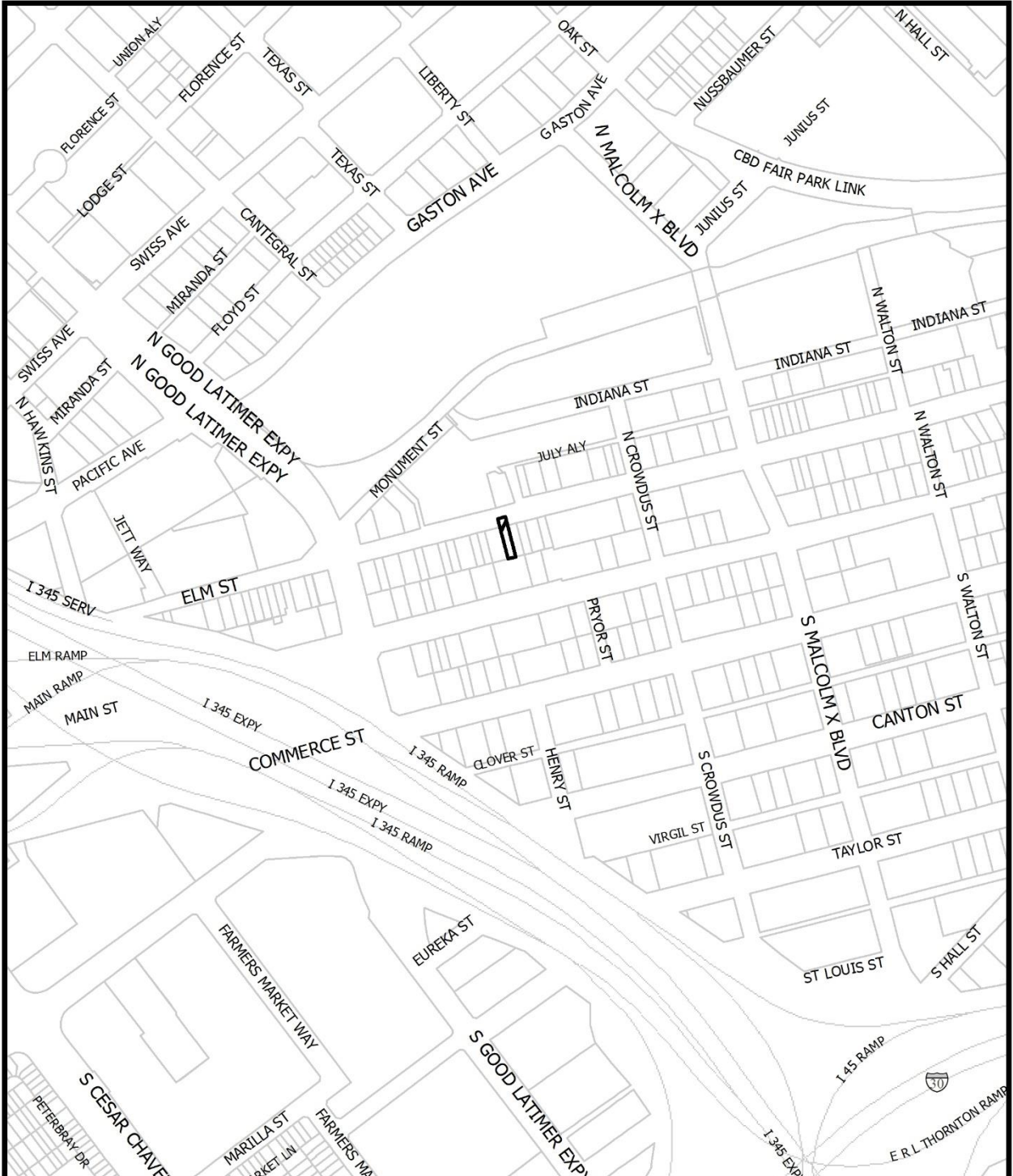
**TWILITE LOUNGE**  
2640 ELM ST  
DALLAS, TX 75226


**INDOOR SQ FT: 1500**  
**PATIO SQ FT: 1000**  
**COVERED PATIO SQ FT: 300**  
**UNCOVERED PATIO SQ FT: 700**  
**TOTAL SQ FT: 2500**

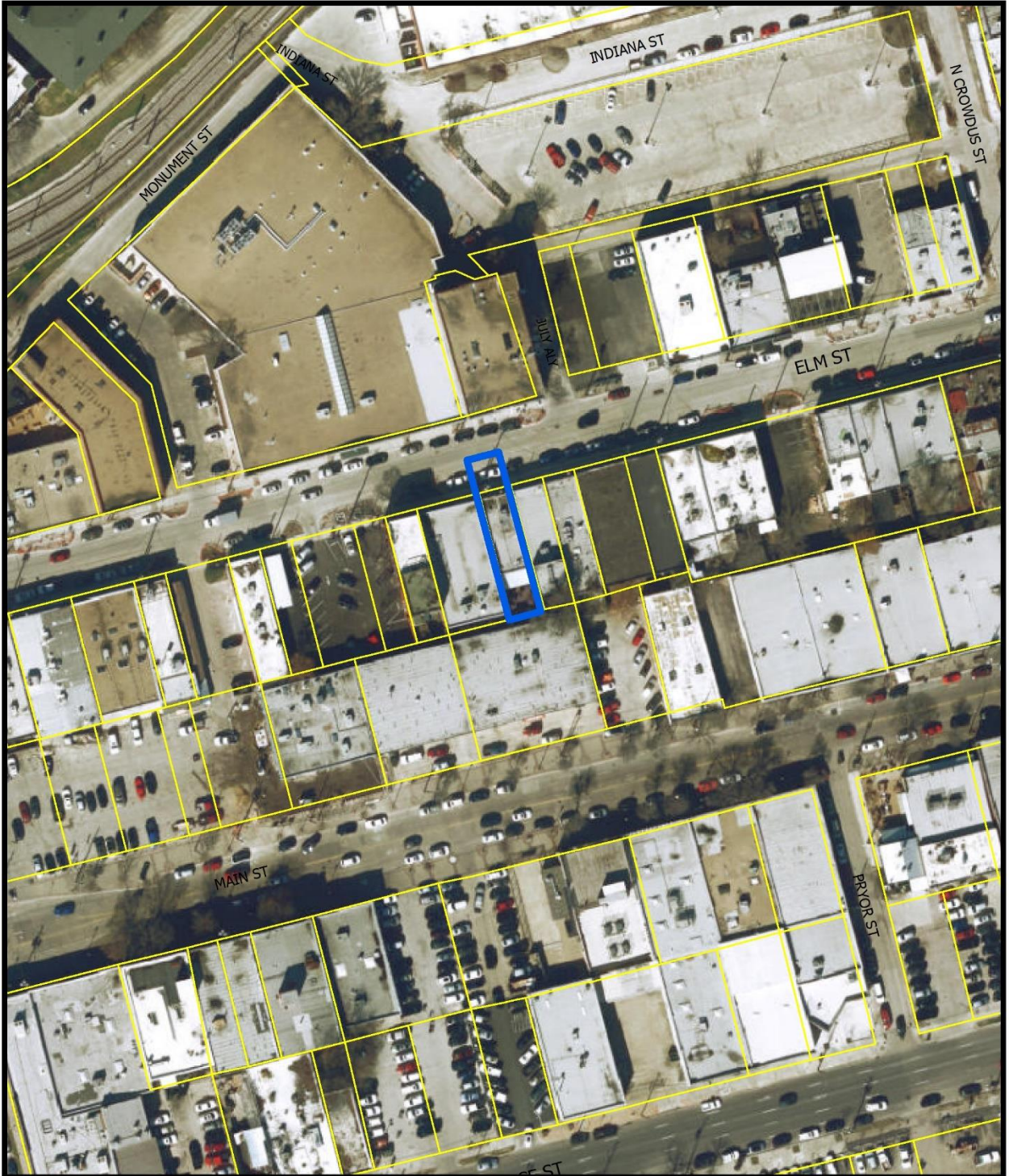
**LEGAL DESCRIPTION**  
BLK 182  
TR 13 25X100 ELM FR393.5 CRODUS  
INT210200313969 DD10192012 CO-DC  
0182 000 01300 1000182 000

**SUP#** \_\_\_\_\_ **2019**

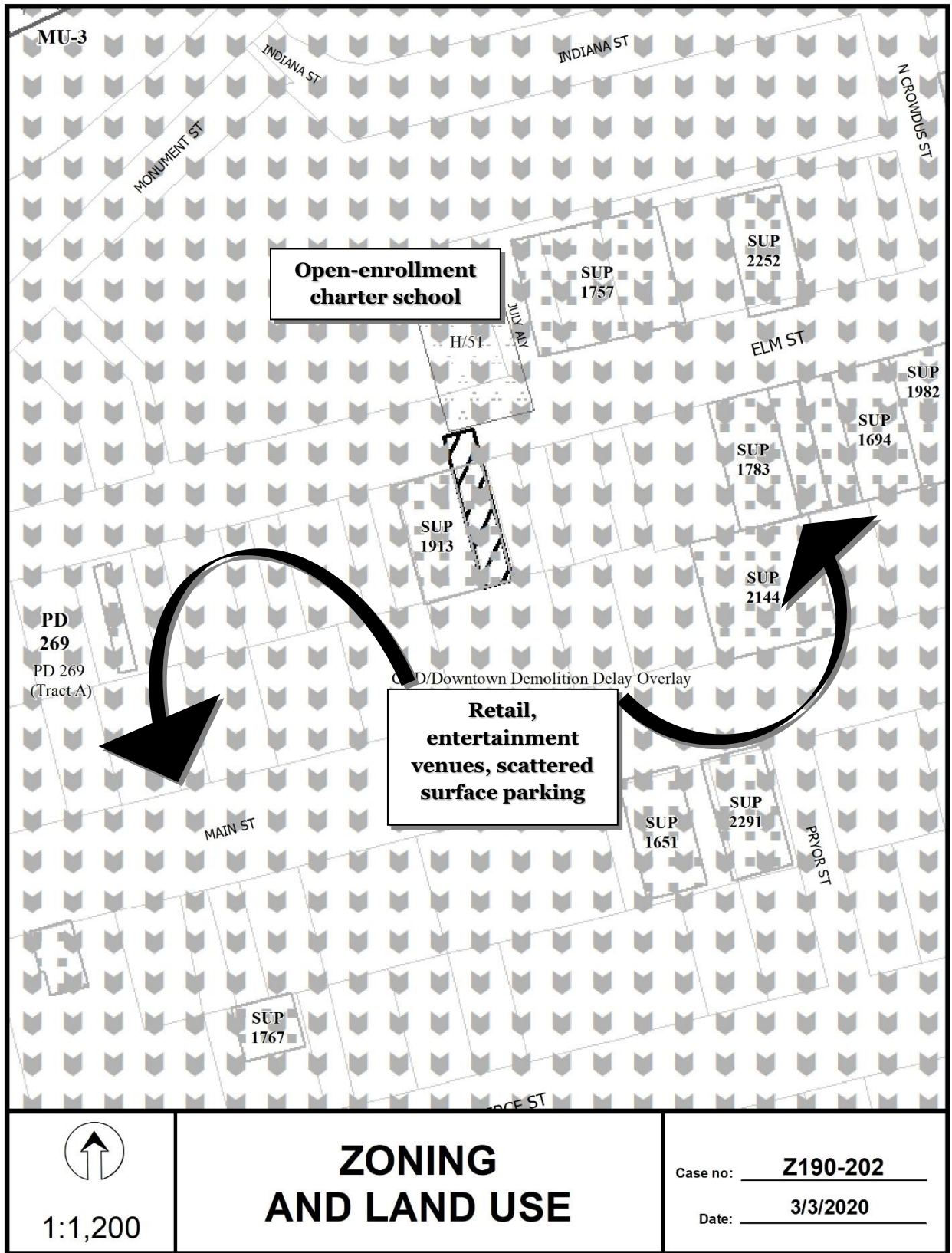


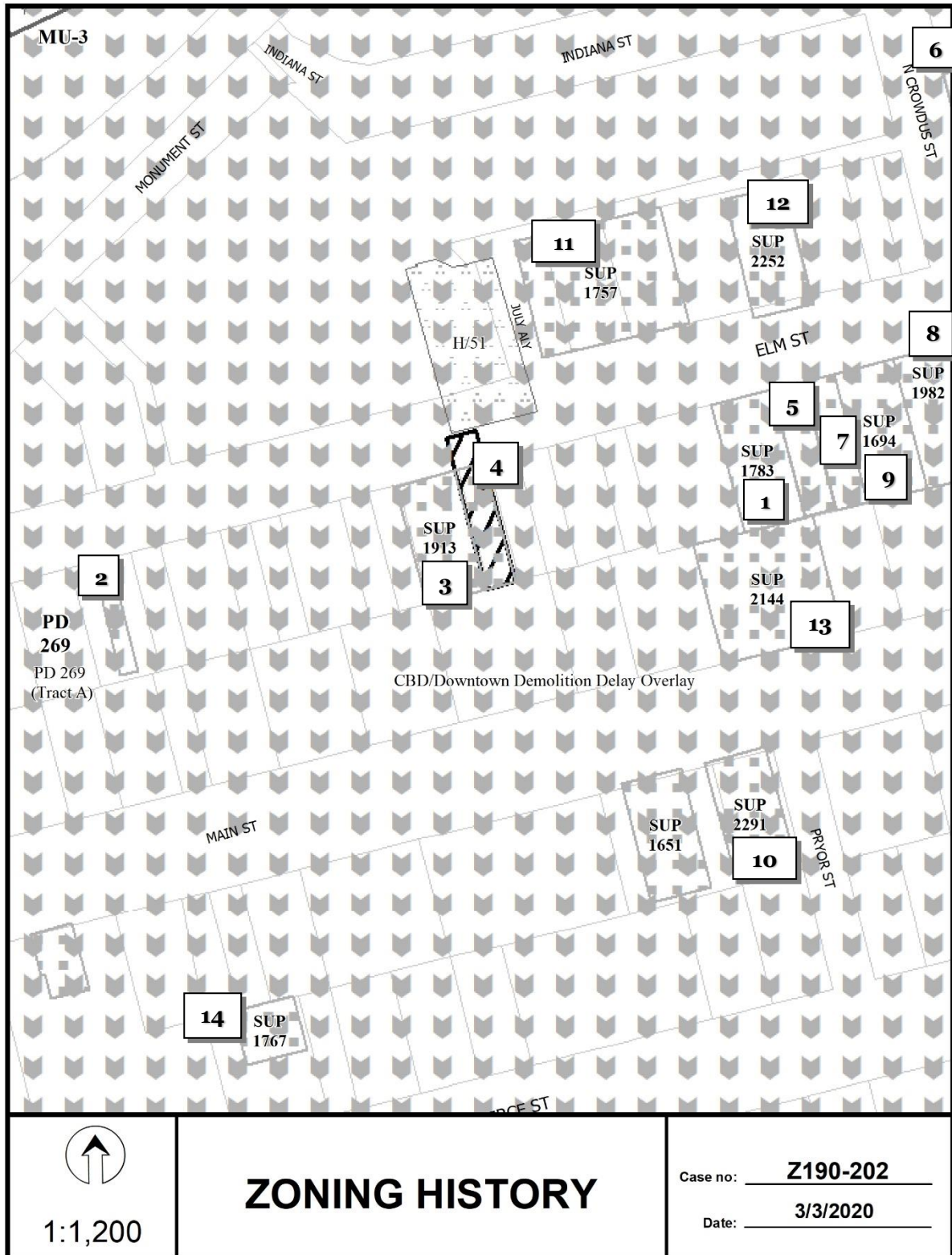


 1:4,800	<h3>VICINITY MAP</h3>	Case no: <u>    <b>Z190-202</b>    </u> Date: <u>    <b>3/3/2020</b>    </u>
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 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>          Z190-202          </u> Date: <u>          3/3/2020          </u>
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**Market Value Analysis**    A    B    C    D    E    F    G    H    I    NA

 1:4,800

# Market Value Analysis

Printed Date: 3/3/2020

# CPC RESPONSES



<u>15</u>	Property Owners Notified (27 parcels)
<u>3</u>	Replies in Favor (6 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/4/2020</u>	Date

**Z190-202**  
**CPC**



1:1,200

06/03/2020

***Reply List of Property Owners***

***Z190-202***

***15Property Owners Notified***

***3 Property Owners in Favor***

***0Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2638 ELM ST	MGP HOLDINGS LLC
	2	2625 MAIN ST	AP DEEP ELLUM LLC
O	3	2626 ELM ST	ELM STREET LOFTS LTD
	4	2634 ELM ST	ROSE BARSHOP RESIDUARY TR
	5	2628 ELM ST	ROSE BARSHOP RESIDUARY TR
	6	2644 ELM ST	CAMERON PAUL DARREN
	7	2634 ELM ST	BAZZLE S WAYNE &
O	8	2620 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	9	2642 ELM ST	LALCO INC
	10	2650 ELM ST	ELM ELM LLC
	11	2625 ELM ST	UPLIFT EDUCATION
O	12	2704 ELM ST	ELM STREET REALTY LTD
	13	2707 ELM ST	BELMOR CORP
	14	2703 ELM ST	BELMOR CORP
	15	2701 ELM ST	BELMOR CORP