

FILE NUMBER: Z190-368(LG)

DATE FILED: September 29, 2020

LOCATION: North line of Main Street, between North Malcolm X Boulevard and North Walton Street

COUNCIL DISTRICT: 2

MAPSCO: 45 M

SIZE OF REQUEST: + 3,500 square feet

CENSUS TRACT: 204.00

REPRESENTATIVE: Roger Albright

APPLICANT: 2911 Main, Ltd

OWNER: SDL Partners, Ltd.

REQUEST: An application for the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall 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 for a bar, lounge or tavern and a dance hall [The Nines].

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

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

BACKGROUND INFORMATION:

- The application is for the renewal of SUP No. 1981. This request is the fourth renewal for the SUP.
- The SUP was granted on August 12, 2012, for a bar, lounge or tavern use for a two-year period.
- On August 27, 2014, the SUP was amended to include an inside commercial amusement limited to a dance hall use and renewed for a two-year period.
- The SUP was subsequently renewed on June 22, 2016, for a two-year period; and on March 28, 2018 for a three-year period.

Zoning History: There have been no zoning requests within the vicinity within the past five years.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing/Proposed ROW
Malcolm X Boulevard	Community Collector	44 feet/60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested renewal and determined it will not significantly impact the surrounding street system.

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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

LAND USE ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

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

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

- Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

- Policy 5.2.2 Promote the character of the city’s significant districts, linkages, and areas.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269 Tract A	Bar, lounge or tavern and dance hall
North	PD No. 269 Tract A	Surface parking and restaurant
East	PD No. 269 Tract A	Surface parking
South	PD No. 269 Tract A	Restaurant, personal service use, parking lot, office uses
West	PD No. 269 Tract A	Surface parking

Land Use Compatibility:

The site is developed with approximately 3,055 square feet of floor area on a 2,730-square foot building footprint. There is also a roof deck that is 325 square foot on the property. The application is for the renewal of SUP No. 1981, for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall in the existing building. The use is surrounded by other commercial uses and various surface parking lots. The site is within walking distance to a DART Green Line Station. There are no proposed changes to the existing site plan.

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:

Planned Development District No. 269 gives a credit for the first 2,500 square feet of a bar, lounge or tavern and an inside commercial amusement limited to a dance hall use when located within an original building, and, further allows on-street parking spaces to be counted towards the parking requirement of the use adjacent to the on-street parking space. The proposed use has a total of 3,055 square feet, of which 100 square feet is allocated toward the dance floor which will require four off-street parking spaces. The remainder area is 2,955 square feet of which 2,500 are exempt from parking requirements. Therefore, the remaining 455 square feet will be required to provide five off-street parking spaces for a total of nine off-street parking spaces. The PD allows for remote parking on a separate lot that is within walking distance of the use served. Remote off-street parking was approved in a different process, and the applicant is in compliance with the parking requirement.

Landscaping:

The proposed request does not include any new construction. Therefore, there is no landscape requirement.

Police Report:

A copy of the police report of offenses is provided below for the SUP permit period of March 2018 to the present. There were a total of 54 calls, 15 offenses, and 15 arrests. The data for calls, offenses and arrests are listed on the following pages.

Call Data:

Master Incident #	Date	Problem	Priority	Location Name	Address	Call Disposition
20-2288142	12/19/2020	6XA - Major Dist Ambulance	2 - Urgent	THE NINE	2911 Main St	R - Report
20-2131223	11/23/2020	11V - Burg Motor Veh	4 - Non-Critical	the loft	2911 Main St	NC - No Complainant
20-2131223	11/23/2020	11V - Burg Motor Veh	4 - Non-Critical	the loft	2911 Main St	NC - No Complainant
20-1893215	10/18/2020	6X - Major Dist (Violence)	2 - Urgent		2911 Main St	NP - No Police Action
20-0435332	3/6/2020	6X - Major Dist (Violence)	2 - Urgent	999 club	2911 Main St	NP - No Police Action
20-0302433	2/15/2020	15 - Assist Officer	1 - Emergency		2911 Main St	R - Report
20-0302433	2/15/2020	15 - Assist Officer	1 - Emergency		2911 Main St	R - Report
20-0302433	2/15/2020	15 - Assist Officer	1 - Emergency		2911 Main St	R - Report
20-0302433	2/15/2020	15 - Assist Officer	1 - Emergency		2911 Main St	R - Report
20-0249875	2/8/2020	6XA - Major Dist Ambulance	2 - Urgent		2911 Main St	C - Cover Only
20-0137893	1/22/2020	12B - Business Alarm	3 - General Service	RED LIGHT LOUNGE	2911 Main St	AF - Alarm False
19-2393662	12/21/2019	6X - Major Dist (Violence)	2 - Urgent		2911 Main St	C - Cover Only
19-2217217	11/24/2019	38 - Meet Complainant	4 - Non-Critical	THE NINES	2911 Main St	NC - No Complainant
19-2115751	11/9/2019	6XA - Major Dist Ambulance	2 - Urgent	THE NINES	2911 Main St	C - Cover Only
19-1871775	10/4/2019	6X - Major Dist (Violence)	2 - Urgent		2911 Main St	R - Report
19-1636042	8/31/2019	12B - Business Alarm	3 - General Service	THE NINES	2911 Main St	AF - Alarm False
19-1535799	8/16/2019	15 - Assist Officer	1 - Emergency	THE NINES	2911 Main St	M - Mark Out Only
19-1535799	8/16/2019	15 - Assist Officer	1 - Emergency	THE NINES	2911 Main St	M - Mark Out Only
19-1417941	7/31/2019	12B - Business Alarm	3 - General Service	29 ELEVEN LOUNGE DBA RED LIGHT LOUNGE	2911 Main St	AF - Alarm False

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19-1382647	7/26/2019	6X - Major Dist (Violence)	2 - Urgent	THE NINES BAR	2911 Main St	C - Cover Only
19-1334416	7/19/2019	20 - Robbery	2 - Urgent	THE NINES	2911 MAIN ST	R - Report
19-1192102	6/29/2019	6F - Fire Works Disturbance	4 - Non-Critical		2911 MAIN ST	NP - No Police Action
19-1092267	6/15/2019	6X - Major Dist (Violence)	2 - Urgent	nines bar	2911 Main St	NC - No Complainant
19-1045757	6/9/2019	40/01 - Other	2 - Urgent		2911 Main St	NP - No Police Action
19-1004422	6/3/2019	24 - Abandoned Property	4 - Non-Critical		2911 Main St	NP - No Police Action
19-0958457	5/28/2019	09 - Theft	4 - Non-Critical	PAY TO PARKING LOT	2911 Main St	R - Report
19-0708153	4/22/2019	12B - Business Alarm	3 - General Service	29 ELEVEN LOUNGE DBA RED LIGHT LOUNGE	2911 Main St	AF - Alarm False
19-0254819	2/12/2019	12B - Business Alarm	3 - General Service	RED LIGHT LOUNGE	2911 Main St	AF - Alarm False
19-0242619	2/10/2019	6X - Major Dist (Violence)	2 - Urgent	THE NINES BAR	2911 Main St	NP - No Police Action
19-0237060	2/9/2019	6X - Major Dist (Violence)	2 - Urgent	THE NINES	2911 Main St	C - Cover Only
19-0156272	1/27/2019	6X - Major Dist (Violence)	2 - Urgent	THE NINES	2911 Main St	R - Report
19-0133294	1/22/2019	6M - Loud Music Disturbance	4 - Non-Critical	THE NINES	2911 Main St	NP - No Police Action
19-0115998	1/20/2019	6X - Major Dist (Violence)	2 - Urgent	THE NINES	2911 Main St	NP - No Police Action
18-2343208	12/28/2018	6X - Major Dist (Violence)	2 - Urgent		2911 Main St	NP - No Police Action
18-2316257	12/24/2018	09 - Theft	4 - Non-Critical	THE NINES	2911 Main St	R - Report
18-2266322	12/16/2018	6X - Major Dist (Violence)	2 - Urgent	THE NINES	2911 Main St	NC - No Complainant
18-2180441	12/2/2018	12B - Business Alarm	3 - General Service	RED LIGHT LOUNGE	2911 Main St	AF - Alarm False
18-1931641	10/23/2018	40/01 - Other	2 - Urgent		2911 Main St	NP - No Police Action
18-1730578	9/22/2018	6X - Major Dist (Violence)	2 - Urgent	THE NINES	2911 Main St	NP - No Police Action
18-1694533	9/16/2018	11V - Burg Motor Veh	4 - Non-Critical	the nines parking lot	2911 Main St	NP - No Police Action

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18-1625236	9/5/2018	6XEA - Disturbance Emerg Amb	1 - Emergency	THE NINES	2911 Main St	R - Report
18-1625236	9/5/2018	6XEA - Disturbance Emerg Amb	1 - Emergency	THE NINES	2911 Main St	R - Report
18-1625236	9/5/2018	6XEA - Disturbance Emerg Amb	1 - Emergency	THE NINES	2911 Main St	R - Report
18-1625236	9/5/2018	6XEA - Disturbance Emerg Amb	1 - Emergency	THE NINES	2911 Main St	R - Report
18-1601541	9/2/2018	DAEV-Dist Armed Encounter Veh	1 - Emergency	NINES PARKING LOT	2911 MAIN ST	R - Report
18-1601541	9/2/2018	DAEV-Dist Armed Encounter Veh	1 - Emergency	NINES PARKING LOT	2911 MAIN ST	R - Report
18-1524752	8/21/2018	6X - Major Dist (Violence)	2 - Urgent	MARACAS	2911 Main St	NP - No Police Action
18-1501312	8/17/2018	09/01 - Theft	3 - General Service	club 9	2911 Main St	NP - No Police Action
18-1122290	6/23/2018	12B - Business Alarm	3 - General Service	RED LIGHT LOUNGE	2911 Main St	AF - Alarm False
18-1025725	6/8/2018	07 - Minor Accident	3 - General Service	THE 9'S BAR	2911 Main St	NC - No Complainant
18-0884216	5/19/2018	40 - Other	3 - General Service	THE 9'S BAR	2911 Main St	NP - No Police Action
18-0786048	5/5/2018	40/01 - Other	2 - Urgent	THE 9'S RED LIGHT LOUNGE	2911 Main St	NP - No Police Action
18-0620722	4/9/2018	40/01 - Other	2 - Urgent		2911 Main St	NP - No Police Action
18-0492353	3/21/2018	6X - Major Dist (Violence)	2 - Urgent		2911 Main St	C - Cover Only

Offense Data:

Date	Incident #	Signal	Official Incident	Address	NIBRS Crime	NIBRS Crime Against
9/5/2018	197771-2018	6XEA - DISTURBANCE EMERG AMB	ASSAULT - BODILY INJURY ONLY	2911 MAIN ST	SIMPLE ASSAULT	person
9/5/2018	197777-2018	6XEA - DISTURBANCE EMERG AMB	ASSAULT - BODILY INJURY ONLY	2911 MAIN ST	SIMPLE ASSAULT	person
9/5/2018	197777-2018	6XEA - DISTURBANCE EMERG AMB	ASSAULT - PUB SERV (PEACE OFFICER/JUDGE)	2911 MAIN ST	SIMPLE ASSAULT	property
9/19/2020	167345-2020	09 - THEFT	THEFT FROM PERSON-PICKPOCKE	2911 MAIN ST	POCKET-PICKING	property
9/15/2020	164910-2020	PSE/11V - BURG MOTOR VEH	BMV	2911 MAIN ST	THEFT FROM MOTOR VEHICLE	property
7/28/2019	801465-2019		BMV	2911 MAIN ST	THEFT FROM MOTOR VEHICLE	property
7/19/2019	145413-2019	20 - ROBBERY	ROBBERY OF INDIVIDUAL	2911 MAIN ST	ROBBERY-INDIVIDUAL	property
7/17/2019	145225-2019	58 - ROUTINE INVESTIGATION	BMV	2911 MAIN ST	THEFT FROM MOTOR VEHICLE	property
5/13/2019	111995-2019	58 - ROUTINE INVESTIGATION	CRIM MISCHIEF > OR EQUAL \$100 < \$750	2911 MAIN ST	DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	property
5/12/2019	111986-2019	58 - ROUTINE INVESTIGATION	CRIM MISCHIEF > OR EQUAL \$100 < \$750	2911 MAIN ST	DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY	property
4/28/2018	089710-2018	40 - OTHER	ASSAULT - FAMILY VIOLENCE - BODILY INJURY ONLY	2911 MAIN ST	SIMPLE ASSAULT	person
2/8/2020	025907-2020	6XA - MAJOR DIST AMBULANCE	ASSAULT - BODILY INJURY ONLY	2911 MAIN ST	SIMPLE ASSAULT	person
2/8/2020	801639-2020		BMV	2911 MAIN ST	THEFT FROM MOTOR VEHICLE	property
12/19/2020	225958-2020	6XA - MAJOR DIST AMBULANCE	ASSAULT - BODILY INJURY ONLY	2911 MAIN ST	SIMPLE ASSAULT	person
11/21/2020	208845-2020	PSE/11V - BURG MOTOR VEH	BMV	2911 MAIN ST	THEFT FROM MOTOR VEHICLE	property

Arrest Data:

Arrest #	Date	Time	Address	NIBRS Crime	Charge Description
18-031732	9/2/2018	3:17:00 AM	2911 MAIN ST	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
18-032223	9/6/2018	12:30:00 PM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
18-032235	9/6/2018	12:00:00 AM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
18-032235	9/6/2018	12:00:00 AM	2911 MAIN ST	SIMPLE ASSAULT	ASSAULT -BODILY INJURY ONLY
18-032237	9/6/2018	12:00:00 AM	2911 MAIN ST	SIMPLE ASSAULT	ASSAULT -PUB SERV (PEACE OFFICER/JUDGE)
18-032237	9/6/2018	12:00:00 AM	2911 MAIN ST	SIMPLE ASSAULT	ASSAULT -BODILY INJURY ONLY
18-032237	9/6/2018	12:00:00 AM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
18-032222	9/6/2018	12:30:00 PM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
18-032239	9/6/2018	12:00:00 AM	2911 MAIN ST	SIMPLE ASSAULT	ASSAULT -BODILY INJURY ONLY
18-032239	9/6/2018	12:00:00 AM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
19-023056	6/29/2019	12:20:00 AM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
19-029942	8/17/2019	1:53:00 AM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
19-036431	10/4/2019	12:48:00 AM	2911 MAIN ST	PUBLIC INTOXICATION	PUBLIC INTOXICATION
19-036431	10/4/2019	12:48:00 AM	2911 MAIN ST	WARRANT-DALLAS PD (ALIAS)	WARRANT-DALLAS PD (ALIAS)
19-036431	10/4/2019	12:48:00 AM	2911 MAIN ST	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)

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 target intervention strategies more precisely 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. Although the site is uncategorized, there are parcels within the vicinity of the subject site to the north, south, east, west and southeast that are designated as Category "E." There are parcels within the vicinity of the subject site to the northwest and southwest that are designated as Category "C."

List of Partners/Principals/Officers

SDL Partners, Ltd.

Charles A. Huff, Managing Partner

2911 Main Ltd.

General Partner – DNL Partners, LLC, a Texas limited liability company

- Charles Allen Huff, partner and managing director
- John Eaves, partner
- Donald H. Nedler, partner

Proposed 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 dance hall.
2. **SITE PLAN**: Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT**: This specific use permit expires on ~~March 28, 2024~~ _____ (four years from the passage of this ordinance)
4. **FLOOR AREA**:
 - (a) The maximum floor area for the bar, lounge, or tavern is 3,055 square feet in the location shown on the attached site plan.
 - (b) The maximum floor area for the inside commercial amusement limited to a dance hall is 100 square feet in the location shown on the attached site plan. The inside commercial amusement limited to a dance hall may only be located on the street level.
5. **HOURS OF OPERATION**: The bar, lounge, or tavern and inside commercial amusement limited to a dance hall 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, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A) of Chapter 51A of the Dallas City Code, as amended, may not be used to meet the off-street parking requirement.
7. **ROOF DECK**: The roof deck may not exceed an area of 2,405 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.

CPC ACTION
January 21, 2021

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1981 for a bar, lounge or tavern and an inside commercial amusement limited to a dance hall for a four-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 north line of Main Street, between North Malcolm X Boulevard and North Walton Street.

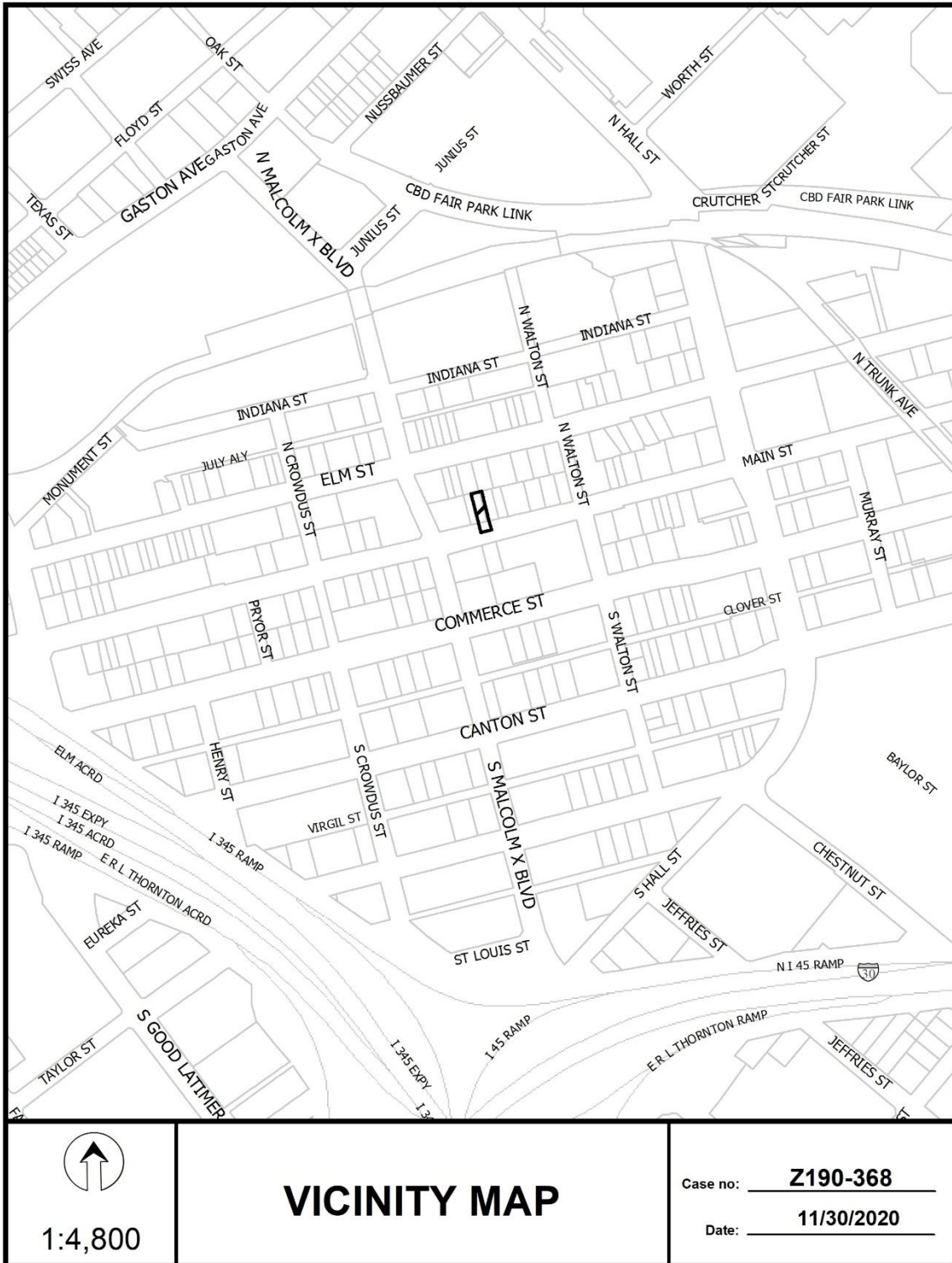
Maker: MacGregor
Second: Hampton
Result: Carried: 14 to 0

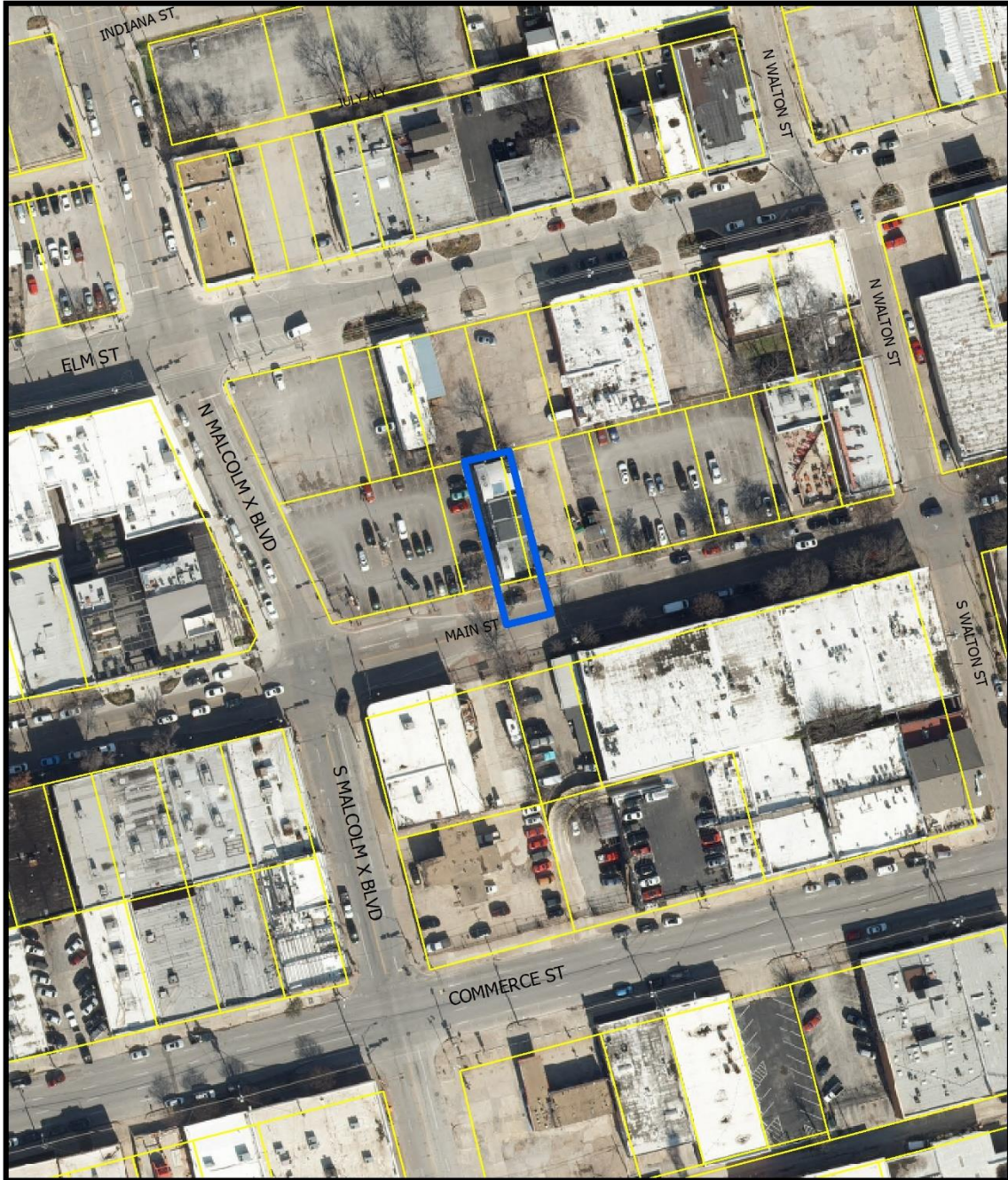
For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 20
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Roger Albright, 1701 N. Collins Blvd., Richardson, TX,
Against: None



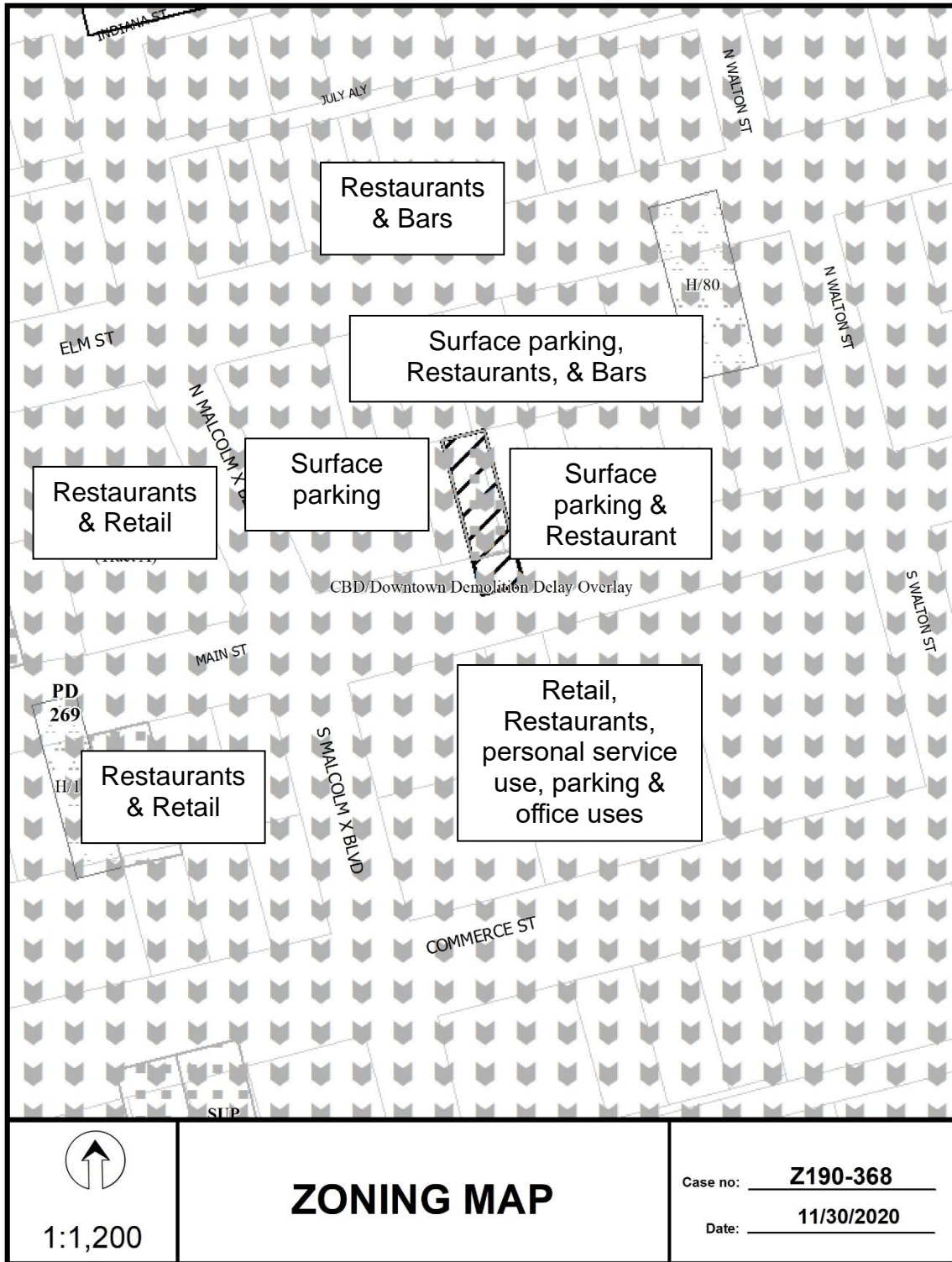


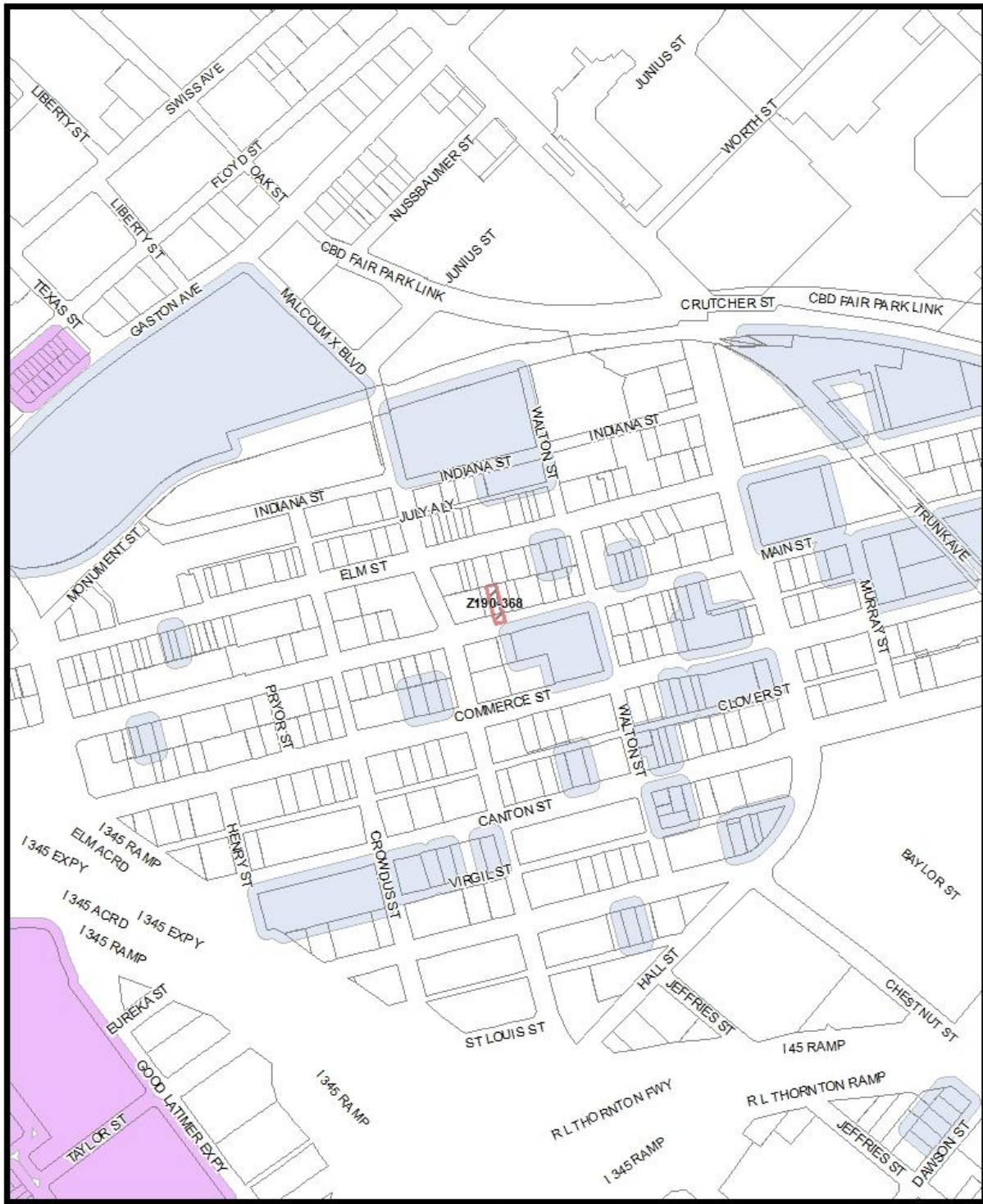
1:1,200

AERIAL MAP

Case no: Z190-368

Date: 11/30/2020





Market Value Analysis A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 11/30/2020

CPC RESPONSES



<u>20</u>	Property Owners Notified (29 parcels)
<u>1</u>	Replies in Favor (6 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>1/21/2021</u>	Date

Z190-368
CPC



1:1,200

01/20/2021

Reply List of Property Owners***Z190-368******20 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	2918 ELM ST	ANDREASON JUSTINE POKLADNIK
	2	2911 MAIN ST	Taxpayer at
	3	2904 MAIN ST	Taxpayer at
	4	2900 MAIN ST	WARZONE PROPERTIES LLC
	5	2901 COMMERCE ST	Taxpayer at
	6	2824 MAIN ST	BLADE PROPERTIES LLC
	7	2934 ELM ST	EISCHINGER FURTULA BUDD
	8	2928 ELM ST	ANDREASON JUSTIN MARIE POKLADNIK
	9	2920 ELM ST	ANDREASON JUSTINE MARIE POKLADNIK
	10	2908 ELM ST	Taxpayer at
	11	2906 ELM ST	Taxpayer at
	12	2931 MAIN ST	Taxpayer at
	13	2929 MAIN ST	Taxpayer at
	14	2913 MAIN ST	Taxpayer at
O	15	2905 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	16	2917 ELM ST	CTC TEXAS ASSOCIATES LLC
	17	2927 ELM ST	Taxpayer at
	18	2919 COMMERCE ST	Taxpayer at
	19	2933 MAIN ST	Taxpayer at
	20	2924 MAIN ST	Taxpayer at