

FILE NUMBER: Z190-219(JT)

DATE FILED: March 3, 2020

LOCATION: South line of Elm Street, west of North Crowdus Street

COUNCIL DISTRICT: 2

MAPSCO: 45 M

SIZE OF REQUEST: Approx. 0.75 acres.

CENSUS TRACT: 204

REPRESENTATIVE: Audra Buckley, Permitted Development

APPLICANT: Off the Record

OWNER: Elm Street Realty, LTD

REQUEST: An application for the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern 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. [Off the Record]

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 1,733 square feet one-story structure used as a bar, lounge or tavern with an 887 square foot open-air patio. The applicant is requesting a renewal of the existing bar, lounge or tavern.
- On June 14, 2006, the City Council approved an amendment to PDD No. 269 which requires a SUP for this use category.
- On October 8, 2013, the City Council approved SUP No. 2050 for a two-year period.
- On August 15, 2015, the City Council approved SUP No. 2050 for a two-year period.
- On August 9, 2017, the City Council approved SUP No. 2050 for a three-year period.
- No revisions or expansion of the use is being requested.
- The petitioned site is surrounded by a mixture of commercial, retail, and surface parking lot uses.
- 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 15 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. **Z178-233** On August 8, 2018, the City Council approved Specific Use Permit No. 2303 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.

12. **Z178-381** On January 23, 2019, the City Council approved Specific Use Permit No. 2319 for a commercial amusement (inside) limited to a live music venue use and terminated Specific Use Permit No. 1707 for a tattoo studio and a body piercing studio use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
13. **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.
14. **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.
15. **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.

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:

	Zoning	Land Use
Site	PD No. 269 (Tract A)	Bar, lounge or tavern
North	PD No. 269 (Tract A)	Restaurant; Bar;
East	PD No. 269 (Tract A)	Bar; Restaurant;
South	PD No. 269 (Tract A)	Restaurants;
West	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. 2050 in order to continue operation of an existing bar. The use incorporates an uncovered patio (500 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. 2050, 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:

Date	Problem	Priority	Location_Name
6/2/2018	09 - Theft	4 - Non Critical	OTR/CRAFT BEER BAR
7/10/2018	6X - Major Dist (Violence)	2 - Urgent	OFF THE RECORD
10/20/2018	32 - Suspicious Person	2 - Urgent	
11/10/2018	PH - Panhandler	4 - Non Critical	
12/3/2018	6X - Major Dist (Violence)	2 - Urgent	OFF THE RECORD
12/9/2018	6X - Major Dist (Violence)	2 - Urgent	CRAFT BEER AND VINYL
12/15/2018	41/25 - Criminal Aslt -In Prog	1 - Emergency	OFF THE RECORD
12/19/2018	6X - Major Dist (Violence)	2 - Urgent	
2/28/2019	09/01 - Theft	3 - General Service	OFF THE RECORD BAR
4/29/2019	6X - Major Dist (Violence)	2 - Urgent	OFF THE RECORD
9/8/2019	07 - Minor Accident	3 - General Service	fuzzy's taco
3/13/2020	09/01 - Theft	3 - General Service	ARMORY BAR

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; after the first 2,500 square feet, the remainder is parked at one space per 100 square feet of floor area. The applicant occupies slightly under the required limit at 1,733 square feet of floor area.

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

Elm Street Realty, LTD – Property Owner

JGB Ventures I, LTD, General Partner

JGB Holdings, Inc., General Partner

Westdale Real Estate Investment and Management, Chuck Hixson, General Partner

Joseph G. Beard, President

Off the Record – Applicant

Tim Daniels, Owner

Joshua Florence, Owner

Bryan Austin, Owner

Johel Coward, Partner

JUNE 4, 2020 CPC MINUTES

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern 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, west of North Crowdus Street.

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

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

Against: 0
Absent: 1 - Blair
Vacancy: 0

Notices: Area: 200 Mailed: 13
Replies: For: 3 Against: 0

Speakers: None

CPC SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

Staff's recommendation:

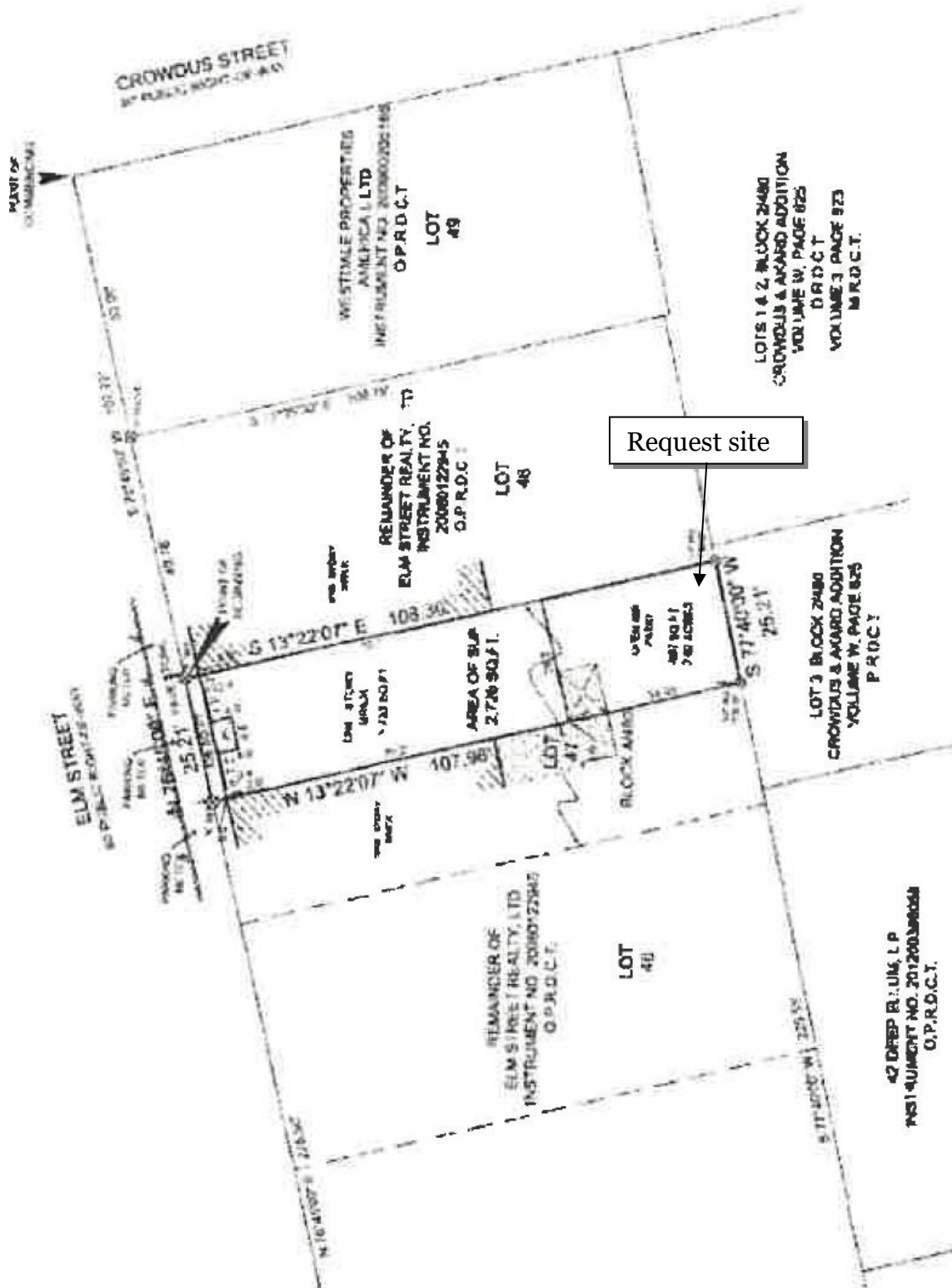
3. TIME LIMIT: This specific use permit expires on (three years).

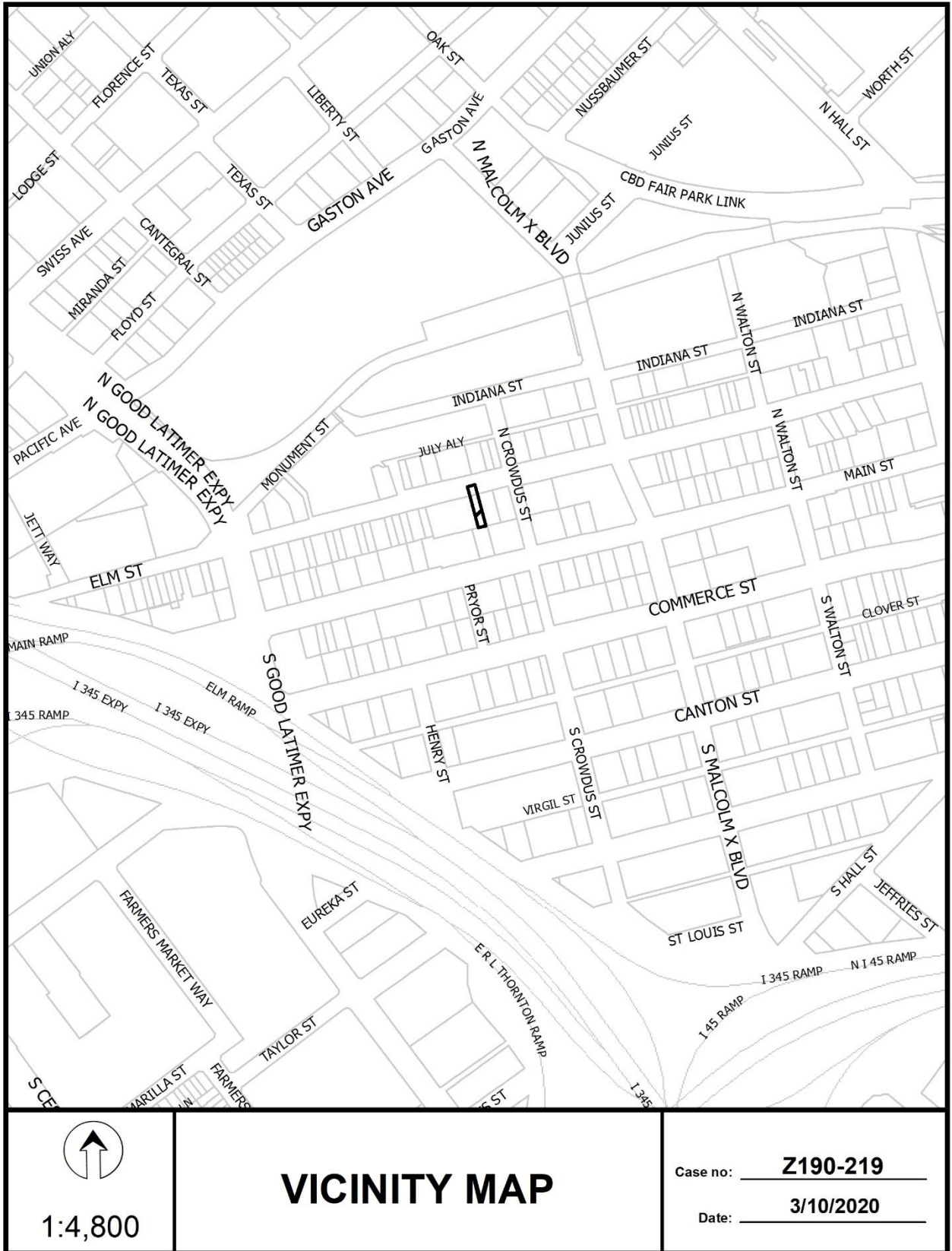
CPC's recommendation:

3. TIME LIMIT: This specific use permit expires on (five years).


4. FLOOR AREA: The maximum floor area is 1,733 square feet in the location shown on the attached site plan. The maximum floor area of an open-air patio is 887 sq. ft.
5. OUTSIDE SPEAKERS: Outside speakers are prohibited.
6. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 4:00 p.m. and 2:00 a.m. (the next day), Monday through Friday, and between 12:00 p.m. and 2:00 a.m. (the next day), Saturday and Sunday.
7. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51AA4.704(b)(4), may not be used to meet the off-street parking requirement.
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.

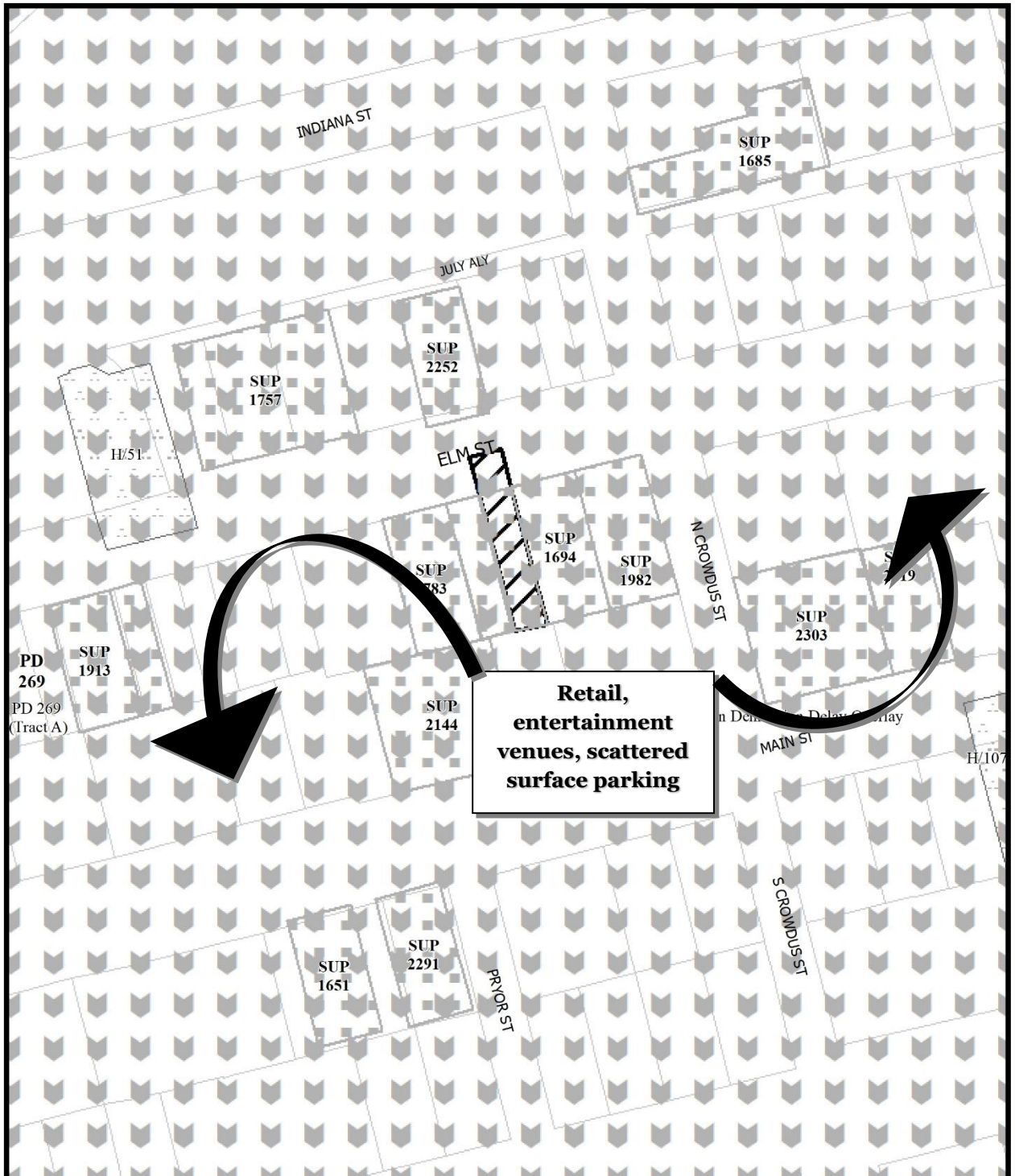
**Existing Site Plan
(no requested revisions)**



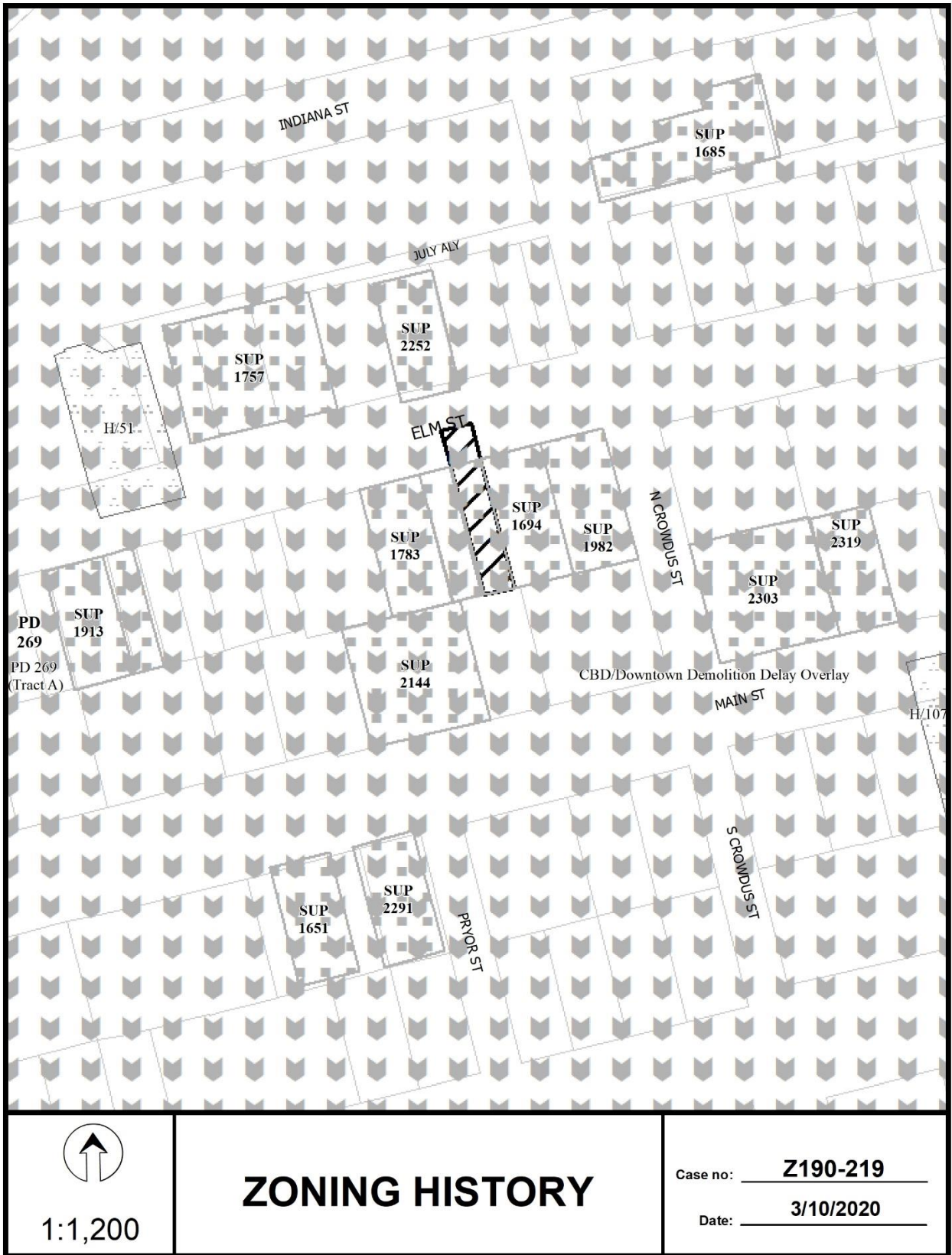




 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u> Z190-219 </u> Date: <u> 3/10/2020 </u>
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 1:1,200	<h1>ZONING AND LAND USE</h1>	Case no: <u> Z190-219 </u> Date: <u> 3/10/2020 </u>
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ZONING HISTORY

Case no: Z190-219
Date: 3/10/2020



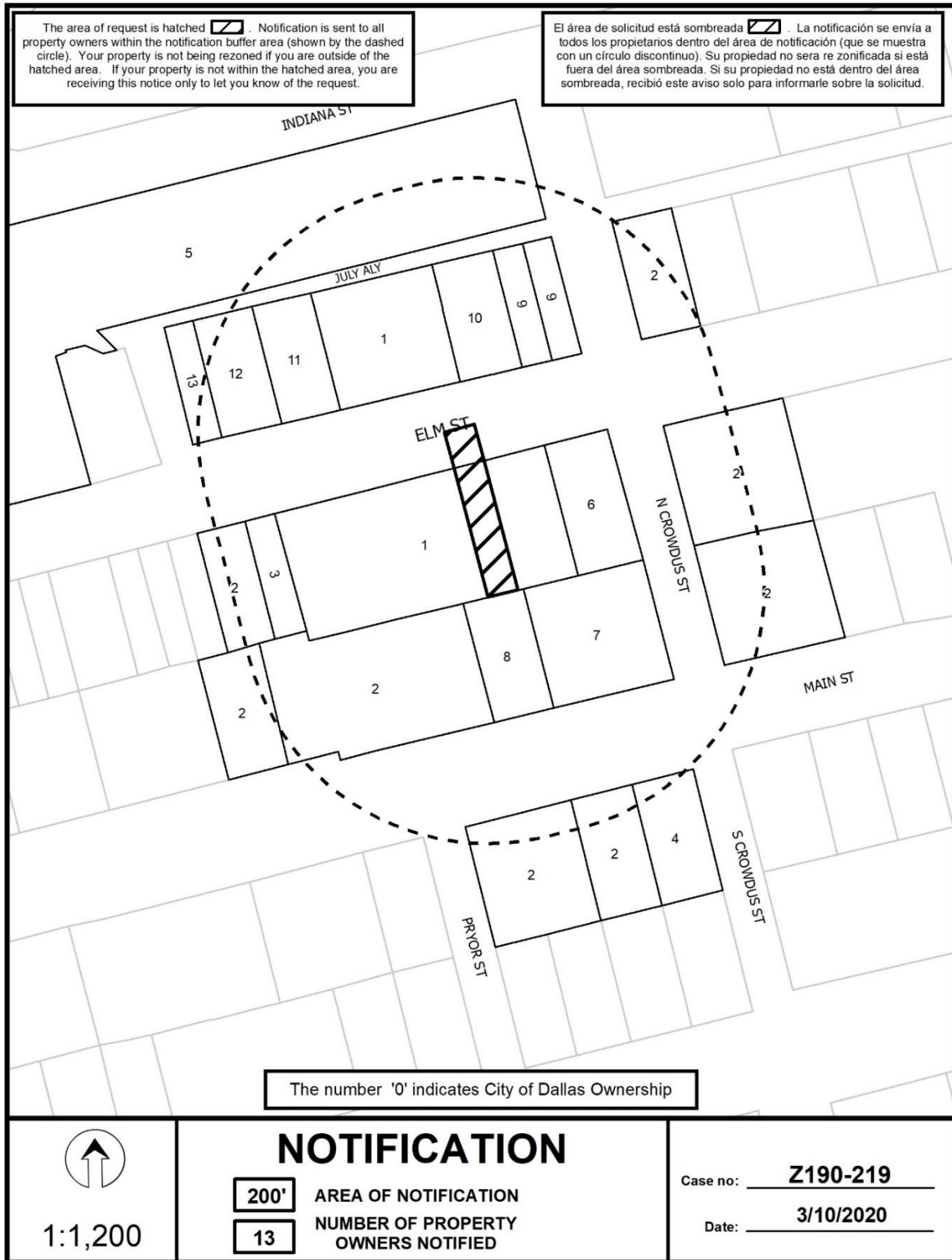
Market Value Analysis A B C D E F G H I NA

 1:4,800

Market Value Analysis

Printed Date: 3/10/2020

CPC RESPONSES



Z190-219(JT)

03/10/2020

Notification List of Property Owners

Z190-219

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2704 ELM ST	ELM STREET REALTY LTD
2	2647 MAIN ST	AP DEEP ELLUM LLC
3	2650 ELM ST	ELM ELM LLC
4	2712 MAIN ST	CASS DON E TR
5	2625 ELM ST	UPLIFT EDUCATION
6	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
7	2715 MAIN ST	MAIN PROPERTIES LLC
8	2707 MAIN ST	AP 2707 MAIN ST LLC
9	2723 ELM ST	2723 ELM STREET JV
10	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
11	2707 ELM ST	BELMOR CORP
12	2703 ELM ST	BELMOR CORP
13	2701 ELM ST	BELMOR CORP