

FILE NUMBER: Z212-234(RM) **DATE FILED:** April 15, 2022
LOCATION: Northwest line of Elm Street, northeast of North Akard Street
COUNCIL DISTRICT: 14
SIZE OF REQUEST: Approx. 0.13 acre **CENSUS TRACT:** 31.01

REPRESENTATIVE: Jencey Keeton

OWNER: Tower Garage

APPLICANT: Sweet Tooth Hotel, Inc.

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) on property zoned Planned Development District No. 619 with Specific Use Permit No. 2411 for an attached projecting non-premise district activity videoboard sign.

SUMMARY: The purpose of the request is to allow an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) on the site.

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

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

PD No. 619:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=619>

BACKGROUND INFORMATION:

- The area of request is currently developed with a variety of uses such as multifamily, personal service use, and commercial parking lot or garage. The request area also has an attached projecting non-premise district activity videoboard sign allowed by Specific Use Permit No. 2411.
- The applicant proposes an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) on the ground floor of the site. For street-level property within Planned Development District No. 619, these uses are permitted by Specific Use Permit only. Thus, the applicant requests an SUP to allow both uses.
- The applicant proposes a time period of three years without eligibility for automatic renewal. They also propose to limit hours of operation for both uses from 12:00 p.m. to 12:00 a.m. (midnight), Monday through Sunday.

Zoning History:

There have been six zoning cases in the area in the last five years.

1. **Z178-124:** On February 14, 2018, City Council approved the renewal of Specific Use Permit No. 1958 for an attached projecting non-premise district activity videoboard sign for a ten-year period on property zoned Planned Development District No. 619 on the north side of Main Street, east of Akard Street.
2. **Z178-214:** On June 27, 2018, City Council approved the renewal of Specific Use Permit No. 1959 for an attached projecting non-premise district activity videoboard sign for a six-year period on property zoned Planned Development District No. 619 at the southeast corner of Elm Street and North Field Street.
3. **Z178-243:** On September 26, 2018, City Council denied a Specific Use Permit for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 east of North Akard Street, between Pacific Avenue and Elm Street.
4. **Z190-370:** On March 24, 2021, City Council approved Specific Use Permit No. 2411 for an attached projecting non-premise district activity videoboard sign for a six-year period on property zoned Planned Development District No. 619 on the northwest line of Elm Street, east of North Akard Street. [Subject Site]
5. **Z201-268:** On October 13, 2021, City Council approved the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs for a six-year period on property zoned Planned Development District No. 619 on the south line of Elm Street, west of North Akard Street.

6. **Z201-278:** On December 8, 2021, City Council approved the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign for a six-year period on property zoned Planned Development District No. 619 with H/37 Kirby Building Historic Overlay at the southeast corner of Elm Street and North Akard Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Elm Street	One-way street per CBD	80 feet
North Akard Street	Two-way street per CBD	50 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway 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 request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.3 Build a dynamic and expanded downtown.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

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

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 2.3.2 Partner with key downtown stakeholders to bring in retail.

Area Plans:

The 360 Plan

The 360 Plan is a strategic document that sets a clear, cohesive vision for Downtown Dallas and its surrounding neighborhoods, guiding the City Center to continued, long-term success. Building upon the strategies found in the Downtown Dallas 360 plan adopted in 2011, the 360 Plan is organized around the idea of creating a complete and connected City Center that provides an enriching urban experience for residents, workers, and visitors.

Staff finds the applicant's request to be consistent with the 360 Plan in that it will enhance the urban experience especially for visitors to downtown. The proposal would add a unique retail and entertainment venue to downtown that contributes to the existing mix of office, residential, and commercial uses.

Trinity River Corridor Comprehensive Land Use Study

The Trinity River Corridor Comprehensive Land Use Study was adopted by City Council in March 2005 and later revised in December 2009.

The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River. Additionally, The Trinity River Corridor is the City's model for economic growth without physical, social, or economic barriers, which attracts residents and visitors to live, learn, work, shop, and play within a cosmopolitan urban core, and alongside the river's meandering environment.

Five objectives for future development in the Trinity Corridor add detail to the 2050 Vision Statement. They provide guidance that shapes this plan's recommendations for each part of this very large corridor. The five objectives are:

- Reconnect North and South Dallas
- Establish the role of economic development along the Trinity River
- Create a vibrant central city
- Establish the Trinity River floodplain as the front yard of the City
- Enhance the City's urban form to increase the appeal of urban life

Staff finds the applicant's request to be consistent with the Trinity River Corridor Comprehensive Land Use Study in that it contributes to the creation of a vibrant central city and increases the appeal of urban life.

Land Use:

	Zoning	Land Use
Site	PD No. 619 with SUP No. 2411 for an attached projecting non-premise district activity videoboard sign	Multifamily, personal service use, commercial parking lot or garage, attached projecting non-premise district activity videoboard sign
Northwest	CA-1(A) Central Area District with H/126 Fidelity Union Life Complex Historic Overlay	Multifamily, restaurant without drive-in or drive-through service
Northeast	PD No. 619	Hotel or motel, restaurant without drive-in or drive-through service
Southeast	PD No. 619 with SUP Nos. 1791 and 1958 for attached projecting non-premise district activity videoboard signs	Restaurant without drive-in or drive-through service, multifamily, commercial parking lot or garage, general merchandise or food store 3,500 square feet or less, attached projecting non-premise district activity videoboard sign
Southwest	PD No. 619	Office, multifamily

Land Use Compatibility:

The area of request is currently developed with a variety of uses such as multifamily, personal service use, commercial parking lot or garage, and attached projecting non-premise district activity videoboard sign. There are also a variety of uses in the surrounding downtown area including restaurant without drive-in or drive-through service, general merchandise or food store 3,500 square feet or less, and office. Staff finds the applicant's request to be consistent with surrounding land uses.

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.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties. The proposed use is also consistent with several goals from the comprehensive plan, 360 Plan, and Trinity River Corridor Comprehensive Land Use Study in that it will contribute to a vibrant central city. Staff finds the requested time limit of three years without eligibility for automatic renewal will grant the applicant enough time to establish the business while allowing for continued monitoring of the use in the future.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for an alcoholic beverage establishment limited to a bar, lounge, or tavern is one space per 100 square feet of floor area. The parking requirement for a commercial amusement (inside) is also one space per 100 square feet of floor area.

For the 5,698-square-foot tenant space, this equates to a minimum of 57 required parking spaces. As demonstrated on the applicant's proposed site plan, the site provides 315 spaces during weekday business hours and 486 spaces on evenings and weekends.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster but is surrounded by “E” MVA clusters to the east, south, and west. There are also “A” MVA clusters to the northwest and northeast.

List of Officers

Tower Garage

Jonas Wood, President

John Helton, Executive Vice President

William Prewitt, Executive Vice President

Sweet Tooth Hotel, Inc.

Jencey Keeton, President

CPC Action
August 18, 2022

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) for a three-year period, subject to a site plan and conditions on property zoned Planned Development District No. 619 with Specific Use Permit No. 2411 for an attached projecting non-premise district activity videoboard sign on the northwest line of Elm Street, northeast of North Akard Street.

Maker: Rubin
Second: Hampton
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Anderson, Shidid,
Carpenter, Blair, Jung, Housewright, Haqq,
Stanard, Rubin

Against: 0

Absent: 2 - Vann, Kingston

Vacancy: 2 - District 3, District 11

Notices: Area: 200 Mailed: 86

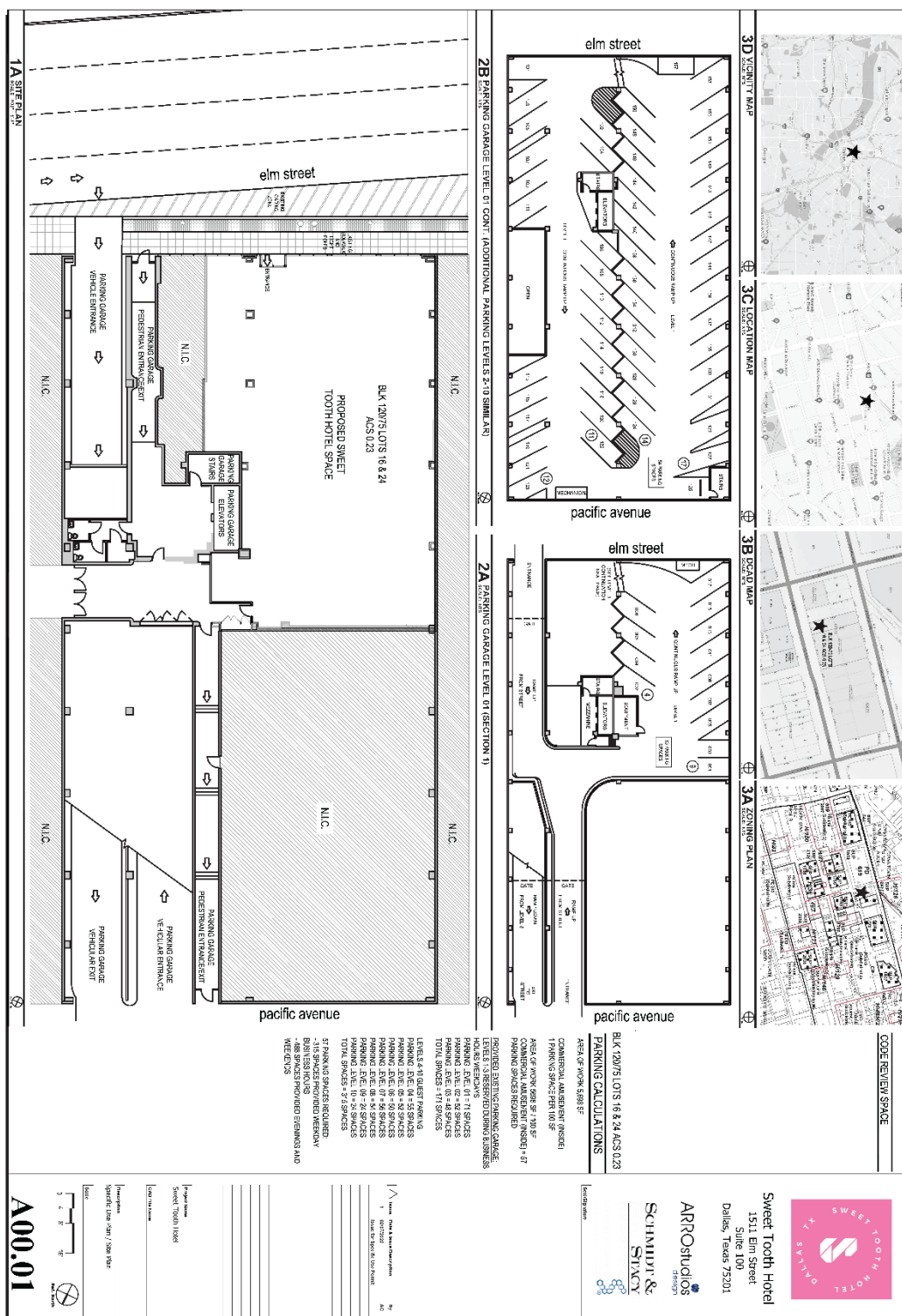
Replies: For: 2 Against: 1

Speakers: For: Jencey Keeton, 1511 Elm St., Dallas, TX, 75201
Against: None

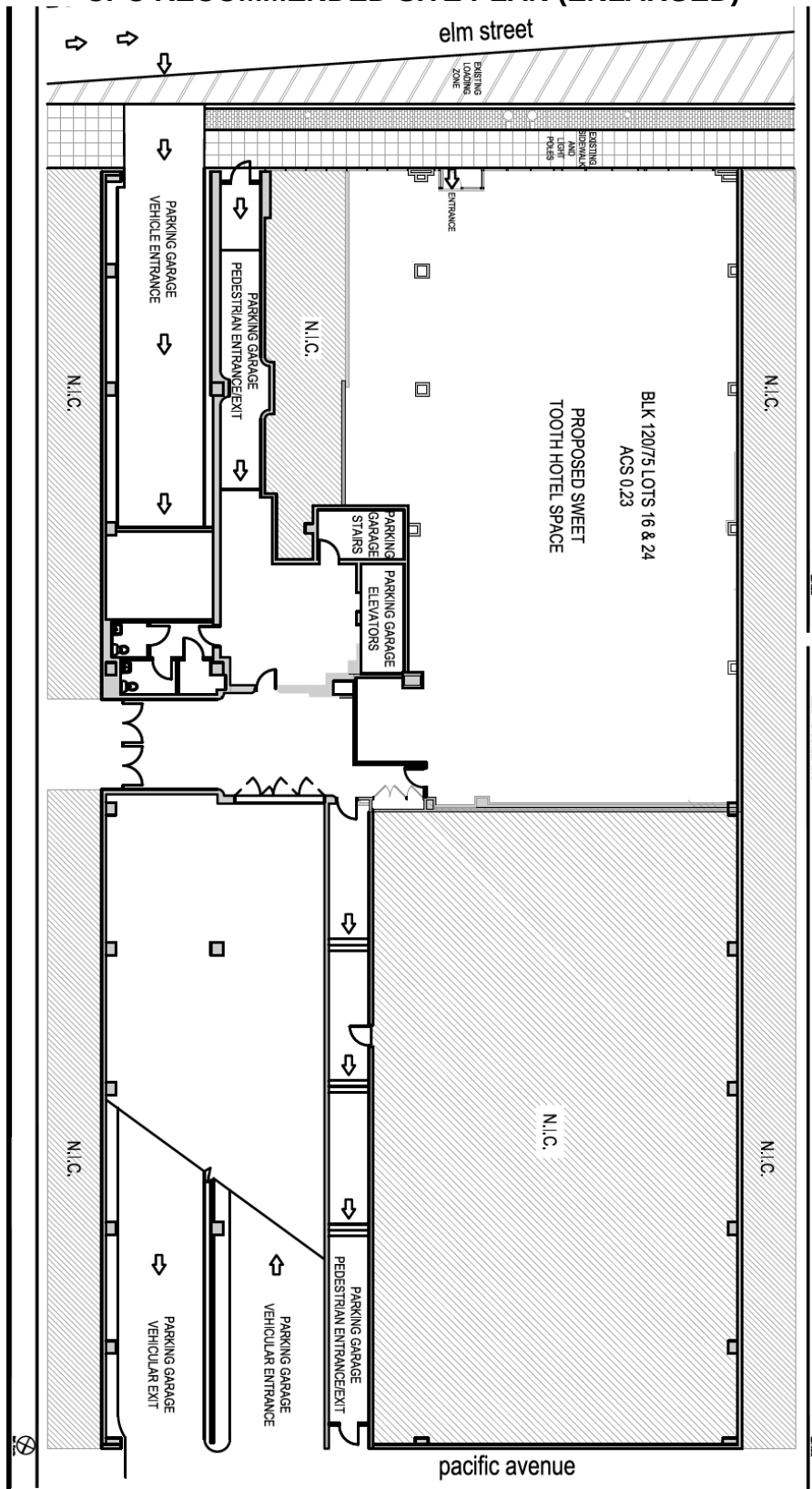
CPC RECOMMENDED CONDITIONS

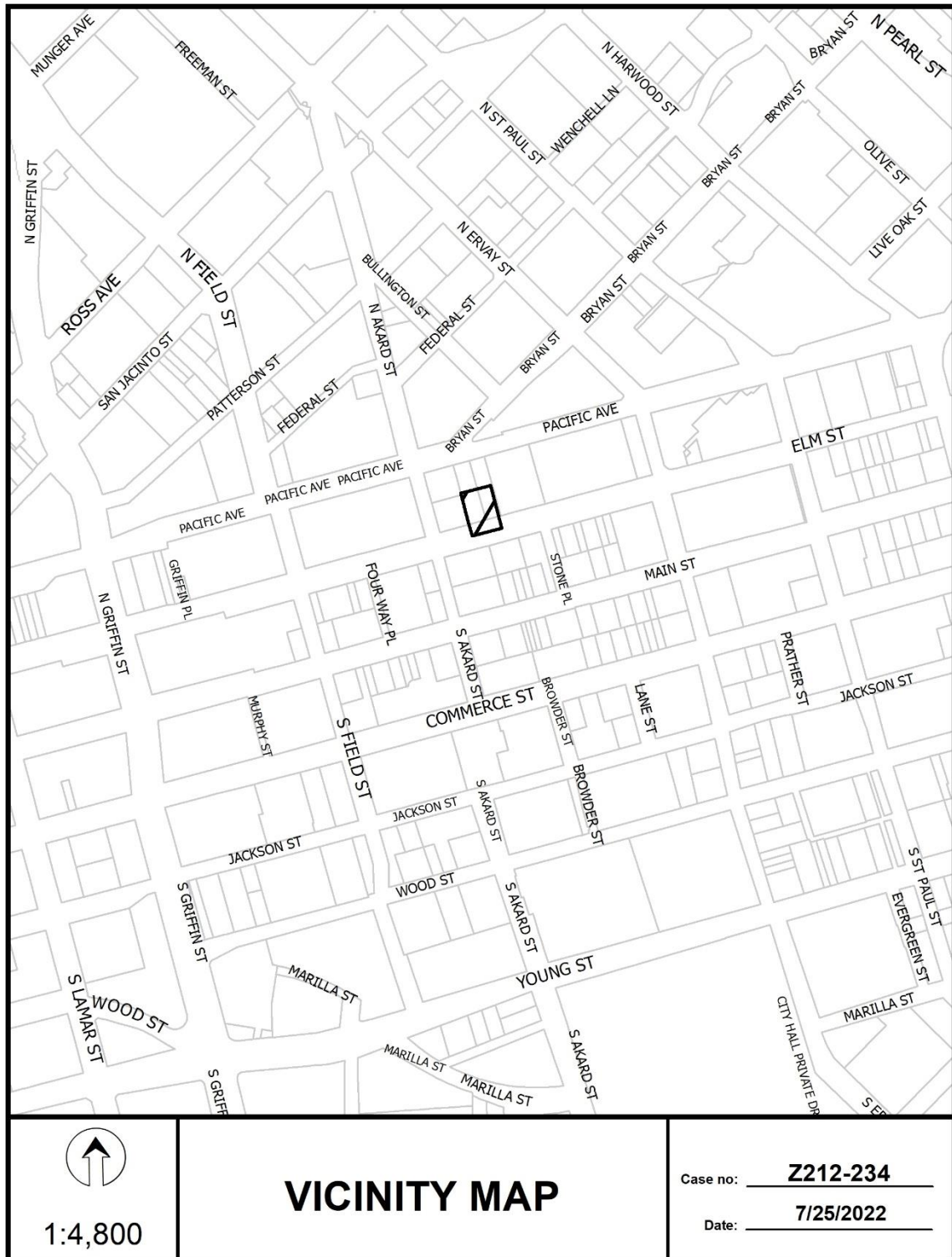
1. USE: The only uses authorized by this specific use permit are an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance).
4. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern and the commercial amusement (inside) may only operate between 12:00 p.m. and 12:00 a.m. (midnight), Monday through Sunday.
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.

CPC RECOMMENDED SITE PLAN

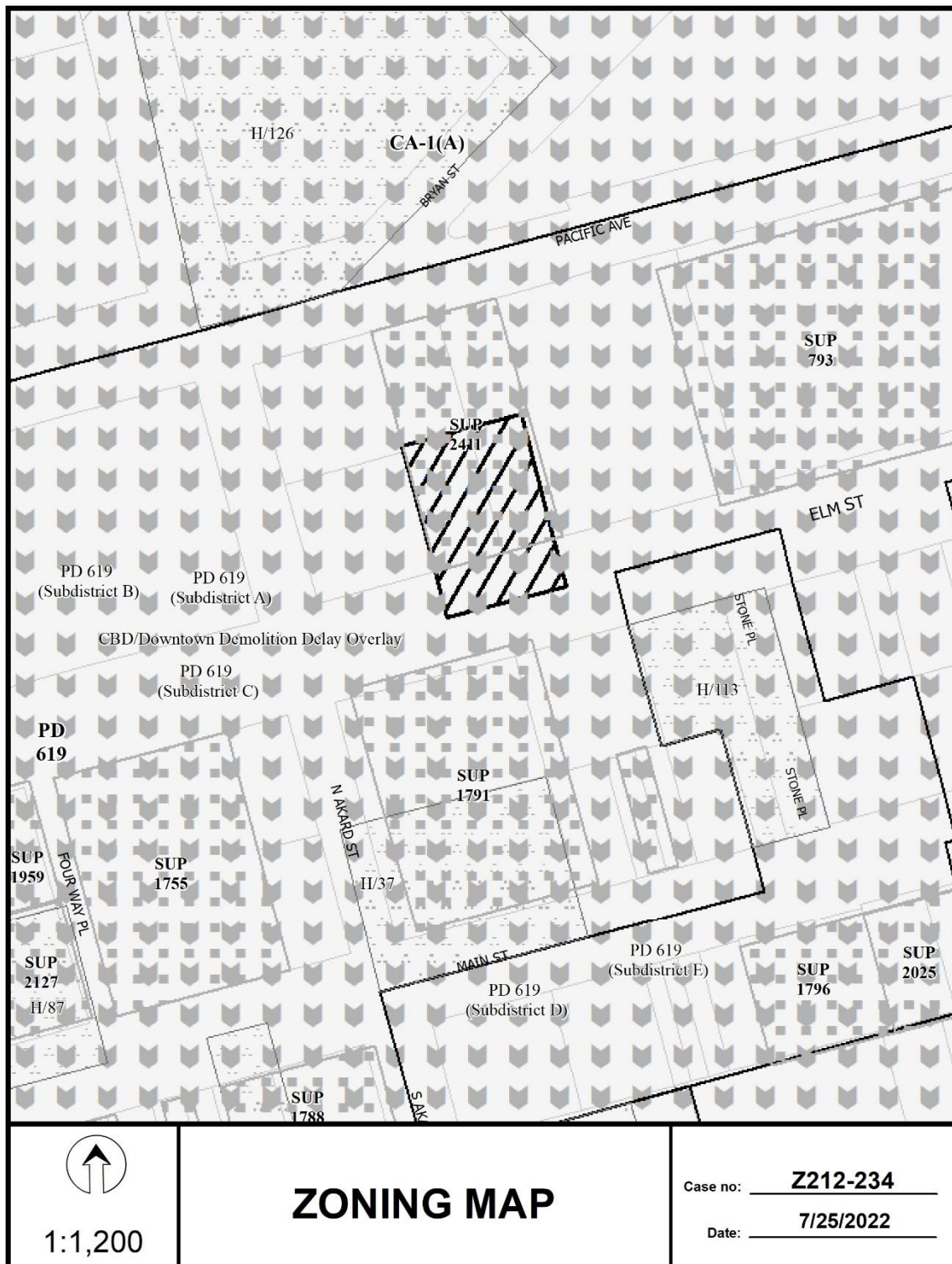


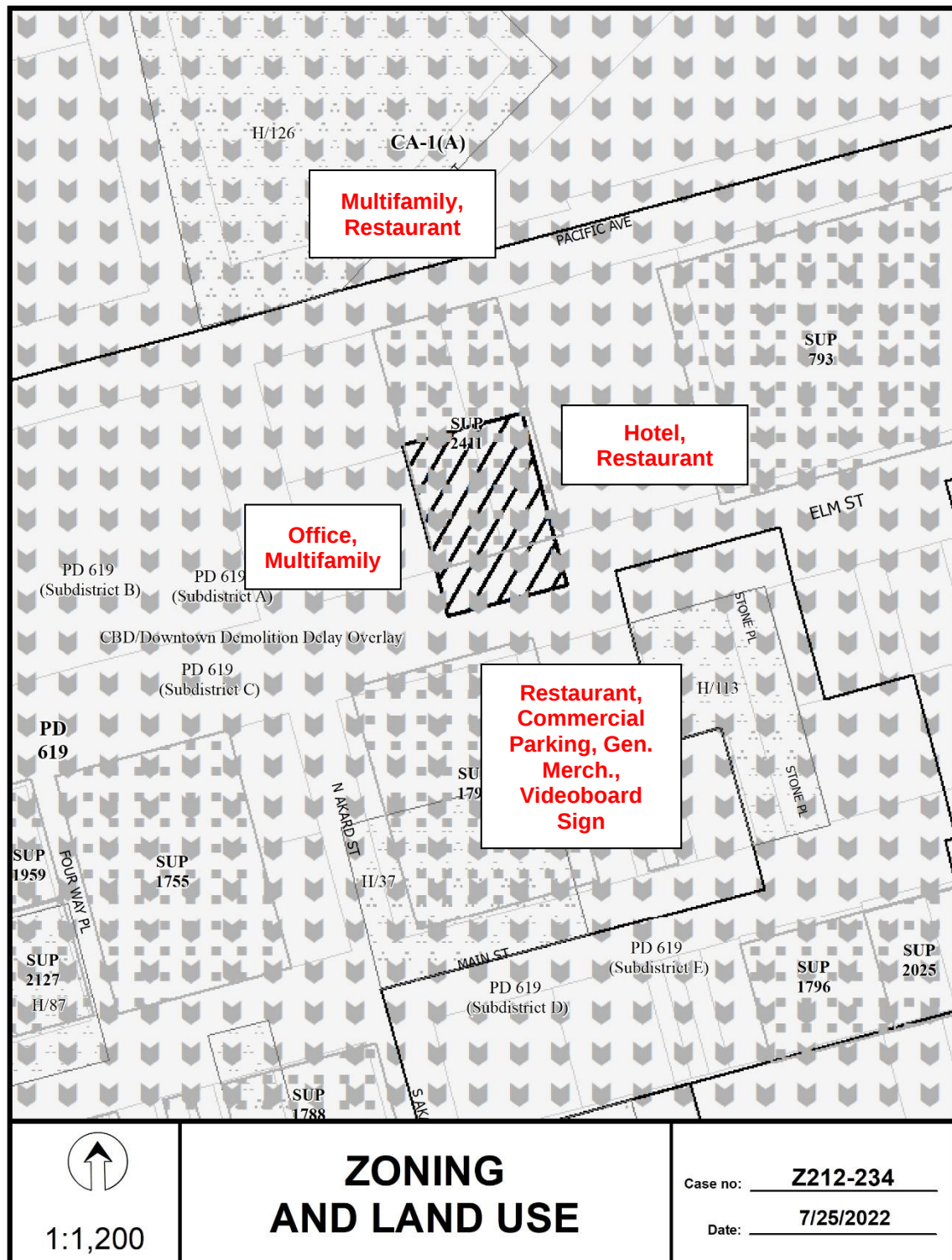
CPC RECOMMENDED SITE PLAN (ENLARGED)

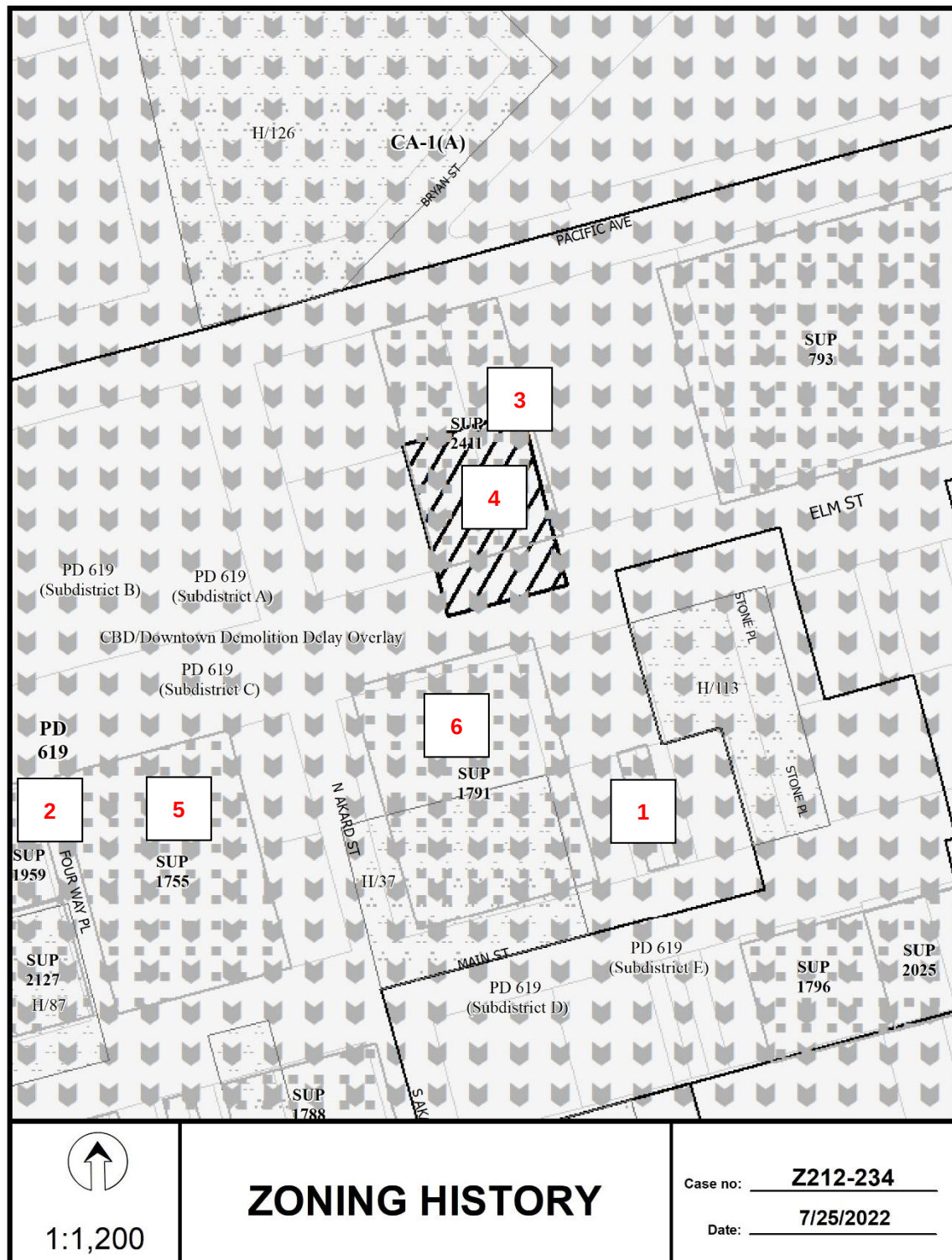


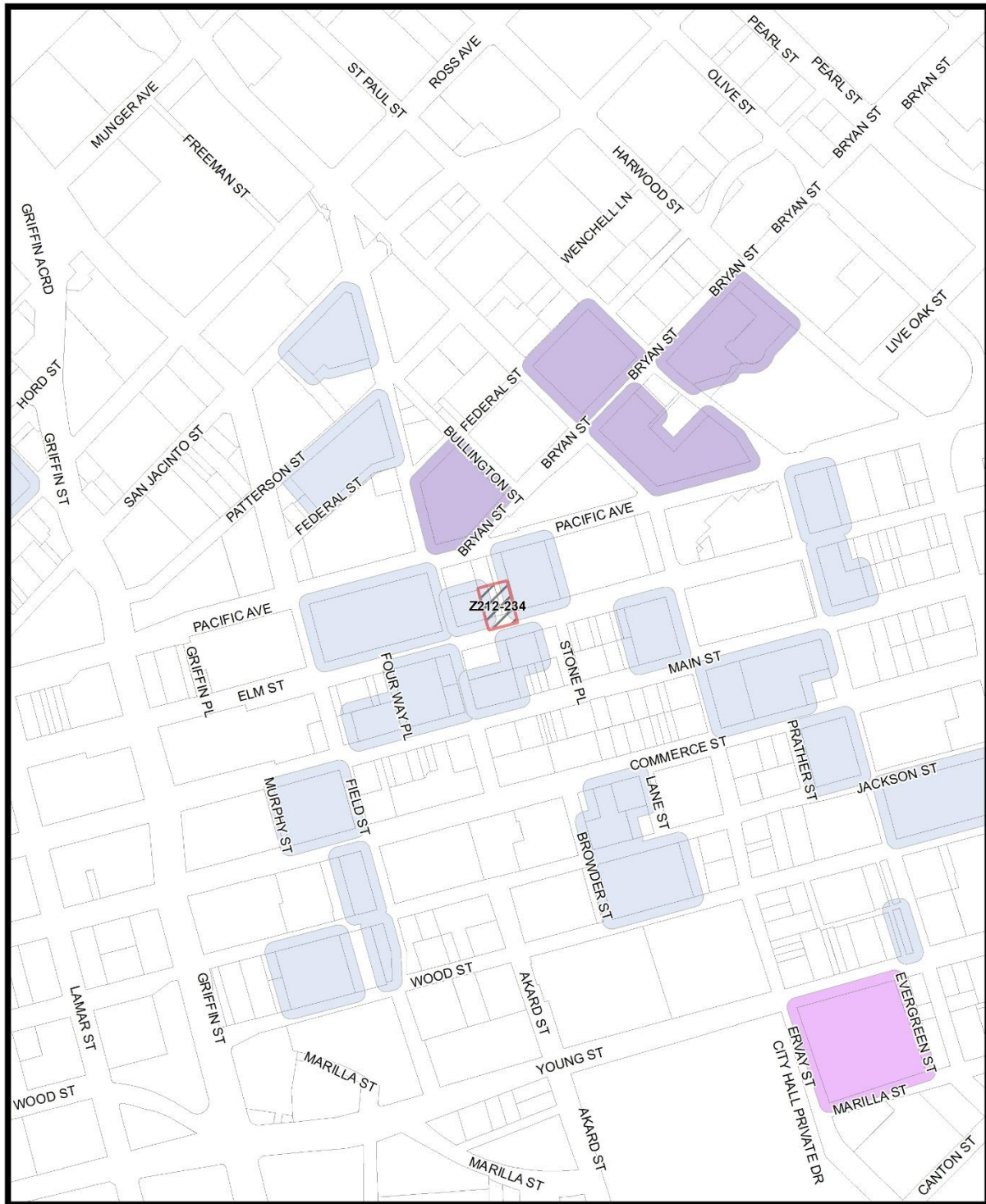












Market Value Analysis A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 7/25/2022



08/17/2022

Reply List of Property Owners***Z212-234******86 Property Owners Notified 2 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	1511 ELM ST	1601 ELM HOLDINGS LP
	2	1401 ELM ST	MT PENTELICUS DEVCO LLC
	3	208 N AKARD ST	208NAKARD LLC
	4	1517 MAIN ST	MEADOWCREST LLC
O	5	1521 MAIN ST	SJC RC
	6	1519 MAIN ST	1519 MAIN PROPERTY LP
	7	1515 MAIN ST	LEGAL AID OF NORTHWEST TE
	8	1604 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
	9	1627 PACIFIC AVE	THANKSGIVING SQUARE FDN
	10	1502 ELM ST	KIRBY APARTMENTS LP THE
	11	1520 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
X	12	1514 ELM ST	MID ELM LP
	13	1414 ELM ST	LICGF DALLAS LOFTS INC
	14	1414 ELM ST	LICGF DALLAS LOFTS INC
	15	318 N AKARD ST	WW MOSAIC DALLAS LLC
	16	1505 ELM ST	HOTEL TRUST
	17	1505 ELM ST	DUCOTEY WARREN 2002 TR
	18	1505 ELM ST	MOSBACHER DIANE B &
	19	1505 ELM ST	KEY SEAN
	20	1505 ELM ST	BUTLER KELLY A LIVING TRUST
	21	1505 ELM ST	DELEON JOSE & ALMA FLORES
	22	1505 ELM ST	NORRIS SONJA
	23	1505 ELM ST	WONG ERIK JEFFREY
	24	1505 ELM ST	BANNER ANDREW &
	25	1505 ELM ST	SHIM MINGI T & SHELLEY S
	26	1505 ELM ST	MENDEZPEREZ JAIME & FANNY

08/17/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1505 ELM ST	LEE DANIEL
	28	1505 ELM ST	JLB WEALTH MANAGEMENT
	29	1505 ELM ST	BRAINARD SYDNEY
	30	1505 ELM ST	BECKMAN JAMIE W
	31	1505 ELM ST	SYMPHONY PROPERTIES LLC
	32	1505 ELM ST	HIRSCHHEIMER JOSHUA DAVID
	33	1505 ELM ST	KILANOWSKI KATHLEEN
	34	1505 ELM ST	CARTER JAMES & PAULA
	35	1505 ELM ST	HAGGARD SCOTT JR
	36	1505 ELM ST	VO LAWRENCE
	37	1505 ELM ST	PATEL JAYSHREE & SANJAY
	38	1505 ELM ST	DENNEY JESSE A III & ROBERTA J
	39	1505 ELM ST	BASSAMPOUR FATEMAH &
	40	1505 ELM ST	LUCK CHRISTOPHER R & VIRGINIA
	41	1505 ELM ST	SCAGLIONE HEATHER L
	42	1505 ELM ST	BRAIR GHASSAN B
	43	1505 ELM ST	OWENS JENNIFER
	44	1505 ELM ST	MENDENHALL MYLES E & KATHERINE M
	45	1505 ELM ST	JEON HYEWON
	46	1505 ELM ST	QUINN KAILIE CHRISTINE
	47	1505 ELM ST	KENDRICK KATHY J
	48	1505 ELM ST	SCHMIDT MICHAEL L
	49	1505 ELM ST	ACT EAGLE 1505 PROPERTIES LLC
	50	1505 ELM ST	REDBURN SANDRA KAY
	51	1505 ELM ST	JAQUA DAVID ARLEIGH &
	52	1505 ELM ST	MCKNIGHT BILLY REA &
	53	1505 ELM ST	LENNZ HOLDINGS LLC
	54	1505 ELM ST	SMITH VALERIE RUSSO
	55	1505 ELM ST	ANTERHAUS ROBERT &
	56	1505 ELM ST	DEMARKIS BRIAN CHRISTOPHER
	57	1505 ELM ST	MCKNIGHT BILLY REA

08/17/2022

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1505 ELM ST	DILENA R J
	59	1505 ELM ST	FREIFELD MARK & RAYNA HANDELMAN
	60	1505 ELM ST	HOLLOWAY MICHAEL S &
	61	1505 ELM ST	VANCE BARBARA A
	62	1505 ELM ST	BENGE JAY D & TRACY L
	63	1505 ELM ST	BEAIRD FLORENCE
	64	1505 ELM ST	HORN JEFFIE J JR
	65	1505 ELM ST	LEE EUNJOO JULIE &
	66	1505 ELM ST	ABENDSCHEIN FREDERICK
	67	1505 ELM ST	ROBERTSON RON & DONNA
	68	1505 ELM ST	EDWARDS GARY DON & JANIE FAY
	69	1505 ELM ST	GLEASON SCOTT & KAREN
	70	1505 ELM ST	NIENDORFF CARL A IV
	71	1505 ELM ST	HALL MICHAEL D
	72	1505 ELM ST	PATTERSON J R JR & BILLIE JO PUD
	73	1505 ELM ST	HARVEY BARBARA ANN
	74	1505 ELM ST	AKIN FAMILY TRUST
	75	1505 ELM ST	SPIEGEL ROSS ADAM
	76	1505 ELM ST	BOLDEN PAUL &
	77	1505 ELM ST	ROBERTS FINES OLIVER
	78	1505 ELM ST	MORALES JACQULINE
	79	1505 ELM ST	MASON LISA
	80	1505 ELM ST	WIEDEMANN CYNTHIA
	81	1505 ELM ST	JENNIFER OWENS LLC
	82	1505 ELM ST	ELDREDGE WENDY PAIGE & SCOTT
	83	1505 ELM ST	DAVIS BRADLEY S &
	84	1600 PACIFIC AVE	1600 PACIFIC LANDLORD LLC
	85	1555 ELM ST	RBHRIP DALLAS MULTIFAMILY LLC
	86	1601 ELM ST	1601 ELM HOLDINGS LP