

FILE NUMBER: Z223-235(GB) **DATE FILED:** March 21, 2023
LOCATION: Southeast line of Elm Street, southwest of North Crowds Street
COUNCIL DISTRICT: 2
SIZE OF REQUEST: Approx. .05 acres **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER: AP Deep Ellum LLC

APPLICANT: Danny Balis, Twilite Lounge

REQUEST: An application for an amendment to Specific Use Permit No. 2019 for a bar, lounge, or tavern and an inside commercial amusement 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.

SUMMARY: The purpose of the request is to continue the use of the property as a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District. The property is currently developed with a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
- The most recent renewal of Specific Use Permit No. 2019 was approved on August 12, 2020, for a three-year period and allows the following uses: bar, lounge, or tavern and an inside commercial amusement limited to a live music venue. SUP No. 2019 expired on August 12, 2023. The applicant filed for renewal of the SUP on March 21, 2023.
- The applicant requests the renewal of SUP No. 2019 for a three-year period to continue the use of the property as a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
- With the exception of the time limit, the applicant does not propose any changes to the existing conditions or site plan for SUP No. 2019.

Zoning History:

There have been 10 zoning cases on nine sites in the area in the last five years.

1. **Z189-276:** On September 25, 2019, the City Council approved an application for the renewal of Specific Use Permit No. 1757 for a bar, lounge, or tavern 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 District.
2. **Z190-175:** On June 24, 2020, the City Council approved an application for the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.
3. **Z189-289:** On September 25, 2019, the City Council approved an application for the renewal of Specific Use Permit No. 2252 for an alcoholic beverage establishment use limited to a bar, lounge or tavern 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.
4. **Z212-137:** On March 9, 2022, the City Council approved an application for a Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement use limited to live music venue on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

5. **Z189-328:** On April 08, 2020, the City Council approved an application for the renewal of Specific Use Permit No. 2144 for an alcoholic beverage establishment a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Special Purpose Side District.
6. **Z212-144:** On April 27, 2022, the City Council approved an application for the renewal of Specific Use Permit No. 1651 for a body piercing studio and a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.
7. **Z201-167:** On October 28, 2020, the current planning department auto renewed the Specific Use Permit No. 2291 for a microbrewery, microdistillery, or winery use on property presently zoned as Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the southwest corner of Main Street and Pryor Street.
8. **Z178-175:** On May 9, 2018, the City Council approved an application for a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
9. **Z212-255:** On November 9, 2022, the City Council approved an application for a Specific Use Permit (2466) for a bar, lounge or an inside commercial amusement use limited to a live music venue on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the south line of Elm Street, west of North Crowdus Street.
10. **Z190-257:** On October 28, 2020, the City Council approved an application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street between North Crowdus Street and North Good Latimer Expressway.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Elm Street	Community Collector	60 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:

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.1 The Trinity River Corridor runs through the heart of Dallas and presents a unique opportunity to place urban level density development near a magnificent natural setting. Significant public improvements within the corridor will spur new development in the central city and Southern Sector. The City should safeguard this immense public investment by working with stakeholders to ensure that private development and investment is of the highest quality.

GOAL 2.1 Promote Balanced Growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions. Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

Land Use:

	Zoning	Land Use
Site	Planned Development District 269 Tract A	Bar
North	Planned Development District 269 Tract A	Mix Used Development, Personal Service, Medical
East	Planned Development District 269 Tract A	Mix Used Development, Personal Service, Medical
South	Planned Development District 269 Tract A	Mix Used Development, Personal Service, Medical
West	Planned Development District 269 Tract A	Mix Used Development, Personal Service, Medical

Land Use Compatibility:

The 0.05-acre site is developed with a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue. The uses to the north, east, south, and west are mixed-use development, personal service, and medical. The renewal of this Specific Use Permit will not alter the current character of the surrounding areas.

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 recommends approval with conditions. The request SUP No. 2019 is not contrary to the public interest.

Landscaping:

Any new development on the property will require landscaping in accordance with the landscaping requirements in Article X, as amended. No new development or expansion is proposed; therefore, no additional landscaping is required.

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 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.

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 (A through C) to orange, representing the weakest markets (G through I). The site is not within an identifiable MVA cluster, nor is it immediately adjacent to other MVA categories.

Crime Report:

A copy of the police report of offenses recorded at this property is provided below. Based on Dallas Police Department’s crime statistics 7 offenses, 1 arrest, and 29 calls were generated from the subject property during this time period.

Offenses

Offenses (Summary)	Count of Incidents
ASSAULT – Bodily Injury Only	2
ASSAULT- Offensive Contact	1
BMV	1
BURGLARY OF BUILDING - FORCED ENTRY	0
CRIM MISCHIEF >OR EQUAL \$750 < \$2,500	2
DISCHARGE FIREARM IN CERTAIN MUNICIPALITIES	0
POSS OF DANGEROUS DRUG	0
THEFT OF PROP (AUTO ACC) <\$100 - (NOT EMP)	0
UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	1
UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	0
Grand Total	7

Arrests

Arrests (Summary)	Count of Incidents
PUBLIC INTOXICATION	1
Grand Total	1

Calls

Calls (Summary)	Count of Problem
Major Disturbance	13
Loud Music Disturbance	3
Meet Compliant	1
40-Other	6
40/01	2
Major Accident	2
Intoxicated Person	1
Disturbed Armed Encounter Vehicle	1
Grand Total	29

List of Officers

Applicant: Twilite on Elm, LLC

Danny Balis, Managing Member/President

Owner: AP Deep Ellum, LLC

Jason Tompkins, Managing Member

Terry Brown, Managing Member

Sam Judd, Managing Member

ASANA Partners Fund 1 GP LLC, Managing Member

G. Welch Liles III, Managing Director

Chris R. Dalton, Senior Director

Brian M. McWeeny, Senior Director

CPC Action
December 7, 2023

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2019 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue for a three-year period, subject to amended conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southeast line of Elm Street, southwest of North Crowdus Street.

Maker: Hampton
Second: Carpenter
Result: Carried: 10 to 0

For: 10 - Chernock*, Hampton, Herbert, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Hall, Rubin

Against: 0
Absent: 4 - Housewright, Treadway, Haqq, Kingston
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 14
Replies: For: 0 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 ~~August 12, 2023~~ (three years from the passage of this ordinance).
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 attached site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern and 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 the 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 CHANGES PROPOSED)



TWILITE LOUNGE
2640 ELM ST
DALLAS, TX 75226

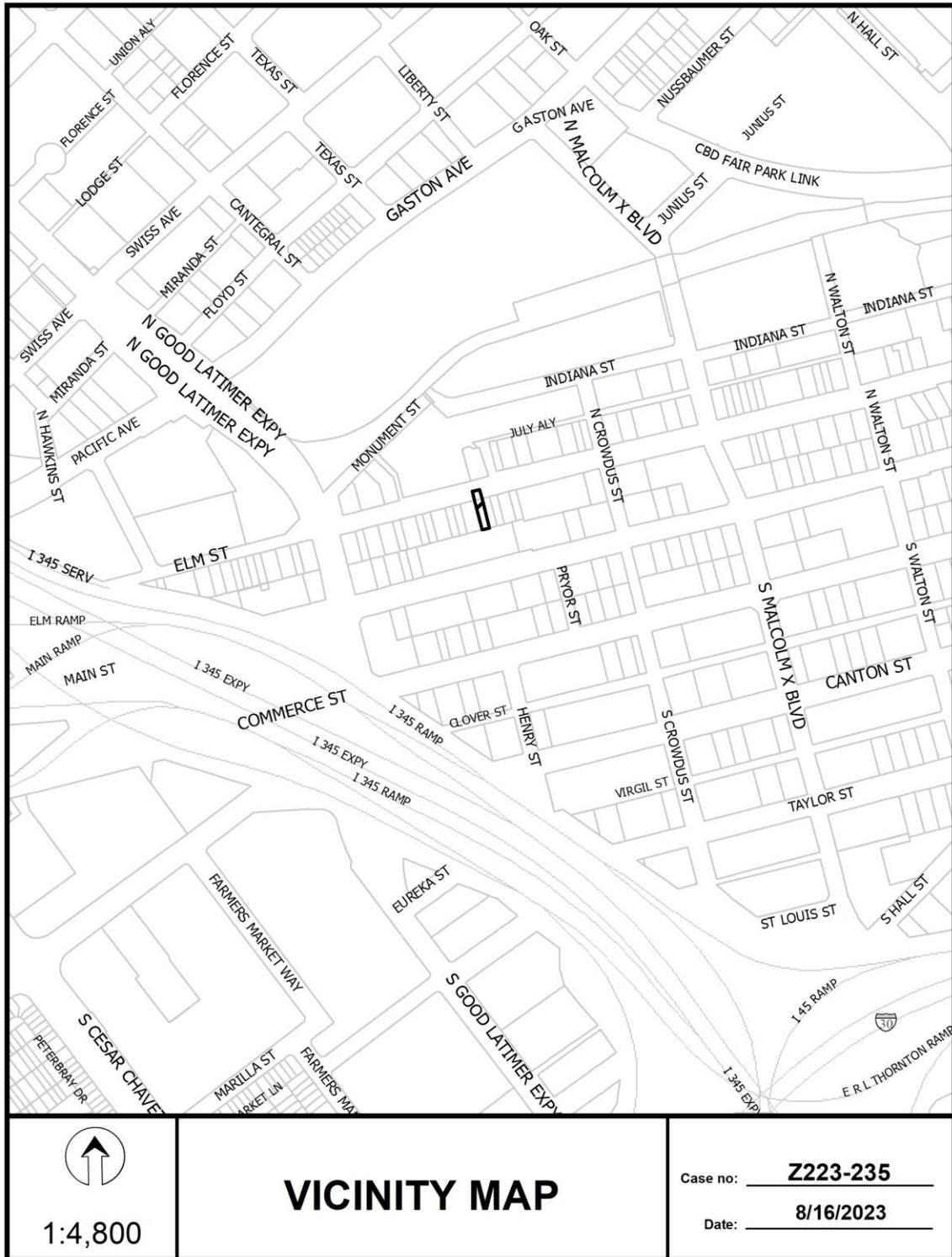
INDOOR SQ FT: 1500
PATIO SQ FT: 1000
COVERED PATIO SQ FT: 300
UNCOVERED PATIO SQ FT: 700
TOTAL SQ FT: 2500

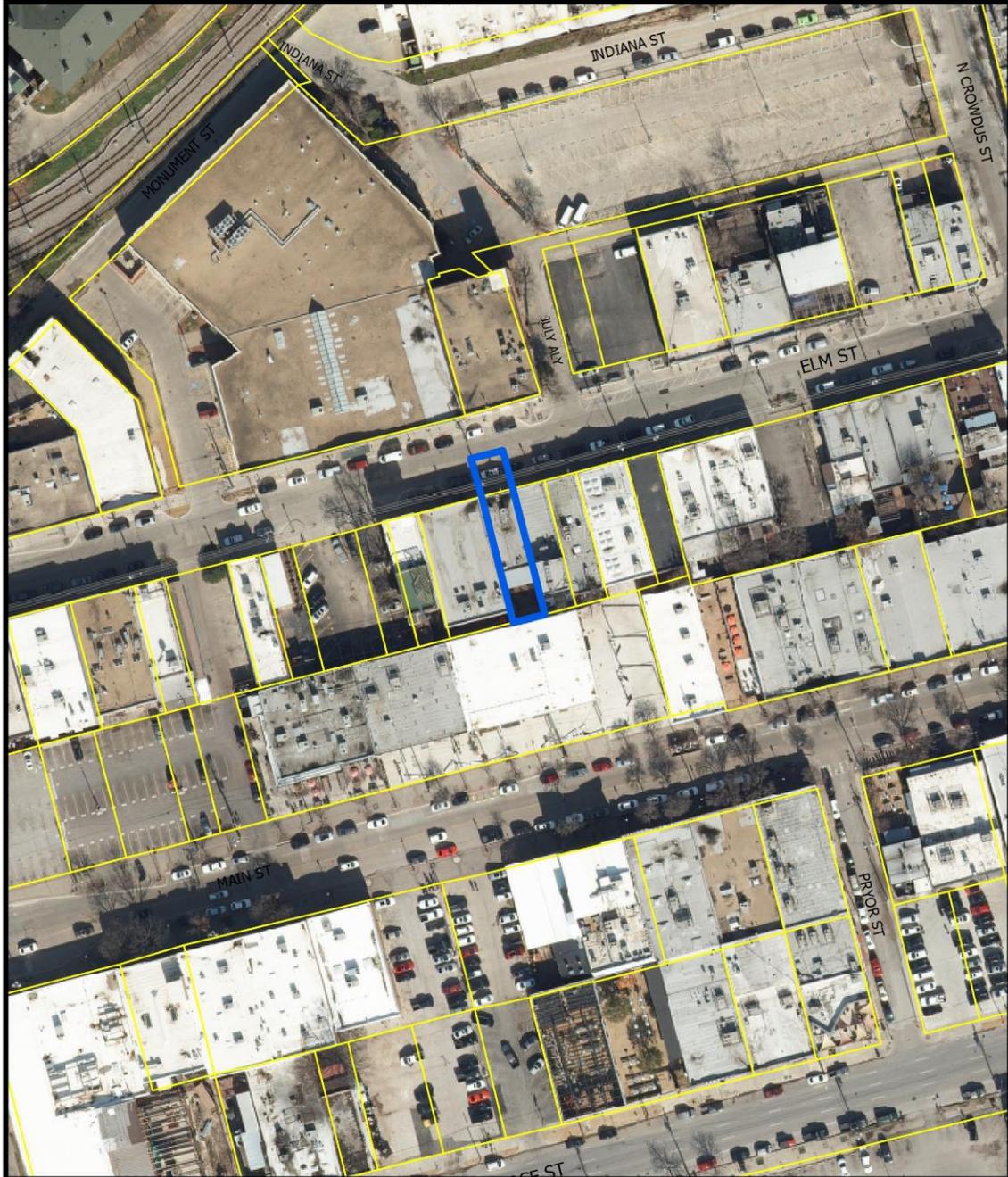
LEGAL DESCRIPTION
BLK 182
TR 13 25X100 ELM FR393.5 CRODUS
INTZ10200313969 DD10192012 CO-DC
0182 000 01300 1000182 000

SUP# 2019



A-1	SHEET NO.	7	AC	TOTAL AREA	THE TWILITE LOUNGE 2640 ELM ST. DALLAS, TX. 75226
		7			



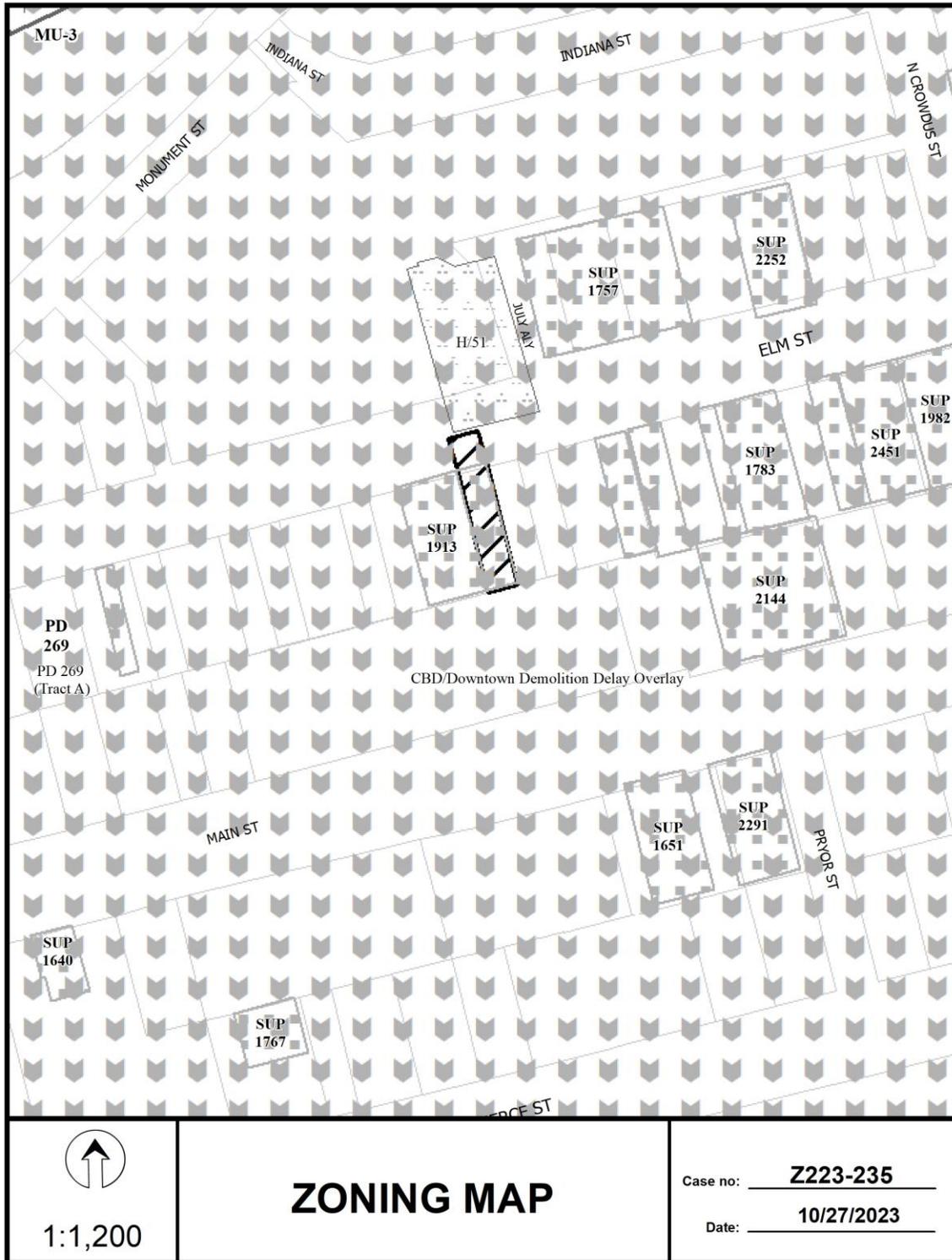


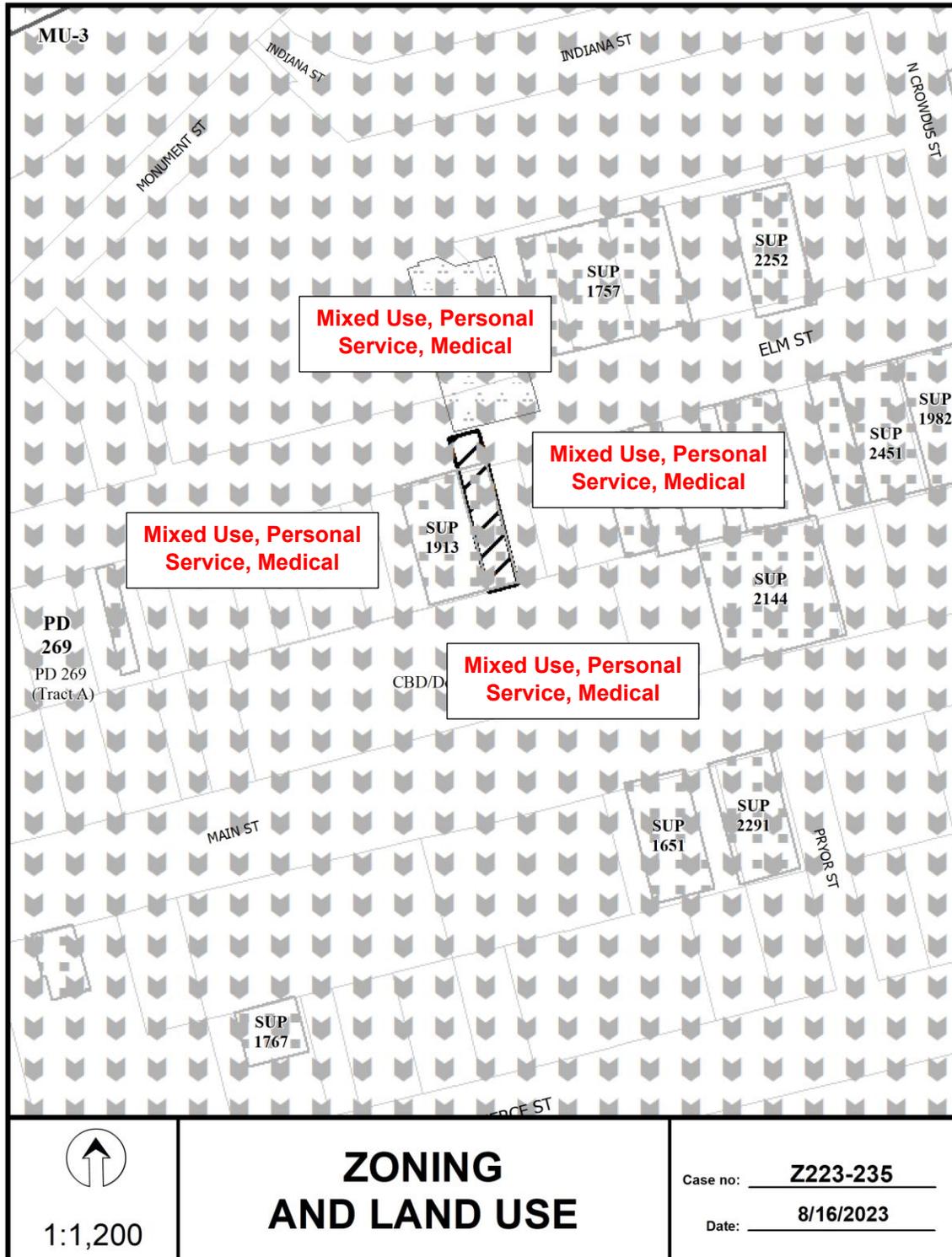
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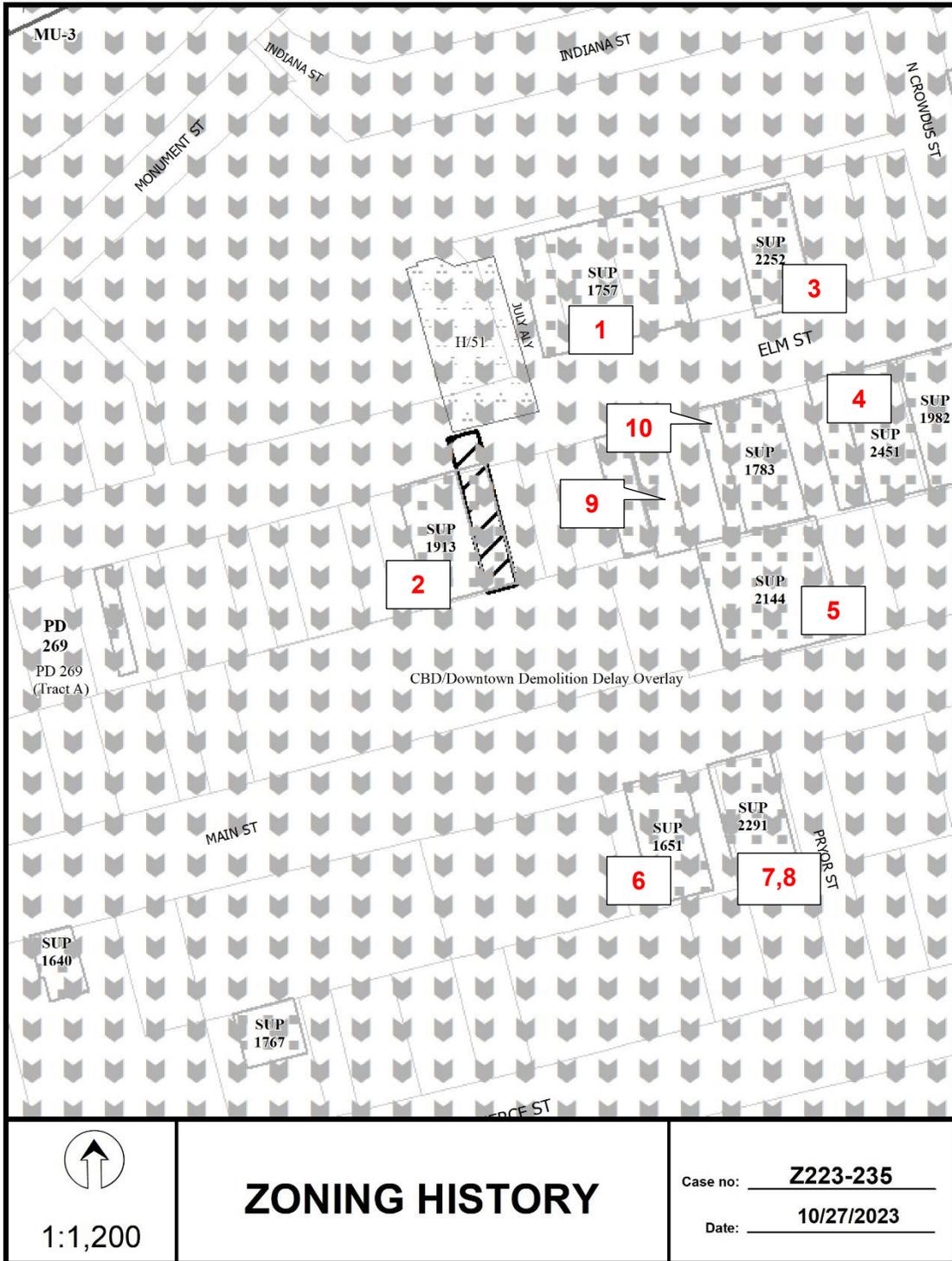
AERIAL MAP

Case no: Z223-235

Date: 8/16/2023









Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA

1:4,800

Market Value Analysis

Printed Date: 8/16/2023



14	Property Owners Notified (22 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
12/7/2023	Date

Z223-235
CPC



1:1,200

12/06/2023

Reply List of Property Owners

Z223-235

14 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2640 ELM ST	AP DEEP ELLUM LLC
	2	2626 ELM ST	ELM STREET LOFTS LTD
	3	2634 ELM ST	ROSE BARSHOP RESIDUARY TR
	4	2628 ELM ST	ROSE BARSHOP RESIDUARY TR
	5	2644 ELM ST	Taxpayer at
	6	2638 ELM ST	Taxpayer at
	7	2634 ELM ST	2634 ELM ST LLC
	8	2642 ELM ST	LALCO INC
	9	2650 ELM ST	ELM ELM LLC
	10	2625 ELM ST	UPLIFT EDUCATION
	11	2704 ELM ST	ELM STREET REALTY LTD
	12	2707 ELM ST	Taxpayer at
	13	2703 ELM ST	Taxpayer at
	14	2701 ELM ST	Taxpayer at