HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, JANUARY 24, 2024**
ACM: Majed Al-Ghafry

FILE NUMBER: Z223-241(LC) **DATE FILED:** March 28, 2023

LOCATION: Northwest corner of Exposition Avenue and Canton Street

COUNCIL DISTRICT: 2

SIZE OF REQUEST: Approx. 5,000 sq. ft. **CENSUS TRACT:** 48113020401

APPLICANT: Sin on Wheels, LLC DBA Double Wide Bar

OWNER: Hymie Schwartz Trust

REQUEST: An application for an amendment to Specific Use Permit No. 1695 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 allow the continued operation of the bar, lounge, or tavern and inside commercial amusement limited to a live music venue uses.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

CPC RECOMMENDATION: **Approval** for a five-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 District. The property is currently developed with a 5,000 square foot building occupied by bar, lounge, or tavern use and live music venue uses. Pursuant to PD No. 269, an SUP is required for bar, lounge, or tavern and/or live music venue uses.

- Specific Use Permit No. 1695 was originally approved in 2007 and renewed in 2010, 2014, and 2018. The most recent approval was for a five-year period.

- The applicant requests the renewal of SUP No. 1695 for another five-year period to allow the continued operation of the bar, lounge, or tavern and inside commercial amusement limited to a live music venue uses.

- Other than the time limit, the applicant does not propose any changes to the existing conditions or site plan of SUP No. 1695.

Zoning History:

There have been no zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Exposition Avenue	Principal Arterial	80 feet
Canton Street	Minor Arterial	100 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.

Land Use:

	Zoning	Land Use
Site	PD No. 269 with SUP No. 1695	Bar, lounge, or tavern; inside commercial amusement limited to a live music venue
North	PD No. 749	Retail
East	PD No. 269	Retail
South	PD No. 269	Retail
West	PD No. 269 with SUP No. 2068	Retail

Land Use Compatibility:

The area of request is currently developed with a 5,000-square-foot building occupied by bar, lounge, or tavern use and live music venue uses. Property to the north, south, east, and west are developed with commercial retail uses. Staff finds that ongoing alcohol sales are unlikely to have an adverse impact on surrounding uses. Staff finds the applicant's proposal compatible with these surrounding 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. Staff also finds the proposed time limit of five years with eligibility for automatic renewal for additional five-year periods appropriate for this site.

The use has operated without issues for the past five years and complies with the conditions of the SUP. Additionally, the applicant does not propose any changes to the

existing site plan. Therefore, staff supports the applicant's requested time limit of five years with eligibility for automatic renewal for additional five-year periods.

Landscaping:

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

Parking:

PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. The applicant occupies approximately 2,200 square feet of floor area for the combined uses: 850 square feet for the bar and 1,350 square feet for the live music venue. The site plan that governs SUP No. 1695 will remain unchanged and continues to provide 14 off-street parking spaces (six spaces on site).

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 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 area of request is not currently within an MVA cluster. To the northwest and northeast are "E" MVA clusters.

Crime Report:
Since October 2018, the area has had 24 offenses, 41 calls, and 2 arrests.

Offenses (Summary)	
Problem	**Count of Problem**
AGG ASSAULT - NFV	0
ALL OTHER OFFENSES	5
BURGLARY-BUSINESS	2
MISCELLANEOUS	13
SIMPLE ASSAULT	2
TRAFFIC VIOLATION – HAZARDOUS	2
Total	**24**

Calls (Summary)	
Problem	**Count of Problem**
**PD Requested by Fire Count	0
07 - Minor Accident Count	9
09 - Theft Count	0
09V - UUMV Count	2
09V-01 UUMV Just Ocrd Count	0
11B/01 - Burg of Bus Count	0
12B - Business Alarm Count	9
21B - Business Hold Up Count	1
24 - Abandoned Property Count	0
32 - Suspicious Person Count	2
38 - Meet Complainant Count	0
40 - Other Count	11
40/01 - Other Count	5
41/20 - Robbery - In Progress Count	0
46 - CIT Count	0
55 - Traffic Stop Count	0
58 - Routine Investigation Count	2
6X - Major Dist. (Violence) Count	5
6XA - Major Dist. Ambulance Count	0
6XE - Disturbance Emergency Count	3
7X - Major Accident Count	0
DAEF-Dist. Armed Encounter Foot Count	0
PH - Panhandler Count	0
Total	**49**

List of Officers

Sin On Wheels, LLC

Kim Finch, Manager

CPC Action
December 7, 2023

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1695 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue for a five-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 northwest corner of Exposition Avenue and Canton Street.

Maker: Hampton
Second: Shidid
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: For: Roger Albright, 1701 N. Collins Blvd., Richardson, TX, 75080
Against: 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.

CPC recommendation:

3. TIME LIMIT: This specific use permit expires on ~~September 26, 2023~~ (five years from the passage of the ordinance).

Staff recommendation:

3. TIME LIMIT: This specific use permit expires on ~~September 26, 2023~~ (five years from the passage of the ordinance) but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. FLOOR AREA:

   A. Bar, lounge, or tavern. The maximum floor area is 850 square feet in the location shown on the attached site plan.

   B. Inside commercial amusement limited to a live music venue. The maximum floor area is 1,350 square feet in the location shown on the attached site plan.

5. OFF-STREET PARKING:

   A. Bar, lounge, or tavern. No off-street parking required.

   B. Inside commercial amusement limited to a live music venue.

      (1) A minimum of six off-street parking spaces must be provided on the Property in the location shown on the attached site plan.

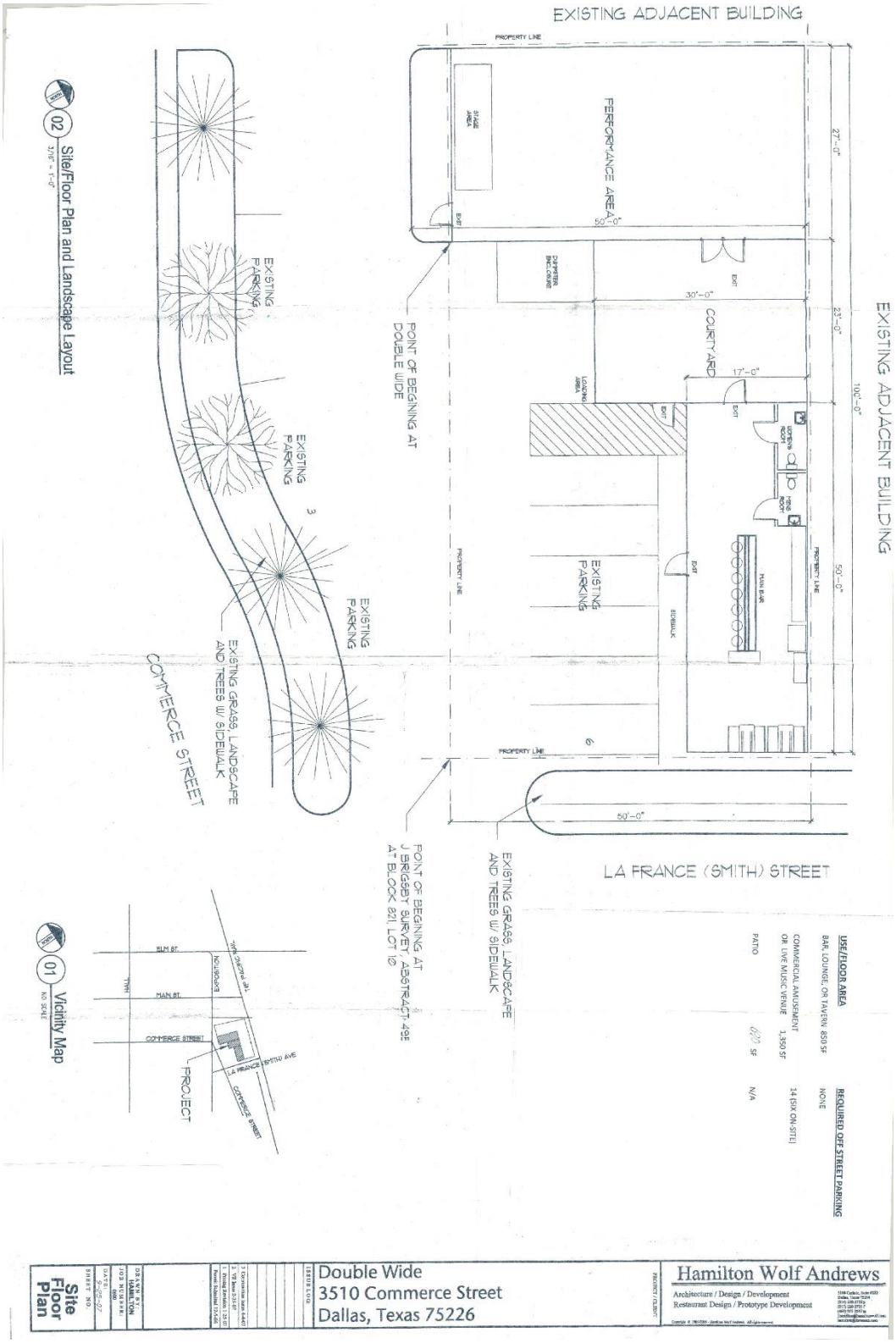
(2) Additional off-street parking must be provided in accordance with the remote and special parking requirements of Planned Development District No. 269 (the Deep Ellum/Near East Side District).

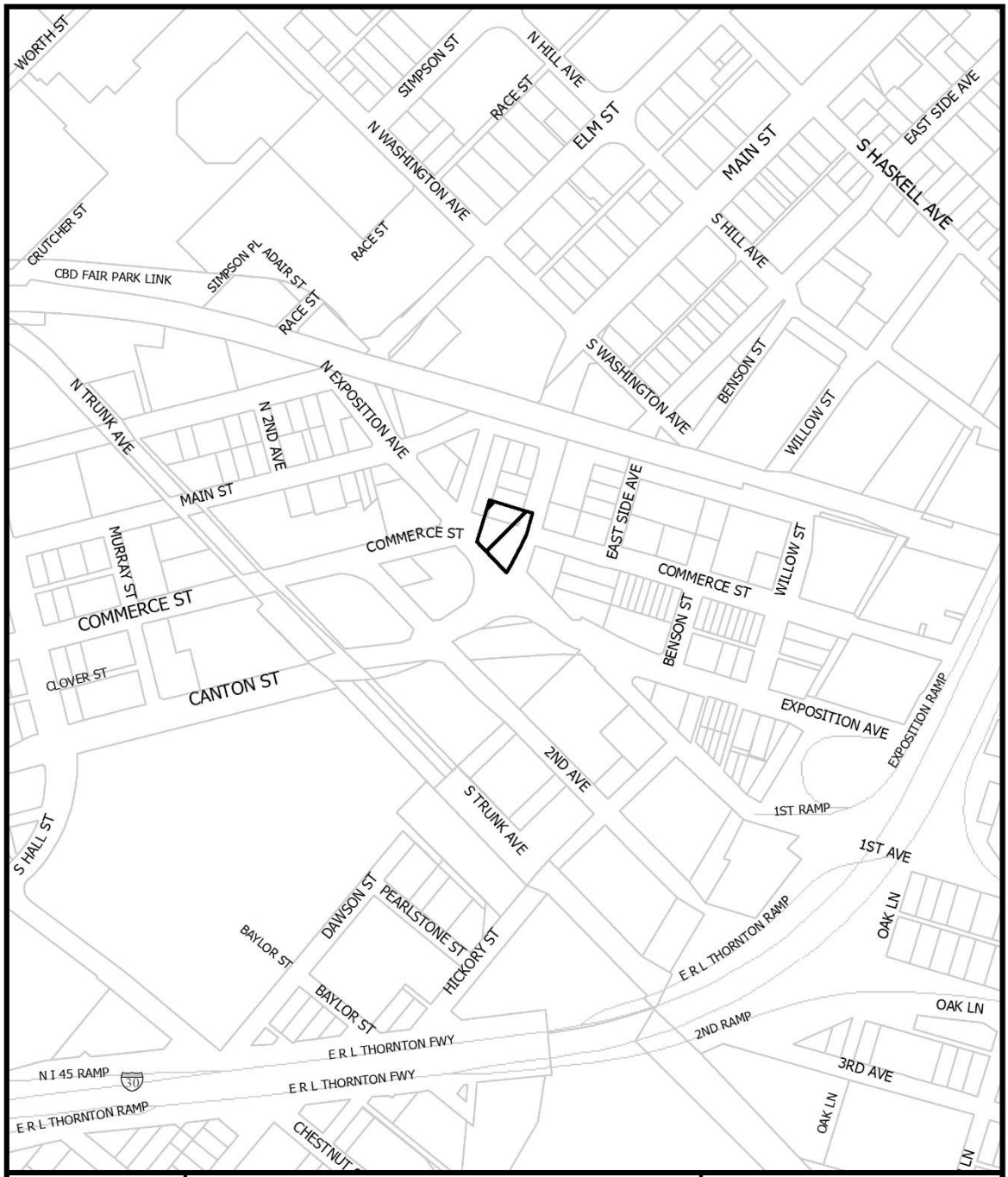
6. PATIO: A patio/courtyard, not to exceed 690 square feet in area, is permitted in the location shown on the attached site plan.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. 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)





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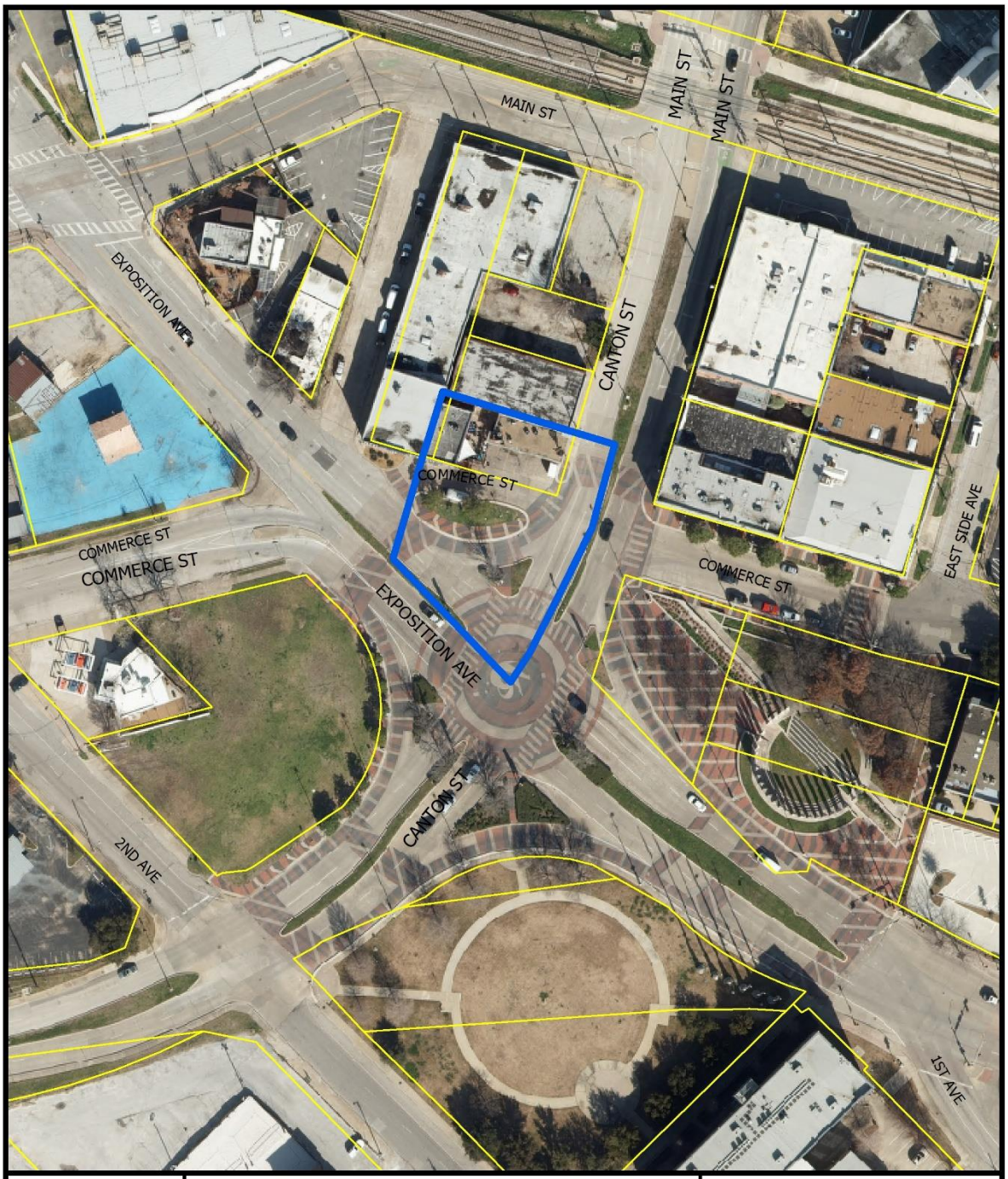
VICINITY MAP

Case no: Z223-241

Date: 11/9/2023



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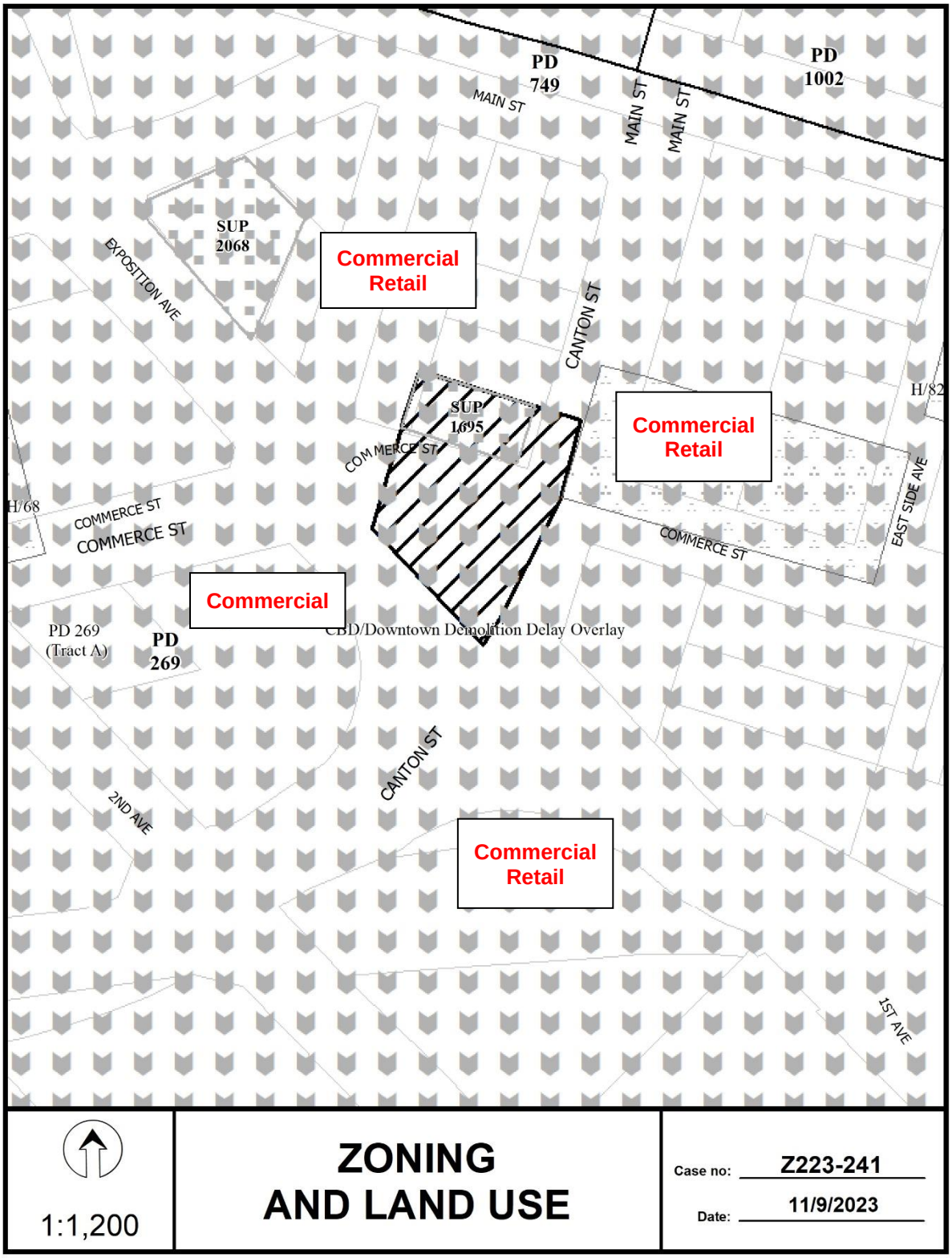
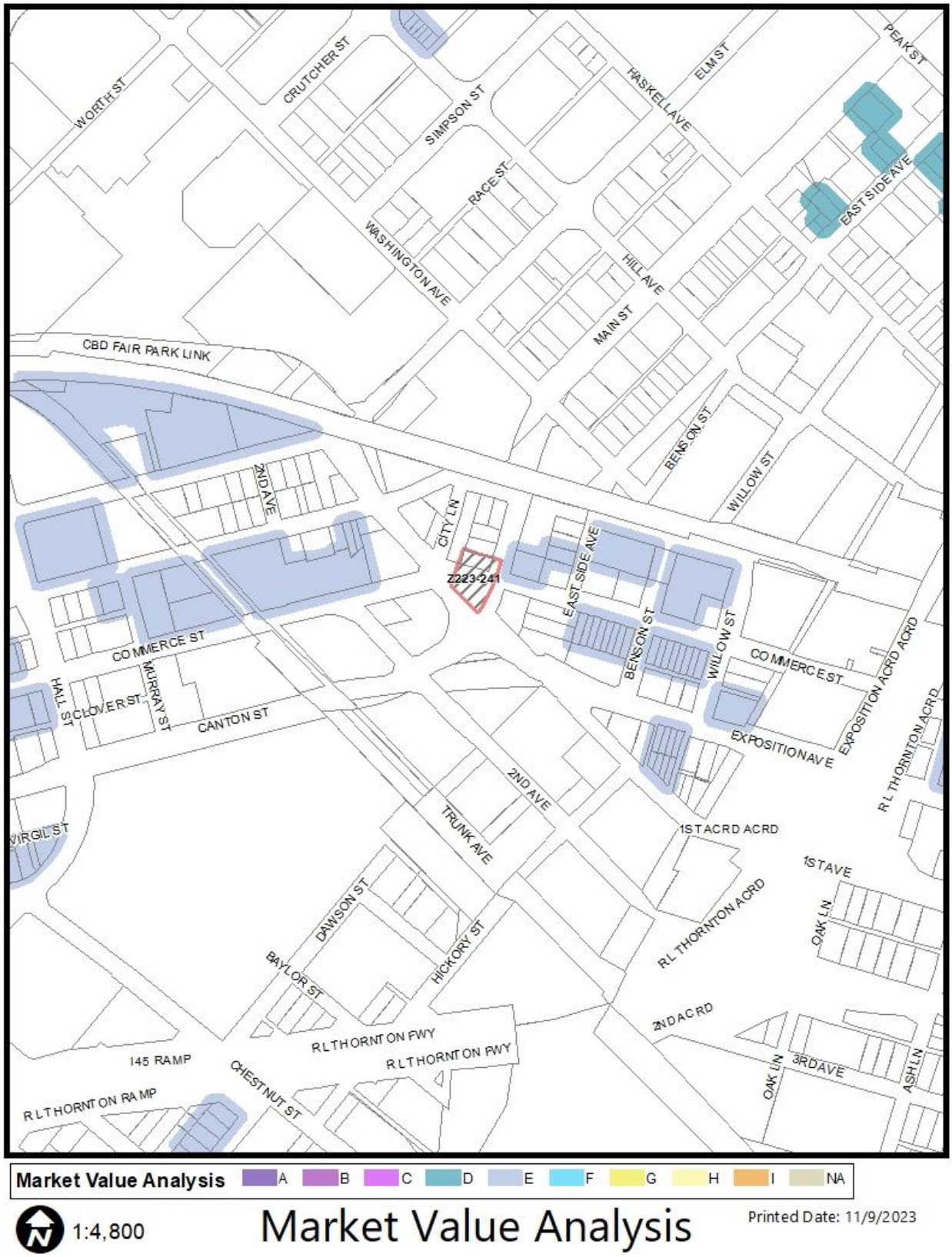
AERIAL MAP

Case no: Z223-241

Date: 11/9/2023


PD
749
PD
1002
MAIN ST
MAIN ST
MAIN ST
SUP
2068
EXPOSITION AVE
Commercial
Retail
CANTON ST
H/82
SUP
1695
COMMERCE ST
Commercial
Retail
EAST SIDE AVE
H/68
COMMERCE ST
COMMERCE ST
COMMERCE ST
Commercial
PD 269
(Tract A)
PD
269
CBD/Downtown Demolition Delay Overlay
CANTON ST
2ND AVE
Commercial
Retail
1ST AVE
1:1,200
ZONING
AND LAND USE
Case no: Z223-241
Date: 11/9/2023



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

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Market Value Analysis

Printed Date: 11/9/2023

14	Property Owners Notified (23 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
12/7/2023	Date

Z223-241
CPC

N W E S

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11/09/2023

12/06/2023

Reply List of Property Owners

Z223-241

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

Reply	*Label #*	*Address*		*Owner*
	1	3500	COMMERCE ST	Taxpayer at
	2	3506	COMMERCE ST	Taxpayer at
	3	3713	CANTON ST	Taxpayer at
	4	3813	EAST SIDE AVE	REEVES GEORGE M ET AL
	5	3612	COMMERCE ST	REEVES GROUP LTD
	6	3600	COMMERCE ST	CITY POCKET LTD
	7	3600	MAIN ST	COLDBEER IN DEEP ELLUM LP
	8	110	EXPOSITION AVE	COLDBEER IN DEEP ELLUM LP
	9	3719	LA FRANCE ST	Taxpayer at
	10	3511	PACIFIC AVE	Taxpayer at
	11	3721	LA FRANCE ST	Taxpayer at
	12	305	EXPOSITION AVE	MAIN STREET RETAIL LTD
	13	3720	CANTON ST	METRO PACIFIC EQUITIES IN
	14	3435	COMMERCE ST	SUNSET APARTMENTS LP