

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, MARCH 27, 2024

ACM: Majed Al-Ghafry

FILE NUMBER: Z234-109(MB) **DATE FILED:** September 13, 2023

LOCATION: South line of Elm Street, east of North Good Latimer Expressway

COUNCIL DISTRICT: 2

SIZE OF REQUEST: Approx. 4,791 sq. ft. **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER/APPLICANT: AP Deep Ellum, LLC

REQUEST: An application for an amendment to Specific Use Permit No. 2181 for a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The purpose of the request is to continue use of the site as a tattoo studio.

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

STAFF 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 tattoo studio.
- The request site is an existing tattoo studio with 1,264 square feet of floor area.
- SUP No. 2181 was approved by City Council on February 24, 2016 for a tattoo studio for a period of three years.
- SUP No. 2181 was renewed by City Council on February 13, 2019 for a tattoo studio for a period of five years.
- SUP No. 2181 expires on February 13, 2024. Applicant filed for renewal on September 13, 2023.
- The applicant requests the renewal of SUP No. 2181 for a five-year period to continue operating a tattoo studio. Applicant does not propose any changes to the site plan.

Zoning History:

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

1. **Z190-175:** On June 24, 2020, 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, located on the south line of Elm Street, east of North Good Latimer Expressway.
2. **Z190-202:** On August 12, 2020, City Council approved an application for the renewal of Specific Use Permit No. 2019 for a bar, lounge, or tavern and commercial amusement inside use limited to a live music 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, east of North Good Latimer Expressway.
3. **Z190-299:** On November 11, 2020, City Council approved an application for the renewal of Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and an inside commercial amusement limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway.
4. **Z223-235:** On December 7, 2023, City Plan Commission recommended approval of an application for an amendment to Specific Use Permit No. 2019 for a bar, lounge,

or tavern 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 Crowds Street. [Scheduled for City Council on January 24, 2024]

5. **Z223-227:** On January 10, 2024, City Council approved an application for an amendment to Specific Use Permit No. 1687 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Commerce Street, west of Henry Street.

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 have a significant impact on traffic.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and 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:

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

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

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. The plan was adopted by City Council in April 2011 and updated in 2015, 2016, and 2017. The area of request is located within the Deep Ellum area of the plan.

The applicant's request to amend the Specific Use Permit for a tattoo studio meets the 360 Plan's strategy to Build Complete Neighborhoods through the following goal:

3 Grow a Diverse Mix of Services and Retail

Land Use:

	Zoning	Land Use
Site	PD No. 269 Tract A	Tattoo studio
North	PD No. 269 Tract A	Commercial amusement (inside)
South	PD No. 269 Tract A	Surface parking
West	PD No. 269 Tract A	General merchandise or food store < 3,500 sf
East	PD No. 269 Tract A	Restaurant without drive-in

Land Use Compatibility:

The request site consists of a tattoo studio. The applicant is requesting renewal of SUP No. 2181 to continue operation of a tattoo studio. The site is surrounded by a mix of retail and personal service uses. Staff finds that the ongoing use as a tattoo studio will not have a negative impact on the surrounding area.

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.

Within PD No. 269, tattoo studios must be at least 300 feet away from all other tattoo and body piercing studios on the same street. The nearest tattoo studio on Elm Street is approximately 850 feet away.

The continuation of a tattoo studio in this neighborhood contributes to the character of the area and is not detrimental to the general welfare.

Landscaping:

Landscaping will be provided per PD No. 269 regulations.

Parking:

Parking must be provided in accordance with PD No. 269 regulations. Personal service uses, which includes tattoo studios, do not require off-street parking for the first 5,000 square feet of floor area if the use is in an original building and has a separate certificate of occupancy.

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 within an "F" MVA area.

List of Officers

AP Deep Ellum, LLC

Asana Partners, LP

Terry S Brown, Managing Partner
Jason K. Tompkins, Managing Partner
Sam E. Judd, Managing Partner
R. Seth Black, Managing Director
Brian R. Purcell, Managing Director
Reed Kracke, Managing Director
Chris R. Dalton, Director
Katie Grissom, Director
G. Welch Liles, Managing Director – Development

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is a tattoo studio.
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 [five years from the passage of this ordinance].
4. FLOOR AREA: The maximum floor area is 1,264 square feet in the location shown on the attached site plan.
5. PARKING: Parking must be provided in accordance with the parking requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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
February 1, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2181 for a tattoo studio 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 District, on the south line of Elm Street, east of North Good Latimer Expressway.

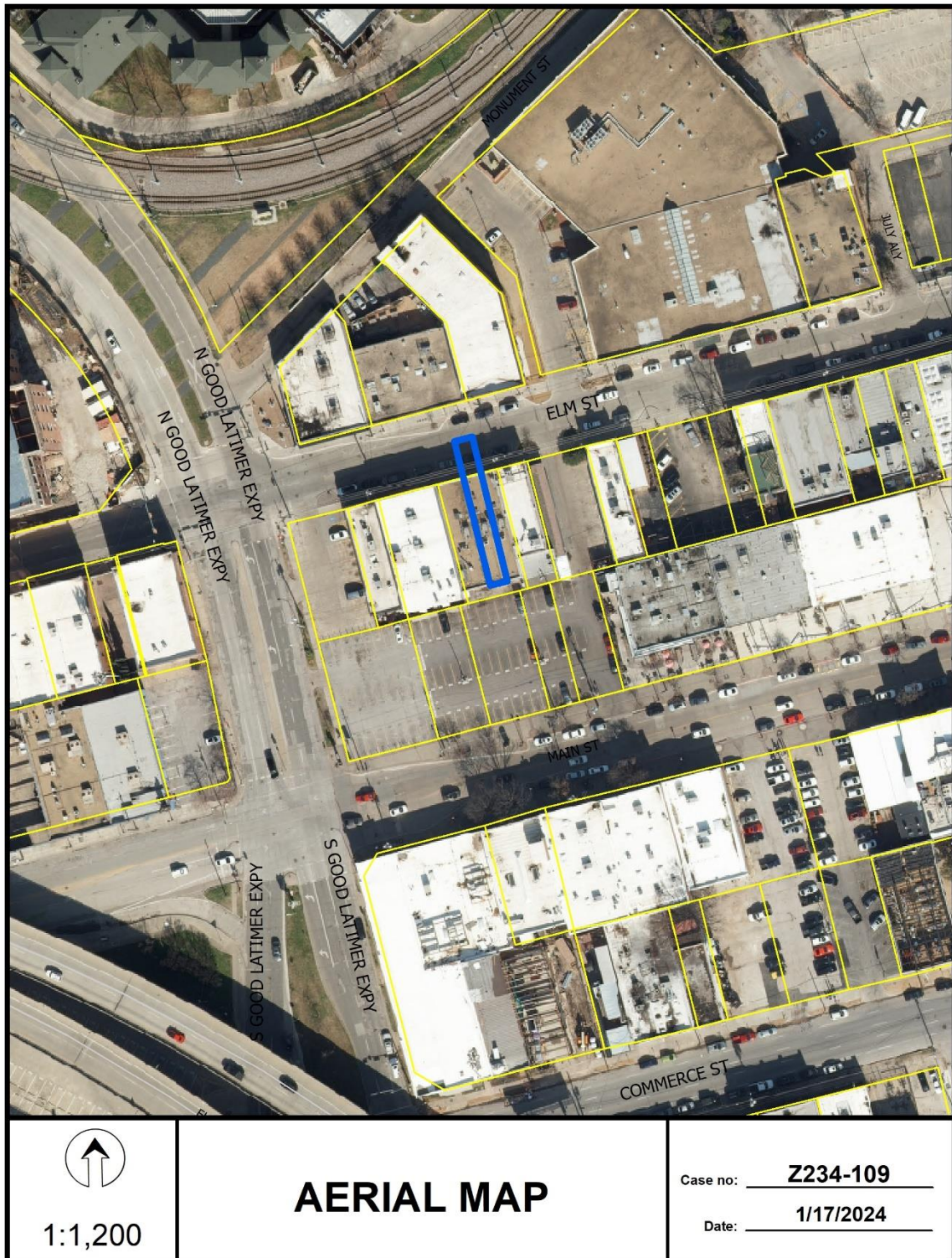
Maker: Blair
Second: Herbert
Result: Carried: 14 to 0

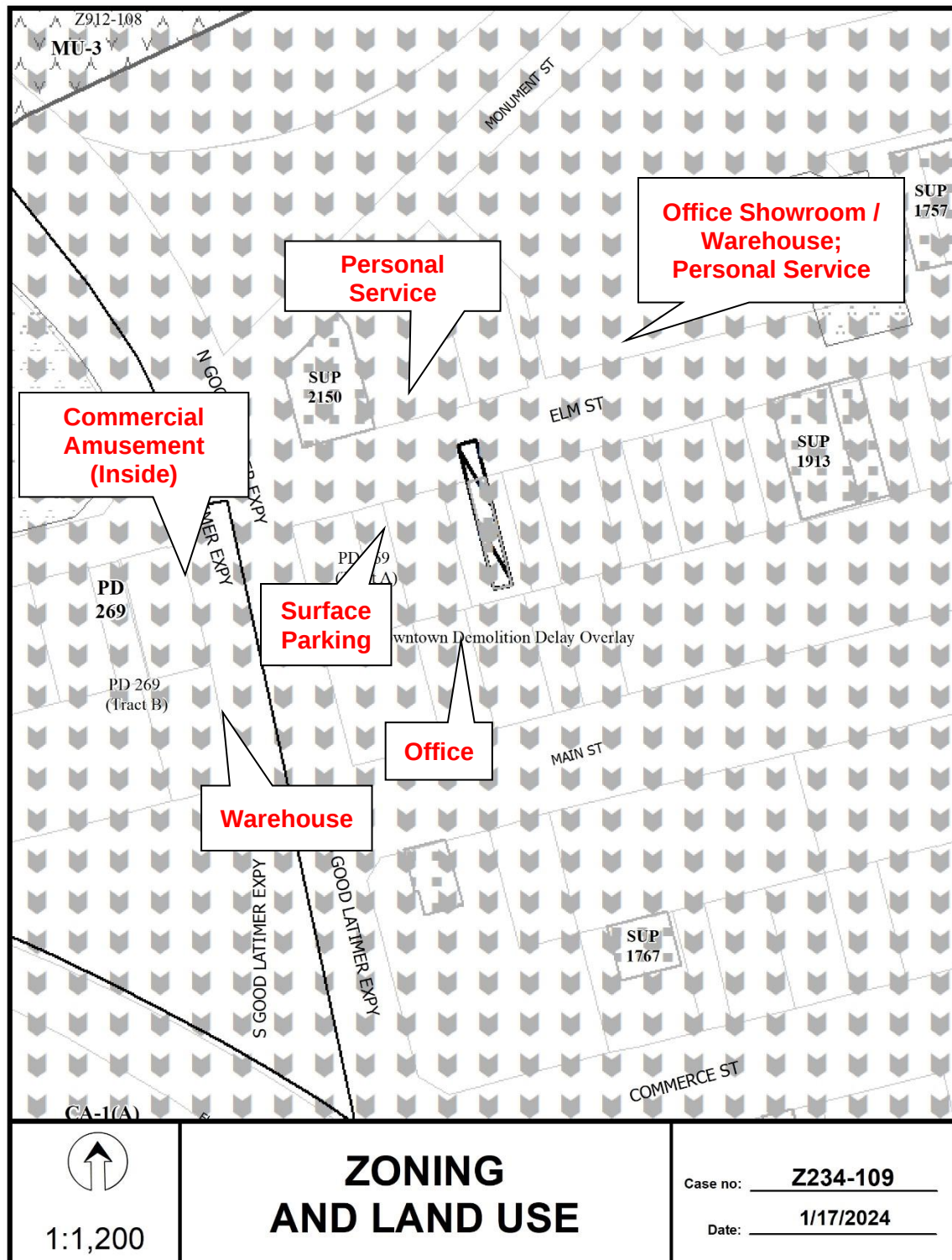
For: 14 - Chernock, Hampton, Herbert, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

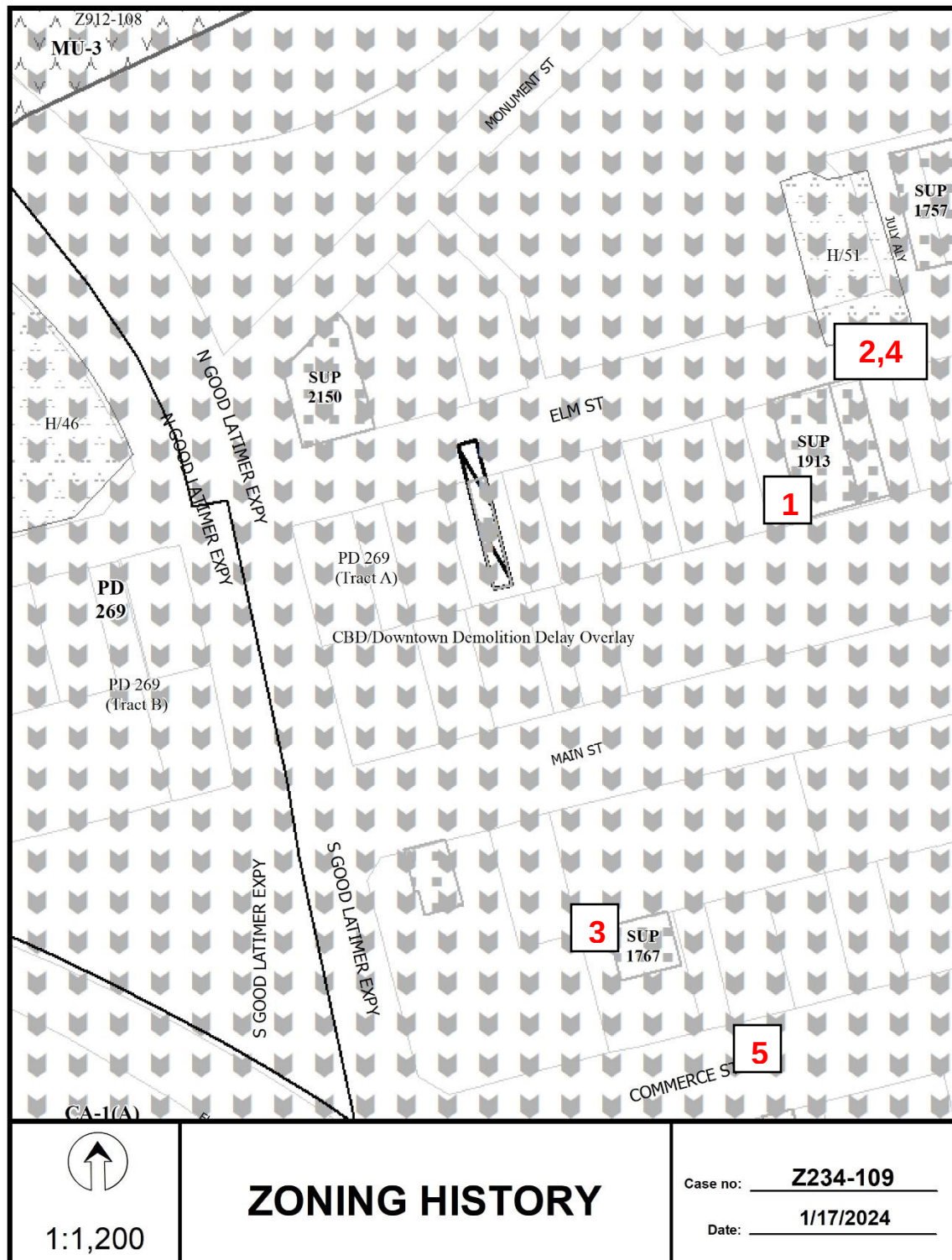
Against: 0
Absent: 0
Vacancy: 1 - District 4

Notices:	Area: 200	Mailed: 10
Replies:	For: 2	Against: 0













01/31/2024

Reply List of Property Owners***Z234-109******10 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2621 MAIN ST	AP DEEP ELLUM LLC
	2	2626 ELM ST	ELM STREET LOFTS LTD
O	3	2634 ELM ST	ROSE BARSHOP RESIDUARY TR
O	4	2628 ELM ST	ROSE BARSHOP RESIDUARY TR
	5	2604 ELM ST	SEJ ASSET MGMT & INVESTMENT CO
	6	2610 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	7	2603 MAIN ST	PARKIN ART JOINT VENTURE
	8	2625 ELM ST	UPLIFT EDUCATION
	9	2615 ELM ST	WESTDALE PPTIES AMERICA I LTD
	10	2600 MONUMENT ST	DALLAS AREA RAPID TRANSIT