
FILE NUMBER: Z234-187(WK) **DATE FILED:** March 7, 2024
LOCATION: South line of Elm Street, southwest of North Crowds Street
COUNCIL DISTRICT: 2
SIZE OF REQUEST: Approx. 1,733 sf **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER: Elm Street Realty, LTD (Westdale Asset Management)

APPLICANT: Bryan Austin, Off the Record

REQUEST: An application for a Specific Use Permit 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 purpose of the request is to allow an alcoholic beverage establishment limited to a bar, lounge, or tavern.

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

BACKGROUND INFORMATION:

- The area of the request is zoned Tract A within PD No. 269, The Deep Ellum/Near East Side District.
- Previous Specific Use Permit No. 2050 expired in August of 2023.
- The lot has frontage on Elm Street.
- There is an 887 square foot patio located in the rear of the property.

Zoning History:

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

1. **Z212-112:** On November 24, 2021, City Council approved Specific Use Permit No. 2450 for a bar, lounge, or tavern for a one-year period 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.
2. **Z212-137:** On December 2, 2021, City Council approved Specific Use Permit No. 2451 for a bar, lounge, or tavern for a three-year period 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.
3. **Z212-255:** On June 8, 2022, City Council approved Specific Use Permit No. 2466 for a bar, lounge, or tavern and an Inside Commercial Amusement Limited to a Live Music Venue for a three-year period on property zoned Tract A within PD No. 269, The Deep Ellum/Near East Side District, on the on the south line of Elm Street.
4. **Z212-334:** On May 10, 2023, City Council denied without prejudice 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, on the north side of Main Street at the terminus of Pryor Street, between North Good Latimer Expressway and North Crowdus Street.
5. **Z234-104:** On April 10, 2024, City Council approved an amendment to Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall for a two-year period on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the southwest corner of Elm Street and North Crowdus Street.
6. **Z234-172:** On February 14, 2024, staff received an application for a Specific Use Permit 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, on the northwest line of Elm Street, between North Malcolm X Boulevard and North Crowdus Street.

Thoroughfares/Streets:

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

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 will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Alcoholic Beverage Establishment
North	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Retail, Restaurants, Parking, and Live Music Venue
East	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Alcoholic Beverage Establishment and Live Music Venue
South	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Retail & Restaurants
West	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Retail, Restaurants, and Parking

Land Use Compatibility:

The request site is zoned Tract A within PD No. 269 and is currently developed with a one-story, approximately 1,733-square-foot building being used as an alcoholic beverage establishment limited to a bar, lounge, or tavern.

Other uses surrounding the area of request include a mix of retail, restaurant and live music venue uses to the north, a live music venue and alcoholic beverage establishment to the east, retail and restaurant uses to the south, and a parking lot and restaurant use to the west. The use of a bar, lounge, or tavern is compatible with the surrounding uses in the immediate vicinity and the uses 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. As the surrounding is heavily developed with retail and restaurant uses, a microbrewery is complimentary to the existing fabric of the area.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required.

Parking:

Per PD No. 269, no off-street parking spaces are required for the first 5,000 square feet of floor area in a use that has a separate certificate of occupancy, if the use is located in an original building, and one space per 600 square feet is required for the remaining floor area. The request site is required to provide two parking spaces and has provided three.

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 and the surrounding area is currently in an "F" MVA area.

List of Officers

Elm Street Realty, Ltd., a Texas limited partnership
Westdale Asset Management, General Partner

Officers of Westdale Asset Management:

Joseph G. Beard, President

Ken Carlson, Vice President

Trevor Bert, Chief Financial Officer

Evan Griffiths, Chief Operating Officer

Chuck Hixson, Vice President

Julie Gordon, Dallas Commercial Property Management

JGB Holdings, Inc., a Texas corporation, General Partner

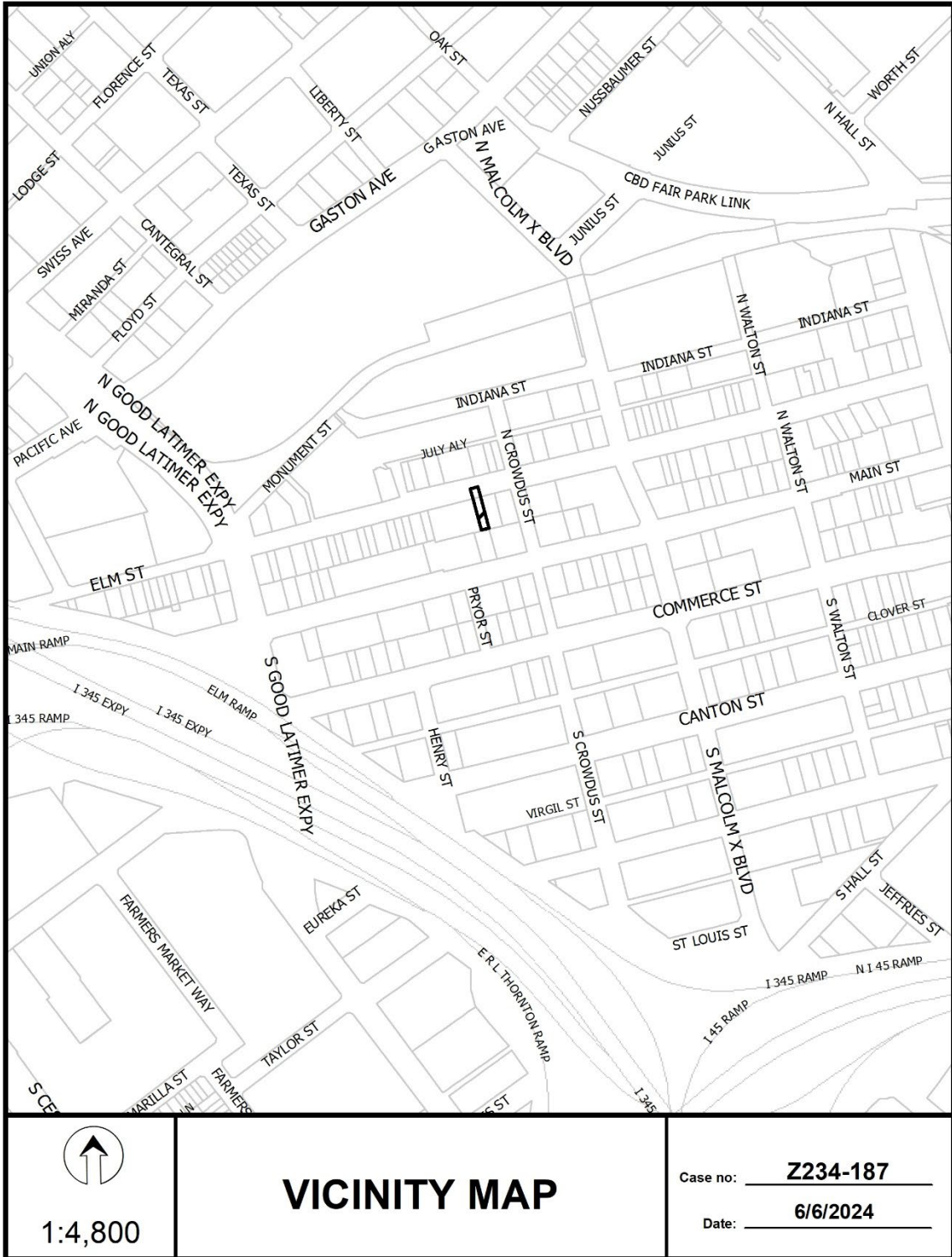
Joseph G. Beard, President

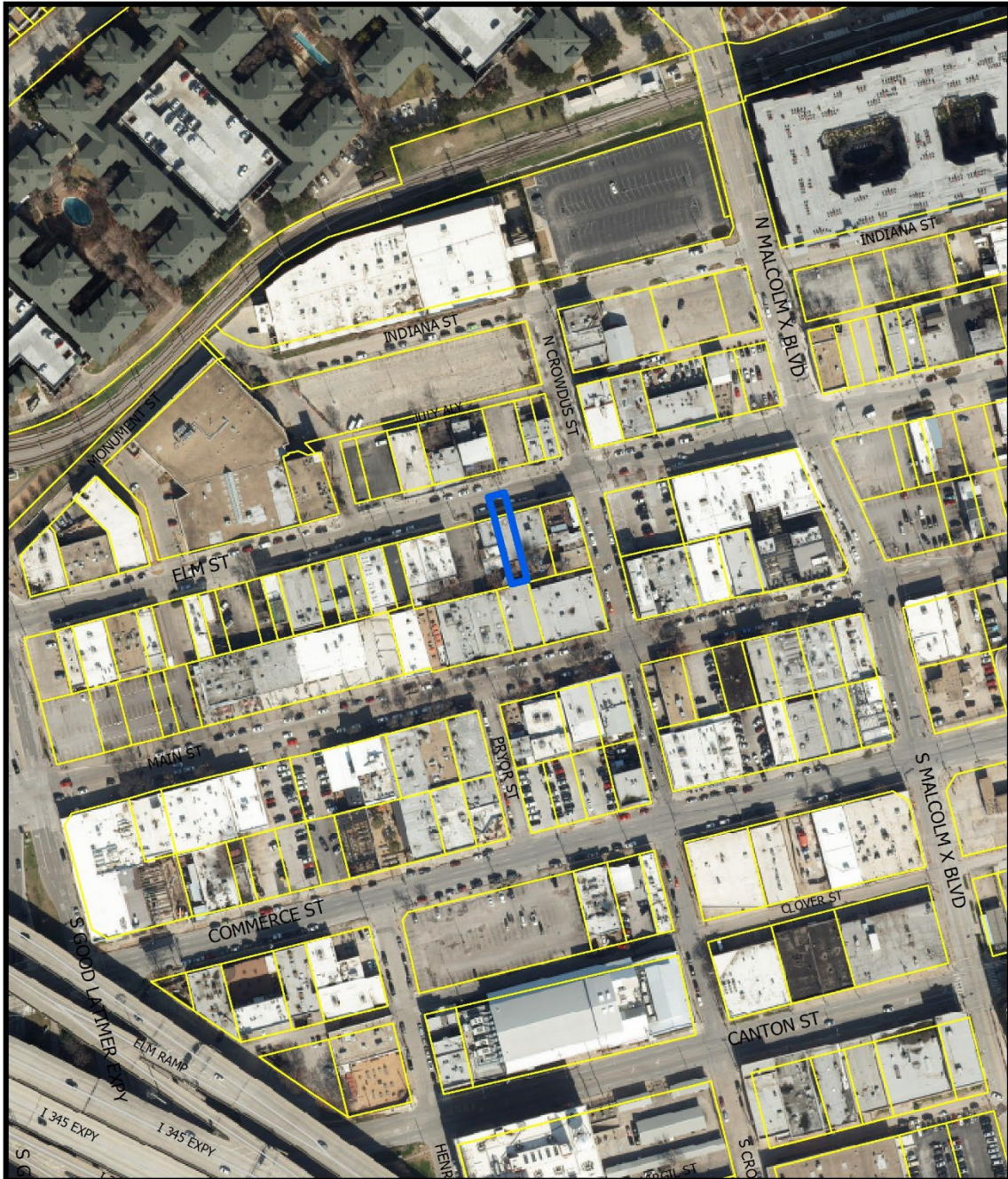
Off the Record

Bryan Austin

PROPOSED 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.
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area is 1,733 square feet in the location shown on the attached site plan.
5. 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.
6. OFF-STREET 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)(A), may not be used to meet the off-street parking requirements.
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
8. PATIO: An open air patio not to exceed 887 square feet in area is permitted in the location shown on the attached site plan.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. 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.



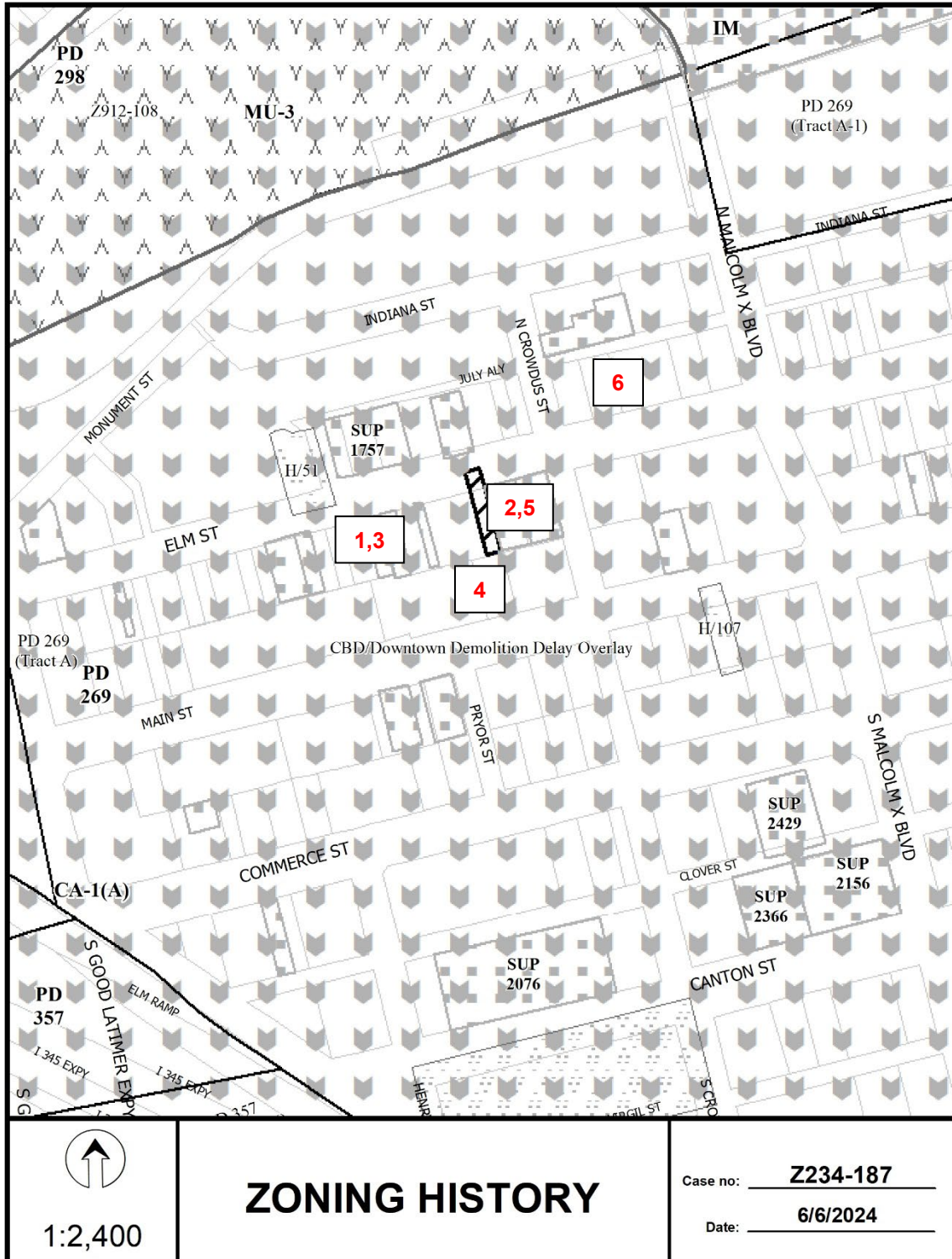


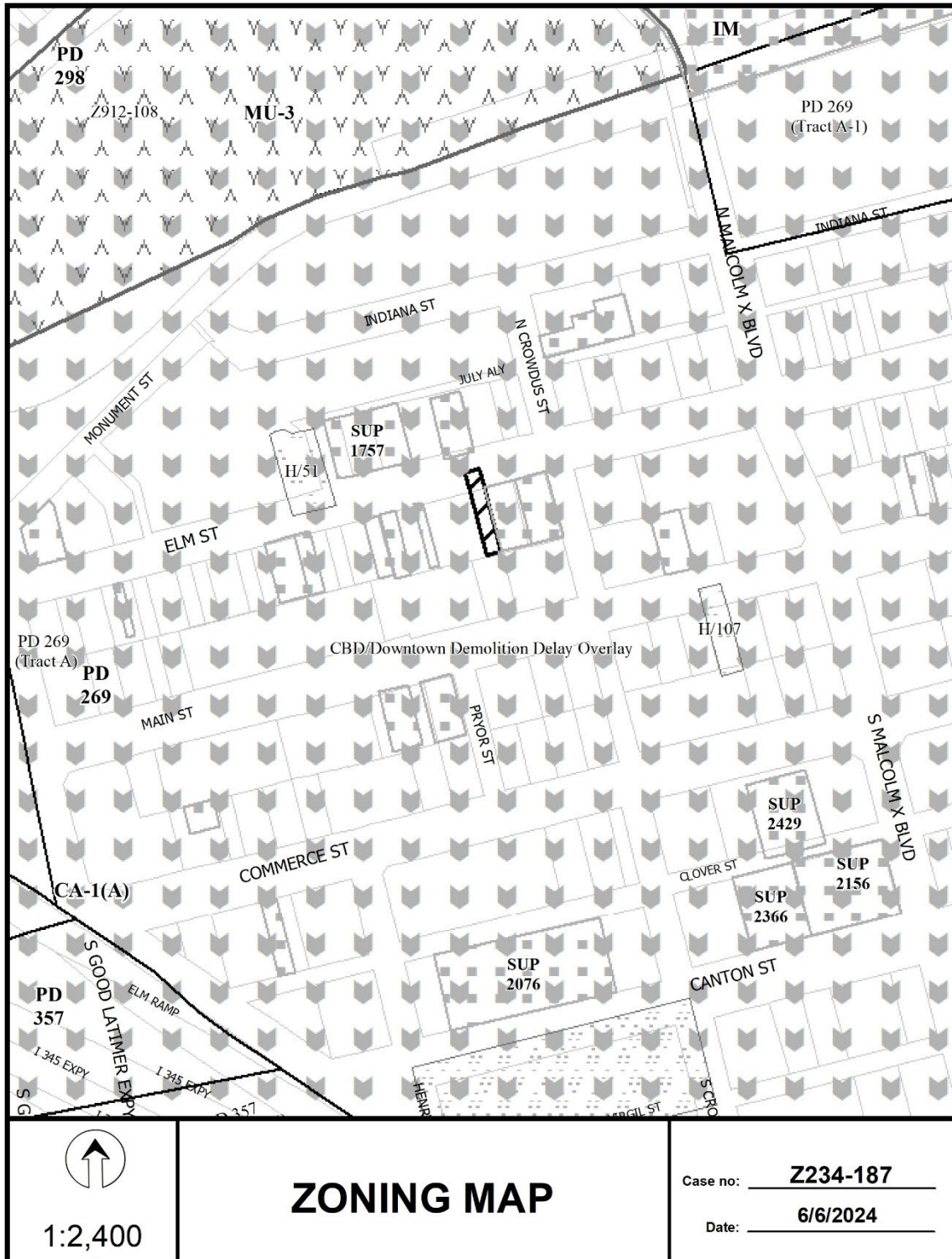
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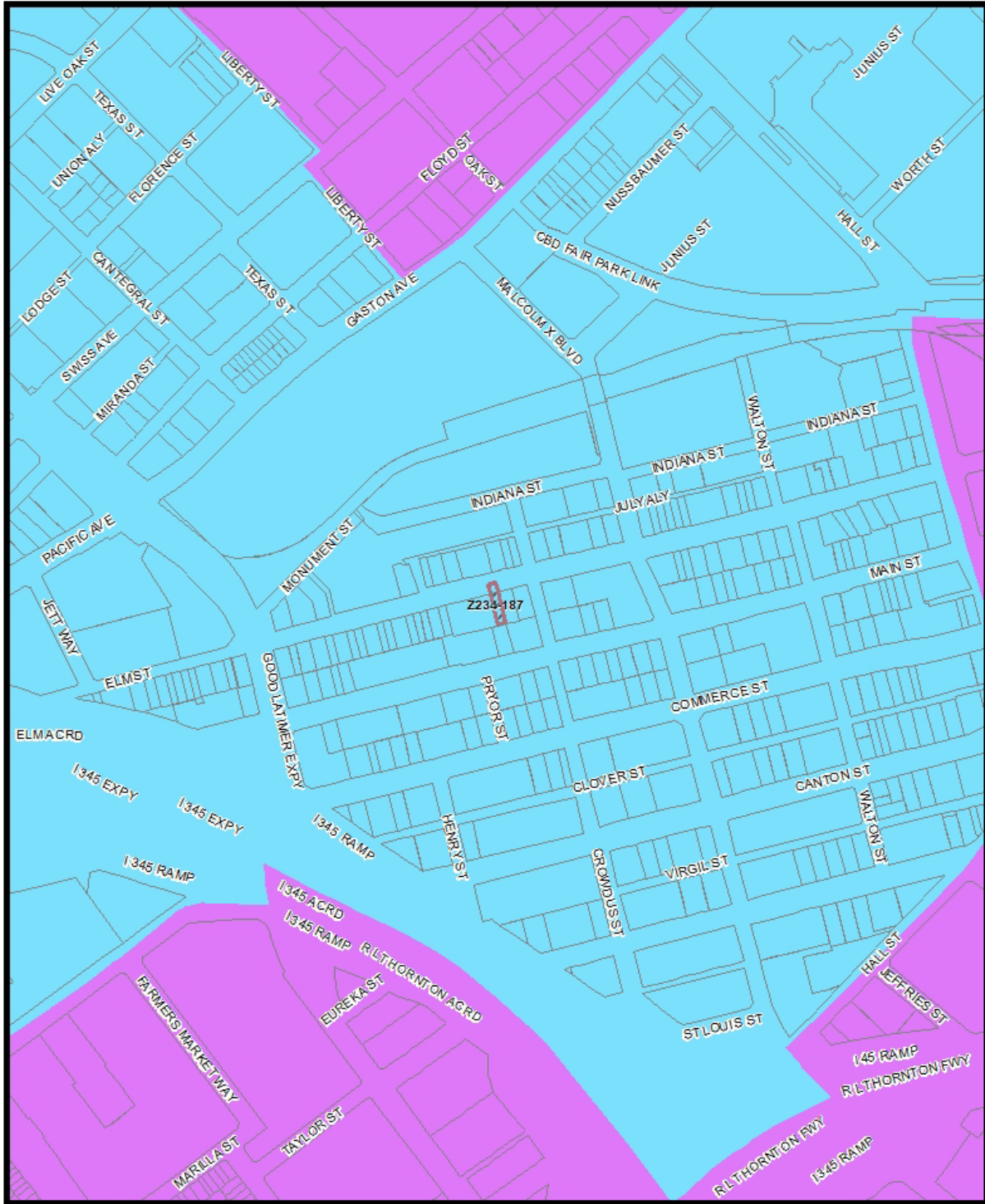
AERIAL MAP

Case no: Z234-187

Date: 6/6/2024







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

1:4,800

Market Value Analysis

Printed Date: 6/7/2024



06/06/2024

Notification List of Property Owners***Z234-187******22 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2704 ELM ST	ELM STREET REALTY LTD
2	2644 ELM ST	Taxpayer at
3	2638 ELM ST	Taxpayer at
4	2640 ELM ST	AP DEEP ELLUM LLC
5	2642 ELM ST	LALCO INC
6	2650 ELM ST	ELM ELM LLC
7	2712 MAIN ST	Taxpayer at
8	2656 MAIN ST	MEADOWCREST LLC
9	2701 COMMERCE ST	ABBOTT LLC
10	2713 COMMERCE ST	WESTDALE PPTIES AMERICA I
11	2625 ELM ST	UPLIFT EDUCATION
12	2800 MAIN ST	AP 2800 MAIN ST LLC
13	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
14	2715 MAIN ST	Taxpayer at
15	2707 MAIN ST	AP 2707 MAIN ST LLC
16	2815 MAIN ST	CASS DON E TR
17	2723 ELM ST	2723 ELM STREET JV
18	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
19	2707 ELM ST	Taxpayer at
20	2703 ELM ST	Taxpayer at
21	2701 ELM ST	Taxpayer at
22	2639 ELM ST	ELM STREET LOFTS LTD