

**FILE NUMBER:** Z234-172(CR)                      **DATE FILED:** February 14, 2024

**LOCATION:** Northwest line of Elm Street, between North Malcolm X Boulevard and North Crowdus Street

**COUNCIL DISTRICT:** 2

**SIZE OF REQUEST:** 1,742 square feet                      **CENSUS TRACT:** 48113020401

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**REPRESENTATIVE:** Audra Buckley, Permitted Development

**OWNER:** Westdale Properties America I, Ltd.

**APPLICANT:** Elm Street Tattoo

**REQUEST:** 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.

**SUMMARY:** The purpose of the request is to allow a body piercing studio and a tattoo studio to operate within an existing multi-tenant commercial building on the site.

**STAFF RECOMMENDATION:** Approval for a three-year period, subject to a site plan and 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 area of request is approximately 1,930 square feet, and includes an approximately 1,000 square-foot existing unit within a multi-tenant building.
- Specific Use Permit No. 1686 was approved on the current area of request on October 24, 2007, allowing for a body piercing studio and a tattoo studio. This SUP was renewed for two, three-year periods in 2010 and 2013, expiring without renewal on October 24, 2016. The applicant is seeking approval of a new SUP for the same use to continue operation of the established body piercing studio and a tattoo studio following a change in ownership.

**Zoning History:**

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

1. **Z190-267:** On June 23, 2020, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern with commercial amusement (inside) for a dance hall use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the southwest corner of Elm Street and Crowds Street.
2. **Z190-219:** On August 12, 2020, the City Council approved the renewal of Specific Use Permit No. 2050 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, west of North Crowds Street.
3. **Z190-257:** On October 28, 2020, the City Council approved a new Specific Use Permit (SUP No. 2396) 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, west of Crowds Street.
4. **Z212-137:** On March 9, 2022, the City Council approved a new Specific Use Permit (SUP No. 2451) for a bar, lounge, or tavern and an inside commercial amusement use limited to live music venue 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, west of Crowds Street.
5. **Z212-255:** On November 9, 2022, the City Council approved a new Specific Use Permit (SUP No. 2466) for a bar, lounge, or tavern and an inside commercial amusement use limited to live music venue 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, west of North Crowds 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 significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

**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:

**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 2.3** BUILD A DYNAMIC AND EXPANDED DOWNTOWN

**Policy 2.3.1** Restore Downtown Dallas as the economic and cultural heart of North Central Texas.

**URBAN DESIGN ELEMENT**

**GOAL 5.1** PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

**Policy 5.1.2** Define urban character in Downtown and urban cores.

**Area Plans:**

**The 360 Plan**

The 360 Plan, adopted by Council in 2017, is an update to the Downtown Dallas 360 Plan adopted in 2011. The Plan, informed by local stakeholders, community leaders, and the City of Dallas, produced a strategic plan for the greater Downtown area. In the six years since the 2011 plan was adopted, the Downtown area has seen significant and rapid growth and has achieved many of the action items identified in the 2011 plan. The 2011 plan identified numerous connectivity needs as well as implementable actions for long-term vibrancy and success, including transit, streets, public spaces, urban design, housing, and parking. The 360 Plan is envisioned to address these and other emergent needs of the growing residential population, commercial sector, and visitor base. The Plan was developed concurrently with other major planning efforts occurring in and around the City Center, including CityMAP, DART capital projects, high speed rail, and the Arts District Plan.

Staff finds that the applicant's request for a body piercing studio and tattoo studio on the site contributes to the overall vibrancy and commercial base within the Downtown area. This active use contributes to the Downtown area, meeting the 360 Plan's objectives of strengthening the urban fabric.

**Land Use:**

	<b>Zoning</b>	<b>Use</b>
<b>Site</b>	PD 269, Tract A	Body piercing studio and tattoo studio
<b>North</b>	PD 269, Tract A, with Specific Use Permit No. 1685 for a bar, lounge, or tavern	Bar, lounge, or tavern
<b>East</b>	PD 269, Tract A	Restaurant without drive-in or drive-through service
<b>South</b>	PD 269, Tract A	Restaurant without drive-in or drive-through service
<b>West</b>	PD 269, Tract A	Restaurant without drive-in or drive-through service

**Land Use Compatibility:**

The area of request is approximately 1,930 square feet, and includes an approximately 1,000 square-foot existing unit within a multi-tenant building. The property abuts Elm Street to the south, which is developed with similar active uses including restaurants without drive-in or drive-through services, and bars, lounges, or taverns.

No changes to PD No. 269 nor the applicable subdistricts are requested.

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 finds that this application for a Specific Use Permit meets the approval criteria for SUPs as established by Section 51A-4.219 of the Dallas Development Code.

Staff supports the request due to the similarity of land use intensity with surrounding commercial establishments along Elm Street and proposed compliance with all other applicable provisions of the Dallas Development Code and PD No. 269. Per Section 51P-269.105(a)(12)(D) and (U) of PD No. 269, body piercing and tattoo studios must be located at least 300 feet from each other; staff has determined that there are no other body piercing or tattoo studios within 300 feet of this request. Furthermore, the continuity of a previously approved body piercing studio and tattoo studio would be supported by this Specific Use Permit.

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended, and applicable provisions of PD No. 269.

**Parking:**

Parking is required to be provided in accordance with PD No. 269 and the Dallas Development Code. This PD requires no minimum parking for the first 5,000 square feet of retail-related uses or professional, personal service, and custom crafts uses in an original building. The area of request includes an approximately 1,000 square-foot existing building and therefore does not require any on-site parking spaces.

**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 currently in an “F” MVA area.

**List of Officers**

Westdale Properties America I, Ltd., a Texas limited partnership

Westdale Asset Management, General Partner

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

### **PROPOSED CONDITIONS**

1. Use: The only use authorized under this SUP are a tattoo studio and a body piercing 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 (three years from passage of this ordinance).
4. Maximum Floor Area: The maximum allowable floor area for this use is 1,000 square feet.
5. Maintenance: The entire 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.



### PROPOSED SITE PLAN



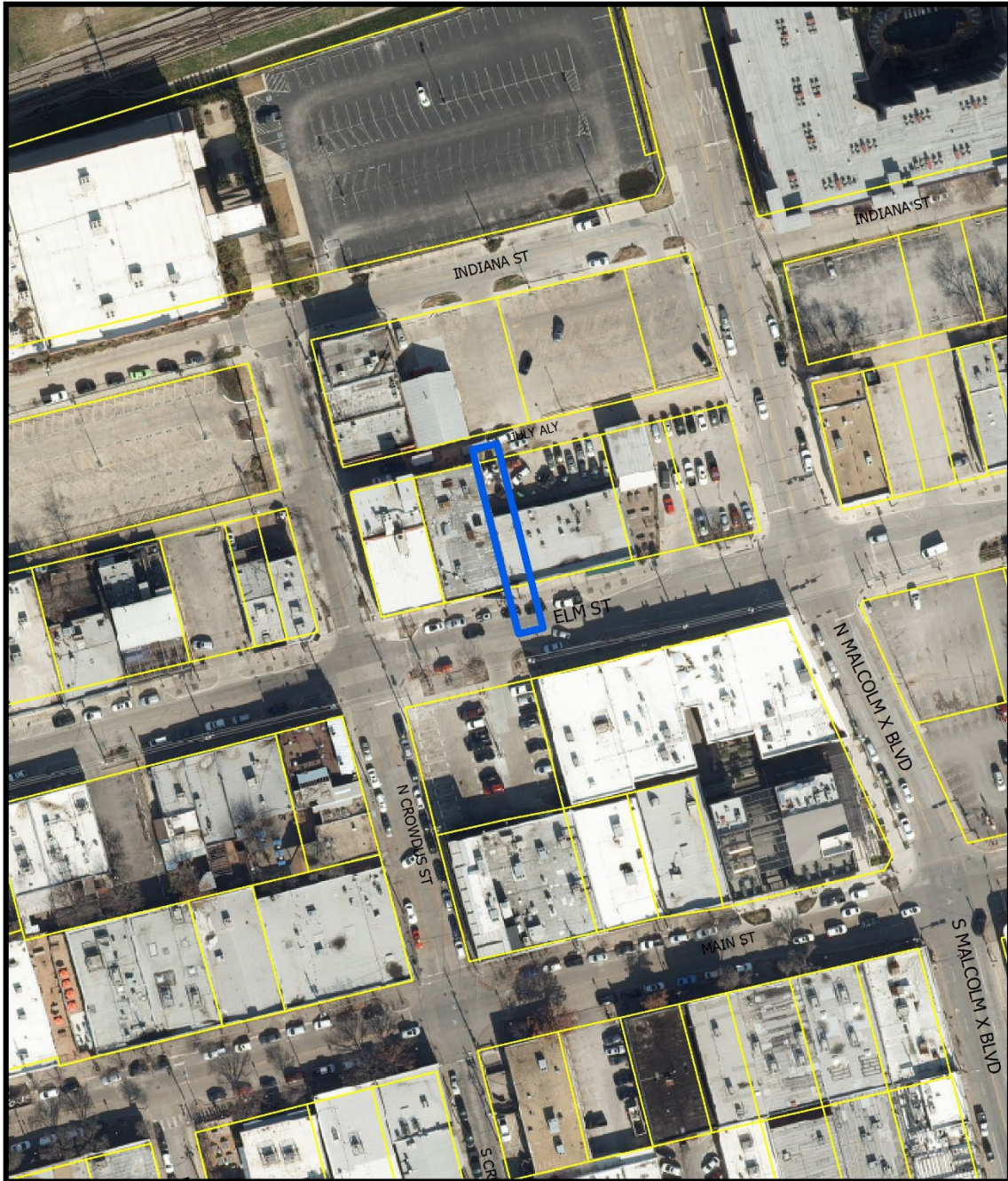


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### VICINITY MAP

Case no: Z234-172

Date: 5/31/2024

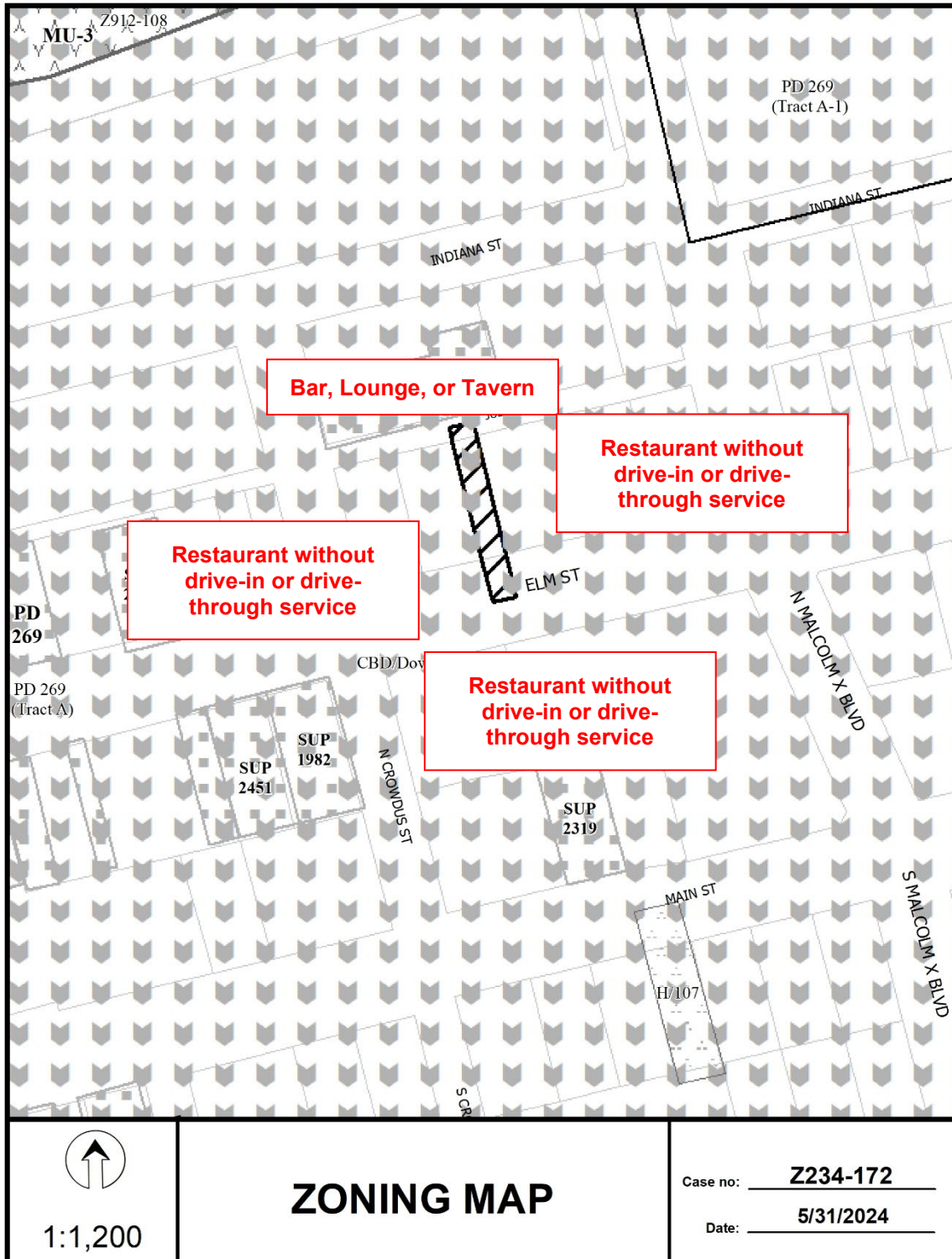


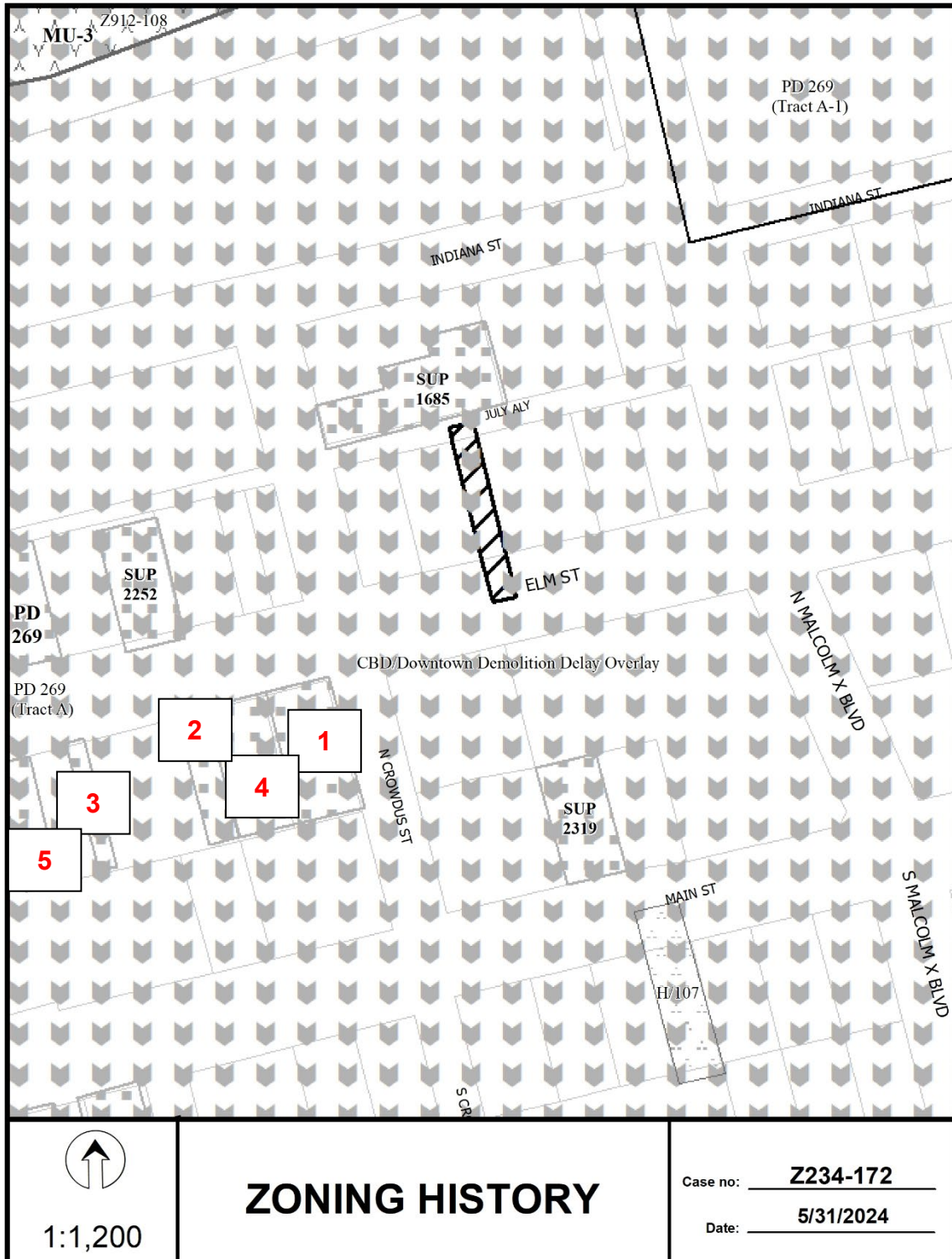
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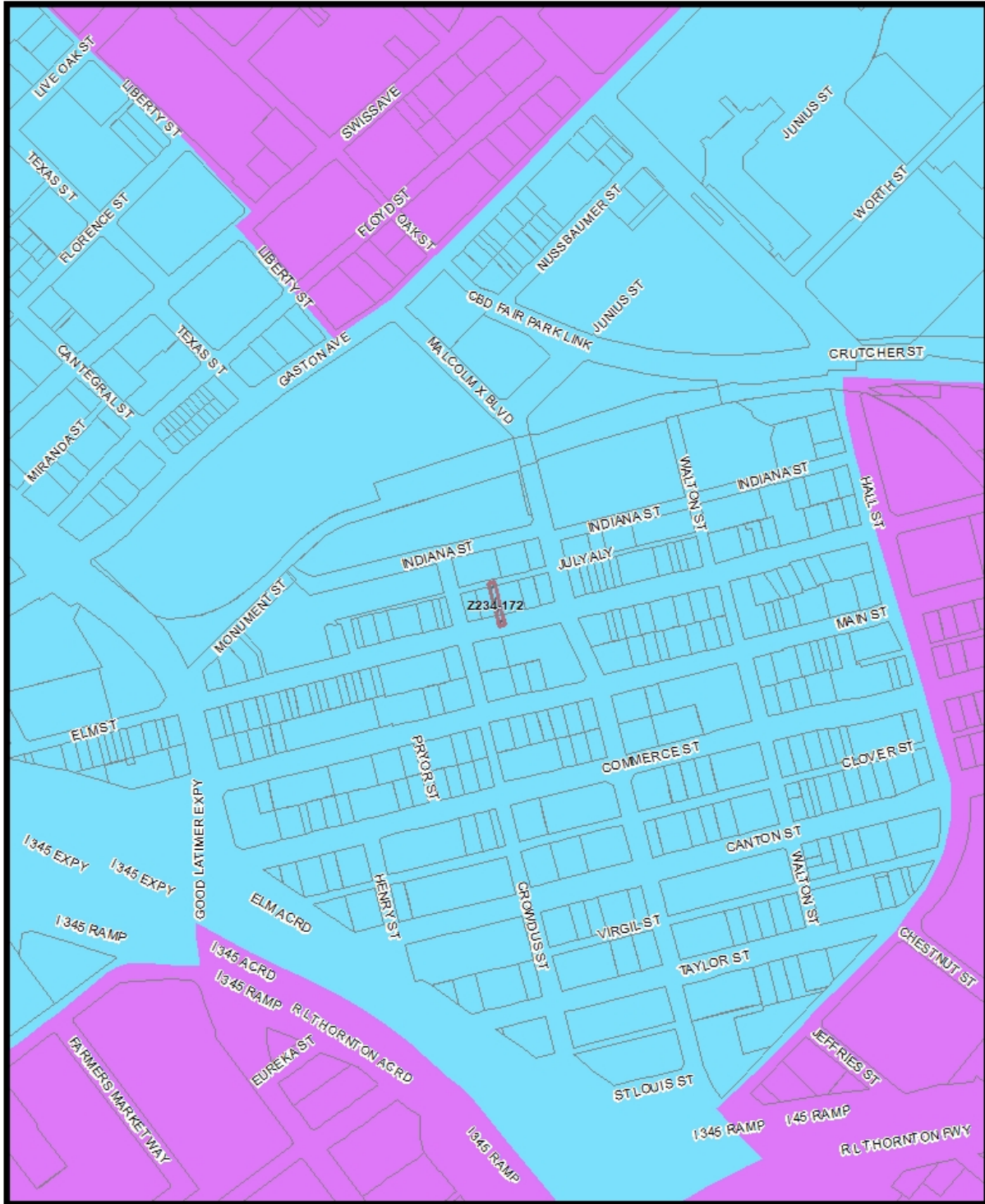
# AERIAL MAP

Case no: Z234-172

Date: 5/31/2024

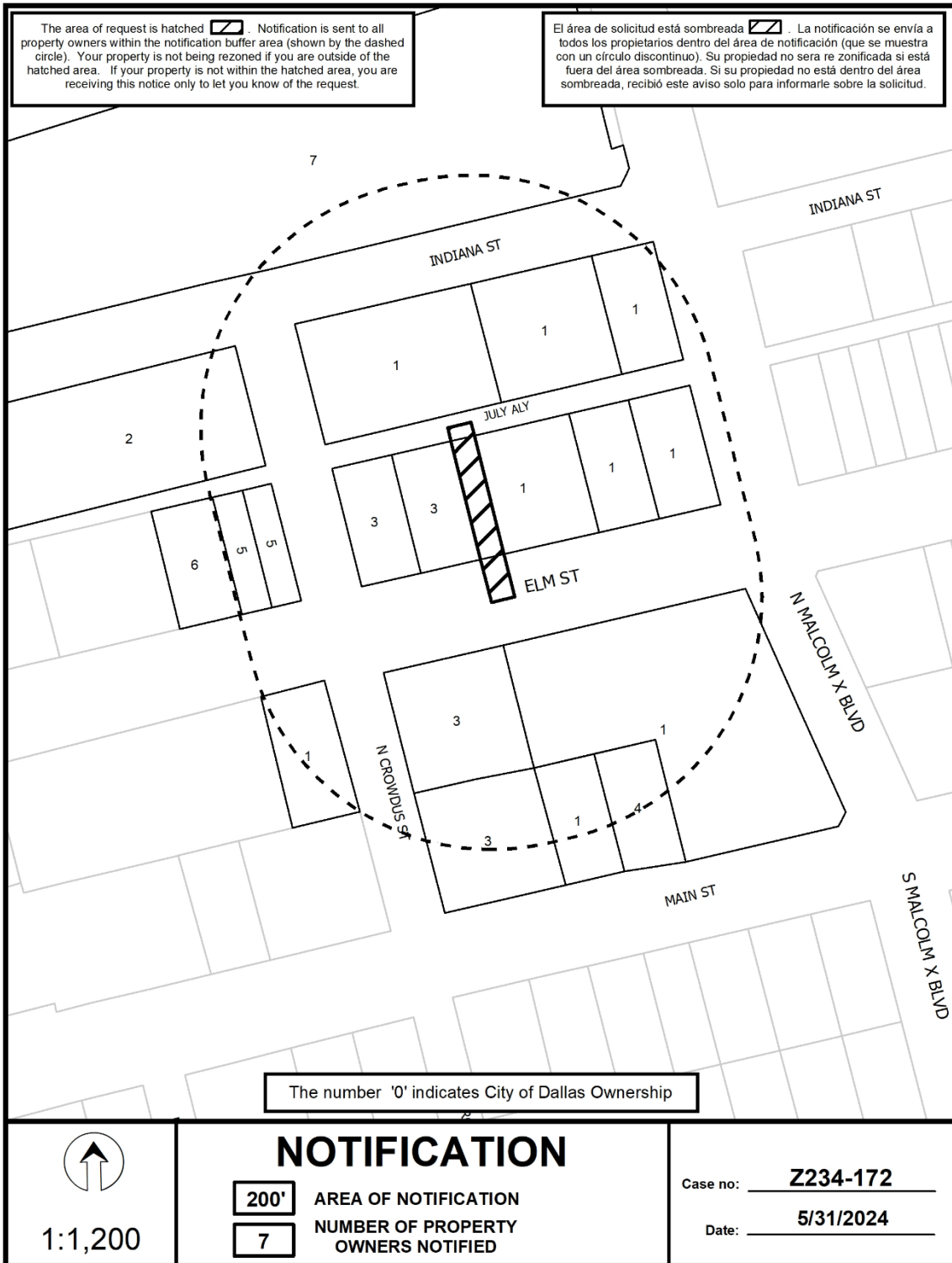






# Market Value Analysis

Printed Date: 5/31/2024



Z234-172(CR)

05/31/2024

***Notification List of Property Owners***

***Z234-172***

***7 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
2	2625 ELM ST	UPLIFT EDUCATION
3	2806 ELM ST	AP DEEP ELLUM LLC
4	2815 MAIN ST	CASS DON E TR
5	2723 ELM ST	2723 ELM STREET JV
6	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
7	301 N CROWDUS ST	301 N CROWDUS LP