

FILE NUMBER: Z234-104(LC) **DATE FILED:** October 3, 2023
LOCATION: Southwest corner of Elm Street and North Crowdus Street
COUNCIL DISTRICT: 2
SIZE OF REQUEST: Approx. 5,968 sq. ft. **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Andrew Ruegg, Masterplan

OWNER: Westdale Properties America I LTD

REQUEST: An application for 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 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 the continued operation of a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall.

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

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

BACKGROUND INFORMATION:

- The area of request is currently developed with an existing structure approximately 5,968 square feet, with bar, lounge, or tavern and inside commercial amusement limited to a Class A dance hall uses.
- The property is located on the southwest corner of Elm Street and North Crowds Street.
- Request for renewal of Specific Use Permit No. 1982, as to allow the continued operation of a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall.
- This specific use permit would expire five years from the passage of the ordinance.

Zoning History:

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

1. **Z190-219:** On August 12, 2020, City Council approved an application for the renewal of Specific Use Permit No. 2050 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, located on the south line of Elm Street, west of North Crowds Street.
2. **Z190-257:** On October 28, 2020, City Council approved an application for Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a five-year period on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the south line of Elm Street, west of Crowds Street.
3. **Z190-267:** On October 13, 2020, City Council approved an application for the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern with commercial amusement (inside) for a dance hall for a three-year period on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the southwest corner of Elm Street and Crowds Street. *[Subject Site]*
4. **Z212-137:** On March 9, 2022, City Council approved an application for Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement use limited to live music venue for a three-year period 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 Crowds Street.

5. **Z212-255:** On November 9, 2022, City Council approved an application for Specific Use Permit for a bar, lounge or an inside commercial amusement use limited to a live music venue for a three-year period 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.
6. **Z212-334:** On April 12, 2023, City Council approved an application for Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern 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 north side of Main Street at the terminus of Pryor Street, between North Good Latimer Expressway and North Crowdus Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Elm Street	Community Collector	60 Feet
North Crowdus Street	Local Street	-

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, outlining several goals and policies which 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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

Land Use:

	Zoning	Land Use
Site	PD No. 269, Tract A	Alcoholic beverage establishment
North	PD No. 269	Commercial retail
East	PD No. 269	Commercial retail
South	PD No. 269	Commercial retail
West	PD No. 269, Tract A	Commercial retail

Land Use Compatibility:

The area of request is currently developed with an existing structure approximately 5,968 square feet, with bar, lounge, or tavern and inside commercial amusement limited to a Class A dance hall uses. This Specific Use Permit request is to allow the continued operation of a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall use. The area of request is currently surrounded by commercial retail uses under PD No. 269 with SUP No. 1685, 2252, and 2319 to the north; commercial retail under PD No. 269 to the south; commercial retail under PD No. 269 with SUP No. 2319 to the east; and commercial retail under PD No. 269 to the east. 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 finds the proposed time limit of five years without eligibility for automatic renewal to be appropriate for this site.

Landscaping:

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

Parking:

The existing bar and proposed dance hall are required to provide 19 off-street parking spaces. The first 2,500 square feet of a bar located within an original building does not require parking, the remainder requires one space per 100 square feet of floor. A dance hall requires one space per 25 square feet of floor area. The SUP conditions specify that the maximum floor area of a bar is 4,792 square feet; therefore, 23 spaces are required for the bar. In addition, the 120 square foot dance floor requires 5 spaces. The site is also eligible for a 10% parking reduction for proximity to DART and a total of six on-street parking spaces are adjacent to the subject site and may be applied towards the site's off-street parking requirement. All other required off-street parking would be provided via a remote parking agreement.

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 currently within an "F" MVA area.

Crime Report:

Since June 2022, the area has had 14 offenses, 29 calls, and 3 arrests.

Calls (Summary)	
Problem	Count of Problem
**PD Requested by Fire Count	0
07 - Minor Accident Count	0
09 - Theft Count	0
09V - UUMV Count	4
09V-01 UUMV Just Ocrd Count	0
11B/01 - Burg of Bus Count	0
12B - Business Alarm Count	0
21B - Business Hold Up Count	0
24 - Abandoned Property Count	0
32 - Suspicious Person Count	0
38 - Meet Complainant Count	0
40 - Other Count	0
40/01 - Other Count	0
41/20 - Robbery - In Progress Count	0
46 - CIT Count	0
55 - Traffic Stop Count	0
58 - Routine Investigation Count	0
6X - Major Dist. (Violence) Count	0
6XA - Major Dist. Ambulance Count	0
6XE - Disturbance Emergency Count	0
7X - Major Accident Count	0
DAEF-Dist. Armed Encounter Foot Count	0
PH - Panhandler Count	0
Total	4

List of Officers

Westdale Properties America I LTD

Joe Beard, President & CEO
Evan Griffiths, COO
Ken Carlson, CIO
Trevor Bert, CFO
Cindi Scoggins, EVP- Residential Operations
Jeff Allen, EVP - Commercial
Brian Barton, VP- Asset Management
Chuck Hixson, VP - Commercial
Kevin Jennings, Principal
Andrew Schmeltekopf, Principal

**CPC Action
March 7, 2024**

Motion: It was moved to recommend **approval** of 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 one-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 southwest corner of Elm Street and North Crowdus Street.

Maker: Hampton
Second: Herbert
Result: Carried: 12 to 0

For: 12 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Haqq, Hall

Against: 0
Absent: 3 - Treadway, Kingston, Rubin
Vacancy: 0

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0

Speakers: For: Andrew Ruegg, 2201 Main St., Dallas, TX, 75201
Against: None

February 1, 2024

Motion: In considering an application for 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 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, it was moved to **hold** this case under advisement until March 7, 2024.

Maker: Hampton
Second: Housewright
Result: Carried: 14 to 0

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

Z234-104(LC)

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

Notices: Area: 200 Mailed: 12
Replies: For: 0 Against: 0

Speakers: None

CPC RECOMMENDED SUP 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 Class A dance hall.
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 (one year from the passage of the ordinance).

Staff recommendation:

3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance).

4. FLOOR AREA:

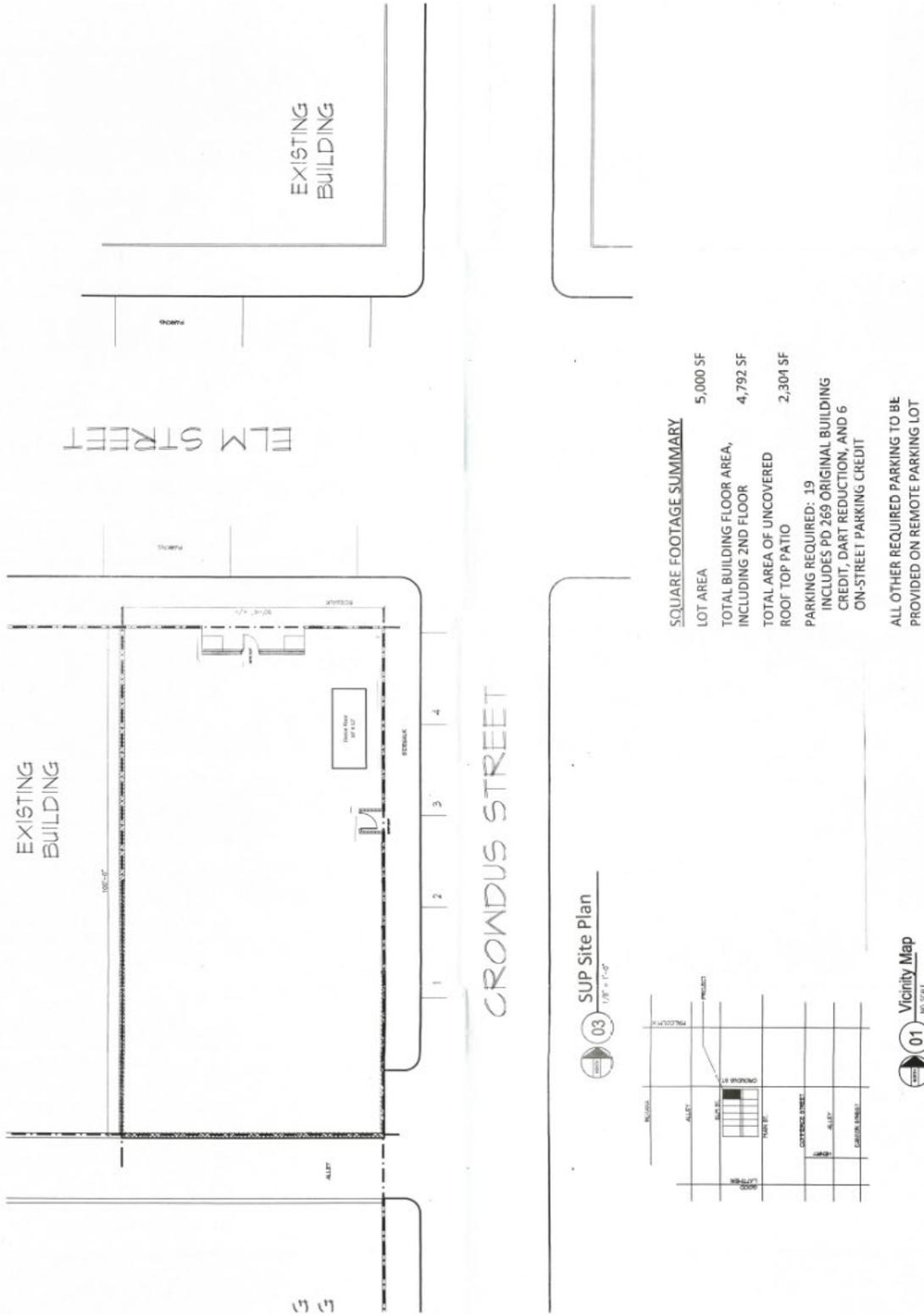
A. Maximum total floor area for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall is 4,792 square feet in the location shown on the attached site plan.

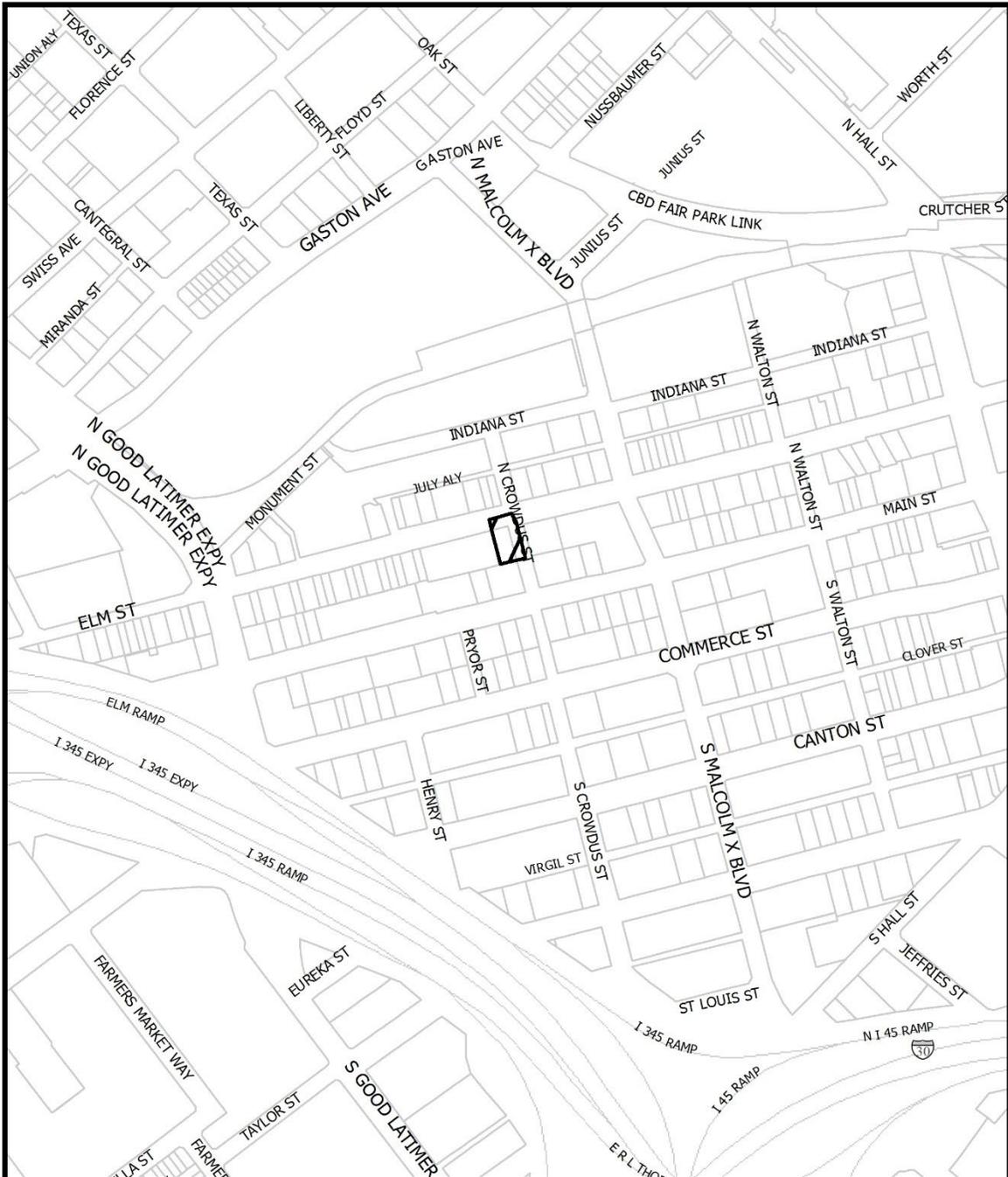
B. Maximum floor area for a dance floor is 120 square feet in the location shown on the attached site plan.

C. Maximum floor area for an uncovered rooftop patio is 2,400 square feet.

5. HOURS OF OPERATION: The bar, lounge, or tavern and the inside commercial amusement limited to a Class A dance hall 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. (noon) and 2:00 a.m. (the next day), Saturday and Sunday.
6. OFF-STREET PARKING: Off-street parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4), as amended, may not be used to meet the off-street parking requirement.
7. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
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)



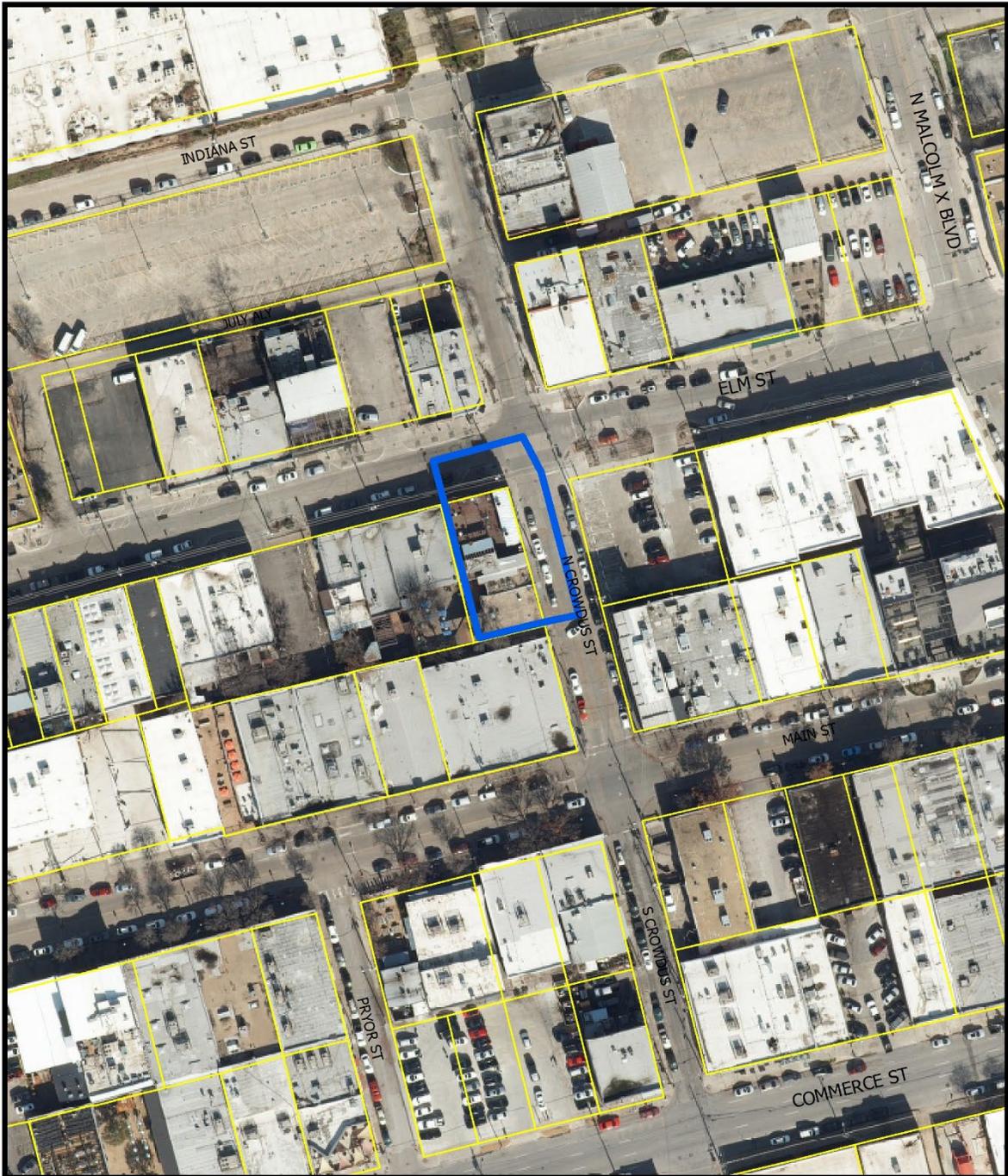


1:4,800

VICINITY MAP

Case no: **Z234-104**

Date: **1/17/2024**

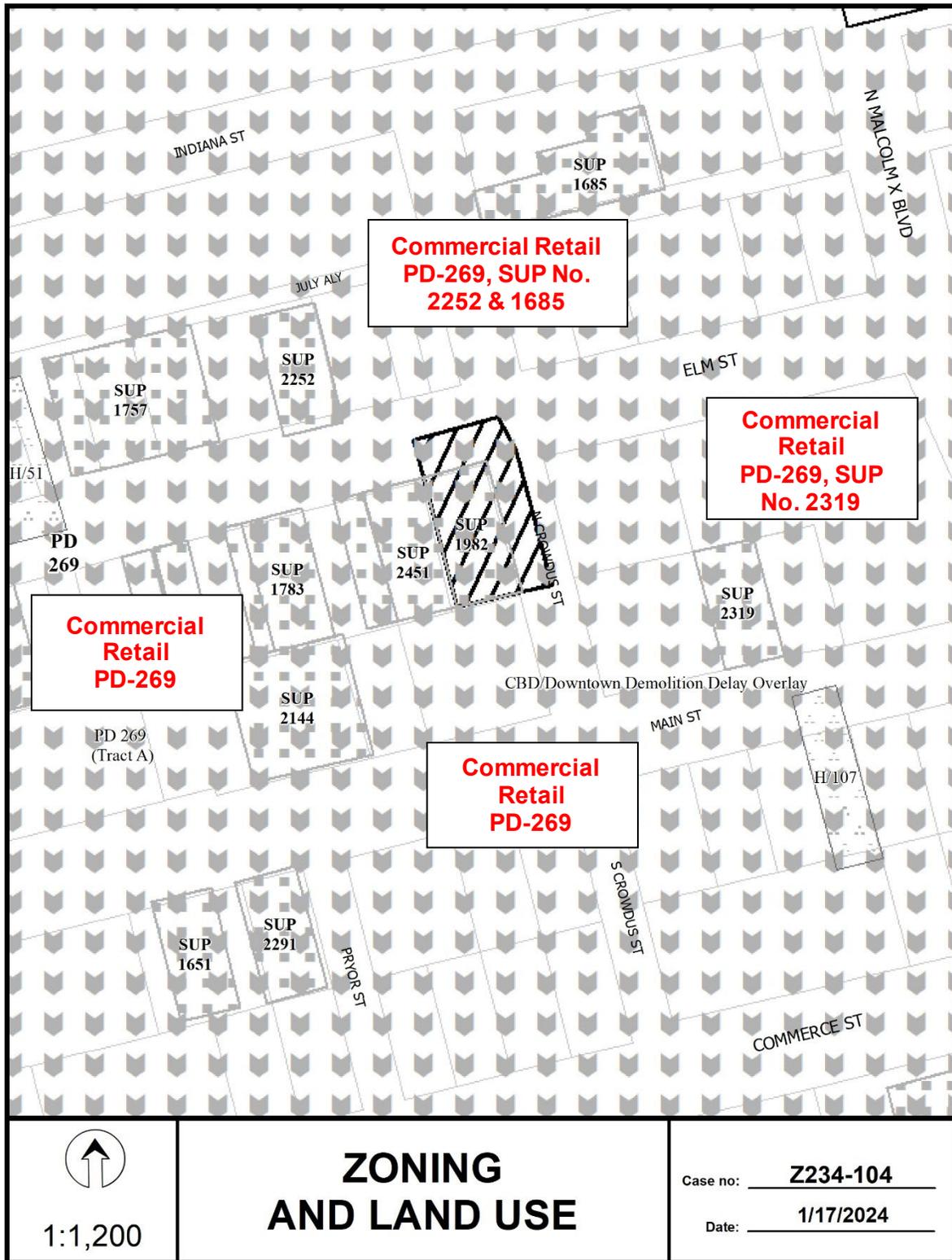


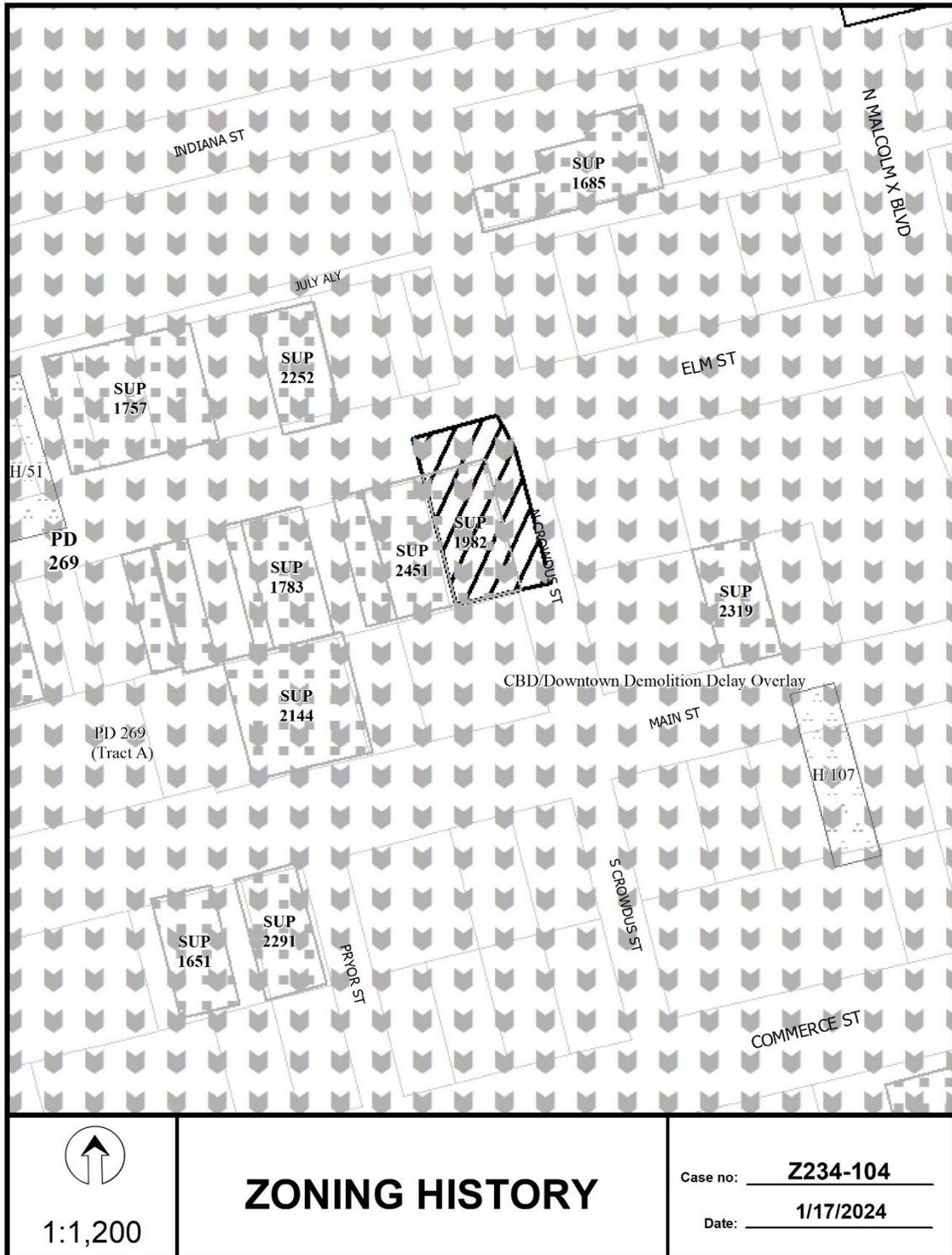
1:1,200

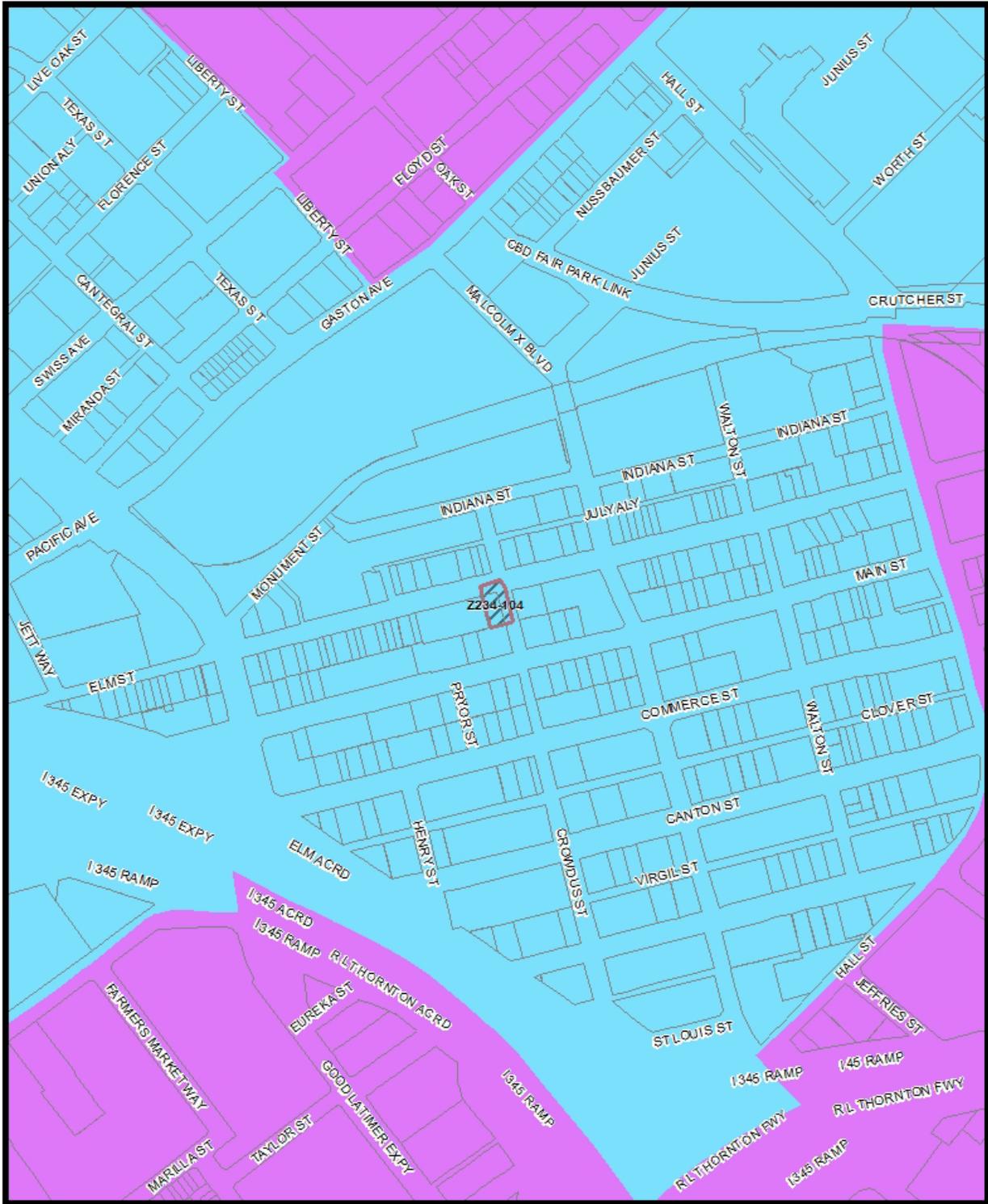
AERIAL MAP

Case no: Z234-104

Date: 1/17/2024







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

1:4,800

Market Value Analysis

Printed Date: 1/17/2024



<u>12</u>	Property Owners Notified (25 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>2/1/2024</u>	Date

Z234-104
CPC



1:1,200

03/06/2024

Reply List of Property Owners

Z234-104

12 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply Label #</i>	<i>Address</i>	<i>Owner</i>
1	2724 ELMST	WESTDALE PROPERTIES AMERICA ILTD
2	2712 MAIN ST	Taxpayer at
3	2708 MAIN ST	AP DEEP ELLUM LLC
4	2625 ELMST	UPLIFT EDUCATION
5	2800 MAIN ST	AP 2800 MAIN ST LLC
6	2704 ELMST	ELMSTREET REALTY LTD
7	2715 MAIN ST	Taxpayer at
8	2707 MAIN ST	AP 2707 MAIN ST LLC
9	2815 MAIN ST	CASS DON E TR
10	2723 ELMST	2723 ELMSTREET JV
11	2717 ELMST	WESTDALE PPTIES AMERICA LTD
12	2707 ELMST	Taxpayer at