

FILE NUMBER: Z201-266(OA)

DATE FILED: May 24, 2021

LOCATION: At the southeast corner of Commerce Street and Murray Street

COUNCIL DISTRICT: 2

MAPSCO: 46 J

SIZE OF REQUEST: Approximately 0.21 Acres

CENSUS TRACT: 204.00

APPLICANT: John LaRue, Deep Ellum Art Company

OWNER: Commerce Canton Investors, LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for the renewal of Specific Use Permit No. 2211 for a bar, lounge or tavern use 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 District.

SUMMARY: The purpose of this request is to allow for the continued operation of a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue [Deep Ellum Art Co]

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions

STAFF RECOMMENDATION: Approval for a three-year period, subject to conditions

Background Information

- The Deep Ellum/Near East Side District (Planned Development District No. 269) was created on April 29, 1987. On June 14, 2006, the City Council approved an amendment to PD No. 269 that included the SUP requirement for bar, lounge, and tavern use category.
- The requested site is an existing one-story building with 5,170 square feet of floor area.
- On September 14, 2016, the City Council approved Specific Use Permit No. 2211 for a bar, lounge, or tavern, and an inside commercial amusement limited to a live music venue, for one year subject to site plan and conditions.
- On August 30, 2017, a certificate of occupancy for commercial amusement (inside) was issued to the applicant. The CO includes references to the parking agreement.
- On October 11, 2017, the City Council approved the renewal and amendment of Specific Use Permit No. 2211 for a bar, lounge, or tavern, and an inside commercial amusement limited to live music venue, for two years subject to site plan and conditions. An amendment to the site plan included the removal of parking from the eastern lot (3,185 square-foot asphalt area) to remain vacant of structures and be used as an uncovered patio. New parking agreements were detailed on the amended and approved site plan to satisfy the required parking. Uncovered patios do not require additional parking.
- On September 11, 2019, the City Council approved a renewal of Specific Use Permit No. 2211 for a bar, lounge, or tavern, and an inside commercial amusement limited to live music venue, for two years subject to conditions.

Zoning History

There have been five zoning cases requested in the area in the past five years:

- 1. Z156-245:** On September 14, 2016, the City Council approved Specific Use Permit No. 2211 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) limited to a live music venue, on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District located on the southeast corner of West Commerce Street and Murray Street.

- 2. Z167-283:** On August 9, 2017, the City Council approved Specific Use Permit No. 2253 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District located on the east side of Hall Street fronting on Elm Street and Main Street.
- 3. Z167-337:** On October 11, 2017, City Council renewed Specific Use Permit No. 2211 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, on the southeast corner of Commerce Street and Murray Street.
- 4. Z189-216:** On May 16, 2019, the City Plan Commission recommended approval of the renewal of Specific Use Permit No. 2253 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District located on the east side of Hall Street fronting on Elm Street and Main Street.
- 5. Z189-250:** On September 11, 2019, the City Council approved a renewal of Specific Use Permit No. 2211 for a bar, lounge, or tavern, and an inside commercial amusement limited to live music venue, for two years subject conditions.

Thoroughfares/Streets

Thoroughfares/Street	Type	Existing ROW
W. Commerce Street	Community Collector	60 ft.
Murray Street	Local Street	50 ft.

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

Comprehensive Plan

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that can serve as a framework for assisting in evaluating the applicant's request. The applicant's request is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

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.

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 5.2.2 Promote the character of the city's significant districts, linkages, and areas.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

Area Plans

The *Downtown Dallas 360 Plan* was adopted in April 2011 and updated in December 2017. The Plan was adopted as a guide to future City Council actions concerning land use and development regulations, transportation and economic development, and capital improvement expenditures in the area generally bounded by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street.

The Plan recognizes Deep Ellum as one of the Core / Supporting Districts for its "many nightclubs, eclectic restaurants, performance venues, art galleries, and creative office uses [that] together form a vibrant entertainment destination."

The applicant's request is consistent with the goals and policies of the *Dallas 360* Area Plan.

STAFF ANALYSIS**Surrounding Land Uses**

	Zoning	Land Use
Site	PD No. 269, Tract A SUP No. 2211	Existing bar, lounge, or tavern with commercial amusement inside limited to live music
North	PD No. 269, Tract A	Office use
Northeast	PD No. 269, Tract A H/92	Multifamily
East	PD No. 269, Tract A H/92	Surface parking lot
Southeast	PD No. 269, Tract A	Office and retail
South	PD No. 269, Tract A	An art pavilion and outside patio
West	PD No. 269, Tract A	Office and retail
Northwest	PD No. 269, Tract A	Office

Land Use Compatibility

The subject site is zoned Tract A within Planned Development District No. 269 and developed with a 5,170 square-foot, one-story building. The property is adjacent to a parking lot for multifamily use across Commerce Street to the east, multifamily, office, and retail to the north; and office and community service center to the west. To the south, there is a former alley that was abandoned and is currently fenced together with the request site and the lot adjacent to the south. This portion together with the lot located further south is currently being used by the applicant for an art pavilion and outside patio associated with the art pavilion. This abandoned alley and the southern lot are not platted and do not have a Certificate of Occupancy for the proper use of the property. Although the abandoned alley and the southern lot are not part of the SUP request, staff continues to recommend that the applicant get the site into compliance with City's processes as soon as possible.

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 a SUP for 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 per a comprehensive plan to promote the health, safety, morals, and general welfare of the city.

The applicant's request, subject to conditions, is compatible with the surrounding mix of uses. The continuation of a bar in Deep Ellum enhances the entertainment character of the area. Considering the surrounding uses that are similar to the request, and the entire mixed-use and entertainment character of Deep Ellum and because the applicant has improved the property and has operated responsibly at the location for the period of the last SUP No. 2211 renewal in 2019, staff is in support of this request.

Staff initially recommended five years to allow a review of the SUP to ensure the conditions continue to be met and the property to the south is not consumed by the use and operating without a SUP. The City Plan Commission recommended three years and Staff agrees with it.

Parking

There are no proposed changes to the site plan, therefore no additional parking requirements are triggered by this request.

There are currently 27 parking spaces provided for this property. PD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for a bar, lounge, or tavern located within an original building. Otherwise, one space for every 100 square feet of floor area is required. Since the 5,170-square foot bar is in an original building, the applicant is only required to provide parking for 2,670 square feet of floor area, which equates to 27 spaces. There are current parking agreements file with permits that satisfy the above parking requirement.

Landscaping

There are no landscaping requirements triggered by the request.

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 strengths or weaknesses. 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 requested site is not located within an MVA cluster.

Crime Report:

From March 2019 to July 2021, 20 calls, five offenses, three arrests were placed to the Dallas Police Department (DPD) with the location 3200 Commerce address as detailed below.

Calls:

ID	Response_Date	Jurisdiction	Problem
41139154	6/23/2021	Dallas Police	32 - Suspicious Person
41014047	6/10/2021	Dallas Police	40 - Other
40782438	5/15/2021	Dallas Police	09V - UUMV
40375533	3/27/2021	Dallas Police	6M - Loud Music Disturbance
39746857	1/8/2021	Dallas Police	40 - Other
39251985	11/6/2020	Dallas Police	07 - Minor Accident
38038342	6/11/2020	Dallas Police	6X - Major Dist (Violence)
37200840	2/28/2020	Dallas Police	6M - Loud Music Disturbance
37151236	2/21/2020	Dallas Police	40 - Other
36739105	1/2/2020	Dallas Police	DASF-Dist Active Shooter Foot
36056812	10/13/2019	Dallas Police	40 - Other
35906880	9/26/2019	Dallas Police	40 - Other
35784081	9/13/2019	Dallas Police	6M - Loud Music Disturbance
35105409	6/28/2019	Dallas Police	6M - Loud Music Disturbance
35052159	6/23/2019	Dallas Police	6X - Major Dist (Violence)
34699038	5/16/2019	Dallas Police	6M - Loud Music Disturbance
34656114	5/11/2019	Dallas Police	6M - Loud Music Disturbance
34317958	4/3/2019	Dallas Police	09V - UUMV
34233085	3/23/2019	Dallas Police	6M - Loud Music Disturbance
34143425	3/13/2019	Dallas Police	24 - Abandoned Property

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Offenses:

IncidentNum	Date	Signal	Incident
084624-2021	5/14/2021	09V - UUMV	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE
001331-2020	1/2/2020	DASF-DIST ACTIVE SHOOTER FOOT	ASSAULT (AGG) -DISCH FIREARM OCC BLDG/HOUSE/VEH (AGG)
001370-2020	1/2/2020	DASF-DIST ACTIVE SHOOTER FOOT	ASSAULT -BODILY INJURY ONLY
214043-2019	10/17/2019	25 - CRIMINAL ASSAULT	ASSAULT -BODILY INJURY ONLY
067033-2019	4/4/2019	PSE/09 - THEFT	THEFT OF PROP > OR EQUAL \$100 <\$750 (NOT SHOPLIFT) PC31.03(e2A)

Arrests:

IncidentNum	Arrest Date	Address	Description
130508-2021	7/22/2021	3200 COMMERCE ST	APOWW (SOCIAL SERVICES REFERRAL)
103086-2020	6/11/2020	3200 COMMERCE ST	PUBLIC INTOXICATION
075974-2020	4/28/2020	3200 COMMERCE ST	PUBLIC INTOXICATION

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**CPC ACTION
AUGUST 19, 2021**

Z201-266(OA)

Planner: Oscar Aguilera

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2211 for a bar, lounge or tavern use and an inside commercial amusement limited to a live music venue for a three-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, at the southeast corner of Commerce Street and Murray Street.

Maker: Hampton
Second: Murphy
Result: Carried: 11 to 0

For: 11 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Jackson, Jung, Suhler, Schwope,
Murphy, Garcia

Against: 0
Absent: 3 - Johnson, Blair, Rubin
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 11
Replies: For: 4 Against: 0

Speakers: For: Audra Buckley, 1414 Belleview St., Dallas, TX, 75215
Against: None

LIST OF PARTNERS

Owner:

Commerce Canton Investors, LLC

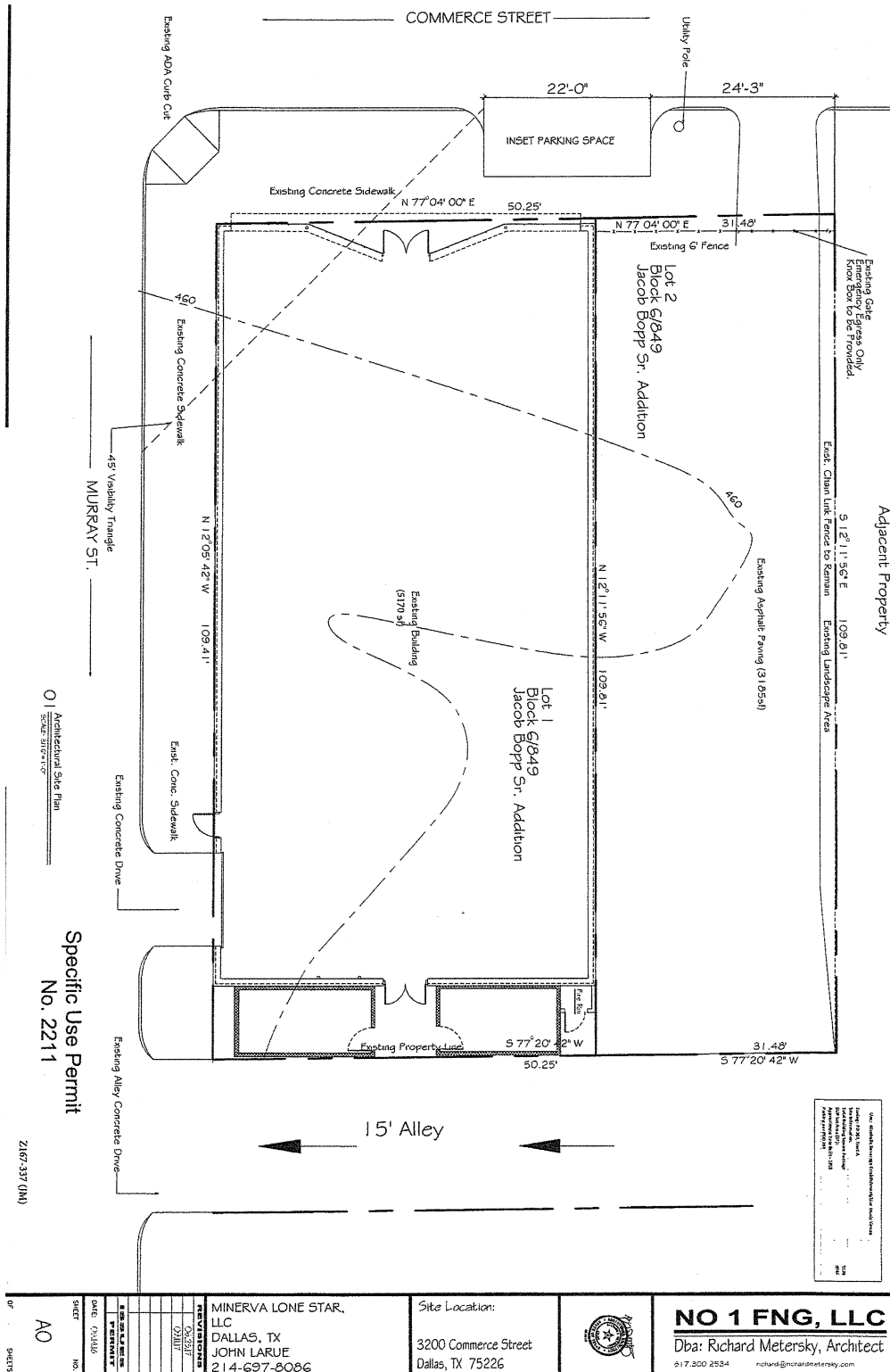
Director and Managing Members:

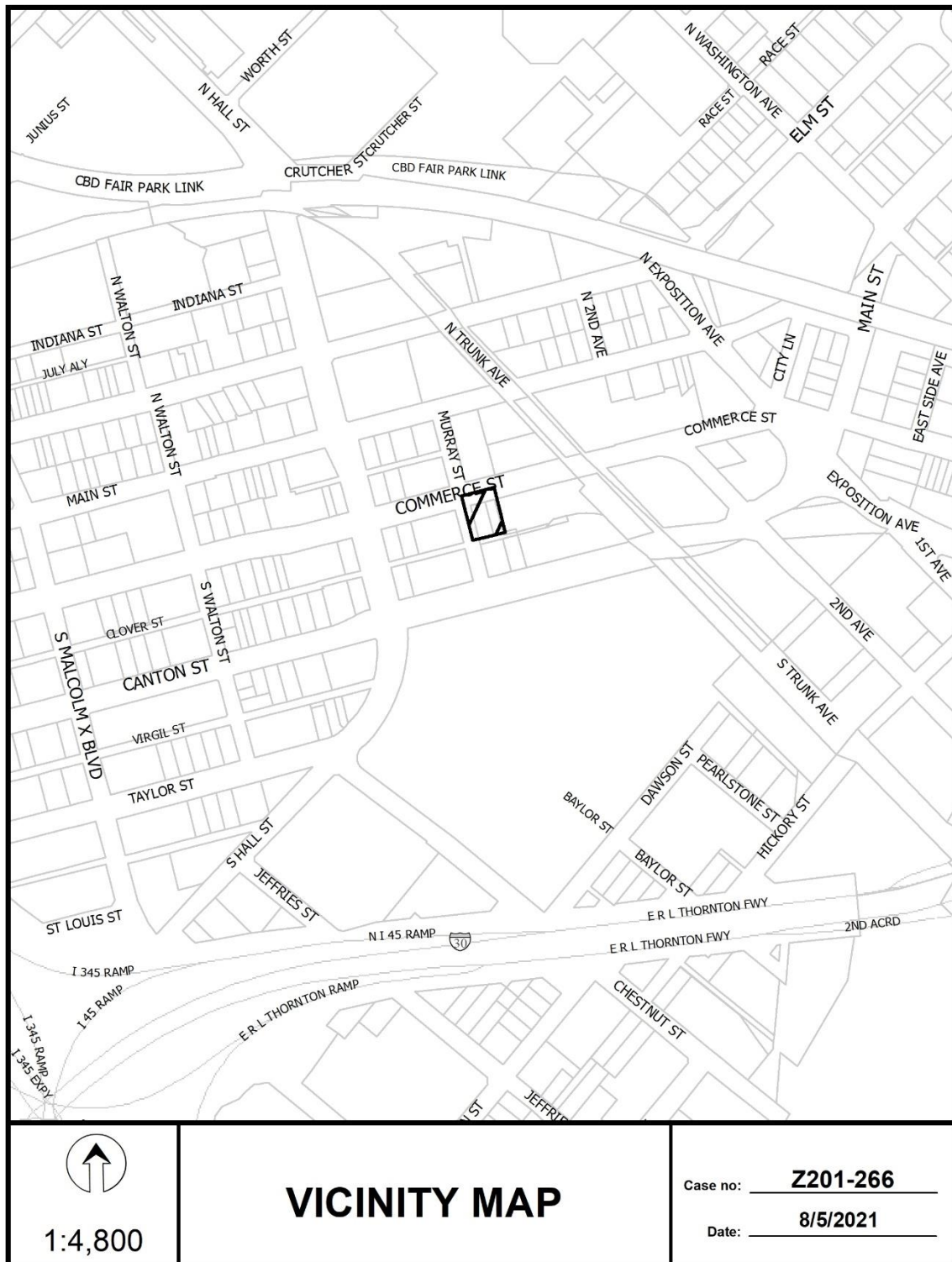
Richard Flaten
John LaRue

CPC RECOMMENDED SUP CONDITIONS

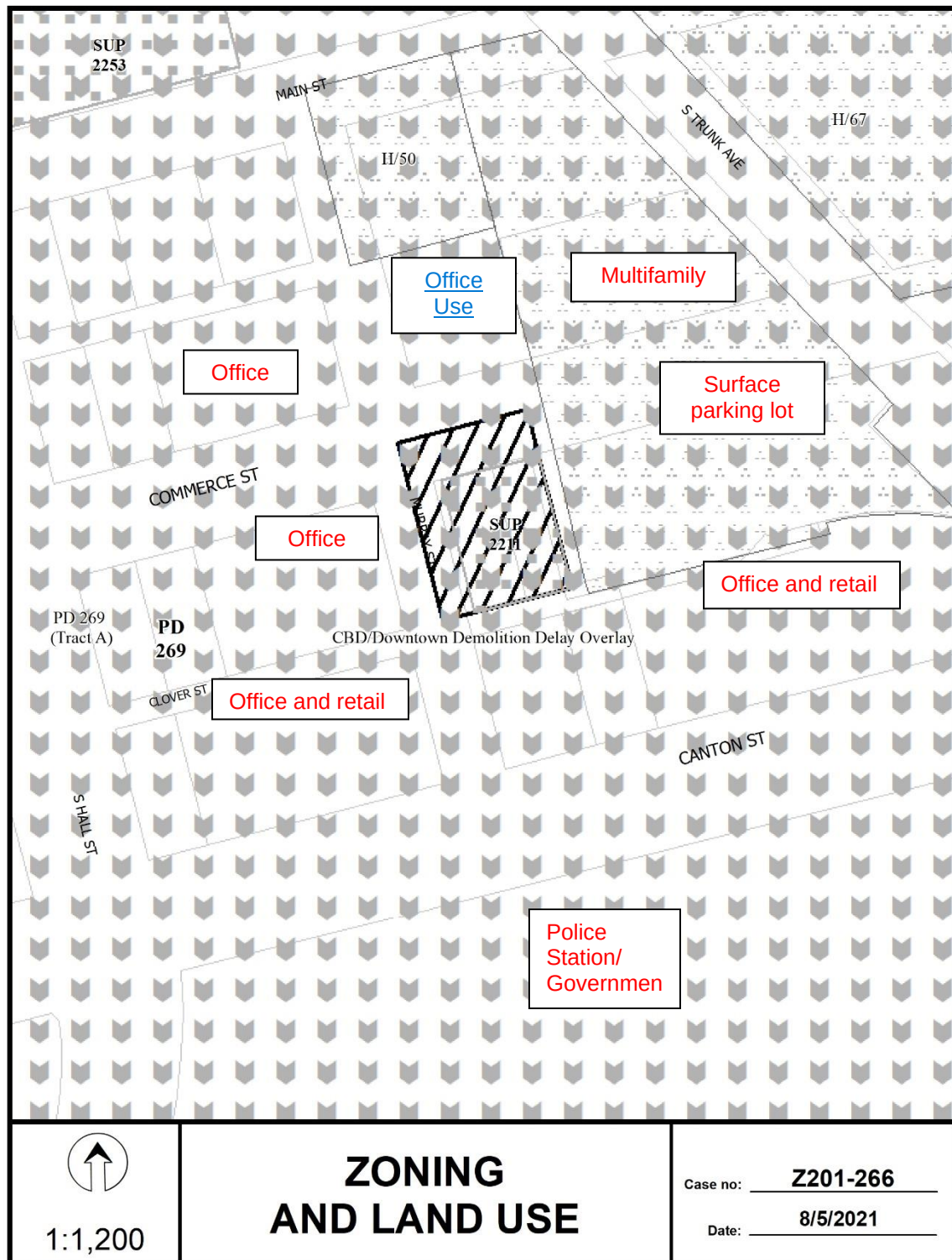
1. USE: The only uses authorized by this specific use permit are a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~September 25, 2021~~ (three years from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area is 5,170 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION:
 - A. 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 11:00 a.m. and 2:00 a.m. (the next day) Saturday and Sunday.
 - B. The live music venue may only operate between 4:00 p.m. and 12:00 a.m. (midnight), Monday through Thursday, between 4:00 p.m. and 2:00 a.m. (the next day) on Friday, 11:00 a.m. to 2:00 a.m. (the next day) on Saturday, and between 11:00 a.m. and 12:00 a.m. (midnight) on Sunday.
6. OFF-STREET PARKING: Parking must be provided per the requirements of Planned Development District 269. Delta credits, as defined in Section 51A-4.704(b)(4), may not be used to meet the off-street parking requirement.
7. OUTSIDE SPEAKERS: Outside 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.

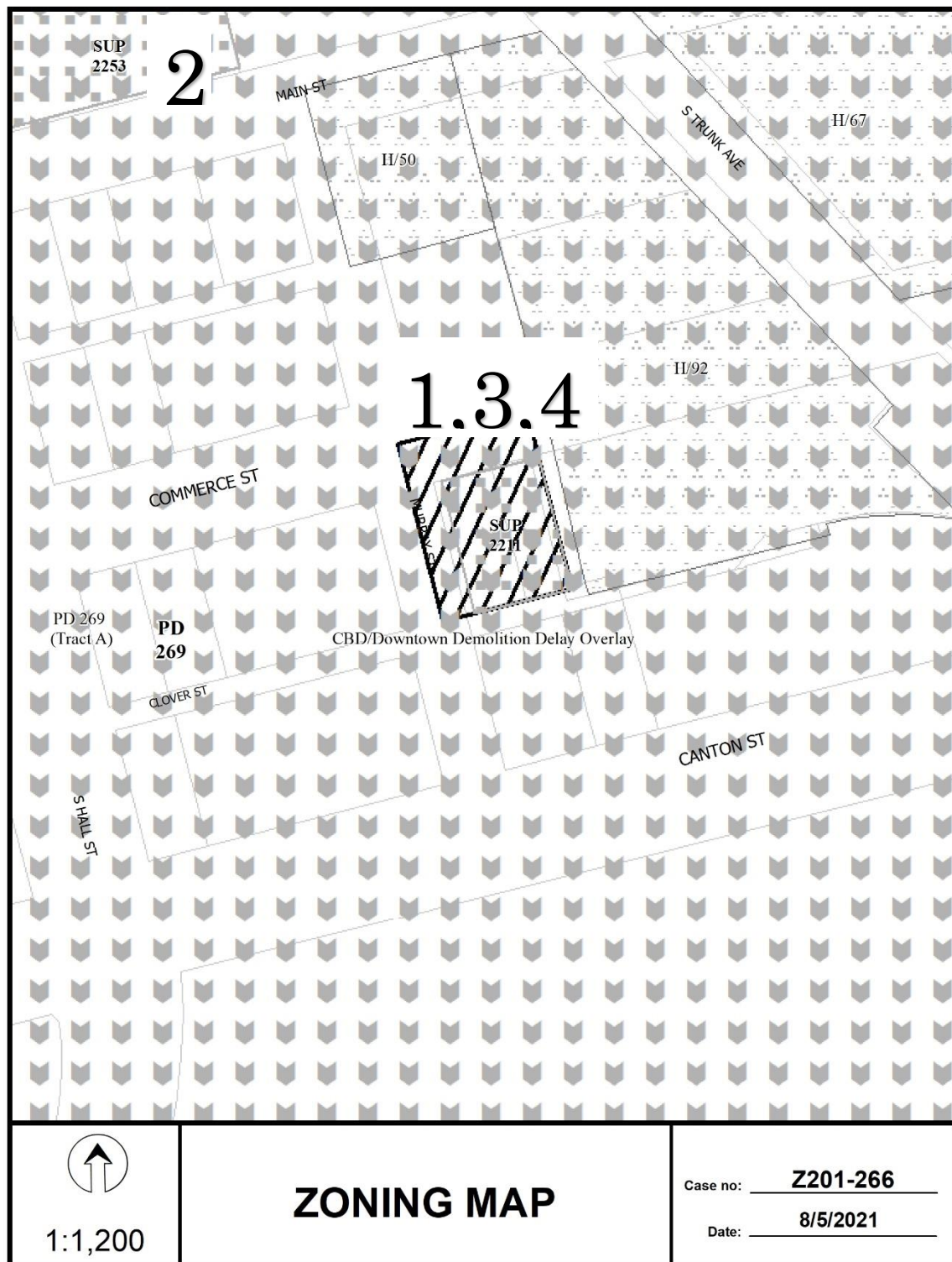
EXISTING SITE PLAN (no changes)

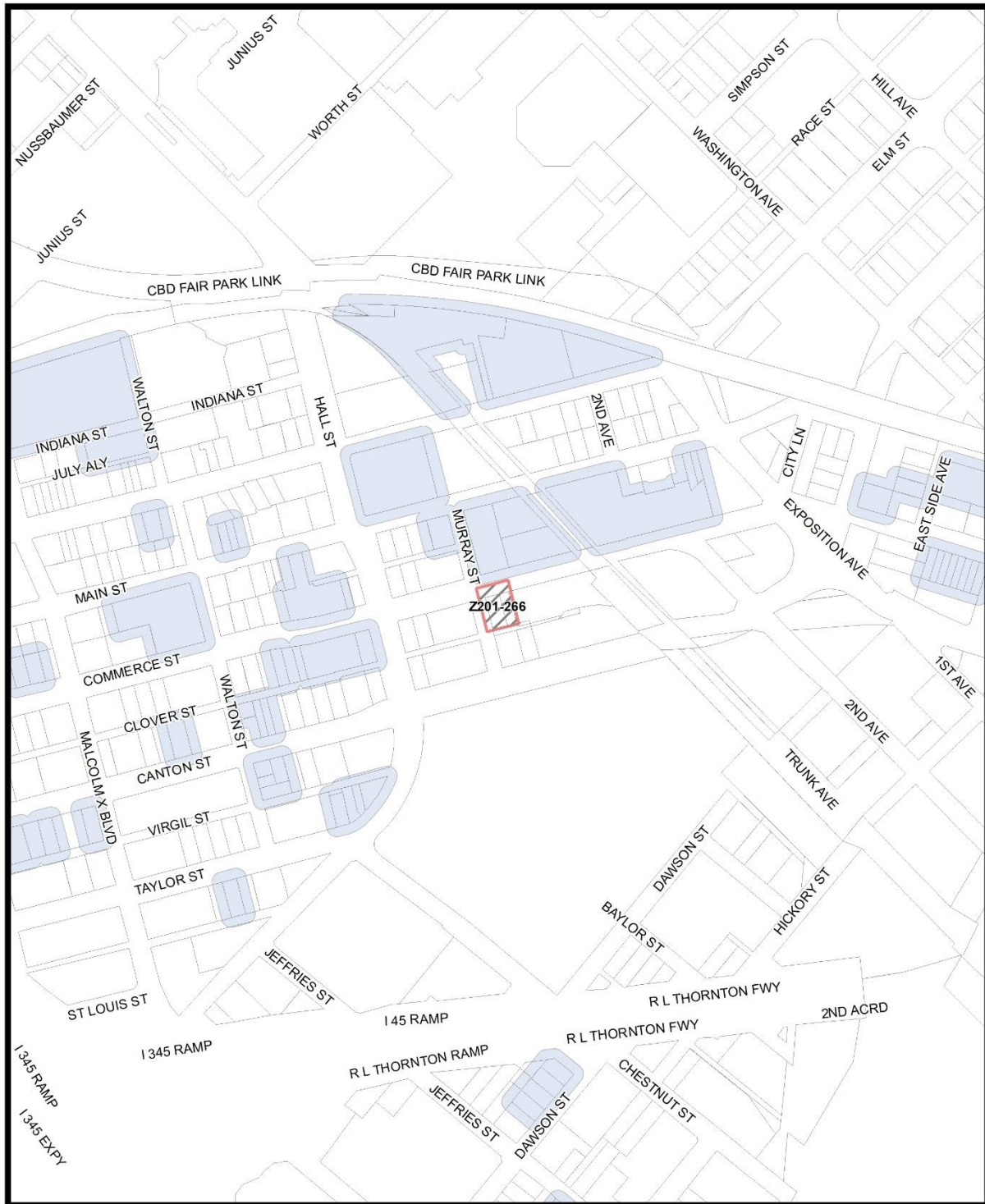












Market Value Analysis A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 6/10/2021

CPC RESPONSES



Z201-266(OA)

08/18/2021

Reply List of Property Owners

Z201-266

11 Property Owners Notified

4 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3200 COMMERCE ST	COMMERCECANTON INVESTORS LLC
O	2	3200 MAIN ST	WESTDALE FUTURA LOFTS LTD
	3	3112 MAIN ST	Taxpayer at
	4	3105 COMMERCE ST	Taxpayer at
	5	3117 COMMERCE ST	SMITH ED W MACHINE WORK
	6	3106 COMMERCE ST	PROVINCE LANE LC
	7	3116 COMMERCE ST	WEINBERG ROBERT
O	8	3215 CANTON ST	WESTDALE PPTIES AMERICA I
O	9	3225 CANTON ST	WESTDALE PROPERTIES AMERICA I LTD
	10	107 MURRAY ST	Taxpayer at
	11	3111 CANTON ST	Taxpayer at