

**FILE NUMBER:** Z234-278(CR) **DATE FILED:** July 10, 2024

**LOCATION:** North line of Commerce Street, east of Good Latimer Expressway

**COUNCIL DISTRICT:** 2

**SIZE OF REQUEST:** ± 2,278 square feet **CENSUS TRACT:** 48113020401

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**REPRESENTATIVE:** Tammy Moss

**OWNER/APPLICANT:** Deep Ellum Holdings, LLC

**REQUEST:** An application for an amendment to 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 within Planned Development No. 269, the Deep Ellum/Near East Side District.

**SUMMARY:** The purpose of the 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 on the site.

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

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

**BACKGROUND INFORMATION:**

- On October 28, 2009, the City Council approved the creation of SUP No. 1767 for a two-year period. The SUP has since been renewed four times in 2011, 2014, 2016, and 2020.
- The area of request encompasses an approximately 2,278-square-foot suite with gated access along Commerce Street.
- The applicant is requesting to continue operating an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
- On July 7, 2020, the City Council approved an application for the renewal of SUP 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 at the subject site for a four-year time period, without eligibility for automatic renewal.

**Zoning History:**

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

1. **Z201-303:** On December 8, 2021, the City Council approved an application for 1) an amendment to Subdistrict 5A within Planned Development District No. 357, the Farmers Market Special Purpose District; and 2) a Specific Use Permit for a tower/antenna for cellular communication use on property zoned Subdistrict 5A within Planned Development District No. 357, the Farmers Market Special Purpose District, on the south line of Interstate 345, between Commerce Street and Canton Street.
2. **Z212-144:** On April 27, 2022, the City Council approved an application for the renewal of Specific Use Permit No. 1651 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 south line of Main Street, west of Pryor Street.
3. **Z223-227:** On January 10, 2024, the 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.
4. **Z223-235:** On January 24, 2024, the City Council approved an application for an amendment to Specific Use Permit No. 2019 for a bar, lounge, or tavern 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 Special Purpose District, on the southeast line of Elm Street, southwest of North Crowds Street.

5. **Z234-109:** On January 24, 2024, the City Council approved 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, on the south line of Elm Street, east of North Good Latimer Expressway.

**Thoroughfares/Streets:**

<b>Thoroughfare/Street</b>	<b>Type</b>	<b>Existing/Proposed ROW</b>
Commerce Street	Local	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.

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

**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.

**Land Use:**

	<b>Zoning</b>	<b>Use</b>
<b>Site</b>	PD No. 269, the Deep Ellum/Near East Side District, Tract A	Alcoholic beverage establishment limited to a bar, lounge or tavern and an inside commercial amusement limited to a live music venue
<b>North</b>	PD No. 269, the Deep Ellum/Near East Side District, Tract A	Miscellaneous personal retail
<b>East</b>	PD No. 269, the Deep Ellum/Near East Side District, Tract A	Restaurant without drive-through or drive-in service
<b>South</b>	PD No. 269, the Deep Ellum/Near East Side District, Tract A	Restaurant without drive-through or drive-in service
<b>West</b>	PD No. 269, the Deep Ellum/Near East Side District, Tract A	Restaurant without drive-through or drive-in service

**Land Use Compatibility:**

The request site is located within a one-story structure with an elevated patio. The applicant’s request is for a renewal of Specific Use Permit No. 1767 to permit the continued operation of a bar, lounge or tavern and an inside commercial amusement limited to a live music venue use within the existing structure. The site plan is not changing from the previously approved plan.

The site is surrounded by a mix of retail/restaurant uses that are served by various surface parking lots and metered spaces along Commerce 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.

The site use is consistent and compatible with surrounding uses. The use of the site has not had a negative effect on the welfare of the community. The use is also compatible with other uses in the area, and the current site complies with all applicable zoning regulations and standards.

**Landscaping:**

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

**Parking:**

PD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. The existing use is located within an original building with a first-floor area of 2,278 square feet and does not trigger off-street parking requirements.

**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.

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**List of Officers**

Deep Ellum Holdings, LLC  
Susan Reese, Managing Member  
Rudy Beuttenmuller, Registered Agent

**CRIME REPORT**

A copy of the police report of offences recorded at this property is provided below for the period of October 10, 2019, to October 10, 2024.

Offenses/Incidents

<b>Offenses/Incidents (Summary)</b>	<b>Count</b>
PUBLIC INTOXICATION	1
PUBLIC INTOXICATION	1
EVADING ARREST DETENTION	1
TAMPER FABRICATE PHYSICAL EVID WITH INTENT TO IMPAIR	1
UNLAWFUL CARRYING WEAPON	1
ASSAULT -BODILY INJURY ONLY	1
ASSAULT -BODILY INJURY ONLY	1
BURGLARY OF BUILDING - FORCED ENTRY	1
ASSAULT -BODILY INJURY ONLY	1
<b>Total</b>	<b>9</b>

Calls

<b>Calls (Summary)</b>	<b>Count</b>
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
32 - Suspicious Person	1
40/01 - Other	1
34 - Suicide	1
26 - Missing Person	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
16 - Injured Person	1
7X - Major Accident	1
23 - Parking Violation	1
37 - Street Blockage	1
32 - Suspicious Person	1
40 - Other	1
40 - Other	1
6X - Major Dist (Violence)	1
11B - Burg of Bus	1
6X - Major Dist (Violence)	1
<b>Total</b>	<b>19</b>

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Arrests

<b>Arrests (Summary)</b>	<b>Count</b>
PUBLIC INTOXICATION	1
EVADING ARREST DETENTION	1
<b>Total</b>	<b>2</b>



**CPC ACTION**

**OCTOBER 24, 2024**

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1767 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue for a four-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 north line of Commerce Street, east of Good Latimer Expressway.

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

For: 11 - Chernock, Hampton, Herbert, Forsyth,  
Shidid, Carpenter, Sleeper, Housewright,  
Hall, Kingston, Rubin

Against: 0  
Absent: 4 - Wheeler-Reagan, Blair, Eppler, Haqq  
Vacancy: 0

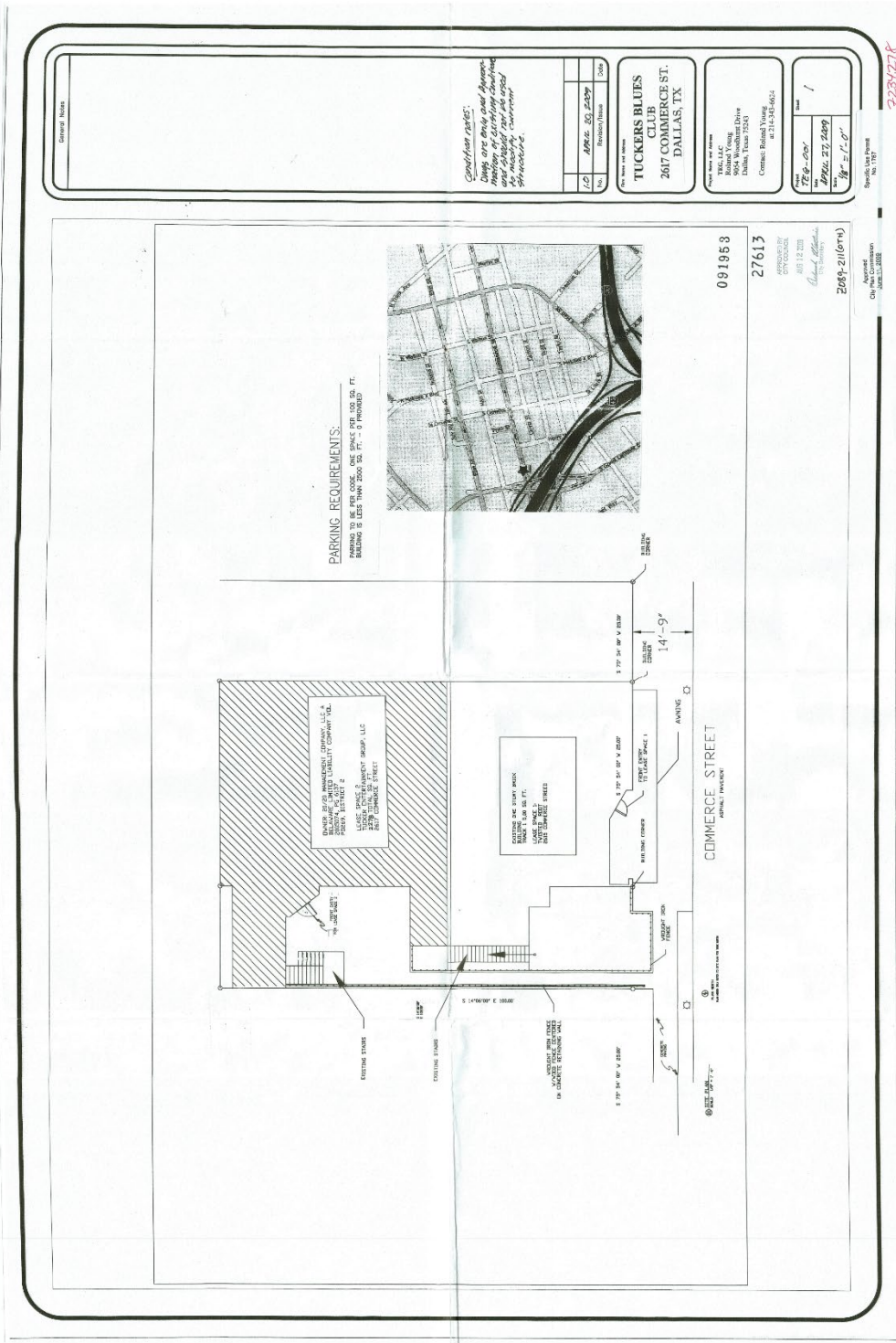
**Notices:** Area: 200                      Mailed: 6  
**Replies:** For: 1                              Against: 0

**Speakers:** None

**CPC RECOMMENDED PROPOSED 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 (four years from the passage of this ordinance) [~~November 11, 2024~~].
4. FLOOR AREA: The maximum floor area is 2,278 square feet.
5. HOURS OF OPERATION: The bar, lounge, or tavern and an inside commercial amusement limited to a live music venue may only operate between 2:00 p.m. and 2:00 a.m. (the next day), Monday through Sunday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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 RECOMMENDED SITE PLAN (NO PROPOSED CHANGES)



Case No.	APRIL 03, 2009
Revision/Notes	0006

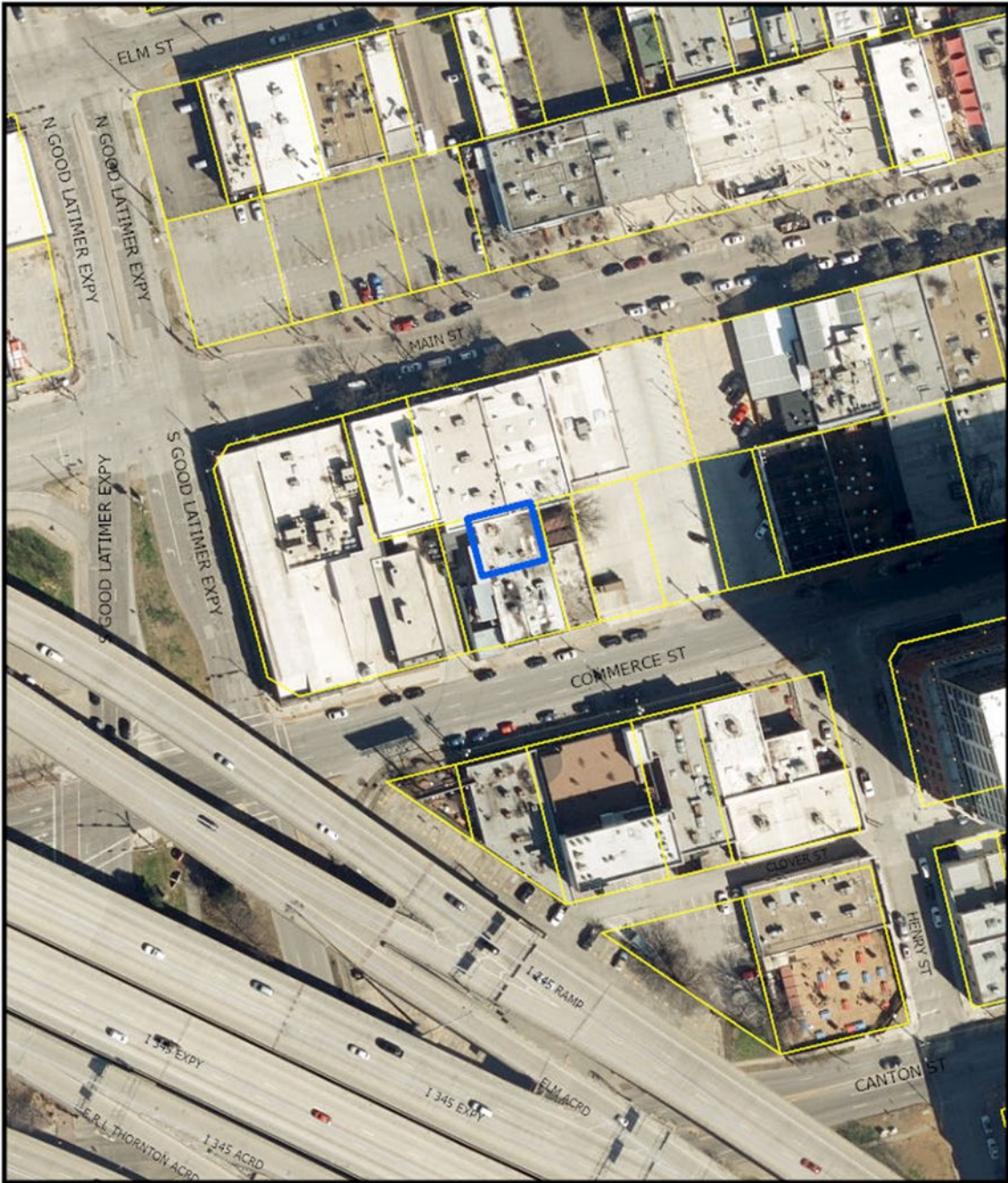
**TUCKERS BLUES CLUB**  
2617 COMMERCE ST.  
DALLAS, TX

Prepared by:  
TBC, LLC  
3004 Woodburn Drive  
Dallas, Texas 75243  
Contact: Ronald Young  
at 214-945-4632

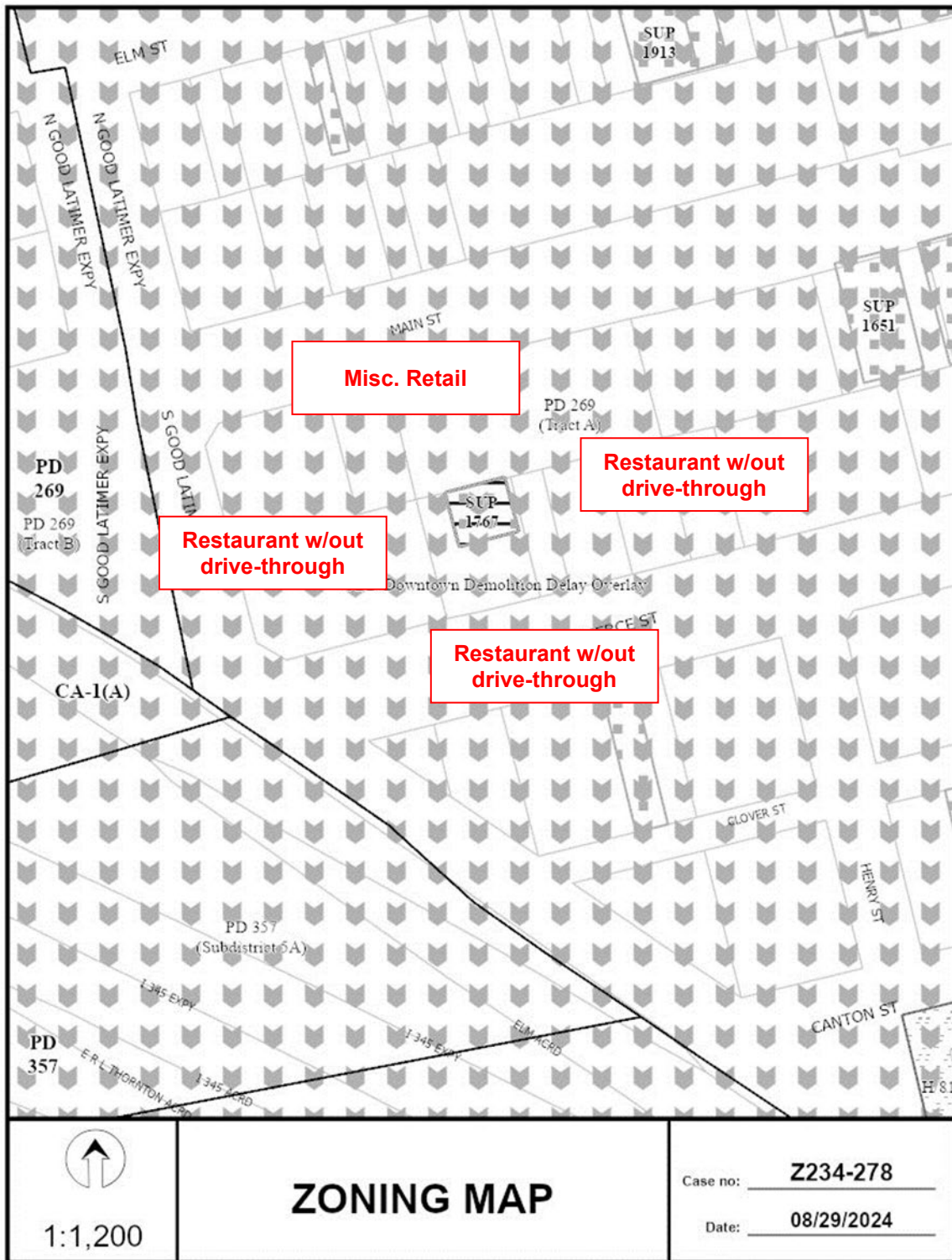
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1" = 1'-0"

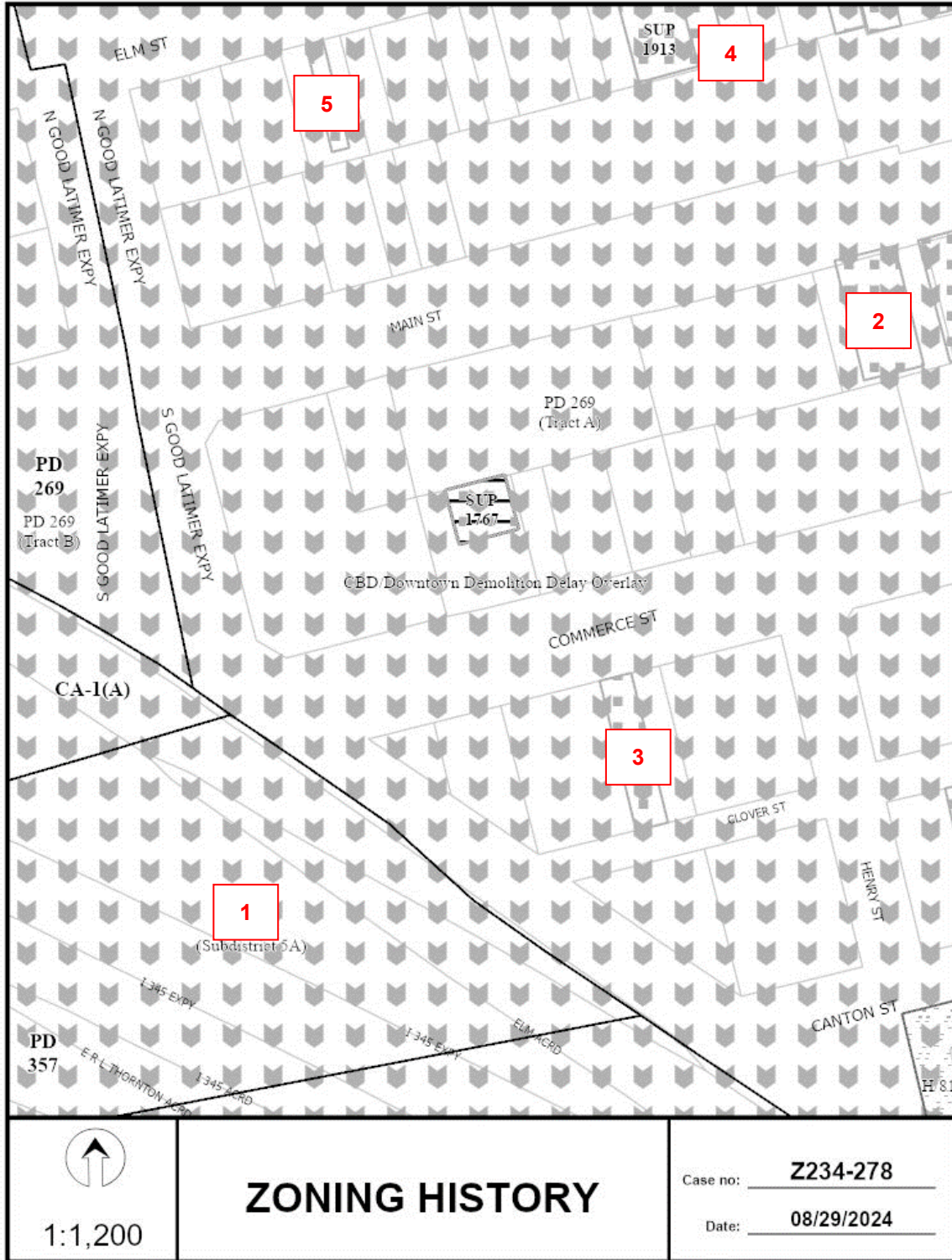
2234-278

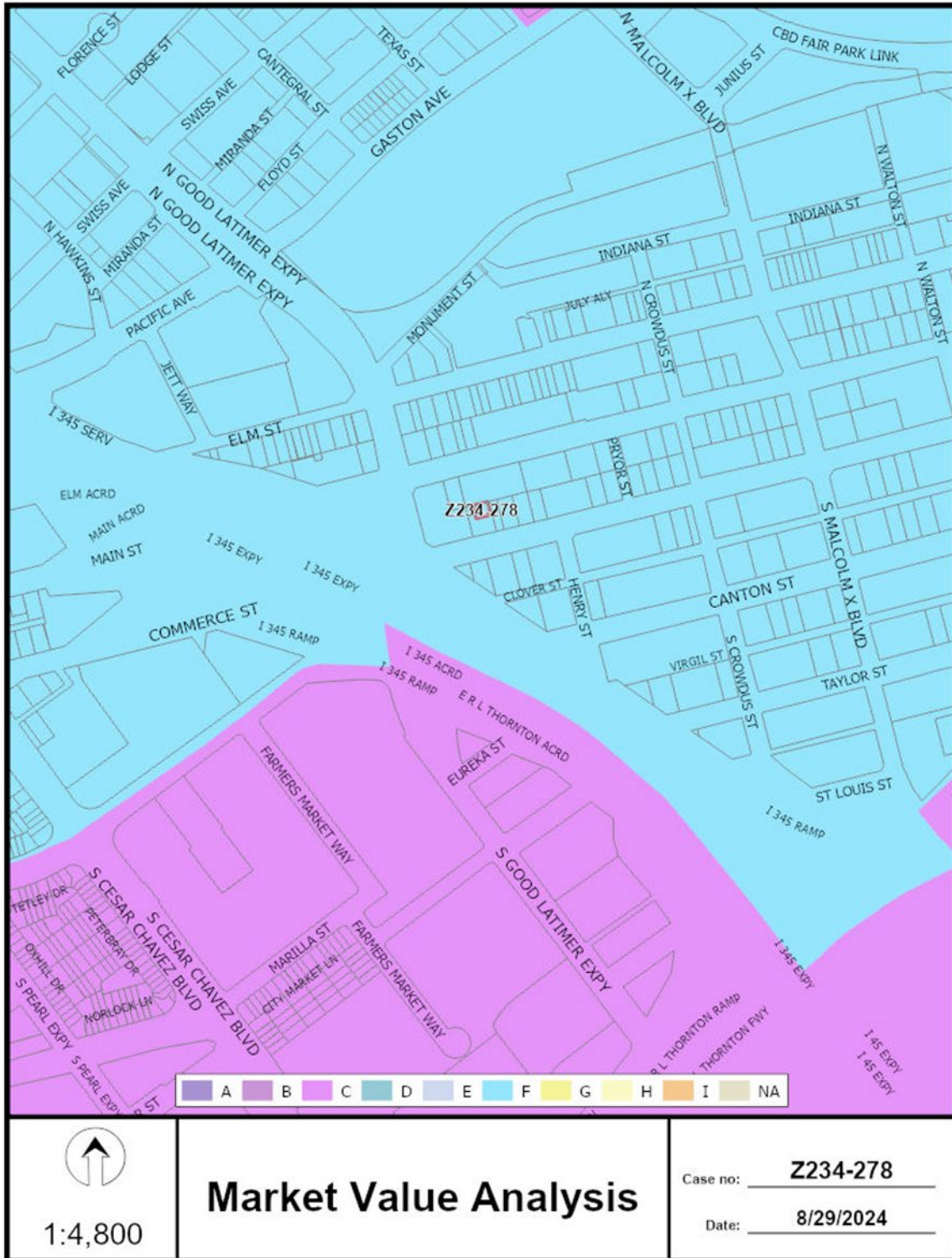




 1:1,200	<h2>AERIAL MAP</h2>	Case no: <u>Z234-278</u> Date: <u>08/29/2024</u>
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<u>6</u>	Property Owners Notified (20 parcels)
<u>1</u>	Replies in Favor (1 parcel)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/24/2024</u>	Date

**Z234-278**  
**CPC**



1:1,200

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10/23/2024

## ***Reply List of Property Owners***

***Z234-278***

***6 Property Owners Notified***

***1 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1 2612	COMMERCE ST	DEEP ELLUM HOLDINGS LLC
	2 2621	MAIN ST	AP DEEP ELLUM LLC
	3 2623	COMMERCE ST	KLUCK LINDA LOU
	4 2616	COMMERCE ST	NOLA LTD
O	5 2630	COMMERCE ST	WESTDALE PPTIES AMERICA I
	6 2622	COMMERCE ST	SDL PARTNERS LTD