

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, APRIL 12, 2023

ACM: Majed Al-Ghafry

FILE NUMBER: Z212-334(JM)

DATE FILED: September 2, 2022

LOCATION: North side of Main Street at the terminus of Pryor Street, between North Good Latimer Expressway and North Crowdus Street

COUNCIL DISTRICT: 2

SIZE OF REQUEST: ±0.3645 acres

CENSUS TRACT: 48113020401

REPRESENTATIVE: Pamela Craig

APPLICANT: Headquarter's Barbershop, LLC

OWNER: AP Deep Ellum, LLC

REQUEST: An application for a Specific Use Permit 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 District.

SUMMARY: The purpose of this request is to allow for the operation of a bar, lounge, or tavern use.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

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

PLANNED DEVELOPMENT DISTRICT No. 269:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=269>

BACKGROUND INFORMATION:

- The applicant requests to reopen a bar, lounge, or tavern use [High & Tight Barbershop].
- The original SUP No. 2144 was approved by the City Council on April 22, 2015, for a two-year period and subsequently renewed on August 9, 2017 and April 7, 2020, each for two years. The SUP expired on April 8, 2022.
- The site consists of a 560-square-foot barber shop and a 2,687-square-foot bar, lounge, or tavern use.

Zoning History: There have been 16 zoning change requests in the area within the last five years.

1. **Z212-112:** On March 8, 2022, the City Council approved Specific Use Permit No. 2450 for a bar, lounge, or tavern use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
2. **Z212-255:** On November 8, 2022, the 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 use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
3. **Z212-137:** On March 8, 2022, the City Council approved Specific Use Permit No. 2451 for a bar, lounge, or tavern use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
4. **Z212-144:** On April 26, 2022, the City Council approved the renewal of Specific Use Permit No. 1651 for a tattoo and body piercing studio use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
5. **Z201-167:** On May 8, 2018, the City Council approved the renewal of Specific Use Permit No. 2291 for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
6. **Z190-175:** On June 23, 2020, the City Council approved the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 26, the Deep Ellum/Near East Side Special Purpose District.
7. **Z190-202:** On August 11, 2020, the City Council approved the renewal of Specific Use Permit No. 2019 for a bar, lounge or tavern use and a commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
8. **Z190-257:** On October 27, 2020, the City Council approved the renewal of Specific Use Permit No. 2396 for 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.

9. **Z190-219:** On August 11, 2020, the City Council approved the renewal of Specific Use Permit No. 2050 for 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.
10. **Z190-267:** On October 12, 2020, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern use and an inside commercial amusement limited to a Class A dance hall use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
11. **Z190-368:** On March 23, 2021, the City Council approved the renewal of Specific Use Permit No. 1981 for 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.
12. **Z190-299:** On November 10, 2020, the City Council approved the renewal of Specific Use Permit No. 1767 for 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.
13. **Z189-239:** On August 13, 2019, the City Council approved the amendment and renewal of Specific Use Permit No. 2150 for a bar, lounge, or tavern use and added an inside commercial amusement use 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.
14. **Z189-276:** On September 24, 2019, the City Council approved Specific Use Permit No. 1757 for a bar, lounge, or tavern use and an inside commercial amusement use 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.
15. **Z189-289:** On September 24, 2019, the City Council approved Specific Use Permit No. 2252 for a bar, lounge, or tavern use and an inside commercial amusement use 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.
16. **Z189-328:** On April 7, 2020, the City Council approved the renewal of Specific Use Permit No. 2144 for 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.
[subject site]

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW	Proposed ROW
Main Street	Local Street	79.5 feet	--
Pryor Street	Local Street	33.5 feet	--

Traffic:

The Engineering Division of 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 ANALYSIS:

Comprehensive Plan:

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

URBAN DESIGN ELEMENT

Goal 5.1 Promote a sense of Place, Safety and Walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes

Goal 5.3 Establishing Walk-To Convenience

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

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269 (Tract A)	Vacant
North	PD No. 269 (Tract A)	Restaurant; Bar; Surface Parking
East	PD No. 269 (Tract A)	Vacant; GMFS
South	PD No. 269 (Tract A)	Restaurant; Microbrewery
West	PD No. 269 (Tract A)	Restaurant

Land Use Compatibility:

The request site is located in Deep Ellum, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

The request site consists of a one-story, 9,848-square-foot structure fronting on the north line of Main Street. The structure is divided into two uses, a personal service use (barber shop) and a bar mirroring the “speakeasy” concept. This concept was used during the prohibition years of the United States when the sale of alcohol was considered to be illegal. As a result of the prohibition in the early 1900’s, bars operated illegally in the rear portion of existing establishments, hidden from plain view. Today, this concept/building layout allows for different uses to be integrated along with a bar where space is limited. The front of the structure houses a barbershop. The rear of the building houses a bar, lounge, or tavern use.

This area is composed of an eclectic mix of retail stores, tattoos parlors, residential units, arts, and entertainment venues. Considered to be one of Dallas’ first commercial districts, Deep Ellum is within close proximity to two major highways, Fair Park, the Baylor Medical District, and Downtown.

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 use is surrounded by other retail uses, bars, restaurants and various surface parking lots. There are medium density residential uses to the far west/northwest and close proximity to the DART Green Line to the north as well. Overall, the applicant is one of the original operators from the last SUP for the same concept; however, the last partnership was dissolved, and a new entity is now listed. The site and operations will fall under the same conditions and plan as before. As a result of this analysis, staff has determined the request complies with the general provisions for consideration of approval of the SUP because the request is consistent with the character of the neighborhood and does not pose a negative impact.

Parking:

Parking must be provided in accordance to Planned Development District No. 269, Tract A. No parking changes are being proposed with this request.

Landscaping:

The landscaping requirements of Article X of the Dallas Development Code apply, as amended.

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 to orange, representing the weakest markets. The site is not within an identifiable MVA category, nor is it adjacent to other MVA categories. The staff expanded map identifies the property in a potential “E” MVA category.

Police Report:

Staff obtained the Police Department reported statistics dating from April 2020 to present. It should be noted that the prior SUP expired on April 8, 2022. The breakdown is provided below.

Calls

There were 60 calls with nine related to burglary of a business or theft, 28 business alarms, nine major disturbances, one minor accident, one intoxicated person, and the remainder being other or miscellaneous purposes.

Offenses

15 offenses were reported including three assaults and 12 related to the damage of personal property.

Arrests

Two arrests were made with no additional details provided.

CPC Action
February 16, 2023

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern use for a two-year period, subject to a site plan and staff's recommended conditions 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 Crowder Street.

Maker: Anderson
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair, Jung,
Housewright, Treadway, Haqq*, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 18
Replies:	For: 1	Against: 0

Speakers: For: None
For (Did not speak): Pamela Craig, 1202 Misty Meadow Dr., Midlothian, TX, 76065
Against: None

List of Partners

Property Owner: *AP Deep Ellum, LLC*

LLC Managers: Jason Tompkins

Terry Brown

Will Ponder

LLC Leasing Management: Elizabeth Eorgan

Christopher Dalton

Tenant

Headquarters Barbershop LLC dba Cross Faded

LLC Managers: Sean Martin

Corey Good

John Pinkston

Mohammad Alkiswaani

CPC RECOMMENDED
SUP Conditions

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC and Staff's Recommendation:

3. TIME LIMIT: This specific use permit expires on _____, (two-year period from the passage of this ordinance).

Applicant's Request:

3. TIME LIMIT: This specific use permit expires on _____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional **two-year periods** pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. MAXIMUM FLOOR AREA: The maximum floor area for an alcoholic beverage establishment limited to bar, lounge or tavern is 2,687 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The hours of operation for the alcoholic beverage establishment limited to a bar, lounge or tavern is from 7 p.m. to 2:00 a.m. Thursday through Saturday and 12:00 p.m. to 5:00 p.m., on Sunday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
7. MAINTENANCE: The entire 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

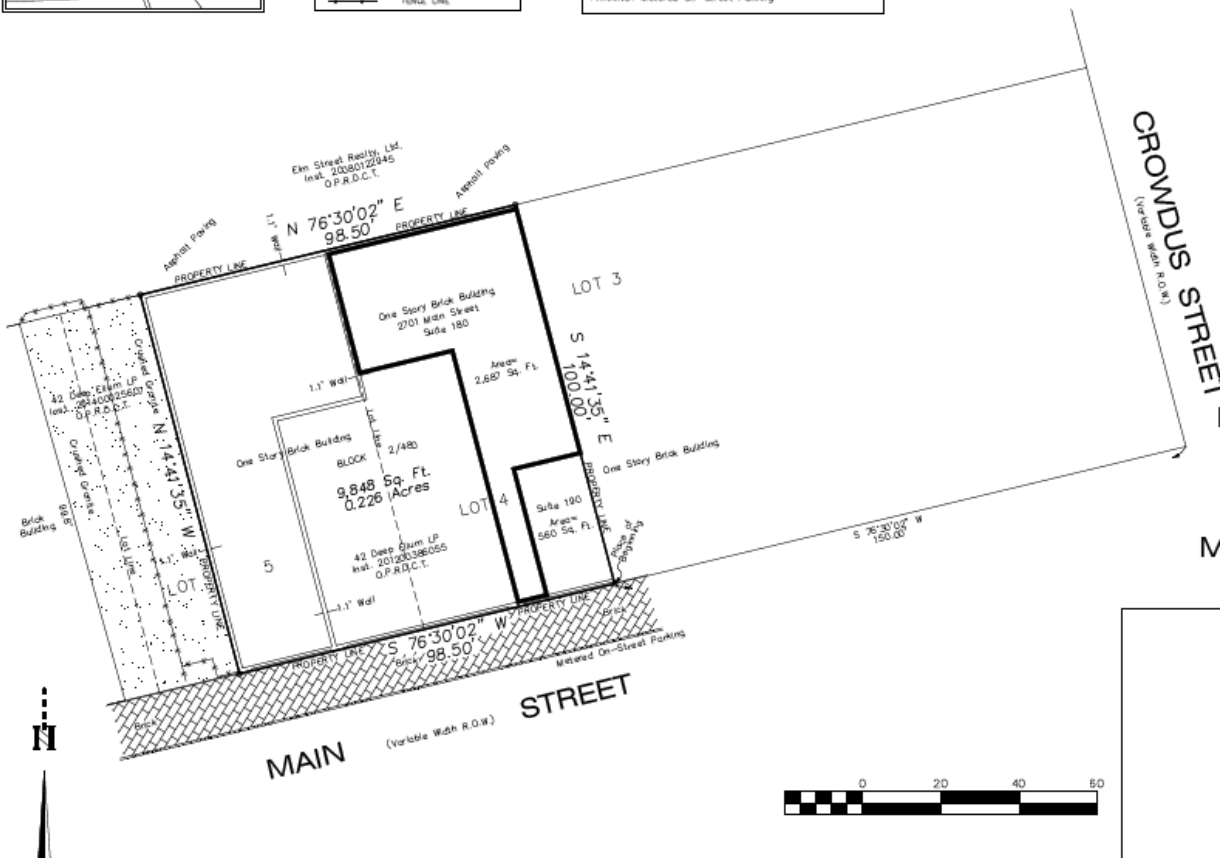
CPC Recommended Site Plan



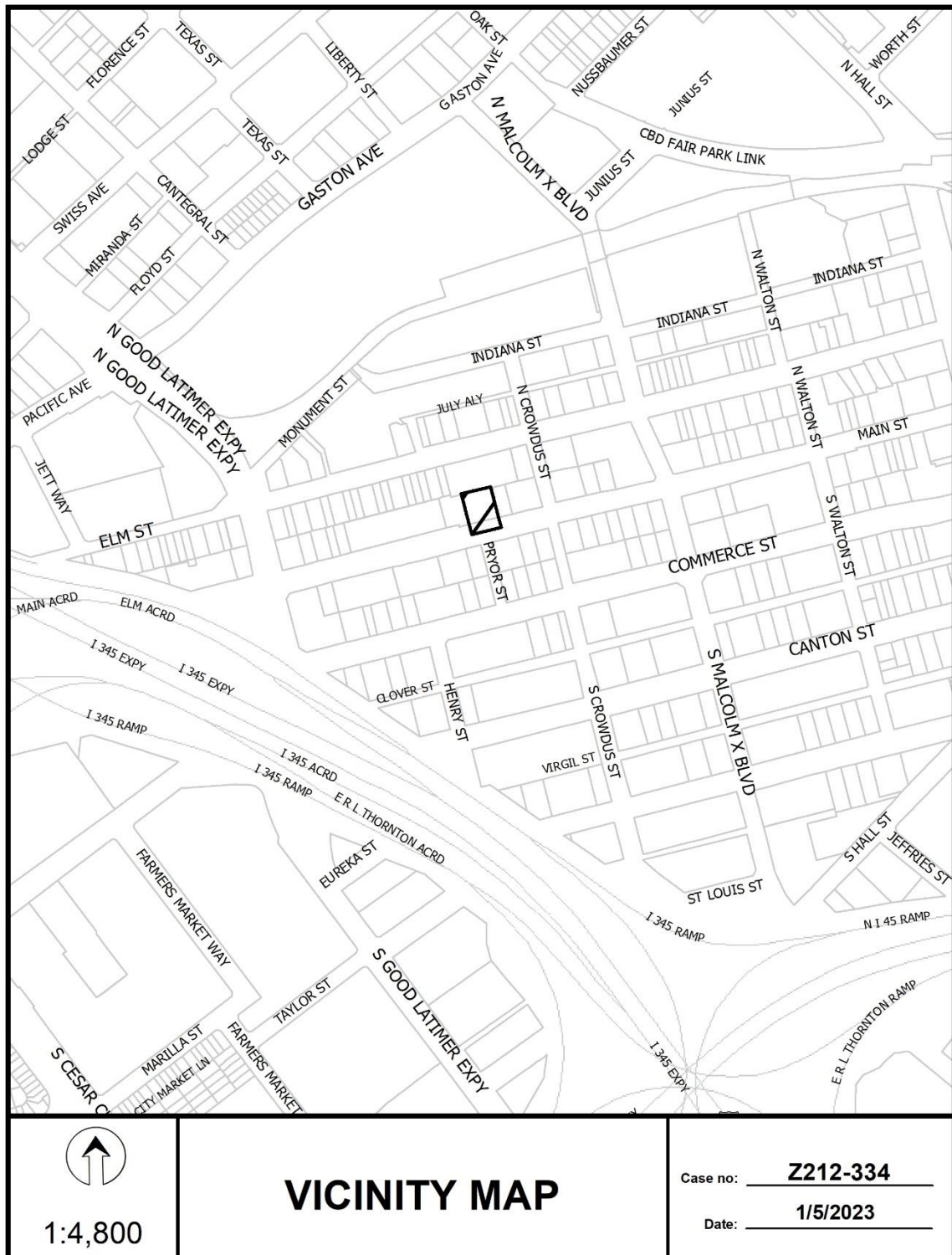
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT
	IRON ROD FOUND
	CURBED IRON ROD SET
	Stamped "Surveying Assoc"
	CONTROL MONUMENT
	Deep Records
	Map Records
	Dallas County, Texas
	Dallas County, Texas
	Dallas County, Texas
	FENCE LINE

SITE PLAN

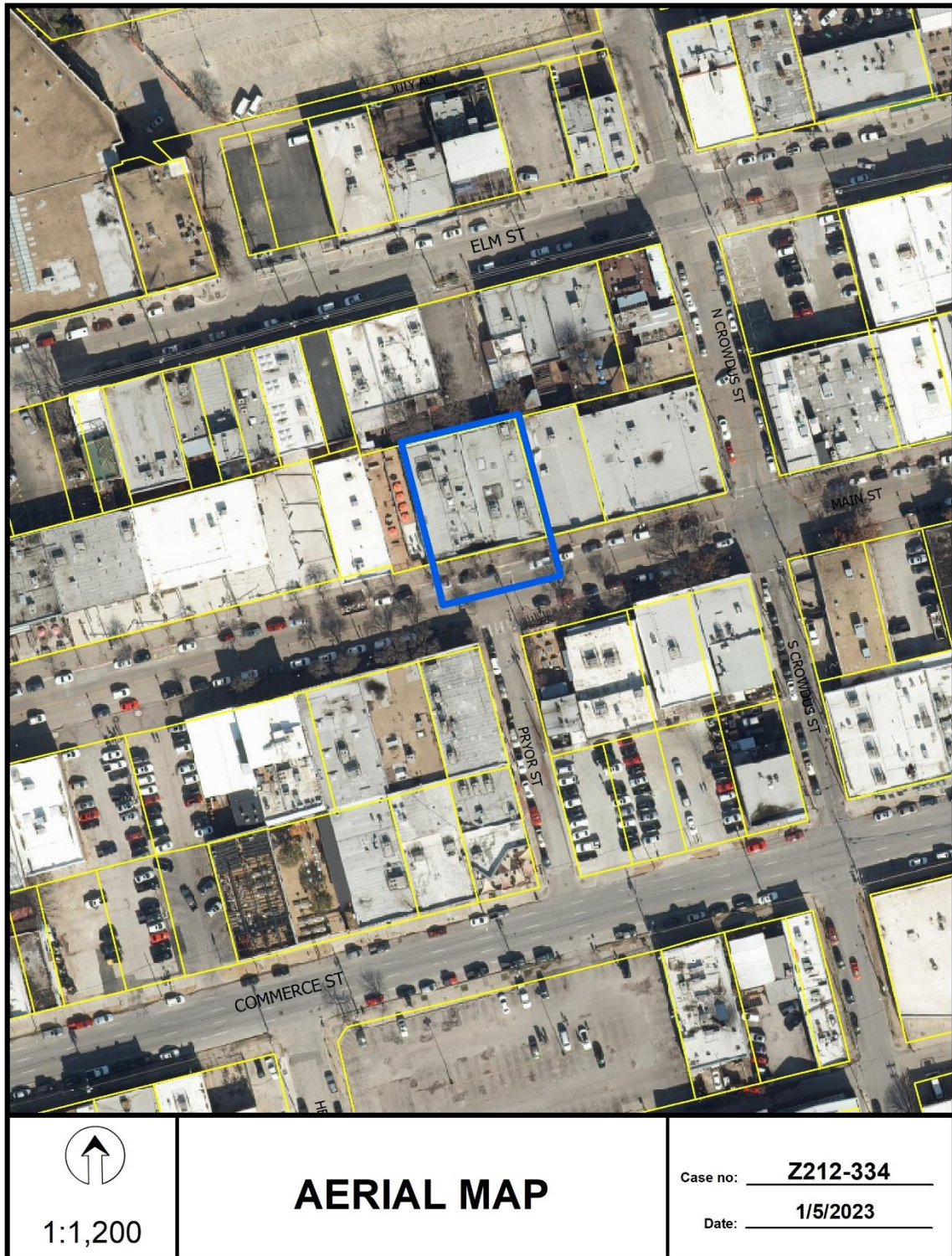
2701 MAIN STREET, SUITE 180
LAND AREA: 9,848 Sq. Ft.
BUILDING AREA: 3,203 Sq. Ft.
LAND USE: Alcoholic Beverage Establishment
ZONING: PD-Tract A (Deep Ellum/Near East Side District)
PARKING: Metered On-Street Parking

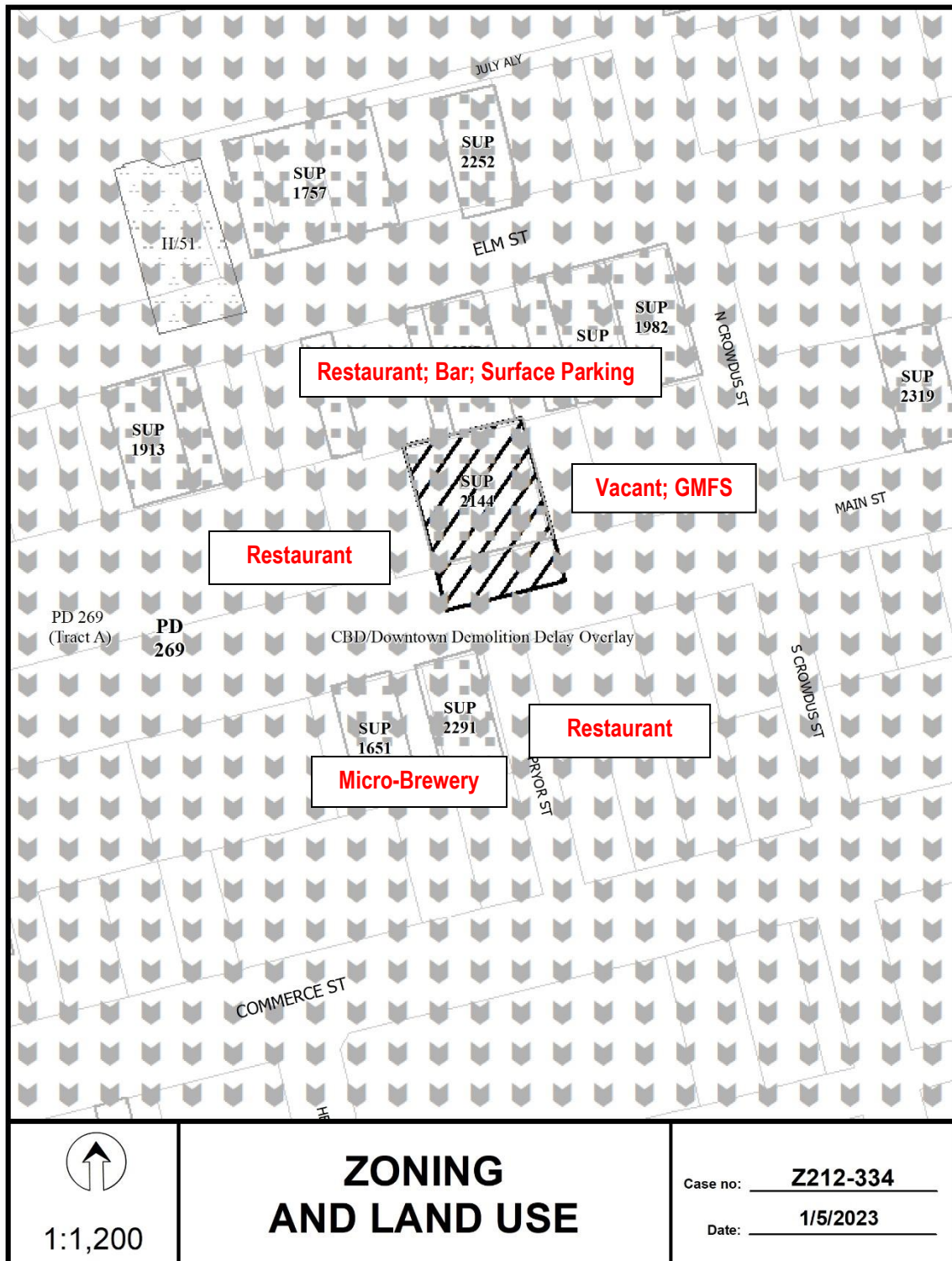


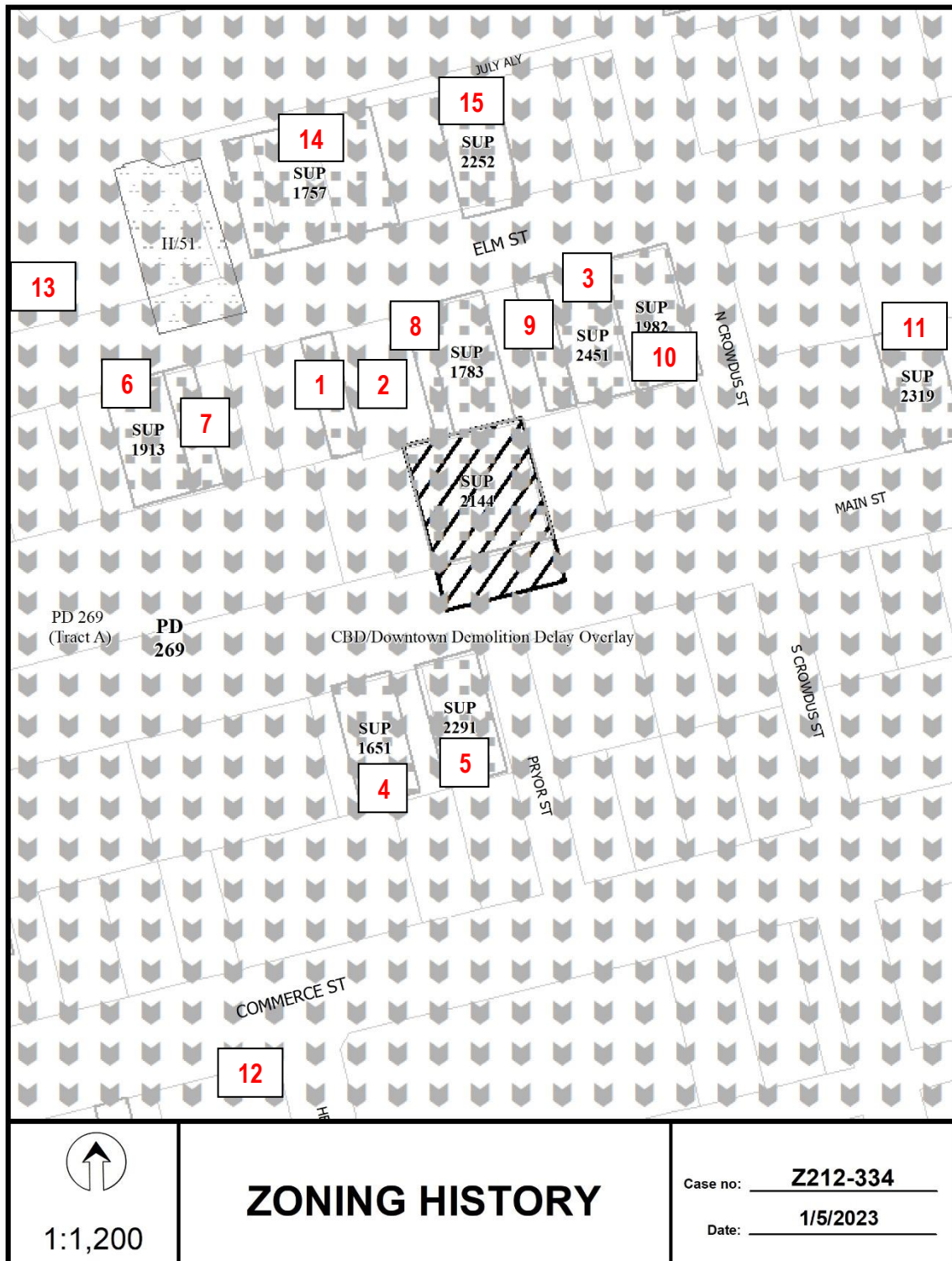
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LAND AREA: 9,848 Sq. Ft.
BUILDING AREA: 3,203 Sq. Ft.
LAND USE: Alcoholic Beverage Establishment
ZONING: PD-Tract A (Deep Ellum/Near East Side District)
PARKING: Metered On-Street Parking

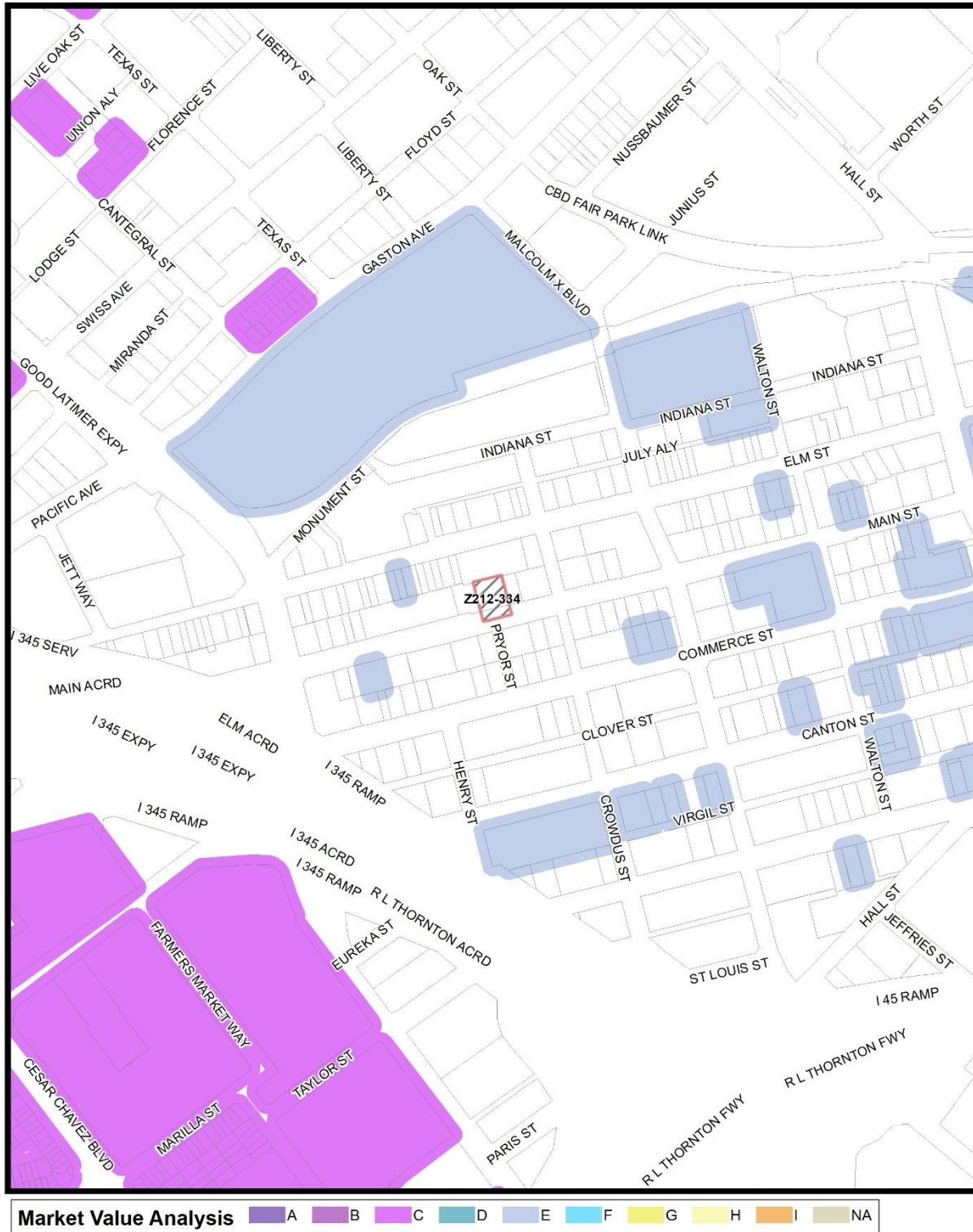


Z212-334(JM)









CPC RESPONSES



Z212-334(JM)

02/15/2023

Reply List of Property Owners

Z212-334

18 Property Owners Notified

1 Property Owners in Favor

0 Property Owners Opposed

Reply	Label #	Address	Owner
	1	2704 ELM ST	ELM STREET REALTY LTD
	2	2707 MAIN ST	AP 2707 MAIN ST LLC
	3	2640 ELM ST	AP DEEP ELLUM LLC
	4	2644 ELM ST	ONE MAN PARADE LLC
	5	2638 ELM ST	MGP HOLDINGS LLC
	6	2642 ELM ST	LALCO INC
	7	2650 ELM ST	ELM ELM LLC
	8	2712 MAIN ST	DEEP ELM III LLC
	9	2656 MAIN ST	MEADOWCREST LLC
	10	2701 COMMERCE ST	ABBOTT LLC
O	11	2713 COMMERCE ST	WESTDALE PPTIES AMERICA I
	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	2721 ELM ST	2723 ELM STREET JV
	16	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
	17	2707 ELM ST	BELMOR CORP
	18	2701 ELM ST	BELMOR CORP