

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, NOVEMBER 9, 2022

ACM: Majed Al-Ghafry

FILE NUMBER: Z212-255(JM)

DATE FILED: April 27, 2022

LOCATION: South Line of Elm Street, West of North Crowds Street

COUNCIL DISTRICT: 2

SIZE OF REQUEST: ±0.06 Acres

CENSUS TRACT: 204.00

REPRESENTATIVE: Audra Buckley, Permitted Development

APPLICANT: Scott Beggs, Three Links

OWNER: Elm Street Realty, LTD.

REQUEST: An application for a Specific Use Permit for a bar, lounge or tavern use and an inside commercial amusement use limited to a live music venue on property within Tract A, Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The purpose of this request is to seek a new specific use permit for a bar lounge or tavern and an inside commercial amusement limited to a live music venue.

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

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

PLANNED DEVELOPMENT DISTRICT No. 269:

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

BACKGROUND INFORMATION:

- The request site is located within a one-story multi-tenant mixed-use development originally constructed in 1920 with additions made in 1930 and 1970, according to DCAD records. The overall development consists of a variety of retail and commercial uses that share surface parking spaces on Elm Street.
- In June 2006, the City Council amended the Deep Ellum Planned Development District to require certain businesses to have Specific Use Permits to operate including bar, lounge, or taverns and inside commercial amusement uses.
- On December 9, 2009, the City Council approved Specific Use Permit No. 1784 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall for a two-year period.
- On November 7, 2011, the City Council amended Specific Use Permit No. 1784, removing the dance hall use, and renewing the alcoholic beverage establishment limited to a bar, lounge, or tavern, for a three-year period. The SUP expired on November 7, 2014.
- The proposed bar, lounge, or tavern with live music requires an SUP to operate within the 2,855-square-foot section of the property with a proposed floor area of 1,874 square feet, covered patio of 417 square feet, and uncovered patio of 564 square feet.

Zoning History:

There have been 14 zoning cases in the area in the past five years.

1. **Z201-167:** On May 8, 2018, the City Council approved Specific Use Permit No. 2291 for a microbrewery, microdistillery, or winery use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
2. **Z167-233:** On June 14, 2017, the City Council approved the renewal of Specific Use Permit No. 1685 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.
3. **Z189-276:** On September 25, 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.

4. **Z189-289:** On September 25, 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.
5. **Z189-328:** On April 7, 2020, the City Council approved Specific Use Permit No. 2144 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.
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 of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
7. **Z190-202:** On August 11, 2020, the City Council approved the renewal and amendment of Specific Use Permit No. 2019 for a bar, lounge, or tavern use and an inside commercial amusement limited to a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
8. **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 of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
9. **Z190-257:** On October 28, 2020, the City Council approved Specific Use Permit No. 2396 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.
10. **Z190-267:** On November 10, 2020, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern use and a dance hall use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
11. **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 of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

12. **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.
13. **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.
14. **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.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW 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 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 proposed zoning request meets the below goals and objectives 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.

Land Use:

Area	Zone	Use
Site	PD No. 269 (Tract A)	Restaurant use (no CO) with Bar, lounge, or tavern with live music proposed
North	PD No. 269 (Tract A)	Retail, restaurant, bar, and parking lot uses
East	PD No. 269 (Tract A)	Restaurant and bar uses, parking lot
South	PD No. 269 (Tract A)	Bar, lounge or tavern use, restaurant without drive-through uses
West	PD No. 269 (Tract A)	Bar, lounge or tavern and restaurant uses

Land Use Compatibility:

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

The purpose of this request is to seek a new Specific Use Permit for a bar lounge or tavern and an inside commercial amusement limited to a live music venue. The subject site consists of a one-story, 1,874-square-foot building with a 284-square-foot

mezzanine, a 417-square-foot covered patio, and a 564-square-foot uncovered patio located at the rear of the property. Similar bar establishments can be found along the block face.

Per PD No. 269, a live music venue means an inside commercial amusement use primarily for the performance of live (not recorded) music for an audience. A use having a dance hall license pursuant to Chapter 14 of the Dallas City Code, as amended, is not a live music venue.

Per Chapter 51A-4.210 a bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption.

This overall area is generally 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 located within 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 states that: (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 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 with proximity to the DART Green Line to the north as well. The request complies with the general provisions for consideration of approval of the SUP because the land uses are consistent with the character of the neighborhood and do not pose a negative impact.

Staff supports the SUP request for a period of three years subject to the submitted site plan and conditions. This allows city staff to continue to assess the compatibility of the proposed bar, lounge, or tavern use and live music venue.

Parking:

Parking must be provided in accordance to Planned Development District No. 269, Tract A. No parking changes are being proposed with this request. Per PD No. 269, no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an original building. Per PD No. 269, an original building means a building constructed on or before June 27, 1984 with additional criteria for renovations/additions. The existing building proposed to be used with the SUP request meets the criteria for original buildings since it was constructed between 1920-1930 with the last addition being in 1970. With the structure being one-story and in an original building with less than 2,500 square feet of floor area proposed, no parking is required for this use.

Landscaping:

The request will not trigger any Article X requirements, as no new construction is proposed on the site.

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 to orange, representing the weakest markets. The site is not within an identifiable MVA category, nor is it adjacent to other MVA categories. An MVA category of “E” can be found within certain neighboring blocks.

Crime Report

While the request is for a new SUP, the business is ongoing and previously operated with the same use. Staff requested a crime report from the last two years for the site. There have been four calls, two offenses, and no arrests.

	C	Q	T	U	Z
1	Response_Date	Problem	Location_Name	Address	Call_Disposition
2	10/31/2021	DAEF-Dist Armed Encounter Foot	THREE LINKS	2704 Elm St	C - Cover Only
3	8/13/2021	6X - Major Dist (Violence)	3 LINKS	2704 ELM ST	NP - No Police Action
4	9/28/2021	20 - Robbery	OFF THE RECORD	2704 Elm St	NC - No Complainant
5	9/16/2021	11B - Burg of Bus	THREE LINKS	2704 Elm St	M - Mark Out Only
6					
7					
8					

	F	M	N	P	Q	R	S	AX	AZ
1	Date2	ReportedDate	Signal	Offincident	Premise	ObjAttack	Address	VictimType	CompName
2	9/16/2021	9/16/2021	11B - BURG OF BUS	BURGLARY OF BUILDING - FORCED ENTRY	Bar/NightClub/DanceHall ETC.	Resturant/Food Service/Tabc Location	2704 ELM ST	Business	THREE LINKS
3	11/19/2021	11/20/2021	58 - ROUTINE INVESTIGATION	ASSAULT - BODILY INJURY ONLY	Single Family Residence - Occupied	N/A	2704 ELM ST	Individual	
4									

List of Officers

The ownership entity for 2720 Elm Street (Part of 2704 Elm Street) is:
Elm Street Realty, Ltd., a Texas limited partnership

By: JGB Ventures I, Ltd., a Texas limited partnership, General Partner

By: JGB Holdings, Inc., a Texas corporation, General Partner

By: Westdale Real Estate Investment and Management, Chuck Hixson, General Partner

By: Joseph G. Beard, President

Applicant entity for Three Links:

Oeste Tres, LLC

James Ches Williams	Managing Member
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Scott Beggs	Managing Member
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CPC ACTION
October 6, 2022

Motion: It was moved to recommend **approval** of a Specific Use Permit for a bar, lounge or tavern an inside commercial amusement use limited to a live music venue for a three-year period, subject to conditions on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Elm Street, west of North Crowdus Street.

Maker: Jung
Second: Carpenter
Result: Carried: 11 to 0

For: 11 - Popken, Gracey, Anderson, Shidid, Carpenter,
Blair, Jung, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 3 - Hampton, Vann, Housewright
Vacancy: 1 - District 11

Notices:	Area: 200	Mailed: 17
Replies:	For: 4	Against: 0

Speakers: None

<p style="text-align: center;">CPC Recommended Proposed SUP Conditions</p>

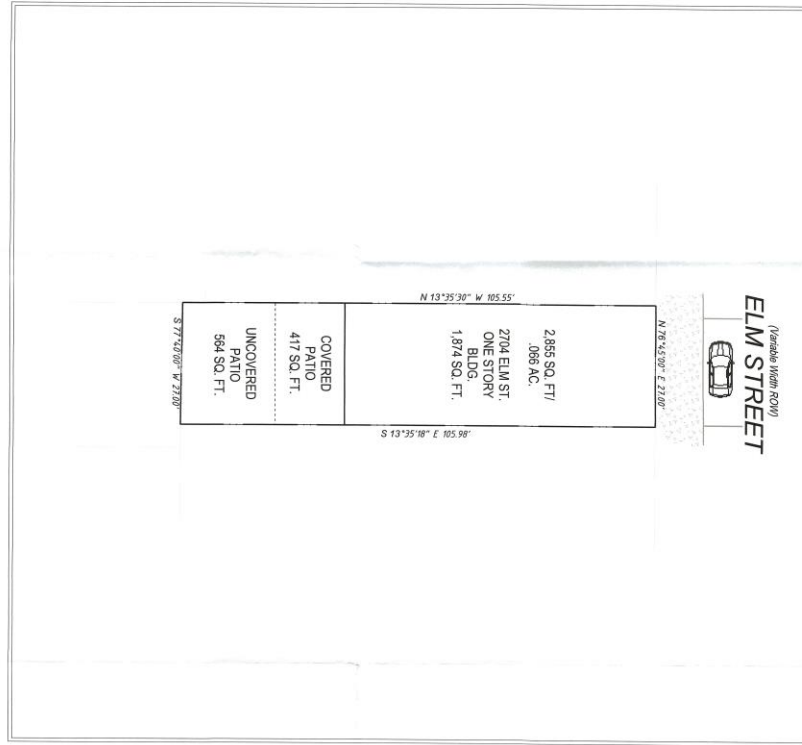
1. USE: The only uses authorized by this specific use permit are an alcoholic beverage establishment limited to a bar, lounge, or tavern and an inside commercial amusement use limited to a live music venue.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____ (three-years from the passage of this ordinance).
4. FLOOR AREA AND PATIO:
 - a. The maximum floor area for a bar, lounge, or tavern and inside commercial amusement use limited to a live music venue is 2,158 square feet in the location shown on the attached site plan.
 - b. The maximum area for the covered patio is 417 square feet in the location shown on the attached site plan.
 - c. The maximum area for the uncovered patio is 564 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern and inside commercial amusement use limited to a live music venue 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. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
7. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4), may not be used to meet the off-street parking requirement.
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.

CPC Recommended Proposed Site Plan

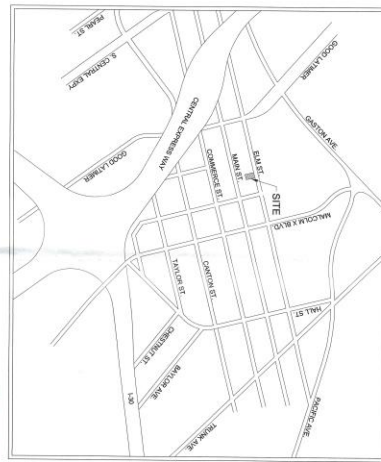


1 SITE PLAN - SUP

SCALE: 1" = 10'-0"



VICINITY MAP



PROJECT SUMMARY

LAND USE	ALCOHOLIC BEVERAGE ESTABLISHMENT WITH LIVE MUSIC VENUE
Zoning	PD-289 (T) A
Total Area	2,885 SQ. FT.
Building Area	1,874 SQ. FT. (Building Footprint)
Covered Patio Area	417 SQ. FT.
Uncovered Patio Area	564 SQ. FT.
Lot Coverage	90% (Building Footprint + Covered Patio Area)
Parking	PER PD-289

PARKING ANALYSIS

USE: Alcoholic Beverage Establishment with Live Music Venue

Prior Area	1,874 SQ. FT.	FLOOR AREA	RATIO	SPACES
Ground Floor	1,874 SQ. FT.			
Mezzanine	284 SQ. FT.			
Covered Patio	417 SQ. FT.			
Total Floor Area	2,575 SQ. FT.			
Off-Street Parking Requirements Calculation:				
Total Spaces Required		2,575 SQ. FT.	100	26
Reduction:				
Default Reduction (10%)				3
26 Spaces				23
Total New DART Reduction				23
PD-289 Reduction				25
PD-289 Reduction				0
SPACES PROVIDED - ON-STREET SPACE				1

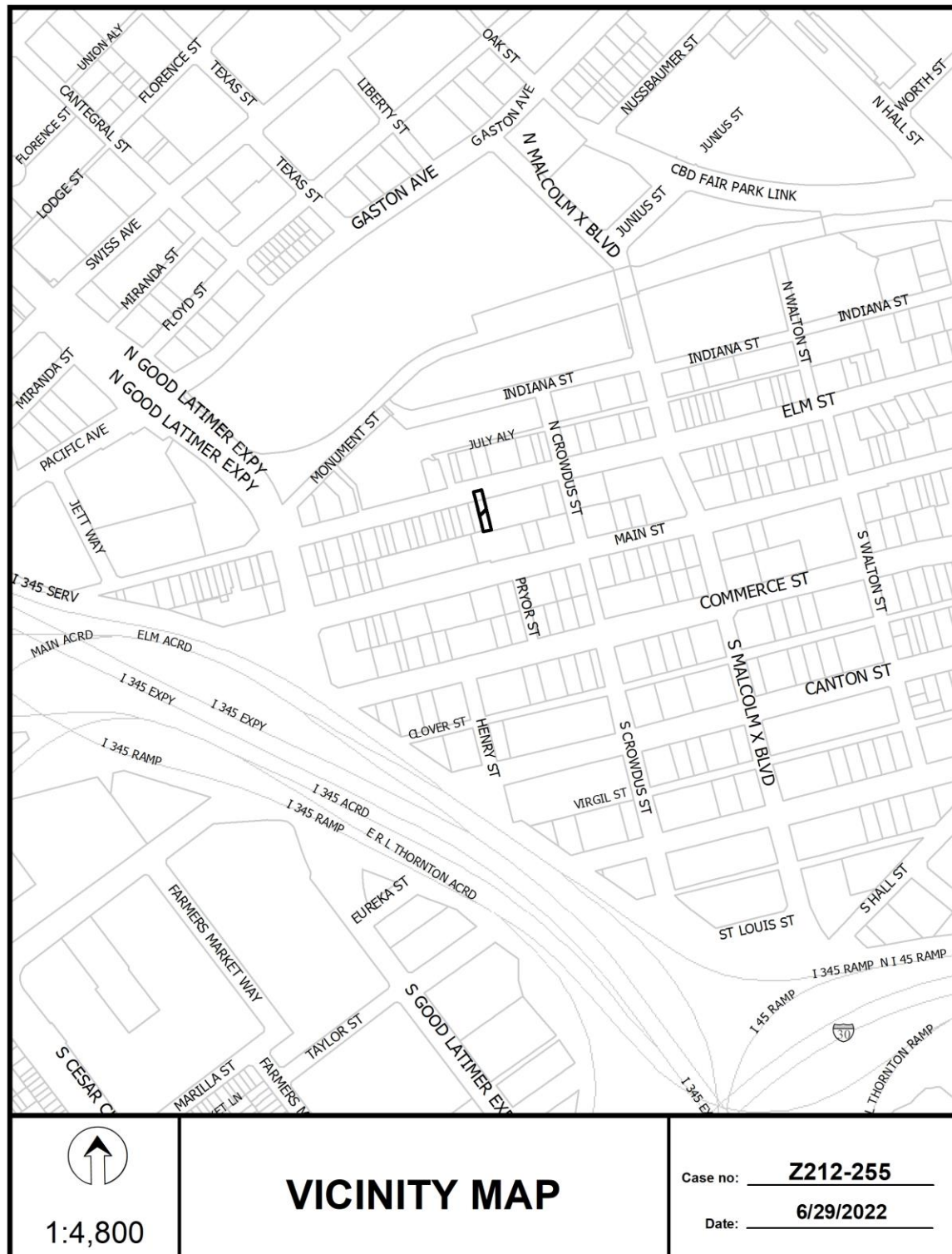
2704 ELM STREET
DALLAS, TEXAS

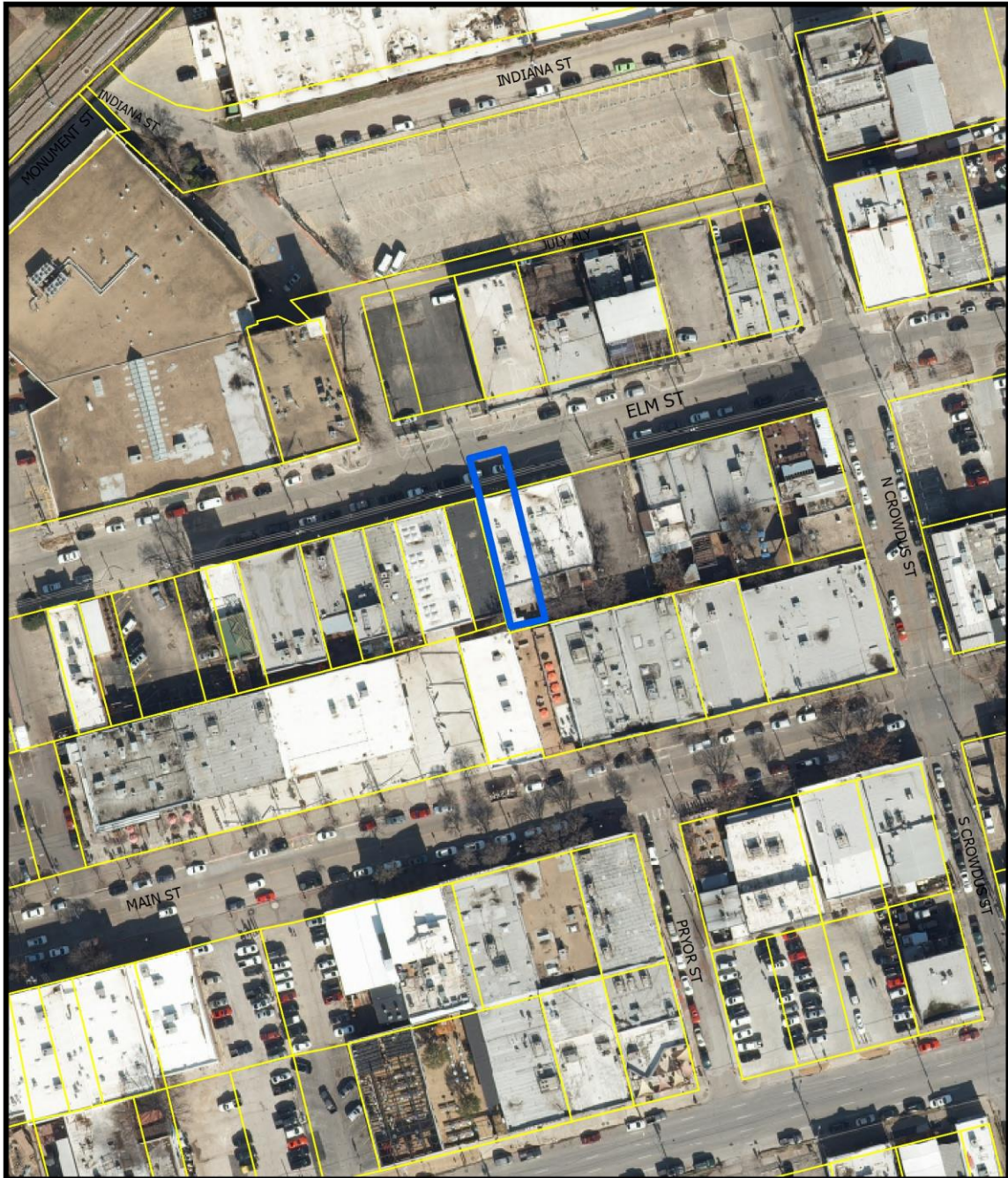


PERMITTED
DEVELOPMENT
2814 Main St. Dallas Site 102
Dallas, Texas 75226
214.686.3635
www.permitteddevelopmentdfw.com

04/25/2022
PROJECT NUMBER
CASE NUMBER

Z212-255(JM)

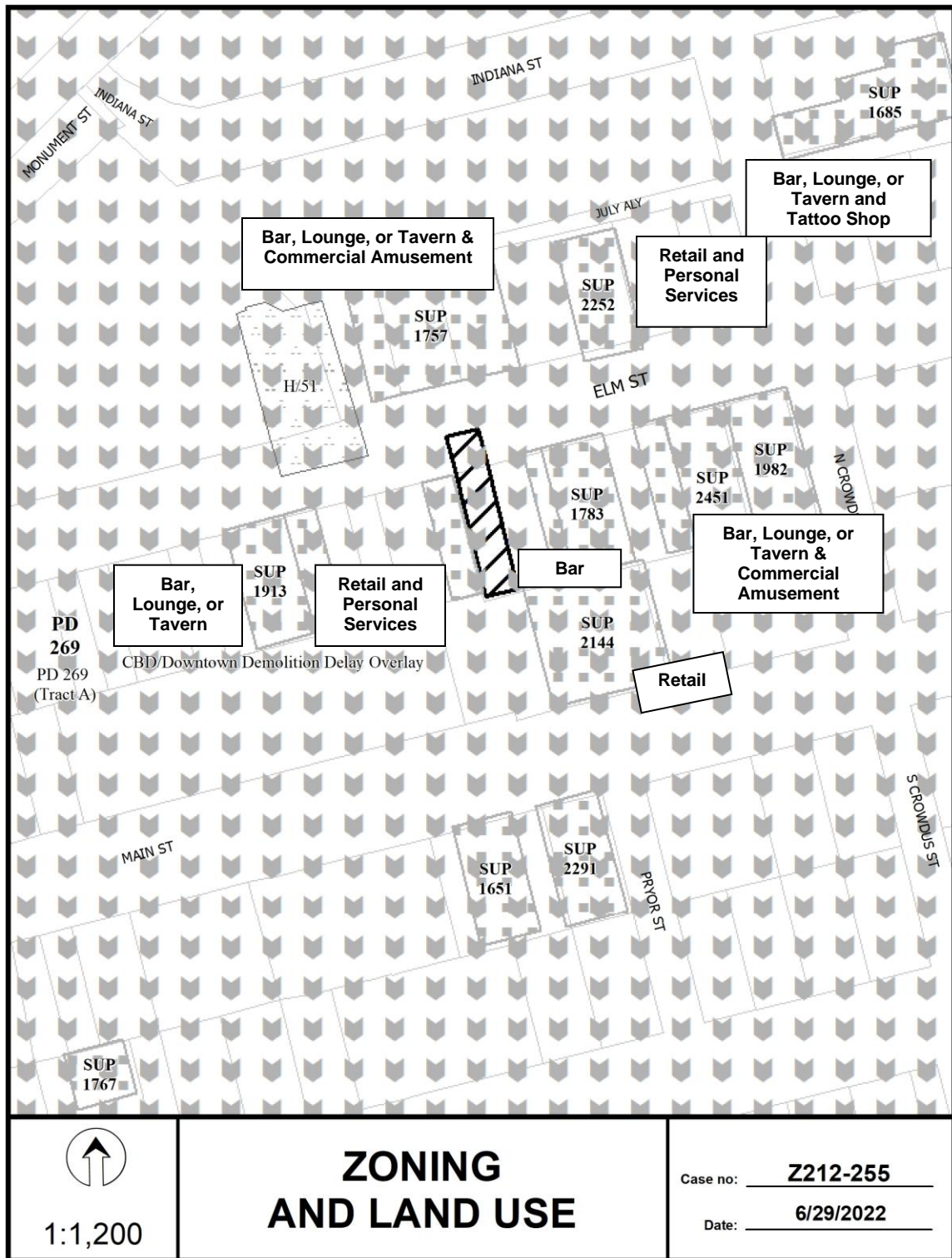


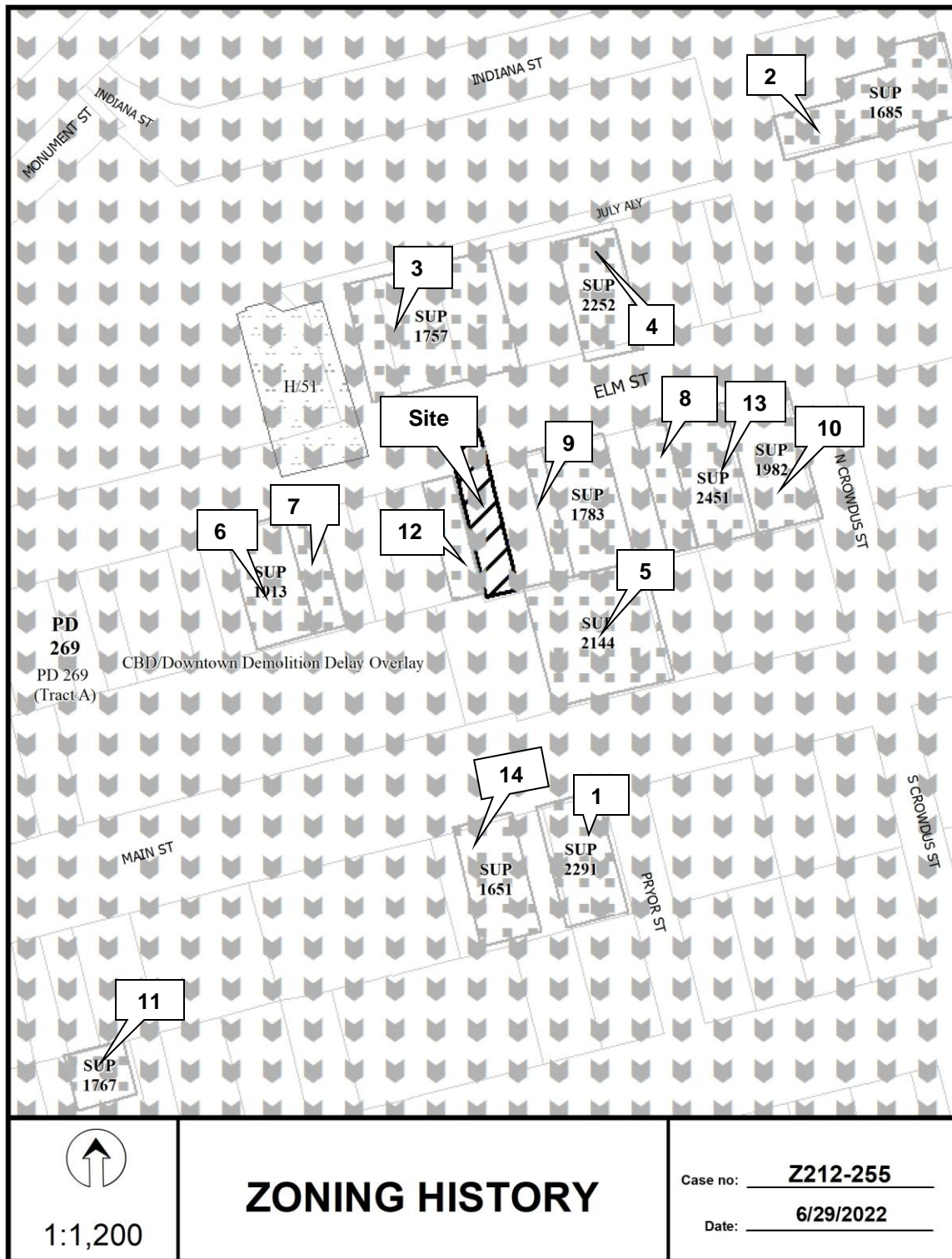


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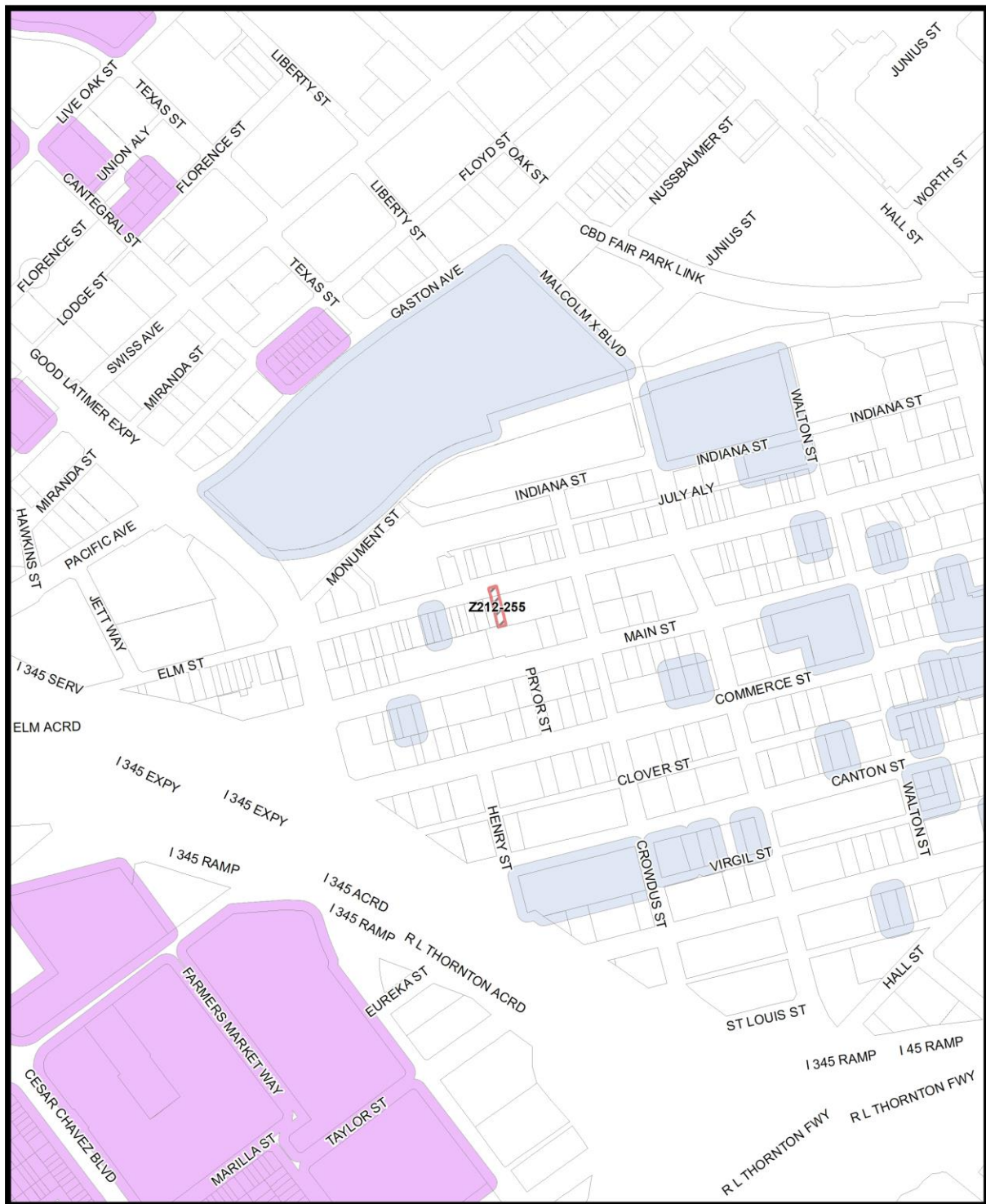
AERIAL MAP

Case no: Z212-255
Date: 6/29/2022





Z212-255(JM)



Market Value Analysis

Color	Category
Purple	A
Pink	B
Light Blue	C
Blue	D
Light Green	E
Green	F
Yellow	G
Orange	H
Red	I
Grey	NA



Market Value Analysis

Printed Date: 6/29/2022

CPC RESPONSES



10/05/2022

Reply List of Property Owners***Z212-255******17 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	2704 ELM ST	ELM STREET REALTY LTD
	2	2644 ELM ST	ONE MAN PARADE LLC
	3	2638 ELM ST	MGP HOLDINGS LLC
	4	2640 ELM ST	AP DEEP ELLUM LLC
	5	2634 ELM ST	2634 ELM ST LLC
	6	2642 ELM ST	LALCO INC
	7	2650 ELM ST	ELM ELM LLC
	8	2656 MAIN ST	MEADOWCREST LLC
	9	2625 ELM ST	UPLIFT EDUCATION
O	10	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	11	2715 MAIN ST	MAIN PROPERTIES LLC
	12	2707 MAIN ST	AP 2707 MAIN ST LLC
O	13	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
	14	2707 ELM ST	BELMOR CORP
	15	2703 ELM ST	Taxpayer at
	16	2701 ELM ST	Taxpayer at
O	17	2639 ELM ST	ELM STREET LOFTS LTD