

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, MARCH 27, 2024

ACM: Majed Al-Ghafry

FILE NUMBER: Z234-102(LG) **DATE FILED:** September 23, 2023

LOCATION: East corner of Main Street and Exposition Avenue

COUNCIL DISTRICT: 2

SIZE OF REQUEST: Approx. 10,629 sq ft **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER/APPLICANT: ColdBeer in Deep Ellum, LP

REQUEST: An application for an amendment for Specific Use Permit No. 2068 for a bar, lounge, or tavern 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 continue operation of a bar, lounge, or tavern. [Cold Beer Company]

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

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

BACKGROUND INFORMATION:

- The area of request is developed with an existing one-story, approximately 1,803-square-foot building and a 395-square-foot pergola/deck.
- On January 17, 2014, City Council approved Specific Use Permit No. 2068 for a bar, lounge, or tavern for a two-year period.
- On October 14, 2015, City Council approved SUP No. 2068 for a three-year period.
- On February 13, 2019, City Council approved SUP No. 2068 for a five-year period.
- Applicant is requesting a continuation of this SUP.

Zoning History:

There has been one zoning case in the area in the last five years.

1. **Z223-241:** On December 7, 2023, City Plan Commission recommended approval of an amendment to Specific Use Permit No. 1695 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue for a five-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 northwest corner of Exposition Avenue and Canton Street. [Scheduled for City Council on January 24, 2024]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Exposition Avenue	Principal Arterial	80 ft. Bike Plan
Main 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 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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

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.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.4 Enhance visual enjoyment of public space.

GOAL 5.2 STRENGTH COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant district, linkage, and area.

Land Use:

	Zoning	Land Use
Site	Tract A, PDD No. 269	Bar, lounge, tavern
North	Tract A, PDD No. 269	General merchandise or food store less than 3500 sq. ft. and commercial amusement
Northeast	Tract A, PDD No. 269	Surface parking lot
Southeast	Tract A, PDD No. 269	Office
Southwest	Tract A, PDD No. 269	General merchandise or food store less than 3500 sq. ft. and surface parking
Northwest	Tract A, PDD No. 269	Personal service use

Land Use Compatibility:

The site is developed with an 1,803-square-foot building and a 395-square-foot uncovered patio and is currently zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District. The applicant's request is for the renewal of Specific Use Permit No. 2068 to continue operation of the existing bar, lounge, or tavern. Other than the time limit, no changes to the current SUP conditions or site plan are requested.

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 and various surface parking lots. The renewal is consistent with the established development pattern of PD No. 269, the Deep Ellum/Near East Side District. Therefore, staff recommends renewing this SUP for an additional five-year period.

Landscaping:

Landscaping of any development will be in accordance with the landscaping requirements in Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

Parking:

As per Planned Development District No. 269, bar, lounge, or tavern and private club uses require no off-street parking spaces 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. As a result, no off-street parking spaces are required.

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 within a “C” MVA area. To the north is an “F” MVA area.

Crime Report:

Since February 2019, the subject site has experienced 57 phone calls to the Dallas Police Department (DPD), 19 offenses, and 4 arrests.

Calls (Summary)	
Problem	Count of Problem
12B - Business Alarm	22
55 - Traffic Stop	3
46 - CIT	3
40 - Other	1
09V - UUMV	2
40/01 - Other	5
6X - Major Dist (Violence)	10
58 - Routine Investigation	5
7X - Major Accident	1
31 - Criminal Mischief	1
11B - Burg of Bus	1
32 - Suspicious Person	1
PSE/11V - Burg Motor Veh	1
29 - Open Building	1
Grand Total	57

Offenses (Summary)	
Problem	Count of Problem
MISCELLANEOUS	6
OTHER THEFT	1
DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	3
ALL OTHER OFFENSES	1
BMV	4
BURGLARY-BUSINESS	1
TRAFFIC VIOLATION - HAZARDOUS	1
SIMPLE ASSAULT	1
PUBLIC INTOXICATION	1
Grand Total	19

Arrests (Summary)			
Arrest Date	Arrest Time	Address	Crime
2/24/2019	05:00.0	3600 MAIN ST	PUBLIC INTOXICATION
6/30/2019	20:00.0	3600 MAIN ST	SIMPLE ASSAULT
4/13/2020	50:00.0	3600 MAIN ST	WARRANT HOLD (NOT A DPD WARRANT)
9/17/2023	10:00.0	3600 MAIN ST	APOWW (SOCIAL SERVICES REFERRAL)

List of Officers

ColdBeer in Deep Ellum, LP

42 A, LLC – Scott Rohrman, Managing Member

42 Deep Ellum, LP – Scott Rohrman, Managing Member

CPC Action
February 1, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2068 for a bar, lounge, or tavern for a five-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 east corner of Main Street and Exposition Avenue.

Maker: Blair
Second: Herbert
Result: Carried: 14 to 0

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

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

Notices:	Area: 200	Mailed: 22
Replies:	For: 5	Against: 0

Speakers: None

PROPOSED CONDITIONS

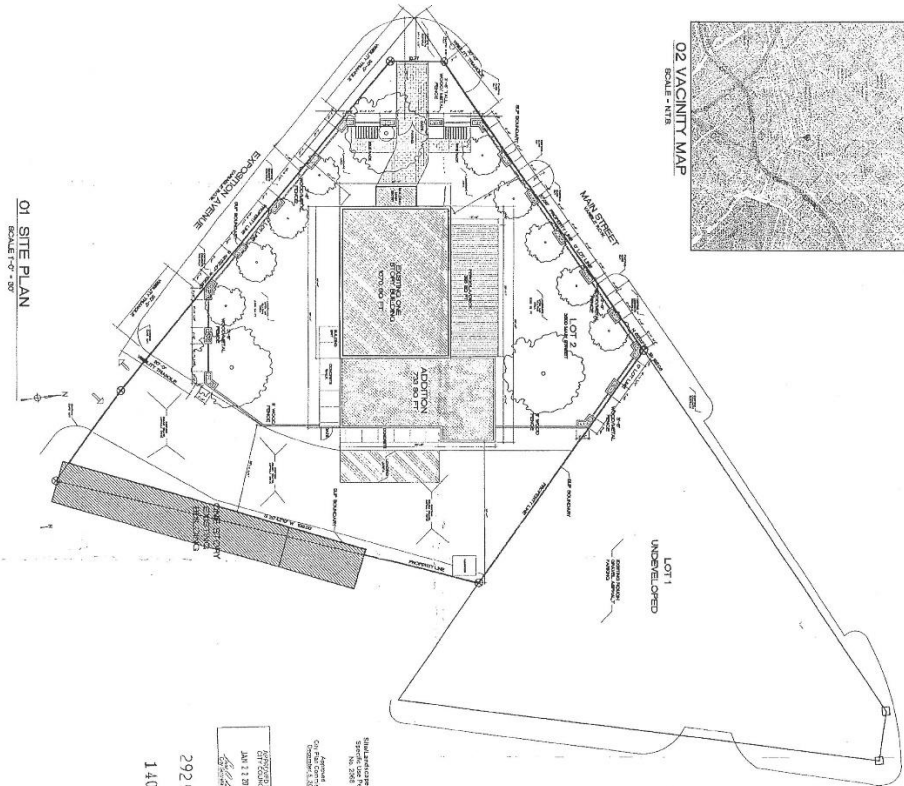
1. USE: The only use authorized by this specific use permit is a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site/landscape plan.
3. TIME LIMIT: This specific use permit expires on ~~February 13, 2024~~ (five years from the passage of this ordinance).
4. LANDSCAPING: Landscaping must be provided as shown on the attached site/landscape plan.
5. FENCE: A fence must be provided in the location shown on the attached site/landscape plan.
6. FLOOR AREA: The maximum floor area for a bar, lounge, or tavern is 1,803 square feet in the location shown on the attached site/landscape plan. The maximum land area for the uncovered patio is 395 square feet in the location shown on the attached site/landscape plan.
7. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 3:00 p.m. and 2:00 a.m. (the next day), Monday through Friday, and 11:00 a.m. and 2:00 a.m. (the next day), Saturday and Sunday.
8. 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.
9. OUTSIDE SPEAKERS: Outside speakers are prohibited.
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulation, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE/LANDSCAPE PLAN (No changes proposed)

190288

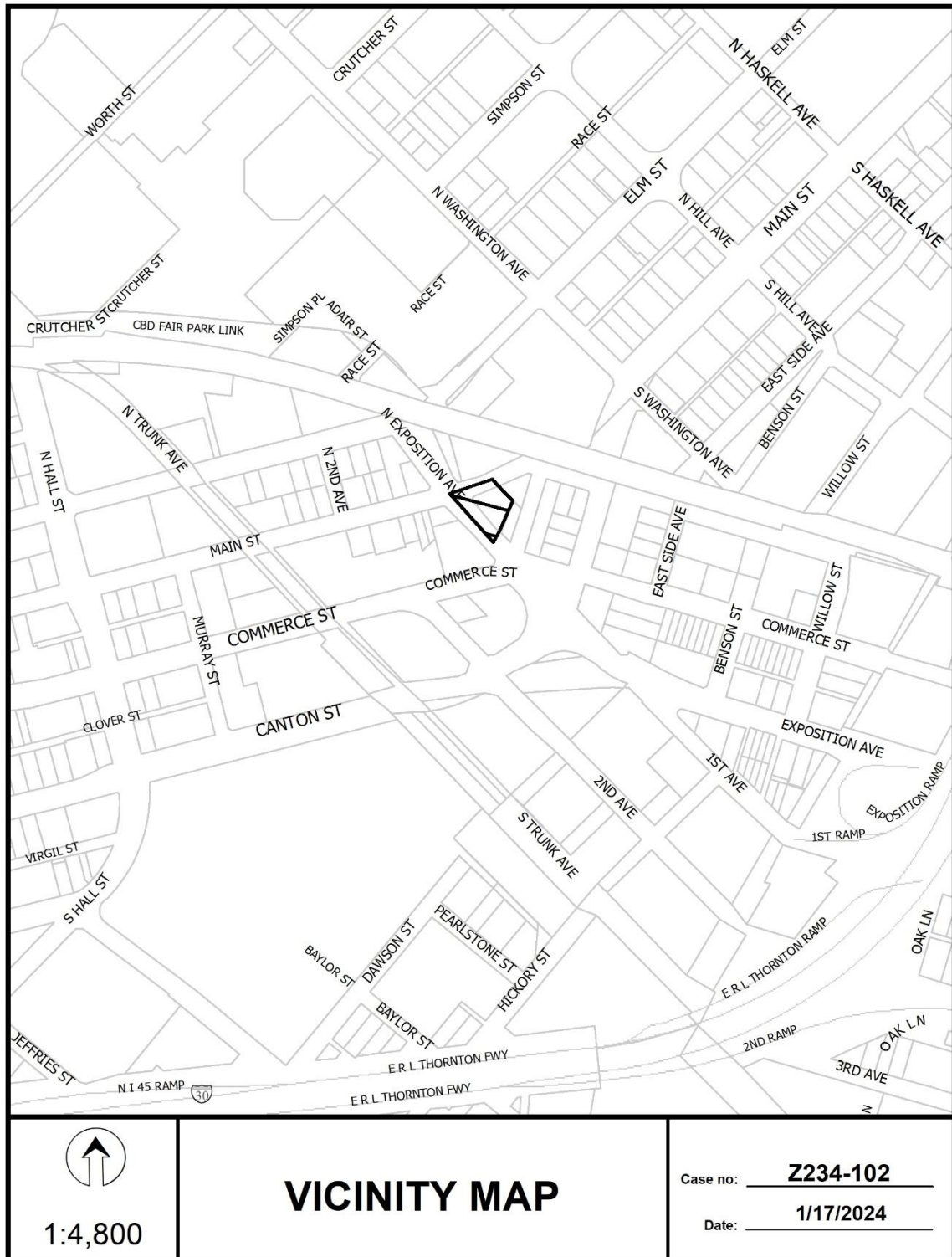
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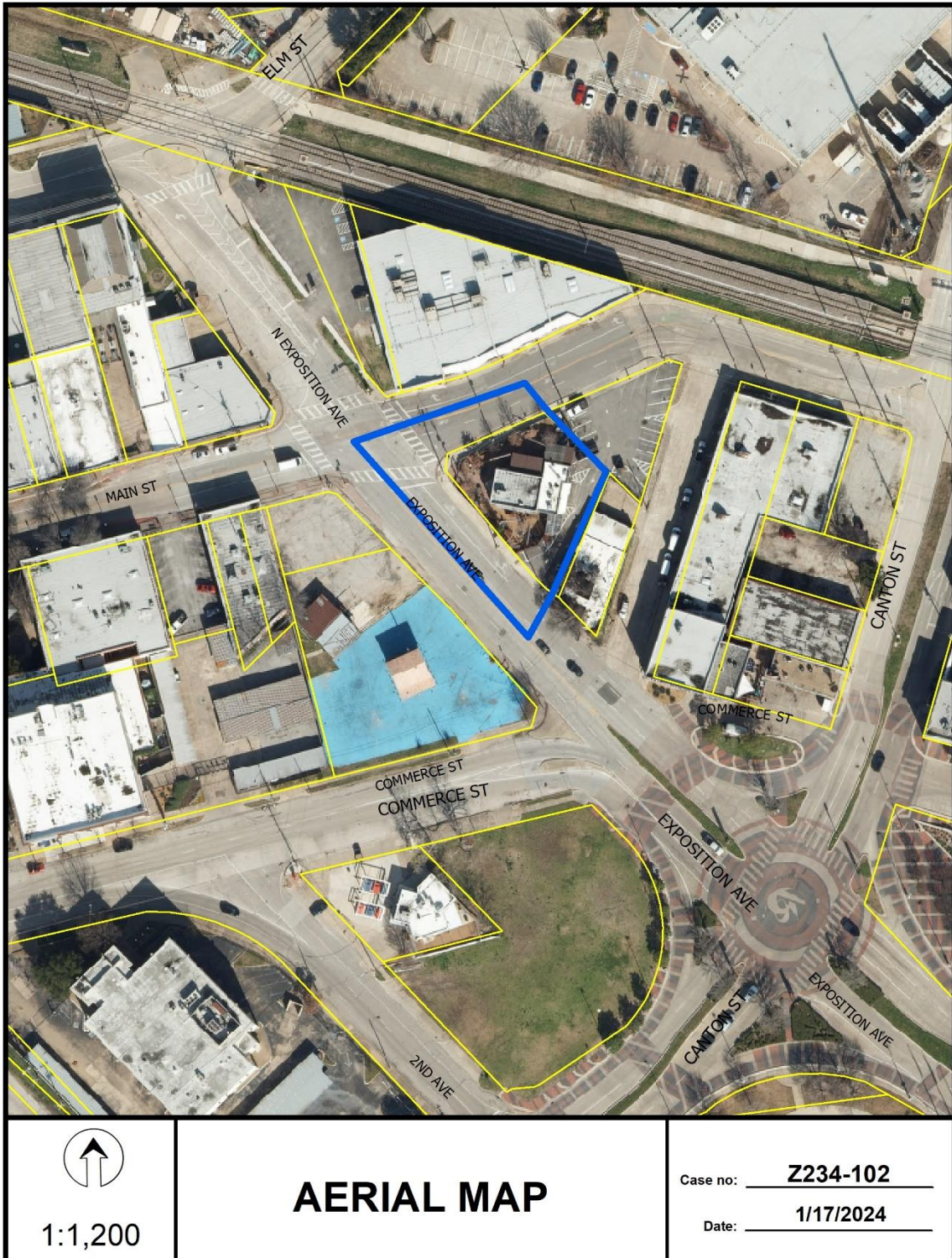
SITE INFORMATION	
BASE ZONING PD 269, TRACT A	
LOT AREA:	10,510 SQ. FT.
REQUIRED FRONT YARD SETBACK:	0'
PROVIDED FRONT YARD SETBACK FROM MAIN:	18'-9"
PROVIDED FRONT YARD SETBACK FROM EXPOSITION:	13'-4"
REQUIRED SIDE YARD SETBACK:	0'
PROVIDED NORTH/EAST SIDE YARD SETBACK:	35'-1"
REQUIRED SIDE YARD SETBACK:	0'
PROVIDED SOUTH/EAST SIDE YARD SETBACK:	15'-4"
MAXIMUM BUILDING HEIGHT:	16'
BUILDING INFORMATION	
EXISTING BUILDING:	1070 SQ. FT.
PROPOSED ADDITION:	733 SQ. FT.
PERCOLA COVERED PATIO:	395 SQ. FT.
TOTAL SQUARE FOOTAGE:	2,198 SQ. FT.
OPEN AIR LANDSCAPE/OPEN AIR SEATING:	4,375 SQ. FT.
FLOOR AREA RATIO:	2
LOT COVERAGE:	21%
PARKING SPACES:	PER PD 269, A

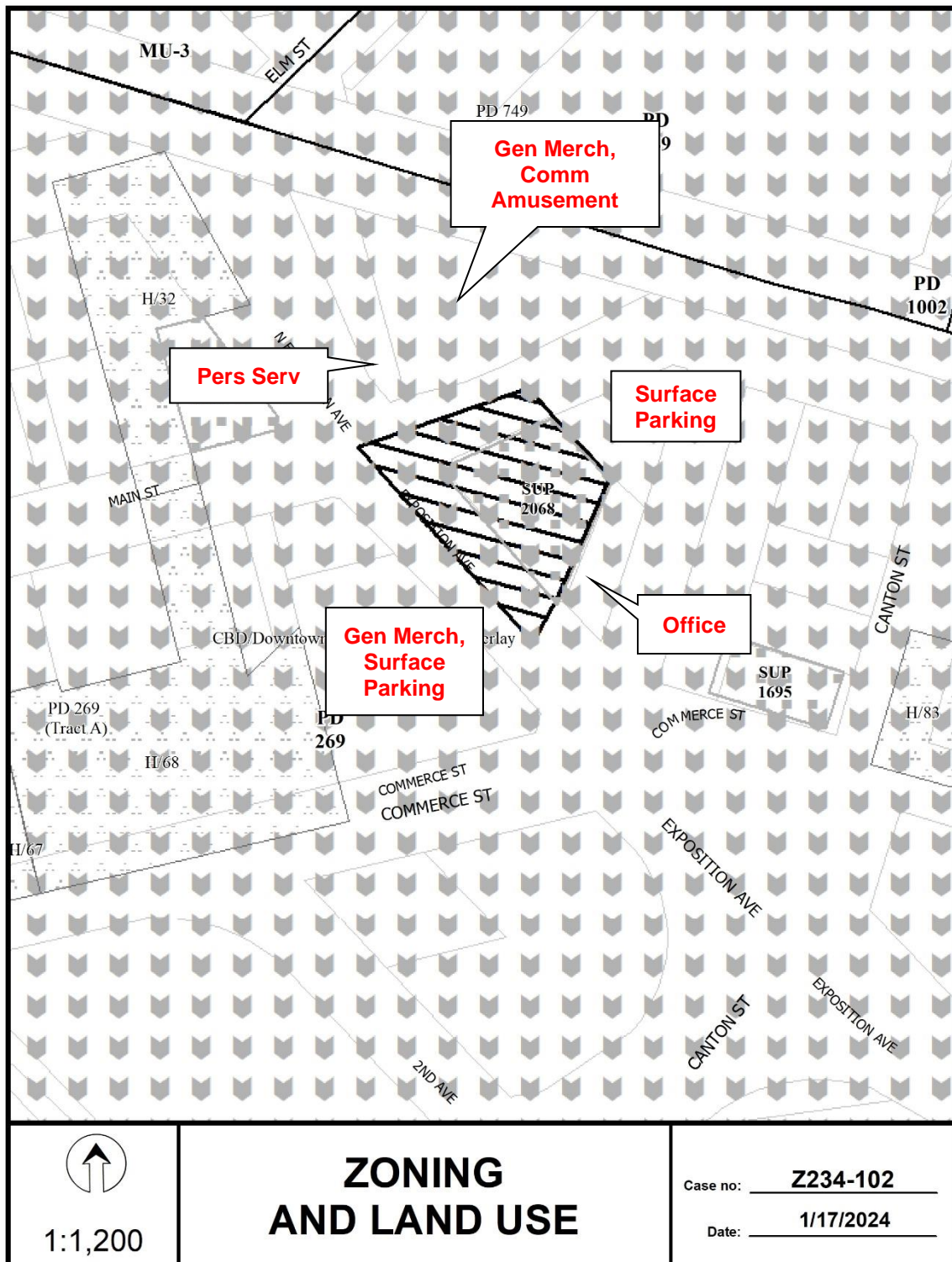


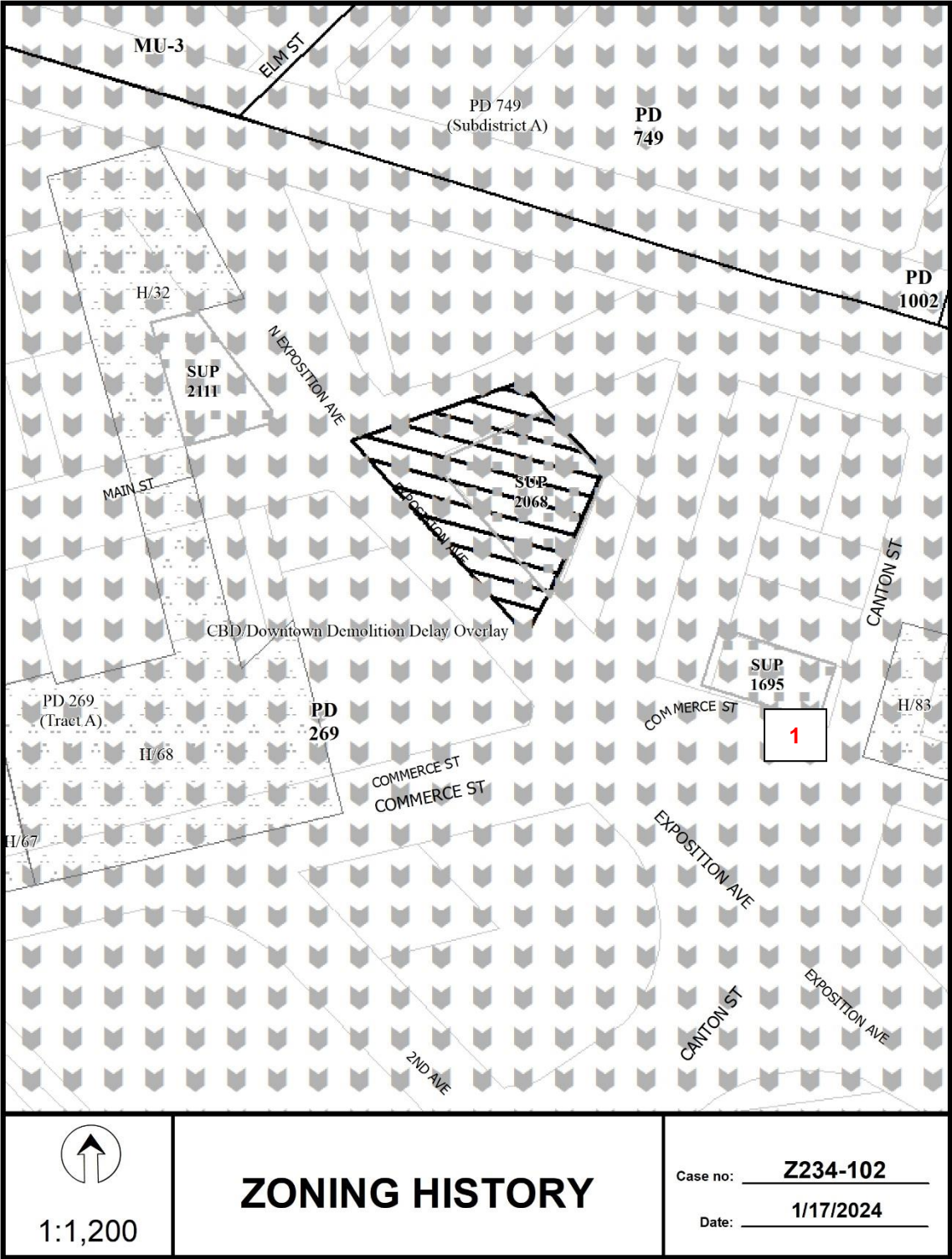
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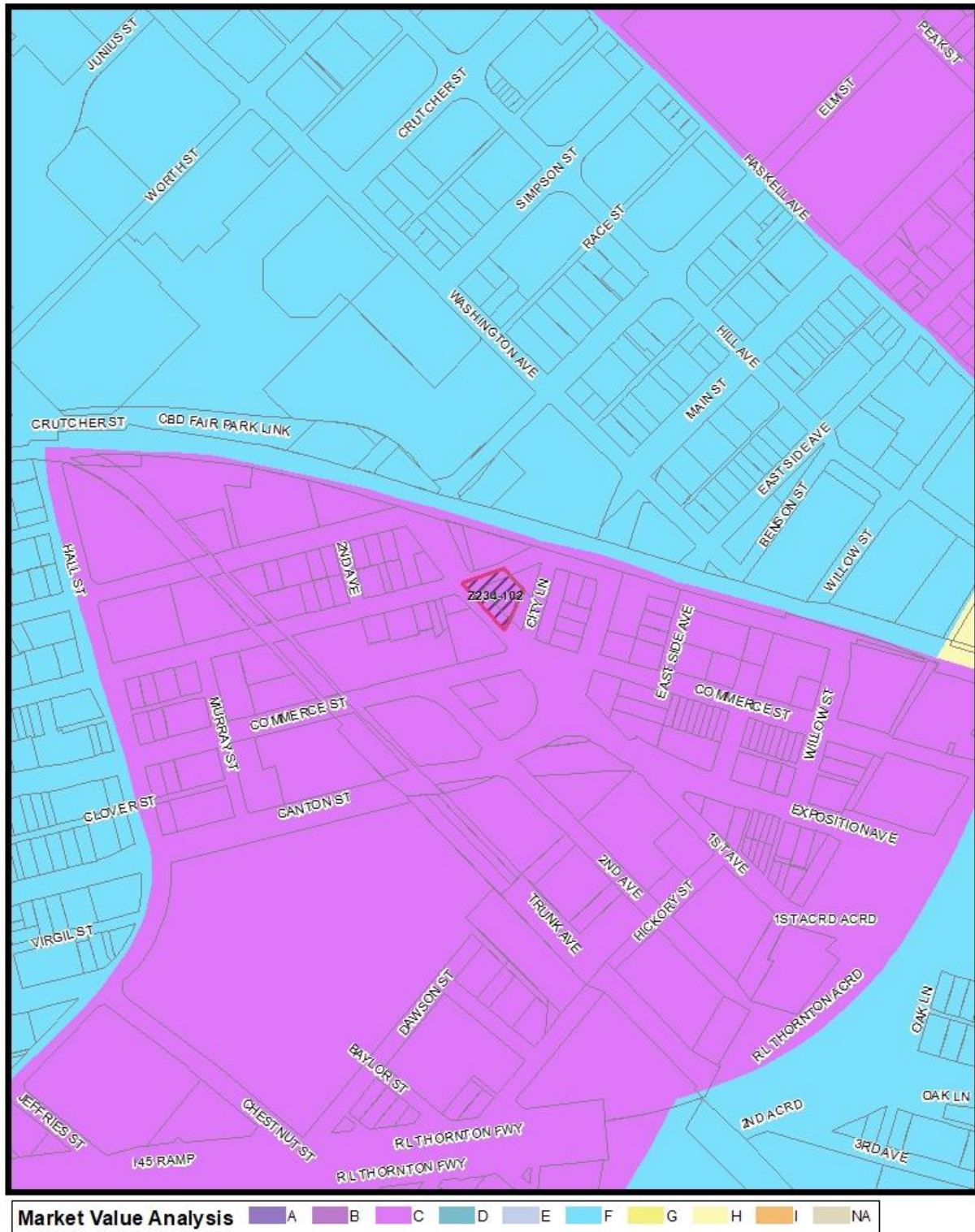
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1:4,800

Market Value Analysis

Printed Date: 1/17/2024



01/31/2024

Reply List of Property Owners***Z234-102******22 Property Owners Notified******5 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3600 MAIN ST	COLDBEER IN DEEP ELLUM LP
	2	110 EXPOSITION AVE	COLDBEER IN DEEP ELLUM LP
	3	3500 COMMERCE ST	Taxpayer at
	4	3506 COMMERCE ST	Taxpayer at
	5	3713 CANTON ST	Taxpayer at
	6	3719 LA FRANCE ST	Taxpayer at
	7	3511 PACIFIC AVE	Taxpayer at
	8	3721 LA FRANCE ST	Taxpayer at
	9	3801 MAIN ST	BAYLOR UNIVERSITY MED CTR
	10	3812 ELM ST	BAYLOR UNIVERSITY MED CTR
O	11	305 EXPOSITION AVE	MAIN STREET RETAIL LTD
O	12	3404 MAIN ST	JERNIGAN REALTY PTNR LP
	13	3416 MAIN ST	CHOW JUNE C &
	14	3418 MAIN ST	WITHERSPOON DAVID
O	15	3409 MAIN ST	AL JERNIGAN INVESTMENTS INC
	16	3414 ELM ST	SONS OF HERMANN
O	17	3417 MAIN ST	JERNIGAN REALTY PTNRS LP
	18	3435 COMMERCE ST	SUNSET APARTMENTS LP
O	19	3435 COMMERCE ST	RETAIL PARKING LLC
	20	3300 MAIN ST	WESTDALE DEEP ELLUM LOFTS LTD
	21	555 2ND AVE	DART
	22	555 2ND AVE	DART