

FILE NUMBER: Z223-323(WK) **DATE FILED:** July 20, 2023
LOCATION: South line of Commerce Street, west of South Malcolm X Boulevard
COUNCIL DISTRICT: 2
SIZE OF REQUEST: Approx. 12,458 sf **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Rob Baldwin, Baldwin Planning

OWNER: AP Blanton Deep Ellum, LLC

APPLICANT: Westlake Brewing Company

REQUEST: An application for an amendment to Specific Use Permit No. 2429 for an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery and 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 to allow an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery and a bar, lounge, or tavern.

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

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

BACKGROUND INFORMATION:

- The area of the request is zoned Tract A within PD No. 269, The Deep Ellum/Near East Side District.
- The request is for the renewal of SUP No. 2429.
- The lot has frontage on both Commerce Street and Clover Street.

Zoning History:

There have been three zoning cases in the area in the last five years.

1. **Z190-209:** On August 26, 2020, City Council approved Specific Use Permit No. 2366 for a microbrewery, microdistillery, or winery for a five-year period on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north side of Canton Street, west of South Malcolm X Boulevard.
2. **Z189-107:** On April 10, 2019, City Council approved Specific Use Permit No. 2076 for an inside commercial amusement limited to a live music venue and dance hall for a five-year period with eligibility for automatic renewal for additional five-year periods on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Canton Street, west of Crowds Street.
3. **Z201-294:** On July 9, 2021, City Council approved Specific Use Permit No. 2429 for a microbrewery & bar, lounge, or tavern for a two year period on property zoned Tract A within PD No. 269, The Deep Ellum/Near East Side District, on the South line of Commerce Street, west of South Malcolm X Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Commerce Street	Community Collector	60'
South Malcolm X Boulevard	Community Collector	60'

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:**Land Use:**

	Zoning	Land Use
Site	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Microbrewery
North	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Retail & Restaurants
East	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Restaurant
South	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Microdistillery & Parking
West	PD No. 269, Tract A, The Deep Ellum/Near East Side District.	Vacant Retail & Pedestrian Alley

Land Use Compatibility:

The request site is zoned Tract A within PD No. 269 and is currently developed with a one-story, approximately 5,970-square-foot building being used as a microbrewery.

Other uses surrounding the area of request include a mix of retail uses to the north, a restaurant to the east, a microdistillery and parking to the south, and a pedestrian alley and vacant retail to the west. The use of a microbrewery is compatible with the surrounding uses in the immediate vicinity and the uses 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. As the surrounding is heavily developed with retail and restaurant uses, a microbrewery is complimentary to the existing fabric of the area.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required.

Parking:

Per PD No. 269, no off-street parking spaces are required for the first 5,000 square feet of floor area in a use that has a separate certificate of occupancy, if the use is located in an original building, and one space per 600 square feet is required for the remaining floor area. The request site is required to provide two parking spaces and has provided three.

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 and the surrounding area is currently in an "F" MVA area.

List of Officers

AP Blanton Deep Ellum LLC

Asana Partners Fund I REIT, LLC

Terry S. Brown, Managing Partner

Jason K. Tompkins, Managing Partner

Sam E. Judd, Managing Partner

R. Seth Black, Managing Director

Katie W. Grissom, Managing Director

Reed A. Kracke, Managing Director

Will M. Ponder, Managing Director

Brian R. Purcell, Managing Director

Westlake Brewery Company

Arthur D. Harvey, sole owner

CPC Action
March 7, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2429 for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery and a bar, lounge, or tavern or 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 south line of Commerce Street, west of South Malcolm X Boulevard.

Maker: Hampton
Second: Housewright
Result: Carried: 12 to 0

For: 12 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Haqq, Hall

Against: 0
Absent: 3 - Treadway, Kingston, Rubin
Vacancy: 0

Notices:	Area: 200	Mailed: 16
Replies:	For: 1	Against: 0

Speakers: None

**CPC RECOMMENDED
PROPOSED CONDITIONS**

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

CPC Recommendation:

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

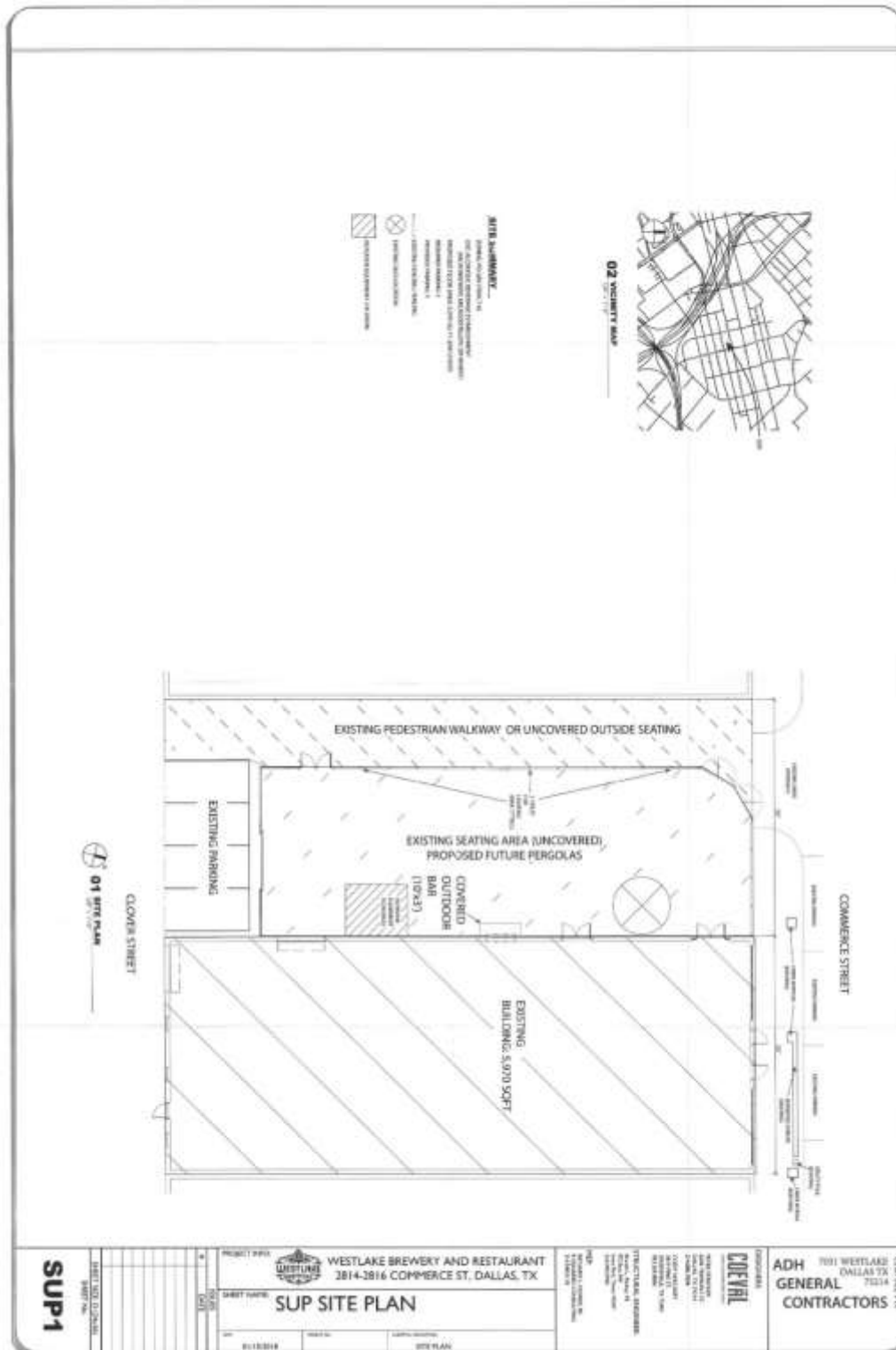
Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on _____, (five-year period from the passage of this ordinance) and is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. In order 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 application for automatic renewal is strictly enforced).

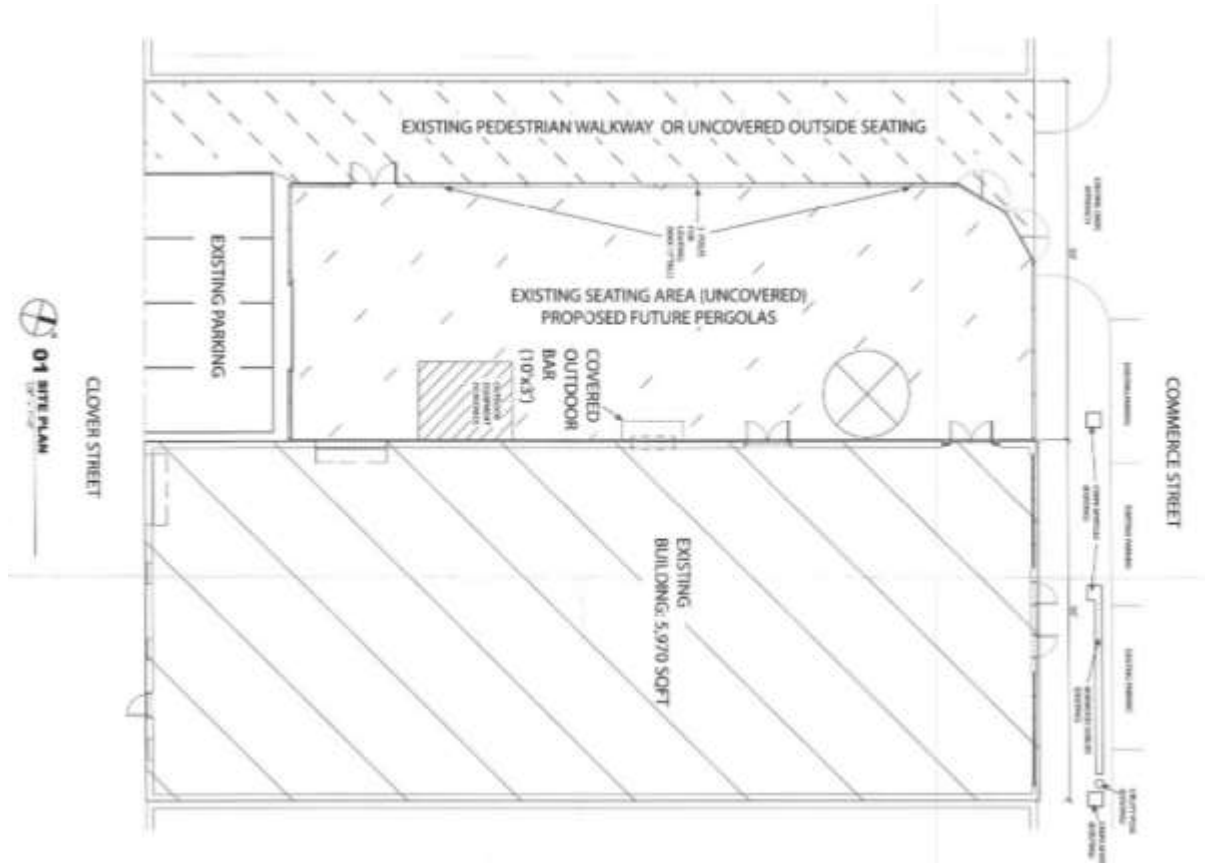
4. FLOOR AREA: The maximum floor area for the microbrewery, micro-distillery, or winery is 5,970 square feet. The maximum floor area for the bar, lounge, or tavern is 435 square feet.
5. HOURS OF OPERATION: The microbrewery, micro-distillery, or winery may only operate between 11:00 a.m. and 9:00 p.m., Monday through Thursday; between 11:00 a.m. and 10:00 p.m., Friday through Saturday; and between 12:00 p.m. (noon) and 8:00p.m., on Sunday. The bar, lounge, or tavern may only operate between 10:00 a.m. and 1:00 a.m. (the next day), Monday through Friday; between 8:00 a.m. and 1 :00 a.m. (the next day) on Saturday; and between 11 :00 a.m. and 11 :00 p.m. on Sunday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
7. PATIO: The uncovered patio is limited to 3,600 square feet in the location shown on the attached site plan.
8. SILOS: Maximum height of the silos is 30 feet.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

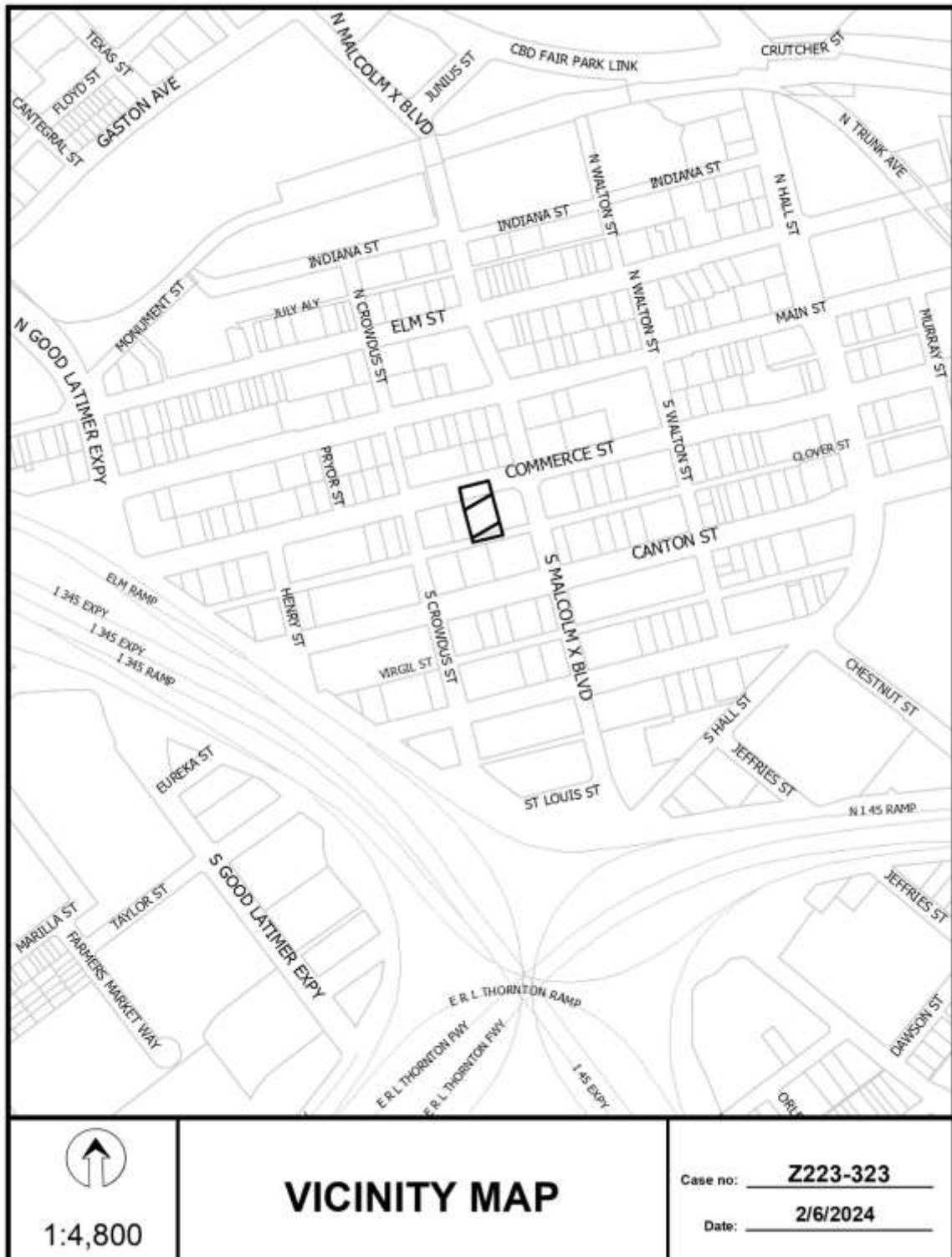
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

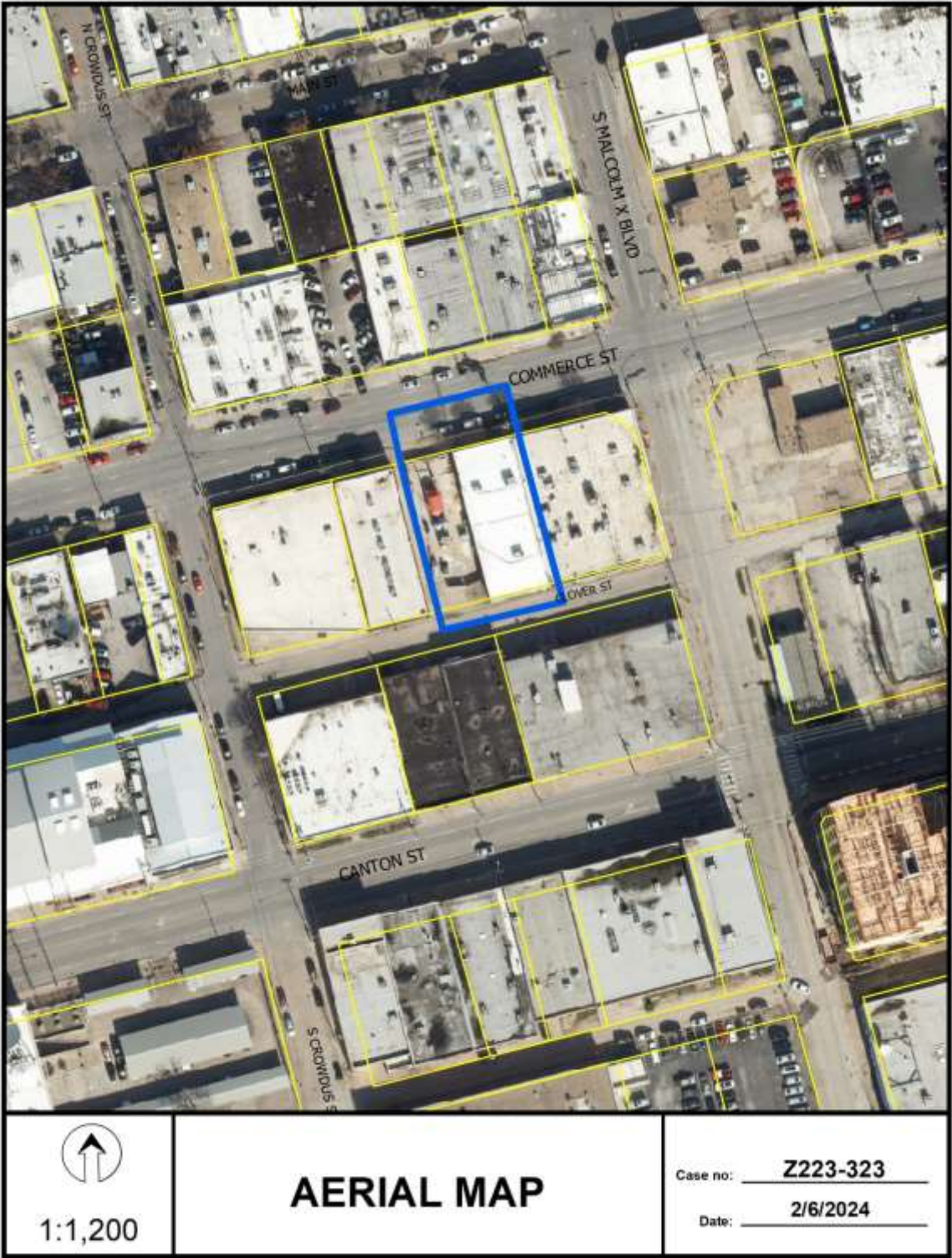
CPC RECOMMENDED PROPOSED SITE PLAN

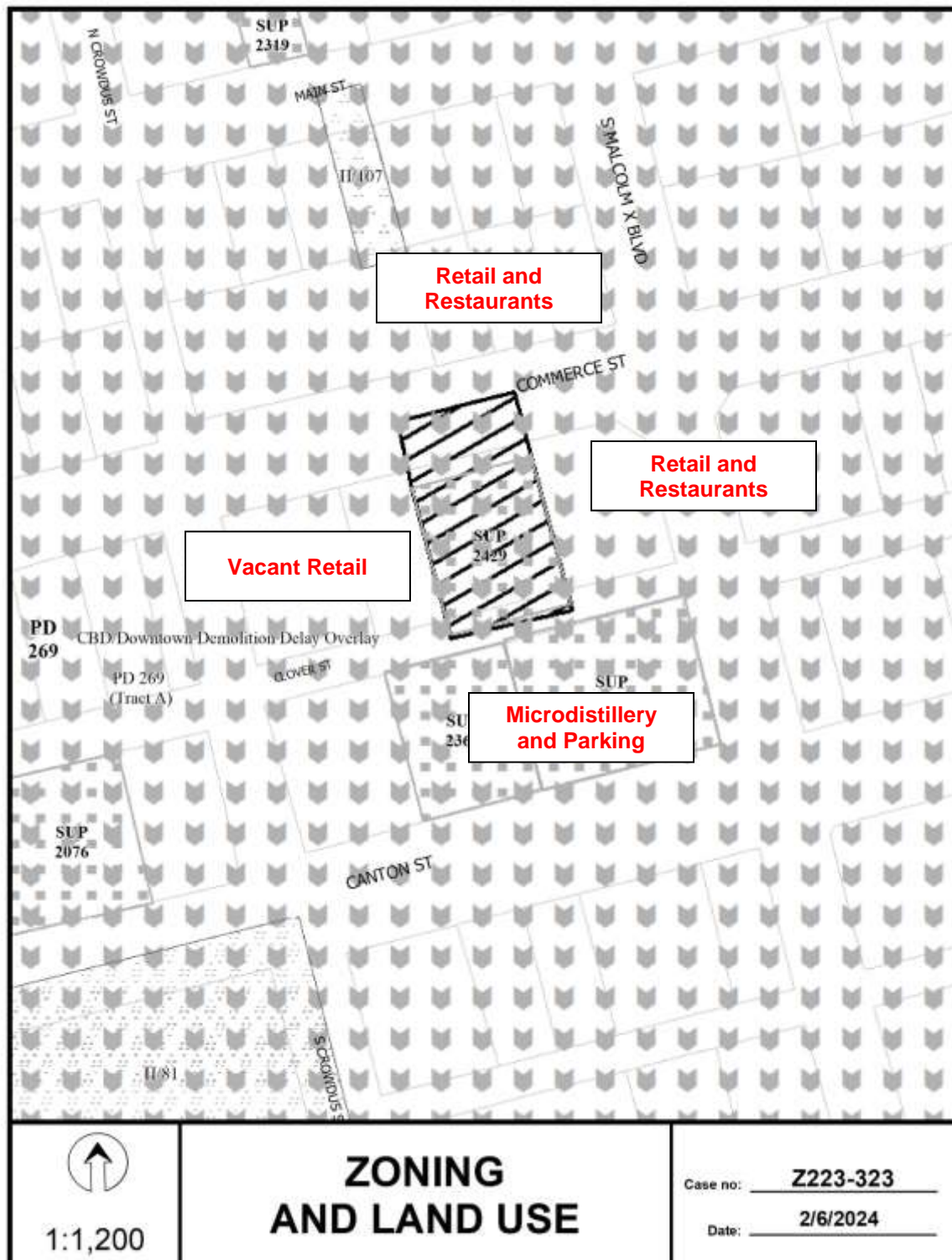


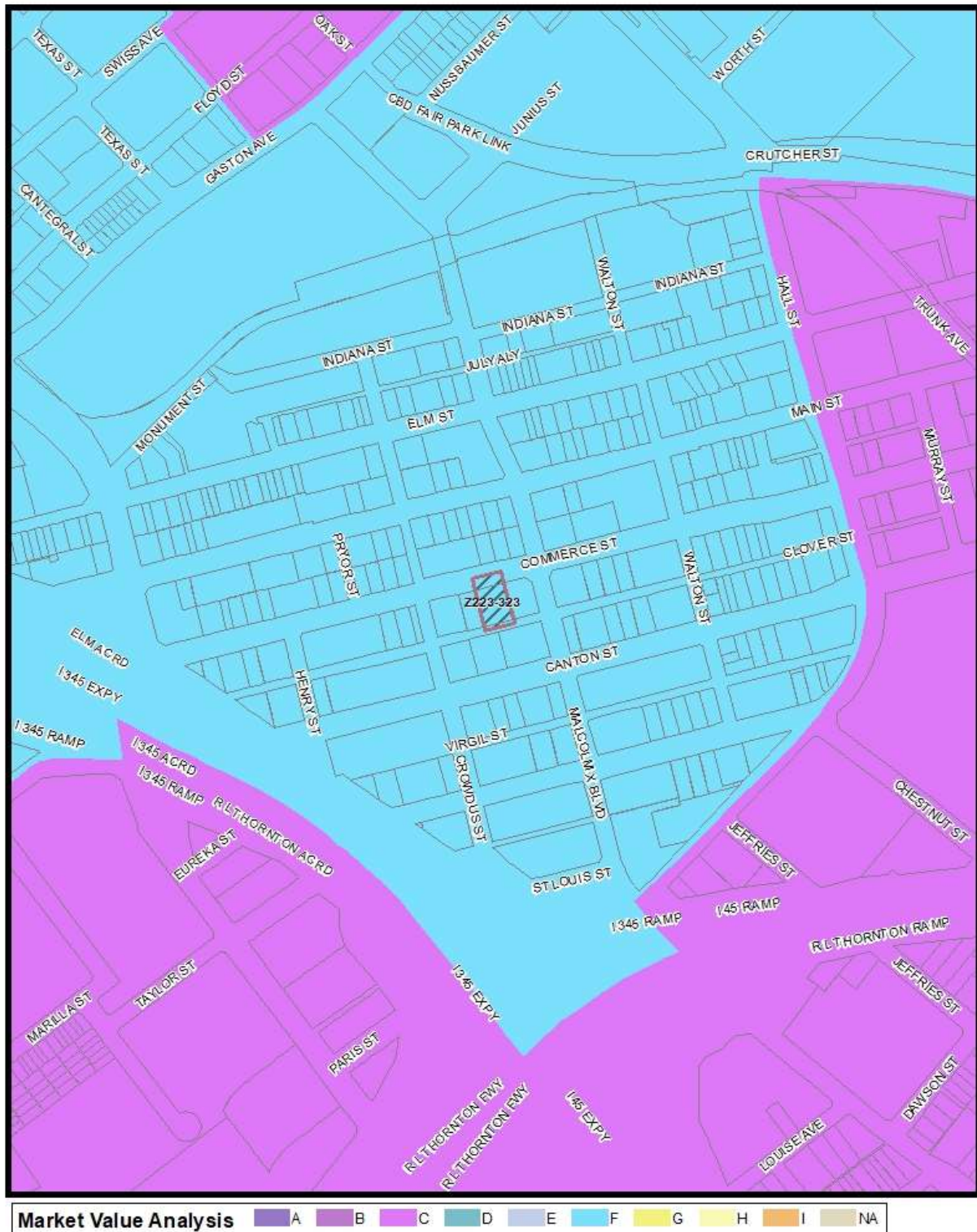
**CPC RECOMMENDED
PROPOSED SITE PLAN (ENLARGED)**







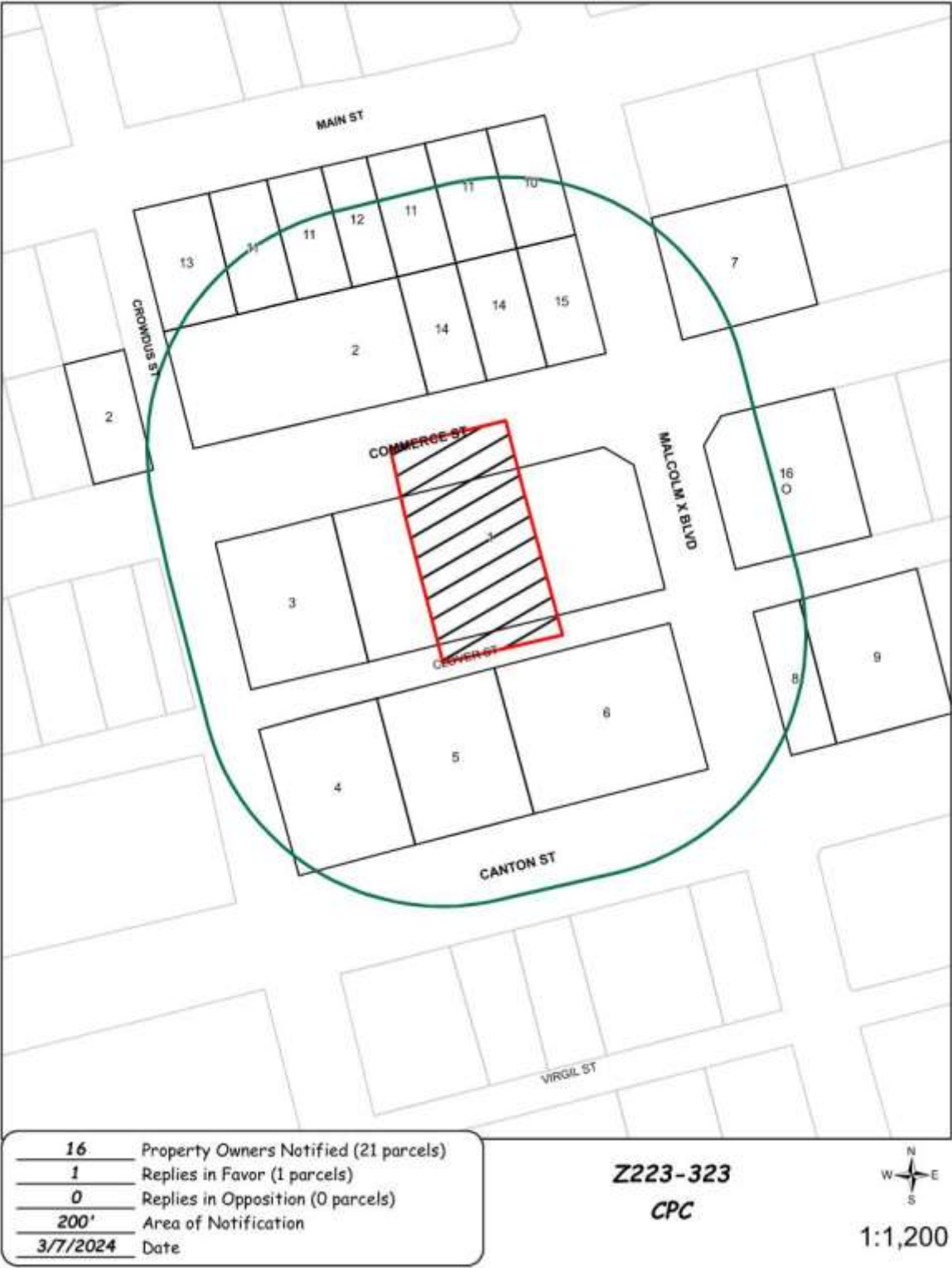




 1:4,800

Market Value Analysis

Printed Date: 2/6/2024



03/06/2024

Reply List of Property Owners**Z223-323*****16 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2816 COMMERCE ST	AP BLANTON DEEP ELLUM LLC
	2	2713 COMMERCE ST	WESTDALE PPTIES AMERICA I
	3	2800 COMMERCE ST	2800 COMMERCE INVESTORS
	4	2805 CANTON ST	SMFB LLC
	5	2809 CANTON ST	2809 CANTON LLC
	6	2817 CANTON ST	2825 CANTON LLC
	7	2901 COMMERCE ST	SDL PARTNERS LTD
	8	2901 CANTON ST	HORTON T L DESIGN INC
	9	2909 CANTON ST	MOHLER MMA DALLAS LLC
	10	2824 MAIN ST	BLADE PROPERTIES LLC
	11	2820 MAIN ST	AP DEEP ELLUM LLC
	12	2814 MAIN ST	640 LAND LLC
	13	2800 MAIN ST	AP 2800 MAIN ST LLC
	14	2815 COMMERCE ST	2815-2819 COMMERCE STREET VENTURES LLC
	15	2825 COMMERCE ST	AN JADHAVJI INVESTMENTS LLC
O	16	2904 COMMERCE ST	CITY PARK A LOT LP