

FILE NUMBER: Z189-289(SM) **DATE FILED:** June 10, 2019

LOCATION: North line of Elm Street, west of North Crowdus Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45 M

SIZE OF REQUEST: Approx. 6,395 sq. ft. **CENSUS TRACT:** 204.00

REPRESENTATIVE: Jason Marshall

APPLICANT: Rycam Enterprises

OWNER: Elm Street Realty, LTD

REQUEST: An application for the renewal of Specific Use Permit No. 2252 for an alcoholic beverage establishment use limited to a bar, lounge or tavern 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 District.

SUMMARY: The purpose of this request is to continue the existing bar, lounge, or tavern and live music venue which operate in conjunction with the existing restaurant [The Green Room].

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

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

BACKGROUND INFORMATION:

- The 2,327-square-foot original building was constructed in 1925. The roof-top deck was constructed in 1995 and is comprised of 1,869 square feet of covered area and 689 square feet of uncovered area, according to Dallas Central Appraisal District records.
- The structure is divided into two operators: Brick and Bones in 2713 Elm Street and The Green Room in 2715 Elm Street.
- On June 14, 2006, City Council approved an amendment to Planned Development District No. 269, which requires a Specific Use Permit for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue.
- On August 9, 2017, City Council approved Specific Use Permit No. 2252 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue for a two-year period, subject to a site plan and conditions. No changes to the site plan or conditions are proposed with this renewal request.

Zoning History: There have been 16 recent zoning changes requested in the area within the last five years.

1. **Z167-233** On June 14, 2017, City Council approved the renewal of SUP No. 1685 a bar, lounge or tavern for a five-year period, located on the northeast corner of Crowds Street and July Alley.
2. **Z156-230** On June 22, 2016, City Council approved the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern for a four-year period, located on the south line of Elm Street, east of North Good Latimer Expressway.
3. **Z167-142** On March 22, 2017, City Council approved the renewal of Specific Use Permit No. 2019 for a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue for a three-year period, on the south side of Elm Street, east of North Good Latimer Expressway.

4. **Z145-121** On February 11, 2016, City Council approved the renewal of Specific Use Permit No. 1783 for a bar, lounge or tavern for a five-year period, located on the south line of Elm Street, west of Crowdus Street.
5. **Z167-154** On April 12, 2017, City Council approved the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use for a three-year period, located on the south line of Elm Street, west of Crowdus Street.
6. **Z167-275** On August 9, 2017, City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern for a three-year period, on the south line Elm Street, west of Crowdus Street.
7. **Z145-249** On August 12, 2015, City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern for a two-year period, located on the south side of Elm Street, west of Crowdus Street.
8. **Z167-392** On January 10, 2018, City Council approved the renewal of Specific Use Permit No. 1694 for a bar, lounge, or tavern use and commercial amusement (inside) limited to a live music venue use for a three-year period, located on the southeast Line of Elm Street, west of Crowdus Street
9. **Z167-328** On September 27, 2017, City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall for a three-year period, located on the south corner of Elm Street and Crowdus Street.
10. **Z178-125** On May 23, 2018, City Council denied the renewal of Specific Use Permit No. 1696 for a bar, lounge, or tavern without prejudice, located on the south side of Elm Street, east of Crowdus Street.
11. **Z145-176** On May 13, 2015, the City Council approved the renewal and amendment of Specific Use Permit No. 1696 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern for a three-year period, located on the south line of Elm Street, west of North Crowdus Street.
12. **Z167-274** On August 9, 2017, City Council approved the renewal of Specific Use Permit No. 2144 for a bar, lounge, or tavern for a two-year period, located on the north side of Main Street, west of Crowdus Street.

13. **Z145-160** On April 22, 2015, City Council approved Specific Use Permit No. 2144 for a bar, lounge, or tavern for a two-year period, located on the north side of Main Street, west of Crowdus Street.
14. **Z178-233** On August 8, 2018, City Council approved 1) Specific Use Permit No. 2303 for a commercial amusement (inside) use limited to a live music venue for a two-year period; and, 2) the termination of Specific Use Permit No. 1707 for a tattoo studio and a body piercing studio, located on the north line of Main Street, east of Crowdus Street.
15. **Z178-381** On January 23, 2019, City Council approved Specific Use Permit No. 2319 for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a two-year period, located on the northeast corner of Main Street and Crowdus Street.
16. **Z178-175** On May 9, 2018, City Council approved Specific Use Permit No. 2291 for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery for a three-year period with eligibility for automatic renewals for additional five-year periods, located on the southwest corner of Main Street and Pryor Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Special Cross Section Description
Elm Street	Major Arterial	2 lanes undivided, 60 ft ROW, 38 ft pavement

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan:

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The Plan 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 Plan:

URBAN DESIGN ELEMENT

GOAL 5.3 Establishing Walk-to Convenience

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

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 269, Tract A	Restaurant, Bar, lounge, or tavern, and Inside commercial amusement (live music venue)
North	PDD No. 269, Tract A	Surface parking lot
East	PDD No. 269, Tract A	Surface parking lot
South	PDD No. 269, Tract A	Retail, Bar, lounge, or tavern, and Inside commercial amusement (live music venue)
West	PDD No. 269, Tract A	Bar, lounge, or tavern, and Inside commercial amusement (live music venue)

Land Use Compatibility:

The subject site has operated as a dining and entertainment establishment since the 1990's with some periods of vacancy in the past few decades. The applicant proposes to continue to operate within the first-floor original building and on the existing covered and uncovered rooftop.

Surrounding land uses consist of surface parking to the north and east, restaurants and other alcoholic beverage establishments including live music venues and retail uses to the west and south.

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.

Because the SUP includes restrictions on hours of operation in an area generally surrounded with similar uses, the existing uses are considered compatible with the surrounding uses. Additionally, the requested three-year period allows a re-evaluation of the use to ensure the use remains compatible with surrounding properties.

Parking:

The site is surrounded by a mix of retail/restaurant uses that are served by various surface parking lots and on-street parking spaces along Elm Street. PD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for a bar, lounge, or tavern use when located on the first floor in an original building. According to the site plan submitted with this request, the first floor contains 2,327 square feet. The second floor contains a rooftop deck with 1,869 square feet of covered floor area. This portion of the proposed use requires one parking space per 100 square feet; therefore, 19 parking spaces are required. A 689 square-foot uncovered section of the rooftop deck will not require parking. The applicant has a valid Certificate of Occupancy and therefore is compliant with parking requirements for the existing uses.

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). Although the area of request is not within an identifiable MVA cluster, the site is surrounded by a “C” MVA cluster in all directions.

Dallas Police Department:

Staff obtained the following list of calls, offenses, and arrests from the Dallas Police Department (DPD) for the period from August 9, 2017 to July 1, 2019 on the following page. During this 23-month period, DPD received 17 calls, of which 10 were coded as a major disturbance; four offenses, of which three were theft or burglaries, and one automobile incident; and six arrests for public intoxication.

Calls:

Incident No.	Date	Time	Problem	Priority Description
19-1001397	6/3/2019	1:32:00 AM	6X - Major Dist (Violence)	2 - Urgent
19-0994887	6/2/2019	2:06:00 AM	6X - Major Dist (Violence)	2 - Urgent
19-0559332	3/31/2019	1:42:00 AM	6X - Major Dist (Violence)	2 - Urgent
19-0558532	3/30/2019	11:15:00 PM	6X - Major Dist (Violence)	2 - Urgent
19-0195654	2/2/2019	4:40:00 PM	41/11V - BMV-In Progress	1 - Emergency
18-2284281	12/19/2018	2:11:00 AM	6X - Major Dist (Violence)	2 - Urgent
18-1740363	9/23/2018	3:57:00 PM	40/01 - Other	2 - Urgent
18-1722959	9/20/2018	11:58:00 PM	6X - Major Dist (Violence)	2 - Urgent
18-1198648	7/4/2018	2:16:00 AM	31/01 - Crim Mis/Prog/Non Felo	3 - General Service
18-0752477	4/30/2018	2:28:00 AM	6X - Major Dist (Violence)	2 - Urgent
18-0566171	4/1/2018	2:18:00 AM	07 - Minor Accident	3 - General Service
18-0413575	3/8/2018	11:22:00 PM	6X - Major Dist (Violence)	2 - Urgent
18-0253914	2/10/2018	11:07:00 PM	40/01 - Other	2 - Urgent
17-2231330	11/25/2017	2:38:00 AM	09V - UUMV	4 - Non Critical
17-2231207	11/25/2017	2:24:00 AM	07 - Minor Accident	3 - General Service
17-2048861	10/28/2017	2:08:00 AM	6X - Major Dist (Violence)	2 - Urgent
17-1830693	9/25/2017	8:15:00 PM	07 - Minor Accident	3 - General Service
17-1768039	9/16/2017	4:03:00 PM	6X - Major Dist (Violence)	2 - Urgent
17-1478655	8/4/2017	12:42:00 AM	40 - Other	3 - General Service

Offenses:

Incident No.	Offence Incident	Premise	Date	Time	NIBRS Crime CompStat
057941-2019	Burglary of building - no forced entry	Bar / Night Club / Dance Hall ETC.	3/22/2019	4:10:00 PM	Burglary-Business
089011-2018	Theft from person	Highway, Street, Alley ETC	4/27/2018	11:40:00 PM	Other Theft
030776-2018	Theft of prop <\$100 - other than shoplift	Other	2/11/2018	12:10:00 AM	Other Theft
268129-2017	Unauthorized use of motor veh - automobile	Parking Lot (All Others)	11/24/2017	10:30:00 PM	UUMV

Arrests:

Incident No.	Arrest No.	Date	Time	Charge Description
031859-2019	19-005583	2/16/2019	12:33:00 AM	Public Intoxication
235357-2018	18-038467	10/28/2018	10:00:00 AM	Public Intoxication
066952-2018	18-010480	3/30/2018	11:30:00 PM	Public Intoxication
049770-2018	18-007779	3/8/2018	11:46:00 PM	Public Intoxication
251045-2017	17-044570	11/3/2017	2:30:00 AM	Public Intoxication
129023-2017	17-023519	6/8/2017	1:55:00 AM	Public Intoxication

LIST OF PARTNERS/PRINCIPLES/OFFICERS
RYCAM ENTERPRISES, LLC
(THE GREEN ROOM)

Applicant:

RYCAM ENTERPRISES, LLC:

CHRISTIAN BAIRD

President/ Manager

2715 Elm St.

Dallas TX, 75226

214.748.7666

Owner (landlord):

ELM STREET REALTY, LTD.

CHUCK HIXSON

Vice-President

3100 Monticello, #600

Dallas, TX 75205

214.515.7000

Representative:

THE MARSHALL FIRM, PC

JASON C. MARSHALL

President

302. N. Market St. #500

Dallas, TX 75202

214.742.4800

CPC Action
August 15, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2252 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue for a three-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the north line of Elm Street, west of North Crowdus Street.

Maker: Schulte
Second: Housewright
Result: Carried: 13 to 0

For: 13 - MacGregor, Schulte, Criss, Johnson*, Shidid*,
Carpenter, Brinson, Jung, Housewright,
Schultz, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 8, District 12

*out of the room, shown voting in favor

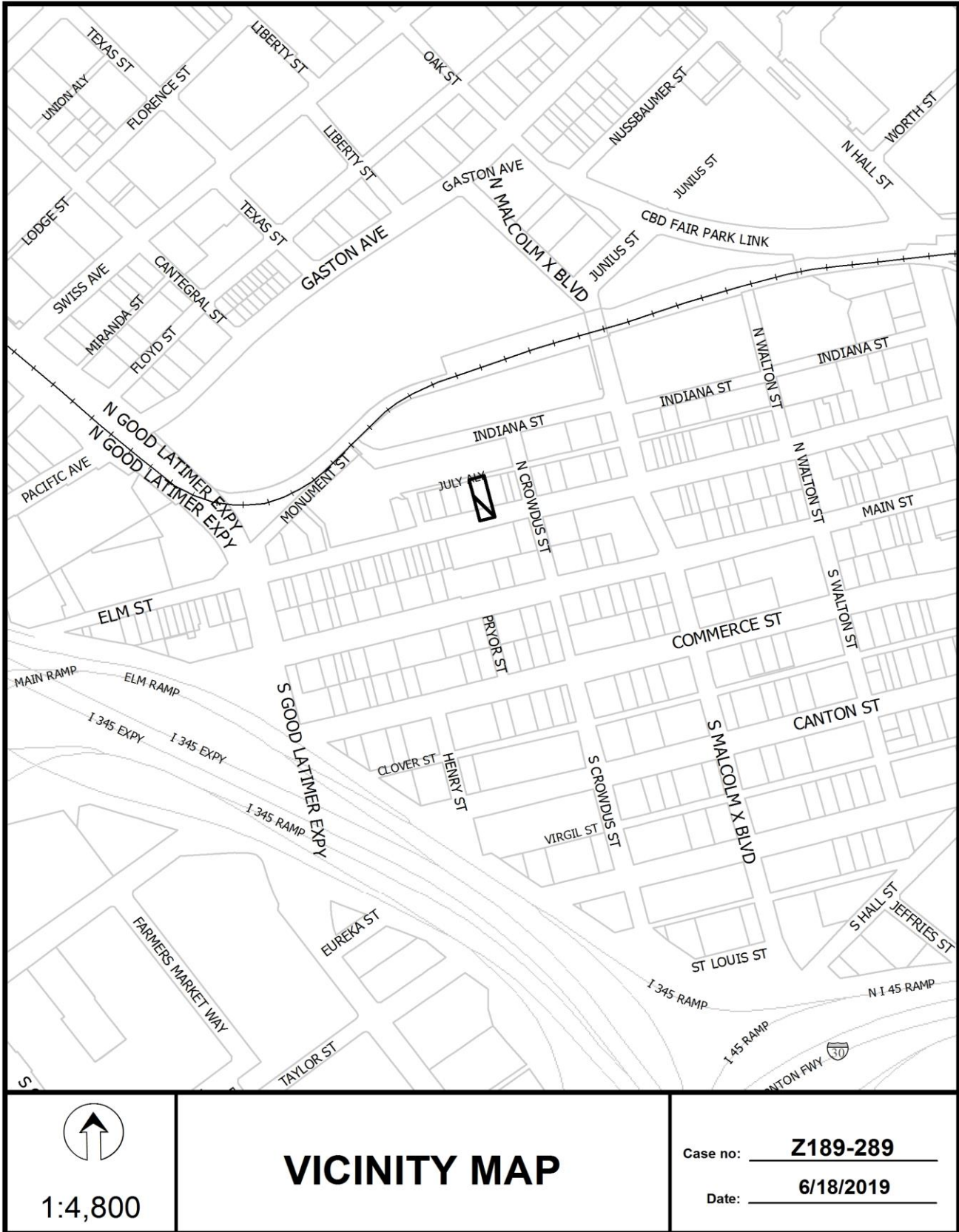
Notices: Area: 200 Mailed: 15
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Jason Marshall, 302 N. Market St., Dallas, TX, 75202
Against: None

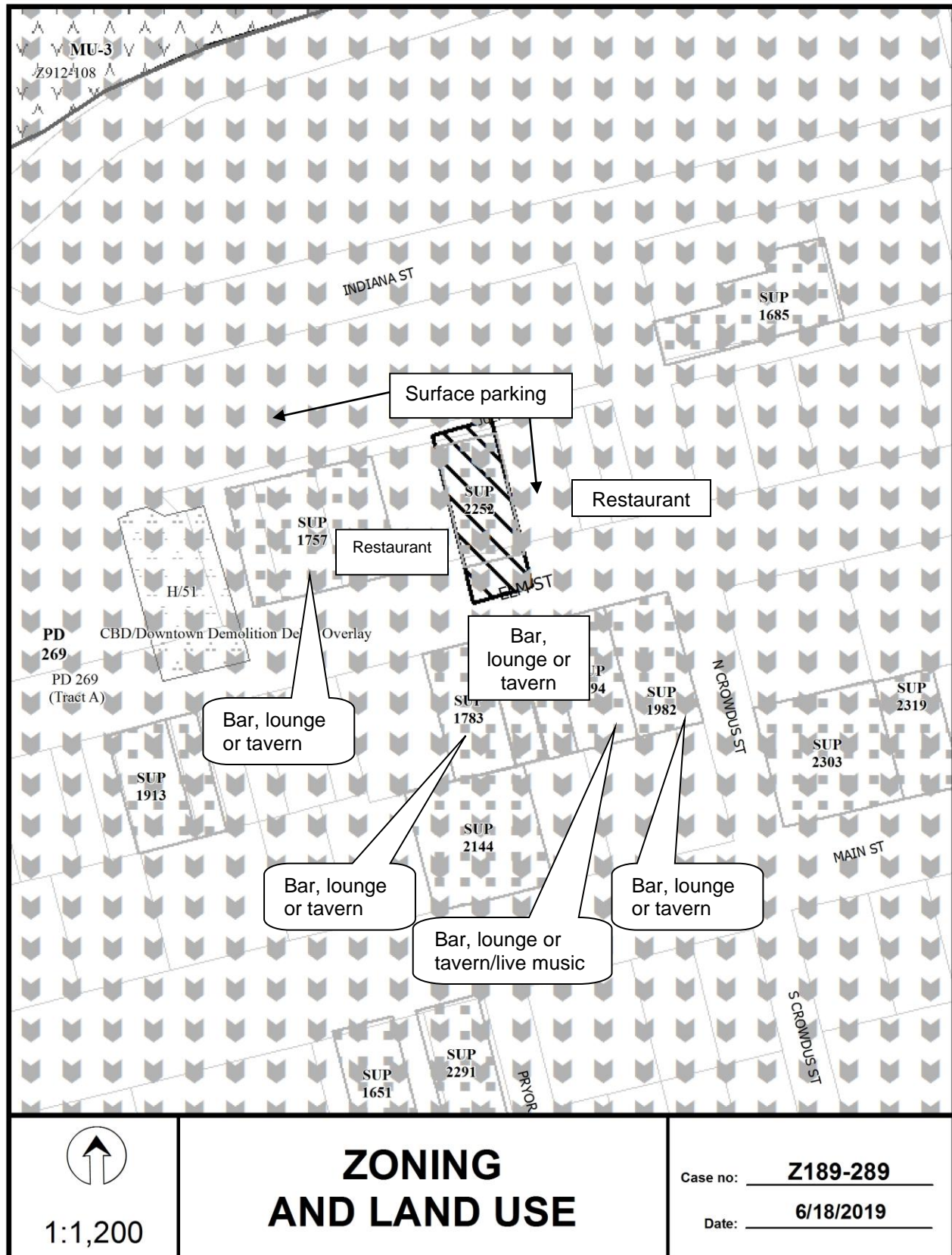
CPC Recommended Renewal of SUP No. 2252

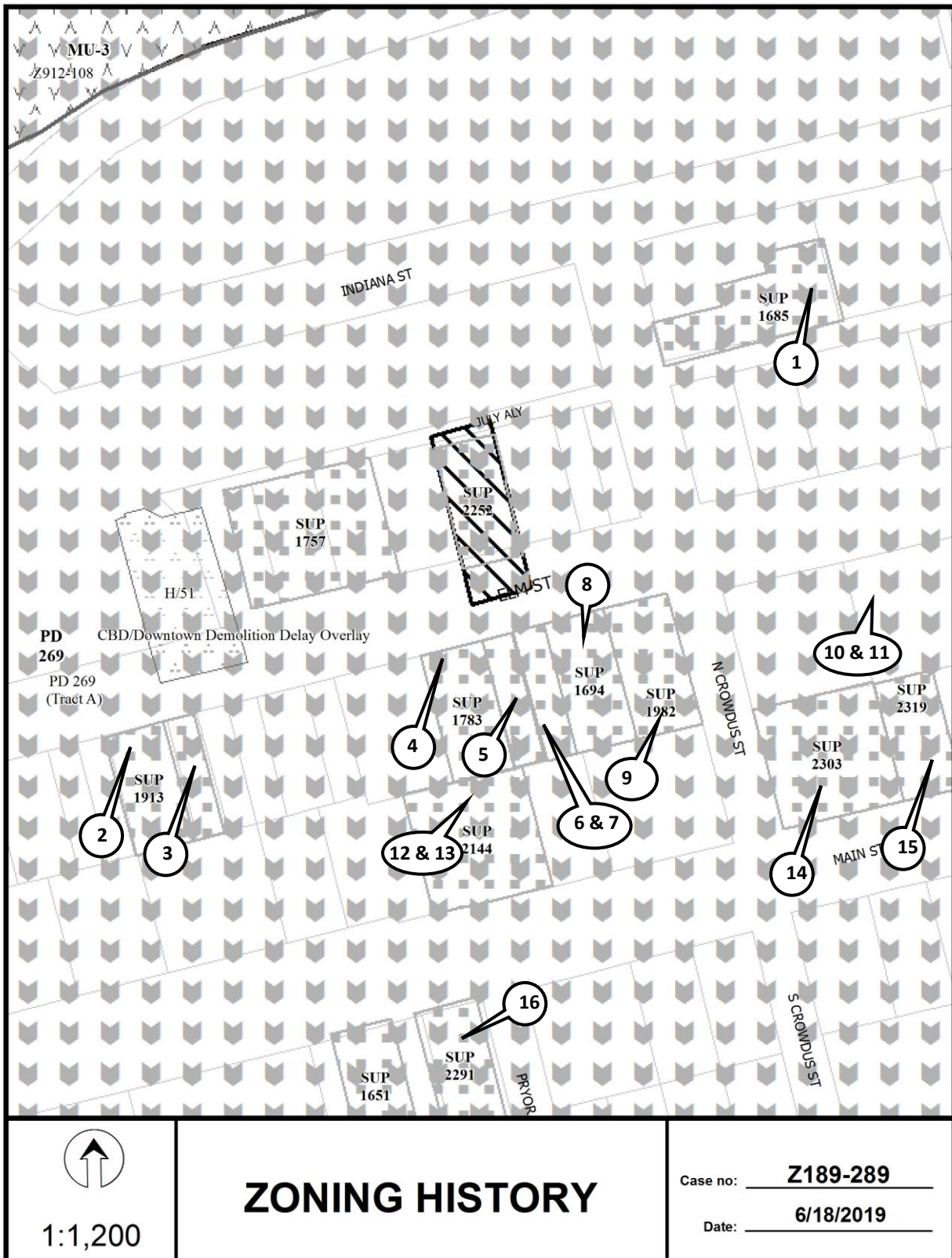
1. USE: The only uses authorized by this specific use permit are a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (three years from the passage of this ordinance) [~~August 9, 2019~~].
4. FLOOR AREA: The maximum floor area is 4,196 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern and inside commercial amusement limited to a live music venue may only operate from 11:00 a.m. and 2:00 a.m. (the next day), Monday through Sunday.
6. ROOFTOP DECK:
 - A. The covered rooftop deck is limited to 1,869 square feet in the location shown on the attached site plan.
 - B. The uncovered rooftop deck is limited to 689 square feet in the location shown on the attached site plan.
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.

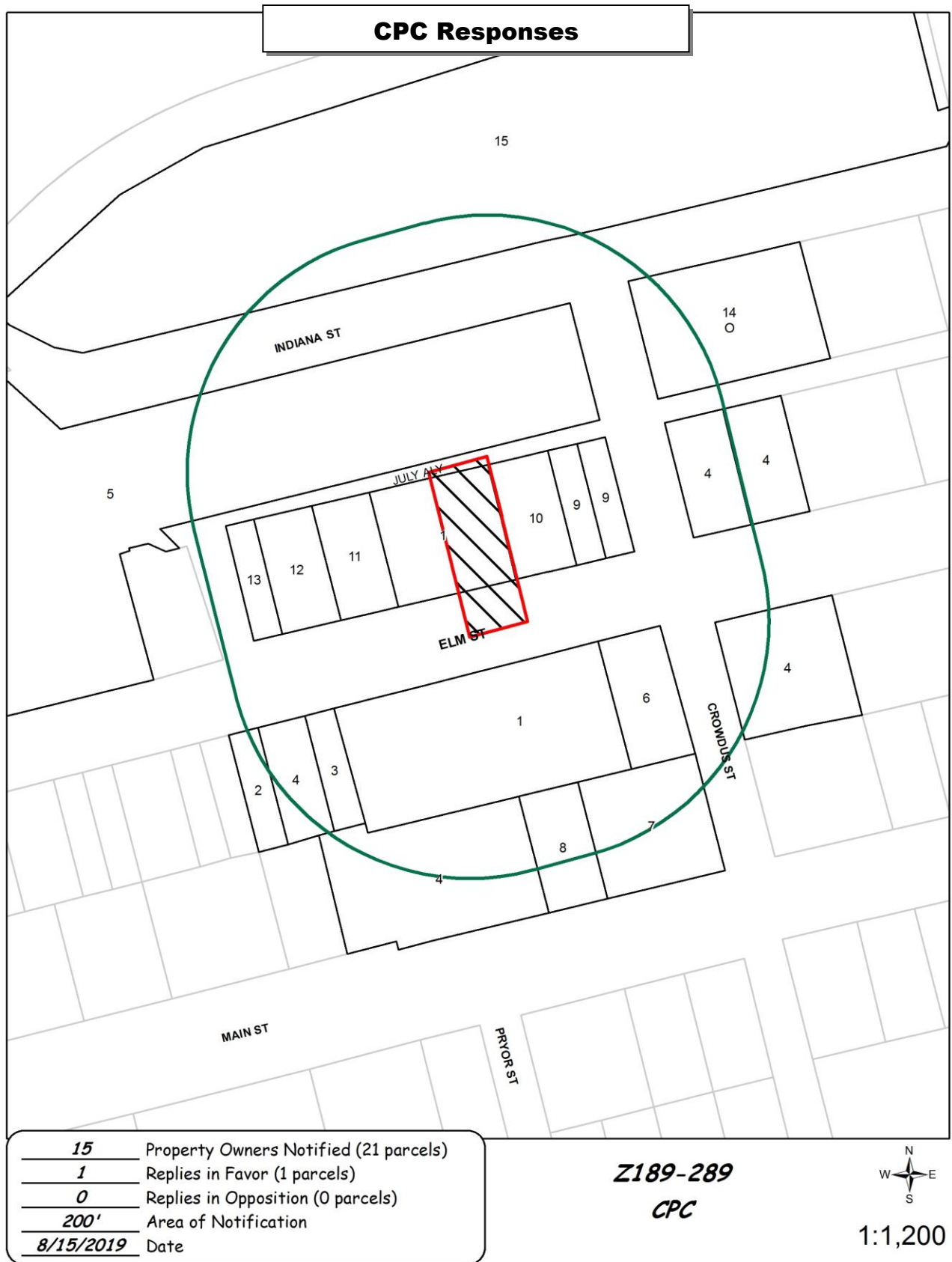
Bold Area Indicates
Area of Request











08/14/2019

Reply List of Property Owners***Z189-289******15 Property Owners Notified******1 Property Owner in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2704 ELM ST	ELM STREET REALTY LTD
	2	2644 ELM ST	CAMERON PAUL DARREN
	3	2650 ELM ST	ELM ELM LLC
	4	2646 ELM ST	AP DEEP ELLUM LLC
	5	2625 ELM ST	UPLIFT EDUCATION
	6	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	7	2715 MAIN ST	MAIN PROPERTIES LLC
	8	2707 MAIN ST	AP 2707 MAIN ST LLC
	9	2723 ELM ST	2723 ELM STREET JV
	10	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
	11	2707 ELM ST	BELMOR CORP
	12	2703 ELM ST	BELMOR CORP
	13	2701 ELM ST	BELMOR CORP
O	14	2810 INDIANA BLVD	WESTDALE PROPERTIES AMERICA I LTD
	15	301 N CROWDUS ST	AP DEEP ELLUM 2 LLC