

FILE NUMBER: Z190-266(LG)

DATE FILED: May 26, 2020

LOCATION: South side of Exposition Avenue and east of Ash Lane

COUNCIL DISTRICT: 7

MAPSCO: 46 K

SIZE OF REQUEST: ±0.15 Acres

CENSUS TRACT: 203.00

APPLICANT/REPRESENTATIVE: Antonio Everette

OWNER: John S. Roberts

REQUEST: An application to renew Specific Use Permit No. 1691 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.

SUMMARY: The applicant proposes to continue the use of the property as an alcoholic beverage establishment limited to a bar, lounge, or tavern [Sandaga 813]. The existing site plan will not be changed.

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 request site is an existing one-story bar with 3,550 square feet of floor area and a 2,950-square-foot uncovered patio.
- SUP No. 1691 was originally granted by City Council on December 12, 2007 for a bar, lounge or tavern use for a period of one year. SUP No. 1691 was renewed in 2009 for one year; 2010 for one year and 2.5 months; in 2011 for three years; in 2014 for three years; and in 2017 for a period of three years.
- The SUP expires on August 23, 2020.
- The applicant is requesting renewal for a three-year period.

Zoning History: There have been four recent zoning cases requested in the area in the past five years.

- 1. SPSD134-003** On March 25, 2020, City Council approved revisions and amendments to certain sign regulations in the Deep Ellum/Near East Side Sign District.
- 2. Z189-222** On June 26, 2019, City Council approved Specific Use Permit No. 2341 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use.
- 3. Z167-302** On August 23, 2017, City Council approved renewal of Specific Use Permit No. 1691 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use.
- 4. Z167-218** On June 14, 2017, City Council approved renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern use.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Exposition Avenue	Collector	80 feet

Land Use:

	Zoning	Land Use (s)
Site	PD No. 269, Tract A, SUP No. 1691	Bar, lounge or tavern
North	PD No. 269, Tract A	Mixed use (office and residential)
East	PD No. 269, Tract A, SUP No. 1692	Bar, lounge or tavern; Retail and personal service
South	PD No. 269, Tract A	Surface parking
West	PD No. 269, Tract A	Surface parking

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning. It was determined the zone change 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 *forwardDallas! Comprehensive Plan* 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 following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

GOAL 2.5 Foster a City of Great Neighborhoods

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

Land Use Compatibility:

The request site consists of a one-story structure and an uncovered patio. The applicant is requesting renewal of SUP No. 1691 to continue operation of an existing bar, lounge, or tavern use.

The site is surrounded by a mix of office, retail, and bar, lounge, or tavern uses served by various surface parking lots and metered spaces along Exposition Avenue. In addition to these uses, residential lofts are developed on property to the north/northwest along Exposition Avenue.

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 applicant's request, subject to conditions, is compatible to the surrounding mix of uses. The continuation of a bar in Deep Ellum enhances the entertainment character of the area. The short time frame allows for staff and CPC to evaluate whether the use is a detriment to the area over time.

Parking:

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 located within an original building. Otherwise, one space for each 100 square feet of floor area is required. Since the 3,550-square foot bar is in an original building, the applicant is only required to provide parking for 1,050 square feet of floor area, which equates to 11 spaces.

It is noted that a significant number of metered on-street parking spaces and surface parking lots are located immediately adjacent to and south of the subject site.

A parking agreement at 712 2nd Avenue is in place to provide the 11 required off-street parking spaces.

Landscaping:

There are no landscaping requirements triggered by the request.

Dallas Police Department: A copy of the police report of the offenses is provided below for the SUP permit period of August 23, 2017 to July 9, 2020 (date report was run).

Master_Incident_Number	Response_Date	Response_Time	Problem	Priority_Description	Location_Name	Address	Call_Disposition
17-2231284	11/25/2017	2:40:00 AM	6X - Major Dist (Violence)	2 - Urgent		813 Exposition Ave	NP - No Police Action
18-0716207	4/24/2018	4:07:00 PM	40 - Other	3 - General Service	SENDAGA 813	813 Exposition Ave	NC - No Complainant
18-1072284	6/15/2018	7:57:00 PM	12B - Business Alarm	3 - General Service		813 Exposition Ave	AF - Alarm False
18-1594510	9/1/2018	1:32:00 AM	6X - Major Dist (Violence)	2 - Urgent	SANDAGA 813	813 EXPOSITION AVE	C - Cover Only
18-1775669	9/29/2018	1:21:00 AM	40 - Other	3 - General Service	SANDAGA	813 Exposition Ave	NC - No Complainant
18-1946564	10/25/2018	8:19:00 PM	7X - Major Accident	2 - Urgent		813 Exposition Ave	R - Report
18-2095270	11/18/2018	1:33:00 AM	41/11V - BMV-In Progress	1 - Emergency	sandaga 813	813 Exposition Ave	R - Report
18-2260981	12/15/2018	8:17:00 AM	40 - Other	3 - General Service	Sandaga	813 Exposition Ave	NP - No Police Action
18-2344830	12/29/2018	2:08:00 AM	31 - Criminal Mischief	4 - Non Critical	SANDAGA 813	813 Exposition Ave	NC - No Complainant
19-0115650	1/19/2019	11:07:00 PM	40/01 - Other	2 - Urgent	SANDAGA 813	813 Exposition Ave	R - Report
19-0242274	2/9/2019	11:22:00 PM	DAEF-Dist Armed Encounter Foot	1 - Emergency	SANDAGA 813 JAZZ CLUB	813 Exposition Ave	NP - No Police Action
19-0242804	2/10/2019	1:10:00 AM	6X - Major Dist (Violence)	2 - Urgent	SANDAGA	813 Exposition Ave	NC - No Complainant
19-1386756	7/26/2019	4:45:00 PM	7X - Major Accident	2 - Urgent		813 Exposition Ave	R - Report
19-1672989	9/5/2019	3:57:00 PM	07 - Minor Accident	3 - General Service		813 Exposition Ave	R - Report
19-2046147	10/29/2019	3:26:00 PM	24 - Abandoned Property	4 - Non Critical		813 Exposition Ave	NP - No Police Action
19-2123082	11/10/2019	2:09:00 AM	09V - UUMV	4 - Non Critical	SANDAGA 813	813 Exposition Ave	NC - No Complainant
19-2428831	12/26/2019	11:57:00 PM	09V - UUMV	4 - Non Critical	SANDAGA CLUB	813 Exposition Ave	R - Report
20-0848125	5/11/2020	2:56:00 PM	40 - Other	3 - General Service		813 Exposition Ave	NP - No Police Action
20-0925401	5/23/2020	9:23:00 AM	40 - Other	3 - General Service		813 Exposition Ave	NP - No Police Action
20-1063212	6/13/2020	6:22:00 PM	07 - Minor Accident	3 - General Service		813 Exposition Ave	NP - No Police Action
20-1126611	6/23/2020	12:32:00 PM	40/01 - Other	2 - Urgent	NO NAME BUSN	813 Exposition Ave	C - Cover Only

IncidentNum	ServNumID	Signal	OffIncident	Premise	ObjAttack	Address	Date1
007694-2019	007694-2019-01	11V - BURG MOTOR VEH	BMV	Parking (Business)	Motor Vehicle	813 EXPOSITION AVE	1/11/2019
227564-2019	227564-2019-01	58 - ROUTINE INVESTIGATION	UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	Parking (Business)	N/A	813 EXPOSITION AVE	11/10/2019
802988-2019	802988-2019-01		BMV	Parking (Business)		813 EXPOSITION AVE	9/8/2019

IncidentNum	ArrestNumber	ArArrestDate	ArLAddress	NIBRS_CRIME	NIBRS_Crime_CompStat	PClass	ChargeDesc
013124-2019	19-002261	1/20/2019	813 EXPOSITION AVE	APOWW	APOWW	NA	APOWW (SOCIAL SERVICES REFERRAL)

In summary, there were 22 calls in the past three years. There were also three offenses and one arrest in the same time period.

Market Value Analysis

Market Value Analysis (MVA) is a tool to aid residents and policymakers 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. While the subject site is uncategorized, there are properties to the north, east, west and further southeast of said property located within Category "E".

CPC ACTION
August 20, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1691 for a bar, lounge, or tavern use 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 Special Purpose District, on the south line of Exposition Avenue, east of Ash Lane.

Maker: Jackson
Second: Hampton
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 10

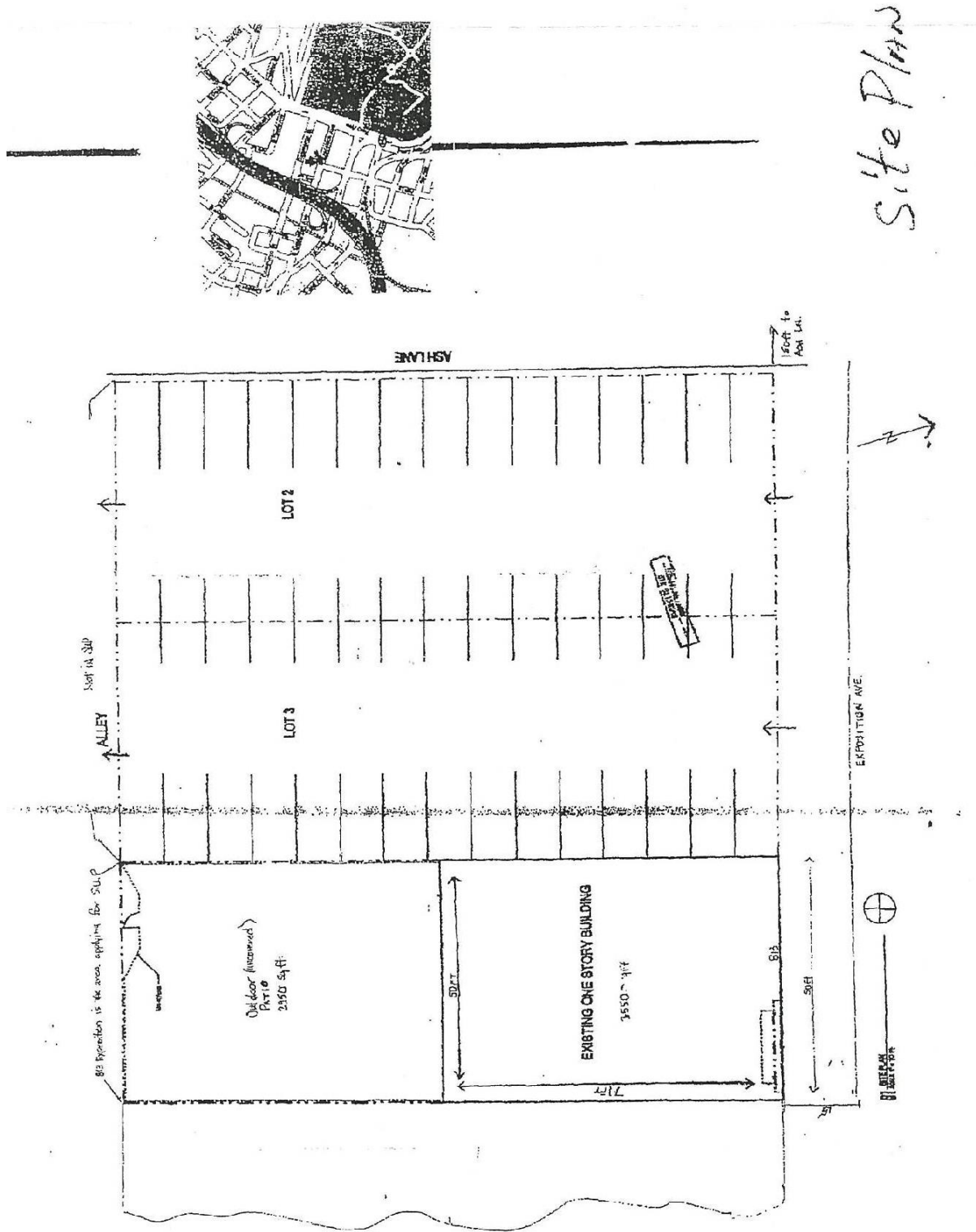
Notices: Area: 200 Mailed: 13
Replies: For: 0 Against: 0

Speakers: None

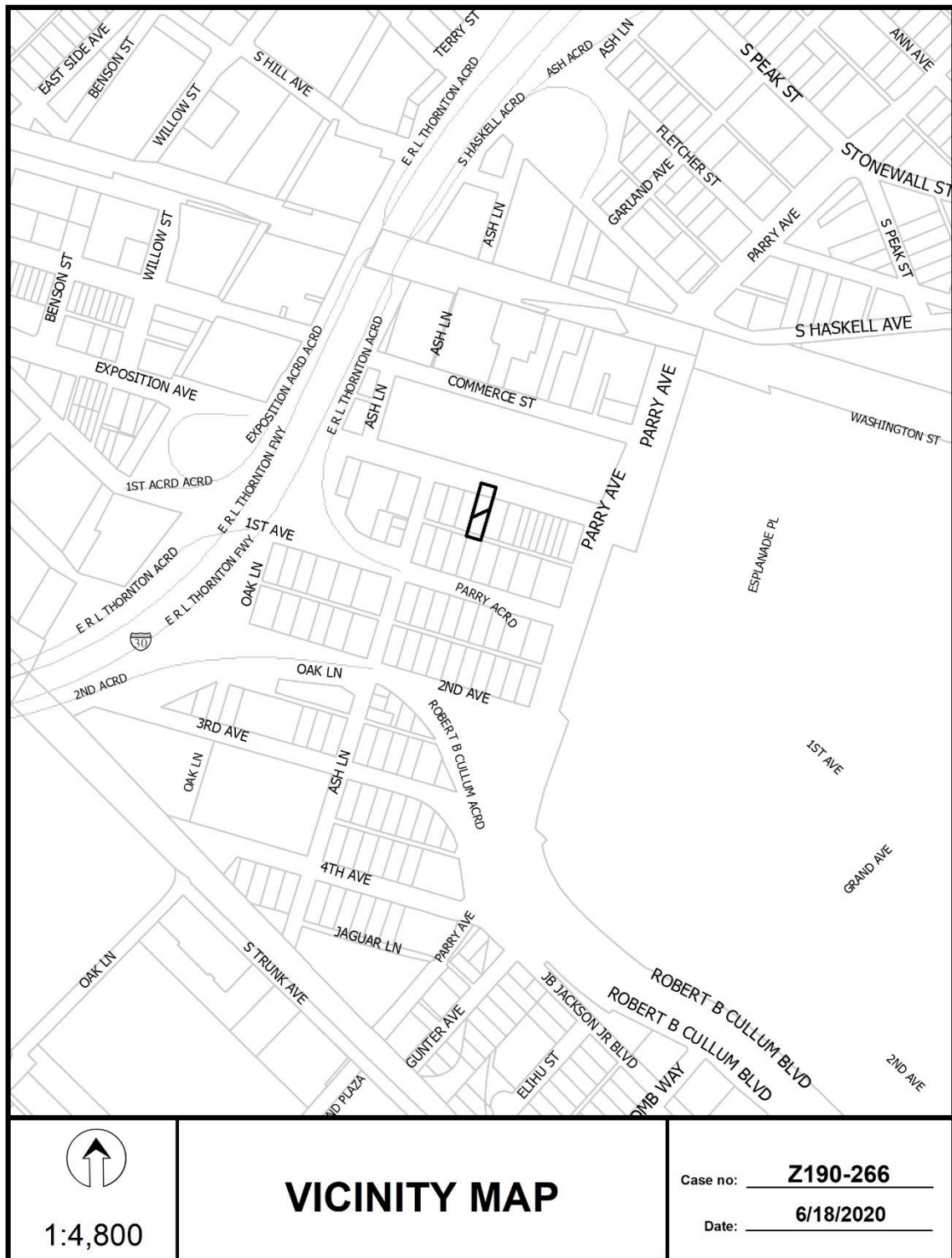
CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the property must comply with the attached site plan.
3. TIME PERIOD: This specific use permit automatically terminates on ~~August 23, 2020~~ (three years from passage of the ordinance).
4. FLOOR AREA:
 - A. The maximum floor area is 3,550 square feet in the location shown on the attached site plan.
 - B. The maximum area for the uncovered patio is 2,950 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The bar, lounge or tavern may only operate between 12:00 p.m. (noon) and 1:00 a.m. (the next day), Monday through Wednesday and between 8:00 p.m. and 2:00 a.m. (the next day), Thursday through Sunday.
6. OFF-STREET PARKING: Parking must be provided in accordance with the remote and special parking requirements of Planned Development District No. 269 (the Deep Ellum/Near East Side District). Delta credits, as defined in Dallas Development Code Section 51A-4.704(b)(4), may not be used to meet the off-street parking requirement.
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.

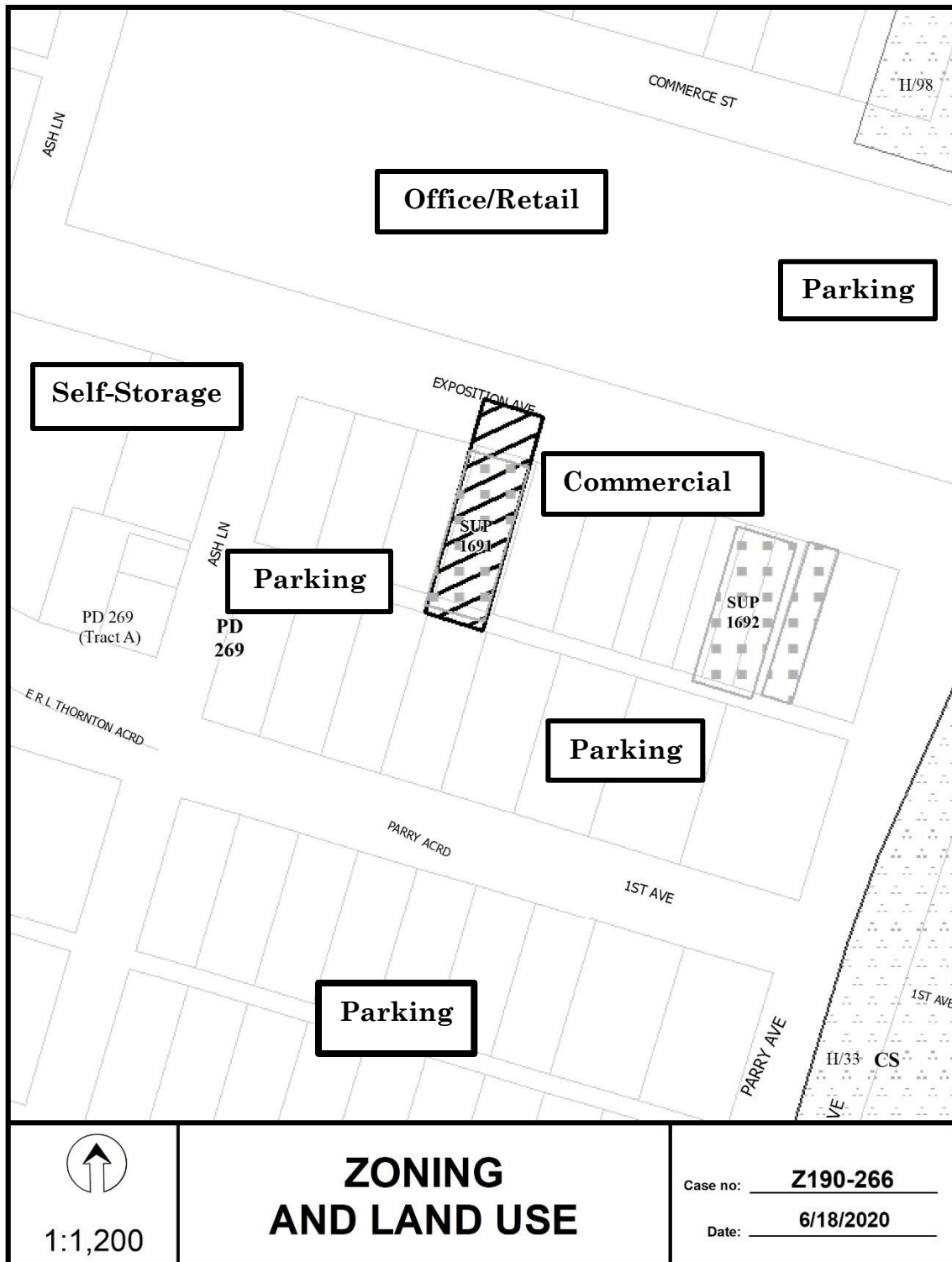
Existing Site Plan-NO CHANGE

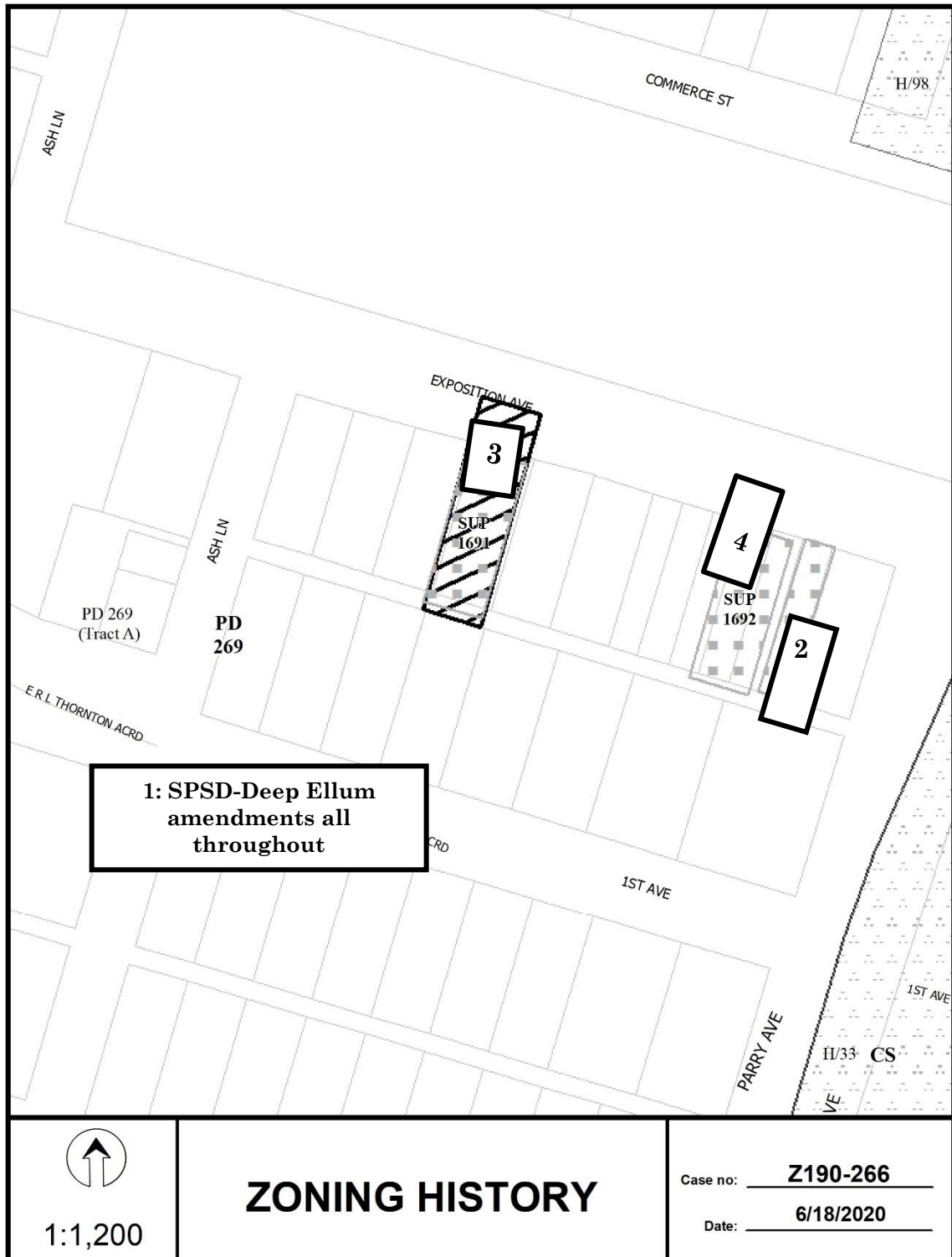


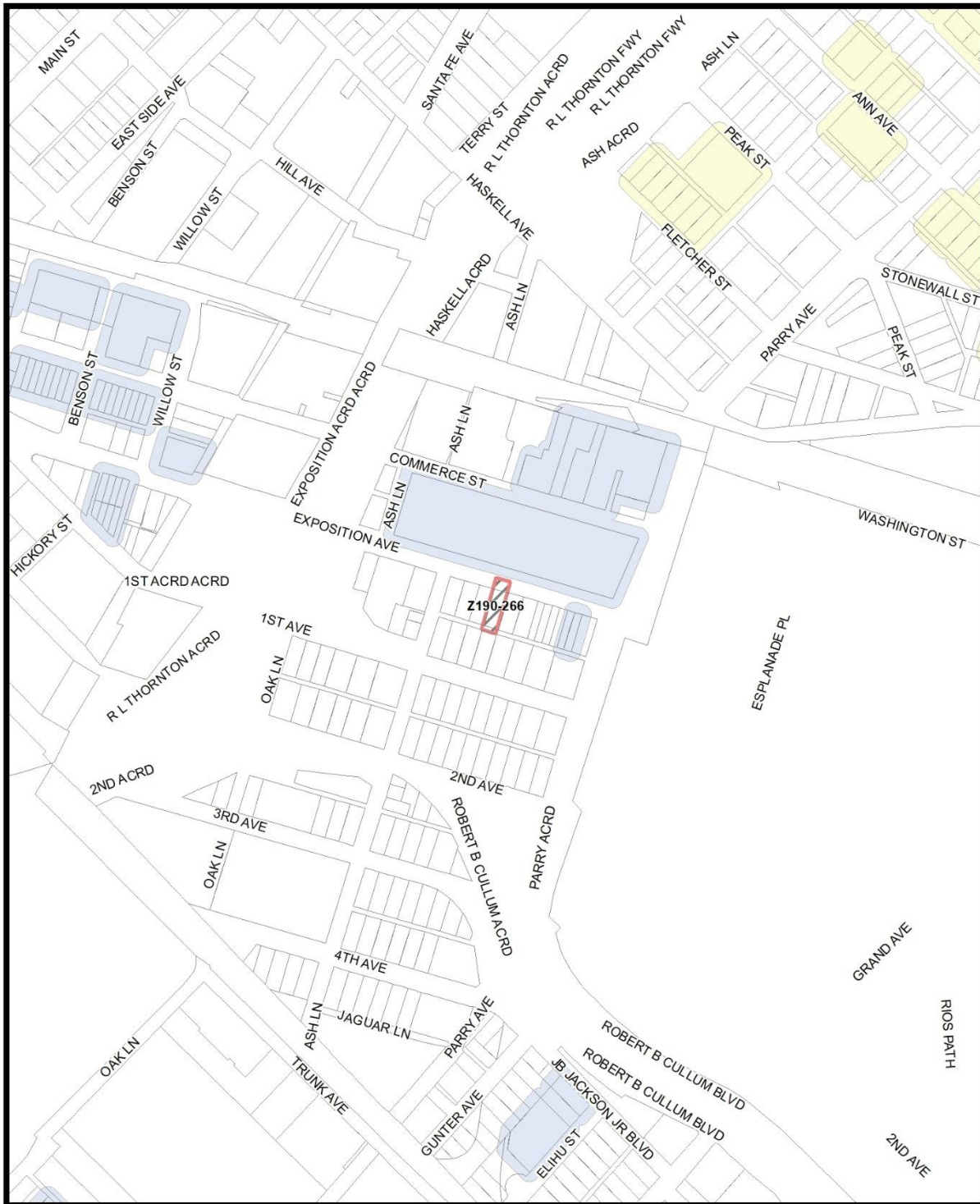
Site Plan











Market Value Analysis A B C D E F G H I NA



1:4,800

Market Value Analysis

Printed Date: 6/18/2020

CPC RESPONSES



<u>13</u>	Property Owners Notified (24 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>8/20/2020</u>	Date

Z190-266
CPC

N
W E
S
1:1,200

08/19/2020

Reply List of Property Owners

Z190-266

13 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	805	EXPOSITION AVE	EXPO PARK PARTNERS LTD
2	813	EXPOSITION AVE	ROBERTS JOHN STEVEN
3	729	EXPOSITION AVE	BERT CONCESSIONS INC
4	3609	ASH LN	BELCLAIRE REALTY LTD
5	801	EXPOSITION AVE	GIBSON DAVID H
6	821	EXPOSITION AVE	MCNEILL ROBERT K
7	827	EXPOSITION AVE	GREENE PATRICK
8	831	EXPOSITION AVE	EXPO PARK PARTNERS LTD
9	829	EXPOSITION AVE	EXPO TRUST 1
10	820	1ST AVE	EXPO PARK PARTNERS LTD
11	808	1ST AVE	MOXIE INVESTMENTS LTD
12	809	1ST AVE	TEXAS STATE OF
13	4118	COMMERCE ST	BLOCK 811 LTD