

**FILE NUMBER:** Z190-267(LG)

**DATE FILED:** June 3, 2020

**LOCATION:** Southwest corner of Elm Street and North Crowds Street

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45 M

**SIZE OF REQUEST:** ±0.11 Acres

**CENSUS TRACT:** 204.00

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**REPRESENTATIVE:** Audra Buckley, Permitted Development

**APPLICANT:** Wit's End, James Adkins

**OWNER:** Westdale Properties America I, Ltd.

**REQUEST:** An application for the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern with commercial amusement (inside) for a dance hall 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 operation of a bar and dance hall [Wit's End].

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

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

## **BACKGROUND INFORMATION**

- On December 14, 2011, the City Council approved Specific Use Permit No. 1982 for a three-year time period. (Case Z101-347).
- On December 11, 2013, the City Council approved an amendment (Case Z123-347) to add a dance hall.
- On December 10, 2014, and on September 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a three-year time period.
- The specific use permit will expire on September 27, 2020.

**Zoning History:** There have been 13 zoning cases in the area in the past five years.

1. **Z189-328** On April 8, 2020, the City Council approved Specific Use Permit No. 2144 for a bar, lounge or tavern for a two-year period.
2. **Z189-289** On September 25, 2019, the City Council approved Specific Use Permit No. 2252 for a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue for a two-year period.
3. **Z178-125** On April 19, 2018, the City Council denied the renewal of Specific Use Permit No. 1696 for a bar, lounge, or tavern.
4. **Z167-328** On September 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern for a three-year period.
5. **Z167-277** On August 9, 2017, the City Council approved Specific Use Permit No. 2252 for a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue for a two-year period.
6. **Z167-275** On August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern for a three-year period.
7. **Z167-274** On August 9, 2017, the City Council approved Specific Use Permit No. 2144 for a bar, lounge or tavern for a two-year period.
8. **Z167-233** On June 14, 2017, the City Council approved the renewal of Specific Use Permit No. 1685 for a bar, lounge or tavern for a five-year period.
9. **Z123-267** On May 28, 2017, the City Council approved amendments to Planned Development District No. 269 with consideration given to amending certain use regulations and development standards

10. **Z167-154** On April 12, 2017, the City Council approved the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern for a three-year period.
11. **Z145-249** On August 12, 2015, the City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern for a two-year period.
12. **Z145-176** On May 13, 2015, the City Council approved the renewal of Specific Use Permit No. 1696 for a bar, lounge, or tavern.
13. **Z145-160** On April 22, 2015, the City Council approved Specific Use Permit No. 2144 for a bar, lounge or tavern for a two-year period.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Elm Street	Local	70 ft.
N. Crowds Street	Local	50 ft.

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the requested renewal and determined it has not had a negative impact upon the surrounding street system.

**COMPREHENSIVE PLAN:** The *fowardDallas! 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, and it identifies the request site as being in an Urban Mixed Use Building Block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Like Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

**STAFF ANALYSIS:****Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 269 SUP No. 1982	Bar, lounge or tavern
<b>North</b>	PD No. 269 SUP No. 2252	Retail and surface parking
<b>East</b>	PD No. 269 SUP No. 2302	Surface parking
<b>South</b>	PD No. 269	Retail
<b>West</b>	PD No. 269 SUP No. 1694	Retail and commercial amusement inside

**Land Use Compatibility:**

The site is surrounded by a mix of retail/restaurant uses that are served by various surface parking lots and metered spaces along Elm Street. The site is near the DART Green Line. As noted below, there have been minimal reported police activities at this location for the past three years. As a result of this analysis, staff has determined the request complies with the general provisions for consideration of a SUP. The owners also obtained the SUP with the provision for a 120 square foot dance floor and a bar, lounge, or tavern.

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.

**Parking:**

The existing bar and proposed dance hall are required to provide 19 off-street parking spaces. The first 2,500 square feet of a bar located within an original building does not require parking, the remainder requires one space per 100 square feet of floor. A dance hall requires one space per 25 square feet of floor area. The SUP conditions specify that the maximum floor area of a bar is 4,792 square feet; therefore, 23 spaces are required for the bar. In addition, the 120 square foot dance floor requires 5 spaces. The site is

also eligible for a 10% parking reduction for proximity to DART and a total of six on-street parking spaces are adjacent to the subject site and may be applied towards the site's off-street parking requirement.

Use	Area (SF)	Ratio	Required
Dance hall	120	1/25 SF	5
Bar, lounge, or tavern	4792-2500=2292	1/100 SF	23
		Subtotal	28
		- 10% DART	25
		- On-street	6
		<b>Total required</b>	<b>19</b>

**Dallas Police Department:** For the period covering issuance of the SUP, September 27, 2017 to July 30, 2020 (date report was run), police reported activities associated with the subject site are as follows:

Master Incident Number	Response Date	Response Time	Problem	Location Name	Address
18-1455589	8/11/2018	1:15:00 AM	6X - Major Dist (Violence)	deep sushi	2724 Elm St
17-1980870	10/18/2017	2:05:00 AM	09/01 - Theft	WITT'S END	2724 Elm St
18-1619210	9/5/2018	12:39:00 AM	40 - Other	DADA	2724 Elm St
19-1487849	8/10/2019	1:37:00 AM	6X - Major Dist (Violence)		2724 Elm St
18-0649056	4/14/2018	1:21:00 AM	6X - Major Dist (Violence)		2724 Elm St
18-0942587	5/28/2018	12:19:00 AM	6X - Major Dist (Violence)	westin bar	2724 Elm St
18-0942705	5/28/2018	12:35:00 AM	40 - Other	WITS- END	2724 Elm St
19-2350774	12/14/2019	4:11:00 PM	40 - Other	WITS END BAR	2724 Elm St
18-1329374	7/22/2018	8:41:00 PM	PH - Panhandler	CONDADDA	2724 Elm St
19-2347166	12/14/2019	1:33:00 AM	40/01 - Other	WITS END BAR	2724 Elm St
20-0483637	3/14/2020	1:24:00 AM	6X - Major Dist (Violence)	WIT'S END	2724 Elm St
18-0660431	4/15/2018	9:10:00 PM	46A - CIT w/Ambulance	WITS END	2724 Elm St
18-2016537	11/5/2018	3:02:00 PM	6X - Major Dist (Violence)		2724 Elm St
18-1196837	7/3/2018	10:17:00 PM	40 - Other	WHICH END	2724 Elm St
19-1499343	8/11/2019	7:06:00 PM	6X - Major Dist (Violence)	WIT'S END PUB	2724 Elm St
18-0948258	5/28/2018	10:37:00 PM	40 - Other		2724 Elm St
19-1634783	8/31/2019	1:04:00 AM	08 - Intoxicated Person		2724 Elm St
17-1918489	10/8/2017	7:52:00 PM	6X - Major Dist (Violence)		2724 ELM ST

Offincident	Address	NIBRS_Crime	NIBRS_Crime_CompStat	NIBRS_Crime_Category	NIBRS_CrimeAgainst	NIBRS_Group_CrimeAgainst
ASSAULT -OFFENSIVE CONTACT	2724 ELM ST	SIMPLE ASSAULT	SIMPLE ASSAULT	ASSAULT OFFENSES	PERSON	Group A - Crime Against Persons
THEFT OF PROP > OR EQUAL \$100 BUT <\$750- NOT SHOPLIFT	2724 ELM ST	ALL OTHER LARCENY	OTHER THEFT	LARCENY/ THEFT OFFENSES	PROPERTY	Group A - Crime Against Property
ASSAULT -BODILY INJURY ONLY	2724 ELM ST	SIMPLE ASSAULT	SIMPLE ASSAULT	ASSAULT OFFENSES	PERSON	Group A - Crime Against Persons
THEFT OF PROP > OR EQUAL \$750 <\$2,500 (NOT SHOPLIFT) PC31.03(e3)	2724 ELM ST	ALL OTHER LARCENY	OTHER THEFT	LARCENY/ THEFT OFFENSES	PROPERTY	Group A - Crime Against Property
THEFT OF PROP <\$100 - OTHER THAN SHOPLIFT	2724 ELM ST	ALL OTHER LARCENY	OTHER THEFT	LARCENY/ THEFT OFFENSES	PROPERTY	Group A - Crime Against Property
ASSAULT -OFFENSIVE CONTACT	2724 ELM ST	SIMPLE ASSAULT	SIMPLE ASSAULT	ASSAULT OFFENSES	PERSON	Group A - Crime Against Persons

IncidentNum	ArrestNumber	ArArrestDate	ArArrestTime	ArAddress	ArZip	NIBRS_Crime
079295-2018	18-012511	4/15/2018	9:22:00 PM	2724 ELM ST	75226	APOWW
037886-2020	20-006844	2/25/2020	10:41:00 PM	2724 ELM ST	75226	APOWW (SOCIAL SERVICES REFERRAL)
049946-2020	20-009116	3/14/2020	1:33:00 AM	2724 ELM ST	75226	PUBLIC INTOXICATION

There was a total of 18 calls, six offenses and three arrests within the past three years.

## **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”.

**List of Partners/Principals/Officers**

**Westdale Properties America I, Ltd., a Texas limited partnership**

Officers of Westdale Properties America I, Ltd.

Joseph G. Beard, President

Ken Carlson, Vice President

Chuck Hixson, Vice President

**Westdale Properties America, Inc., a Texas corporation, Limited Partner**

Officers of Westdale Properties America, Inc.

Joseph G. Beard, President

Ken Carlson, Vice President

**JGB Ventures, Inc., a Texas corporation, General Partner**

Officers of JGB Ventures, Inc.

Joseph G. Beard, President

Ken Carlson, Vice President

**CPC ACTION**  
**August 20, 2020**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement for a dance hall 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 southwest corner of Elm Street and North Crowds Street.

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

<b>Notices:</b>	Area: 200	Mailed: 11
<b>Replies:</b>	For: 2	Against: 0

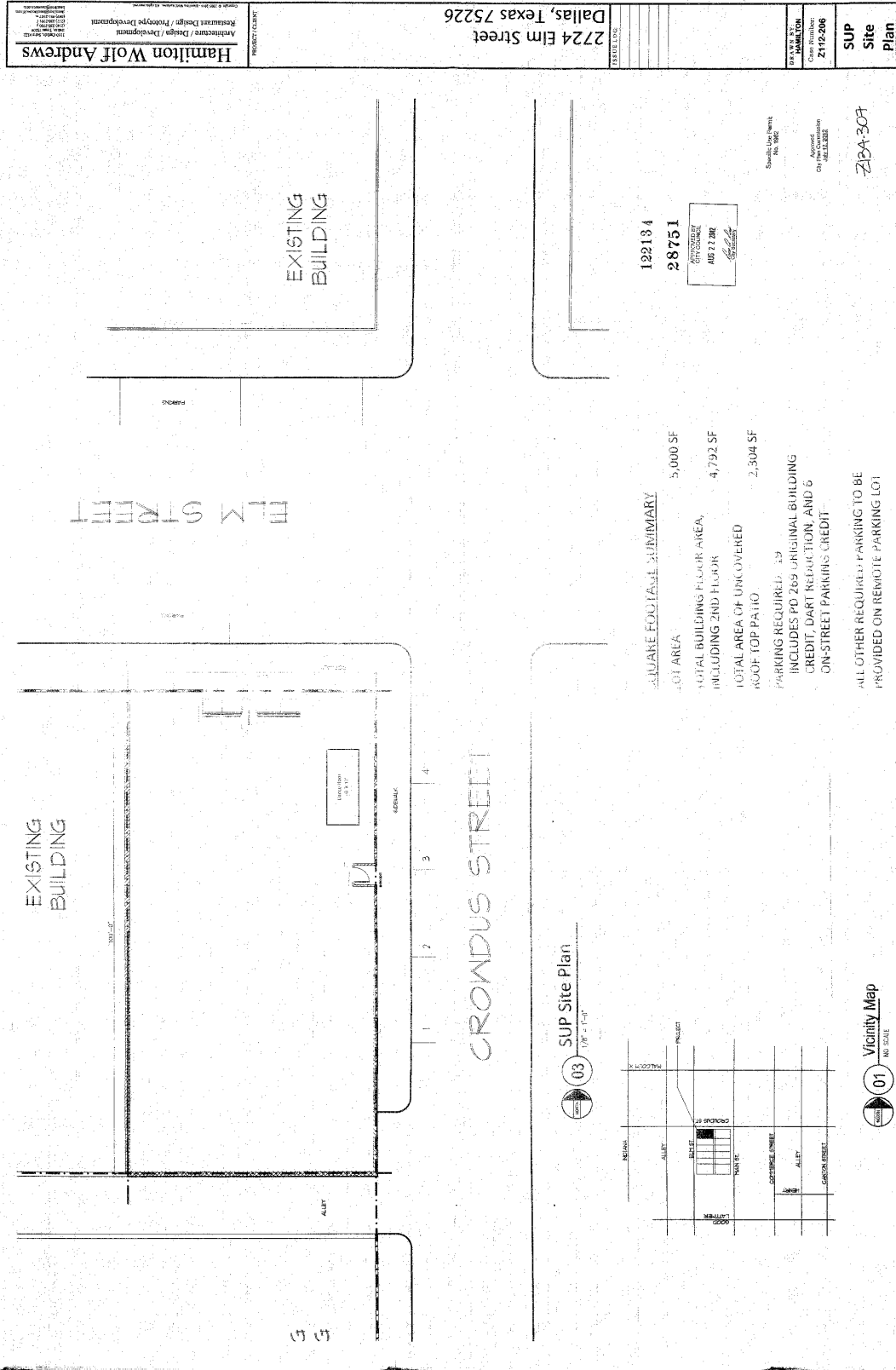
**Speakers:** None



**CPC RECOMMENDED SUP CONDITIONS**

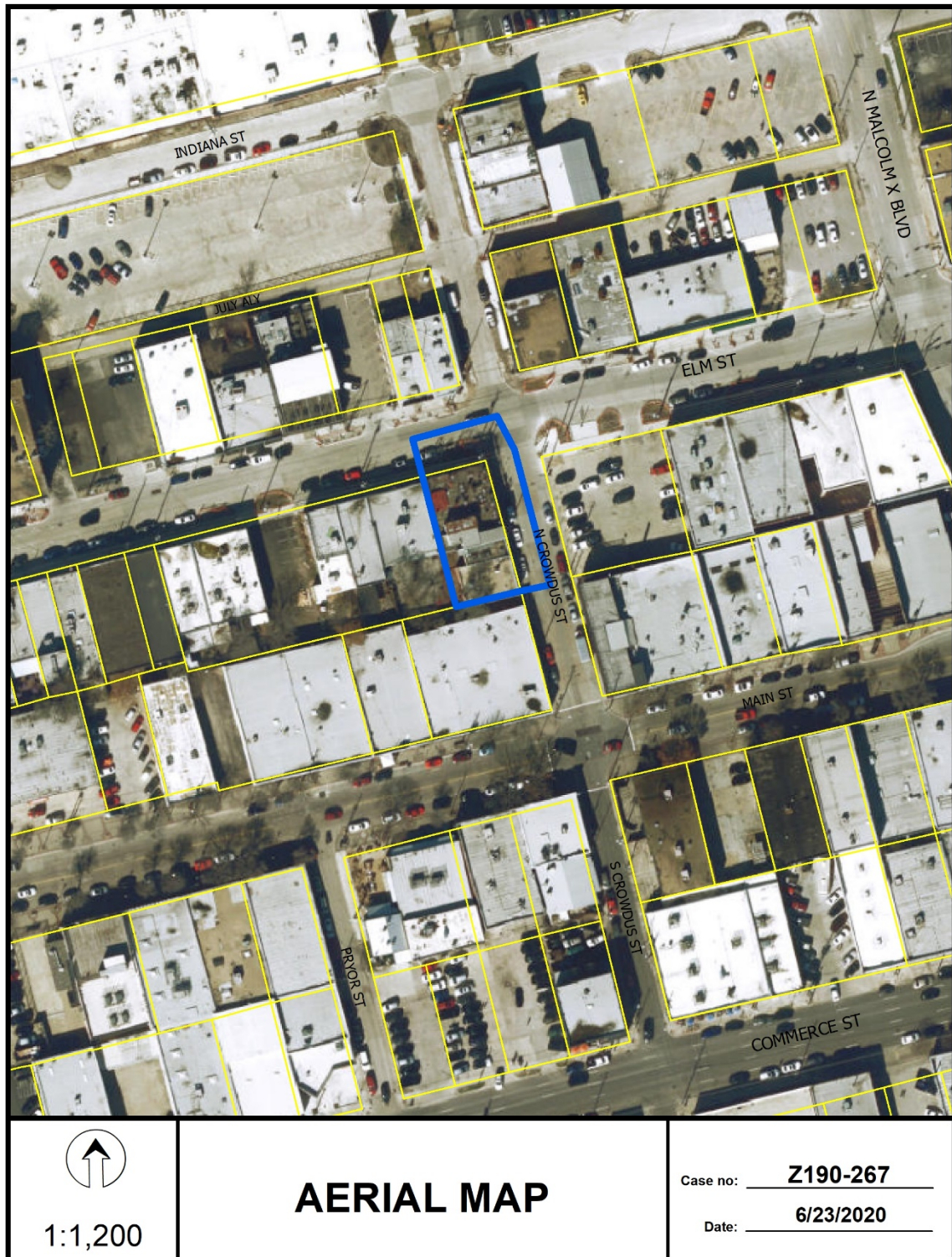
1. **USE:** The only uses authorized by this specific use permit are a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.
3. **TIME LIMIT:** This specific use permit expires on ~~December 10, 2017~~ (three years).
4. **FLOOR AREA:**
  - A. Maximum total floor area for a bar, lounge, or tavern and an inside commercial amusement limited to a dance hall is 4,792 square feet in the location shown on the attached site plan.
  - B. Maximum floor area for a dance floor is 120 square feet in the location shown on the attached site plan.
  - C. Maximum floor area for an uncovered rooftop patio is 2,304 square feet.
5. **HOURS OF OPERATION:** The bar, lounge, or tavern and the inside commercial amusement limited to a dance hall may only operate between 4:00 pm. 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. **OFF-STREET PARKING:** Off-street parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Dallas Development Code Section 51A-4.704(b)(4), as amended, may not be used to meet the off-street parking requirement.
7. **OUTDOOR SPEAKERS:** Outdoor speakers are prohibited.
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.

Existing SUP Site Plan – No Change

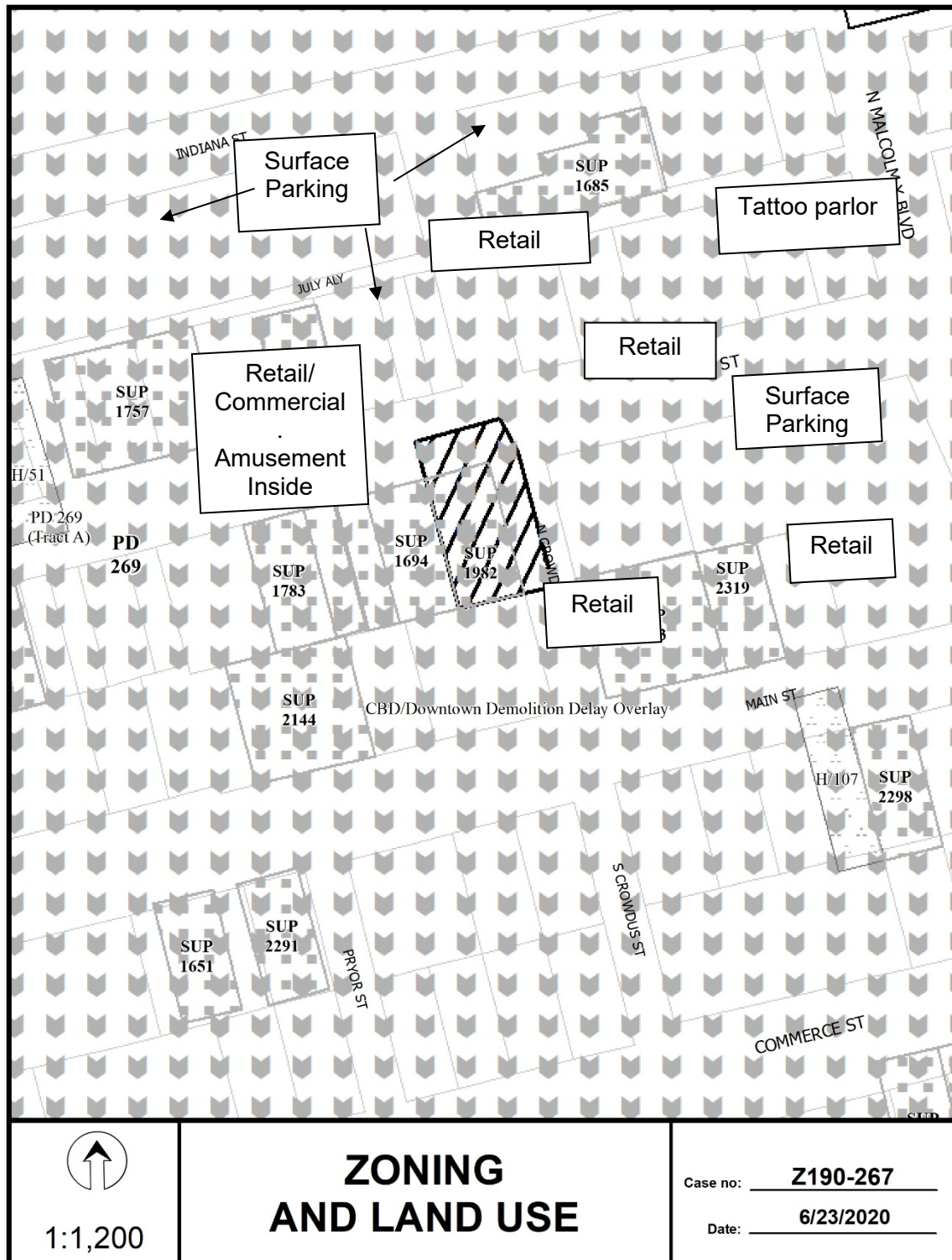


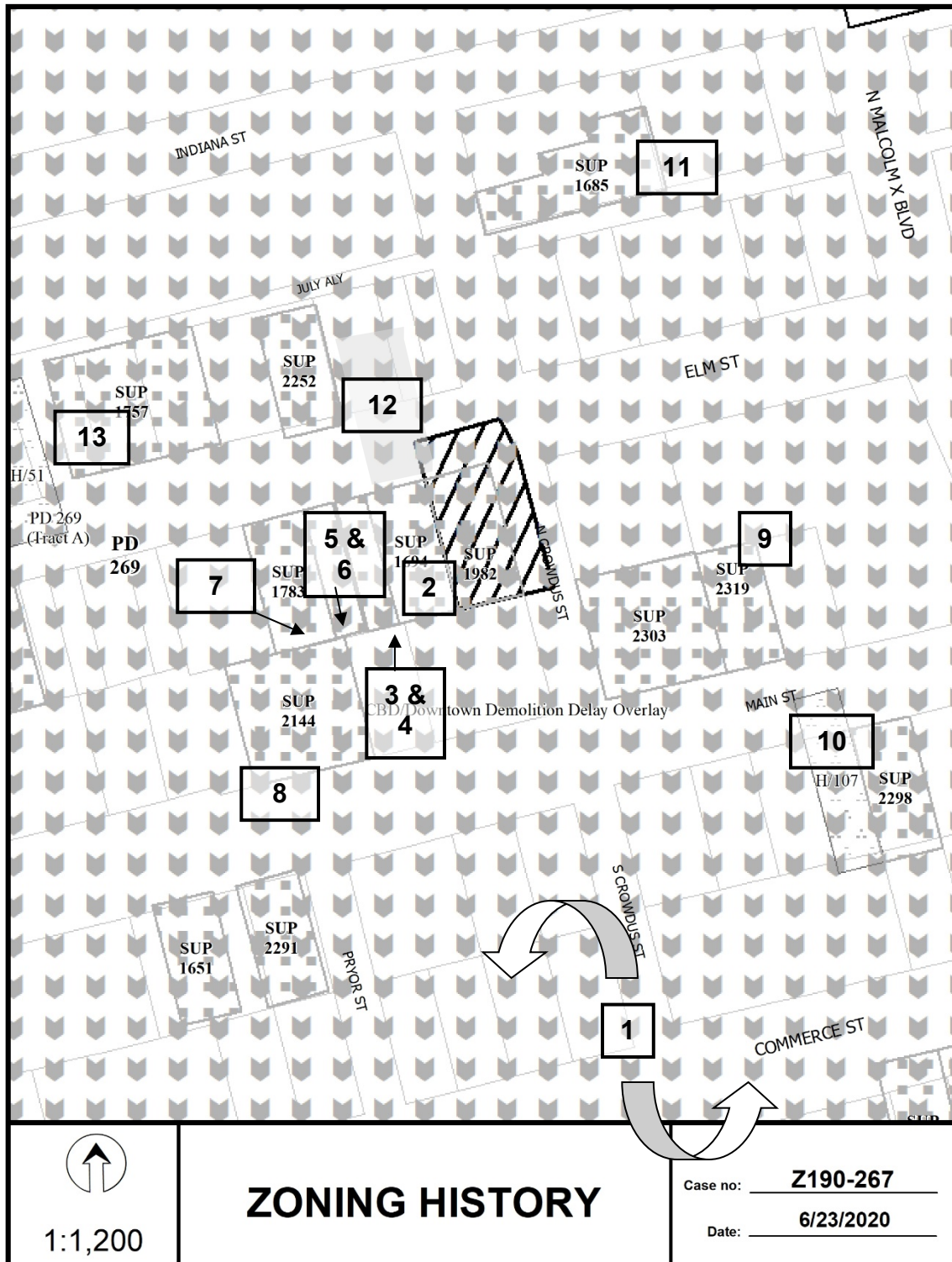
Z190-267(LG)

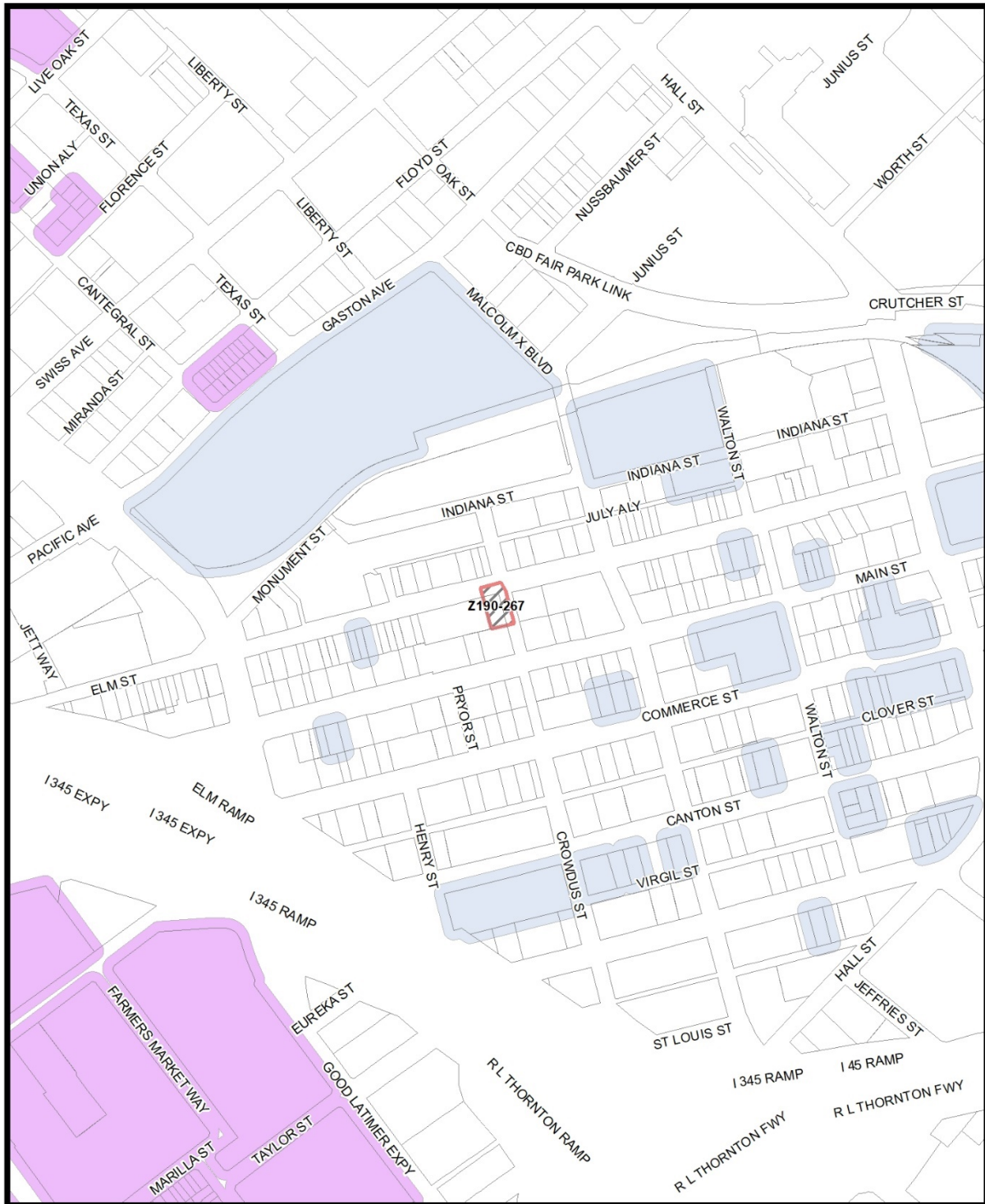












Market Value Analysis

A B C D E F G H I NA



1:4,800

# Market Value Analysis

Printed Date: 6/23/2020



CPC RESPONSES





08/19/2020

## ***Reply List of Property Owners***

***Z190-267***

***11 Property Owners Notified***

***2 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	2	2712 MAIN ST	CASS DON E TR
	3	2708 MAIN ST	AP DEEP ELLUM LLC
	4	2625 ELM ST	UPLIFT EDUCATION
	5	2800 MAIN ST	AP 2800 MAIN ST LLC
O	6	2704 ELM ST	ELM STREET REALTY 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