

FILE NUMBER: Z190-257(AM)

DATE FILED: April 27, 2020

LOCATION: South line of Elm Street, west of Crowds Street

COUNCIL DISTRICT: 2

MAPSCO: 45 M

SIZE OF REQUEST: ±0.3645 acres

CENSUS TRACT: 204.00

APPLICANT: Gabriel Sanchez

OWNER: Westdale Properties America I, LTD

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to 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 Side District.

SUMMARY: The purpose of this request is to allow for a Specific Use Permit for a bar, lounge, or tavern use. [Black Swan Saloon]

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

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

BACKGROUND INFORMATION:

- The applicant requests a Specific Use Permit (SUP) to replace SUP No. 1783 (for a bar, lounge, or tavern use) which lapsed on February 11, 2020.
- SUP No.1783 was originally granted by the City Council on December 9, 2009 for a two-year period with a termination date of December 9, 2011. The tenant has been operating at this location during this time period
- SUP No.1783 was renewed twice. On December 14, 2011, the City Council renewed the SUP for a three-year time period with a termination date of December 14, 2014. On February 11, 2015, the City Council renewed the SUP for a five-year time period with a termination date of February 11, 2020
- The SUP terminated on February 11, 2020. The applicant applied requesting a new SUP for the same use on April 27, 2020.
- SUP No.1783 existed on the site, however it was determined that the area of request only covered the adjacent parking lot and not the location of the establishment. The new request addresses this discrepancy by updating the area of request to cover the establishment while excluding the adjacent parking lot area.
- The request site consists of a 1,080-square-foot establishment with a 490-square-foot attached patio at the rear of the building.

Zoning History: There have been 11 zoning change requests in the area within the last five years.

1. **Z156-230:** On June 22, 2016, the City Council approved the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 26, the Deep Ellum/Near East Side Special Purpose District.
2. **Z167-142:** On March 22, 2017, the City Council approved the renewal of Specific Use Permit No. 2019 for a bar, lounge or tavern use and a commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
3. **Z167-154:** On April 12, 2017, the City Council approved the renewal of Specific Use Permit No. 2122 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.
4. **Z167-233:** On June 14, 2017, the City Council approved the renewal of Specific Use Permit No. 1685 for a bar, lounge, or tavern use on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
5. **Z167-275:** On August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2050 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.

6. **Z167-328:** On September 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern use and an inside commercial amusement limited to a Class A dance hall use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
7. **Z167-392:** On January 10, 2018, the City Council approved the renewal of Specific Use Permit No. 1694 for a bar, lounge, or tavern use and a commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
8. **Z178-175:** On May 9, 2018, the City Council approved the renewal of Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.
9. **Z178-233:** On August 8, 2018, the City Council approved Specific Use Permit No. 2303 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.
10. **Z189-276:** On September 25, 2019, the City Council approved Specific Use Permit No. 1757 for a bar, lounge, or tavern use 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 Special Purpose District.
11. **Z189-289:** On September 25, 2019, the City Council approved Specific Use Permit No. 1757 for a bar, lounge, or tavern use 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 Special Purpose District.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Elm Street	Community Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the original SUP request and determined that the existing development would not have a negative impact on the surrounding street system and the Engineering Division maintains this recommendation.

STAFF ANALYSIS:

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 below goals and objectives of the Comprehensive Plan.

Urban Design Element

Goal 5.1 Promote a sense of Place, Safety and Walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes

Goal 5.3 Establishing Walk-To Convenience

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

Economic Element

Goal 2.3 Build a Dynamic and Expanded Downtown

Policy 2.3.1 Restore Downtown Dallas as the economic and cultural heart of North Central Texas

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269 (Tract A)	Bar
North	PD No. 269 (Tract A)	Bar; Live music venue (inside)
East	PD No. 269 (Tract A); SUP No. 2122	Parking lot; Bar
South	PD No. 269 (Tract A); SUP No. 2144	Barbershop; Restaurant; Bar
West	PD No. 269 (Tract A)	Restaurant; Bar

Land Use Compatibility:

The request site is located in Deep Ellum, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

The request site consists of a one-story, 1,080-square foot suite with an attached, uncovered 490-square-foot patio located at the rear of the property fronting on the south line of south line of Elm Street. Similar bar establishments can be found along the block face.

This area is composed of an eclectic mix of retail stores, tattoos parlors, residential units, arts, and entertainment venues. Considered to be one of Dallas' first commercial districts, Deep Ellum is within close proximity to two major highways, Fair Park, the Baylor Medical District, and Downtown.

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, bars, restaurants and various surface parking lots. There are medium density residential uses to the far west/northwest and close proximity to the DART Green Line to the north as well. As a result of this analysis, staff has determined the request complies with the general provisions for consideration of approval of the SUP renewal because the request is consistent with the character of the neighborhood and does not pose a negative impact. Staffs recommendation for a five-year time period represents a continuation of the five-year period granted under SUP No. 1783. As the request does not alter the operational standards, conditions, or management from the prior SUP, and as it had been properly renewed twice, staff considers a continuation for a five-year time period appropriate given the circumstances.

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 to orange, representing the weakest markets. The site is not within an identifiable MVA category, nor is it adjacent to other MVA categories. An MVA category of “E” can be found within certain neighboring blocks.

Police Report:

Staff obtained the Police Department reported offenses dating from February 2015 – present. The list of offenses is provided below.

Crime Part 1 – Calls

ID	Response_Date	Response_Time	Problem	Location_Name	Address	City
23553489	10/22/15	2:09 AM	6X - Major Dist (Violence)	TREES	2708 Elm St	Dallas
23839277	11/24/15	2:09 PM	12B - Business Alarm	WHITNEY TREES	2708 Elm St	Dallas
25390313	5/20/16	11:49 PM	09V - UUMV	fuzzy's tacos	2708 Elm St	Dallas
26860046	10/26/16	5:58 PM	OADS - Open Air Drug Sales	THE BLACK SWAN SALOON	2708 Elm St	Dallas
27831308	2/18/17	10:27 AM	6X - Major Dist (Violence)		2708 Elm St	Dallas
28316359	4/14/17	3:11 PM	40/01 - Other		2708 Elm St	Dallas
29771576	9/29/17	10:32 PM	6X - Major Dist (Violence)		2708 Elm St	Dallas
31383769	4/15/18	10:29 AM	12B - Business Alarm	BLACK SWAN SALON	2708 Elm St	Dallas
33140778	11/6/18	7:18 PM	07 - Minor Accident		2708 Elm St	Dallas
33281306	11/24/18	7:15 PM	6X - Major Dist (Violence)		2708 Elm St	Dallas
33738373	1/21/19	3:23 PM	40/01 - Other	ARMORY	2708 Elm St	Dallas
33768902	1/25/19	5:07 PM	6X - Major Dist (Violence)	PLATINUM PARKING	2708 Elm St	Dallas
33944401	2/17/19	2:09 AM	DAEV-Dist Armed Encounter Veh		2708 Elm St	Dallas
34128544	3/11/19	10:25 PM	6X - Major Dist (Violence)		2708 Elm St	Dallas
34778840	5/24/19	11:12 PM	20 - Robbery	TREES	2708 ELM ST	Dallas
34778840	5/24/19	11:12 PM	20 - Robbery	TREES	2708 ELM ST	Dallas
35685984	9/1/19	10:03 PM	6XA - Major Dist Ambulance	BLACK SWAN	2708 Elm St	Dallas

Crime Part 2 – Offense

IncidentNum	ServYr	OffIncident	Premise	Address	ZipCode	City
200722-2017	2017	UNLAWFUL POSS FIREARM BY FELON	Highway, Street, Alley ETC	2708 ELM ST	75226	DALLAS
203909-2017	2017	ASSAULT -OFFENSIVE CONTACT	Parking Lot (All Others)	2708 ELM ST	75226	DALLAS
222433-2019	2019	ASSAULT -OFFENSIVE CONTACT	Bar/NightClub/DanceHall ETC.	2708 ELM ST	75226	DALLAS
104042-2019	2019	ROBBERY OF BUSINESS (AGG)	Retail Store	2708 ELM ST	75226	DALLAS
003128-2020	2020	THEFT FROM PERSON	Highway, Street, Alley ETC	2708 ELM ST	75226	DALLAS

Crime Part 2 – Arrests

IncidentNum	ArrestNumber	ArArrestDate	ArArrestTime	ArLAddress	ArLZip	NIBRS_Crime
223330-2017	17-040010	9/29/17	11:10 AM	2708 ELM ST	75226	WARRANT HOLD (OUTSIDE AGENCY)
223330-2017	17-040010	9/29/17	11:10 AM	2708 ELM ST	75226	WARRANT-DALLAS PD (ALIAS)
200722-2017	17-036052	9/2/17	12:24 AM	2708 ELM ST	75226	WEAPON LAW VIOLATIONS
206762-2016	16-037231	8/27/16	9:20 PM	2708 ELM ST	75226	PUBLIC INTOXICATION

Parking:

Parking must be provided in accordance to Planned Development District No. 269, Tract A. No parking changes are being proposed with this request.

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Landscaping:

The landscaping requirements of Article X of the Dallas Development Code apply.

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List of Partners

Westdale Properties America I, LTD

JGB Ventures I, LTD.

JGB Holdings, Inc.

Joseph G. Beard – President

Chuck Hixson – Vice President

City Plan Commission Action
September 17, 2020

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern use for a five-year period, subject to a site plan and 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 Elm Street, west of Crowds Street.

Maker: Hampton
Second: Schwope
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

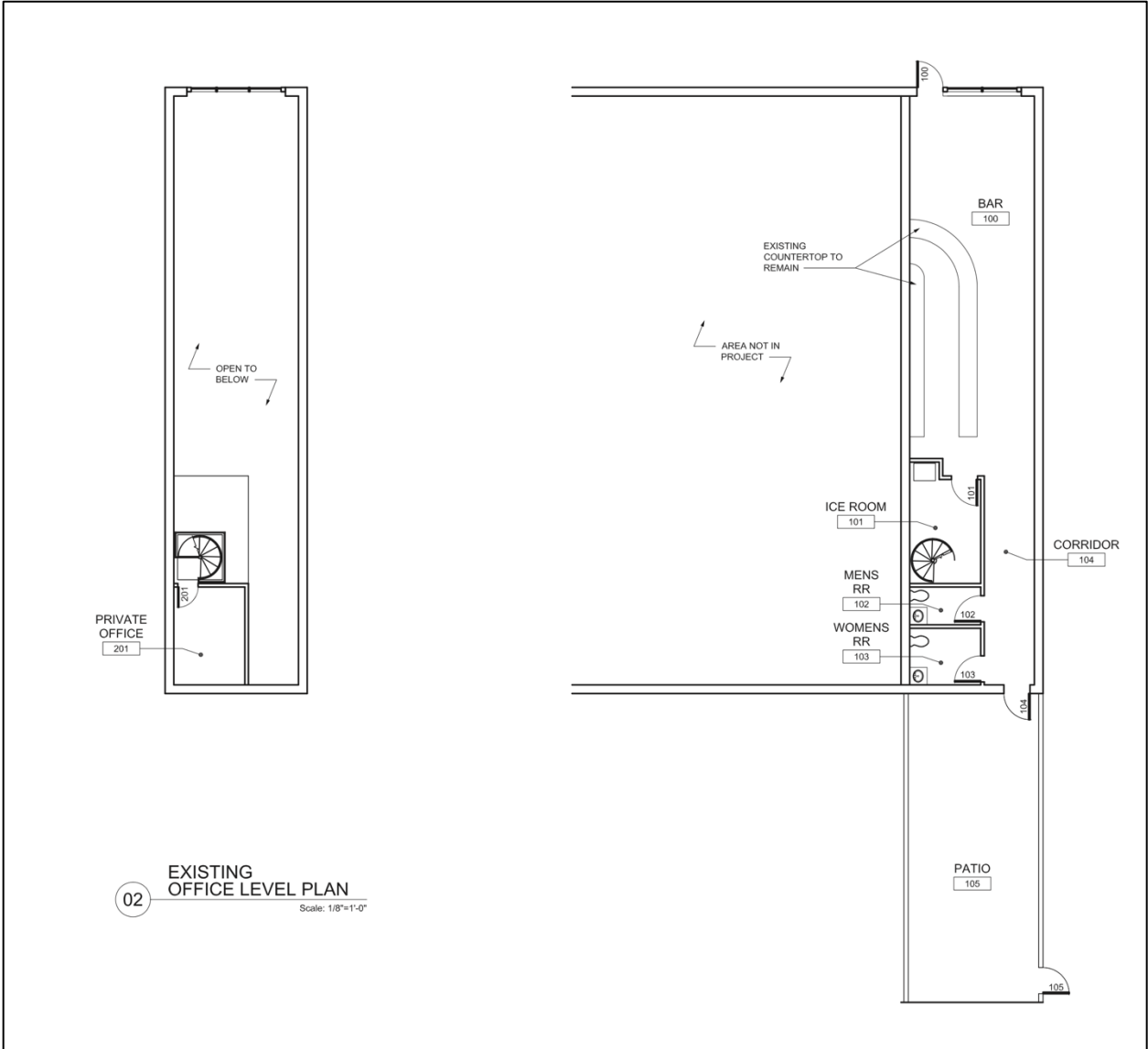
Notices: Area: 200 Mailed: 17
Replies: For: 4 Against: 0

Speakers: For: None
For (Did not speak): Gabriel Sanchez, 2708 Elm St., Dallas, TX, 75226
Against: None

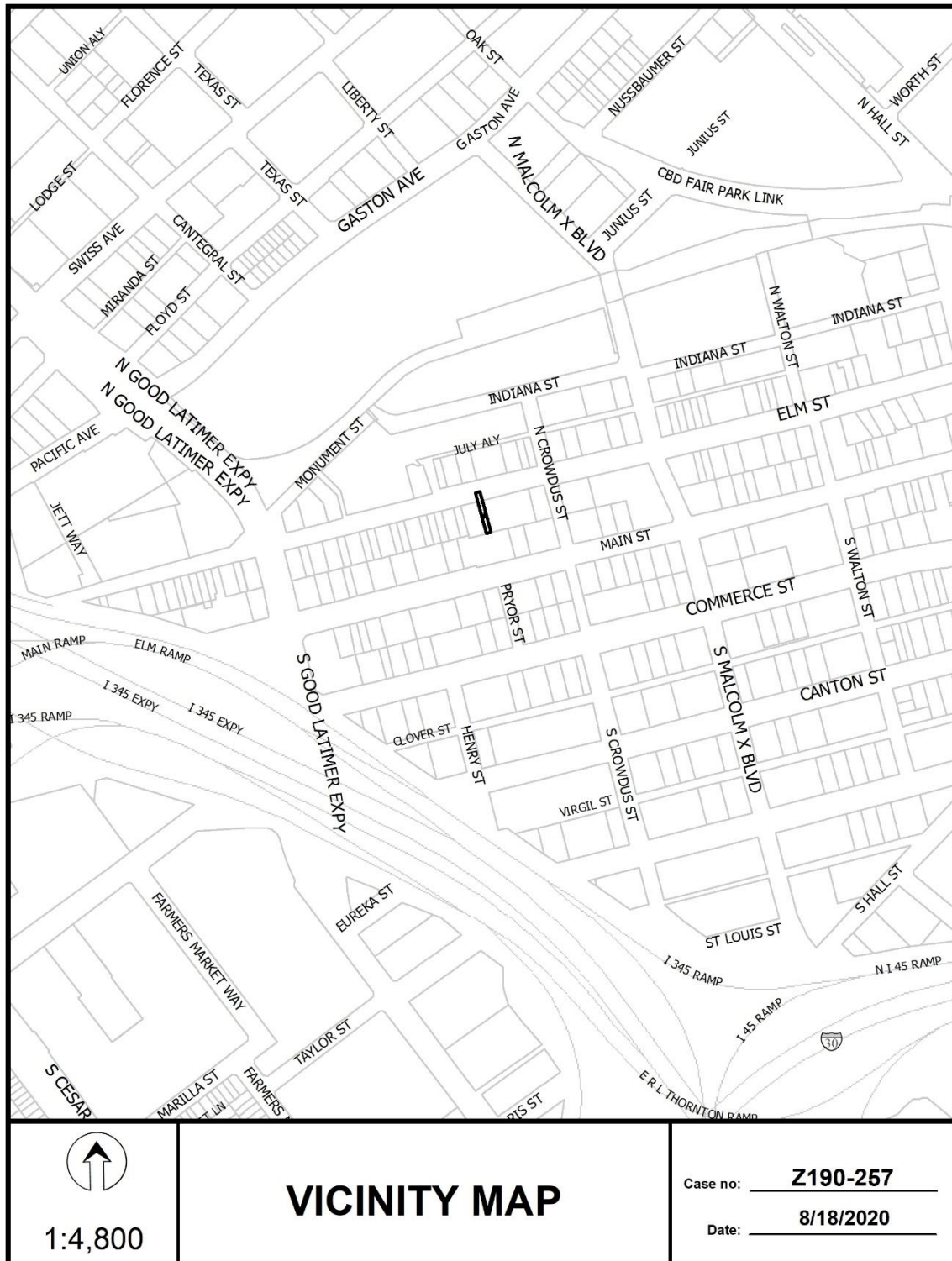
CPC Recommended SUP Conditions

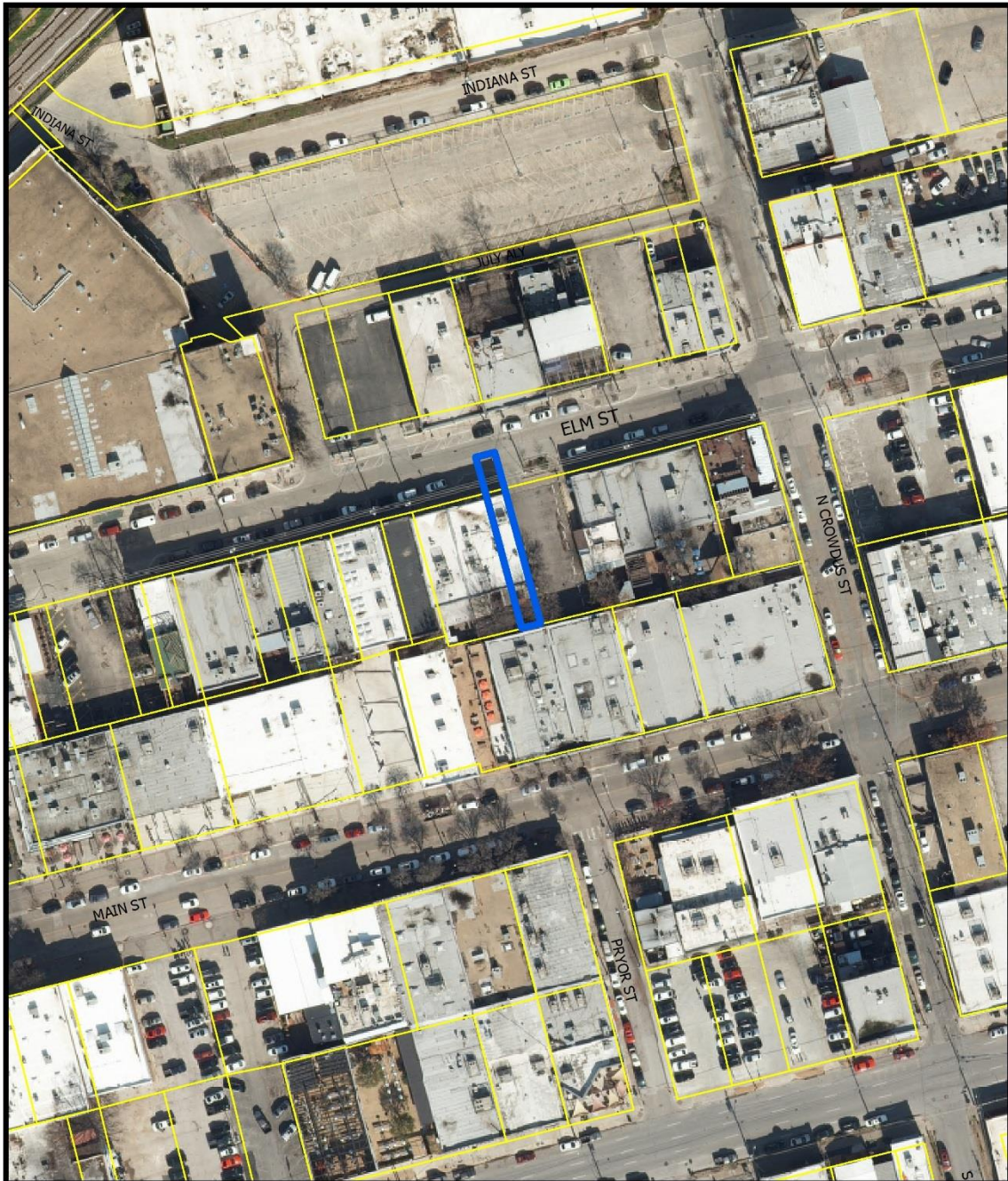
1. USE: The only use authorized by this specific use is an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____ (five-year period from the passage of this ordinance).
4. MAXIMUM FLOOR AREA:
 - a. The maximum floor area for a bar, lounge, or tavern is 1,080 square feet in the location shown on the attached site plan.
 - b. The maximum area for the uncovered patio is 490 square feet in the location shown on the attached site plan
5. HOURS OF OPERATION: The hours of operation for the alcoholic beverage establishment limited to a bar, lounge or tavern is from 5:00 p.m. to 2:00 a.m. Monday through Friday, and 2:00 p.m. to 2:00 a.m. Saturday and Sunday.
6. LIVE MUSIC: Live music is permitted one day a week, Monday to Sunday.
7. OUTSIDE SPEAKERS: Outside speakers are prohibited.
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. 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 Site Plan



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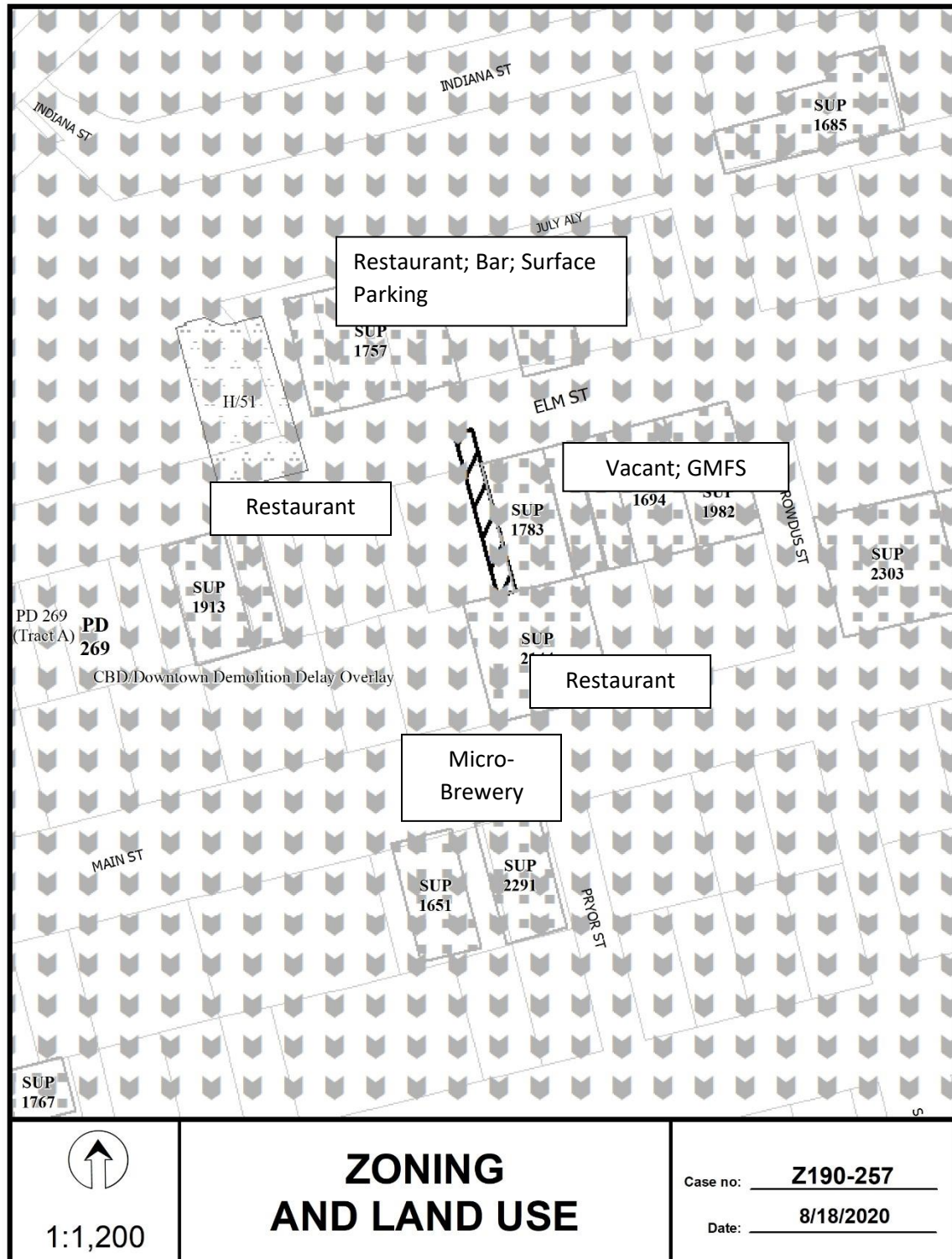


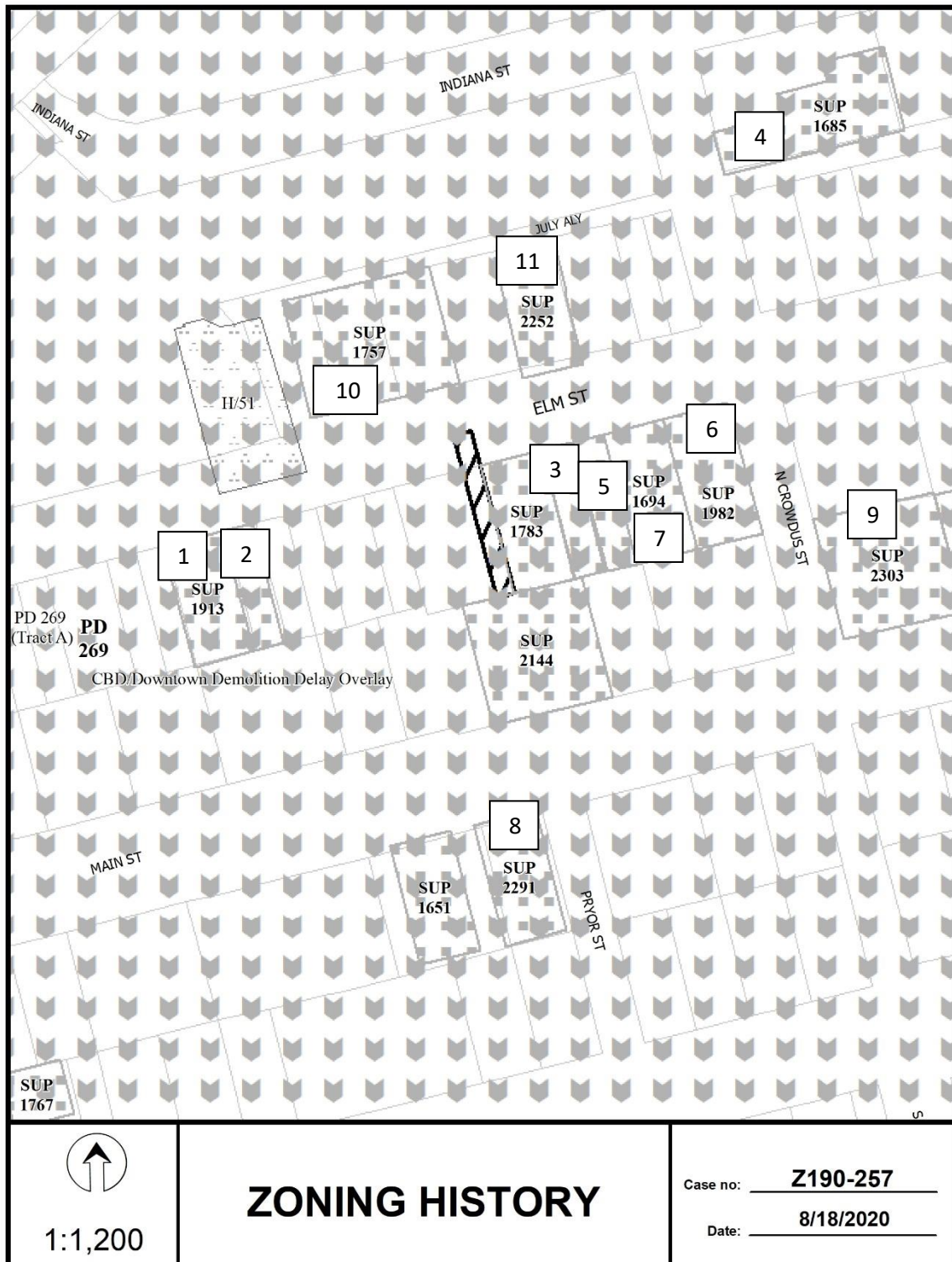
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AERIAL MAP

Case no: Z190-257

Date: 8/18/2020





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Market Value Analysis



1:4,800

Market Value Analysis

Printed Date: 8/18/2020

CPC RESPONSES



09/16/2020

Reply List of Property Owners***Z190-257******17 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2704 ELM ST	ELM STREET REALTY LTD
	2	2644 ELM ST	CAMERON PAUL DARREN
	3	2638 ELM ST	MGP HOLDINGS LLC
	4	2647 MAIN ST	AP DEEP ELLUM LLC
	5	2642 ELM ST	LALCO INC
	6	2650 ELM ST	ELM ELM LLC
	7	2656 MAIN ST	MEADOWCREST LLC
	8	2625 ELM ST	UPLIFT EDUCATION
O	9	2724 ELM ST	WESTDALE PROPERTIES AMERICA I
	10	2715 MAIN ST	MAIN PROPERTIES LLC
	11	2707 MAIN ST	AP 2707 MAIN ST LLC
	12	2723 ELM ST	2723 ELM STREET JV
O	13	2717 ELM ST	WESTDALE PPTIES AMERICA LTD
	14	2707 ELM ST	BELMOR CORP
	15	2703 ELM ST	BELMOR CORP
	16	2701 ELM ST	BELMOR CORP
O	17	2639 ELM ST	ELM STREET LOFTS LTD