

FILE NUMBER: Z190-289(CT)

DATE FILED: June 23, 2020

LOCATION: Northeast line of Harwood Street, southeast of Hickory Street

COUNCIL DISTRICT: 2

MAPSCO: 45 R

SIZE OF REQUEST: Approx. 0.18 acre

CENSUS TRACT: 204.00

REPRESENTATIVE: Audra Buckley - Permitted Development

OWNER: Clams Casino, LLC

APPLICANT: Mike's Gemini Twin Lounge

REQUEST: An application for the renewal of Specific Use Permit No. 2304 for a bar, lounge, or tavern on property zoned Subdistrict 2 within Planned Development District No. 317, the Cedars Special Purpose District

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for on-premise consumption in conjunction with the existing bar [Mike's Gemini Twin].

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 developed with a 1,700-square-foot suite.
- On August 22, 2018, City Council approved Specific Use Permit No. 2304 for a bar lounge, or tavern use for a two-year period.
- The purpose of this request is to renew Specific Use Permit No. 2304. No changes are proposed to the existing site plan.

Zoning History: There have been two zoning changes requested in the area during the past five years.

1. **Z189-297** On October 23, 2019, City Council approved a new subdistrict within Planned Development District No. 317 for mixed uses.
2. **Z167-311** An Authorized Hearing for Planned Development District No. 317 is pending City Plan Commission recommendation.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
S Harwood Street	Minor Arterial	Variable

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway 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 applicant’s request is consistent with the following goals and policies 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.

STAFF ANALYSIS:

Surrounding Land Uses:

Location	PDD No. 317 Subdistricts	Land Use
Site	Mixed Use Corridor (Sub 2)	Bar, Multifamily on Second Floor
Northeast	Transition Warehouse/Residential (Sub 4)	Retail
Southeast	Mixed Use Corridor (Sub 2)	Commercial Amusement (Inside)
Southwest	Mixed Use Corridor (Sub 2)	Vacant
Northwest	Mixed Use Corridor (Sub 2)	Office Showroom Warehouse

Land Use Compatibility:

The request site consists of a two-story structure fronting on the northeast line of South Harwood Street, just south of Hickory Street and contains two suites housing retail and personal service uses (personal service use and bar) on the first floor and a four-unit apartment use on the second floor.

The development pattern of the subject site and vicinity include architecture that appear to be originally constructed in the first half of the Twentieth Century and were likely originally occupied by restaurants, bars, and various retail stores. Over time, these uses vacated the area and some of the buildings transitioned into commercial and warehouse uses. Surrounding land uses include a multi-tenant retail strip to the northeast and a warehouse across Hickory Street to the northwest; the remaining surrounding uses connected to the subject site are retail and personal service uses.

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 continued bar, lounge, or tavern use will contribute to the character of the neighborhood and promote further reinvestment and reactivation in the area. Additionally, the three-year period will allow for a review of the use within a short time-period to reevaluate the use’s compatibility with surrounding uses.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
PDD 317 Subdistrict 2	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall	45' 3 stories	80%	Proximity Slope Visual Intrusion	retail & personal service & office & restaurant

Parking:

According to a determination letter the applicant received from Building Inspection, dated June 21, 2018, the site has 23 nonconforming parking spaces provided, or delta credits. A Certificate of Occupancy was issued for a bar, lounge, or tavern use in 1990 which accepted the 14 off-street parking spaces shown on the proposed site plan which are now considered nonconforming because maneuvering areas for these spaces are not located on site. Although nonconforming rights to operate cease after six months of vacancy, nonconforming rights to parking spaces do not terminate due to vacancy.

The site consists of two uses within the two-story building. The first floor is comprised of one suite which houses as personal service use and the second is suite is occupied by a bar, lounge or tavern use. On the second floor there are four multifamily units. Therefore, the combination of these uses and the nonconforming layout of the parking spaces results in 23 nonconforming parking spaces, or delta credits, for the site. As a result, the proposed bar, lounge, or tavern is not required to provide additional parking.

Landscaping:

The request will not trigger landscaping per PDD No. 317 and Article X of the Dallas Development Code, as amended.

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 south are located within Category “E.”

Police Report:

The following police report shows activity at the request site for the past two years. The Dallas Police Department’s crime statistics report provides a list of all calls logged with 911, a list of actual criminal offenses reported by an officer and the number of arrests made by an officer. These reports listed below are from the period from August 22, 2018 to Present.

Calls

Response Date	Problem	Priority Description	Location Name	Address
5/12/2019	16 - Injured Person	3 - General Service	MIKE'S GEMINI TWIN BAR	1906 S Harwood St
12/24/2019	40/01 - Other	2 - Urgent	MIKES GEMINI TWIN	1906 S Harwood St
1/12/2020	12B - Business Alarm	3 - General Service	MIKE'S GEMINI TWIN	1906 S Harwood St
3/9/2020	12B - Business Alarm	3 - General Service	MIKE'S GEMINI TWIN	1906 S Harwood St

Offenses

Service Year	Offense Incident	Premise	Address
2019	THEFT OF PROP > OR EQUAL \$750 <\$2,500 (NOT SHOPLIFT) PC31.03(e3)	Bar/NightClub/DanceH all ETC.	1906 S HARWOOD ST
2020	BMV	Parking (Business)	1906 S HARWOOD ST

No arrests.

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Partners/Principals/Officers:

Clams Casino, LLC

Pasha K. Heidari, President, Secretary, and Treasurer

Mike's Gemini Twin Lounge

Pasha K. Heidari, Co-owner
Shannon (Sam) Wynne, Co-owner

CPC ACTION
SEPTEMBER 17, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2304 for a bar, lounge, or tavern for a three-year period, subject to conditions on property zoned Subdistrict 2 within Planned Development District No. 317, the Cedars Special Purpose District, on the northeast line of Harwood Street, southeast of Hickory 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

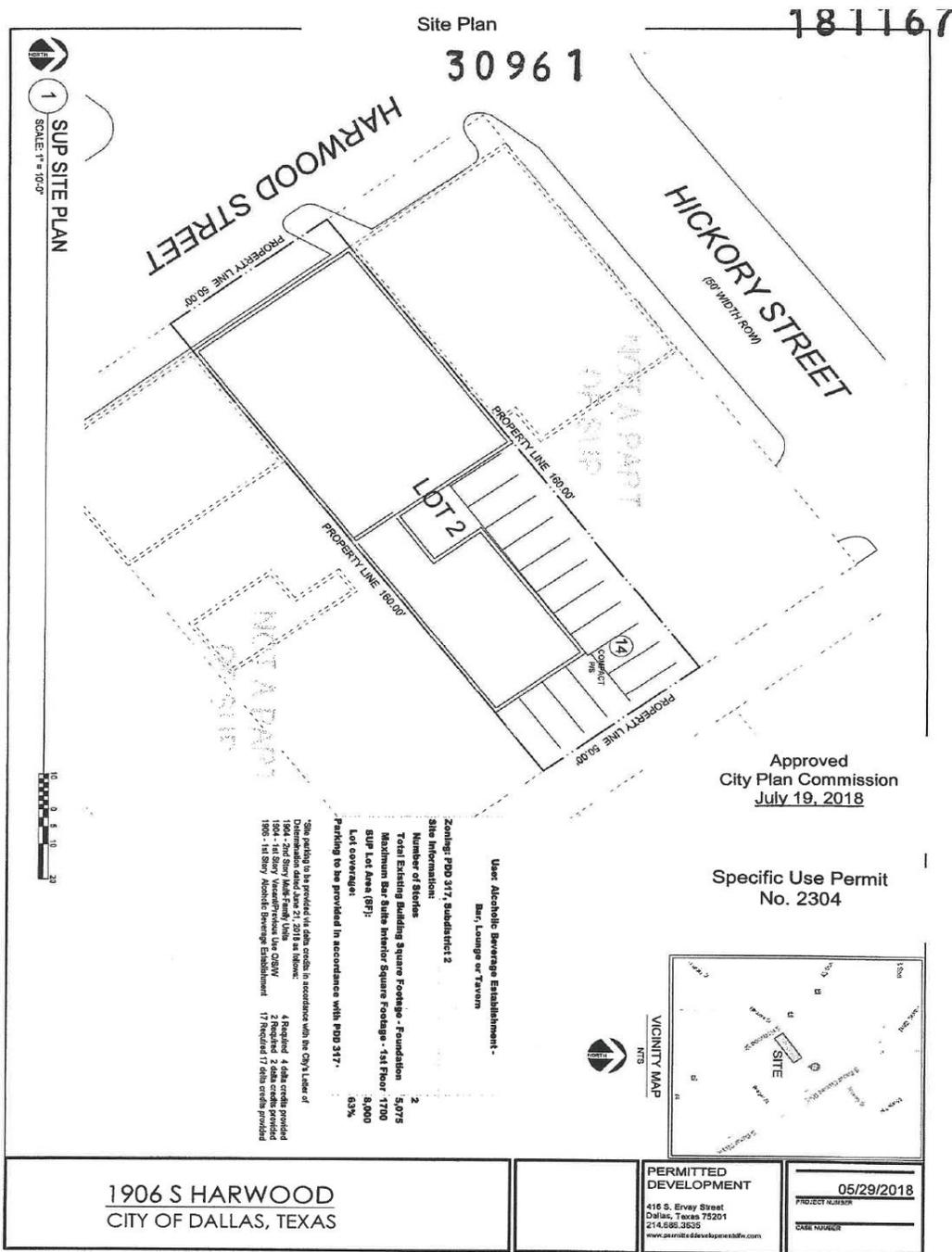
Notices: Area: 200 Mailed: 12
Replies: For: 1 Against: 0

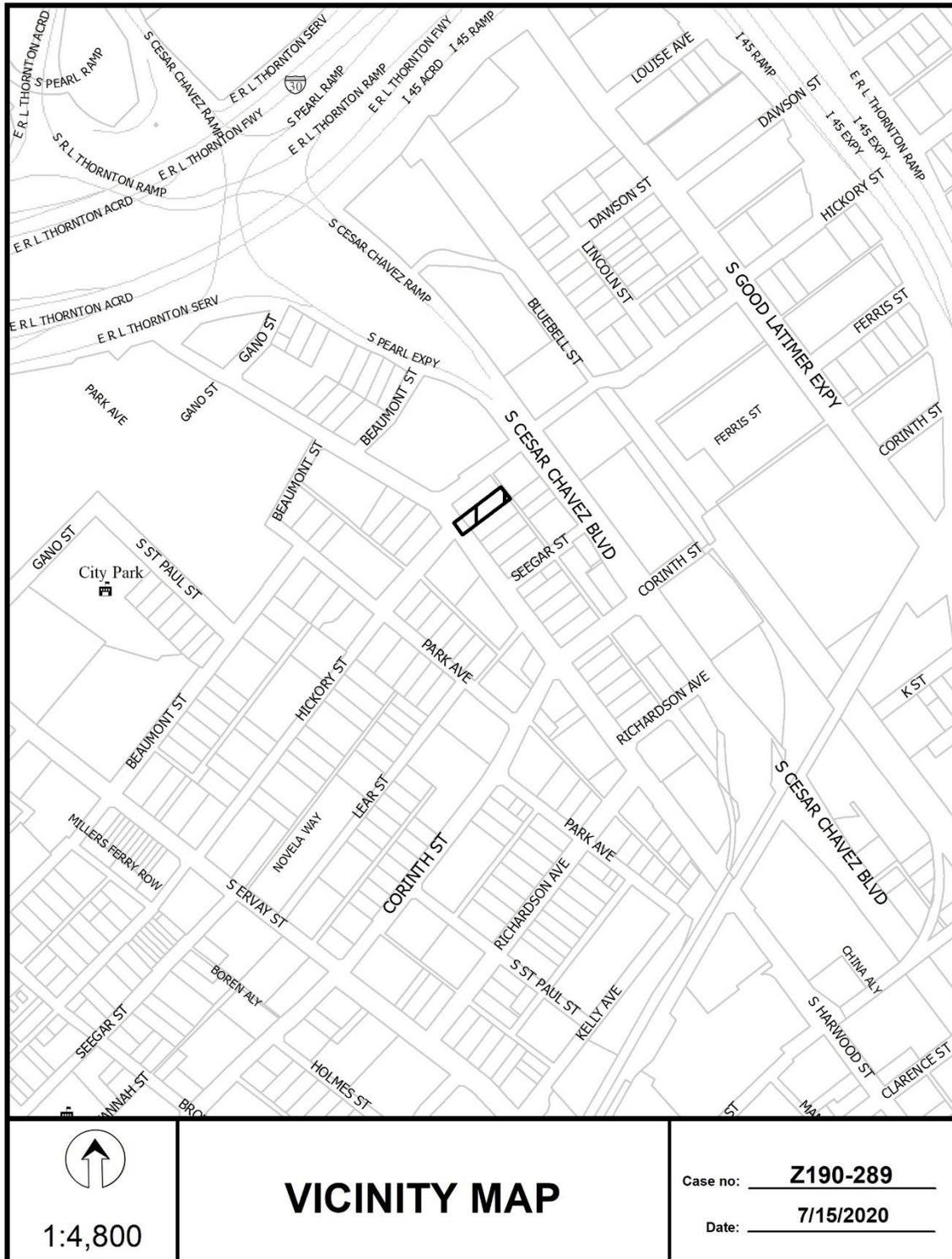
Speakers: None

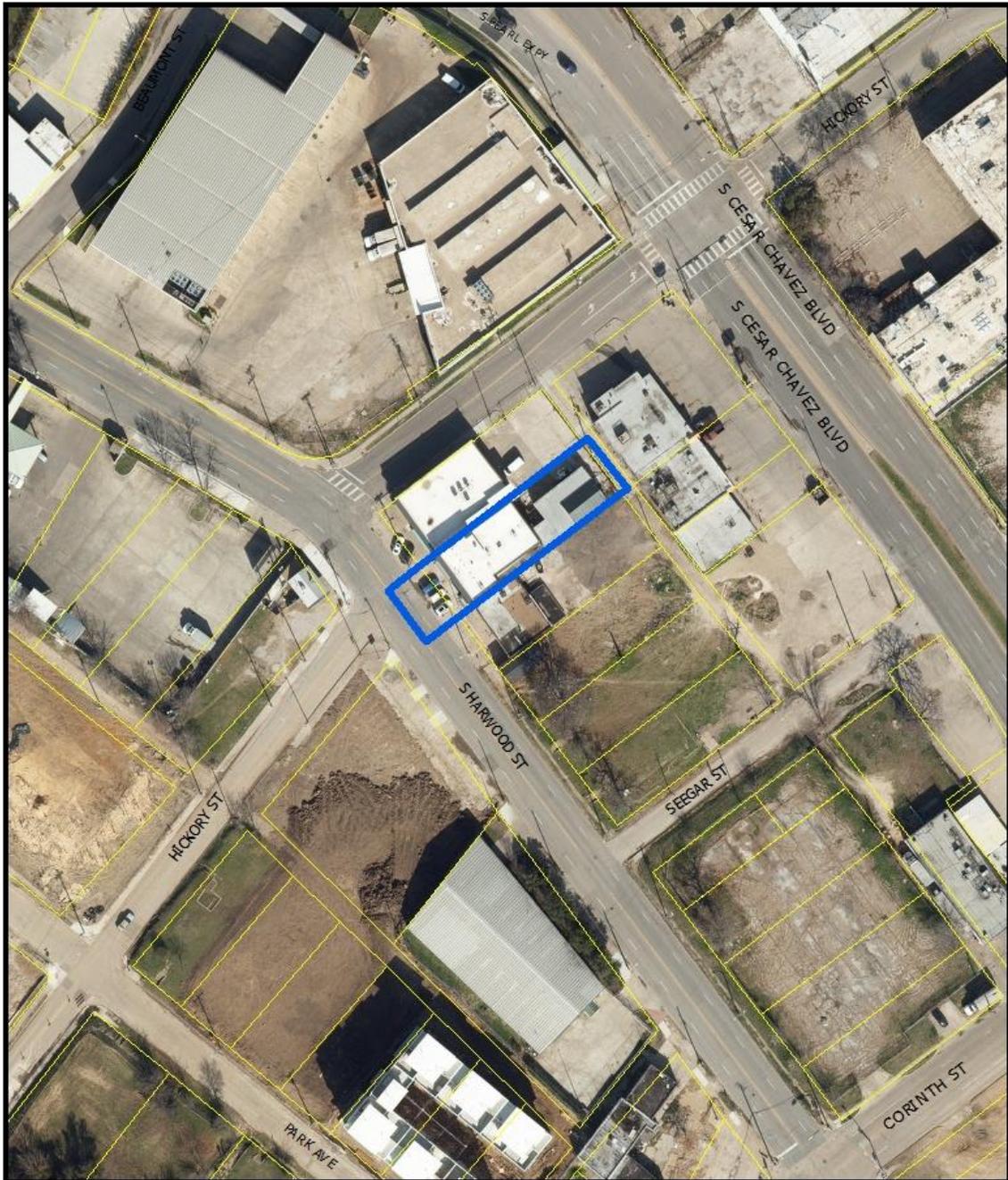
CPC Recommended Conditions

1. USE: The only uses authorized by this specific use permit 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 ~~August 22, 2020~~ [three years from the passage of this ordinance].
4. FLOOR AREA: The maximum floor area is 1,700 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern may only operate between 11:00 a.m. and 2:00 a.m. (the next day) Monday through Sunday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
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 Changes)





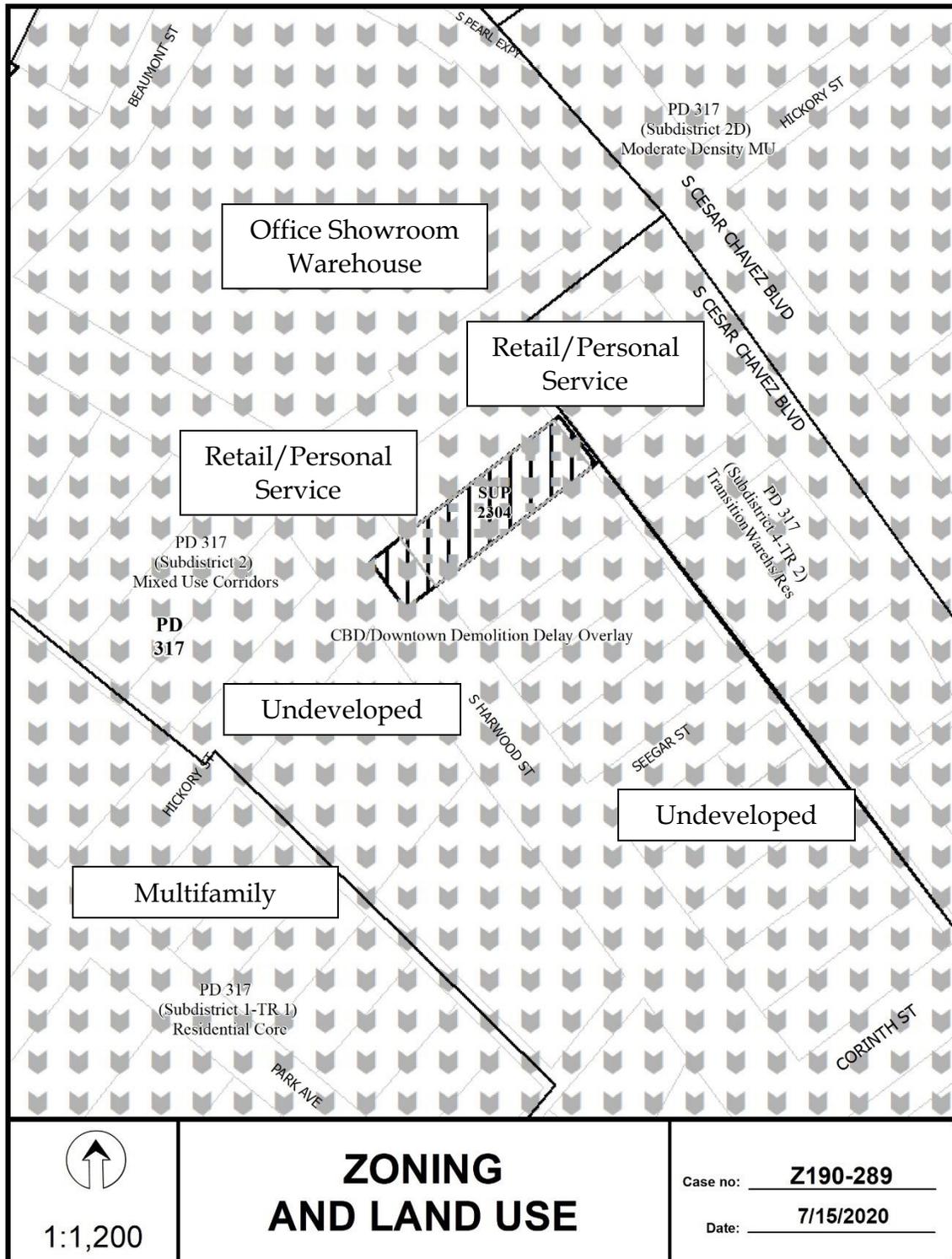


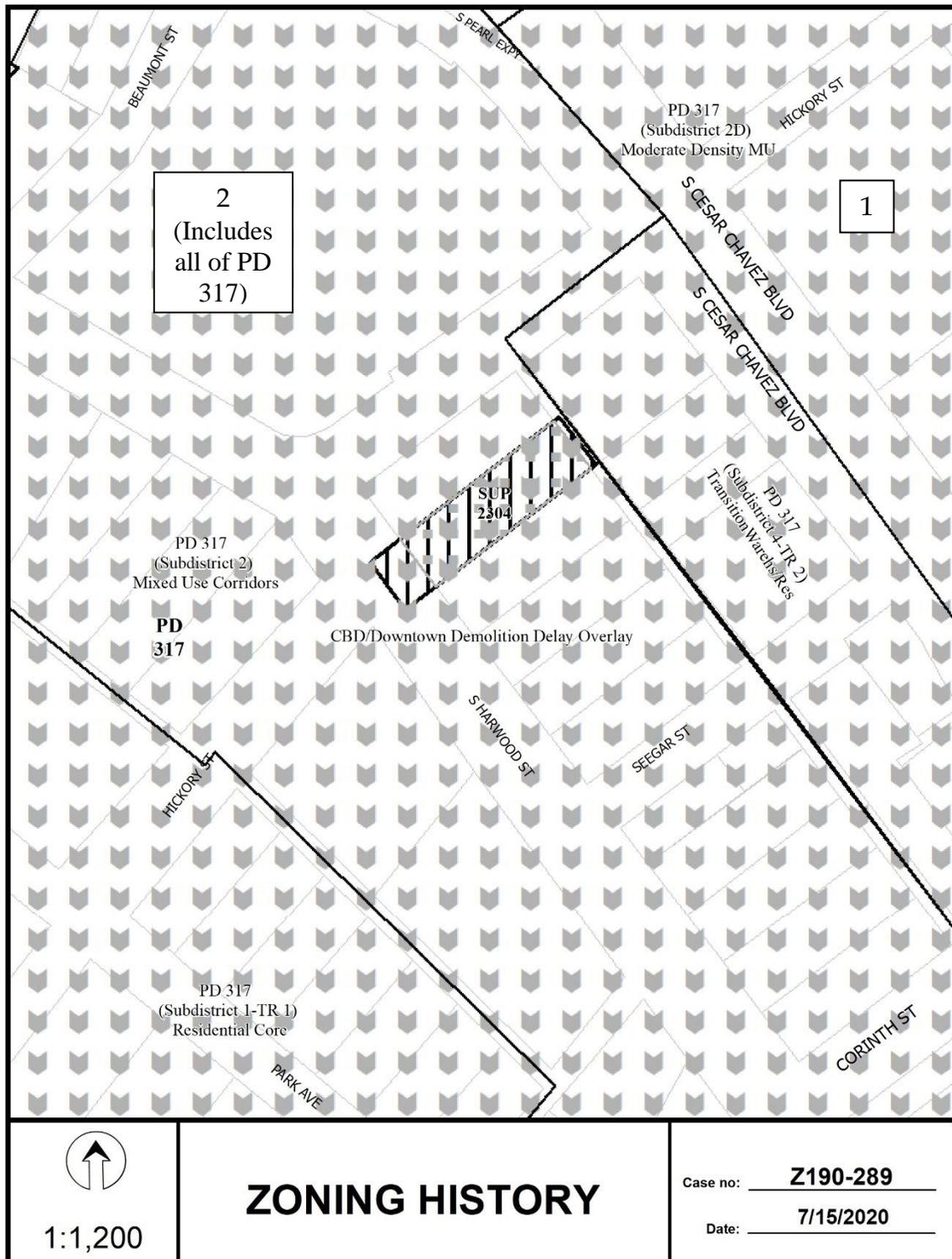
1:1,200

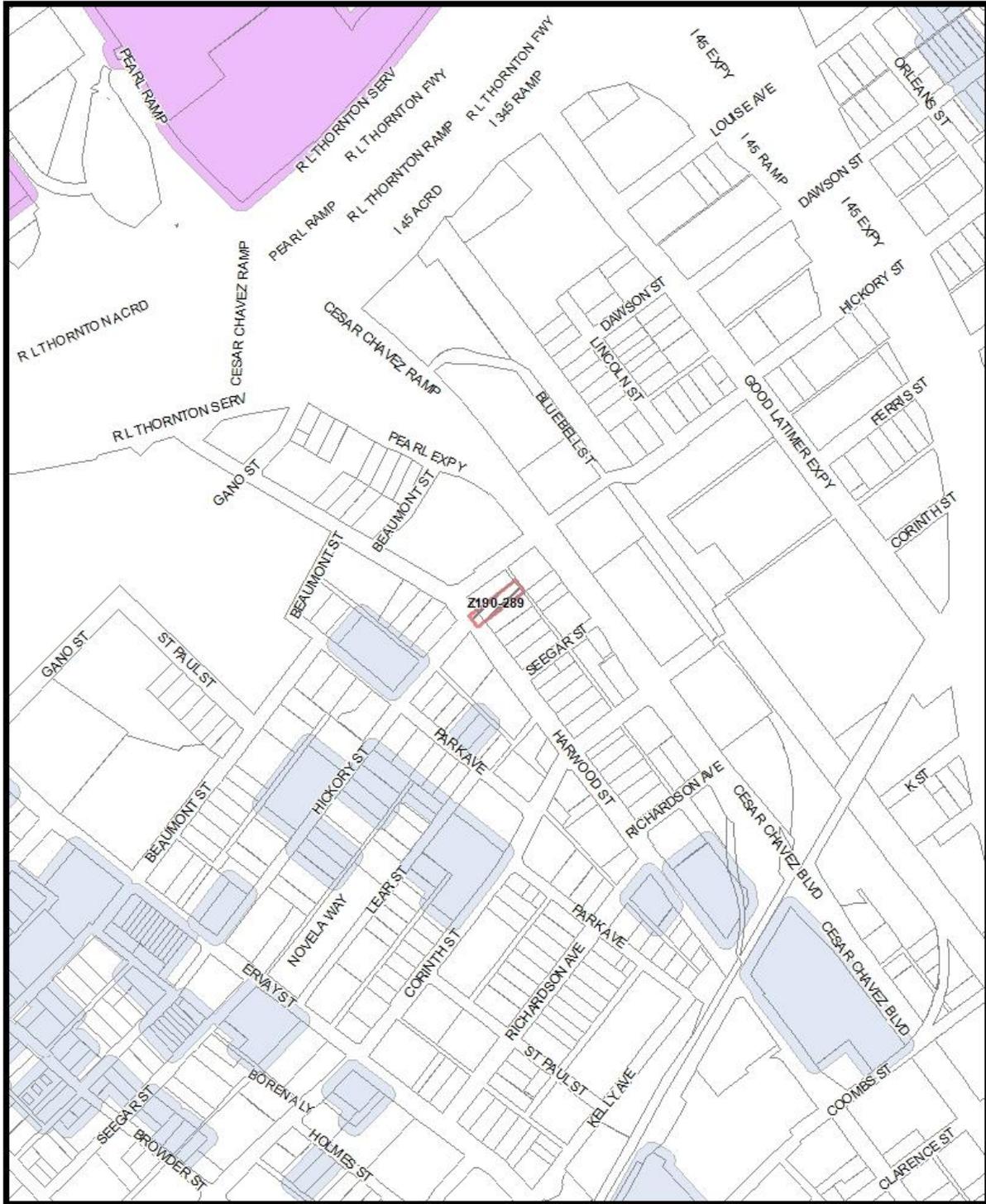
AERIAL MAP

Case no: **Z190-289**

Date: **7/15/2020**







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

 1:4,800

Market Value Analysis

Printed Date: 7/15/2020

CPC RESPONSES



<u>12</u>	Property Owners Notified (18 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>9/17/2020</u>	Date

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CPC



1:1,200

09/16/2020

Reply List of Property Owners

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12 Property Owners Notified 1 Property Owners in Favor 0Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1900 S HARWOOD ST	CLAMS CASINO LLC
	2	1901 S HARWOOD ST	GAN015 LLC
	3	1900 PARK AVE	KHAN ESTHER J &
	4	1821 S HARWOOD ST	KAOLIN RE HOLDINGS CORPORATION
O	5	1835 S HARWOOD ST	TOMAINO PPTIES LP
	6	1910 S HARWOOD ST	1910 HARWOOD LLC
	7	1912 S HARWOOD ST	1910 HARWOOD LLC
	8	1916 S HARWOOD ST	BOUCHER DANIEL D
	9	1920 S HARWOOD ST	HICKORY CDR EAST LLC
	10	2019 S CESAR CHAVEZ BLVD	HOPKINS CESAR CHAVEZ LTD
	11	1919 S HARWOOD ST	HARWOOD LW LLC
	12	1804 S HARWOOD ST	POLA LTD