

FILE NUMBER: Z212-284(DM) **DATE FILED:** June 22, 2022
LOCATION: North corner of South Beltline Road and Seagoville Road
COUNCIL DISTRICT: 8
SIZE OF REQUEST: Approx. 0.584 acre **CENSUS TRACT:** 48113017101

REPRESENTATIVE: Elizabeth Alvarez Villaizan

OWNER/APPLICANT: Abed Ammouri

REQUEST: An application for the renewal of Specific Use Permit No. 2393 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the continued sale of alcoholic beverages in conjunction with an existing general merchandise or food store 3,500 square feet or less. [*Phillips Mart*]

CPC RECOMMENDATION: Approval for a three-year period.

STAFF RECOMMENDATION: Approval for a three-year period.

CR Community Retail District [Ref. Sec. 51A-4.122(b)]:
https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-77205

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less (convenience store), an associated motor vehicle fueling station, and a restaurant.
- The existing uses are permitted by right; however, because the property is located within a D-1 liquor control overlay, an SUP is required for the sale of alcoholic beverages in conjunction with the convenience store.
- Specific Use Permit (SUP) No. 2393 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less was approved on September 9, 2020 for a two-year period. The applicant requests renewal for a three-year time period.

Zoning History:

There have been seven zoning change requests in the area within the last five years.

1. **Z190-191:** On June 24, 2020, the City Council approved a CR Community Retail District with deed restriction on property zoned an R-10(A) Single Family District, located on the northwest line of Seagoville Road, northeast of Belt Line Road.
2. **Z190-215:** On January 27, 2021, the City Council approved Planned Development District for multifamily uses on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay and an R-10(A) Single Family District, located on the east corner of South Belt Line Road and Seagoville Road.
3. **Z212-105:** On January 15, 2022, the City Council approved an amendment to Specific Use Permit No. 1838 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, located on the southwest line of South Beltline Road, south of Seagoville Road.
4. **Z223-148:** On August 29, 2023, Specific Use Permit No. 1838 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet was automatically renewed for an additional five-year time period with a new expiration date of April 13, 2028, located on the southwest line of South Beltline Road, south of Seagoville Road.
5. **Z190-220:** On September 9, 2020, the City Council approved an ordinance granting SUP No. 2378 for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet use for a two-year time period to

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expire on September 9, 2022, on the west corner of Seagoville Road and South Belt Line Road.

6. Z212-245: On October 12, 2023, the City Council approved the renewal of Specific Use Permit No. 2378 for a five-year time period to expire October 12, 2025, with eligibility for automatic renewals for additional five-year time periods, on the northwest corner of South Beltline Road and Seagoville Road.

7. Z190-221: On September 9, 2020, the City Council approved an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period. [Subject Site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing / Proposed ROW
South Belt Line Road	Principal Arterial	100 feet
Seagoville Road	Minor Arterial	60 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Surrounding Land Uses

	Zoning*	Land Use
Site	CR Community Retail District w/ a D-1 Liquor Control Overlay	General merchandise or food store 3,500 square feet or less (convenience store), an associated motor vehicle fueling station, and a restaurant.
North	CR w/ D-1	Retail
East	CR w/ D-1	Multi family
South	CR w/ D-1	Auto-related
West	CR w/ D-1	General merchandise store with a motor vehicle fueling station.

Land Use Compatibility

The request site is currently developed with a general merchandise or food store 3,500 square feet or less (convenience store), an associated motor vehicle fueling station, and a restaurant.

The property is adjacent to retail, surrounded by auto-related and general merchandise or food store uses, with multifamily uses across the street and further north and east. Retail uses are located further on Beltline Road. The use remains compatible with the surrounding development.

The general merchandise or food store use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay. The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing convenience store. There are no proposed alcohol sales for the existing restaurant that is operating one of the suites inside the building.

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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,

- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police has indicated that the request site is in compliance with Chapter 12B.

Staff supports the applicant's requested three-year time period for renewal.

Landscaping:

Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Parking will be provided as shown in the revised site plan. The off-street parking requirements for a general merchandise or food store 3,500 square foot or less is one space for each 200 square feet of floor area. The building's floor area totals approximately 3,200 square feet, but only one suite is included in the SUP request. 17 parking spaces are required for the convenience store. There are 21 parking spaces included in the site plan.

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, it is in the vicinity of an "F" MVA cluster.

Police Report:

Based on Dallas Police Department's crime statistics between September 2020 and June 2023, 5 offenses, 0 arrest, and 9 calls were generated from the subject property.

Offense Data

Signal	Off Incident	Premise	Date
12B - Business Alarm	BURGLARY OF BUILDING - FORCED ENTRY	Gas or Service Station	11/28/2021
58 - ROUTINE INVESTIGATION	ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	Highway, Street, Alley ETC	7/10/2021
31/01 - CRIM MIS/PROG/NON FELO	CRIM MISCHIEF >OR EQUAL \$750 < \$2,500	Convenience Store	1/20/2020
11B - BURG OF BUS	BURGLARY OF BUILDING - FORCED ENTRY	Convenience Store	4/20/2021
11B - BURG OF BUS	BURGLARY OF BUILDING - FORCED ENTRY	Convenience Store	10/22/2020

Arrests Data

Address	Arrest Date	Crime	Charge Desc
NONE			

Calls Data

Date	Problem	Priority	Location Name	Address
5/26/2021	**PD Requested by Fire	2 - Urgent	PHILLIPS MART	951 S Belt Line Rd
11/16/2020	07 - Minor Accident	3 - General Service	PHILLIPS MART	951 S Belt Line Rd
4/20/2021	11B - Burg of Bus	3 - General Service	PHILLIPS MART	951 S Belt Line Rd
4/13/2021	12B - Business Alarm	3 - General Service	PHILLIPS MART	951 S Belt Line Rd
1/20/2020	31/01 - Crim Mis/Prog/Non Felo	3 - General Service	PHILLIPS MART	951 S Belt Line Rd
2/2/2020	6X - Major Dist (Violence)	2 - Urgent	ANGELICA'S RESTAURANT	951 S Belt Line Rd
6/23/2020	6X - Major Dist (Violence)	2 - Urgent	PHILLIPS MART	951 S Belt Line Rd
10/22/2020	11B - Burg of Bus	3 - General Service	7-ELEVEN;	951 S Belt Line Rd
11/28/2021	12B - Business Alarm	3 - General Service	AMORI SALON/PHILLIPS MART	951 S Belt Line Rd

CPC Action
February 1, 2024

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2393 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay, on the north corner of South Beltline Road and Seagoville Road.

Maker: Blair
Second: Herbert
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Treadway, Haqq, Hall, Kingston,
Rubin

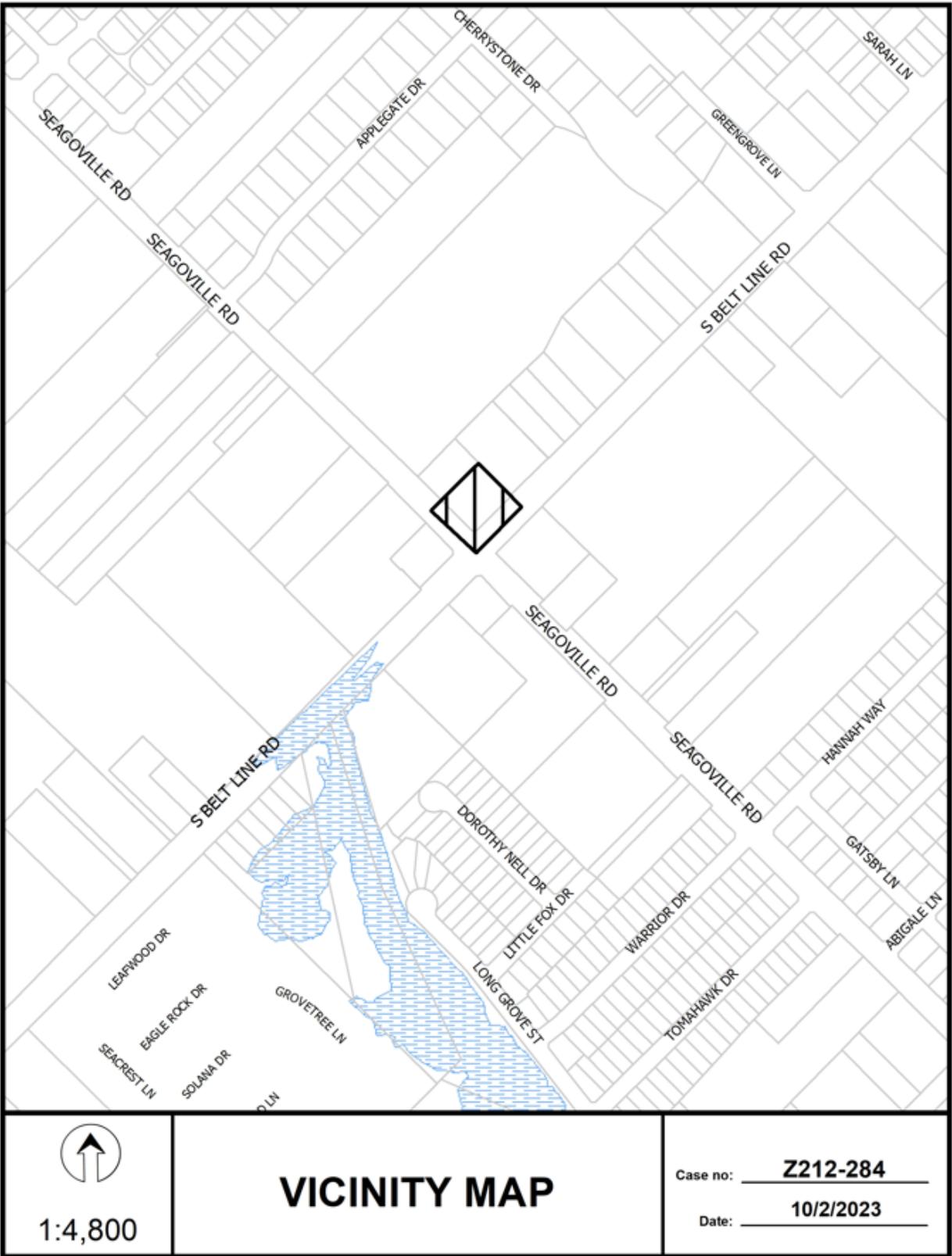
Against: 0
Absent: 0
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 12
Replies: For: 2 Against: 0

Speakers: None

CPC-RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
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) [~~September 9, 2022~~].
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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.



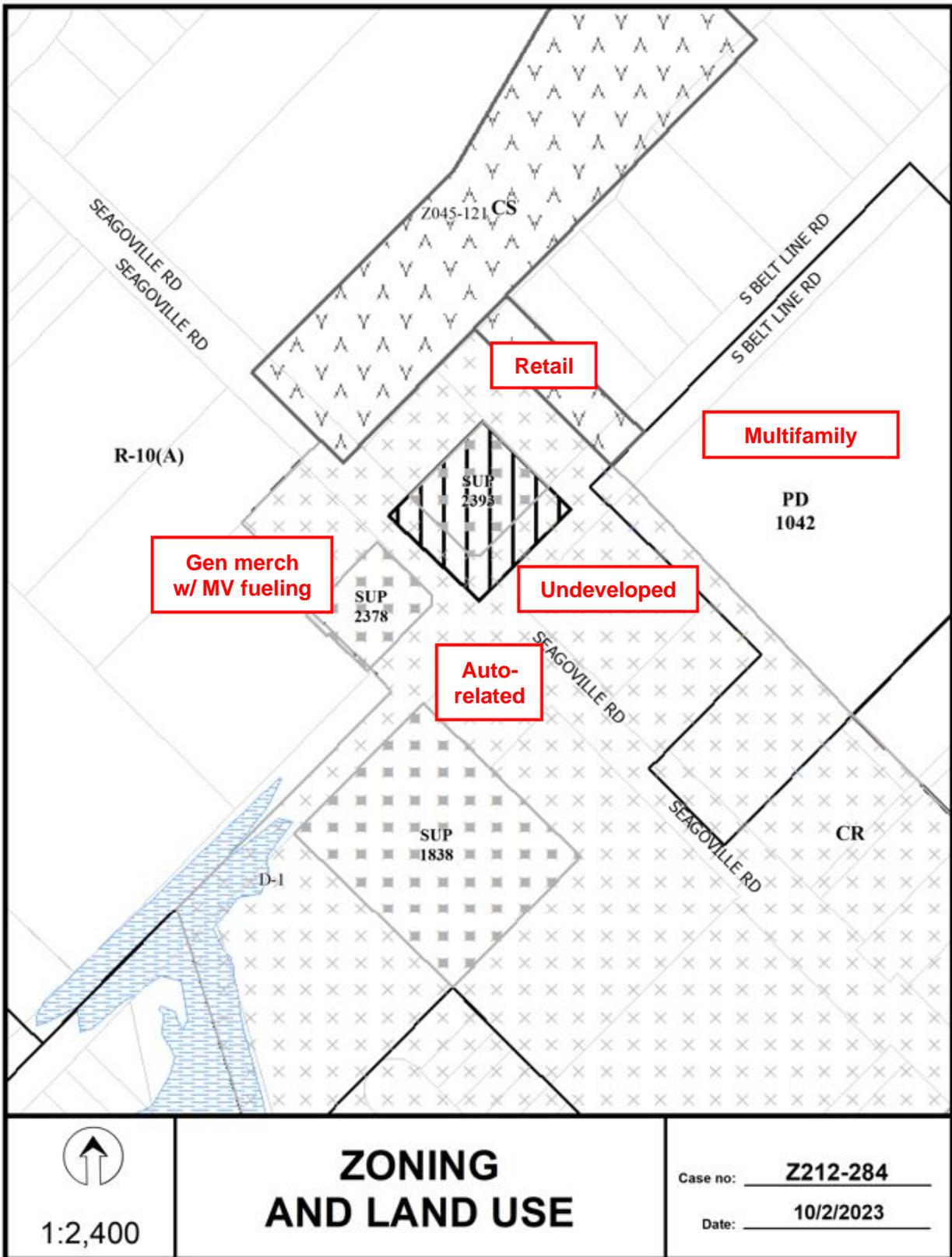


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AERIAL MAP

Case no: Z212-284

Date: 10/2/2023

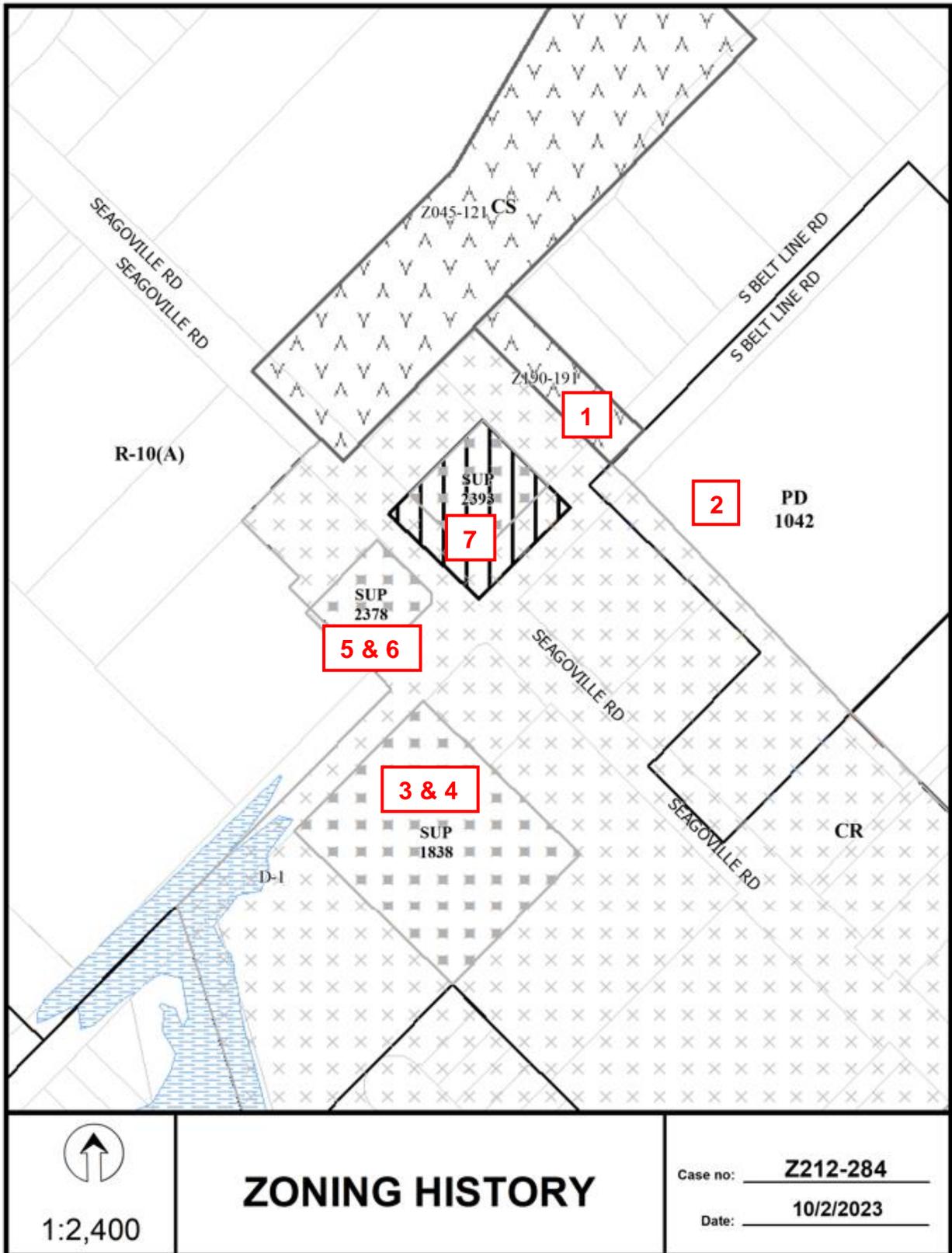


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ZONING AND LAND USE

Case no: Z212-284

Date: 10/2/2023

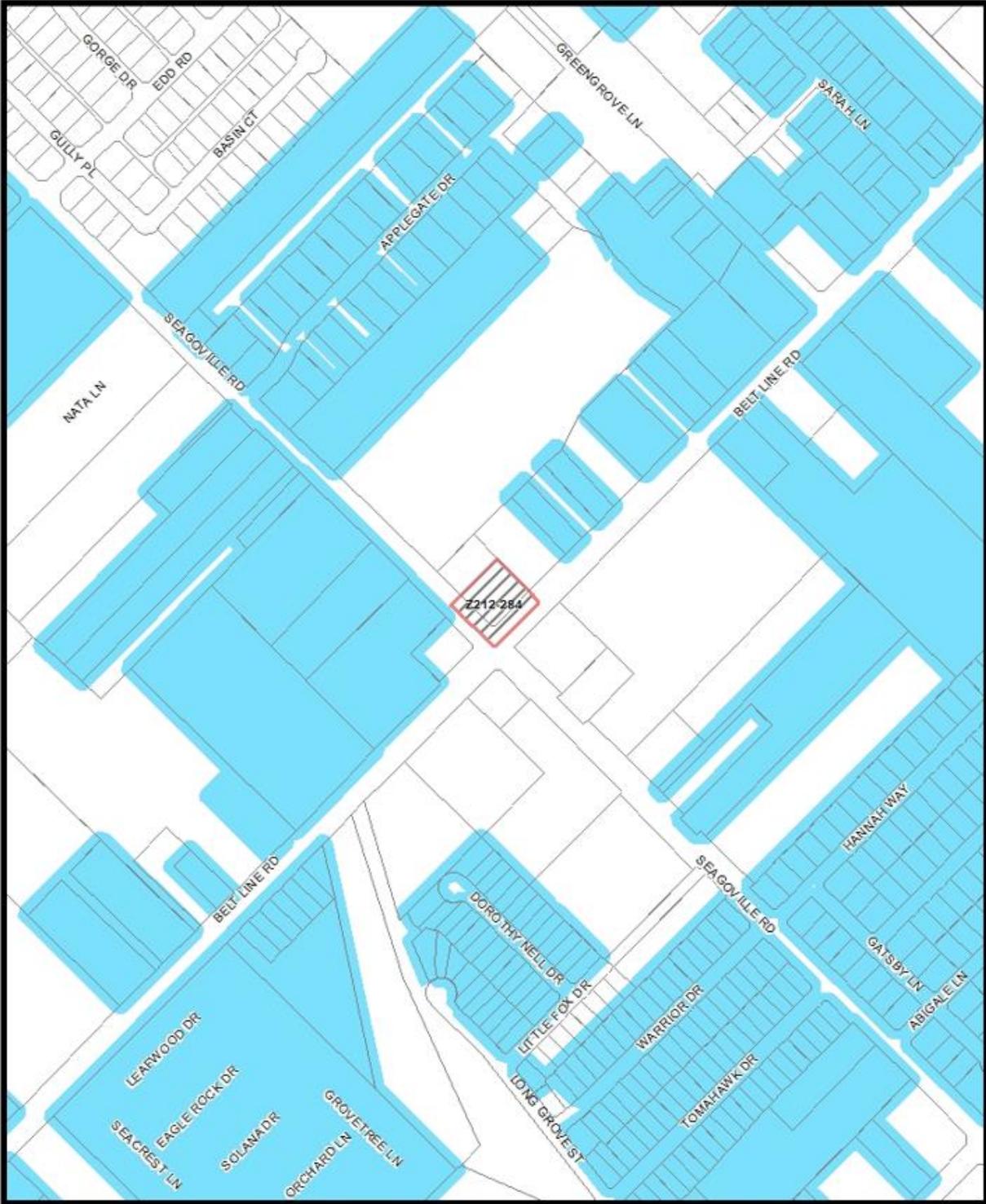


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ZONING HISTORY

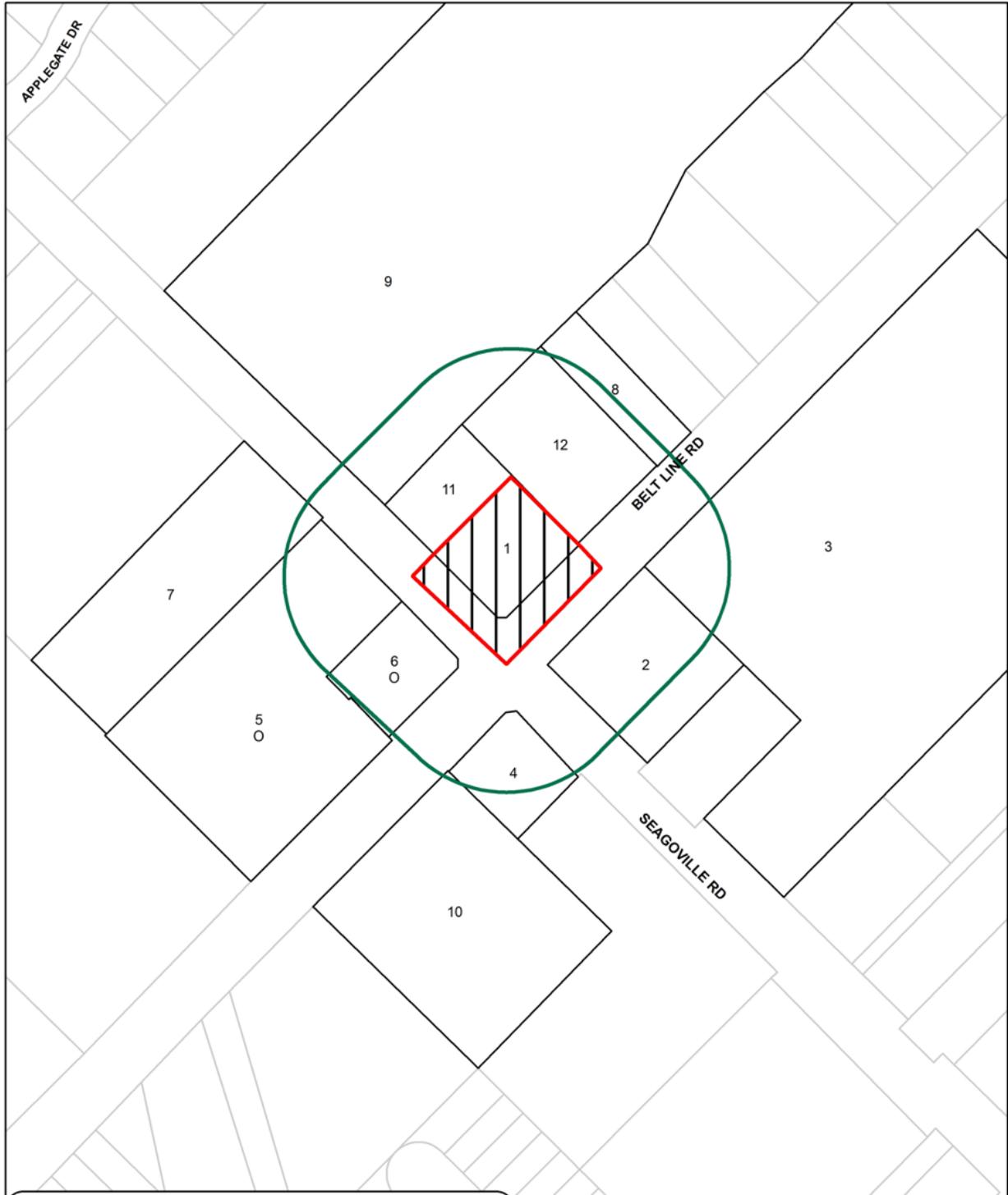
Case no: Z212-284

Date: 10/2/2023



Market Value Analysis

Printed Date: 10/2/2023



<u>12</u>	Property Owners Notified (12 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>2/1/2024</u>	Date

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CPC



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01/31/2024

Reply List of Property Owners

Z212-284

12 Property Owners Notified

2 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	951 S BELTLINE RD	AMMOURI ABED
	2	15251 SEAGOVILLE RD	BIG SCORE INVESTORS LLC
	3	910 S BELTLINE RD	DHFC MEADOWBROOK LANDOWNER LLC
	4	1000 S BELTLINE RD	ALKAM HAMZA
O	5	1025 S BELTLINE RD	SAI THANIYA KRUPA LLC
O	6	15130 SEAGOVILLE RD	SAI BUSINESS INVESTMENTS LLC
	7	15104 SEAGOVILLE RD	SCHLEIMER PATSY SUE EST OF
	8	933 S BELTLINE RD	RAMIREZ RICARDO RODRIGUEZ &
	9	15029 SEAGOVILLE RD	T W FORD LP
	10	1050 S BELTLINE RD	SEAGOVILLE HOLDINGS LLC
	11	915 S BELTLINE RD	AMMOURI ABED
	12	943 S BELTLINE RD	AUTOZONE PARTS INC