
FILE NUMBER: Z190-358(AU) **DATE FILED:** September 18, 2020
LOCATION: Northwest corner of Great Trinity Forest Way and Hillburn Drive
COUNCIL DISTRICT: 8 **MAPSCO:** 58 T
SIZE OF REQUEST: Approx. 1.52 acres **CENSUS TRACT:** 93.04

REPRESENTATIVE: Malik Law Firm/Parvez Malik

APPLICANT/OWNER: Emilia Rezaei Inc.

REQUEST: 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 on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow for the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store 3,500 square feet or less (currently vacant).

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

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION

- The request site is currently developed with a one-story building, 9,038 square feet in area. The building is currently vacant and was previously occupied by a general merchandise or food store.
- The property owner seeks to obtain a specific use permit to be allowed to sell beer and wine for off-premise consumption in conjunction with the general merchandise use in a 2,100 square feet portion of the building.

Zoning History

There has been one zoning change in the vicinity within the past five years:

1. **Z167-366:** On January 10, 2018, City Council approved Specific Use Permit No. 2666 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a time period of two years on property located to the south of the area of request.

Thoroughfares/Streets

| Thoroughfare/Street | Type | Existing/Proposed ROW |
|----------------------------|--------------------|------------------------------|
| Great Trinity Forest Way | Principal Arterial | 107'; Bike Plan |
| Hillburn Drive | Local Street | 64' |

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.

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 request complies with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

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

Land Use

| | Zoning | Land Use |
|--------------|---|--|
| Site | RR Regional Retail with D-1 Liquor Control Overlay | Vacant |
| North | MF-2(A) | Multifamily |
| East | RR Regional Retail with D Liquor Control Overlay | Vehicle Display, Sales and Service |
| South | RR Regional Retail with D-1 Liquor Control Overlay and SUP No. 2666 | Retail, general merchandise or food store with alcohol sales, auto-related, furniture store |
| West | RR Regional Retail with D-1 Liquor Control Overlay | Auto parts store |

Land Use Compatibility

The request site is currently developed with a one-story, 9,038-square-foot building. The building is currently vacant and was previously occupied by a general merchandise or food store.

Uses surrounding the area of request include a mix of residential, retail, auto-related, and furniture store 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 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. Upon starting the operation, the store will be required to register and comply with requirements of Chapter 12B.

In general, the applicant's request is consistent with the combination of uses and the character of the area. Staff recommends approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Parking

Off-street parking and loading requirements must comply with the Dallas Development Code as amended for the approximately 9,038 square-foot existing building. The building is vacant. A calculation for required parking cannot be estimated without knowing the uses proposed for the entire building.

The 2,100 square-foot portion that is subject to the SUP, will require one parking space per 200 square feet. Hence 11 spaces will be required for the SUP portion. The property currently provides 58 parking spaces.

Landscaping

No new construction is proposed; therefore, no additional landscaping is required.

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 area of request is not within an identifiable MVA category; however, the area adjacent to the north is within category H, and the area further south is within category G.

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LIST OF OFFICERS

Emilia Rezaei Inc

Mehdi Rezaei – **President / Secretary**

CPC Action
January 21, 2021

Motion: It was moved to recommend **approval** of 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 to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Great Trinity Forest Way and Hillburn Drive.

Maker: Blair
Second: MacGregor
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Blair, Jung, Suhler, Schwope,
Murphy, Garcia, Rubin

Against: 0
Absent: 3 - Stinson, Jackson, Myers
Vacancy: 0

Notices: Area: 300 Mailed: 29
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Parvez Malik, 320 Decker Dr., Las
Colinas, TX, 75062
Against: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is for 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

CPC recommendation:

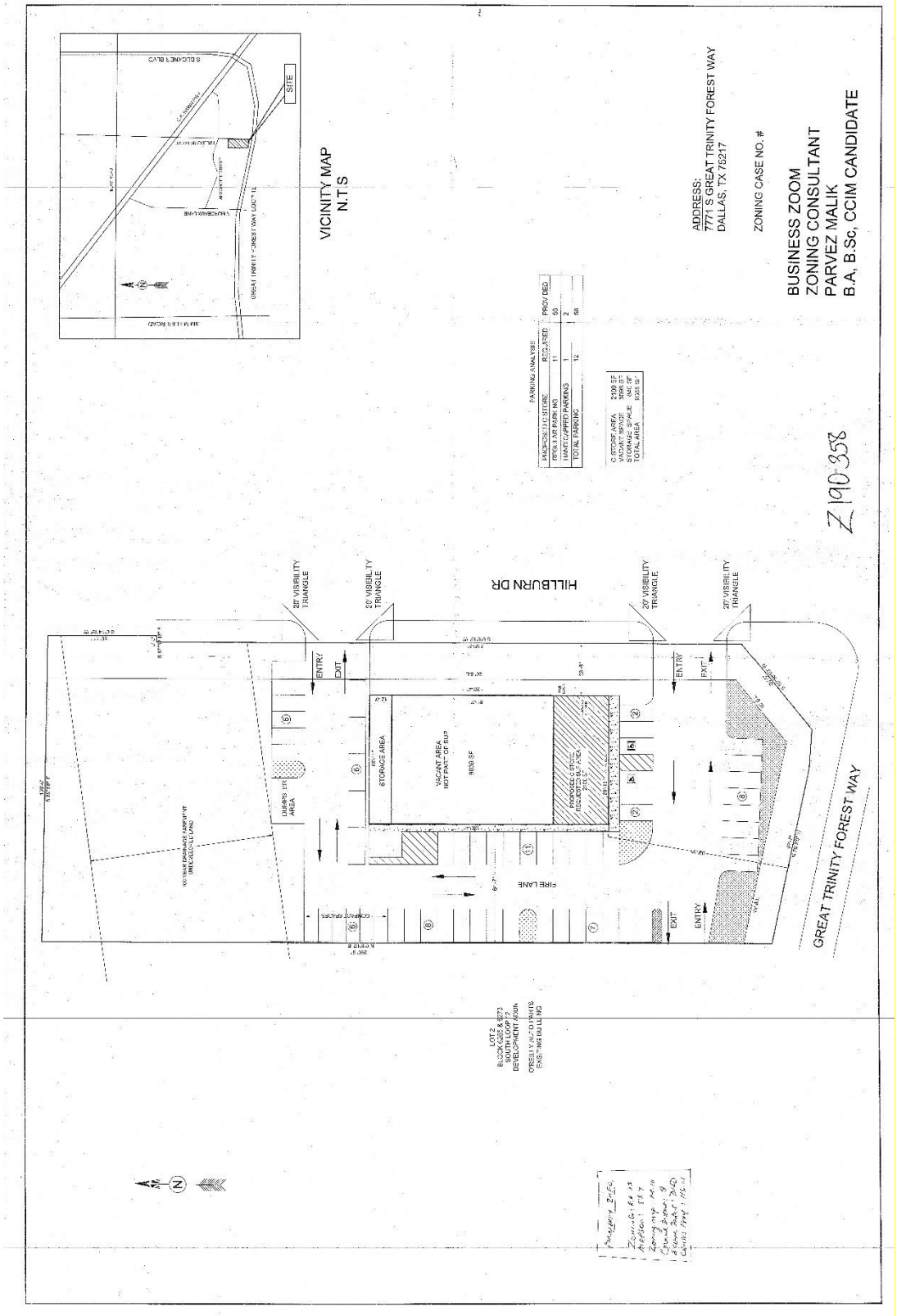
This specific use permit expires on _____ (two-year period from the passage of this ordinance)

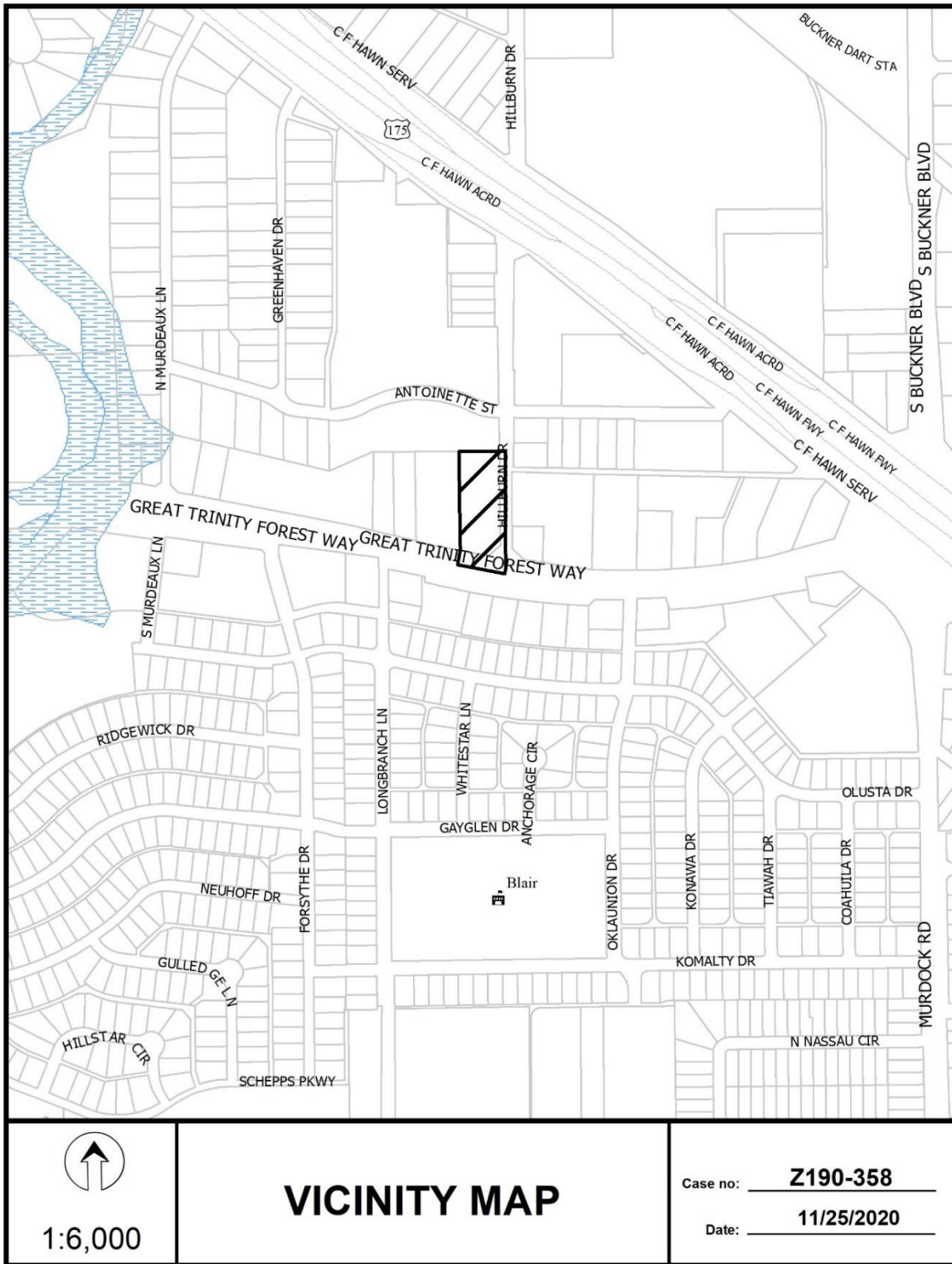
Staff recommendation:

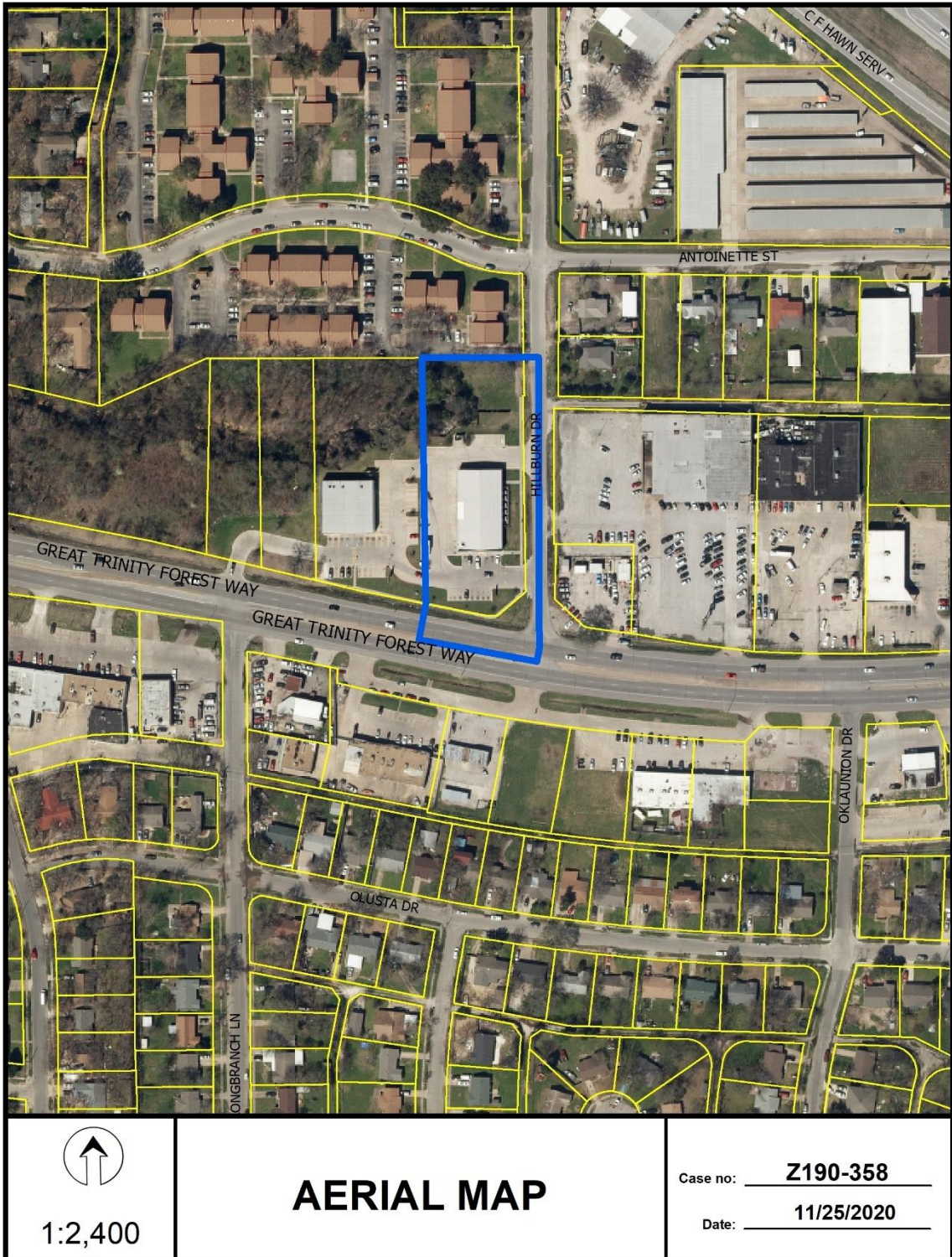
This specific use permit expires on _____ (two-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

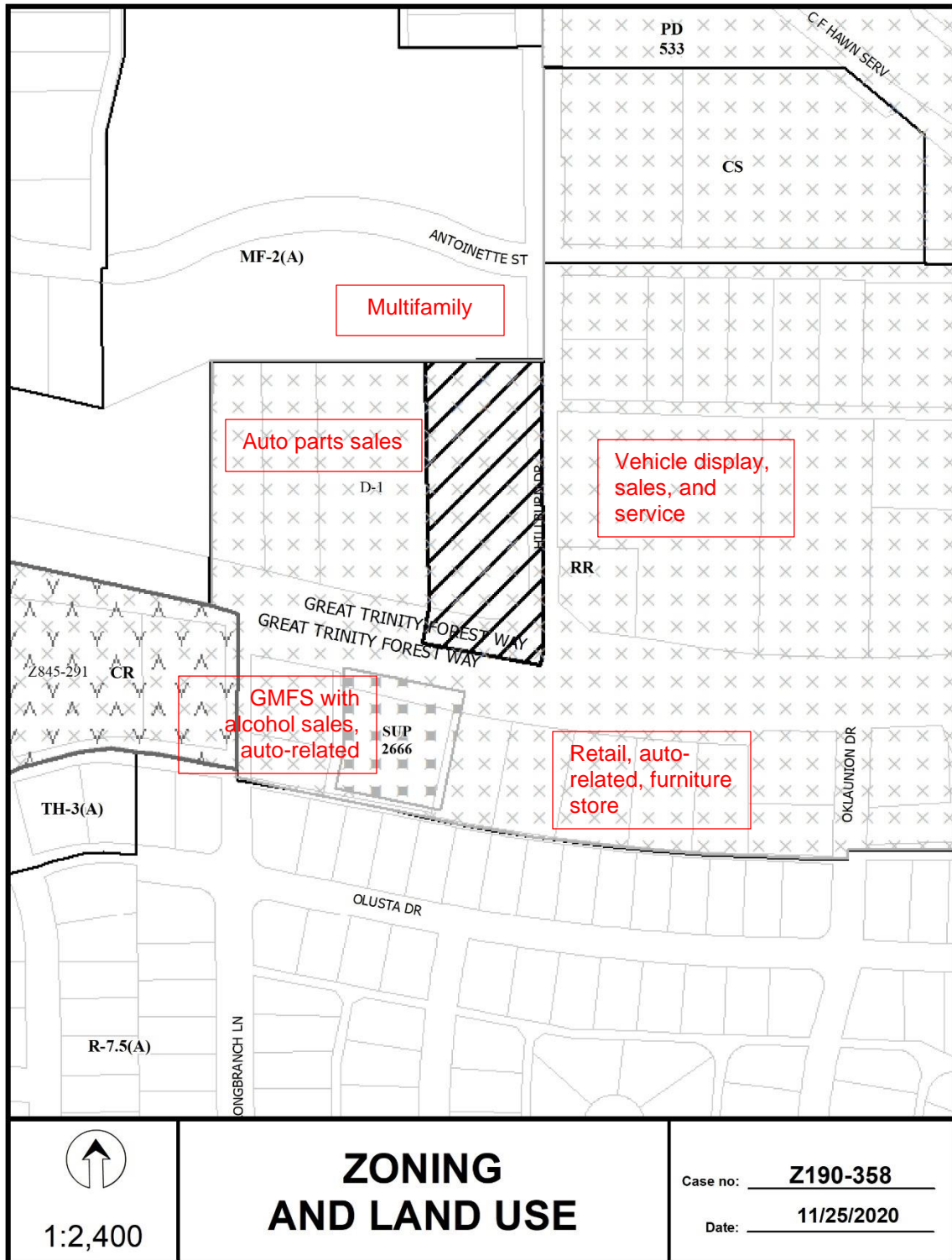
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

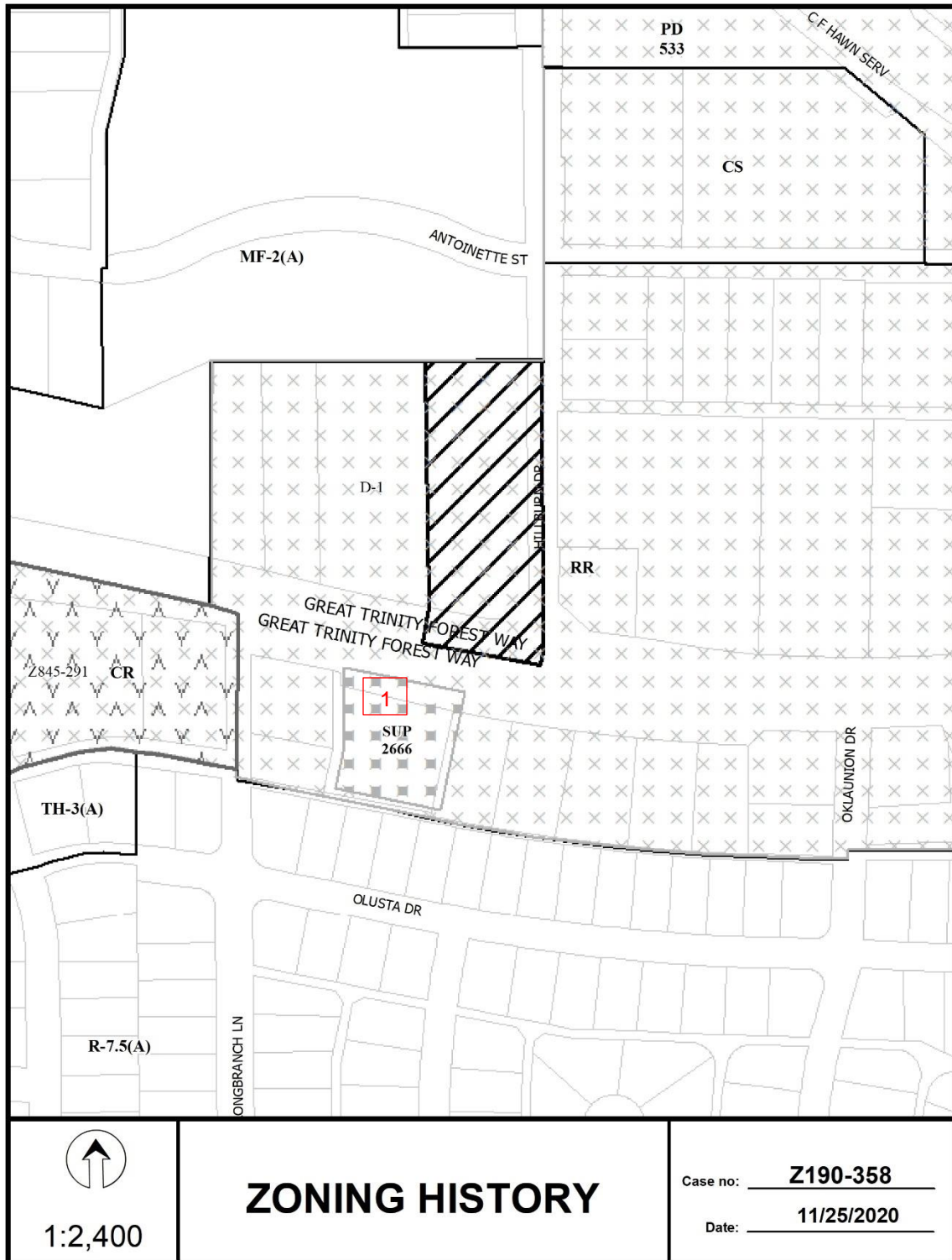
CPC RECOMMENDED SITE PLAN









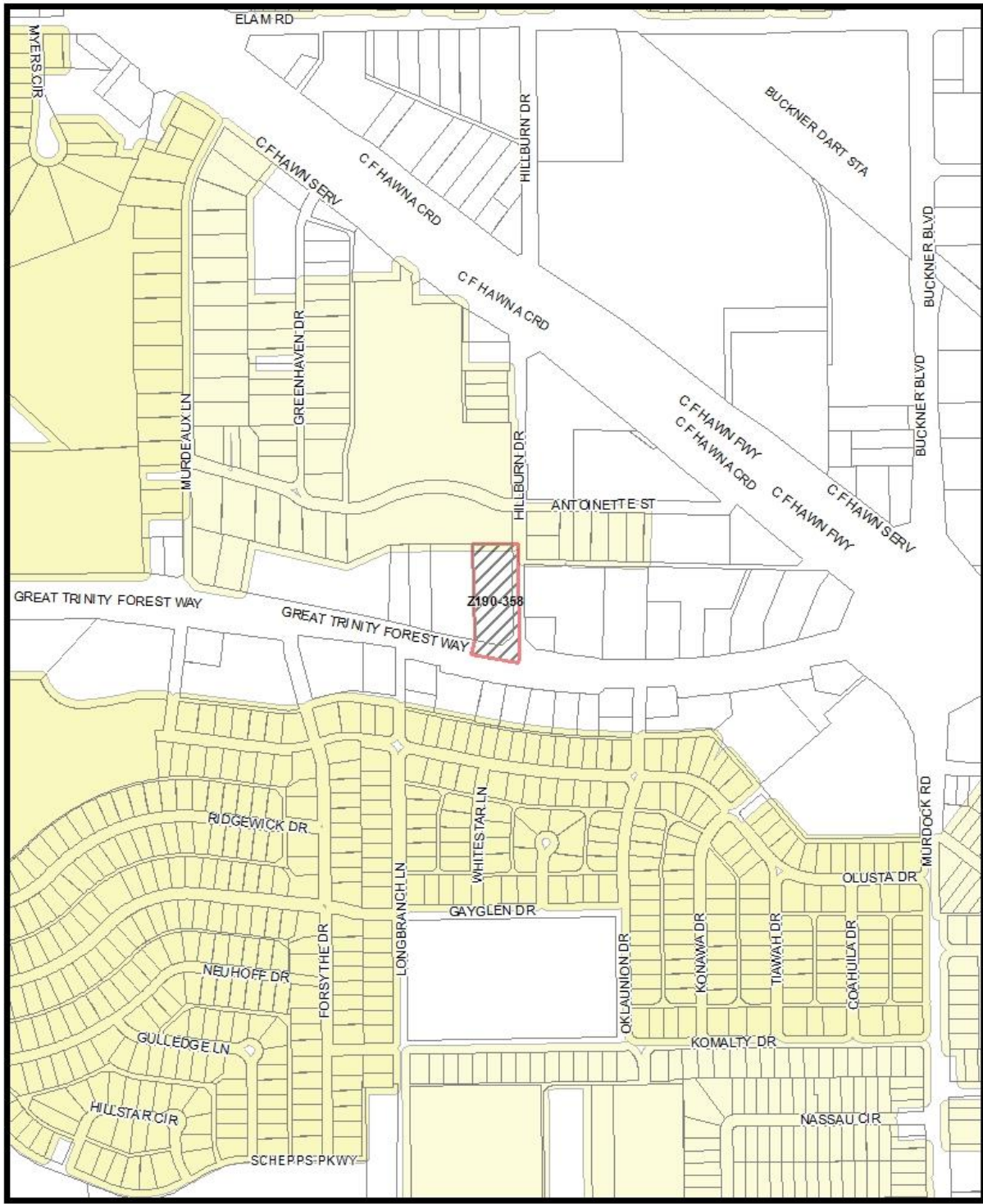


1:2,400

ZONING HISTORY

Case no: Z190-358

Date: 11/25/2020



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

1:6,000

Market Value Analysis

Printed Date: 11/25/2020

CPC RESPONSES



| | |
|-----------------|---------------------------------------|
| <u>29</u> | Property Owners Notified (31 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>300'</u> | Area of Notification |
| <u>1/7/2021</u> | Date |

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CPC



1:2,400

01/06/2021

Reply List of Property Owners**Z190-358****29 Property Owners Notified****0 Property Owners in Favor****0 Property Owners Opposed**

| Reply | Label # | Address | Owner |
|--------------|----------------|--------------------------|-------------------------------|
| 1 | 7771 | GREAT TRINITY FOREST WAY | 4GILL INVESTMENTS LLC |
| 2 | 7710 | GREAT TRINITY FOREST WAY | RAKAN B1 LLC |
| 3 | 7822 | GREAT TRINITY FOREST WAY | FREENEY EARNEST |
| 4 | 7810 | GREAT TRINITY FOREST WAY | SCM COMMERCIAL PROPERTIES LLC |
| 5 | 7740 | GREAT TRINITY FOREST WAY | SUPERB KAR WASH LLC |
| 6 | 7812 | GREAT TRINITY FOREST WAY | SCM COMMERCIAL PROPERTIES LLC |
| 7 | 7709 | OLUSTA DR | GARCIA MARCELINO |
| 8 | 7715 | OLUSTA DR | HERNANDEZ LUIS MANUEL |
| 9 | 7719 | OLUSTA DR | MEDINA JOHN E & |
| 10 | 7725 | OLUSTA DR | CORTES MARIA CONCEPTION & |
| 11 | 7729 | OLUSTA DR | MEDINA JESSE |
| 12 | 7803 | OLUSTA DR | LENOVITZ J MARSHALL |
| 13 | 7809 | OLUSTA DR | BARRIOS J CARMEN |
| 14 | 7815 | OLUSTA DR | SIAS EUGENIO |
| 15 | 7815 | GREAT TRINITY FOREST WAY | ALL STAR LEASING INC |
| 16 | 7841 | C F HAWN FWY | WRANGLER PROPERTIES LP |
| 17 | 7979 | C F HAWN FWY | HAWN FREEWAY SELF STORAGE LP |
| 18 | 150 | HILLBURN DR | ROJAS JOSE |
| 19 | 142 | HILLBURN DR | VALDEZ ELISEO |
| 20 | 7814 | ANTOINETTE ST | ANDRADE JOSE |
| 21 | 7818 | ANTOINETTE ST | BARRAZA MARY NANCY |
| 22 | 7826 | ANTOINETTE ST | PIEDRA INOCENTE EST OF |
| 23 | 7625 | ANTOINETTE ST | RAVEN BELLA VIDA LLC |
| 24 | 7625 | ANTOINETTE ST | RAVEN BELLA VIDA LLC |
| 25 | 7811 | GREAT TRINITY FOREST WAY | SHORT DAN & GERALDINE |
| 26 | 7741 | GREAT TRINITY FOREST WAY | MEDICAL SPACE DEVELOPERS LLC |

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01/06/2021

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-------------------------------|--------------------------------|
| | 27 | 7767 GREAT TRINITY FOREST WAY | LPP & A WESTERN LAND RESOURCES |
| | 28 | 110 LONGBRANCH LN | Taxpayer at |
| | 29 | 7728 GREAT TRINITY FOREST WAY | Taxpayer at |