

**FILE NUMBER:** Z190-154(CT)                      **DATE FILED:** December 10, 2019  
**LOCATION:** Southwest corner of Lawnview Avenue and Forney Road  
**COUNCIL DISTRICT:** 7                                      **MAPSCO:** 47 L  
**SIZE OF REQUEST:** Approx. 17,859.6 sq. ft.      **CENSUS TRACT:** 84

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**APPLICANT/  
REPRESENTATIVE:** BKPR Corporation, Bharat Rana, Sole Owner

**OWNER:** Lim Jwung Company, LP, Jun Ho Seo, Sole Owner

**REQUEST:** An application for the renewal of Specific Use Permit No. 1935 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-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store [M & J Food Store].

**CPC RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

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

**BACKGROUND INFORMATION:**

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less use within a multi-tenant retail development.
- The proposed request is to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property. The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- On January 25, 2012, City Council approved SUP No. 1935 for a two-year period.
- On January 8, 2014, City Council renewed SUP No. 1935 for a five-year period.
- On April 24, 2019, City Council renewed SUP No. 1935 for a one-year period.

**Zoning History:** There has been one recent zoning change in the area.

1. **Z145-313:** On November 10, 2015, the City Council denied an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
Lawnview Avenue	Collector	60 ft.
Forney Road	Collector	60 ft.

**Comprehensive Plan:** The *forwardDallas! 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.

**URBAN DESIGN ELEMENT**

**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:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D-1, SUP No. 1935	Retail uses
<b>North</b>	CR-D-1	Undeveloped
<b>Northeast</b>	CR-D-1	Office
<b>Southeast</b>	CR-D-1	Personal Service
<b>Southwest</b>	PD No. 323 (Area 1) w/ DR No. Z834-239	Machinery, heavy equip. or truck sales & service
<b>Northwest</b>	CR-D-1	Auto Service

**Land Use Compatibility:** The approximately 1,800-square-foot suite is currently developed with a general merchandise or food store within a multi-tenant retail development. The applicant’s request for the renewal of Specific Use Permit No. 1935 for the continued sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less will allow for the continued sale of the alcoholic beverages in an existing general merchandise store or food store. There have been no changes to the site plan and the site is currently in compliance with the approved site plan.

The surrounding land uses consist of offices to the northeast, across Lawnview Avenue; personal services abutting the site to the southeast; a machinery, heavy equipment or truck sales & service use abutting the site to the southwest; and an auto service center across Forney Road to the northwest.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

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 determined that the request site is in compliance with the requirements in Chapter 12B.

Council most recently approved the Specific Use Permit for a one-year period. This being the third renewal of the site and it is in compliance with Chapter 12B, staff supports the applicant's request for a two-year time period with eligibility for five-year automatic renewals. The initial two-year time period will allow the use to be reevaluated by City.

**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 within an “H” MVA cluster.

**Police:**

Staff obtained a report from the Dallas Police Department containing the incidents, calls, and arrests for the site’s address since the SUP was last renewed in April of 2019. The above incidents and calls are provided in the table below.

**Calls:**

<b>Incident Number</b>	<b>Response Date</b>	<b>Problem</b>	<b>Location Name</b>	<b>Address</b>
19-1188539	6/28/2019	40 - Other		4441 Lawnview Ave
19-1956162	10/16/2019	20 - Robbery	YUMMY DONUTS	4441 Lawnview Ave
19-2029458	10/26/2019	46 - CIT	MJ FOOD MART	4441 Lawnview Ave
20-0004160	1/1/2020	31 - Criminal Mischief	mj foodstore	4441 Lawnview Ave
20-0008989	1/2/2020	11B - Burg of Bus	YUMMY DONUTS	4441 Lawnview Ave

**Offense:**

<b>Off Incident</b>	<b>Premise</b>	<b>Address</b>	<b>Date</b>	<b>Year</b>	<b>Month</b>
CRIM MISCHIEF > OR EQUAL \$30K < \$150K	Gas or Service Station	4441 LAWNVIEW AVE	12/31/2019	2019	December
HARASSMENT OF PUBLIC SERVANT	Single Family Residence - Occupied	4441 LAWNVIEW AVE	6/2/2019	2019	June
BURGLARY OF BUILDING - FORCED ENTRY	Restaurant/Food Service/TABC Location	4441 LAWNVIEW AVE	12/31/2019	2019	December
ROBBERY OF INDIVIDUAL	Highway, Street, Alley ETC	4441 LAWNVIEW AVE	10/16/2019	2019	October

**Arrest:**

<b><u>Arrest Date</u></b>	<b><u>Arrest Time</u></b>	<b><u>Address</u></b>	<b><u>Charge Desc</u></b>
<u>6/2/2019</u>	<u>2:46:00 AM</u>	<u>4441 LAWNVIEW AVE</u>	<u>ASSAULT -FAMILY VIOLENCE - BODILY INJURY ONLY</u>
<u>6/2/2019</u>	<u>2:46:00 AM</u>	<u>4441 LAWNVIEW AVE</u>	<u>HARASSMENT OF PUBLIC SERVANT</u>
<u>10/26/2019</u>	<u>9:00:00 PM</u>	<u>4441 LAWNVIEW AVE</u>	<u>WARRANT HOLD (OUTSIDE AGENCY)</u>

Below are crime statistics from the previously approved SUP period.

**Calls:**

<b>Response Date</b>	<b>Response Time</b>	<b>Problem</b>	<b>Priority Description</b>	<b>Location Name</b>	<b>Address</b>
2/8/2013	0:16	12B - Business Alarm	3 - General Service	m and j foods	4441 Lawnview Ave
2/21/2013	23:24	12B - Business Alarm	3 - General Service	m and j foods	4441 Lawnview Ave
9/13/2013	22:09	41/09 - Theft - In Progress	1 - Emergency	M; & J FOOD STORE	4441 Lawnview Ave
9/22/2013	7:41	12B - Business Alarm	3 - General Service	M&J STORE	4441 Lawnview Ave

9/29/2013	9:26	12B - Business Alarm	3 - General Service	M & J STORE	4441 Lawnview Ave
12/20/2013	19:52	09 - Theft	4 - Non Critical	M AND J FOOD STORE	4441 Lawnview Ave
1/25/2014	17:52	43 - Road Rage	2 - Urgent	M & J FOOD STORE	4441 Lawnview Ave
1/26/2014	1:32	12B - Business Alarm	3 - General Service	M&J FOOD STORE	4441 Lawnview Ave
2/13/2014	14:18	20 - Robbery	2 - Urgent	m&j food store	4441 Lawnview Ave
3/2/2014	23:35	12B - Business Alarm	3 - General Service	M&J FOOD STORE	4441 Lawnview Ave
3/7/2014	14:45	07 - Minor Accident	3 - General Service	M & J FOOD STORE	4441 Lawnview Ave
7/24/2014	21:53	6X - Major Dist (Violence)	2 - Urgent	M; & J FOOD STORE	4441 Lawnview Ave
7/30/2014	8:50	24 - Abandoned Property	4 - Non Critical	M&J FOOD STORE	4441 Lawnview Ave
1/11/2015	15:50	6X - Major Dist (Violence)	2 - Urgent	M J FOOD STORE	4441 Lawnview Ave
3/8/2015	19:08	DAEF-Dist Armed Encounter Foot	1 - Emergency	M; & J FOOD STORE	4441 Lawnview Ave
7/17/2015	16:08	6XE - Disturbance Emergency	1 - Emergency	M&J FOODMART	4441 Lawnview Ave
8/17/2015	10:27	16 - Injured Person	3 - General Service	M; & J FOOD STORE	4441 Lawnview Ave
10/2/2015	23:10	12B - Business Alarm	3 - General Service	M & J FOOD STORE	4441 Lawnview Ave
12/17/2016	13:03	7X - Major Accident	2 - Urgent	M J FOODSTORE	4441 LAWNVIEW AVE
1/12/2017	19:30	11V - Burg Motor Veh	3 - General Service	MJ FOODSTORE	4441 Lawnview Ave

1/17/2017	11:19	PH - Panhandler	4 - Non Critical	m&j food store	4441 Lawnview Ave
5/9/2017	19:13	PH - Panhandler	4 - Non Critical	M AND J GAS STATION	4441 Lawnview Ave
5/22/2017	9:56	40 - Other	3 - General Service	food store	4441 Lawnview Ave
6/14/2017	9:13	40/01 - Other	2 - Urgent	M; & J FOOD STORE	4441 Lawnview Ave
6/19/2017	7:11	PH - Panhandler	4 - Non Critical	M&J FOOD STORE	4441 Lawnview Ave
6/23/2017	16:17	PH - Panhandler	4 - Non Critical	M & J FOOD STORE	4441 Lawnview Ave
7/13/2017	6:33	40 - Other	3 - General Service	M; & J FOOD STORE	4441 Lawnview Ave
8/21/2017	12:55	40 - Other	3 - General Service	M; & J FOOD STORE	4441 Lawnview Ave
9/10/2017	18:02	21B - Business Hold Up	2 - Urgent	M AND J FOOD STORE	4441 Lawnview Ave
9/28/2017	14:03	6X - Major Dist. (Violence)	2 - Urgent	M; & J FOOD STORE	4441 Lawnview Ave
11/24/2017	16:04	46 - CIT	2 - Urgent	M&J FOOD STORE	4441 LAWNVIEW AVE
12/1/2017	19:16	6X - Major Dist. (Violence)	2 - Urgent	M&J FOOD STORE	4441 Lawnview Ave
1/3/2018	22:15	40/01 - Other	2 - Urgent	M&J FOOD STORE	4441 Lawnview Ave
1/6/2018	19:03	40 - Other	3 - General Service	M & J FOOD STORE	4441 Lawnview Ave
1/10/2018	11:18	PH - Panhandler	4 - Non Critical	M J FOOD STORE	4441 Lawnview Ave
1/13/2018	19:41	6X - Major Dist. (Violence)	2 - Urgent	M J FOOD STORE	4441 Lawnview Ave
4/23/2018	12:43	PH - Panhandler	4 - Non Critical	M J FOOD STORE	4441 Lawnview Ave
5/2/2018	10:42	PH - Panhandler	4 - Non Critical	M J FOOD STORE	4441 Lawnview Ave
5/6/2018	8:44	PH - Panhandler	4 - Non Critical	M J FOOD STORE	4441 Lawnview Ave
5/7/2018	11:51	PH - Panhandler	4 - Non Critical	M J FOOD STORE	4441 Lawnview Ave



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5/10/2018	9:57	6X - Major Dist. (Violence)	2 - Urgent	M J FOOD STORE	4441 Lawnview Ave
6/9/2018	8:07	40 - Other	3 - General Service	M J FOOD STORE	4441 Lawnview Ave

**Incidents:**

Date	Time	Offense	Offense Description
2/13/2014	14:12	ROBBERY-BUSINESS	ROBBERY   COMM HSE, X-3,4,6   FIREARMS (HANDGUN ONLY)   0600-1800
10/2/2015	23:11	ALARM INCIDENT	ALARM INCIDENT
8/17/2015	10:15	ASSAULT	ASSAULT
7/17/2015	16:10	MISCELLANEOUS	MISCELLANEOUS
6/3/2015	8:00	CRIMINAL TRESPASS	MISCELANEOUS
7/13/2017	6:30	ASSAULT	ASSAULT
9/28/2017	14:00	VANDALISM & CRIM MISCHIEF	CRIMINAL MISCHIEF/VANDALISM
5/10/2018	9:45	MISCELLANEOUS	MISCELLANEOUS
1/3/2018	23:00	INJURED PUBLIC	ACCIDENTAL INJURY
12/12/2017	10:00	CRIMINAL TRESPASS	MISCELLANEOUS
12/8/2017	9:00	LOST	LOST PROPERTY
9/10/2017	18:20	ALARM INCIDENT	ALARM INCIDENT

**Arrest:**

None.

**CPC ACTION  
JUNE 18, 2020**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1935 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 with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned an CR-D-1 Community Retail District with D-1 Liquor Control Overlay, on the southwest corner of Lawnview Avenue and Forney Road.

Maker: Jackson  
Second: Stinson  
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Jackson, Blair, Jung,  
Housewright, Schultz, Schwope, Murphy,  
Garcia, Rubin

Against: 0  
Absent: 0  
Vacancy: 0

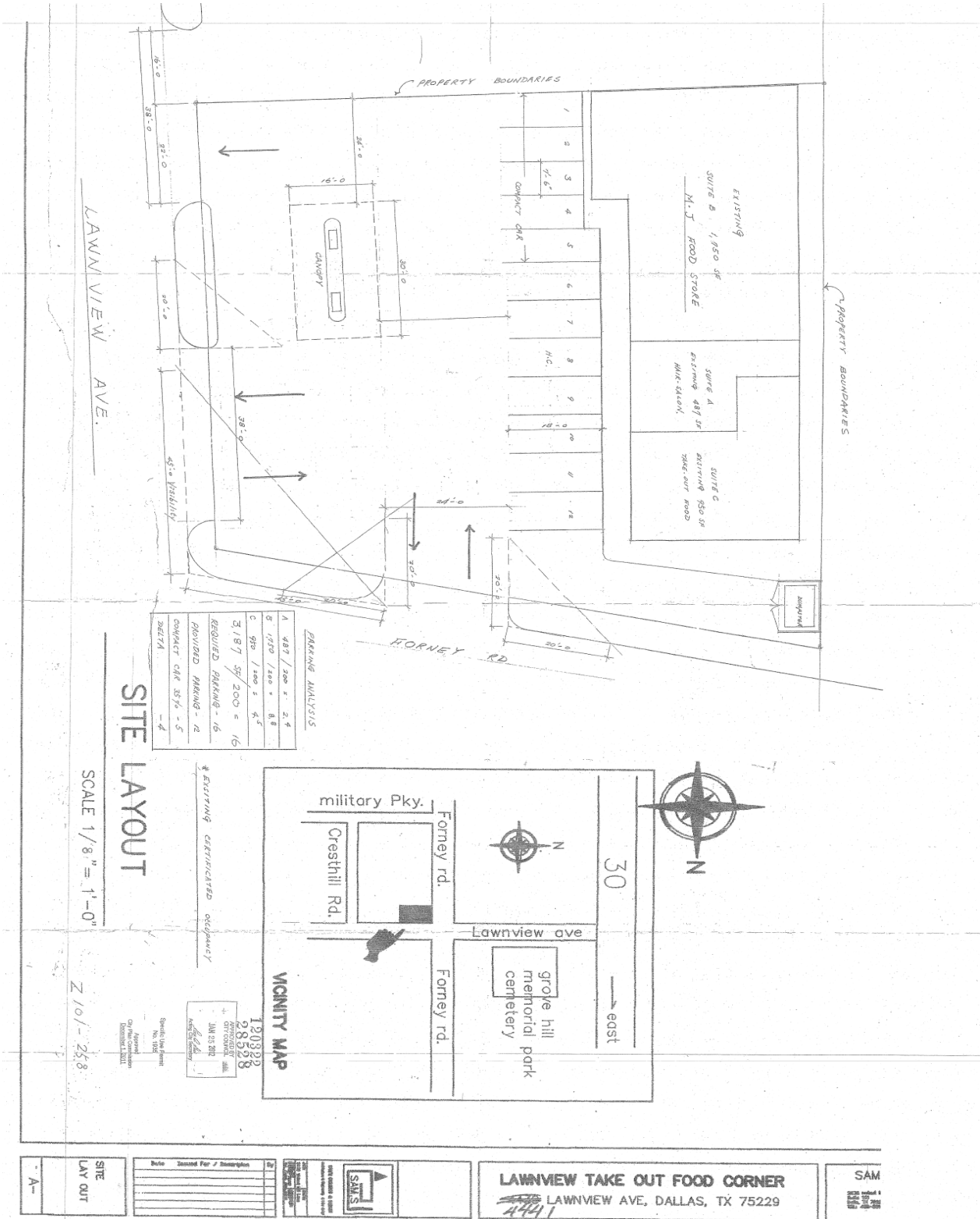
**Notices:** Area: 200                      Mailed: 15  
**Replies:** For: 2                              Against: 0

**Speakers:** None

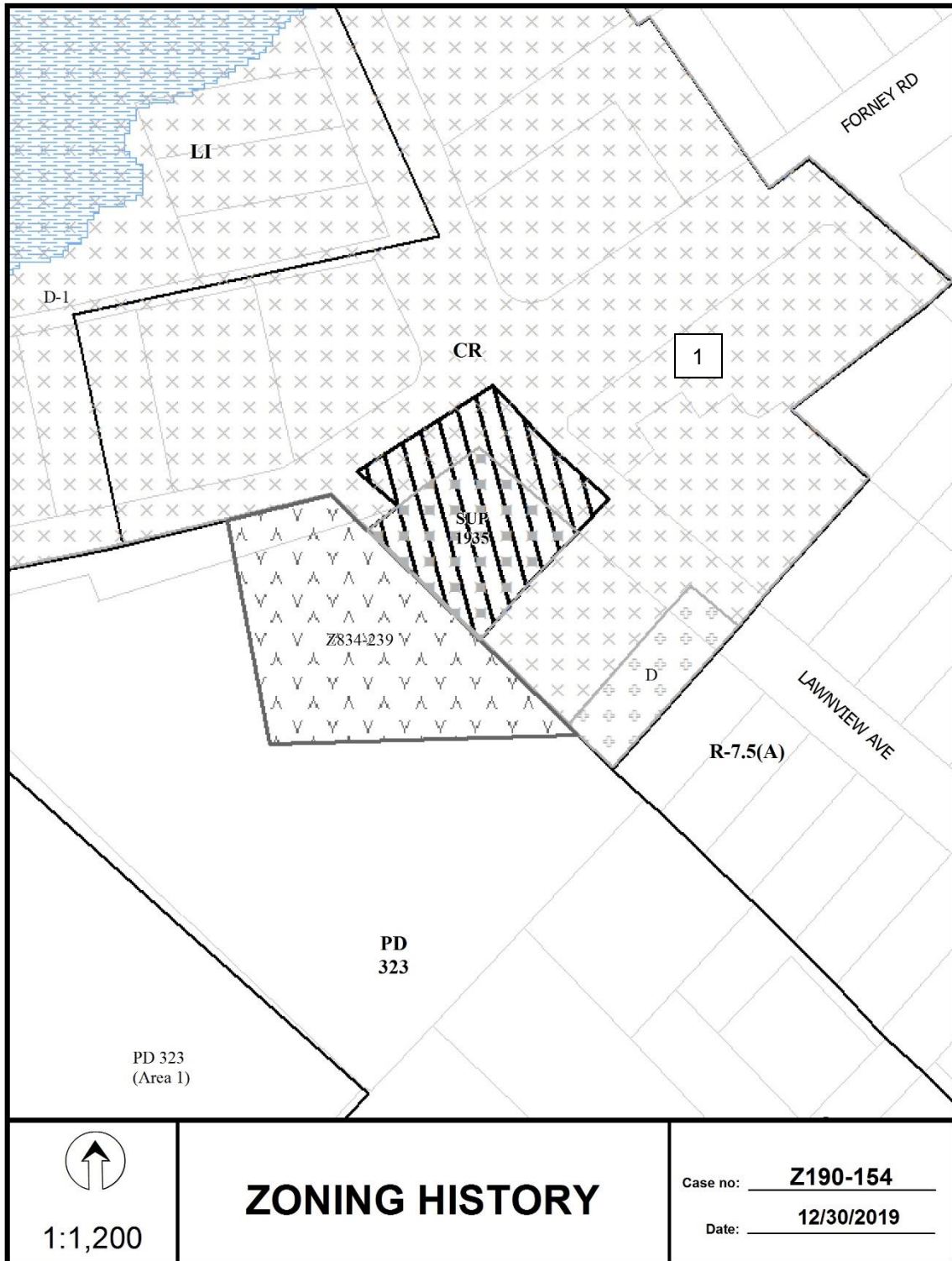
### CPC RECOMMENDED SUP CONDITIONS

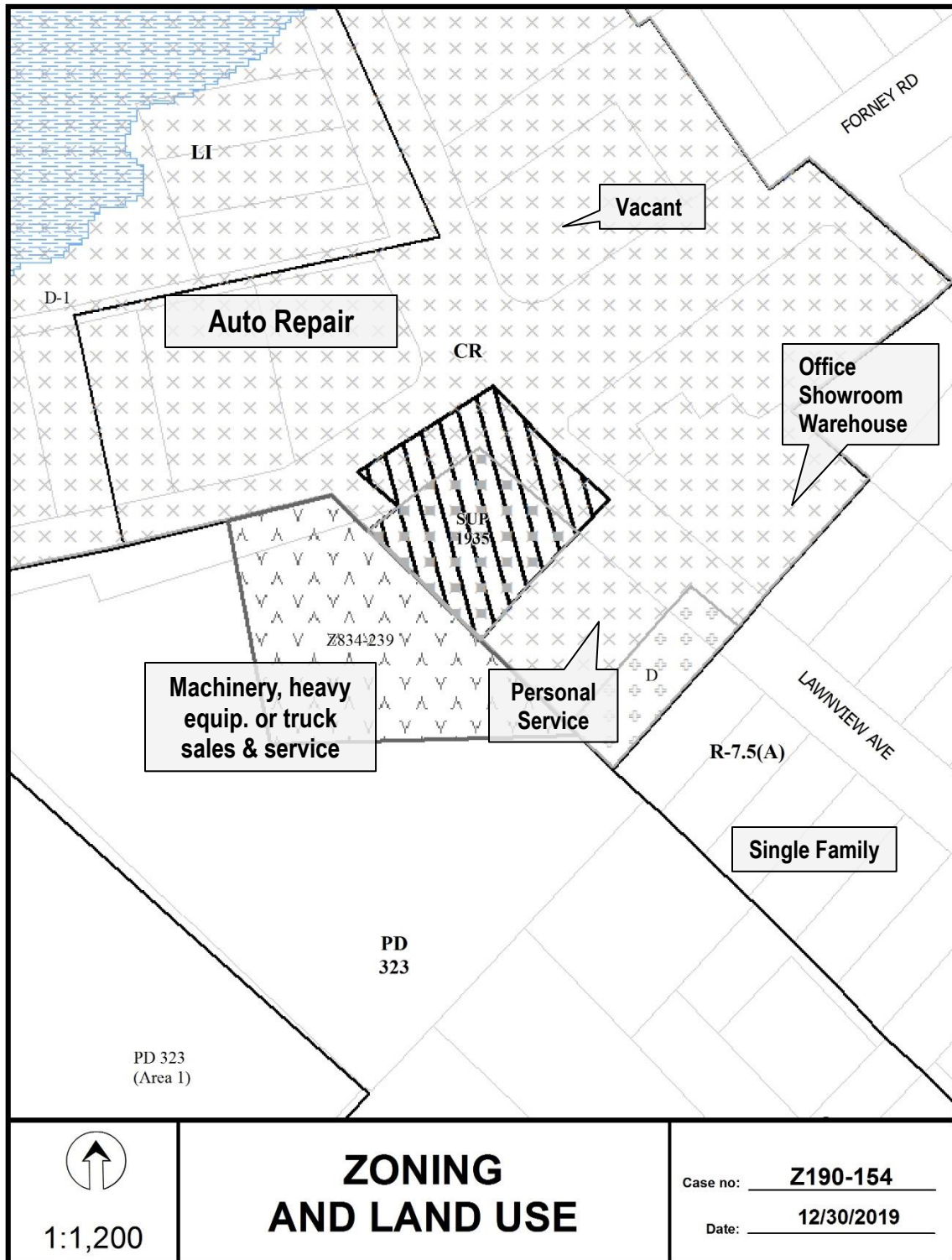
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~March 24, 2020~~ (two years), 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.

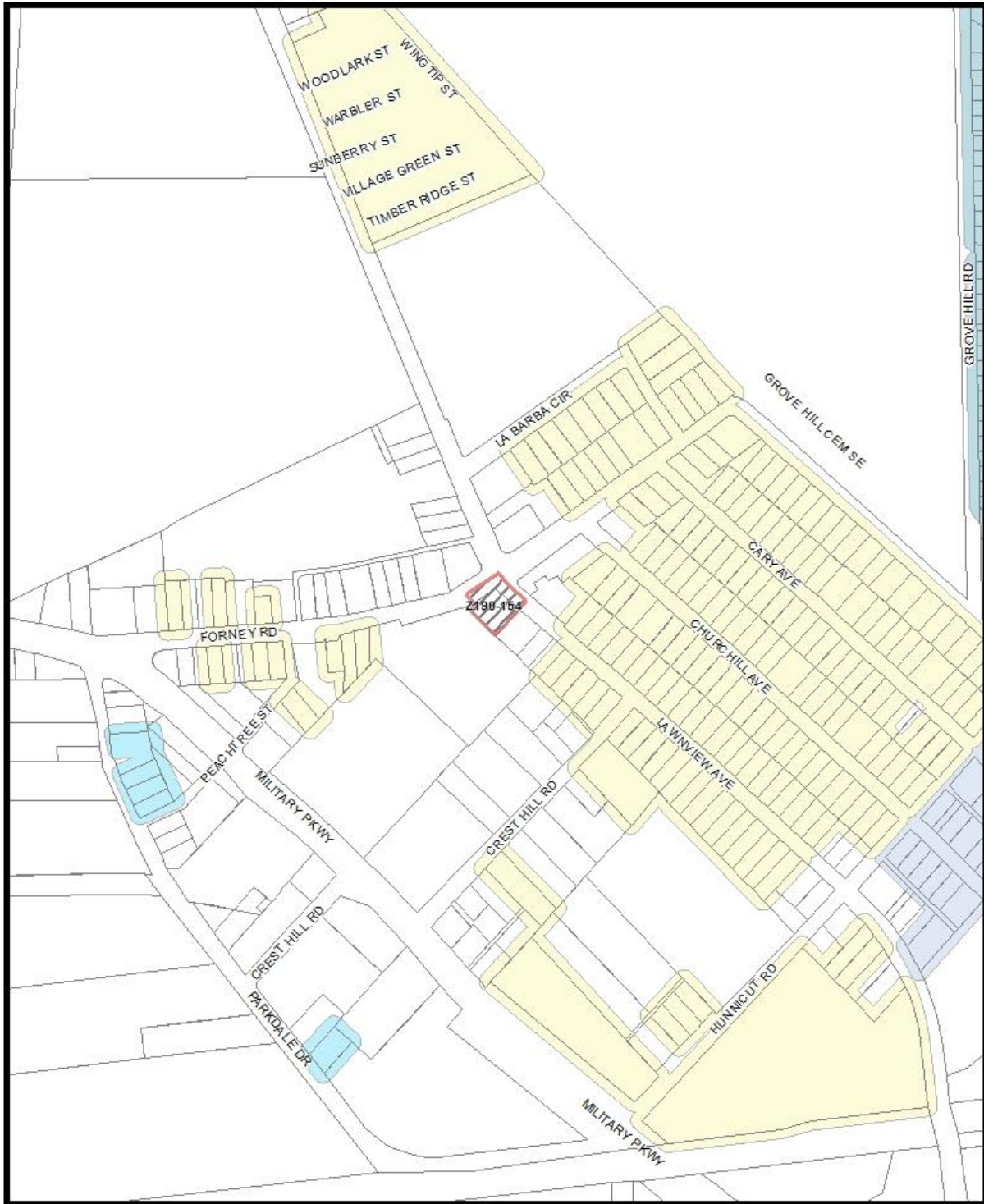
### EXISTING SUP SITE PLAN (No Changes Proposed)











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

1:4,800

# Market Value Analysis

Printed Date: 12/30/2019



**CPC RESPONSES**



<b>15</b>	Property Owners Notified (19 parcels)
<b>2</b>	Replies in Favor (4 parcels)
<b>0</b>	Replies in Opposition (0 parcels)
<b>200'</b>	Area of Notification
<b>6/18/2020</b>	Date

**Z190-154**  
**CPC**



1:1,200

06/17/2020

***Reply List of Property Owners***

***Z190-154***

***15 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>
	1	4441 LAWNVIEW AVE	LIMJUNG COMPANY LP
O	2	5431 FORNEY RD	ESCOBAR J ALEJANDRO &
	3	4511 LAWNVIEW AVE	VARGAS GUILLERMO
	4	4515 LAWNVIEW AVE	BLACK RICHARD &
	5	4525 LAWNVIEW AVE	BURRESCIA FAMILY REVO TRUST
	6	4063 CREST HILL RD	CRESTHILL ROAD COMPLEX LLC
	7	4431 LAWNVIEW AVE	OTTO IRIS
	8	4427 LAWNVIEW AVE	TVS210 INVESTMENTS LLC
	9	4424 LAWNVIEW AVE	PEREZ-GUARDADO OLGA L
	10	5610 CHURCHILL AVE	FAZ HECTOR &
	11	5511 FORNEY RD	MONTOYA CHRISTIAN A
	12	4540 LAWNVIEW AVE	SAM SURAJ LLC
	13	5420 FORNEY RD	HAUS PROPERTIES LLC
O	14	4442 LAWNVIEW AVE	ESCOBAR J ALEJANDRO & GLORIA M ESCOBAR
	15	4440 LAWNVIEW AVE	CLMTEXAS HOLDINGS LLC