

**FILE NUMBER:** Z190-357(JK)

**DATE FILED:** September 18, 2020

**LOCATION:** Southwest corner of Lake June Road and Holcomb Road

**COUNCIL DISTRICT:** 5

**MAPSCO:** 64 M

**SIZE OF REQUEST:** Approximately 0.43 acres

**CENSUS TRACT:** 92.02

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**REPRESENTATIVE:** Malik Law Firm

**APPLICANT/OWNER:** Deeyansai Enterprise Inc.

**REQUEST:** An application for the renewal of Specific Use Permit No. 2365 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 CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the sale of alcoholic beverages for off premises consumption in conjunction with an existing general merchandise or food store (Texaco).

**CPC RECOMMENDATION:** Approval for a two-year period, 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 zoned a CR-D1 Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a 2,800 square feet general merchandise or food store and a motor vehicle fueling station. The general merchandise use and motor fueling station are permitted by right in the CR Community Retail District. The sale of alcoholic beverages requires a specific use permit if located within the D-1 Liquor Control Overlay.
- On June 22, 2011 the City Council approved Specific Use Permit No. 1867 for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for two years with eligibility for automatic renewals for additional five-year periods for the subject site.
- On June 26, 2013 the City Council approved the renewal of the SUP for a two-year period with eligibility for automatic renewals for additional five-year periods. The applicant did not submit an application to begin the automatic renewal process or to renew the Specific Use Permit within the required time frame. Specific Use Permit No. 1867 expired on June 26, 2018.
- On February 26, 2020, City Council approved Specific Use Permit No. 2365 for the sale of alcoholic beverages in conjunction with a general merchandise store of food 3,500 square feet or less for a one-year period.

### **Zoning History**

There have been four zoning cases in the surrounding area in the past five years including the area of request.

1. **Z189-367** On February 26, 2020, City Council approved Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. **Z178-378** On May 8, 2019, the City Council approved the renewal of Specific Use Permit No. 1871 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, on property zoned an CR-D-1 Community Retail District with a D-1 Liquor Control Overlay located on the northeast corner of Lake June Road and Holcomb Road.
3. **Z178-360** On November 28, 2018, an automatic renewal was approved for Specific Use Permit No. 1932 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use, for an additional five-year period, on property zoned an CR Community Retail District

with a D-1 Liquor Control Overlay located on the north line of Lake June Road, west of Holcomb Road.

4. **Z178-168** On February 13, 2018, an automatic renewal was approved for Specific Use Permit No. 1866 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use, for an additional five-year period, on property zoned an CR Community Retail District with a D-1 Liquor Control Overlay located on the southeast corner of Lake June Road and Holcomb Road.

### **Thoroughfares/Streets**

Thoroughfare/Street	Type	Existing/Proposed ROW
Lake June Road	Principal Aerial	100'
Holcomb Road	Local	-

### **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 fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request is consistent with the following Plan recommendations.

#### **Land Use Element:**

**GOAL 1.1** ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

**Policy 1.1.5** Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

**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 with D-1 overlay, with SUP No. 2365	General merchandise store and fueling station
<b>North</b>	RR with D overlay	Auto related uses
<b>East</b>	CR with D-1 overlay, and SUP No. 1866	Sale of alcoholic beverages in conjunction with general merchandise or food store 3,500 square feet or less
<b>South</b>	R-7.5(A)	Single Family
<b>West</b>	CR with D overlay	Retail, personal services

**Land Use Compatibility**

The site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station.

The surrounding land uses consist of a variety of auto related uses, retail and personal services, and fueling stations with convenience stores along Lake June Road. South of the request site is a single-family neighborhood.

Further northwest along Lake June Road, there is a church. Chapter 6 of the City Code for alcoholic beverages establishments specifies that no person may sell alcoholic beverages if the place of business is within 300 feet of a church. The measurement of the distance between the place of business where alcoholic beverages are sold and a church will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The applicant submitted a distance survey that shows that the site is more than 300 feet from the church property.

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

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 applicant obtained their recent certificate of occupancy in March 2020.

Considering the location of the area of request on a corner between two major streets, the surrounding uses that are similar or complementary to the proposed use, the fact that the request site had an SUP for this same use before, and the proposed SUP Conditions that include a specific timeframe to allow staff to continue the periodical review of compliance, staff supports the applicant's request for an Specific Use Permit for alcohol sales in conjunction with a convenience store.

### **Parking**

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. The development requires 16 spaces with 16 being provided per the attached site plan.

### **Landscaping**

Landscaping will in accordance to the landscaping requirements in Article X, 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. (A through C) to orange, representing the weakest markets (G through I). While the subject site is uncategorized, properties located to the south and north are within Category H.

### **Dallas Police Department**

Staff requested a report of site related crime statics for the time period since the previous renewal of Specific Use Permit No. 2365 to date. The list of reported crime obtained incidents calls arrest from date and is provided below.

### **INCIDENTS**

OffIncident	Premise	Address	NIBRS_CrimeAgainst
CRIM MISCHIEF >OR EQUAL \$750 < \$2,500	Convenience Store	8470 LAKE JUNE RD	PROPERTY
POSS MARIJUANA <2OZ	Highway, Street, Alley ETC	8470 LAKE JUNE RD	SOCIETY
BMV	Parking (Business)	8470 LAKE JUNE RD	PROPERTY
POSS CONT SUB PEN GRP 1 <1G	Other	8470 LAKE JUNE RD	SOCIETY
POSS CONT SUB PEN GRP 1 <1G	Gas or Service Station	8470 LAKE JUNE RD	SOCIETY
ROBBERY OF INDIVIDUAL (AGG)	Highway, Street, Alley ETC	8470 LAKE JUNE RD	PROPERTY
ASSAULT (AGG) -DISCH FIREARM OCC BLDG/HOUSE/VEH (AGG)	Gas or Service Station	8470 LAKE JUNE RD	PERSON
FAIL TO ID -GIVING FALSE/FICTITIOUS INFO PC 38.02(c)(2)	Highway, Street, Alley ETC	8470 LAKE JUNE RD	PROPERTY
ROBBERY OF INDIVIDUAL (AGG)	Gas or Service Station	8470 LAKE JUNE RD	PROPERTY
UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Convenience Store	8470 LAKE JUNE RD	PROPERTY
ASSAULT (AGG) -DISCH FIREARM OCC BLDG/HOUSE/VEH (AGG)	Gas or Service Station	8470 LAKE JUNE RD	PERSON
CRIM MISCHIEF > OR EQUAL \$2,500 < \$30K	Gas or Service Station	8470 LAKE JUNE RD	PROPERTY
UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	Convenience Store	8470 LAKE JUNE RD	PROPERTY

### **ARRESTS**

ArLAddress	NIBRS_Crime	ChargeDesc
8470 LAKE JUNE RD	ALL OTHER LARCENY	THEFT OF PROP <\$2,500 2+PREV CONV (NOT SHOPLIFT) PC31.03 (e4D)
8470 LAKE JUNE RD	TRESPASS OF REAL PROPERTY	CRIMINAL TRESPASS
8470 LAKE JUNE RD	DRUG/ NARCOTIC VIOLATIONS	POSS MARIJUANA <2OZ
8470 LAKE JUNE RD	FALSE PRETENSES/ SWINDLE/ CONFIDENCE GAME	FAIL TO ID -GIVING FALSE/FICTITIOUS INFO PC 38.02(c)(2)
8470 LAKE JUNE RD	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 1 <1G
8470 LAKE JUNE RD	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
8470 LAKE JUNE RD	DISORDERLY CONDUCT	OBSTRUCT HIGHWAY PASSAGEWAY
8470 LAKE JUNE RD	TRAFFIC VIOLATION - NON HAZARDOUS	TRAF VIO -DRIV W/OUT LIC INV W/PREV CONV/SUSP/W/O FIN RES
8470 LAKE JUNE RD	WARRANT-DALLAS PD (ALIAS)	WARRANT-DALLAS PD (ALIAS)
8470 LAKE JUNE RD	THEFT FROM MOTOR VEHICLE	BMV
8470 LAKE JUNE RD	ALL OTHER OFFENSES	OTHER OFFENSE - MISDEMEANOR
8470 LAKE JUNE RD	THEFT FROM MOTOR VEHICLE	BMV
8470 LAKE JUNE RD	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 1 <1G
8470 LAKE JUNE RD	ALL OTHER OFFENSES	OTHER OFFENSE - MISDEMEANOR
8470 LAKE JUNE RD	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 1 <1G

**CALLS**

Response_Date	Response_Time	Problem	Location_Name	Address
11/19/2019	7:02:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
5/27/2019	8:16:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 LAKE JUNE RD
12/4/2019	12:07:00 AM	21B - Business Hold Up	TEXACO   (lake june & holcomb)	8470 Lake June Rd
10/10/2019	5:34:00 PM	OADS - Open Air Drug Sales	TEXACO   (lake june & holcomb)	8470 Lake June Rd
2/10/2020	5:52:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
5/19/2020	4:22:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
6/9/2020	7:56:00 PM	40/01 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
8/5/2020	2:56:00 AM	20 - Robbery	TEXACO   (lake june & holcomb)	8470 Lake June Rd
5/30/2019	6:05:00 PM	07 - Minor Accident	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/9/2019	10:54:00 AM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/9/2019	10:54:00 AM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/9/2019	1:00:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
8/18/2020	7:56:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
2/6/2019	2:06:00 AM	40/01 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
9/22/2019	12:30:00 PM	04 - 911 Hang Up	TEXACO   (lake june & holcomb)	8470 Lake June Rd
9/15/2020	4:47:00 PM	6XE - Disturbance Emergency	METRO PCS	8470 Lake June Rd
10/31/2019	5:38:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
6/6/2020	9:12:00 PM	12B - Business Alarm	METRO PCS	8470 Lake June Rd
11/20/2020	9:12:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/5/2019	2:24:00 PM	11V - Burg Motor Veh	METRO PCS	8470 LAKE JUNE RD
12/11/2019	6:06:00 PM	20 - Robbery	TEXACO   (lake june & holcomb)	8470 Lake June Rd
12/11/2019	11:54:00 PM	40/01 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
2/14/2019	1:59:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
1/24/2020	12:08:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
6/8/2020	10:30:00 PM	09V-01 UUMV Just Ocrd	TEXACO   (lake june & holcomb)	8470 Lake June Rd
12/11/2019	5:14:00 AM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/24/2019	12:49:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
3/10/2020	9:15:00 PM	16 - Injured Person	TEXACO   (lake june & holcomb)	8470 Lake June Rd
10/1/2019	1:03:00 PM	40/01 - Other	TEXACO	8470 Lake June Rd
10/1/2019	4:00:00 PM	40 - Other	TEXACO	8470 LAKE JUNE RD
7/10/2020	8:57:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
9/20/2020	9:48:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
6/18/2019	3:44:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
8/21/2020	12:25:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
4/18/2020	3:43:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
4/27/2020	8:06:00 AM	22A - Animal Attack	TEXACO   (lake june & holcomb)	8470 Lake June Rd
6/25/2020	5:47:00 AM	09V-01 UUMV Just Ocrd	TEXACO   (lake june & holcomb)	8470 LAKE JUNE RD
11/19/2019	7:11:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
8/29/2019	2:06:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
8/19/2019	9:45:00 AM	11V - Burg Motor Veh	TEXACO   (lake june & holcomb)	8470 Lake June Rd
8/22/2019	1:43:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
12/2/2019	4:55:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
4/11/2020	12:21:00 AM	DASV-Dist Active Shooter Veh	TEXACO   (lake june & holcomb)	8470 Lake June Rd
9/8/2019	11:39:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
10/2/2019	1:17:00 PM	40 - Other	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/21/2020	3:43:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
5/27/2019	10:52:00 AM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
1/31/2020	4:41:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
12/18/2019	9:17:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/3/2020	3:50:00 PM	40 - Other	METRO PCS	8470 Lake June Rd
12/23/2019	12:06:00 AM	20 - Robbery	TEXACO   (lake june & holcomb)	8470 Lake June Rd
6/2/2019	6:10:00 PM	34 - Suicide	TEXACO   (lake june & holcomb)	8470 Lake June Rd
7/31/2020	5:21:00 PM	6X - Major Dist (Violence)	TEXACO   (lake june & holcomb)	8470 Lake June Rd

Z190-357(JK)

**List of Officers**

**Deeyana-Sai Enterprise Inc.**

Umesh Shrestha President/Secretary



**CPC ACTION**

**JANUARY 7, 2021**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2365 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 conditions on property zoned an CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the southwest corner of Lake June Road and Holcomb Road.

Maker: Shidid  
Second: Blair  
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,  
Shidid, Carpenter, Blair, Jung, Suhler,  
Schwope, Murphy, Garcia, Rubin

Against: 0  
Absent: 2 - Jackson, Myers  
Vacancy: 0

<b>Notices:</b>	Area: 200	Mailed: 25
<b>Replies:</b>	For: 0	Against: 0

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

**CPC RECOMMENDED SUP CONDITIONS**

1. USE: The only use allowed by this specific use permit is the sale of alcoholic beverages for off premises consumption with a general merchandise or food store 3,500 square feet or less.

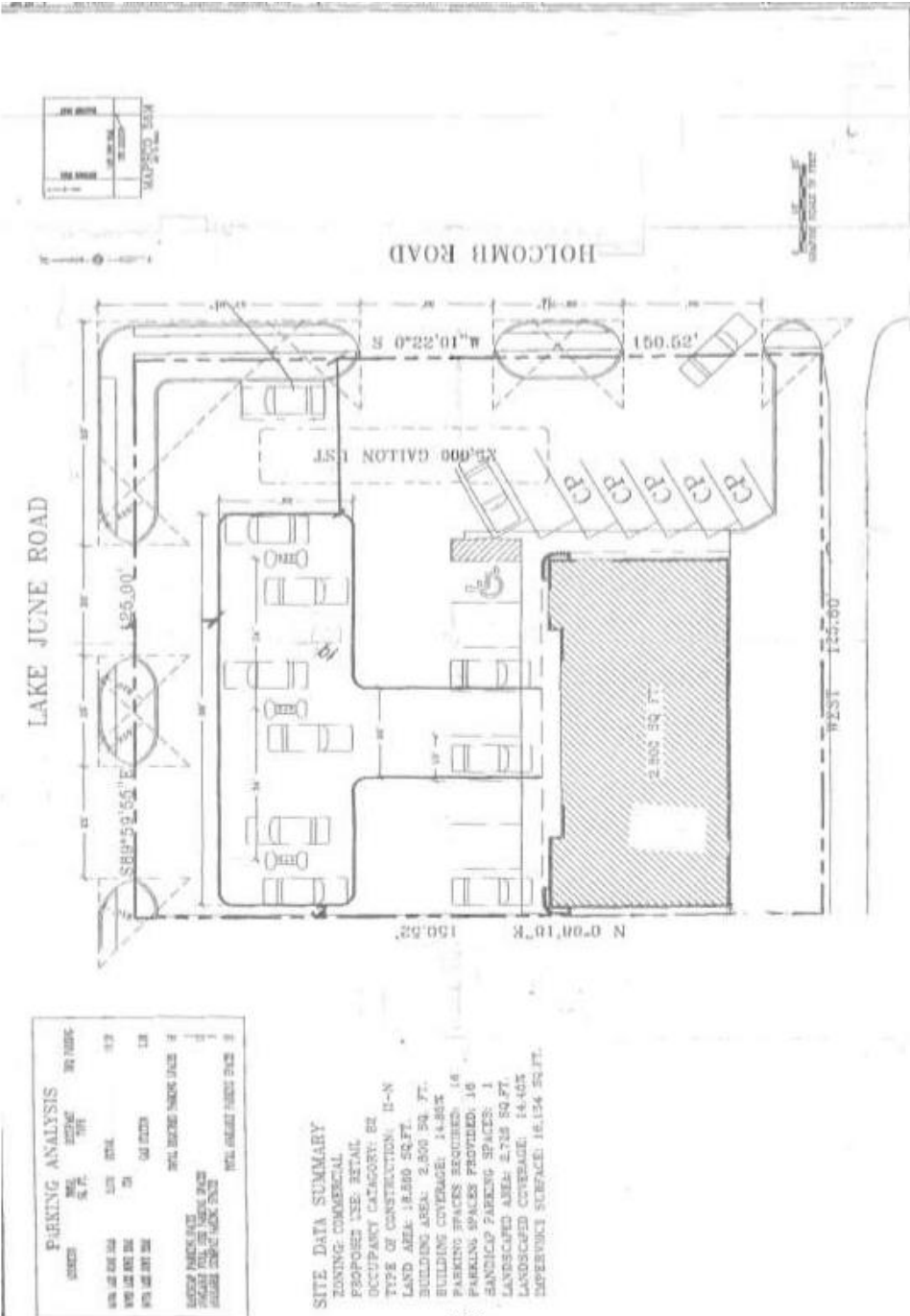
**CPC Recommendation:**

2. TIME LIMIT: This specific use permit expires on ~~February 26, 2021~~ (two-year period from the passage of this ordinance).

**Staff's recommendation:**

2. TIME LIMIT: This specific use permit expires on ~~February 26, 2021~~ (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).
3. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
4. 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.

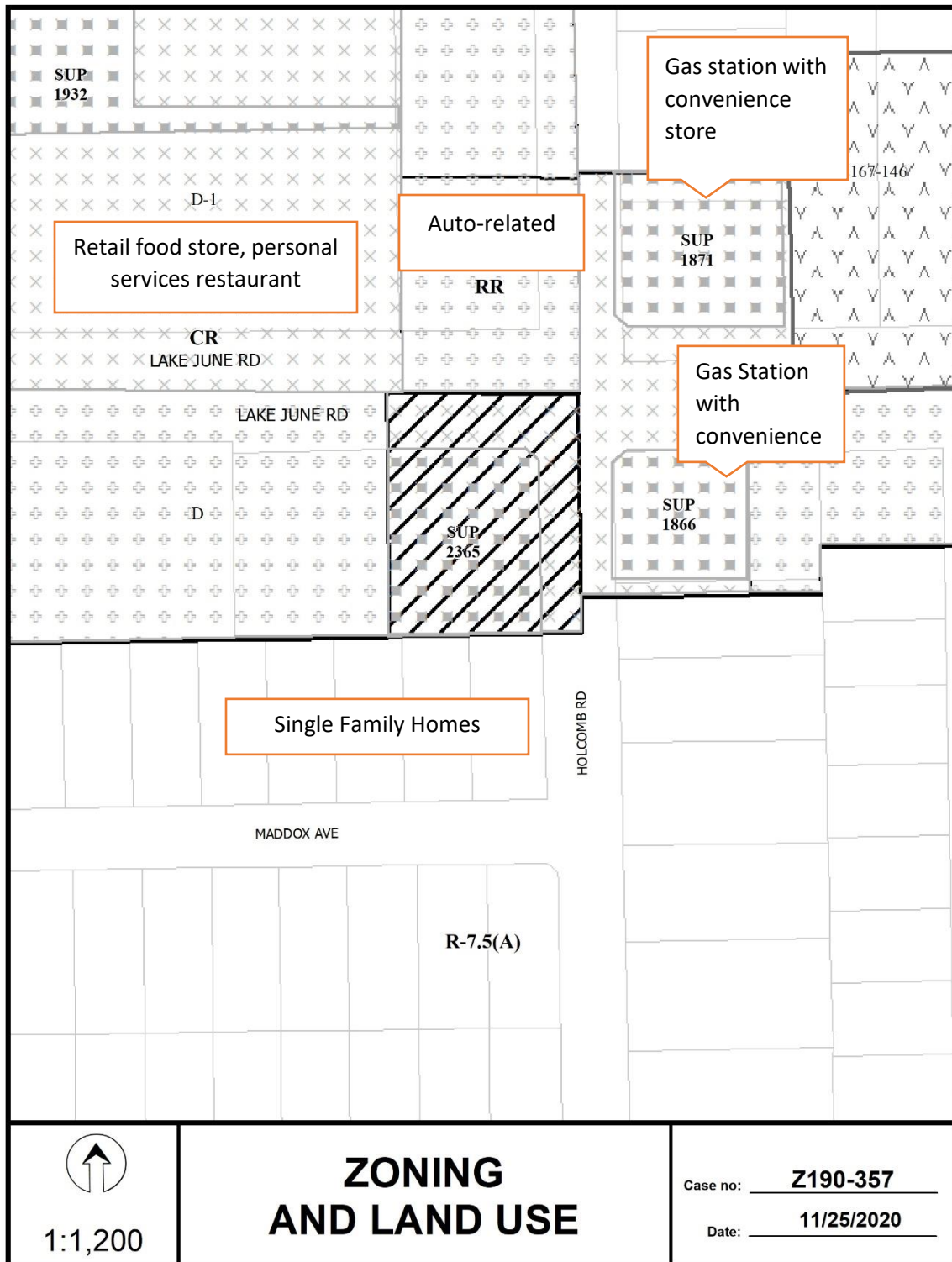
EXISTING SITE PLAN (no changes)

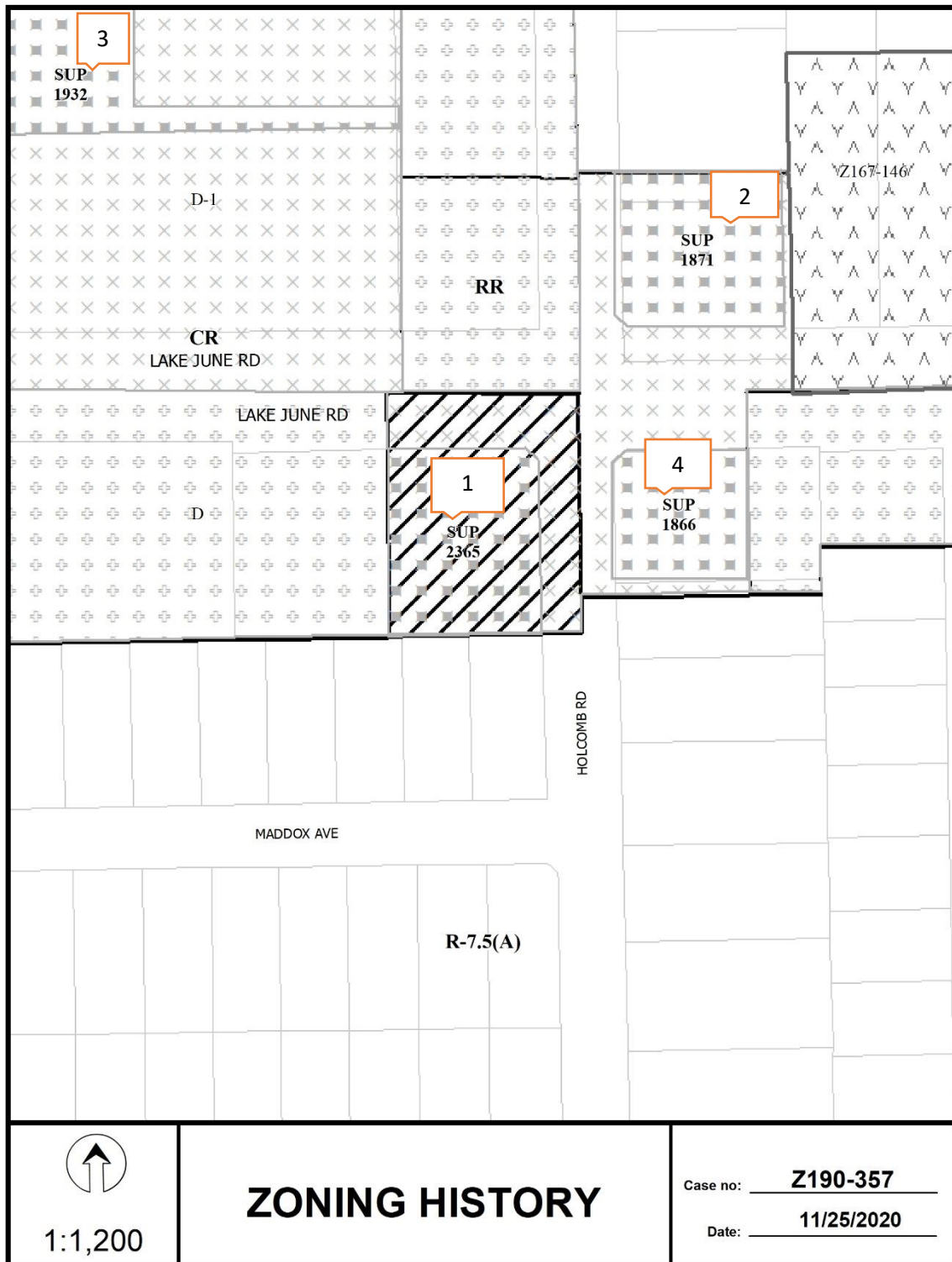


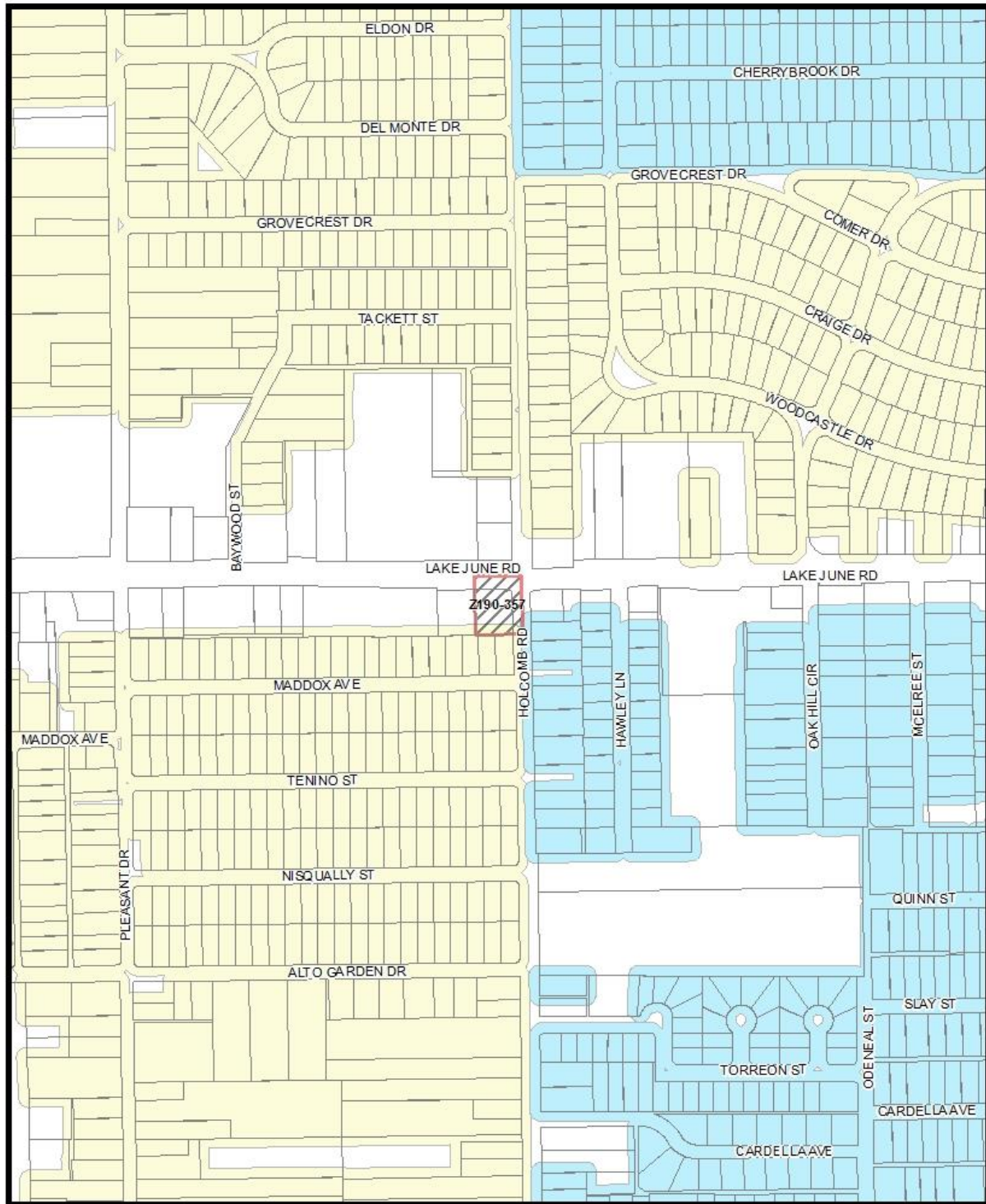












Market Value Analysis

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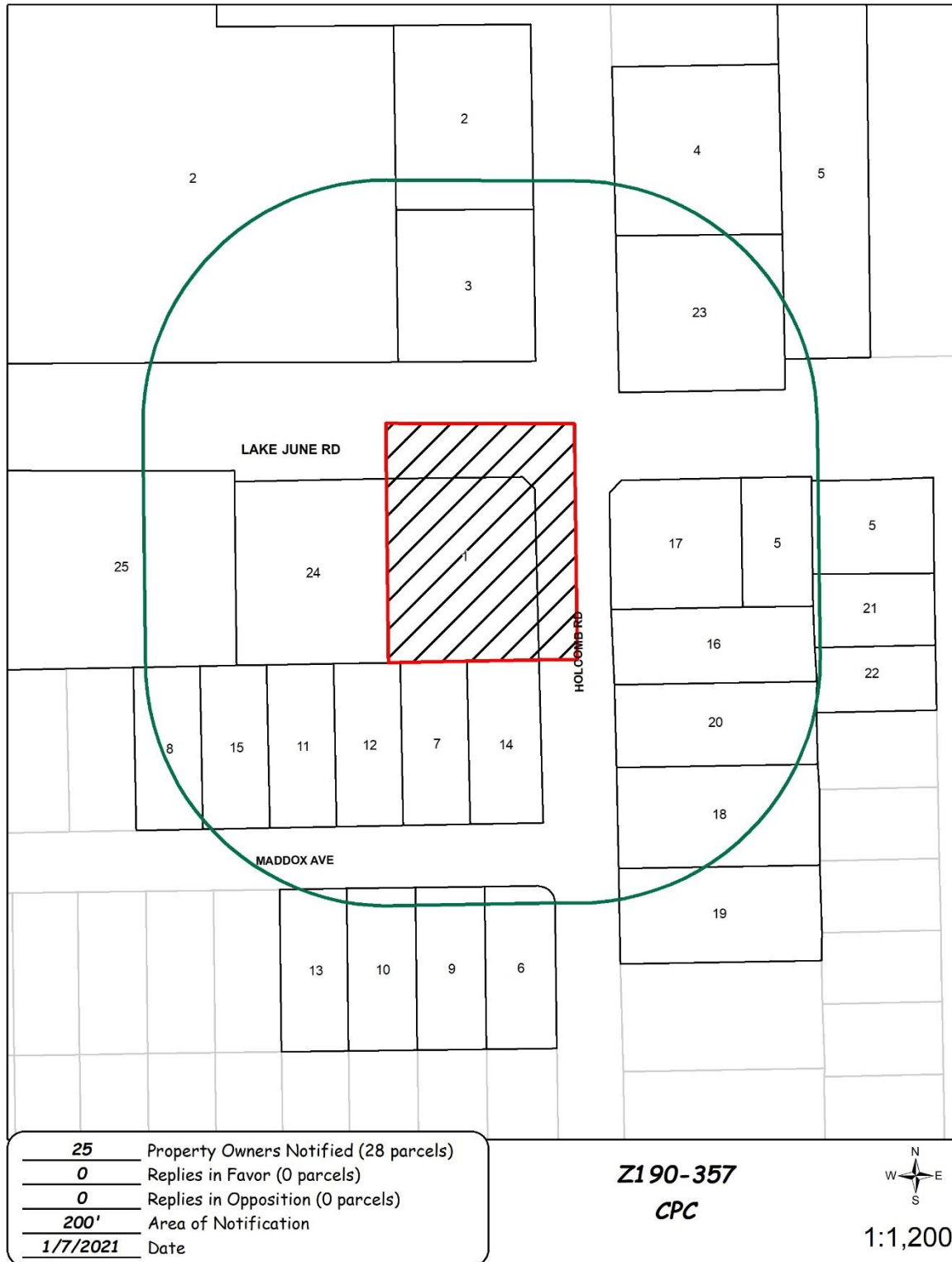
1:4,800

## Market Value Analysis

Printed Date: 11/25/2020



**CPC RESPONSES**



01/06/2021

***Reply List of Property Owners******Z190-357******25 Property Owners Notified******0 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	8470	LAKE JUNE RD	DEEYANSAI ENTERPRISE INC
2	8443	LAKE JUNE RD	MARTINEZ RUBEN
3	8449	LAKE JUNE RD	ORTIZ JOSE & SANDRA
4	1316	HOLCOMB RD	RAMIREZ JOSEFINA EST OF
5	8515	LAKE JUNE RD	MUMITH FAHIM
6	8450	MADDOX AVE	HERNANDEZ MARIA
7	8447	MADDOX AVE	HERNANDEZ JOSE GUADALUPE
8	8429	MADDOX AVE	Taxpayer at
9	8446	MADDOX AVE	BARBOZA JAIME
10	8442	MADDOX AVE	HERNANDEZ GIL
11	8439	MADDOX AVE	PERRUSQUIA VERONICA
12	8443	MADDOX AVE	HERNANDEZ JOSE BELEN
13	8438	MADDOX AVE	Taxpayer at
14	8451	MADDOX AVE	ALVARADO JAVIER & OLIMPIA
15	8435	MADDOX AVE	MORALES JOSE G &
16	1236	HOLCOMB RD	DURAN JOSE JORGE
17	8502	LAKE JUNE RD	FGC PROPERTIES INC
18	1224	HOLCOMB RD	MARTINEZ JACINTO &
19	1218	HOLCOMB RD	MAGANA MARIA
20	1232	HOLCOMB RD	DURAN AGUSTINE OLMOS
21	1231	HAWLEY LN	HERNANDEZ ROGELIO
22	1227	HAWLEY LN	MENDEZ BELEN V
23	8505	LAKE JUNE RD	CLUB CREEK RENTAL PROPERTY LLC
24	8440	LAKE JUNE RD	WASH JUNE INC
25	8416	LAKE JUNE RD	Taxpayer at