

FILE NUMBER: Z212-330(RM) **DATE FILED:** August 31, 2022
LOCATION: Northwest corner of Lake June Road and North Masters Drive
COUNCIL DISTRICT: 5
SIZE OF REQUEST: Approx. 7.17 acres **CENSUS TRACT:** 119.01

REPRESENTATIVE: Catherine Chamblee, BrackinSchwartz & Associates

OWNER: PINFIN Properties, LP

APPLICANT: Fiesta Mart, LLC

REQUEST: An application for the renewal of Specific Use Permit No. 2398 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet. [Fiesta Mart]

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned a CR Community Retail District with a D-1 Liquor Control Overlay. The request area is developed with various retail and personal service uses. This includes a general merchandise or food store greater than 3,500 square feet with alcohol sales permitted by Specific Use Permit No. 2398.
- On December 9, 2020, City Council approved SUP No. 2398 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period. SUP No. 2398 was set to expire on December 9, 2022.
- The applicant requests the renewal of SUP No. 2398 to continue to permit the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on the property.
- The applicant does not propose any changes to the existing conditions, with the exception of the time limit. Rather than another two-year period, they request to increase the time period to five years with eligibility for automatic renewal for additional five-year periods.
- Additionally, the applicant does not propose any changes to the existing site plan of SUP No. 2398.

Zoning History:

There have been two zoning cases in the area in the last five years.

1. **Z190-245:** On June 15, 2020, staff approved an automatic renewal of Specific Use Permit No. 1809 for an open-enrollment charter school for an additional five-year period on property zoned a CR Community Retail District partially within a D-1 Liquor Control Overlay with deed restrictions [Z956-141] on the west line of North Masters Drive, south of the intersection of Lake June Road and North Masters Drive.
2. **Z190-307:** On December 9, 2020, City Council approved Specific Use Permit No. 2398 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay. [Subject Site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Lake June Road	Principal Arterial	100 feet
North Masters Drive	Minor Arterial	100 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 will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 outlining 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:

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

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT**GOAL 2.1** PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Land Use:

	Zoning	Land Use
Site	CR with a D-1 Overlay	General merchandise or food store greater than 3,500 square feet, alcohol sales
North	R-7.5(A)	Single family
East	PD No. 805 with a D-1 Overlay	Retail, personal service use
South	CR with a D and a D-1 Overlay, R-7.5(A)	Retail, personal service use; single family
West	CR with a D Overlay, MF-2(A)	Retail, personal service use; undeveloped

Land Use Compatibility:

The area of request is currently developed with a general merchandise or food store greater than 3,500 square feet with alcohol sales. The remainder of the site is developed with various retail and personal service uses. Property to the east, south, and west is also developed with retail and personal service uses. There also exist single family uses to the north and south, plus undeveloped property to the west. Staff finds that ongoing alcohol sales are unlikely to have an adverse impact on surrounding uses.

The D-1 Overlay District is a liquor control overlay district that 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 use is not regulated by Chapter 12B of the Dallas City Code, Convenience Stores, because the general merchandise or food store exceeds 10,000 square feet of retail floor space.

Staff supports the applicant's request because the use is not foreseen to be detrimental to surrounding properties. Other than the requested time limit, the applicant does not propose any changes to the existing site plan or conditions of SUP No. 2398. Therefore, staff supports the applicant's requested time limit of five years with eligibility for automatic renewal for additional five-year periods.

The use has operated without issues for the past two years and complies with the conditions of the SUP. Additionally, the applicant does not propose any changes to the existing site plan.

Landscaping:

Any new development on the property will require landscaping in accordance with the landscaping requirements in Article X, as amended. No new development or expansion is proposed; therefore, no additional landscaping is required.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store greater than 3,500 square feet is one space per 250 square feet of floor area for uses with a floor area of 40,000 square feet or greater, but less than 100,000 square feet of floor area.

According to permit data, the general merchandise or food store is 46,046 square feet. Therefore, 184 parking spaces are required for the use. As demonstrated on the existing site plan, the site provides a total of 538 parking spaces.

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). The area of request is not currently within an MVA cluster. To the north and east are “F” MVA clusters. To the south are “G” and “H” MVA clusters.

Crime Report:

Since December 2020, the area has had 154 phone calls to the Dallas Police Department, with 48 offenses and no arrests.

Calls (Summary)	
Problem	Count of Problem
**PD Requested by Fire	1
04 - 911 Hang Up	2
07 - Minor Accident	9
08 - Intoxicated Person	1
09 - Theft	5
09/01 - Theft	2
09V - UUMV	4
09V-01 UUMV Just Ocrd	4
11B - Burg of Bus	6
11B/01 - Burg of Bus	6
11V - Burg Motor Veh	2
12 - Burglar Alarm Unknown	2
12B - Business Alarm	13
15 - Assist Officer	1
19 - Shooting	1
24 - Abandoned Property	1
29 - Open Building	2
32 - Suspicious Person	4
36/01 - Aband Child Critical	3
40 - Other	12
40/01 - Other	8
41/09 - Theft - In Progress	1
41/11B - Burg Busn in Progress	4
46 - CIT	3
46RC - CIT Right Care	1
6X - Major Dist (Violence)	50
6XA - Major Dist Ambulance	1
6XE - Disturbance Emergency	3
7X - Major Accident	1
DAEF-Dist Armed Encounter Foot	1
Grand Total	154

Offenses (Summary)	
Problem	Count of Problem
BMV	9
BURGLARY-BUSINESS	12
DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	6
DRUG/ NARCOTIC VIOLATIONS	1
INTIMIDATION	2
OTHER THEFT	3
ROBBERY-INDIVIDUAL	1
SIMPLE ASSAULT	5
UUMV	9
Grand Total	48

List of Officers

Fiesta Mart, LLC

Carlos Smith – President, CEO, Manager
Josemaria Angulo – Secretary, Manager

PINFIN Properties, LLC

PINFIN Management Inc. – General Partner

Keith Finley – President, Director

CPC Action
February 16, 2023

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2398 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to revised conditions on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay at the northwest corner of Lake June Road and North Masters Drive.

Maker: Anderson
Second: Carpenter
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair, Jung,
Housewright, Treadway, Haqq*, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 74
Replies: For: 0 Against: 1

Speakers: For: None

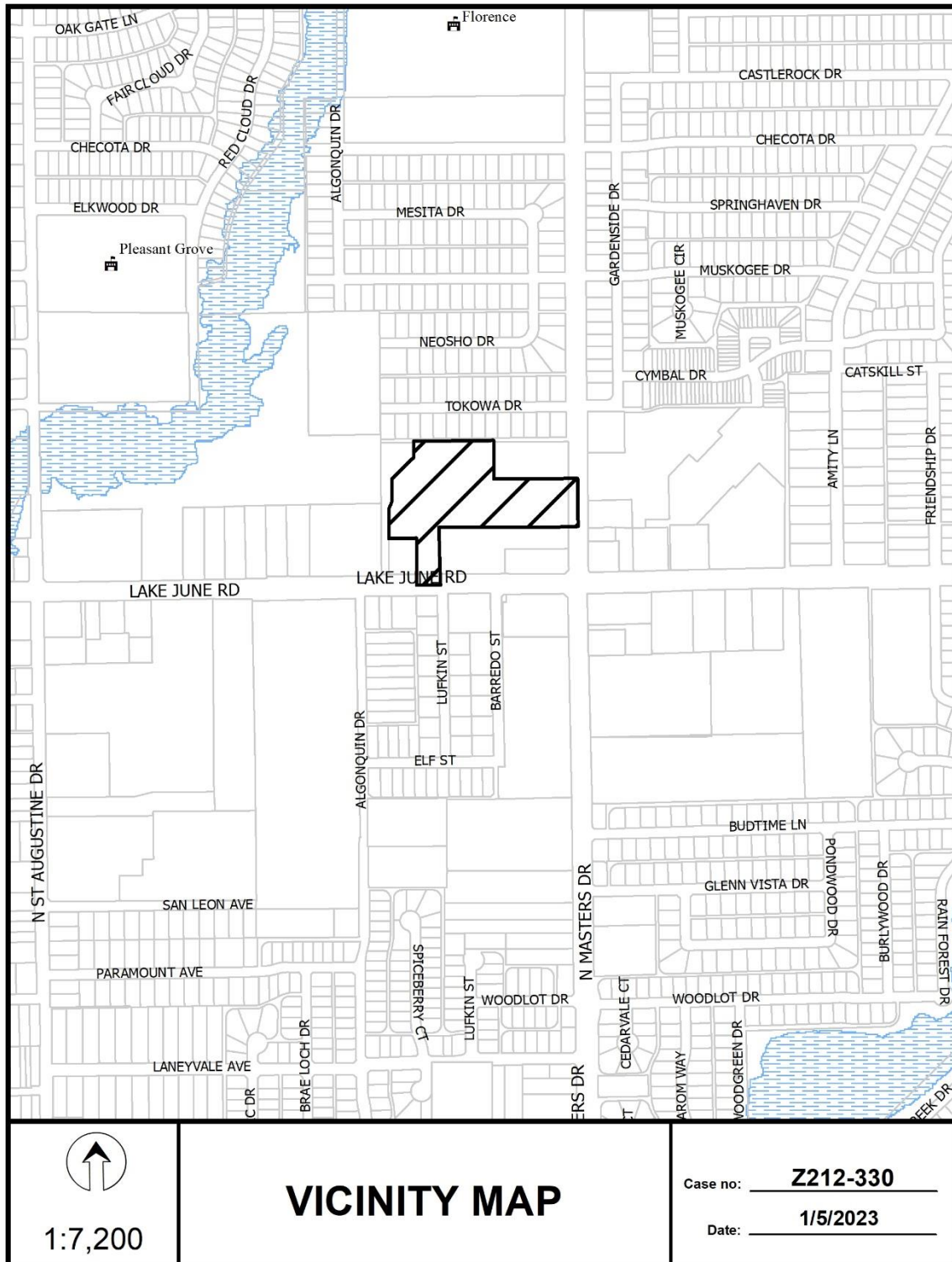
For (Did not speak): Catherine Chamblee, 511 W. 7th St., Austin, TX, 78701
Rodney Lee, 2843 Cripple Creek Trl., Grapevine, TX, 76051
Ricardo Gonzales, 1300 E. Pioneer Parkway, Arlington, TX, 75054

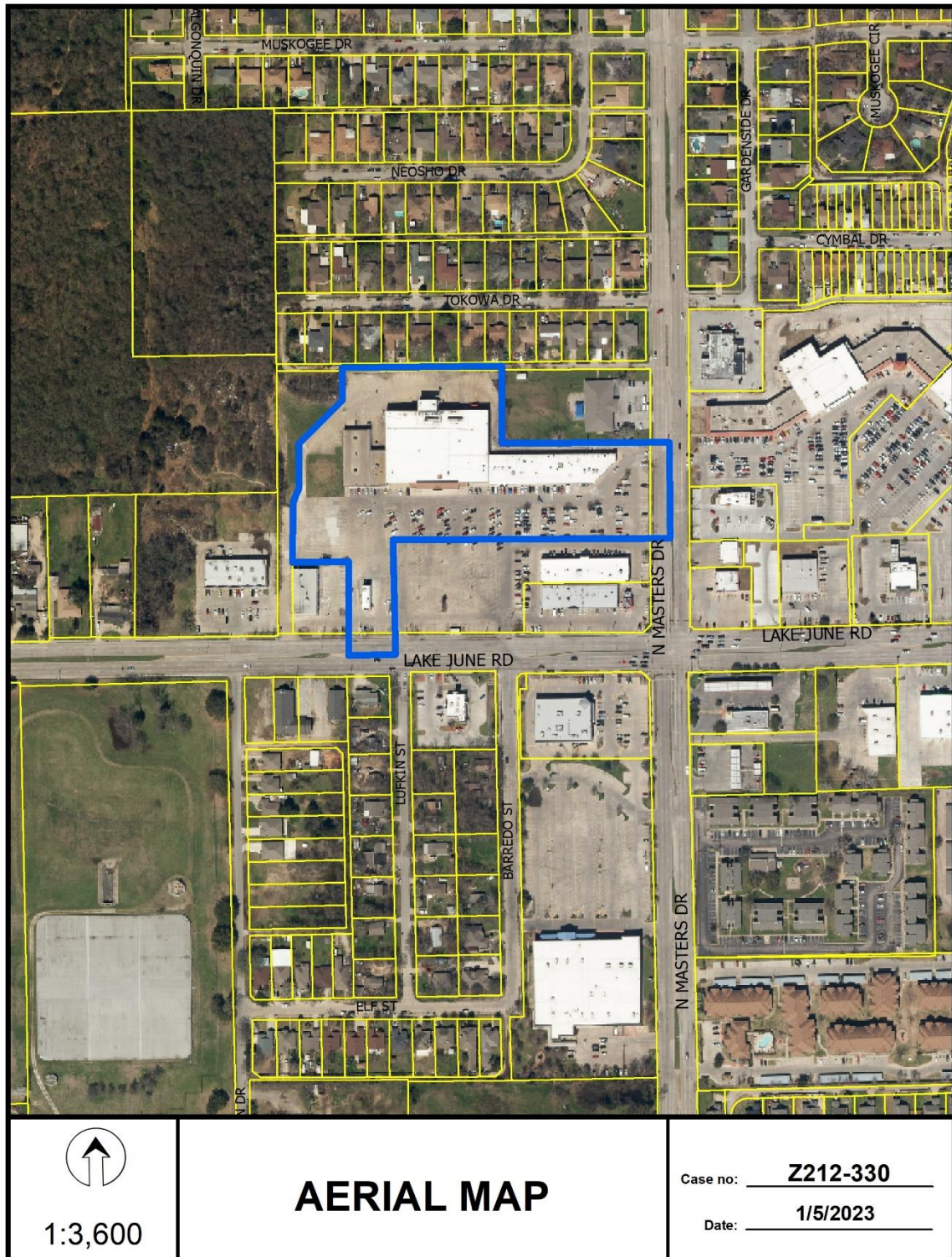
Against: None

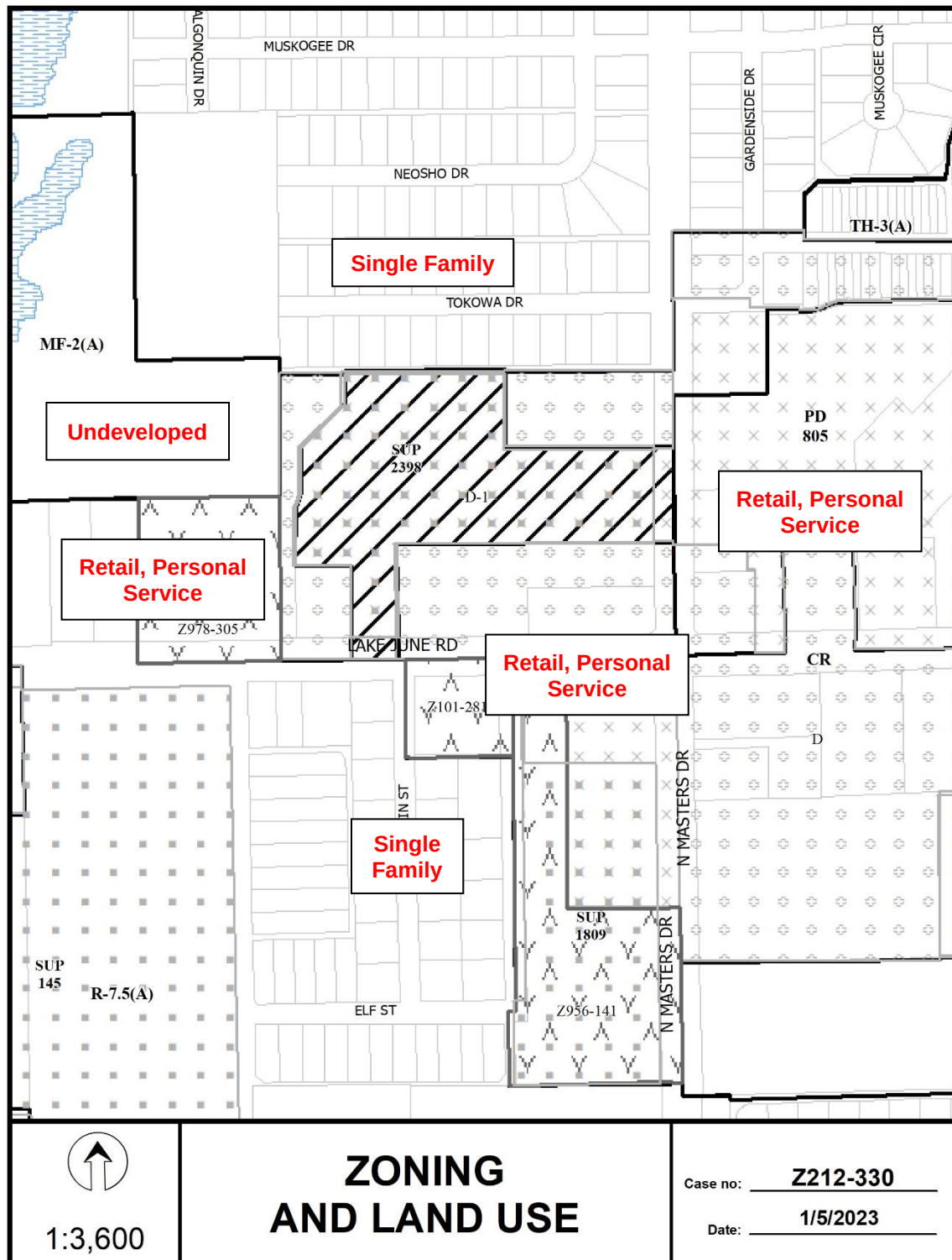
CPC RECOMMENDED CONDITIONS

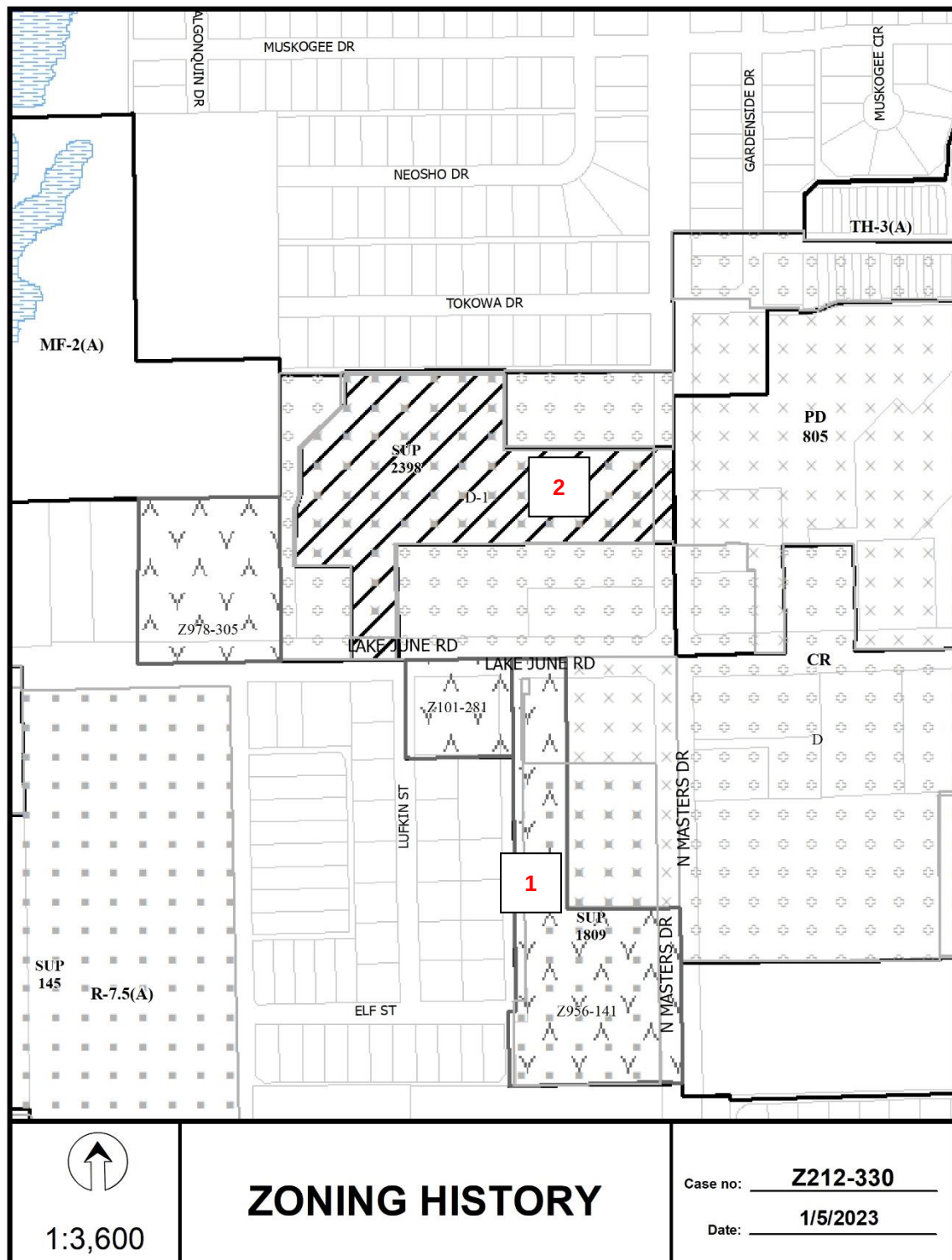
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~December 9, 2022~~ (five years 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.

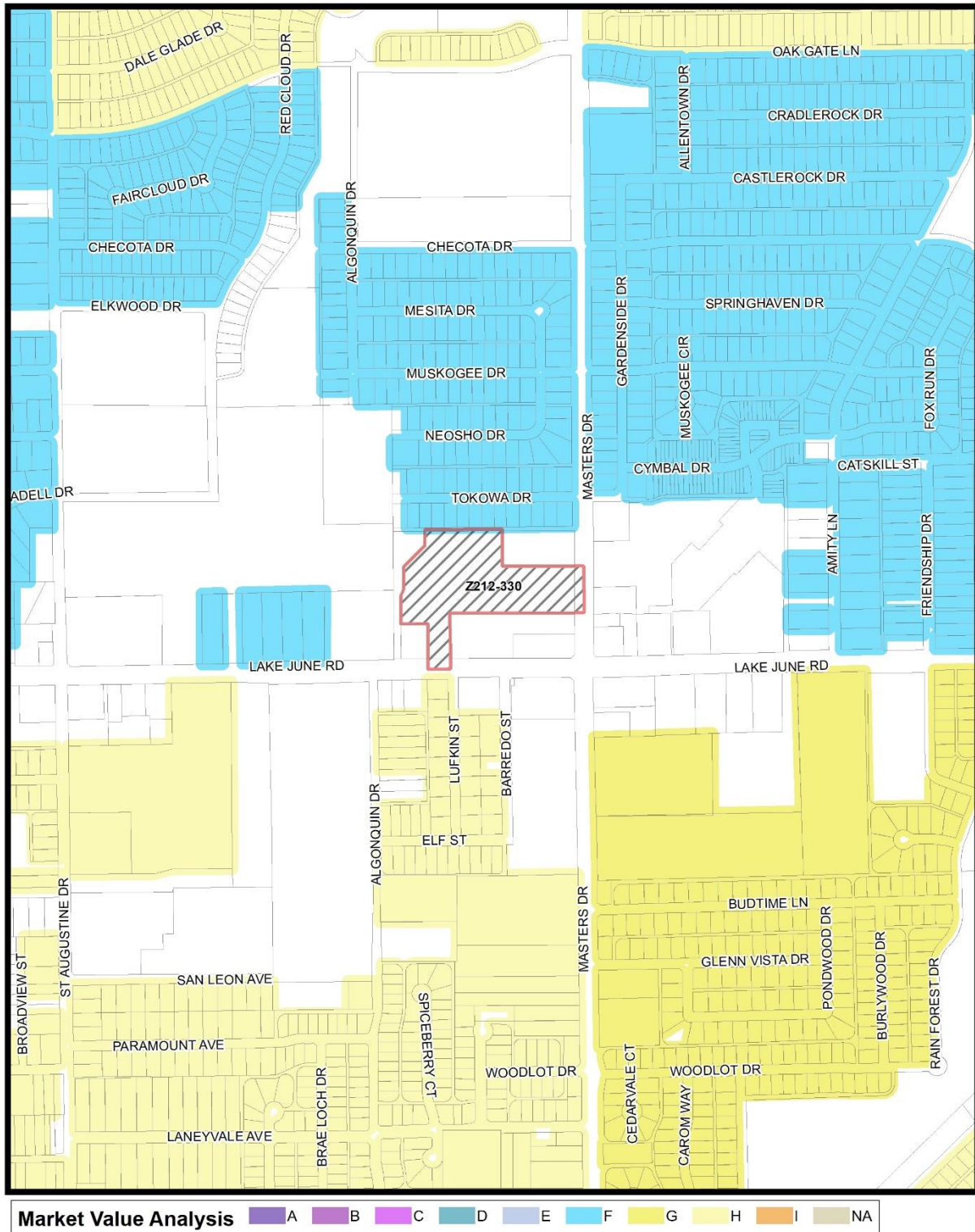






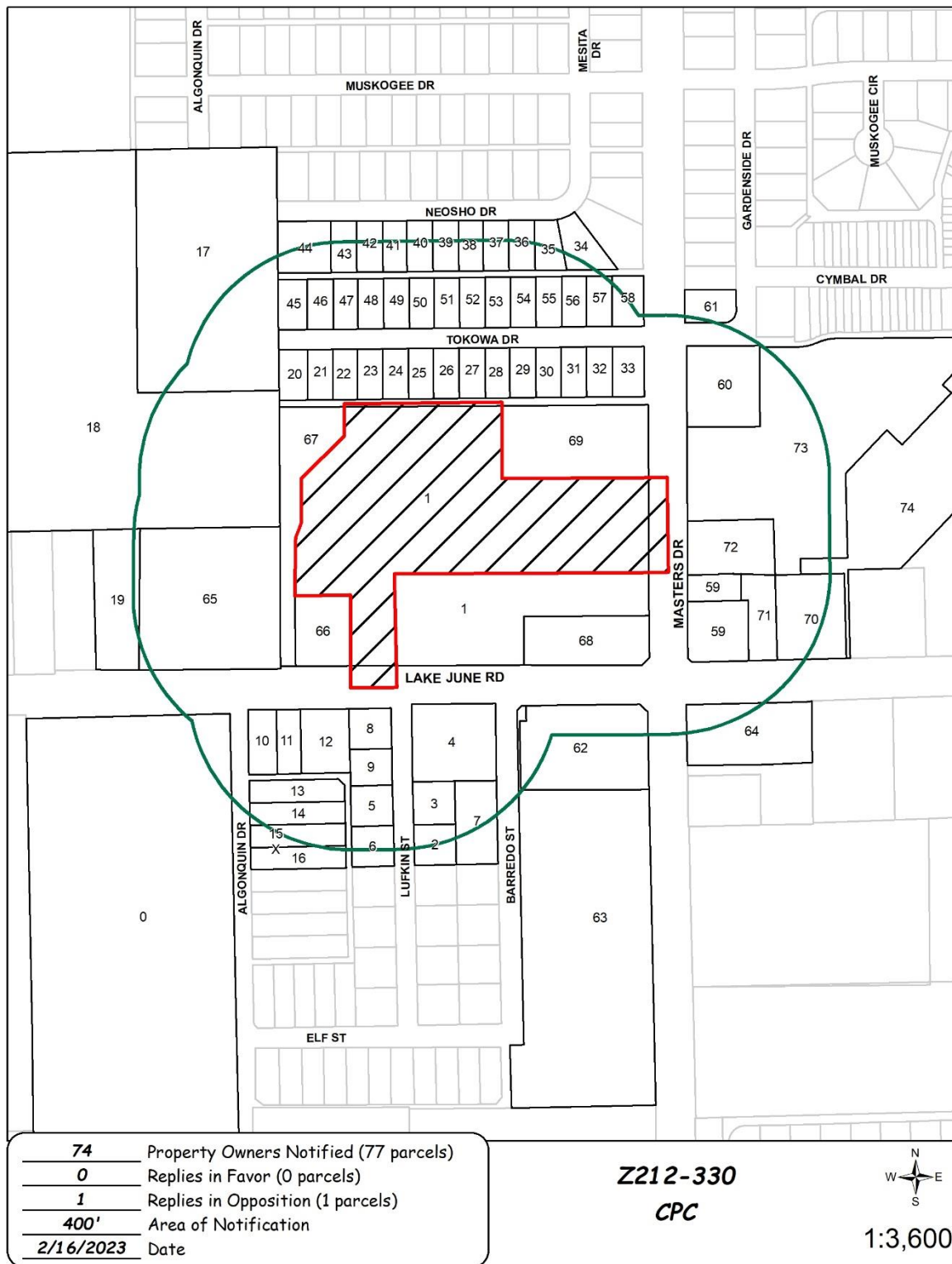






Market Value Analysis

Printed Date: 1/5/2023



02/15/2023

Reply List of Property Owners**Z212-330****74 Property Owners Notified 0 Property Owners in Favor 1 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	10121 LAKE JUNE RD	PINFIN PROPERTIES LP
	2	1222 LUFKIN ST	SANCHEZ CARLOS H &
	3	1232 LUFKIN ST	DIAZ ROMILIO &
	4	10106 LAKE JUNE RD	QSR 4 LLC
	5	1229 LUFKIN ST	MONTOYAVEGA ADELINA
	6	1223 LUFKIN ST	JUAREZ MARCIAL &
	7	1233 BARREDO ST	ROBERTS PHILLIP LEE
	8	10022 LAKE JUNE RD	ELIZARRARAS GUILLERMO REA &
	9	1239 LUFKIN ST	HERNANDEZ ARMANDO
	10	10002 LAKE JUNE RD	LITTLE BETHEL ASSEMBLY
	11	10016 LAKE JUNE RD	LITTLE BETHEL ASSEMBLY
	12	10020 LAKE JUNE RD	LITTLE BETHEL
	13	1232 ALGONQUIN DR	SANCHEZ GUADALUPE
	14	1228 ALGONQUIN DR	PEREZ HUGO CESAR &
X	15	1224 ALGONQUIN DR	HERNANDEZ RODOLFO &
	16	1220 ALGONQUIN DR	ZARAGOZA SAID R ROJO &
	17	9711 LAKE JUNE RD	Taxpayer at
	18	9621 LAKE JUNE RD	PLEASANT GROVE PARTNERS L
	19	9903 LAKE JUNE RD	TAPIA JACOBO A RAMOS
	20	10018 TOKOWA DR	DEAVILA ARTURO & OLGA
	21	10022 TOKOWA DR	DE AVILA ARTURO & OLGA
	22	10026 TOKOWA DR	FISHER PATRICE
	23	10032 TOKOWA DR	REYES MARIA E
	24	10036 TOKOWA DR	MORA JERONIMO
	25	10040 TOKOWA DR	ICSUD LLC
	26	10044 TOKOWA DR	GUERRERO HERMELINDA &

02/15/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10104	TOKOWA DR	Taxpayer at
28	10108	TOKOWA DR	Taxpayer at
29	10112	TOKOWA DR	CE & JM REALTY LLC
30	10116	TOKOWA DR	SOSA CLAUDIO & NORMA DELIA
31	10120	TOKOWA DR	THREE TIMES BETTER LLC
32	10124	TOKOWA DR	CARDENAS JOSE P
33	10128	TOKOWA DR	LOPEZ FERMIN & SELENE
34	10104	NEOSHO DR	VILLALOBOS OSIRIS ANGELICA &
35	10058	NEOSHO DR	ULMER MICHAEL & MILLY
36	10054	NEOSHO DR	GOMEZ MAREESHA &
37	10050	NEOSHO DR	BARNES CHARLES H JR
38	10048	NEOSHO DR	Taxpayer at
39	10042	NEOSHO DR	REYES EDEN GARCIA &
40	10038	NEOSHO DR	IZAGUIRRE LAURENCIA & VICTOR
41	10034	NEOSHO DR	JOHNSON SANDRA K
42	10030	NEOSHO DR	LEWIS DAVID W & MARY J
43	10026	NEOSHO DR	COAHUILAS JOSE &
44	10022	NEOSHO DR	OLIVAS LUZ ADELINA
45	10017	TOKOWA DR	CHINSKE DENISE M
46	10021	TOKOWA DR	AMARO ABELINO &
47	10025	TOKOWA DR	JONES LINDA
48	10031	TOKOWA DR	MURILLO MADAY
49	10035	TOKOWA DR	SEJA LETICIA
50	10039	TOKOWA DR	HERRERA EFREN & ORALIA
51	10043	TOKOWA DR	GOVELLAN JULIAN
52	10103	TOKOWA DR	IBARRA ELIUD & AZAHALIA
53	10107	TOKOWA DR	Taxpayer at
54	10111	TOKOWA DR	TREJO ANTONIO AGUILAR &
55	10115	TOKOWA DR	TRAYLOR SAMUEL D &
56	10119	TOKOWA DR	MCELROY VICKIE J
57	10123	TOKOWA DR	MORENO VICTORIANA

02/15/2023

Reply	Label #	Address	Owner
58	10127	TOKOWA DR	VILLA CARLA
59	1318	N MASTERS DR	NEC LAKE JUNE & MASTERS LP
60	1346	N MASTERS DR	PLASTICWALA MURAD ALI
61	1403	GARDENSIDE DR	Taxpayer at
62	10152	LAKE JUNE RD	WALGREEN CO
63	1227	N MASTERS DR	AMERICA CAN!
64	10208	LAKE JUNE RD	MDC COAST 6 LLC
65	9911	LAKE JUNE RD	RS PLAZA LLC
66	10025	LAKE JUNE RD	LAKEJUNE SRGM HOLDING LLC
67	10100	LAKE JUNE RD	ELLIS DEVELOPMENT COMPANY
68	10155	LAKE JUNE RD	LAKE JUNE CENTER LLC
69	1339	N MASTERS DR	SUNRISE ENTERPRISES INC
70	10315	LAKE JUNE RD	OREILY AUTO ENTERPRISES LLC
71	3	LAKE JUNE RD	NEC LAKE JUNE & MASTERS L
72	1326	N MASTERS DR	GOOD CLUCK LLC
73	10325	LAKE JUNE RD	NEC LAKE JUNE & MASTERS L
74	10325	LAKE JUNE RD	NEC LAKE JUNE & MASTERS L