

FILE NUMBER: Z212-222(JM) **DATE FILED:** March 23, 2022

LOCATION: On the north side of Lake June Road at the terminus of McElree Street, east of Oak Hill Circle

COUNCIL DISTRICT: 5

SIZE OF REQUEST: Approx. 0.19 acres **CENSUS TRACT:** 92.01

APPLICANT/ OWNER: Gilberto Bedolla Jr.

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 a CR Community Retail District with D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the sale of alcoholic beverages for off-premises consumption in conjunction with a general merchandise or food store on the site.

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

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

BACKGROUND INFORMATION:

- On January 14, 2015, City Council granted a rezoning from a D Liquor Control Overlay to a D-1 Liquor Control Overlay and Specific Use Permit No. 2129 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. The SUP was subsequently renewed on February 22, 2017, for a five-year period with eligibility for automatic renewals for additional five-year periods. The automatic renewal window was missed, and the SUP expired on February 22, 2022. Notice was sent to the operator on March 14, 2022 to advise the SUP was terminated due to a lack of renewal.
- According to DCAD records, the property is developed with a retail structure containing 2,476 square feet of floor area erected in 2011. A CO Certificate of Occupancy for a general merchandise or food store 3,500 square feet or less including the sale of alcohol was issued on November 21, 2016.
- The request site was registered as a Convenience Store under Chapter 12B on December 30, 2016, and the license was renewed on July 15, 2022.

Zoning History:

There has been one zoning case in the area in the past five years:

1. **Z156- 364** On February 22, 2017, City Council granted the renewal of Specific Use Permit No. 2129 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods. [subject site].

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW / Proposed ROW
Lake June Road	Principal Arterial	85 feet

Surrounding Land Use:

	Zoning	Land Use
Site	CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, SUP No. 2129	General merchandise or food store use
North	R-7.5(A) Single Family District	Single family
East	CR-D Community Retail District with a D Liquor Control Overlay	Single family, auto-related uses
South	CR-D Community Retail District with a D Liquor Control Overlay, R-7.5(A) Single Family District	Retail and single family
West	CR-D Community Retail District with a D Liquor Control Overlay	Personal service and auto-related uses

Comprehensive Plan:

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

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods’ unique characteristics. Acknowledge the importance of neighborhoods to the city’s long-term health and vitality.

Implementation measure 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.

Land Use Compatibility:

The surrounding land uses consist of single family to the north; single family and auto-related uses to the east; retail and single family uses to the south; and personal service and auto-related uses to the west. The request site is located along Lake June Road which is a major corridor that connects the I-635 and CF Hawn Freeways.

The request site is located within a D-1 Liquor Control Overlay District. Per the D-1 District, a Specific Use Permit is required to sell or serve alcoholic beverages for consumption on or off premises. The applicant is proposing to continue the sale of

alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store 3,500 square feet or less use which was established in 2016 and recently lapsed in the renewal of the permitted SUP.

However, due to the request being considered a new SUP, an alcohol survey was submitted to ensure no protected uses had been established within the required radius/measurements from the request site. The analysis performed by a surveyor concluded there was no church, public, or private school, or public hospital located within 300 feet of the property.

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

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. On July 15, 2022, the applicant renewed the registration as a Convenience Store under Chapter 12B.

The use is compatible with the surrounding non-residential uses and provides an alternative shopping venue for the neighborhood. Therefore, staff recommends the approval of the SUP renewal for a five-year time period with eligibility for automatic renewals for additional five-year periods. The renewal process permits staff to re-evaluate the use for conformance to the site plan and conditions as well as receive input from the community on any negative impacts prior to auto renewal.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for general merchandise or food store 3,500 square feet or less is one space per 200 square feet of floor area. Therefore, the 2,400-square-foot building requires 12 spaces, as provided by the submitted the site plan.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

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. While the subject site within Category “H”.

Crime Report:

In the last two years, there have been 16 calls associated with this site. Most calls were false business alarms. No arrests are associated with the site.

Master_Incident_						
1	Number	Response_Date	Problem	Location_Name	Address	Call_Disposition
2	20-0512514	3/18/2020	21B - Business Hold Up	CARNITAS LA PRIMERA	8721 LAKE JUNE RD	AF - Alarm False
3	20-0704030	4/19/2020	40/01 - Other	LA PRIMERA MEAT MARKET	8721 Lake June Rd	NP - No Police Action
4	20-0890710	5/18/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
5	20-0891673	5/18/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
6	20-0897182	5/19/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
7	20-1002551	6/4/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
8	20-1463873	8/13/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
9	20-1472168	8/15/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
10	20-1485540	8/16/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
11	20-1491541	8/17/2020	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
12	21-1420131	7/30/2021	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
13	21-1441576	8/2/2021	12B - Business Alarm	CARTINA LA PRIMERA	8721 Lake June Rd	AF - Alarm False
14	21-1463332	8/5/2021	11B - Burg of Bus	ESPINOZA AUTO REPAIR	8721-8743 Lake June Rd	NC - No Complainant
15	21-1638783	8/29/2021	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
16	21-1667072	9/2/2021	12B - Business Alarm	CARNITAS LA PRIMERA	8721 Lake June Rd	AF - Alarm False
17	21-2072461	10/29/2021	11B - Burg of Bus	carnitas la primera	8721 Lake June Rd	R - Report
18						

NOVEMBER 3, 2022 – REVISED DRAFT CITY PLAN COMMISSION MINUTES

Reconsideration:

Z212-222(JM)

Planner: Jennifer Muñoz

1. Suspension of CPC Rules of Procedure Section 4(c)(2) to allow reconsideration of Z212-222(OA).

Motion: It was moved to **approve** suspension of the CPC Rules of Procedure Section 4(c)(2) to allow reconsideration of Z212-222(OA).

Maker: Shidid
Second: Hampton
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Gracey, Shidid, Carpenter,
Blair, Jung, Housewright, Stanard, Kingston,
Rubin

Against: 0
Absent: 3 - Anderson, Vann, Haqq
Vacancy: 1 - District 11

If #1 is approved then consideration of #2.

2. Reconsideration of action taken on October 6, 2022, which was 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 one-year period, subject to a site plan and conditions, as briefed; on property zoned a CR Community Retail District with D-1 Liquor Control Overlay on the north side of Lake June Road at the terminus of McElree Street, east of Oak Hill Circle.

Motion: It was moved to **approve** reconsideration of the action taken on October 6, 2022, which was to recommend **approval** of Z212-222(OA) for a one-year period, subject to a site plan and conditions, as briefed.

Maker: Shidid
Second: Hampton
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Gracey, Shidid, Carpenter,
Blair, Jung, Housewright, Stanard, Kingston,
Rubin

Against: 0
Absent: 3 - Anderson, Vann, Haqq
Vacancy: 1 - District 11

If #2 is approved then consideration of #3.

3. 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 a CR Community Retail District with a D-1 Liquor Control Overlay, on the north side of Lake June Road, at the terminus of McElree Street, east of Oak Hill Circle.

Staff Recommendation: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Applicant: Gilberto Bedolla Jr.

Planner: Jennifer Muñoz

Z212-222(OA/JM)

CC District 5

Motion: It was moved to recommend **approval** of for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a one-year period, subject to a site plan and conditions on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay, on the north side of Lake June Road, at the terminus of McElree Street, east of Oak Hill Circle.

Maker: Shidid
Second: Hampton
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Gracey, Shidid, Carpenter,
Blair, Jung, Housewright, Stanard, Kingston,
Rubin

Against: 0
Absent: 3 - Anderson, Vann, Haqq
Vacancy: 1 - District 11

Speakers: None

**CPC RECOMMENDED
PROPOSED SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with general merchandise or food store use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

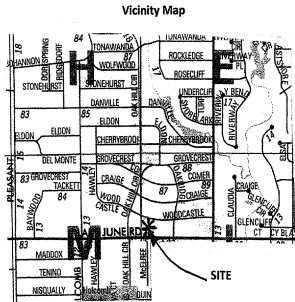
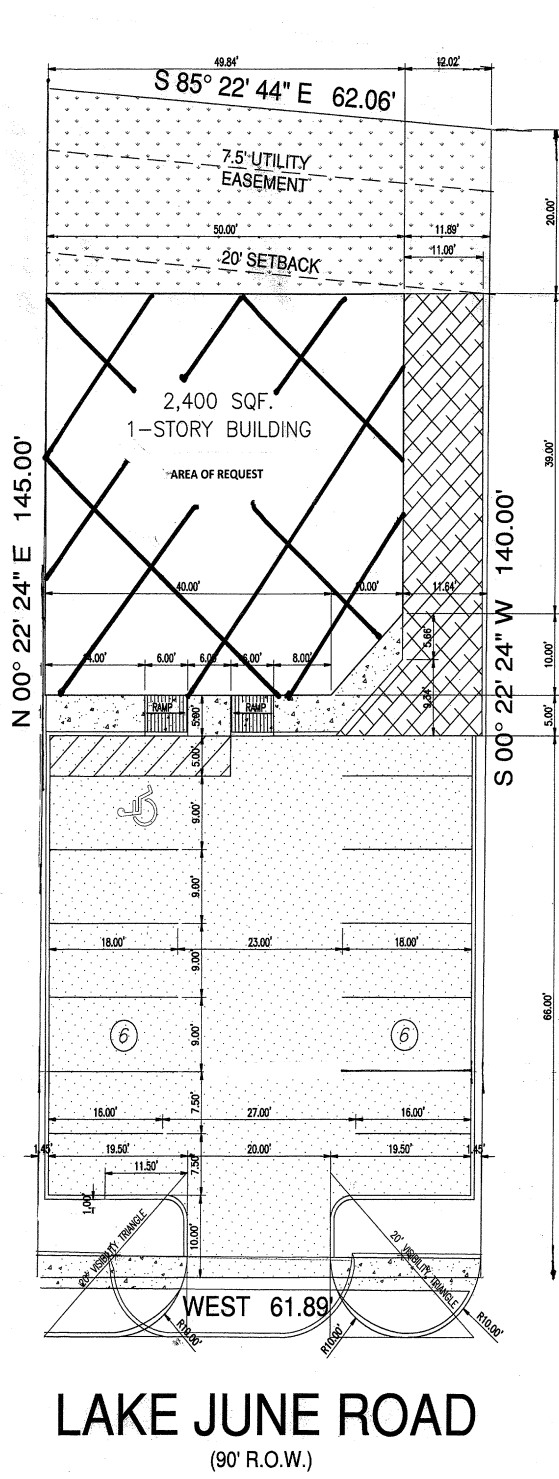
3. TIME LIMIT: This specific use permit expires on _____ (one year from the passage of this ordinance).

Staff Recommendation and Applicant's Request

3. TIME LIMIT: This specific use permit expires on _____ (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.)

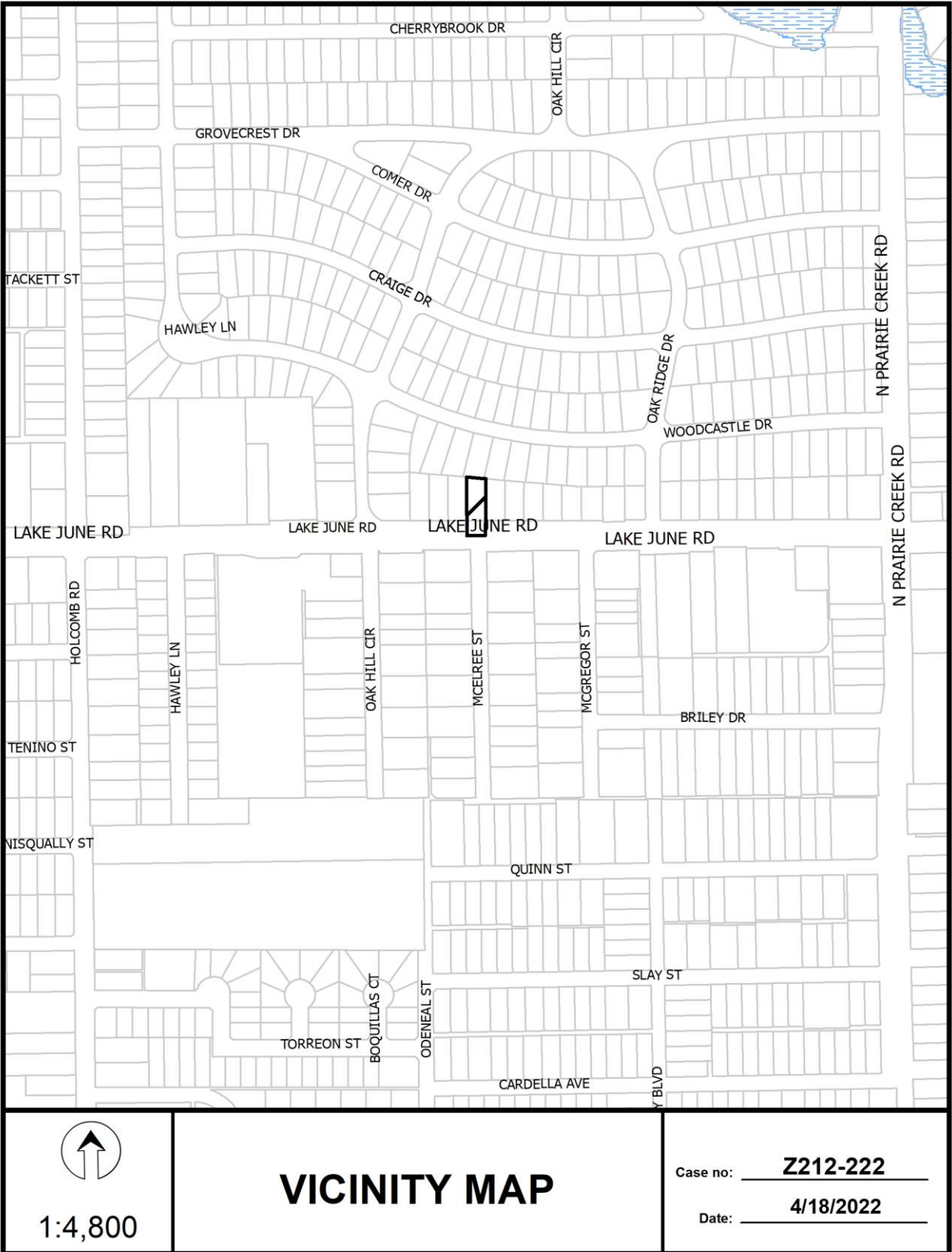
4. FLOOR AREA: The maximum floor area is 2,400 square feet.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

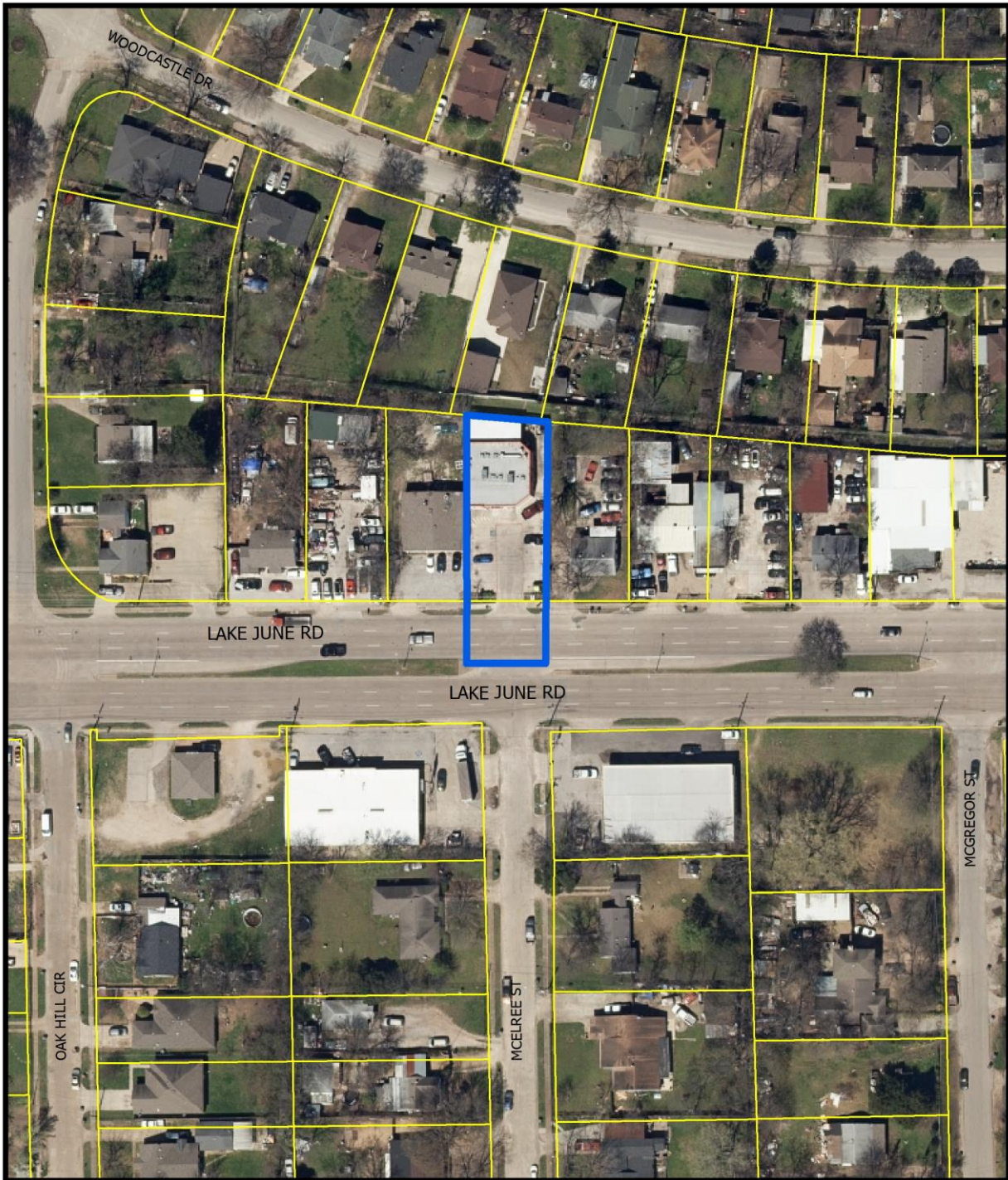
**CPC Recommended
Proposed Site Plan**



SITE SUMMARY

- Existing Zoning: CR-D
- Proposed Zoning: CR- D-1
- Proposed Use: SUP for alcohol sales for off-premise consumption
- Lot Area: .19 acre
- Existing Structure: 2400 s.f.
- Existing Height: 18'
- Existing Lot Coverage: 28%
- Required Parking: 12
- Provided Parking: 12



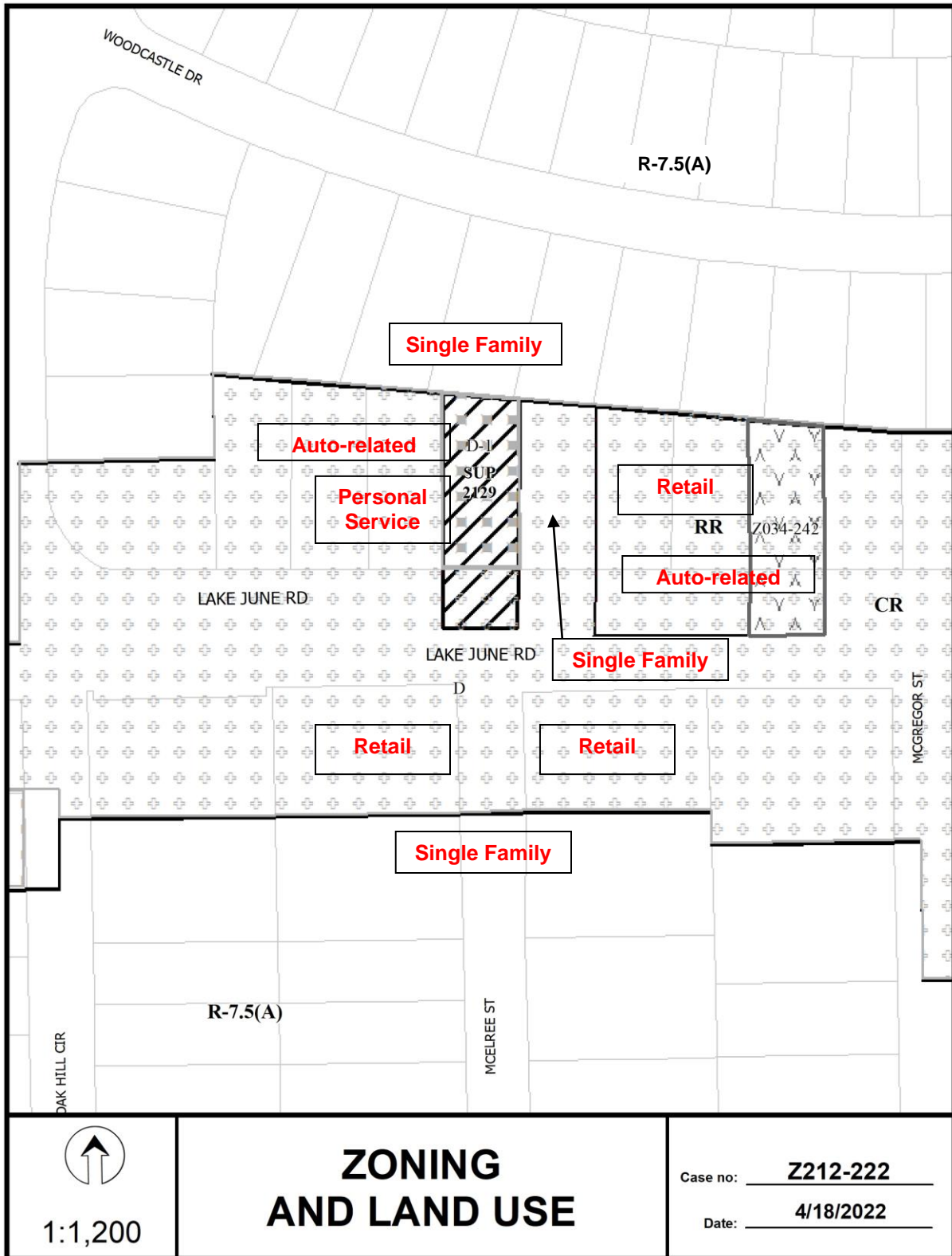


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AERIAL MAP

Case no: Z212-222

Date: 4/18/2022

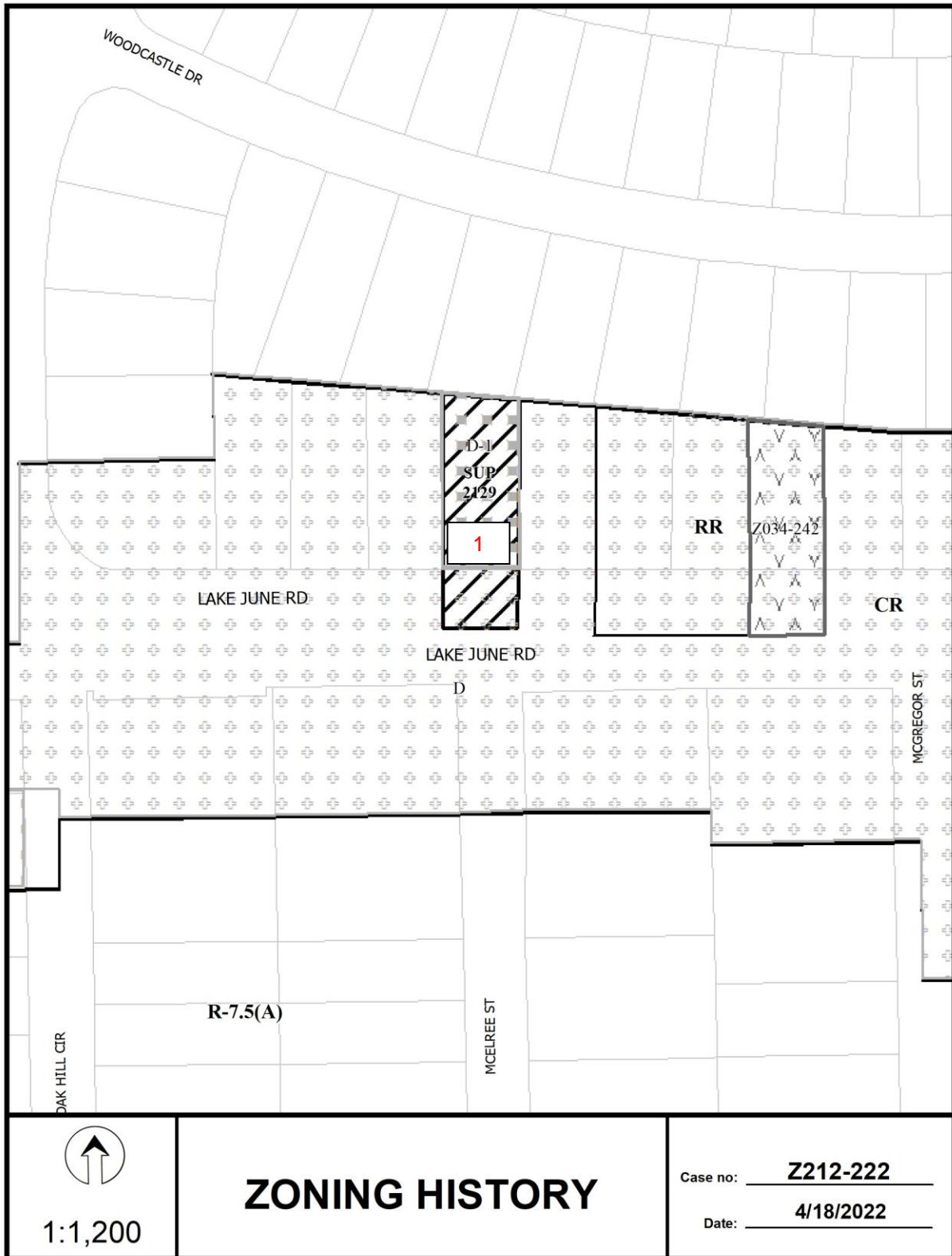


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ZONING AND LAND USE

Case no: Z212-222

Date: 4/18/2022

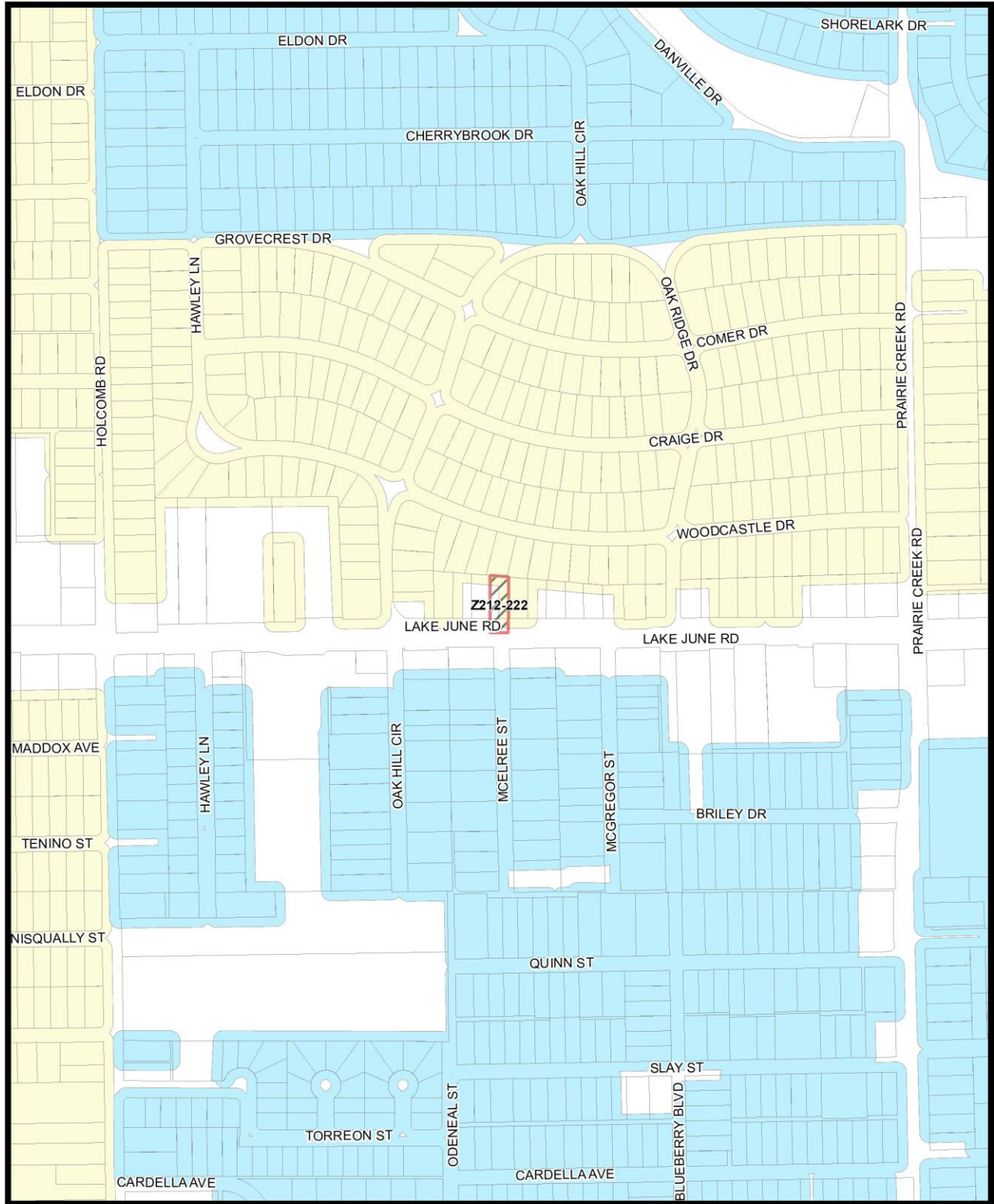


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ZONING HISTORY

Case no: Z212-222

Date: 4/18/2022



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



Market Value Analysis

Printed Date: 4/18/2022

CPC RESPONSES



<u>27</u>	Property Owners Notified (29 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/6/2022</u>	Date

Z212-222
CPC



1:1,200

10/05/2022

Reply List of Property Owners***Z212-222******27 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply Label #</i>	<i>Address</i>	<i>Owner</i>
1	8721 LAKE JUNE RD	BEDOLLA GILBERTO JR
2	8729 WOODCASTLE DR	RICARTE MARIA DEL ROSARIO
3	8725 WOODCASTLE DR	CORTEZ VALENTIN & MARIA
4	8721 WOODCASTLE DR	ARROYO ERASMO DE JESUS JR
5	8717 WOODCASTLE DR	RAMIREZ ARISTEO
6	8737 LAKE JUNE RD	MEDINA AUGUSTIN &
7	8733 LAKE JUNE RD	CRUZ ROMAN
8	8725 LAKE JUNE RD	ESPINOZA AGUSTINA
9	8717 LAKE JUNE RD	TAYLOR ROCKY & STEPHANIE
10	8713 LAKE JUNE RD	MENCHACA ISRAEL ZAIN &
11	8709 LAKE JUNE RD	LIVAY LLC
12	8701 LAKE JUNE RD	MONSIVAIS AMALIA ALONZO
13	1306 OAK HILL CIR	FISHER MICHAEL W
14	1310 OAK HILL CIR	HERNANDEZ CYNTHIA
15	8708 WOODCASTLE DR	AVELLANEDA RUFINO & FERNANDA GOMEZ
16	8712 WOODCASTLE DR	GUZMAN ADRIAN
17	8716 WOODCASTLE DR	CORTEZ ORALIA
18	8720 WOODCASTLE DR	BEDOLLA GILBERTO
19	8724 WOODCASTLE DR	MARTINEZ HUMBERTO
20	8728 WOODCASTLE DR	TOVAR JOSE RIVERA &
21	8732 WOODCASTLE DR	GONZALEZ SANTIAGO
22	8736 WOODCASTLE DR	RAMIREZ TOMAS & ERNESTINA
23	8700 LAKE JUNE RD	LOZANO BENITO G
24	8718 LAKE JUNE RD	BRAZORIA SMITH LEASE LLC
25	1231 MCELREE ST	GUZMAN BULMARO F
26	8736 LAKE JUNE RD	PAWN TX INC
27	1226 MCELREE ST	SALINAS ASUNCION J