

FILE NUMBER: Z223-236(GB) **DATE FILED:** March 21, 2023

LOCATION: Southwest corner of Great Trinity Forest Way and Murdock Road

COUNCIL DISTRICT: 8

SIZE OF REQUEST: 21,344 square feet **CENSUS TRACT:** 48113011601

OWNER: Enigman Enterprises Inc- Karim Pirani

APPLICANT: Robert Nunez

REQUEST: An application for an amendment to Specific Use Permit No. 2337 for the sale of alcoholic beverages in conjunction with a general merchandise food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the continued sale of alcoholic beverages in conjunction with a general merchandise food store 3,500 square feet or less.

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned RR Regional Retail District with a D-1 Liquor Control Overlay. The property is currently developed with a general merchandise food store.
- The most recent renewal of Specific Use Permit No. 2337 was approved on June 12, 2019, for a two-year period with automatic renewal for additional two-year periods and for the use of the sale of alcoholic beverages in conjunction with a general merchandise food store 3,500 square feet or less. The applicant filed for renewal of the SUP on March 21, 2023.
- The applicant requests the renewal of SUP No. 2337 for a period of two year with eligibility for automatic renewal for additional two-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended.
- With the exception of the time limit, the applicant does not propose any changes to the existing conditions or site plan of SUP No. 2337.

Zoning History:

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

1. Z167-221: On April 10, 2018, the City Council approved an application for a Specific Use Permit to allow for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet, expiring June 24, 2040, with eligibility for automatic renewal for additional twenty-year periods, located at the Northwest corner C.F. Hawn Freeway and Great Trinity Forest Way.
2. Z190-165: On August 12, 2020, the City Council approved an application for a Specific Use Permit for vehicle display, sales, and service for a five-year period located at the Northwest corner of South Buckner Boulevard and C.F. Hawn Freeway.
3. Z190-122: On March 24, 2021, the City Council approved an application for a Specific Use Permit to allow 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 located at south line of Great Trinity Forest Way east of Oklaunion Drive.
4. Z201-195: On August 14, 2021, the City Council approved an application 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, located southeast of the intersection of Great Trinity Forest Way and Murdock Road.
5. Z212-130: On June 25, 2022, the City Council approved an application for a Specific Use Permit to allow for an office showroom/warehouse, for a ten-year period with

eligibility for automatic renewal for additional ten-year periods, located along the west line of Pleasant Drive north of the intersection of Pleasant Drive and C.F. Hawn Freeway.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Great Trinity Forest Way	Principal Arterial	100 feet
Murdock Road	Major Arterial	50 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 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:

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.

Land Use:

	Zoning	Land Use
Site	RR Regional Retail District	GMFS <3,500 sq. ft., motor vehicle fueling station
North	Planned Development District No. 533	Retail uses
East	RR Regional Retail District	Retail uses, motor vehicle fueling station
South	RR Regional Retail District	Retail uses
West	RR Regional Retail District	Retail uses

(All surrounding properties and the subject property have a D-1 Liquor Control overlay)

Land Use Compatibility:

The 21,344 square-foot site is developed with a general merchandise or food store 3,500 square feet or less. The renewal of this SUP will not alter the current character of the surrounding areas.

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.

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.
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The 12 B inspection was completed on February 2, 2024.

Staff recommends approval subject to the proposed conditions. The requested renewal of SUP No. 2337 is not contrary to the public interest.

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:

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. For the 2,700 square foot building, 14 spaces would be required. The site plan depicts 16 parking spaces.

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 (A through C) to orange, representing the weakest markets (G through I). The site is located in an “H” MVA area.

Crime Report:

A copy of the police report of offenses recorded at this property is provided below, based on Dallas Police Department's crime statistics.

These statistics were collected in the time period between January 9, 2018 and March 1, 2024.

Offenses

Offenses (Summary)	Count of Incidents
ASSAULT – Bodily Injury Only	1
ASSAULT- Offensive Contact	4
BMV	0
BURGLARY OF BUILDING - FORCED ENTRY	1
CRIM MISCHIEF >OR EQUAL \$750 < \$2,500	0
DISCHARGE FIREARM IN CERTAIN MUNICIPALITIES	0
POSS OF DANGEROUS DRUG	0
THEFT OF PROP (AUTO ACC) <\$100 - (NOT EMP)	0
UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	0
UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	1
Grand Total	7

Arrests

Arrests (Summary)	Count of Incidents
PUBLIC INTOXICATION	8
Grand Total	8

Calls

Calls (Summary)	Count of Problem
Major Disturbance	59
Loud Music Disturbance	0
Meet Compliant	
40-Other	41
40/01	15
Major Accident	4
Intoxicated Person	0
Disturbed Armed Encounter Vehicle	0
Grand Total	119

Z223-236(GB)

List of Officers

Corporate Entity: Enigma Enterprises

Doing Business As: Texaco

Officer: Shamim Pirani

CPC Action
April 4, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2337 for the sale of alcoholic beverages in conjunction with a general merchandise food store 3,500 square feet or less for a one-year period, subject to a site plan and conditions on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay, on the southwest corner of Great Trinity Forest Way and Murdock Road.

Maker: Blair
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Haqq, Hall, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 11

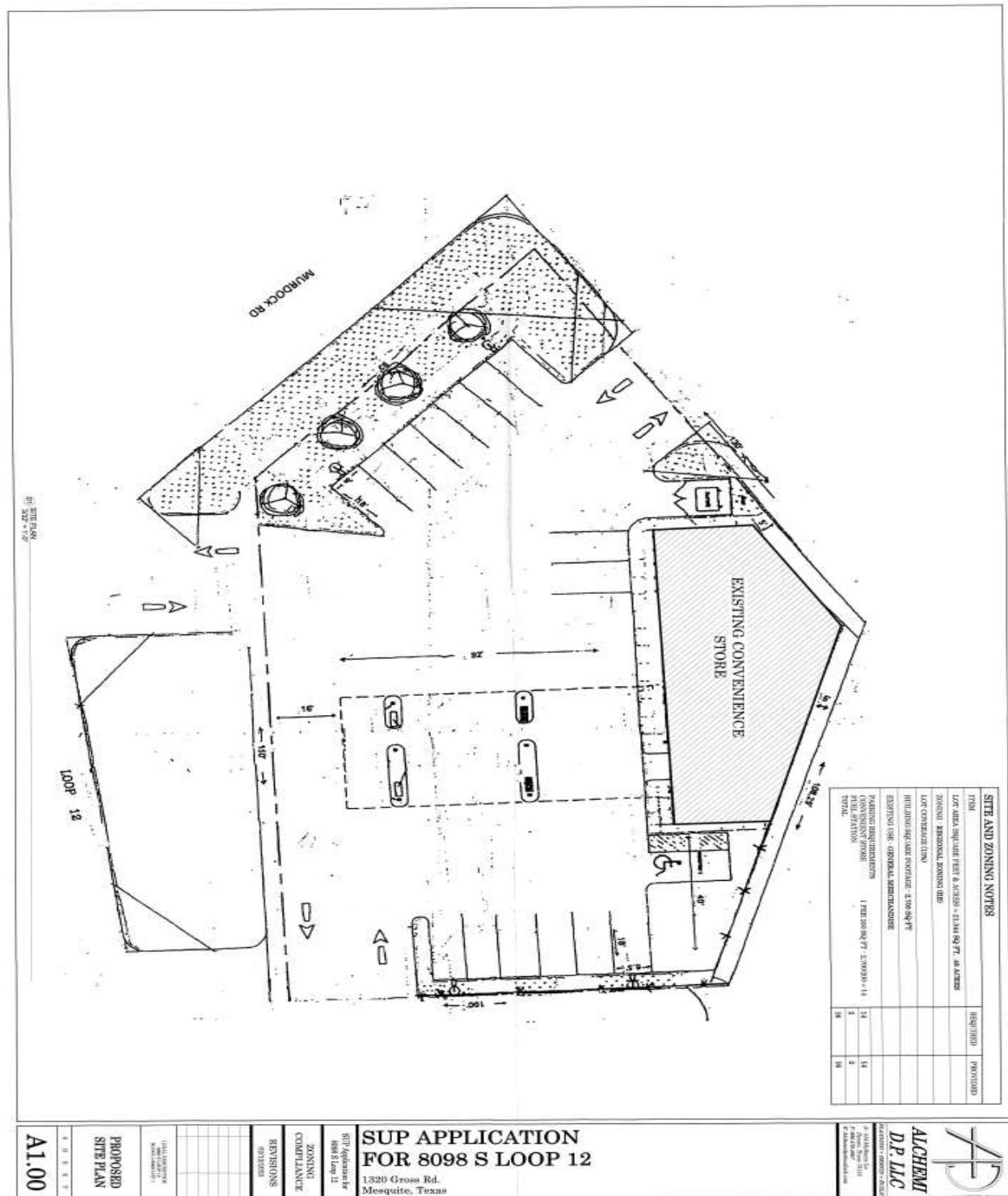
Notices:	Area: 200	Mailed: 7
Replies:	For: 0	Against: 0

Speakers: For: Robert Nuñez, 513 Mulberry Ln., DeSoto, TX, 75115
Against: None

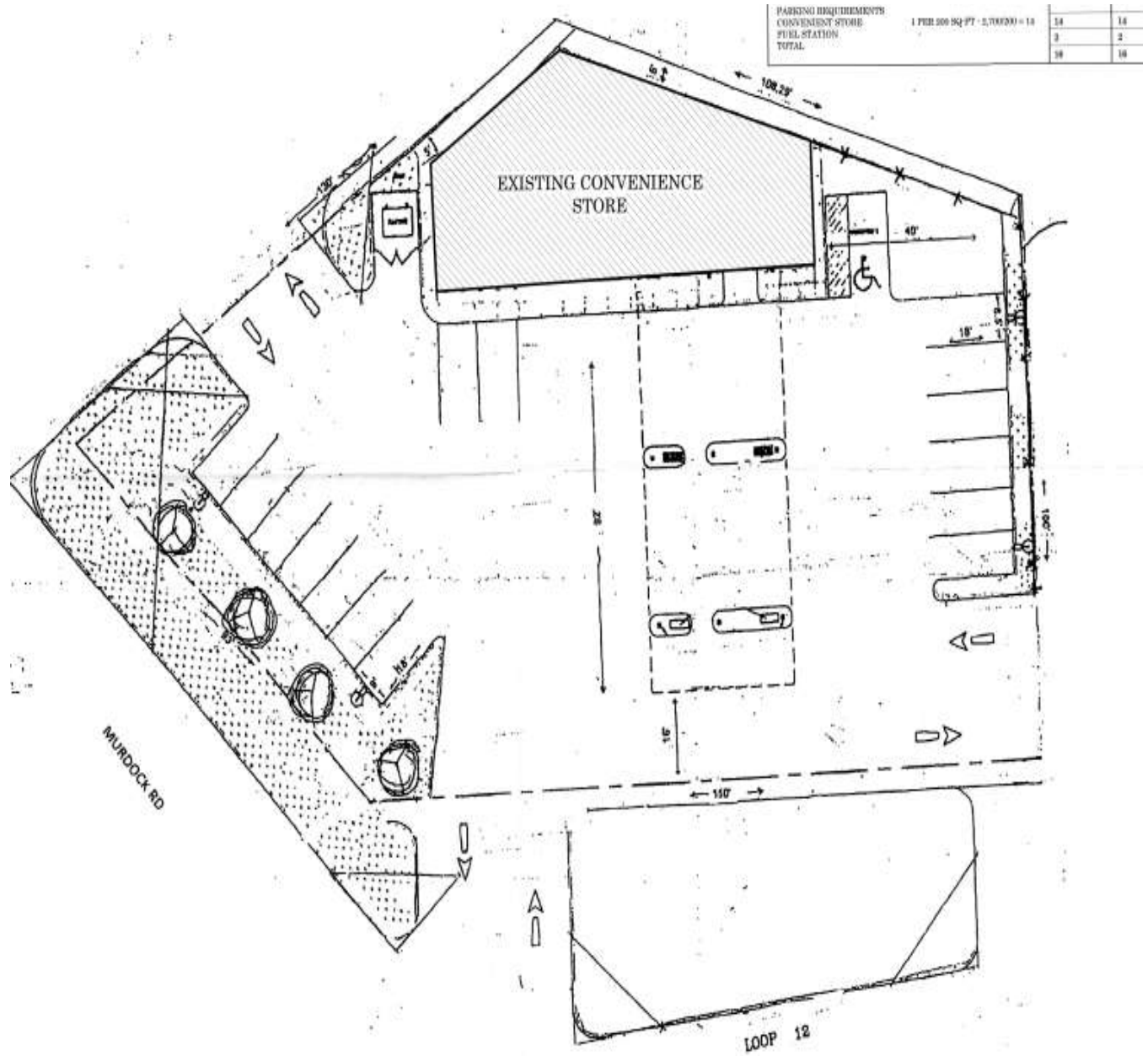
CPC RECOMMENDED CONDITIONS

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 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: This specific use permit expires on (two years from the passage of this ordinance) but is eligible for automatic renewal for an additional two-year period pursuant to Section 51A-44.219 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 the 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 SITE PLAN (NO CHANGES PROPOSED)

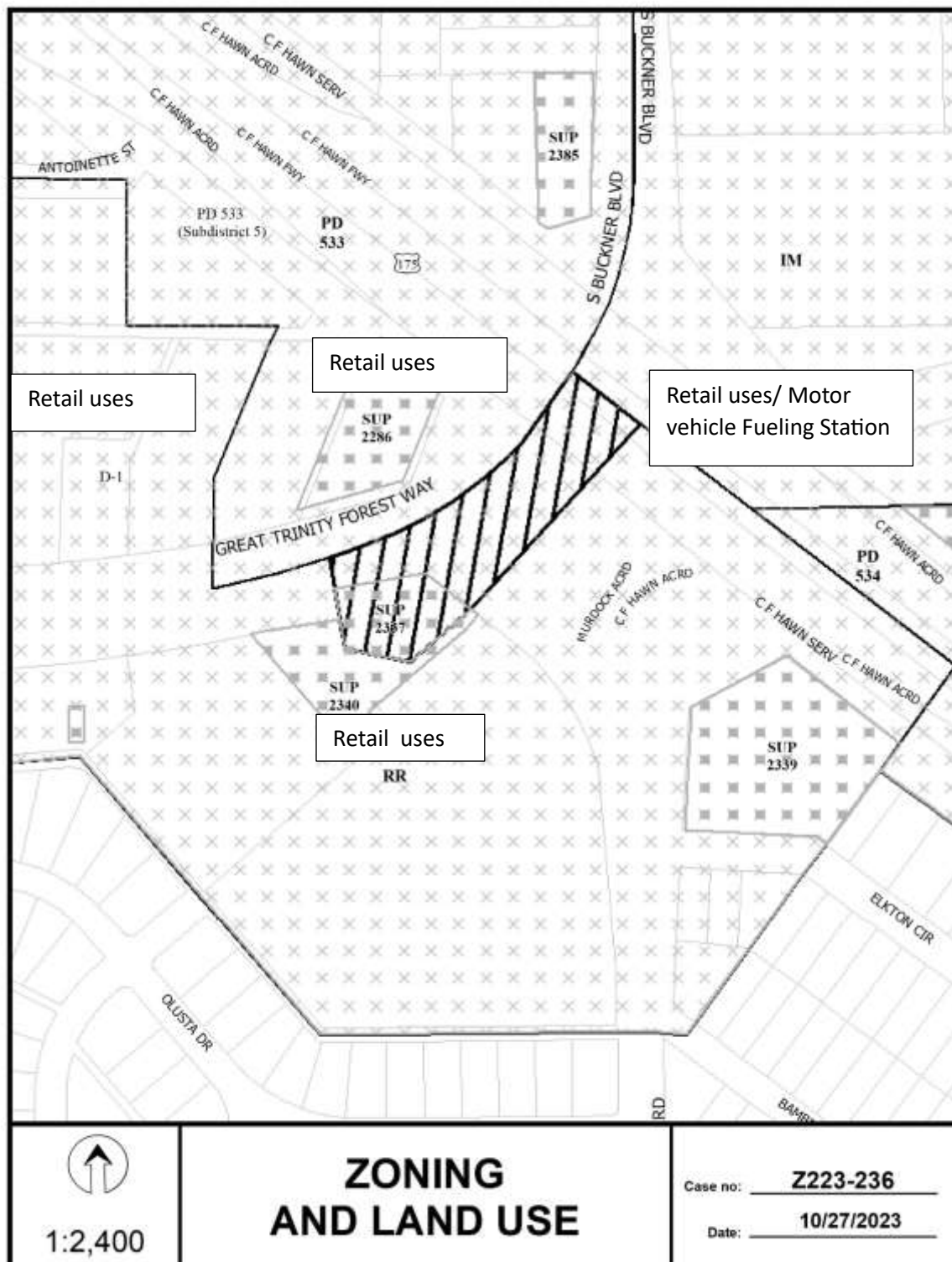


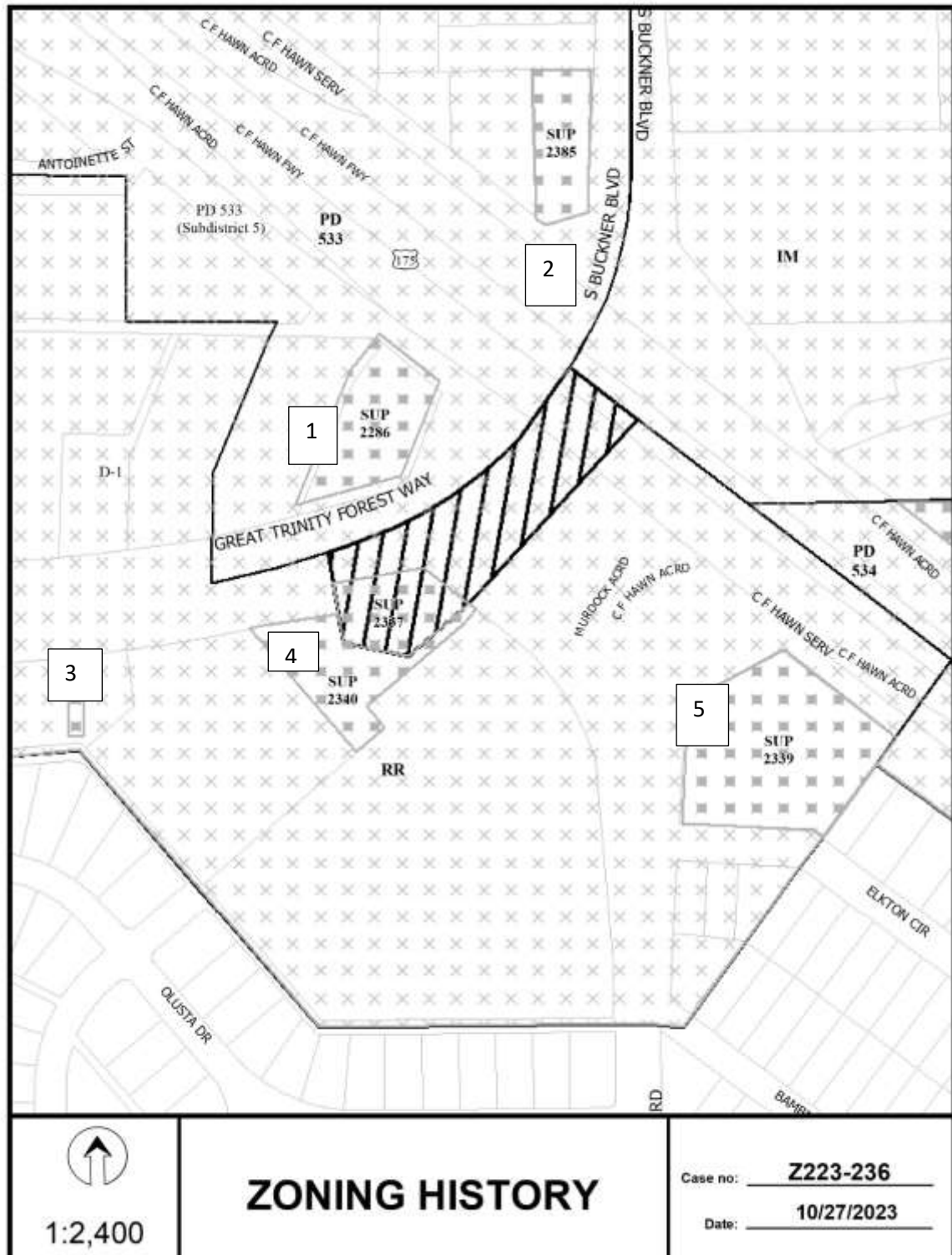
EXISTING SITE PLAN (NO CHANGES PROPOSED)
(Enlarged)

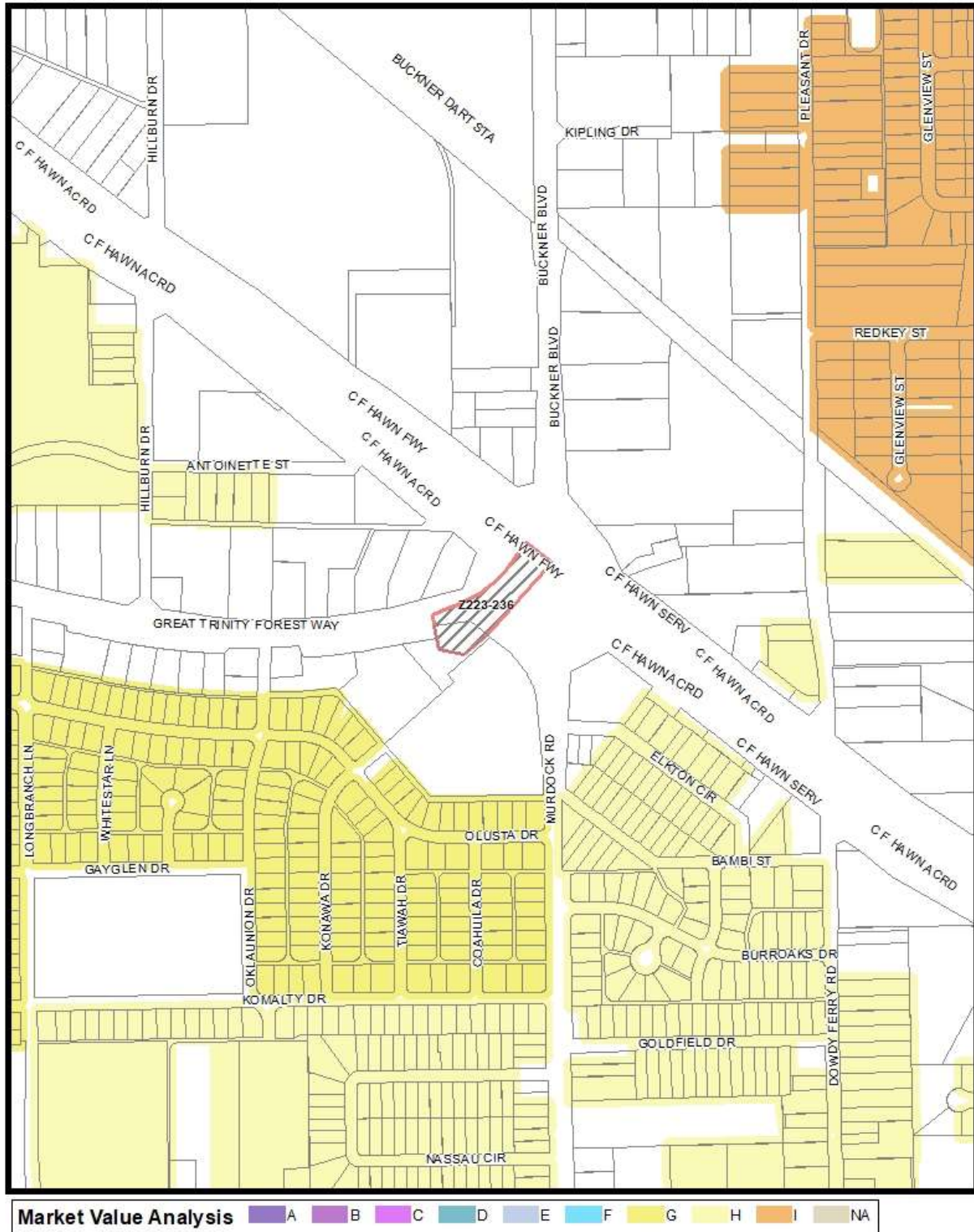






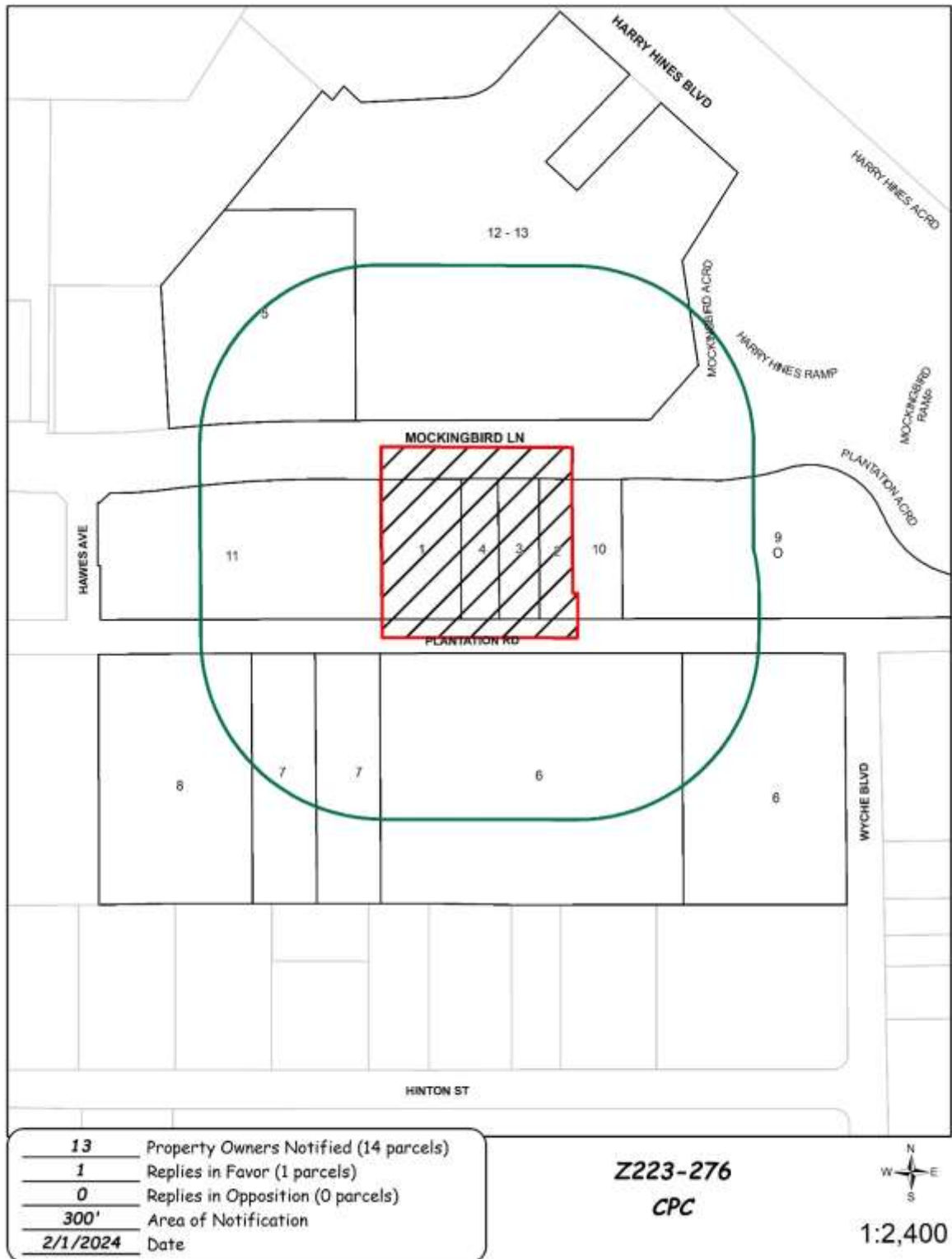






Market Value Analysis

Printed Date: 10/27/2023



04/03/2024

Reply List of Property Owners

Z223-236

7 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8098	GREAT TRINITY FOREST WAY	ENIGMA ENTERPRISES INC
2	7932	GREAT TRINITY FOREST WAY	KIMODALE INC
3	8000	GREAT TRINITY FOREST WAY	R & R SULEIMAN LLC
4	121	MURDOCK RD	UNITED HOUSE OF PRAYER
5	8015	C F HAWN FWY	DFW DISTRIBUTOR PETROLEUM INC
6	8055	GREAT TRINITY FOREST WAY	MCDONALDS USA LLC
7	8025	GREAT TRINITY FOREST WAY	COLE FD PORTFOLIO IV LLC