

FILE NUMBER: Z245-115(CC) **DATE FILED:** November 8, 2024

LOCATION: Southeast corner of North Masters Drive and Tokowa Drive

COUNCIL DISTRICT: 5

SIZE OF REQUEST: ± 35,981 square feet **CENSUS TRACT:** 48113011902

REPRESENTATIVE: Robert Nunez; Alchemi DP.

OWNER: Murad Ali; Plasticwala

APPLICANT: Pervez Plasticwala

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned a CR-D-1 Community Retail with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the applicant to sell alcohol for off-premise consumption in a proposed general merchandise or food store.

STAFF RECOMMENDATION: **Approval** of a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The applicant was operating without a Specific Use Permit (SUP) from 2014 to November 2024, The City sued the applicant to achieve compliance with the SUP requirement. The purpose of this request is to comply with the City's requirement pursuant to previous litigation proceedings.
 - Case is annotated as City of Dallas v. Murad Ali Plasticwala; FoodPlus, Inc.; and 1346 N. Masters Drive, Suite 100, Dallas, Texas 75217, in rem, in the 116th Judicial District Court of Texas, DC-24-07510.
- The facility is currently utilized as a convenience store, the purpose of this request is to comply with the City's requirements pursuant to previous litigation proceedings.
- The applicant proposes to continue operating the facilities as a general merchandise food store less than 3,500 square feet.

Zoning History:

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

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing/Proposed ROW |
|---------------------|--------------------|-----------------------|
| North Masters Drive | MA- Minor Arterial | 100 feet |
| Tokowa Drive | Local Street | - |

Traffic:

The Transportation Development Services Division of the Planning and Development Department, in coordination with the Transportation and Public Works Department, reviewed the request and determined that it will not significantly impact the surrounding roadway system pending commensurate improvements. The project will be responsible to mitigate development impact as determined through the engineering review process.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in September 2024 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

As a high-level citywide policy document, Forward Dallas 2.0 does not include future land use recommendations at the scale of this request or about general zoning changes in the Dry Overlays.

Area Plans:

The subject property is not located within a designated area plan.

Land Use:

| | Zoning | Use |
|------------------|--|---|
| Site | CR-D-1 Community Retail with a D-1 Liquor Control Overlay | General Merchandise <3,500s.f., laundry store, and restaurant |
| North | CR-D Community Retail with a D Liquor Control Overlay | Single family |
| East | Planned Development District No.-805 with a D-1 Liquor Control Overlay | Retail |
| South | CR-D-1 Community Retail with a D-1 Liquor Control Overlay | Shopping center |
| Southwest | CR-D Community Retail with a D Liquor Control Overlay | Child-care facility |
| West | R-7.5(A) Single Family | Single family |

Land Use Compatibility:

The zoning districts and land uses of the site and surrounding properties are reflected in the table above. To sell or serve alcohol in a D-1 Liquor Control Overlay, a specific use permit is required.

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 applicant's proposal for the sale of beer and wine for off-premise consumption is a typical accessory use of General Merchandise facilities. Staff recommends approval of a two-year period.

TABC Information:

The TABC license is currently active with an expiration date of February 17, 2026. It is important to note that many other license types must comply with the spacing requirements to protected uses such as a hospital, school or church. A BQ (Beer & Wine Off-Premise Sales) license does not require a minimum separation from a childcare land use. Southwest of the property in question is a childcare facility (Glenbrook Child Development Center). Furthermore, staff reviewed the distance requirements and determined the proposed is in compliance.

Chapter 12B Status:

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. At the time of this report the 12B registration status is unknown and will provide a status update at the City Plan Commission briefing.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

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.

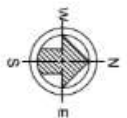
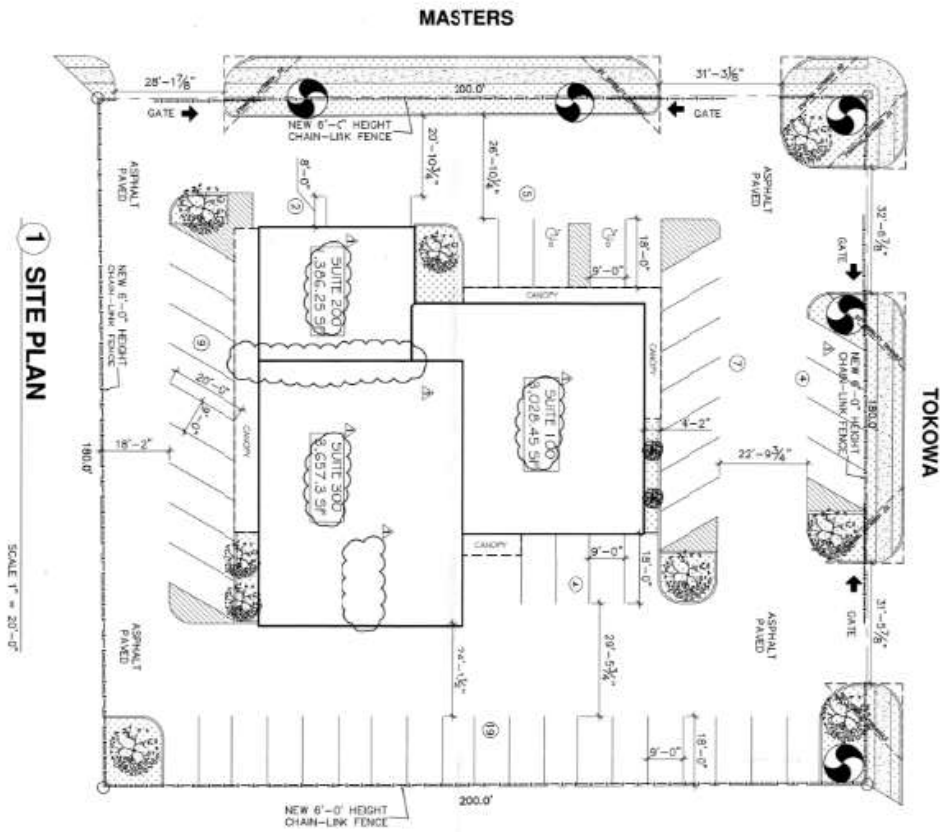
Market Value Analysis:

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 currently in an “H” MVA cluster that extends to the northeast and northwest.

Proposed 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 less 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_____, (two-year period from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area for the general merchandise or food store is 3,084 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.

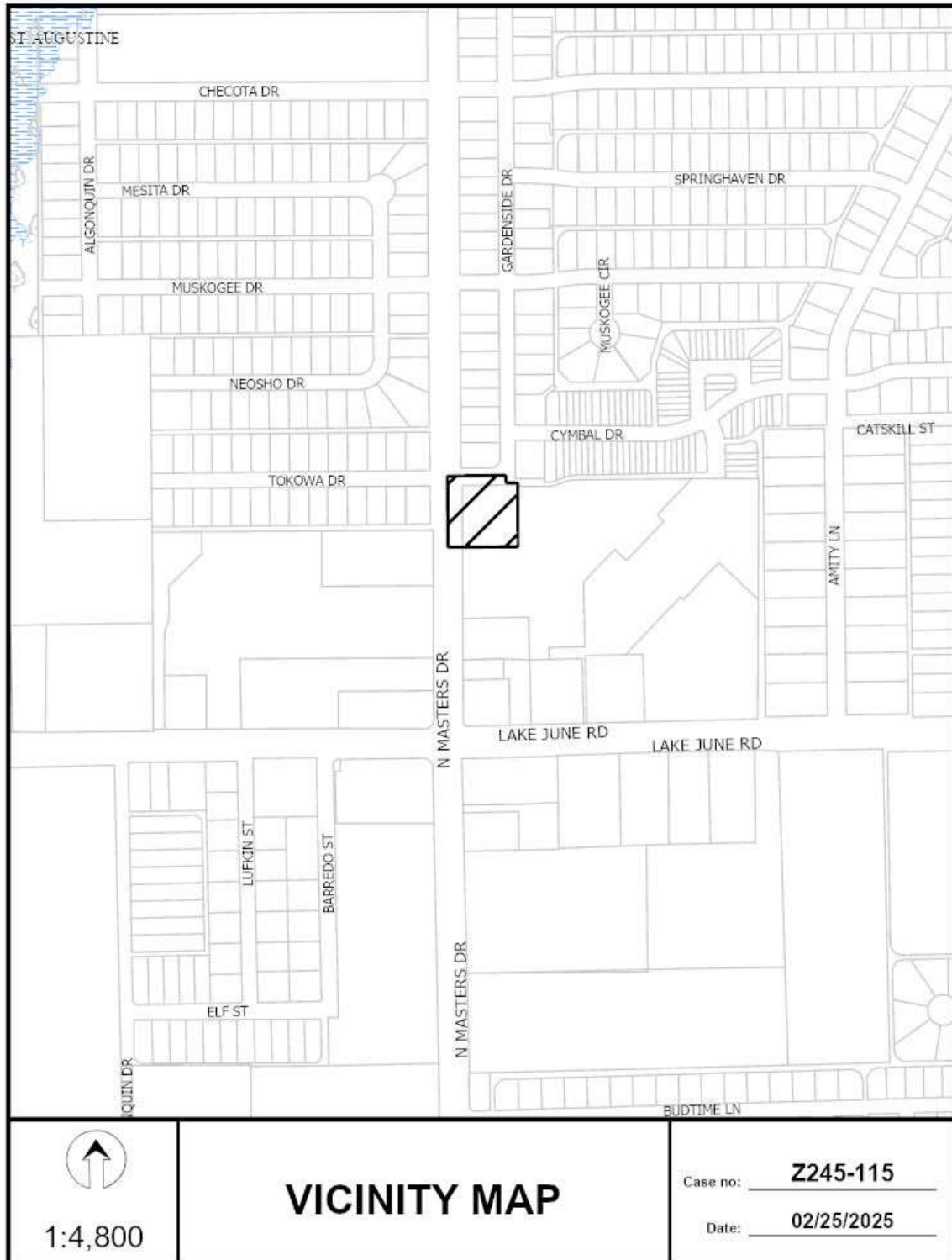
Proposed Site Plan

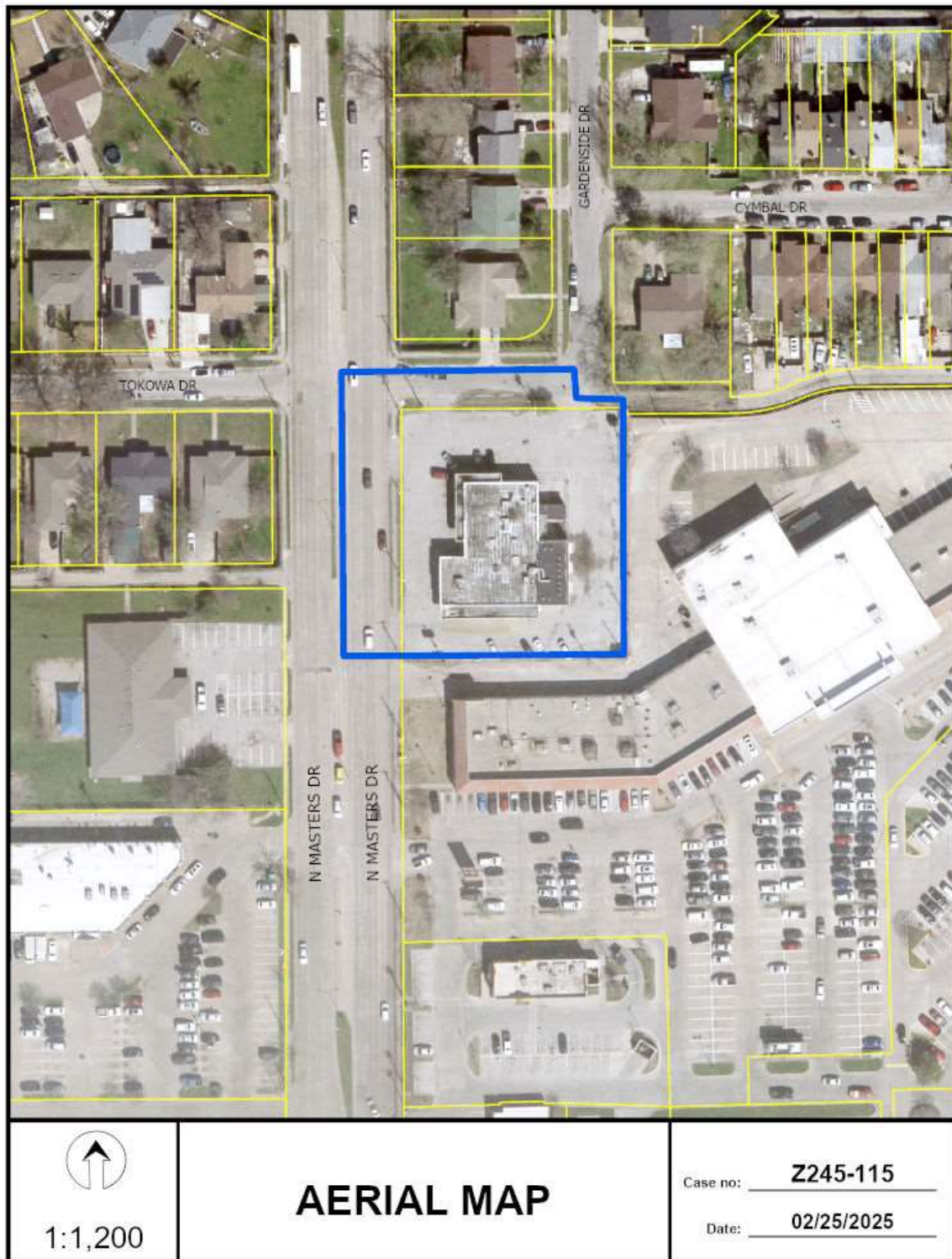


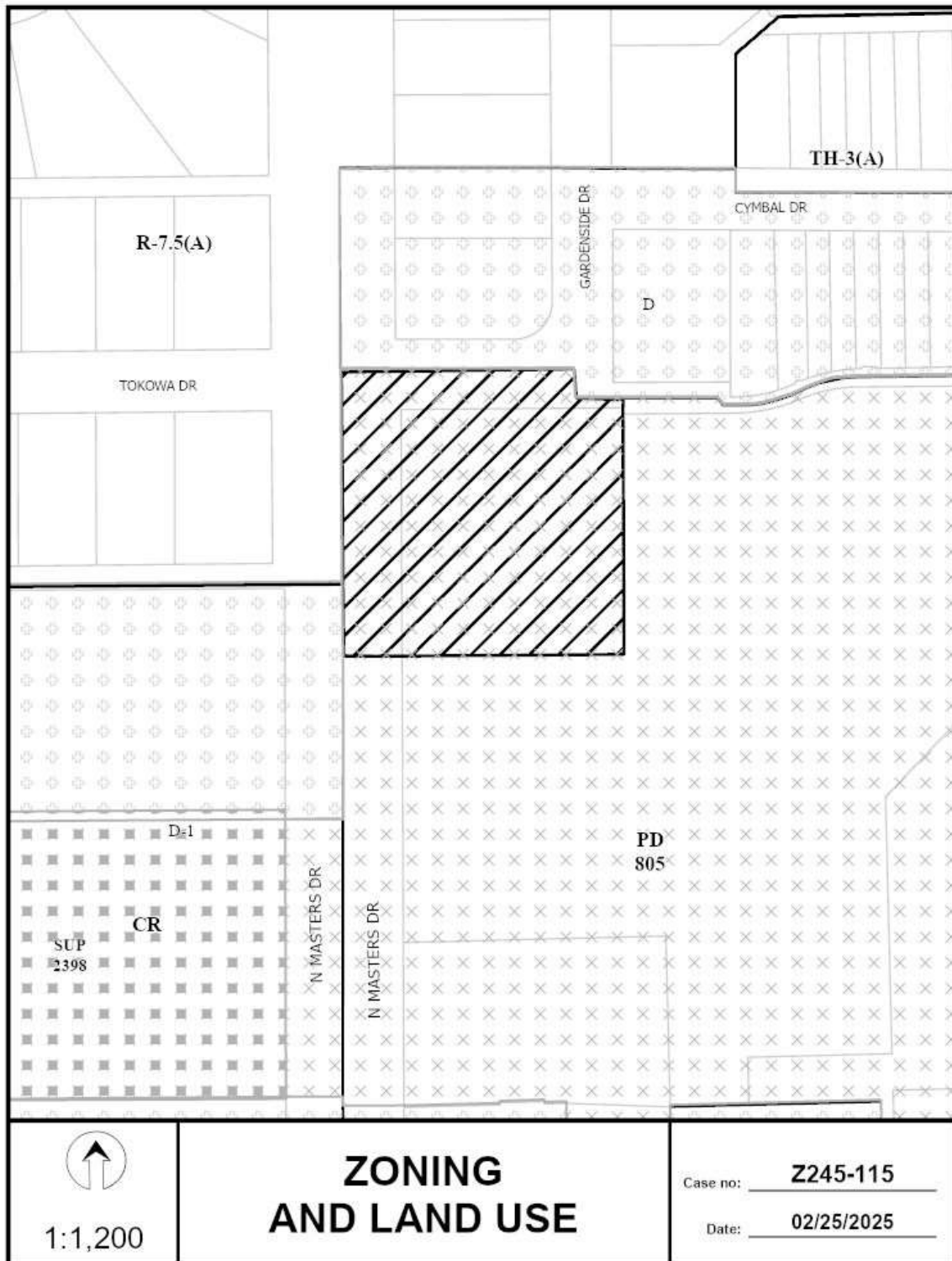
| PARKING ANALYSIS | | | | | |
|--------------------|---------------------|-------|-------------|------|-------|
| 1346 MASTERS DRIVE | | | | | |
| DATE | USE | CODE | SQ. FT. | NEED | PROV. |
| 100 | GENERAL MERCHANDISE | 1/200 | 3,028.45 SF | 15 | 20 |
| 200 | OFFICE | 1/250 | 1,086.25 SF | 4 | 6 |
| 300 | COMM. UNIVERSITY | 1/200 | 3,657.3 SF | 18 | 24 |
| | | | | 37 | 30 |

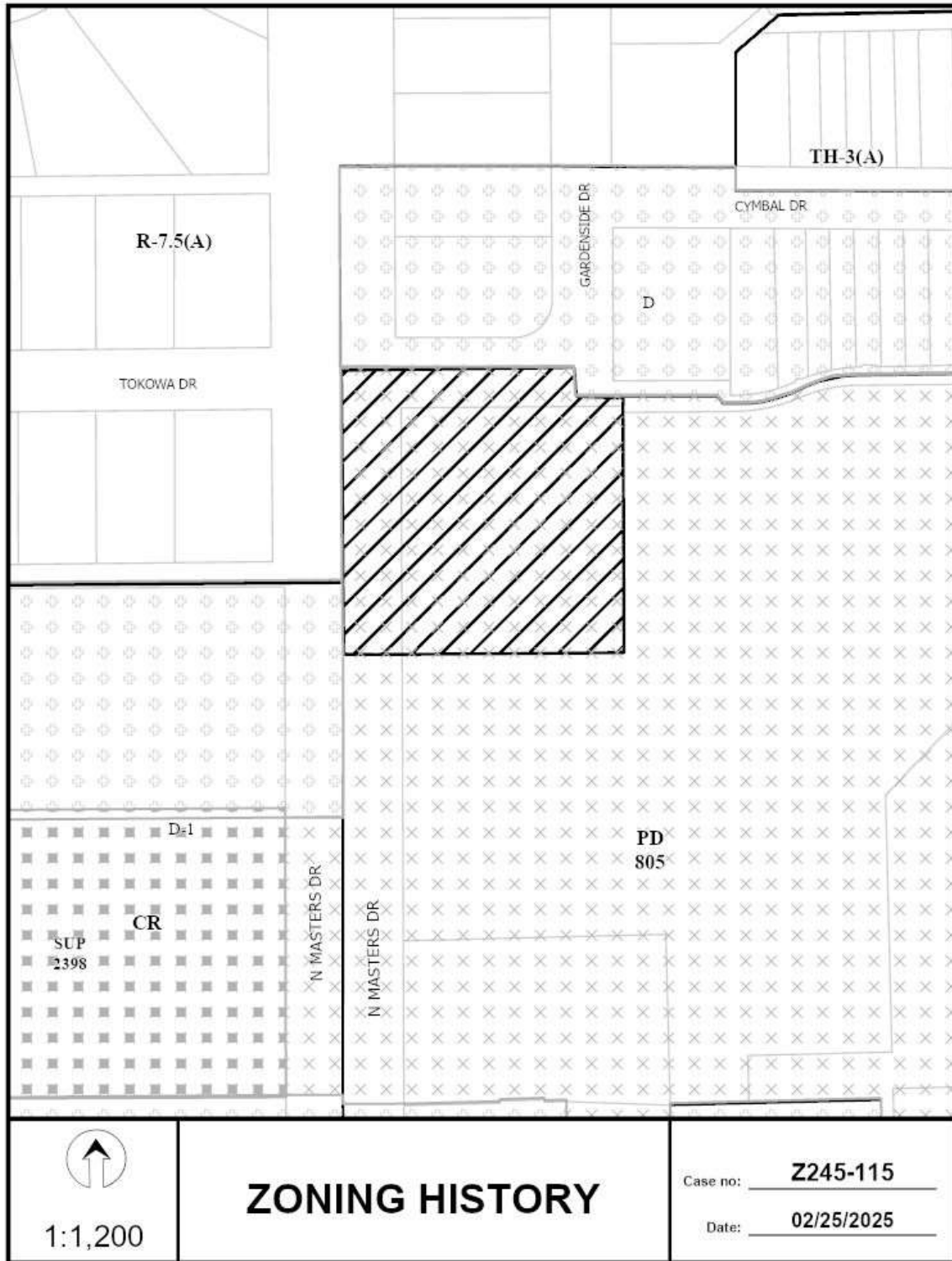
LEGAL DESC.
 1 BLK 501
 72 IN 1 200X80
 3 MASTERS DR & TOKOWA D
 4 VOLUNTARY/9995 DEED/0390 DO-DALLAS
 5 6717 000 081 206217 000

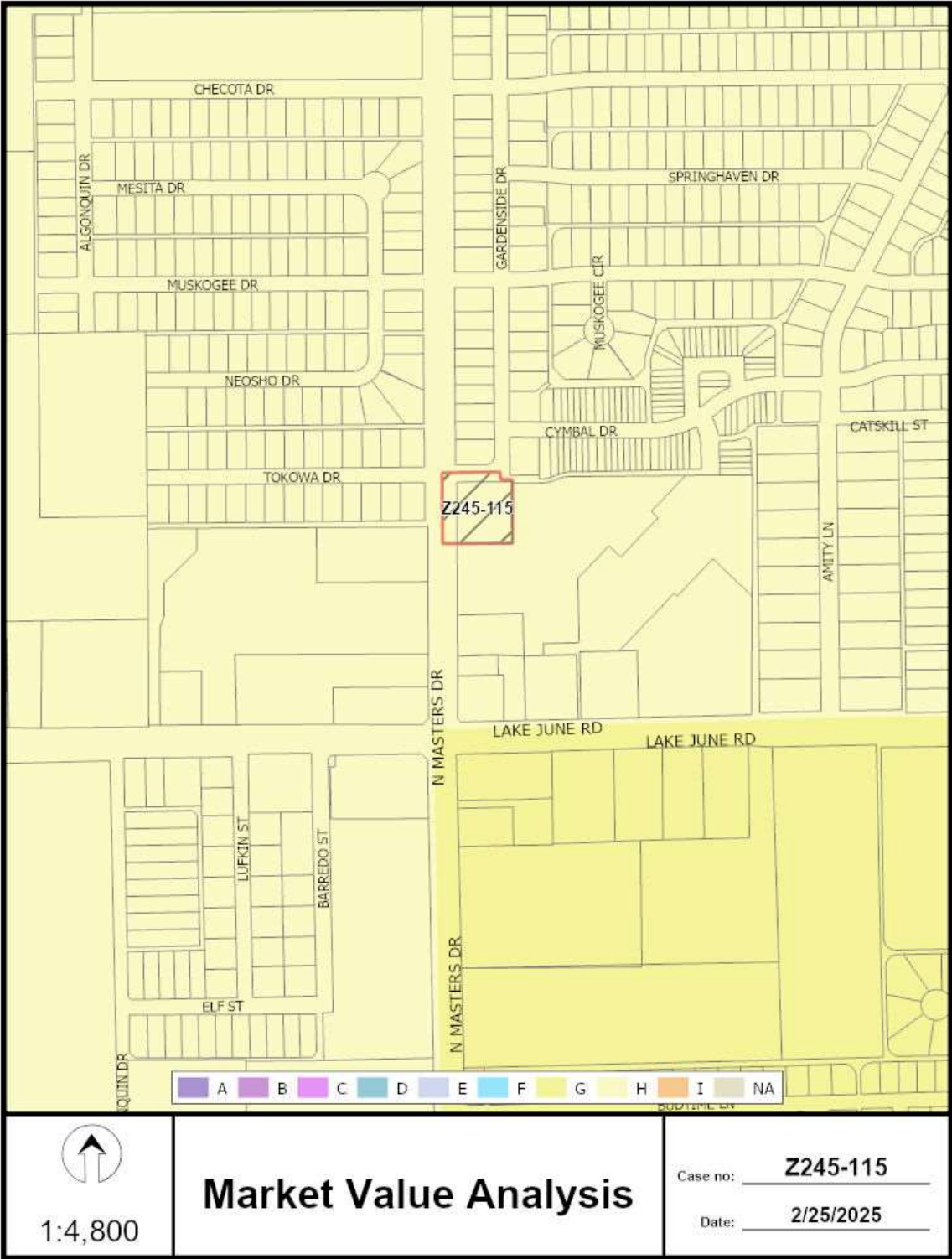
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|--|--|---|--|---------------------------|--|-------------------------|--|-----------------------------|--|
| CASE # MURAD ALI | | PROJECT COMMERCIAL REMODEL | | DATE 05-08-2012 | | SCALE 1/8"=1' | | ZONING C-1 | |
| PROJECT NAME BUILDING REMODELING | | | | | | | | | |
| ADDRESS 1346 N. MASTERS DR. DALLAS, TEXAS 75217 | | | | | | | | | |
| PLANS & PERMIT SOLUTIONS PLANS & PERMIT SUBMITTAL AND REPRESENTATION 609 HANOVER DR. ALLEN, TX 75002 phone: 469 464 6625 fax: 972 432 4351 kellee@plansandpermitsolutions.com | | | | | | | | | |

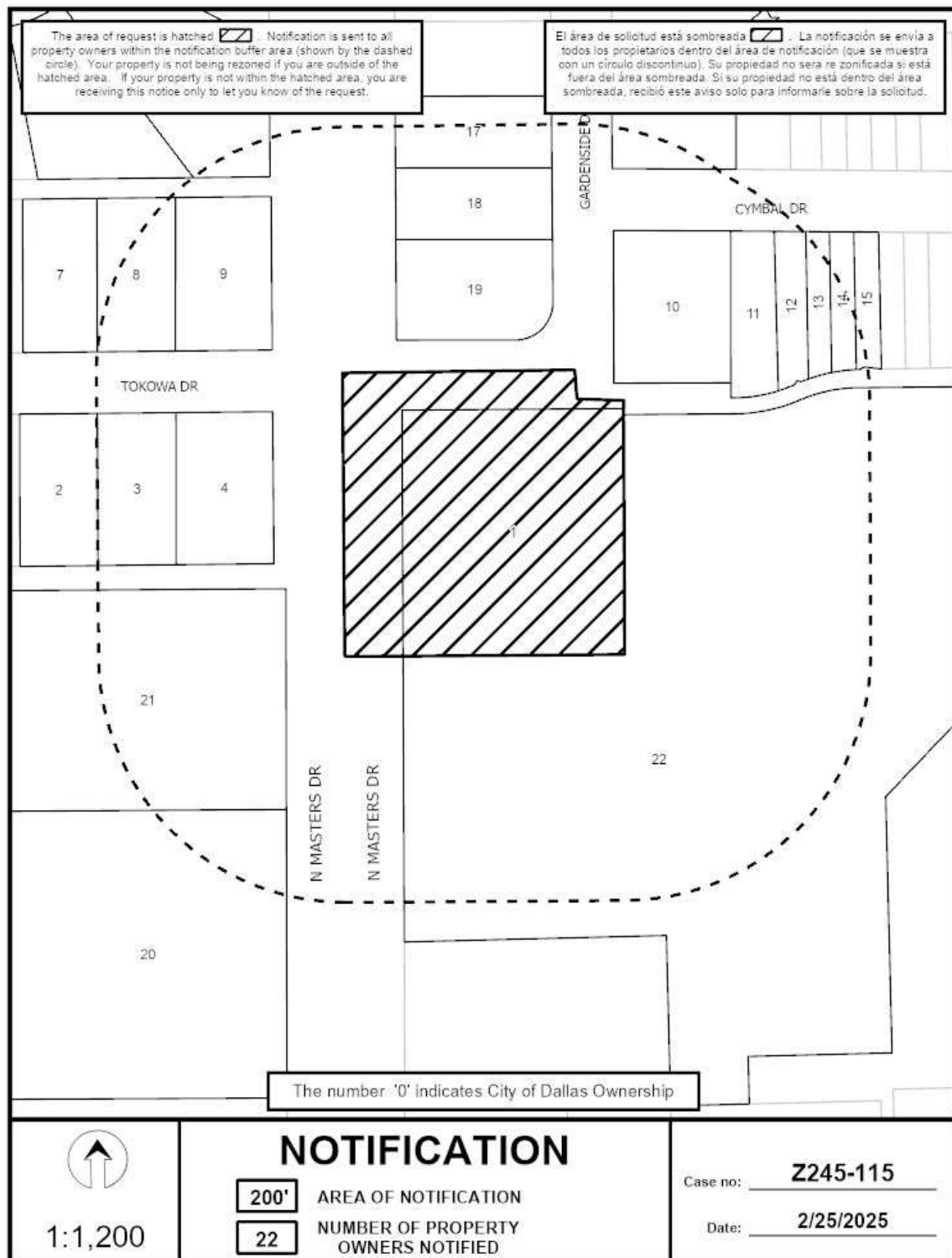












02/25/2025

Notification List of Property Owners

Z245-115

22 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|------------------------------|
| 1 | 1346 N MASTERS DR | PLASTICWALA MURAD ALI |
| 2 | 10120 TOKOWA DR | Taxpayer at |
| 3 | 10124 TOKOWA DR | CARDENAS JOSE P |
| 4 | 10128 TOKOWA DR | LOPEZ FERMIN & SELENE |
| 5 | 10108 NEOSHO DR | HARRIS LEE FRANCES |
| 6 | 10104 NEOSHO DR | VILLALOBOS OSIRIS ANGELICA & |
| 7 | 10119 TOKOWA DR | MCELROY VICKIE J |
| 8 | 10123 TOKOWA DR | MORENO VICTORIANA |
| 9 | 10127 TOKOWA DR | Taxpayer at |
| 10 | 10306 CYMBAL DR | ZAMORA JOSE LUIS |
| 11 | 10308 CYMBAL DR | Taxpayer at |
| 12 | 10312 CYMBAL DR | BARRIENTOS BRENDA |
| 13 | 10316 CYMBAL DR | Taxpayer at |
| 14 | 10320 CYMBAL DR | HERNANDEZ RUBEN |
| 15 | 10324 CYMBAL DR | FROSSARD T E JR |
| 16 | 1420 GARDENSIDE DR | HERNANDEZ FELIPE GARAY & |
| 17 | 1415 GARDENSIDE DR | HERNANDEZ JESUS R & EVA |
| 18 | 1409 GARDENSIDE DR | BENAVIDES PATRICIO & EVA |
| 19 | 1403 GARDENSIDE DR | MEDRANO REINA & |
| 20 | 10121 LAKE JUNE RD | PINFIN PROPERTIES LP |
| 21 | 1339 N MASTERS DR | SUNRISE ENTERPRISES INC |
| 22 | 10325 LAKE JUNE RD | NEC LAKE JUNE & MASTERS L |