HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, FEBRUARY 24, 2021**

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-358(AU) **DATE FILED:** September 18, 2020

LOCATION: Northwest corner of Great Trinity Forest Way and Hillburn Drive

COUNCIL DISTRICT: 8 **MAPSCO:** 58 T

SIZE OF REQUEST: Approx. 1.52 acres **CENSUS TRACT:** 93.04

REPRESENTATIVE: Malik Law Firm/Parvez Malik

APPLICANT/OWNER: Emilia Rezaei Inc.

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 an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow for the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store 3,500 square feet or less (currently vacant).

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

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

BACKGROUND INFORMATION

- The request site is currently developed with a one-story building, 9,038 square feet in area. The building is currently vacant and was previously occupied by a general merchandise or food store.

- The property owner seeks to obtain a specific use permit to be allowed to sell beer and wine for off-premise consumption in conjunction with the general merchandise use in a 2,100 square feet portion of the building.

Zoning History

There has been one zoning change in the vicinity within the past five years:

1. Z167-366: On January 10, 2018, City Council approved Specific Use Permit No. 2666 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a time period of two years on property located to the south of the area of request.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing/Proposed ROW
Great Trinity Forest Way	Principal Arterial	107'; Bike Plan
Hillburn Drive	Local Street	64'

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.

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:

URBAN DESIGN

GOAL 5.3 ESTABLISH 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 with D-1 Liquor Control Overlay	Vacant
North	MF-2(A)	Multifamily
East	RR Regional Retail with D Liquor Control Overlay	Vehicle Display, Sales and Service
South	RR Regional Retail with D-1 Liquor Control Overlay and SUP No. 2666	Retail, general merchandise or food store with alcohol sales, auto-related, furniture store
West	RR Regional Retail with D-1 Liquor Control Overlay	Auto parts store

Land Use Compatibility

The request site is currently developed with a one-story, 9,038-square-foot building. The building is currently vacant and was previously occupied by a general merchandise or food store.

Uses surrounding the area of request include a mix of residential, retail, auto-related, and furniture store uses.

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,
- 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. Upon starting the operation, the store will be required to register and comply with requirements of Chapter 12B.

In general, the applicant's request is consistent with the combination of uses and the character of the area. Staff recommends approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Parking

Off-street parking and loading requirements must comply with the Dallas Development Code as amended for the approximately 9,038 square-feet existing building. The building is vacant. A calculation for required parking cannot be estimated without knowing the uses proposed for the entire building.

The 2,100 square-foot portion that is subject to the SUP, will require one parking space per 200 square feet. Hence 11 spaces will be required for the SUP portion. The property currently provides 58 parking spaces.

Landscaping

No new construction is proposed; therefore, no additional landscaping is required.

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. The area of request is not within an identifiable MVA category; however, the area adjacent to the north is within category H, and the area further south is within category G.

LIST OF OFFICERS

Emilia Rezaei Inc

Mehdi Rezaei – **President / Secretary**

CPC Action
January 21, 2021

Motion: It was moved 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 two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Great Trinity Forest Way and Hillburn Drive.

Maker: Blair
Second: MacGregor
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Johnson, Shidid, Carpenter, Blair, Jung, Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 3 - Stinson, Jackson, Myers
Vacancy: 0

Notices: Area: 300 Mailed: 29
Replies: For: 0 Against: 0

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

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is for 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

   CPC recommendation:

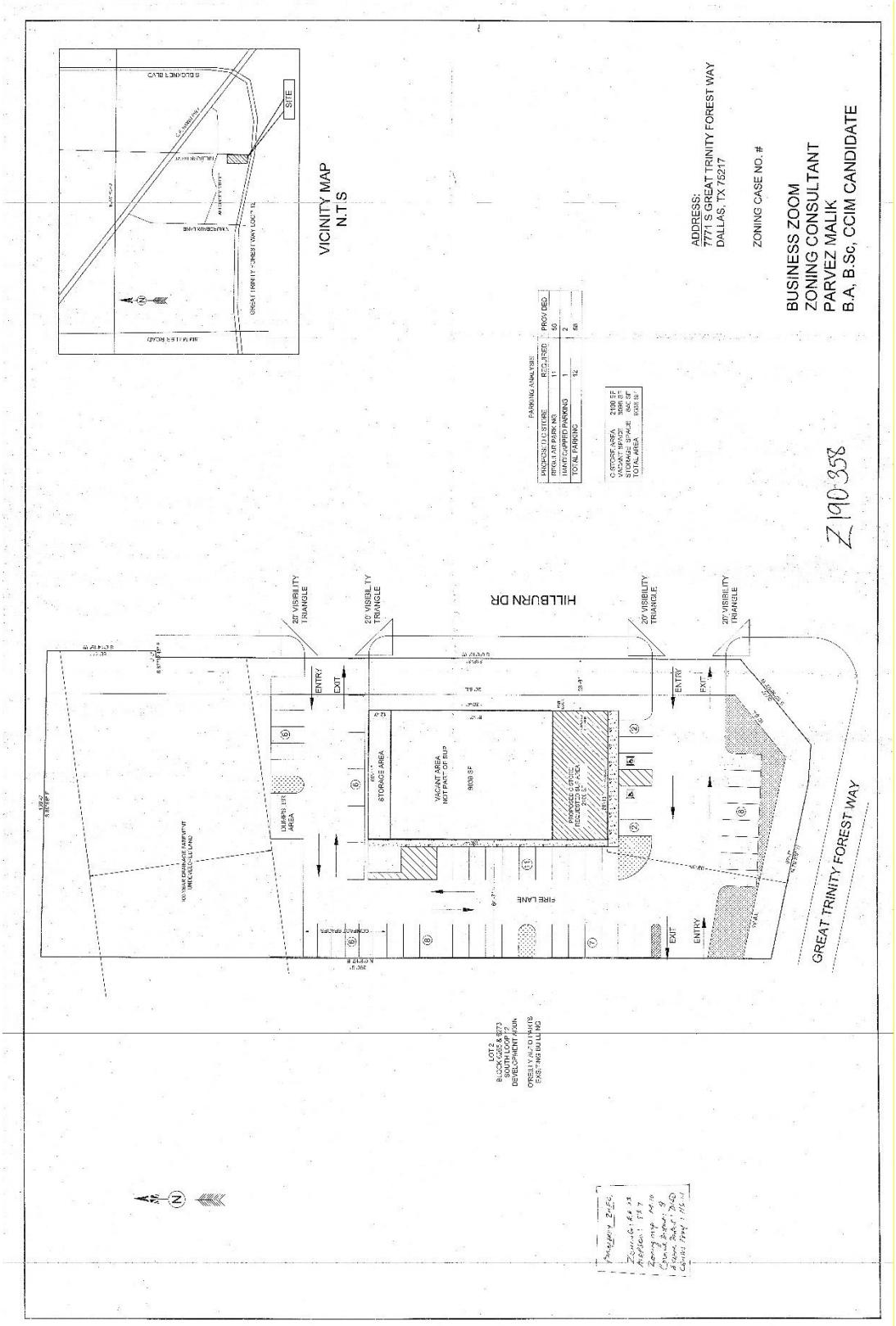
This specific use permit expires on _____ (two-year period from the passage of this ordinance)

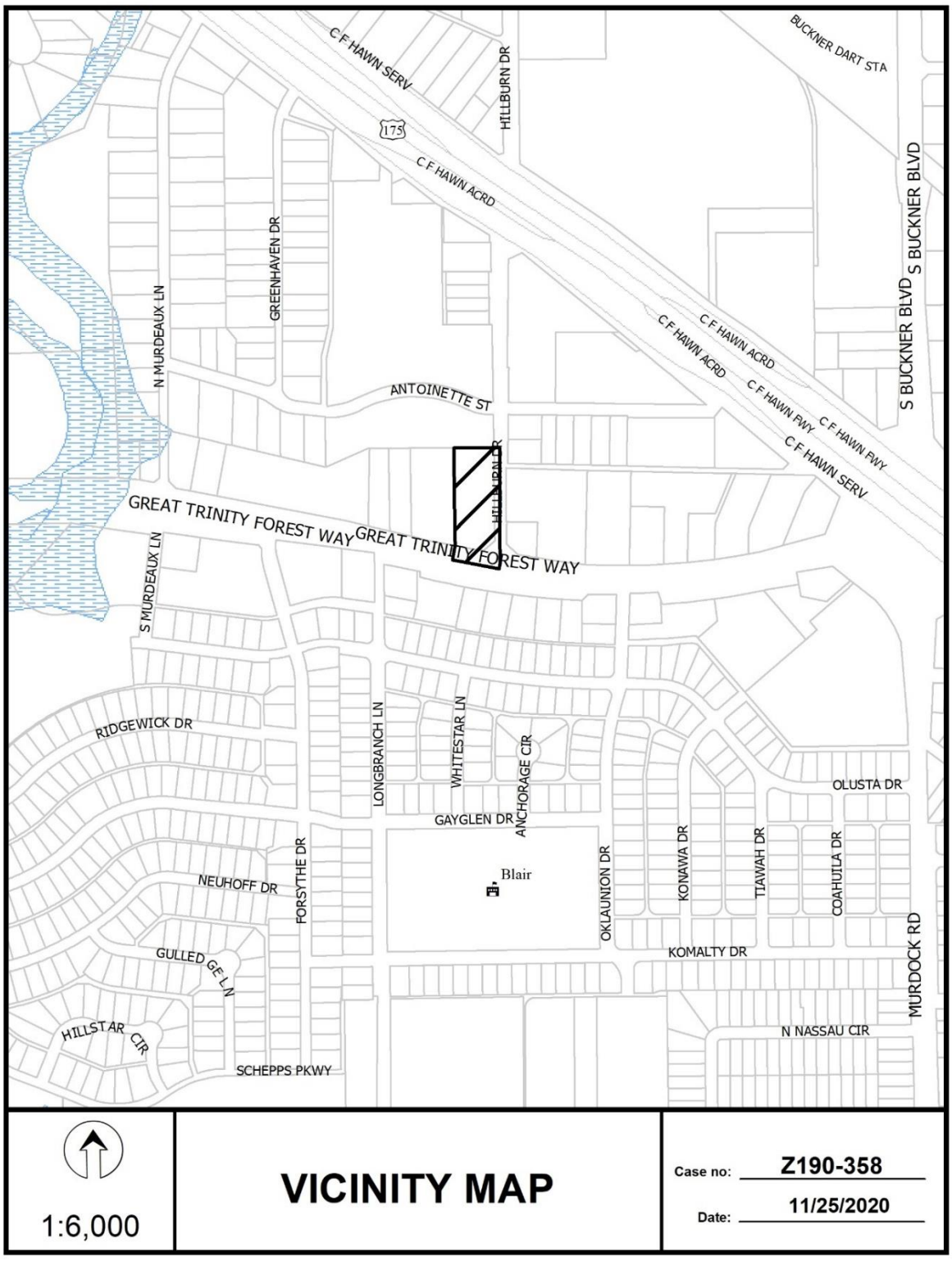
   Staff recommendation:

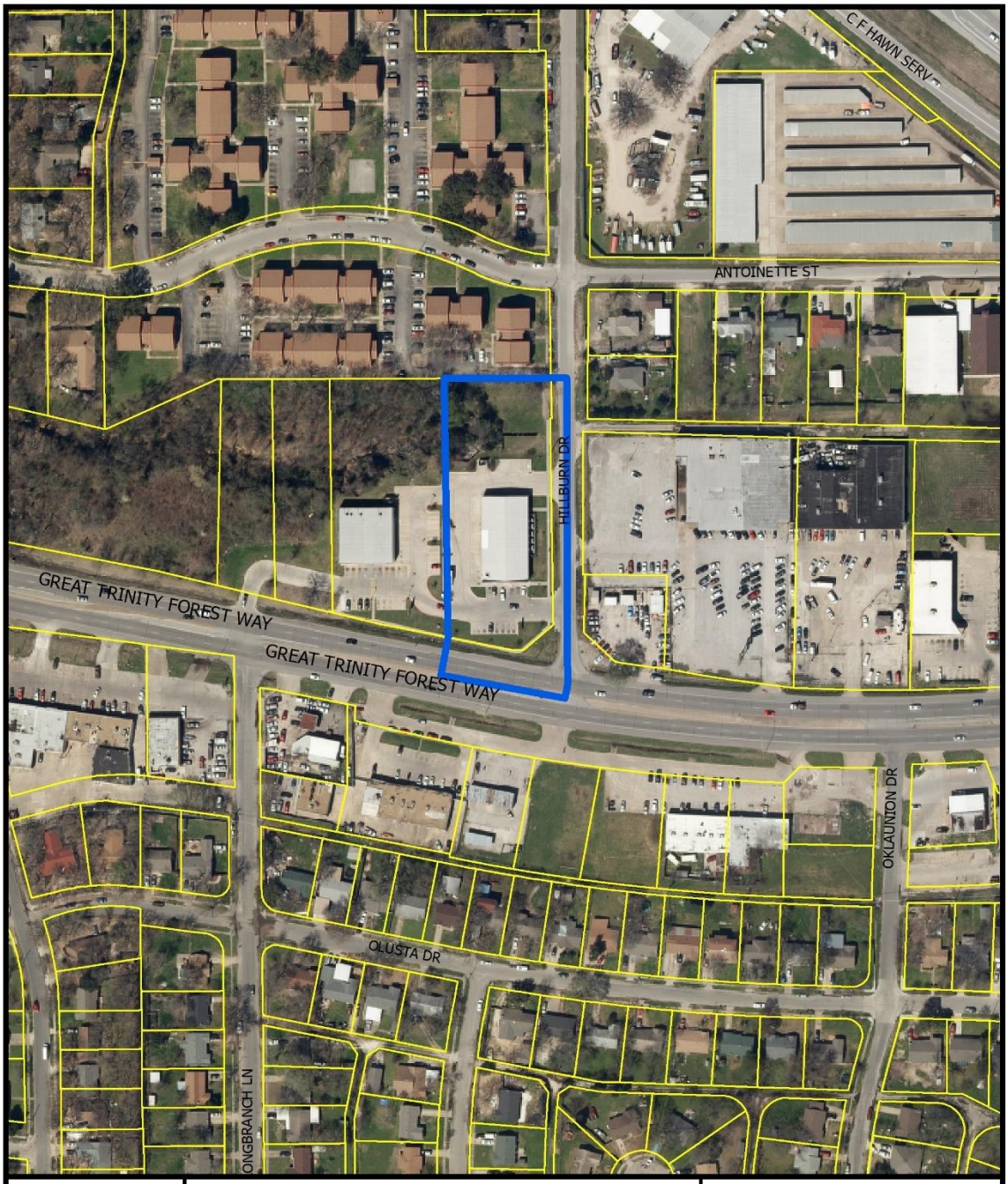
This specific use permit expires on _____ (two-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must 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).

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.

CPC RECOMMENDED SITE PLAN




C F HAWN SERV
HILLBURN DR
BUCKNER DART STA
175
C F HAWN ACRD
S BUCKNER BLVD
GREENHAVEN DR
N MURDEAUX LN
C F HAWN ACRD
C F HAWN PWY
C F HAWN FWY
C F HAWN SERV
ANTOINETTE ST
HILLBURN DR
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
S MURDEAUX LN
RIDGEWICK DR
LONGBRANCH LN
WHITESTAR LN
ANCHORAGE CIR
OLUSTA DR
GAYGLEN DR
FORSYTHE DR
NEUHOFF DR
Blair
OKLAUNION DR
KONAWA DR
TIAWAH DR
COAHUILA DR
KOMALTY DR
MURDOCK RD
GULLED GE LN
HILLSTAR CIR
SCHEPPS PKWY
N NASSAU CIR
1:6,000
VICINITY MAP
Case no: Z190-358
Date: 11/25/2020



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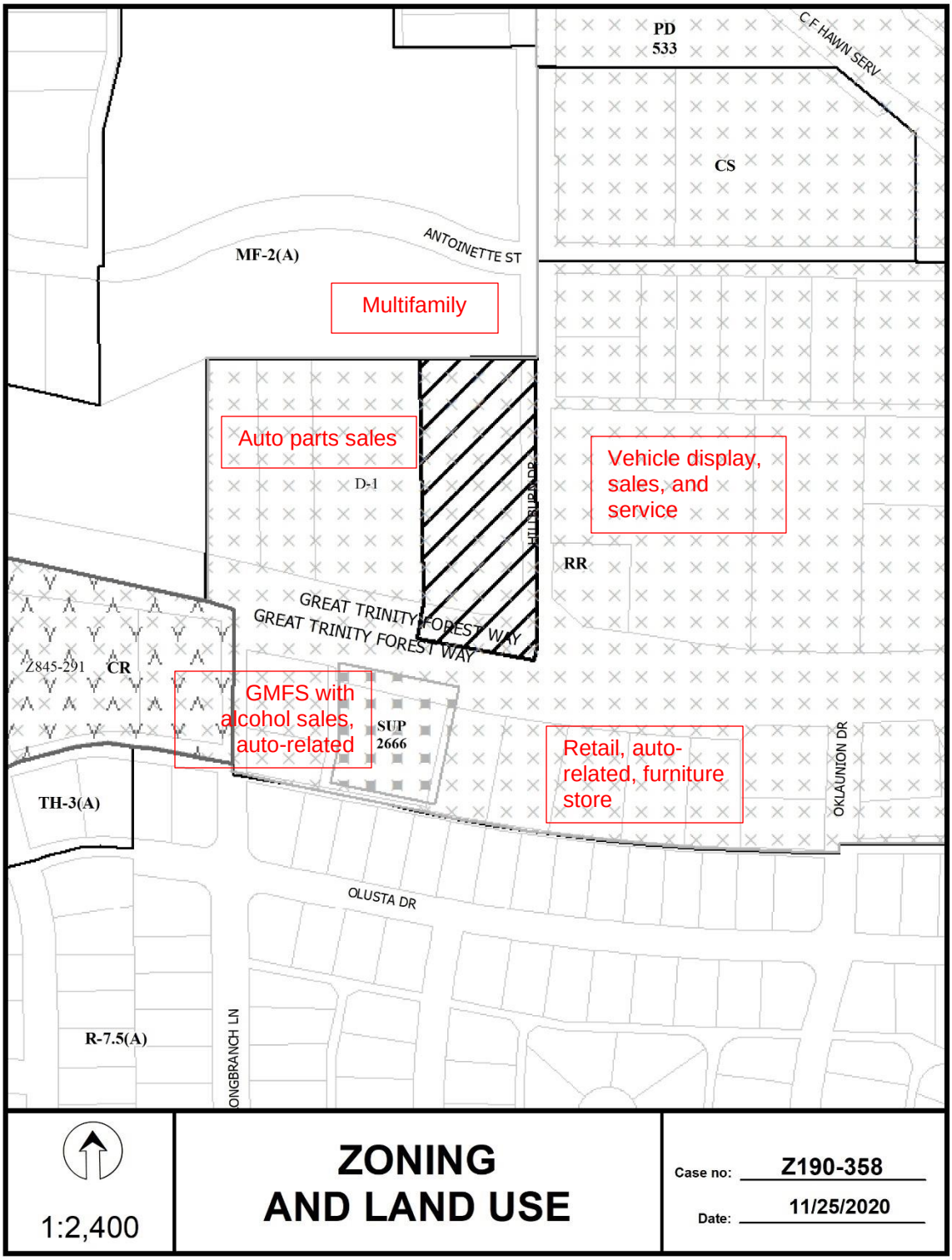
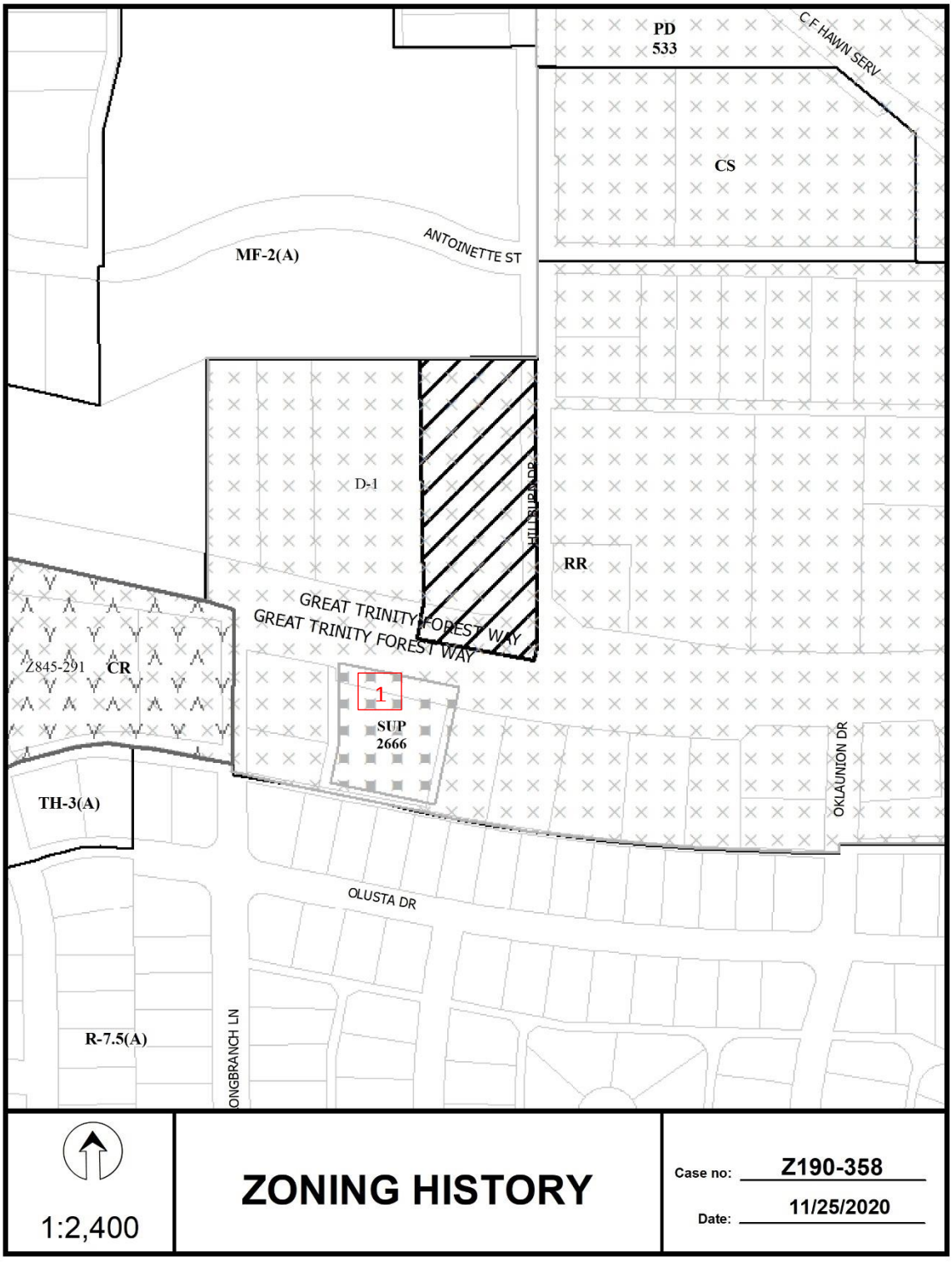
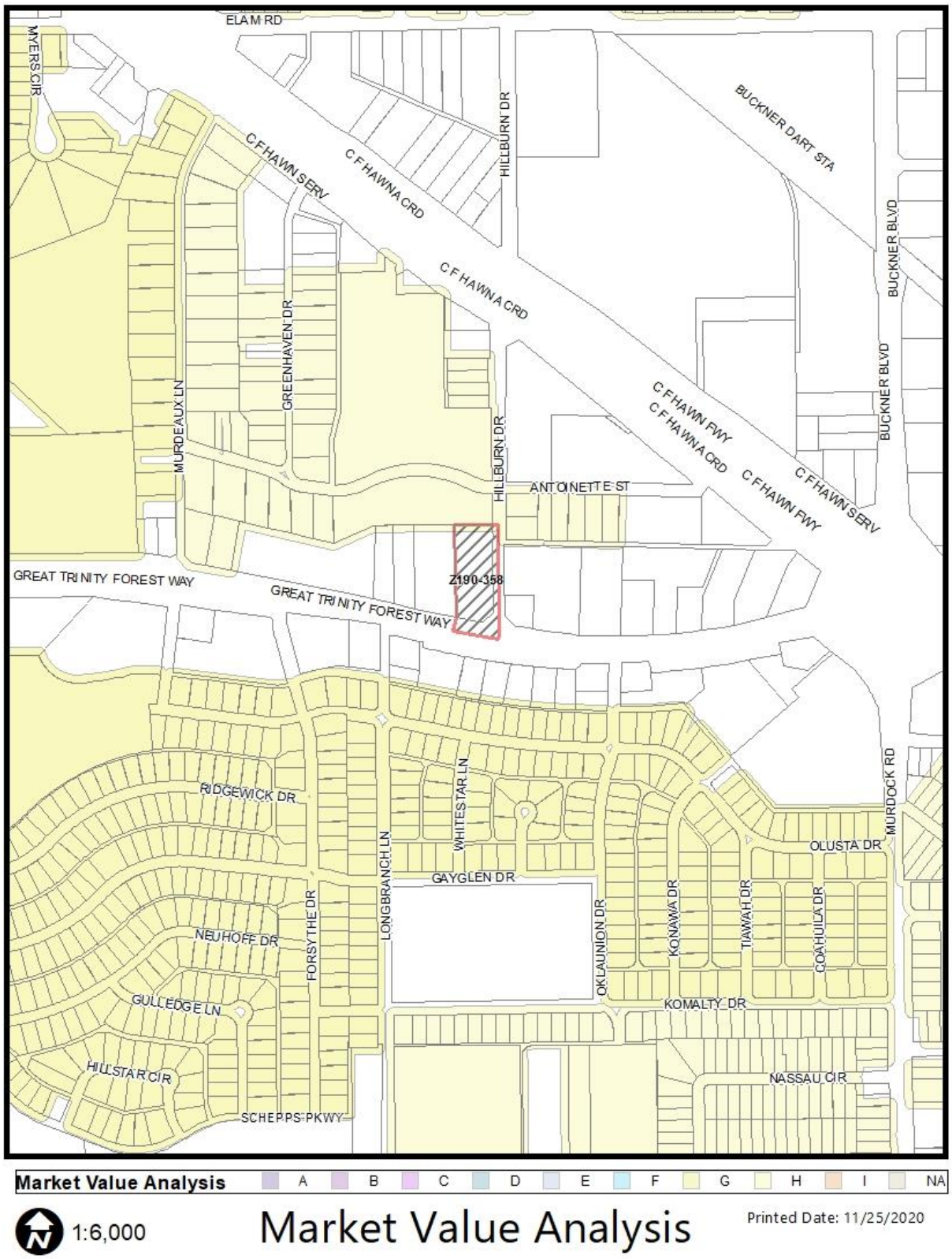
AERIAL MAP

Case no: Z190-358

Date: 11/25/2020


PD 533
C F HAWN SERV
CS
ANTOINETTE ST
MF-2(A)
Multifamily
Auto parts sales
D-1
HILLBURN DR
Vehicle display, sales, and service
RR
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
Z845-291
CR
GMFS with alcohol sales, auto-related
SUP 2666
Retail, auto-related, furniture store
OKLAUNION DR
TH-3(A)
OLUSTA DR
R-7.5(A)
ONGBRANCH LN
1:2,400
ZONING AND LAND USE
Case no: Z190-358
Date: 11/25/2020


PD
533
C F HAWN SERV
CS
MF-2(A)
ANTOINETTE ST
D-1
HILLSBORO DR
RR
GREAT TRINITY FOREST WAY
GREAT TRINITY FOREST WAY
Z845-291
CR
1
SUP
2666
OKLAUNION DR
TH-3(A)
OLUSTA DR
R-7.5(A)
ONGBRANCH LN
1:2,400
ZONING HISTORY
Case no: Z190-358
Date: 11/25/2020



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

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Market Value Analysis

Printed Date: 11/25/2020

CPC RESPONSES

01/06/2021

Reply List of Property Owners

Z190-358

29 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*	*Owner*	
	1	7771	GREAT TRINITY FOREST WAY	4GILL INVESTMENTS LLC
	2	7710	GREAT TRINITY FOREST WAY	RAKAN B1 LLC
	3	7822	GREAT TRINITY FOREST WAY	FREENEY EARNEST
	4	7810	GREAT TRINITY FOREST WAY	SCM COMMERCIAL PROPERTIES LLC
	5	7740	GREAT TRINITY FOREST WAY	SUPERB KAR WASH LLC
	6	7812	GREAT TRINITY FOREST WAY	SCM COMMERCIAL PROPERTIES LLC
	7	7709	OLUSTA DR	GARCIA MARCELINO
	8	7715	OLUSTA DR	HERNANDEZ LUIS MANUEL
	9	7719	OLUSTA DR	MEDINA JOHN E &
	10	7725	OLUSTA DR	CORTES MARIA CONCEPTION &
	11	7729	OLUSTA DR	MEDINA JESSE
	12	7803	OLUSTA DR	LENOVITZ J MARSHALL
	13	7809	OLUSTA DR	BARRIOS J CARMEN
	14	7815	OLUSTA DR	SIAS EUGENIO
	15	7815	GREAT TRINITY FOREST WAY	ALL STAR LEASING INC
	16	7841	C F HAWN FWY	WRANGLER PROPERTIES LP
	17	7979	C F HAWN FWY	HAWN FREEWAY SELF STORAGE LP
	18	150	HILLBURN DR	ROJAS JOSE
	19	142	HILLBURN DR	VALDEZ ELISEO
	20	7814	ANTOINETTE ST	ANDRADE JOSE
	21	7818	ANTOINETTE ST	BARRAZA MARY NANCY
	22	7826	ANTOINETTE ST	PIEDRA INOCENTE EST OF
	23	7625	ANTOINETTE ST	RAVEN BELLA VIDA LLC
	24	7625	ANTOINETTE ST	RAVEN BELLA VIDA LLC
	25	7811	GREAT TRINITY FOREST WAY	SHORT DAN & GERALDINE
	26	7741	GREAT TRINITY FOREST WAY	MEDICAL SPACE DEVELOPERS LLC

01/06/2021

Reply	*Label #*	*Address*	*Owner*	
	27	7767	GREAT TRINITY FOREST WAY	LPP & A WESTERN LAND RESOURCES
	28	110	LONGBRANCH LN	Taxpayer at
	29	7728	GREAT TRINITY FOREST WAY	Taxpayer at