

FILE NUMBER: Z223-188(CR) **DATE FILED:** January 24, 2023

LOCATION: Southwest corner of Lake June Road and Holcomb Road

COUNCIL DISTRICT: 5

SIZE OF REQUEST: ± 0.43 acres **CENSUS TRACT:** 48113009202

REPRESENTATIVE: Parvez Malik, Malik Law Firm

OWNER/APPLICANT: Deeyanasai Enterprise Inc.

REQUEST: An application for an amendment to Specific Use Permit No. 2365 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.

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

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

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

BACKGROUND INFORMATION:

- The area of request is currently zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.
- The sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less operates within a suite of an existing building on site, totaling 2,076 square feet.
- The lot has frontage on both Lake June Road and Holcomb Road, with two points of ingress and egress to the site on each frontage.

Zoning History:

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

1. **Z190-357:** On February 24, 2021, City Council approved a renewal of Specific Use Permit No. 2365 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 property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and Holcomb Road. [Subject Site]
2. **Z201-151:** On April 14, 2021, approved an amendment to Specific Use Permit No. 1871 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-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Lake June Road	Principal Arterial	100 feet
Holcomb Road	Local Street	-

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:**Land Use:**

	Zoning	Use
Site	CR, Community Retail District with a D-1 Liquor Control Overlay	Multi-tenant building; General merchandise or food store ($\leq 3,500$ sqft), Motor vehicle fueling station, Personal service use
North	RR, Regional Retail District with a D Liquor Control Overlay	Vehicle or engine repair or maintenance
Northeast	CR, Community Retail District with a D-1 Liquor Control Overlay with SUP No. 1871	Sale of alcoholic beverages in conjunction with a general merchandise or food store ($\leq 3,500$ sqft), Motor vehicle fueling station
South	R-7.5(A) Single-Family District	Single family
East	CR, Community Retail District with a D-1 Liquor Control Overlay with SUP No. 1866	Sale of alcoholic beverages in conjunction with a general merchandise or food store ($\leq 3,500$ sqft), Motor vehicle fueling station
West	RR, Regional Retail District with a D Liquor Control Overlay	Dry cleaning or laundry store

Land Use Compatibility:

The area of request is currently located within a developed building, shared between the existing general merchandise or food store 3,500 square feet or less and a personal service use. The property abuts Lake June Road to the north and Holcomb Road to the east; similar auto-centric uses occupy the parcels adjacent to the site, including a vehicle or engine repair or maintenance and a motor vehicle fueling station. A single family neighborhood is separated from the subject site to the south by an alley lined on both sides by fence lines.

Updates to the approved details of existing SUP No. 2365 include corrections to the parking analysis and dumpster relocation. No changes to the base zoning of CR-D-1 are requested.

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. Staff finds that this application for renewal of SUP 2365 meets the approval criteria for SUPs as established by Section 51A-4.219 of the Dallas Development Code.

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. The Dallas Police Department has determined that the request site meets the standards in Chapter 12B.

Staff supports the request due to the continuity of the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on-site and proposed compliance with all other applicable provisions of the Dallas Development Code.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended, and applicable provisions of PD No. 619.

Parking:

The Dallas Development Code requires off-street parking to be provided for the following uses on site at the indicated ratios:

- | | |
|--|------------------|
| a) General merchandise or food store ($\leq 3,500$ sqft): | 1 space/200 sqft |
| b) Motor vehicle fueling station: | 2 spaces |
| c) Personal service use: | 1 space/200 sqft |

Based on the above ratios, a total of 16 parking spaces are required for all uses on site. All 16 stalls are accounted for.

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 area.

CPC ACTION
March 7, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2365 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 with eligibility for automatic renewals for additional two-year periods, subject to an amended site plan and amended conditions on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay, on the southwest corner of Lake June Road and Holcomb Road.

Maker: Herbert
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Haqq, Hall

Against: 0
Absent: 3 - Treadway, Kingston, Rubin
Vacancy: 0

Notices:	Area:	200	Mailed:	25
Replies:	For:	0	Against:	0

Speakers: None

Z223-188 (CR)

LIST OF OFFICERS

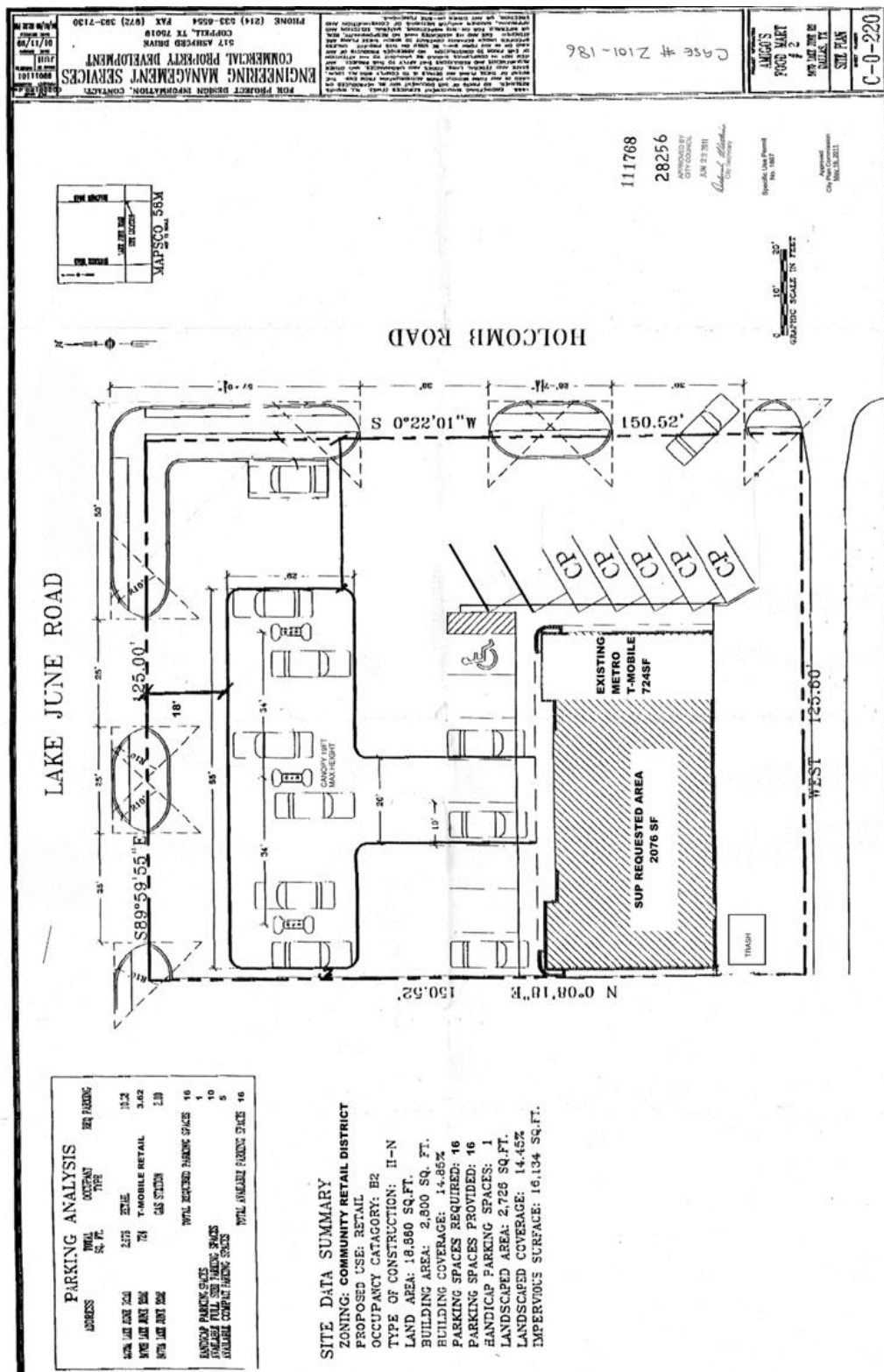
Deeyanasai Enterprise Inc.

Umesh Shrestha, Director/Officer

**CPC RECOMMENDED
PROPOSED SUP No. 2365 CONDITIONS**

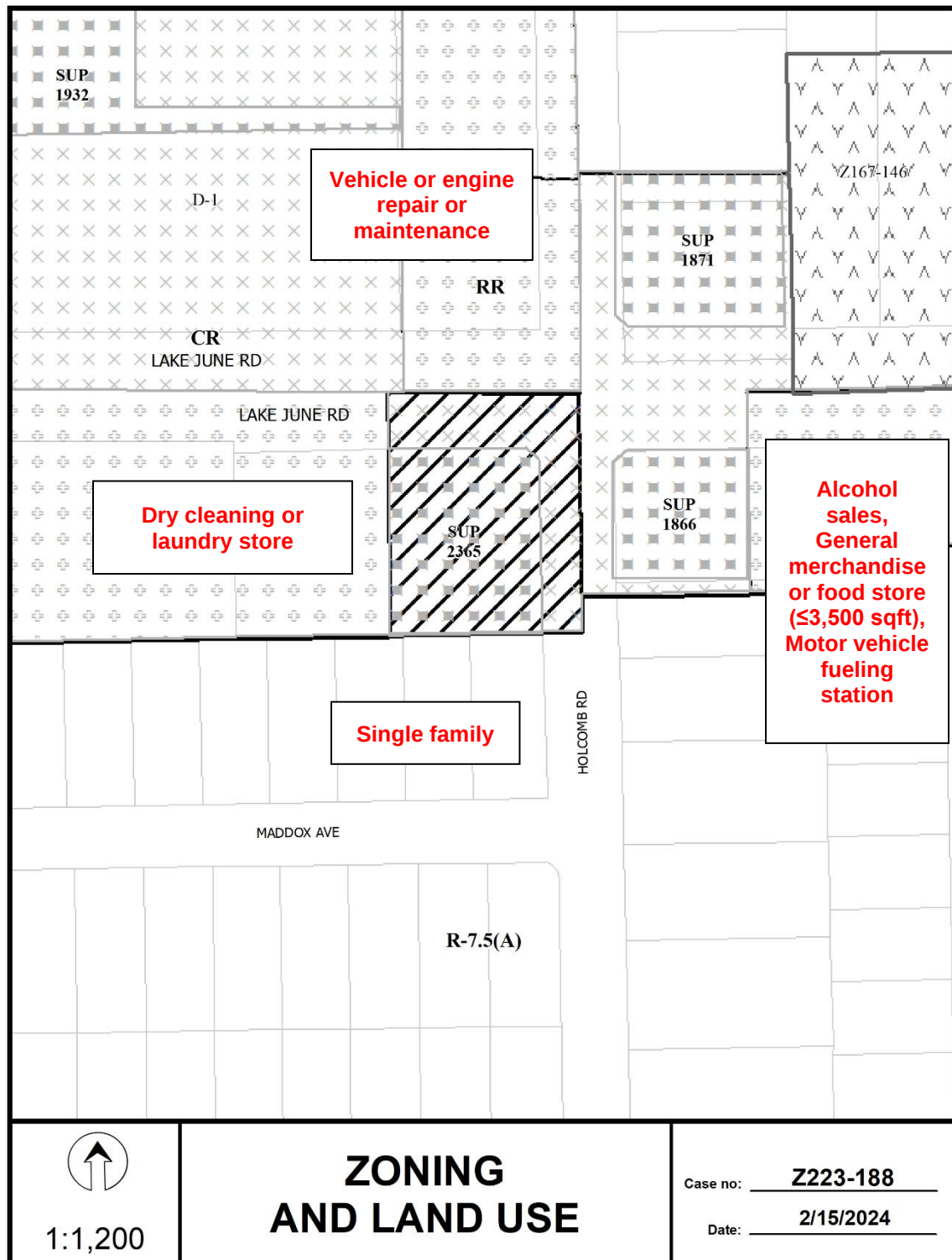
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires TWO YEARS but is eligible for automatic renewal for additional two-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.

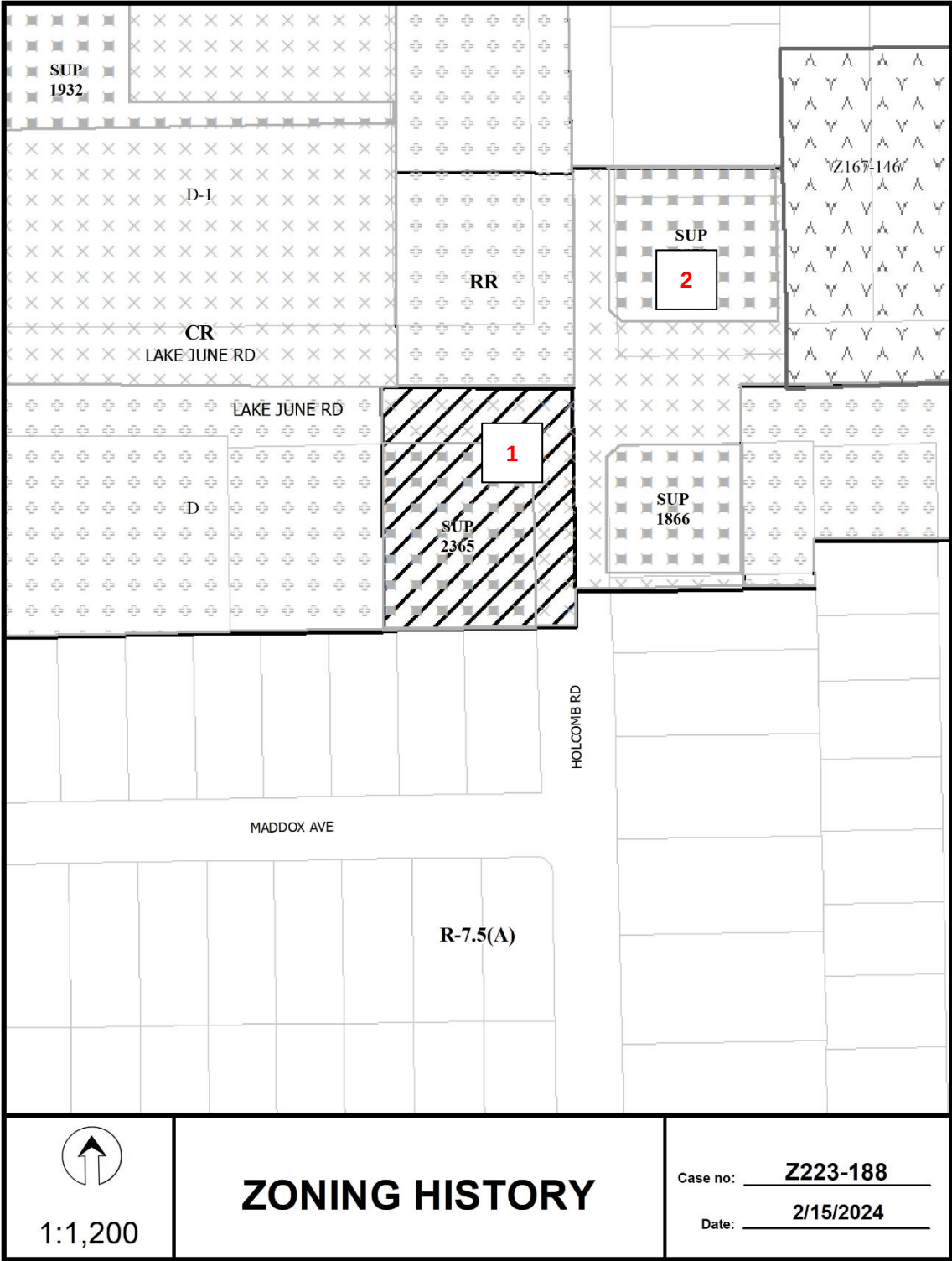
CPC RECOMMENDED PROPOSED SUP No. 2365 SITE PLAN

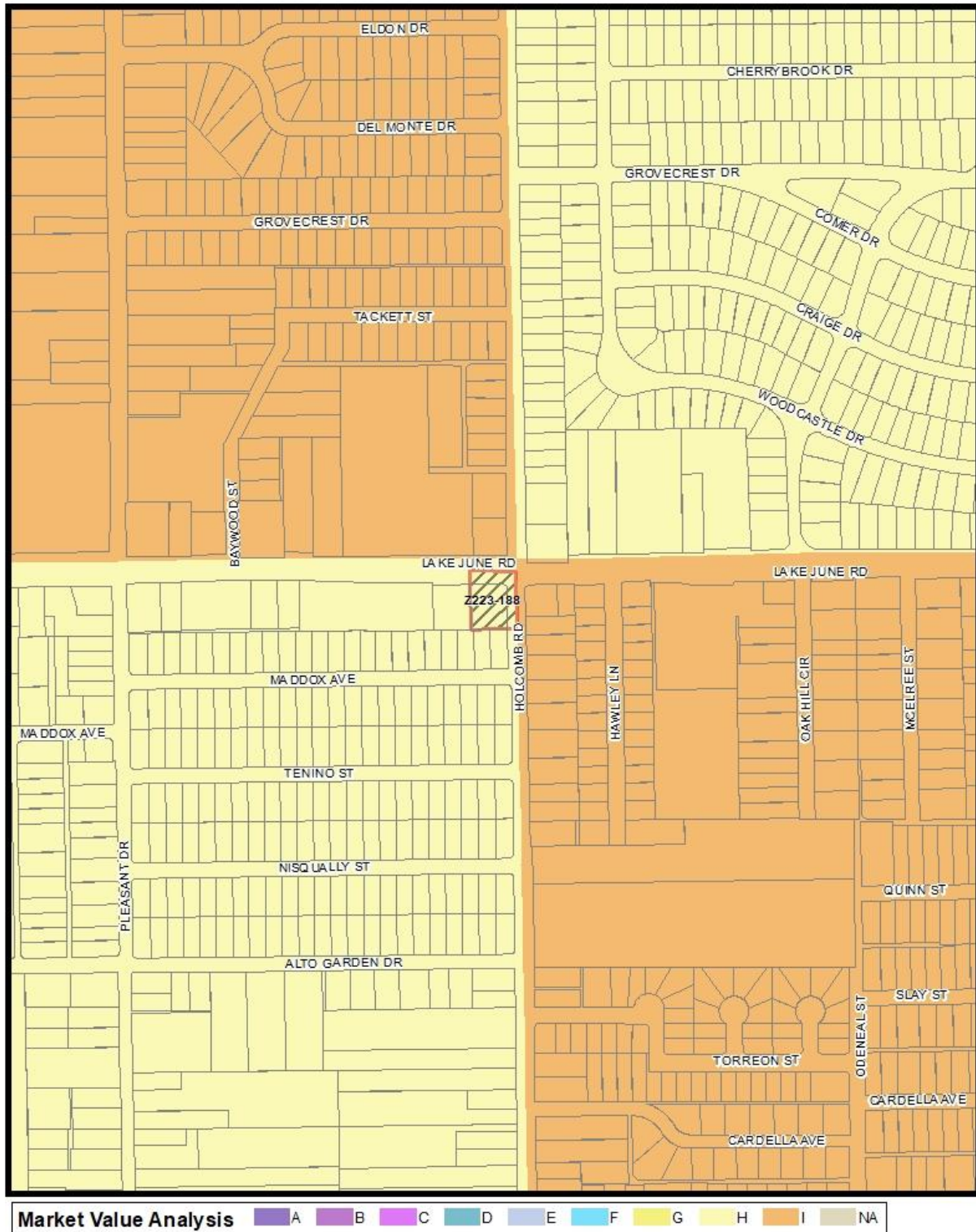


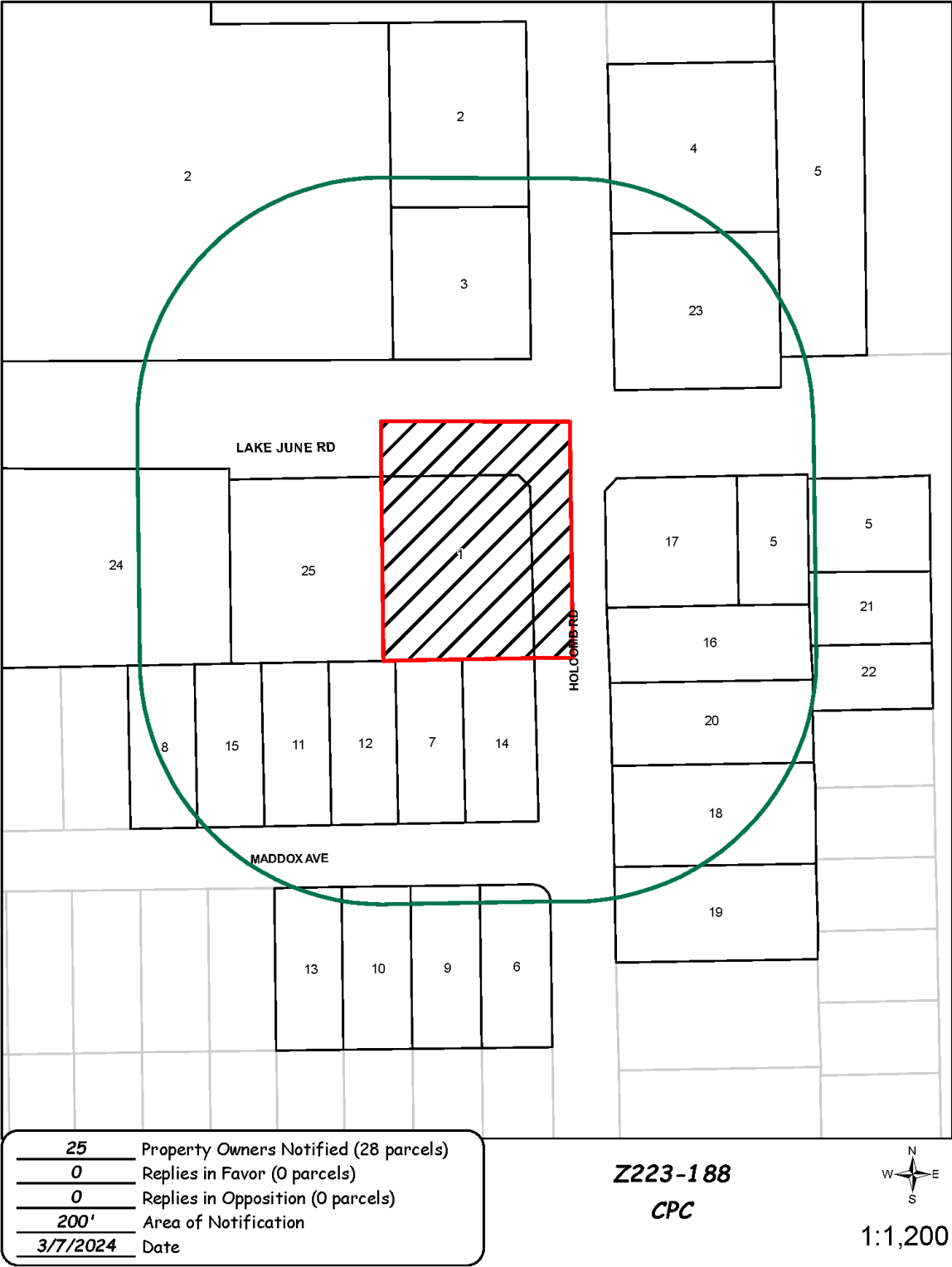












03/06/2024

Reply List of Property Owners***Z223-188******25 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	8470	LAKE JUNE RD	DEEYANSAI ENTERPRISE INC
2	8443	LAKE JUNE RD	MARTINEZ RUBEN
3	8449	LAKE JUNE RD	ORTIZ JOSE & SANDRA
4	1316	HOLCOMB RD	RAMIREZ JOSEFINA EST OF
5	8515	LAKE JUNE RD	MUMITH FAHIM
6	8450	MADDOX AVE	ZAVALA ALEXI BONIFACIO &
7	8447	MADDOX AVE	HERNANDEZ GRISELDA
8	8429	MADDOX AVE	MAQUITICO NAYELI
9	8446	MADDOX AVE	BARBOZA JAIME
10	8442	MADDOX AVE	HERNANDEZ GIL
11	8439	MADDOX AVE	PERRUSQUIA VERONICA
12	8443	MADDOX AVE	HERNANDEZ JOSE BELEN
13	8438	MADDOX AVE	Taxpayer at
14	8451	MADDOX AVE	ALVARADO JAVIER & OLIMPIA
15	8435	MADDOX AVE	MORALES JOSE G &
16	1236	HOLCOMB RD	DURAN JOSE JORGE
17	8502	LAKE JUNE RD	NISHTHA INC
18	1224	HOLCOMB RD	MARTINEZ JACINTO &
19	1218	HOLCOMB RD	MAGANA MARIA
20	1232	HOLCOMB RD	DURAN AGUSTINE OLMOS
21	1231	HAWLEY LN	HERNANDEZ ROGELIO
22	1227	HAWLEY LN	MENDEZ BELEN V
23	8505	LAKE JUNE RD	CLUB CREEK RENTAL PROPERTY LLC
24	8416	LAKE JUNE RD	Taxpayer at
25	8440	LAKE JUNE RD	WASH JUNE INC