

FILE NUMBER: Z190-326(AU)

DATE FILED: August 6, 2020

LOCATION: Northeast corner of Jim Miller Road and Great Trinity Forest Way

COUNCIL DISTRICT: 8

MAPSCO: 58 S

SIZE OF REQUEST: ± 2.990 Acres

CENSUS TRACT: 93.04

REPRESENTATIVE: Melinda Nelson

APPLICANT / OWNER: Sanabel Investment, LP

REQUEST: An application for the renewal of and an amendment to Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay and deed restrictions [Z845-291]

SUMMARY: The purpose of this request is to allow the continuation of the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store. The proposed amendment reduces the SUP to the western portion of the property where the general merchandise or food store is located [Tiger Mart 86, Go Loco Street Tacos & Burritos.]

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on the 1.7-acre western portion of the area of request.

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 on the 1.7-acre western portion of the area of request.

Background Information

- The request site is currently developed with a 4,549-square-foot general merchandise or food store use and a 1,500-square-foot restaurant with drive-in or drive through service with a motor vehicle fueling station.
- A Certificate of Occupancy for a general merchandise or food store greater than 3,500 square feet was originally issued on January 13, 2017.
- In the CR Community Retail District, the general merchandise or food store use is permitted by right. The sale of alcoholic beverages for off-premise consumption requires a Specific Use Permit in the D-1 Liquor Control Overlay.
- On December 11, 2013, the City Council approved Specific Permit No. 2063 for the sale of alcoholic beverages in conjunction with a general merchandise or food store for a two-year period with eligibility for automatic renewal for additional five-year periods [Z123-337]. The applicant did not renew SUP No. 2063 prior to the deadline and as a result the SUP expired on December 15, 2015.
- On March 22, 2017, the City Council approved Specific Use Permit No. 2229 for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store for a two-year period [Z167-104]. On June 12, 2019 City Council renewed SUP No. 2229 for a two-year period with eligibility for automatic renewal for additional two-year periods.
- SUP No. 2229 covers the entire 2.99-acre property. The applicant is proposing to amend SUP No. 2229 and reduce it to the 1.7-acre western portion of the property that is currently developed. The rest of the property is currently undeveloped. The request is also for the renewal of SUP No. 2229.
- The site is under deed restrictions [Z845-291.] The deed restrictions cover a larger area around the request site and limit the uses allowable to the uses under General Retail District in Chapter 51 and allows multifamily limited to maximum 26 units per acre.

Zoning History

There have been three zoning change requests in the area within the past five years.

- 1. Z190-294:** On October 28, 2020, the City Council approved the renewal of Specific Use Permit No. 2099 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 and deed restrictions [Z845-291],

located on the southwest corner of Great Trinity Forest Way and North Jim Miller Road.

2. Z178-337: On June 12, 2019, the City Council approved the renewal of Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

3. Z167-330: On February 1, 2018, the City Plan Commission recommended denial without prejudice of a Specific Use Permit for a hotel or motel use on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, located on the south side of Great Trinity Forest Way, west of South Jim Miller Road.

Thoroughfares

Thoroughfare/Street	Type	Existing / Proposed ROW
Great Trinity Forest Way	Principal Arterial	107 feet Bike Plan
Jim Miller Road	Minor Arterial	100 feet Bike Plan

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested and determined that it will not significantly impact the surrounding roadway system.

Comprehensive Plans:

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 applicant's request is consistent with the following 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.

5.3.1.5 Build neighborhood facilities, such as schools, libraries, and community centers, within walking distance of transit stations and homes.

STAFF ANALYSIS

Land Use:

	Zoning	Land Use
Site	CR-D-1 with deed restrictions Z845-291	Motor vehicle fueling station with general merchandise or food store greater than 3,500 square feet; and restaurant
North	CR-D-1 with deed restrictions Z845-291 R-7.5(A) SUP No. 1008, CR-D-1	Undeveloped, Church
South	CR-D-1 with deed restrictions Z845-291	Undeveloped; Elam Creek
East	MF-2(A)	Undeveloped, Multifamily
West	CR-D-1 with deed restrictions Z845-291	Auto Related use

Land Use Compatibility:

The request site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is developed with a 4,549-square-foot structure consisting of a general merchandise or food store, drive through restaurant use and a motor vehicle fueling station.

SUP No. 2229 covers the entire 2.99-acre property. The applicant is proposing to amend SUP No. 2229 and reduce it to the 1.7-acre western portion of the property that is currently developed. The original SUP proposed to add an extra building on the eastern side of the property in a future phase. The applicant plans to sell the 1.3-acre eastern portion of the property that is currently not developed.

The applicant's request also includes the renewal of SUP No. 2229 that will allow the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store greater than 3,500 square feet.

The surrounding land uses consist primarily of commercial uses and single-family residential uses further away. To the north there is an undeveloped property and a church. To the east there is a multifamily use, to the south there is Elam Creek and a wooded area, and to the west there are auto-related uses.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

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. The site passed all inspections for the current year.

Considering the location of the area of request in the vicinity of a major thoroughfare intersection, the surrounding uses that are similar or complimentary to the proposed use, and the proposed SUP Conditions, staff supports the renewal of the SUP for alcohol sales in conjunction with a convenience store.

Landscaping

Landscaping must be provided in accordance with Article X, as amended. Landscaping requirements are not triggered by this request.

Parking

The off-street parking requirement for a general merchandise or food store greater than 3,500 square feet is one space for each 200 square feet of floor area and one space per 100 square feet of floor area for a restaurant use. Based on the total floor area of the 4,549-square-foot general merchandise or food store and the 1,769-square-foot restaurant use, the use requires 41 off-street parking spaces. The applicant is exceeding the requirement and providing 58 spaces per the attached site plan.

Police Report

A crime report from Dallas Police Department for the period from June 2019 to present was requested, and it revealed 31 calls, out of which 27 being labeled urgent. There were six offenses and three arrests associated with the calls during that period.

The offences and arrests were as follows:

Serv #ID	Offense / Incident	Premise	Address	Month	Day	Time
188415-2020-01	UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	Gas or Service Station	116 N JIM MILLER RD	October	Wed	8:00:00 PM
149121-2020-01	ASSAULT -FAMILY VIOLENCE - BODILY INJURY ONLY	Outdoor Area Public/Private	116 N JIM MILLER RD	August	Sun	8:40:00 AM

812039-2020-01	THEFT OF PROP (AUTO ACC) > OR EQUAL \$100 <\$750 (NOT EMP) PC31.03(e2A)	Gas or Service Station	116 N JIM MILLER RD	October	Thu	10:20:00 PM
175831-2020-01	POSS CONT SUB PEN GRP 1 <1G	Gas or Service Station	116 N JIM MILLER RD	October	Fri	11:40:00 PM
152247-2020-01	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Gas or Service Station	116 N JIM MILLER RD	August	Thu	10:00:00 AM
144802-2020-01	ROBBERY OF BUSINESS	Convenience Store	116 N JIM MILLER RD	August	Sun	9:55:00 PM

Incident#	Arrest Date	Arrest Time	Address	Crime
132134-2020	7/28/2020	12:25:00 PM	116 N JIM MILLER RD	APOWW (SOCIAL SERVICES REFERRAL)
144802-2020	8/16/2020	10:01:00 PM	116 N JIM MILLER RD	ROBBERY-BUSINESS
147346-2020	8/20/2020	7:39:00 PM	116 N JIM MILLER RD	PUBLIC INTOXICATION

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, it is near the “G” MVA cluster.

List of Officers

Sanabel Investment, LP

Sanabel Management, LLC – general partner

Guhaina Almakdad – limited partner

CPC Action
November 19, 2020

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 2229 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on the 1.7-acre western portion of the area of request on property zoned a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay and deed restrictions [Z845-291], on the northeast corner of Jim Miller Road and Great Trinity Forest Way.

Maker: Hampton
Second: Murphy
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Myers,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 300 Mailed: 14
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Melinda Nelson, 105 YMCA Dr., Waxahachie, TX, 75165
Mohamed Sharaf, 105 YMCA Dr., Waxahachie, TX, 75165
Nick Vasquez, 105 YMCA Dr., Waxahachie, TX, 75165
Against: None

CPC RECOMMENDED SUP CONDITIONS

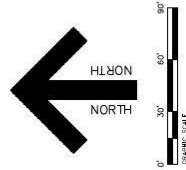
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~June 21, 2020~~_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewals 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. DRIVE-THROUGH-WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.
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 SITE PLAN

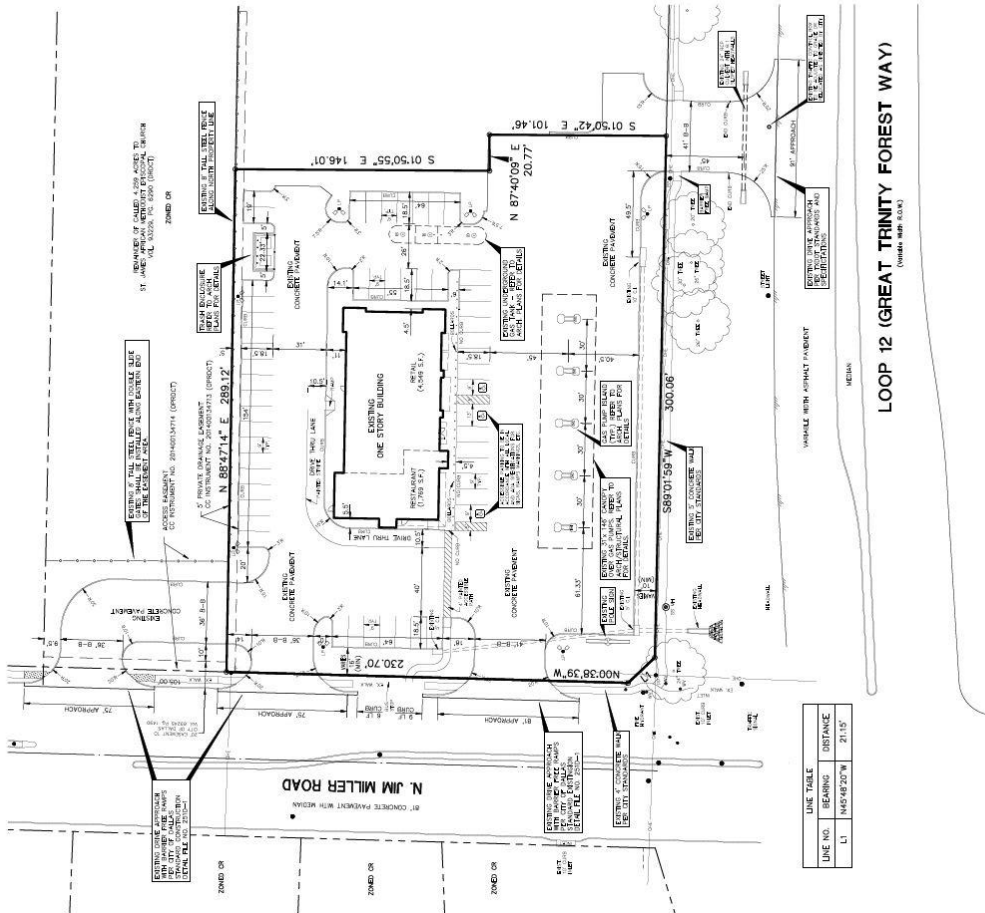
JDR ENGINEERS & CONSULTANTS, INC. 2800 Travis Oaks Circle, Suite 100, Dallas, Texas 75202 TEL: 972-252-0248 FAX: 972-252-0558 SURVEYORS • LAND PLANNERS STATE REGISTRATION NUMBER F-4857		PROJECT: TIGER MART 86 LOT 14-1 BLOCK 6276 KWANG CHONG ADDITION REVISED NB NORTH JIM MILLER ROAD DALLAS, TEXAS	REVISIONS DATE REVISION 10-10-20 RET. REVISION 10-12-20 CITY COMMENTS	SHEET TITLE SITE PLAN FOR SPECIFIC USE PERMIT Z190-326(AU) DATE: JULY 7, 2020 SCALE: 1" = 30' DRAWN BY: JDR CHECKED BY: JDR SHEET NO. 1 of 1 JOB FILE NO. 939-S-14
			REMARKS 1. SEE SHEET Z190-326(AU) FOR SITE PLAN.	



LOCATION MAP
SCALE: 1" = 2000'



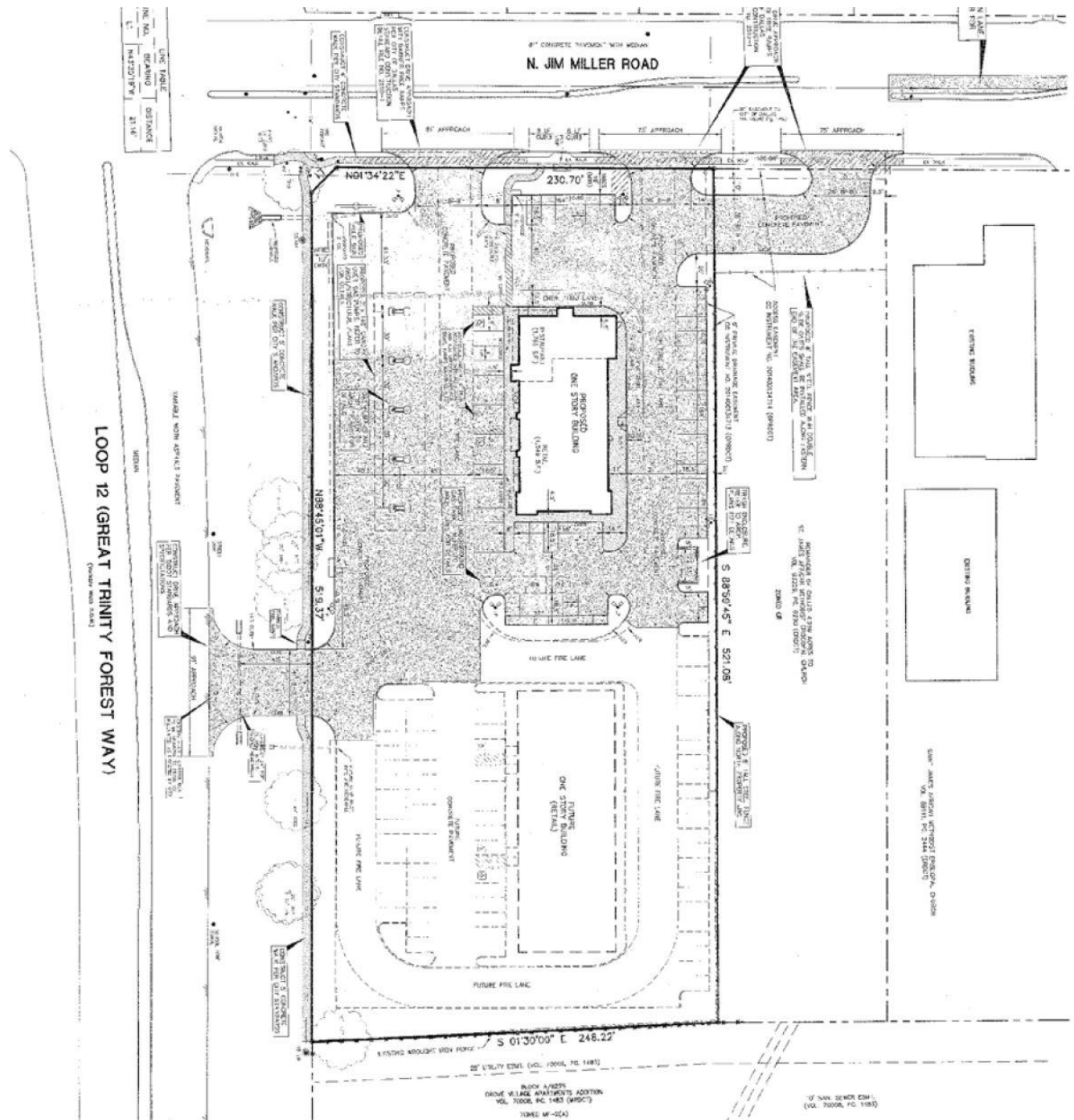
SITE SUMMARY	
SITE AREA	73.842 SQ. FT. (1.692 ACRES)
ZONING	OR (COMMUNITY RETAIL)
CONSTRUCTION TYPE	TYPE II-B
OCCUPANCY	9 BUSINESS (RETAIL SALES)
BUILDING AREA	6448 SQUARE FEET
RETAIL	1798 SQUARE FEET
TOTAL	6,318 SQUARE FEET
PARKING REQUIRED	1/200 (RETAIL) = 35 SPACES
PARKING PROVIDED	58 SPACES
FLOOR AREA RATIO	0.086 (0.086:1)
LOT COVERAGE	8.6%

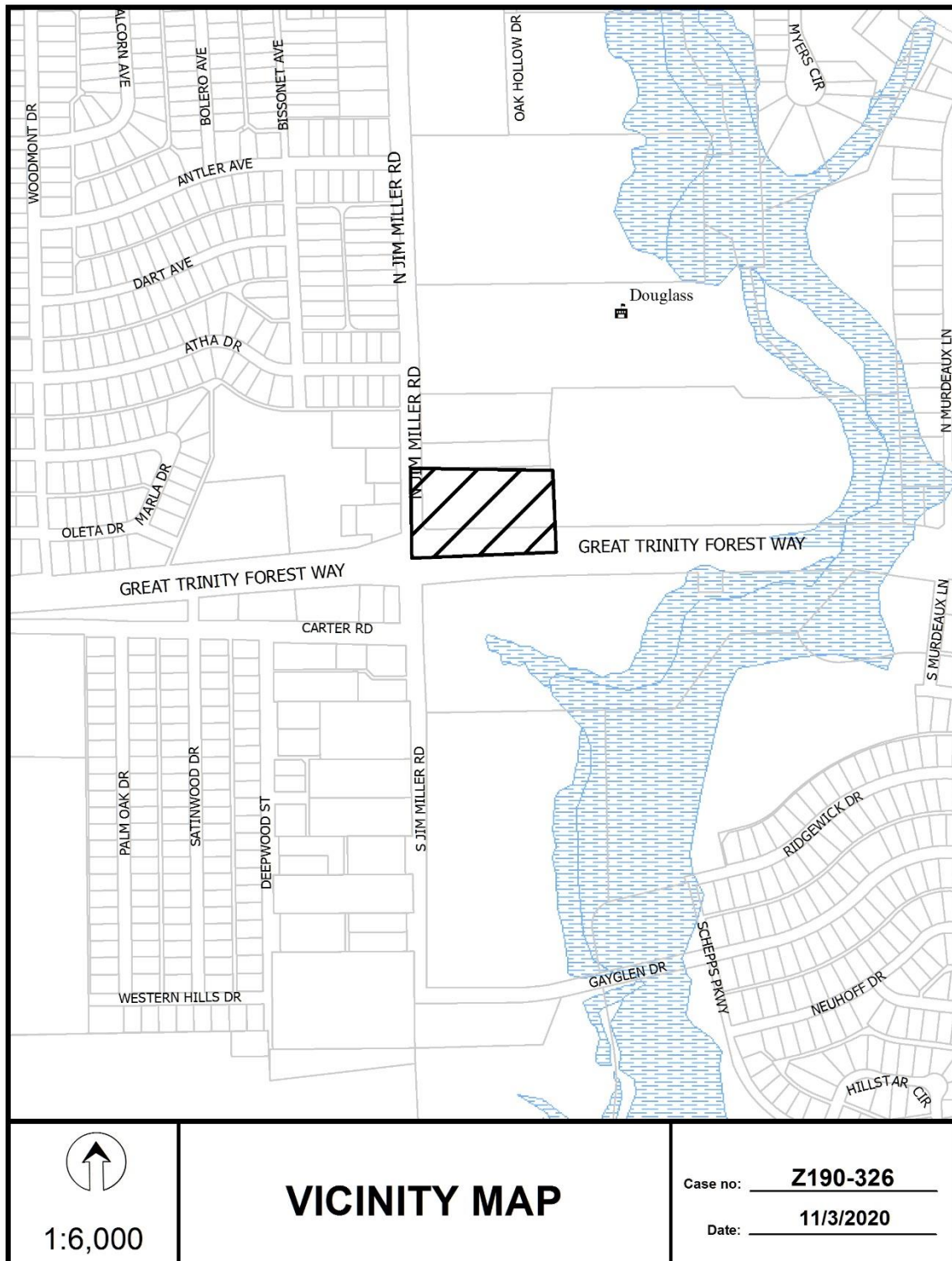


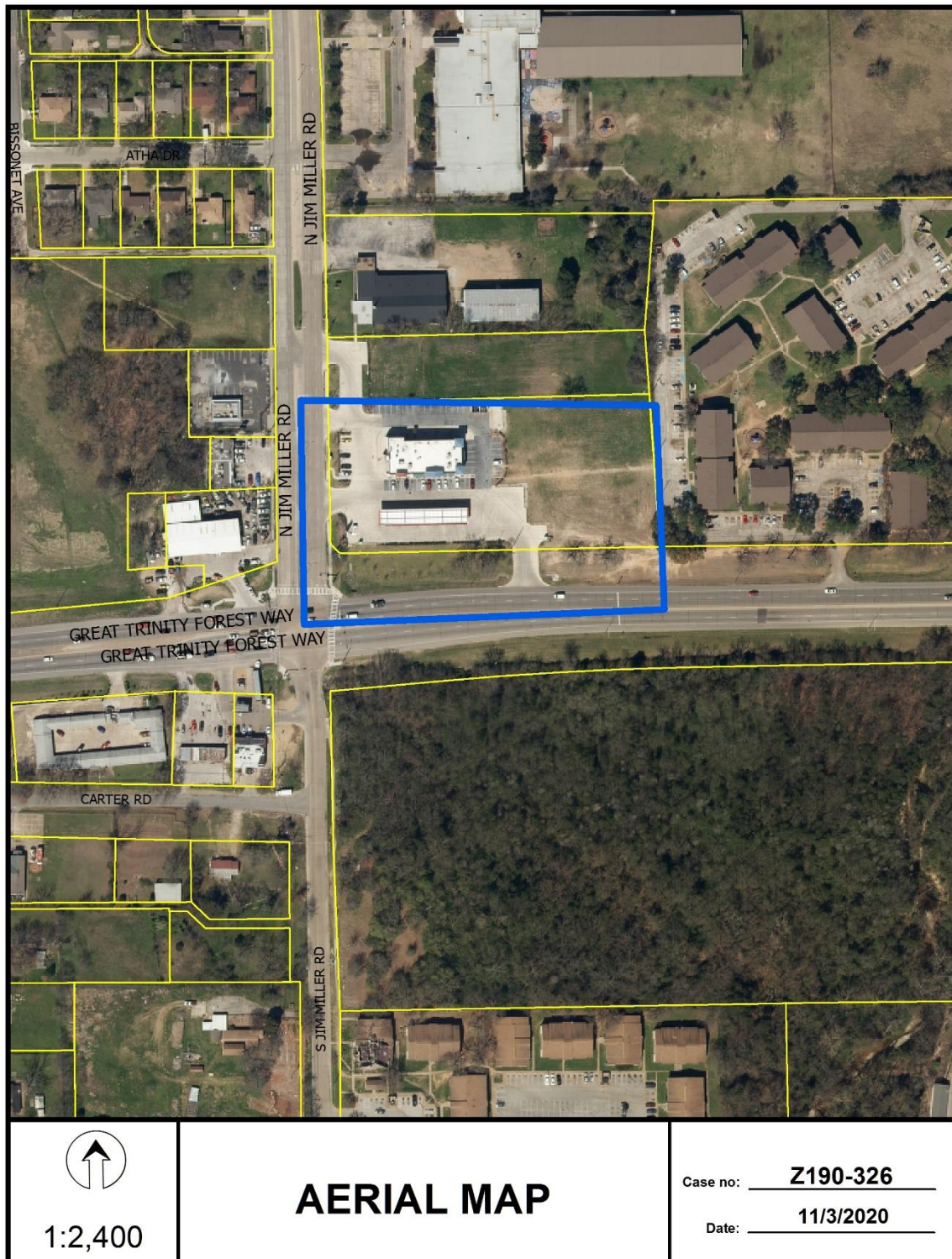
**CPC RECOMMENDED SITE PLAN with area to be split
(for illustrative purpose only)**

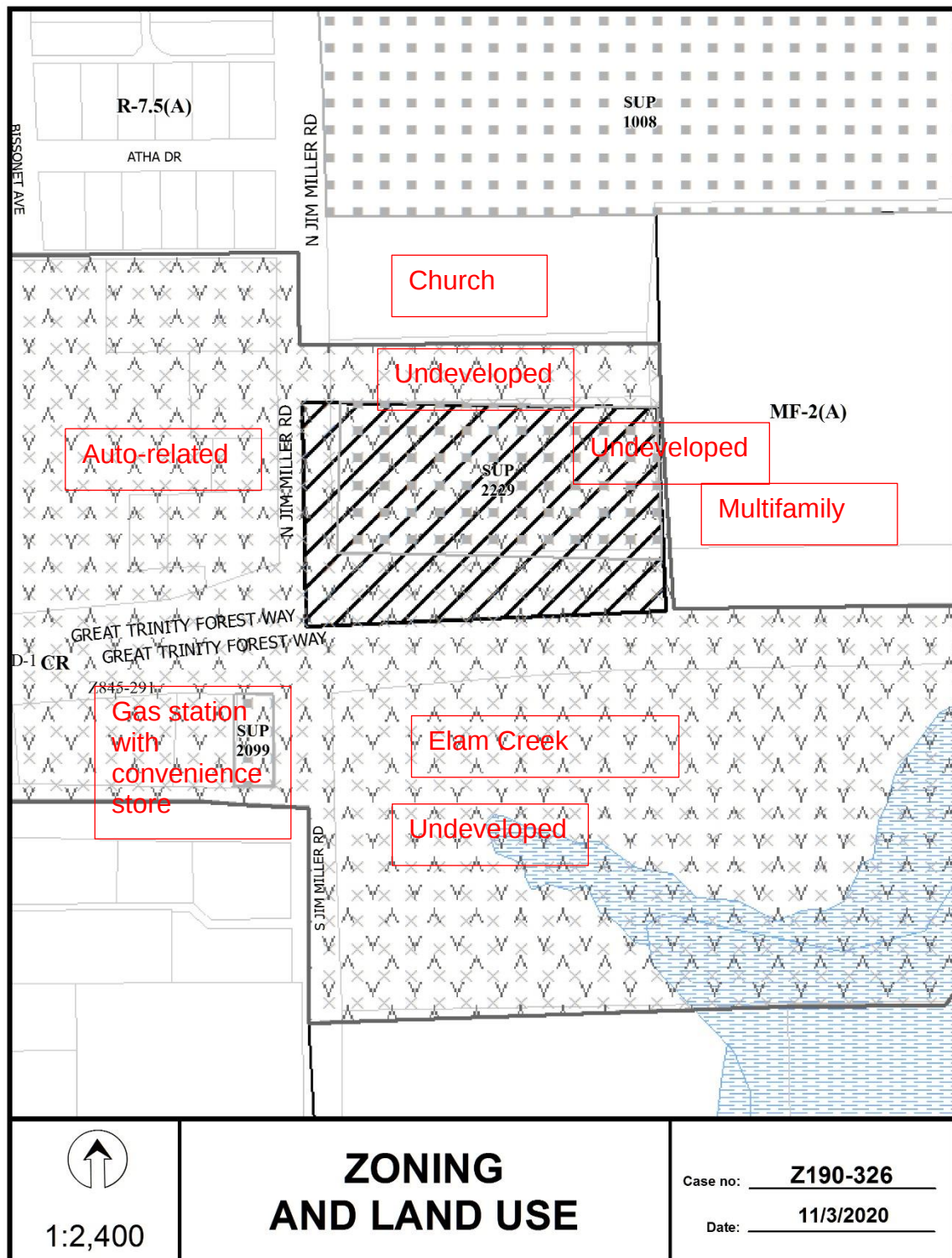
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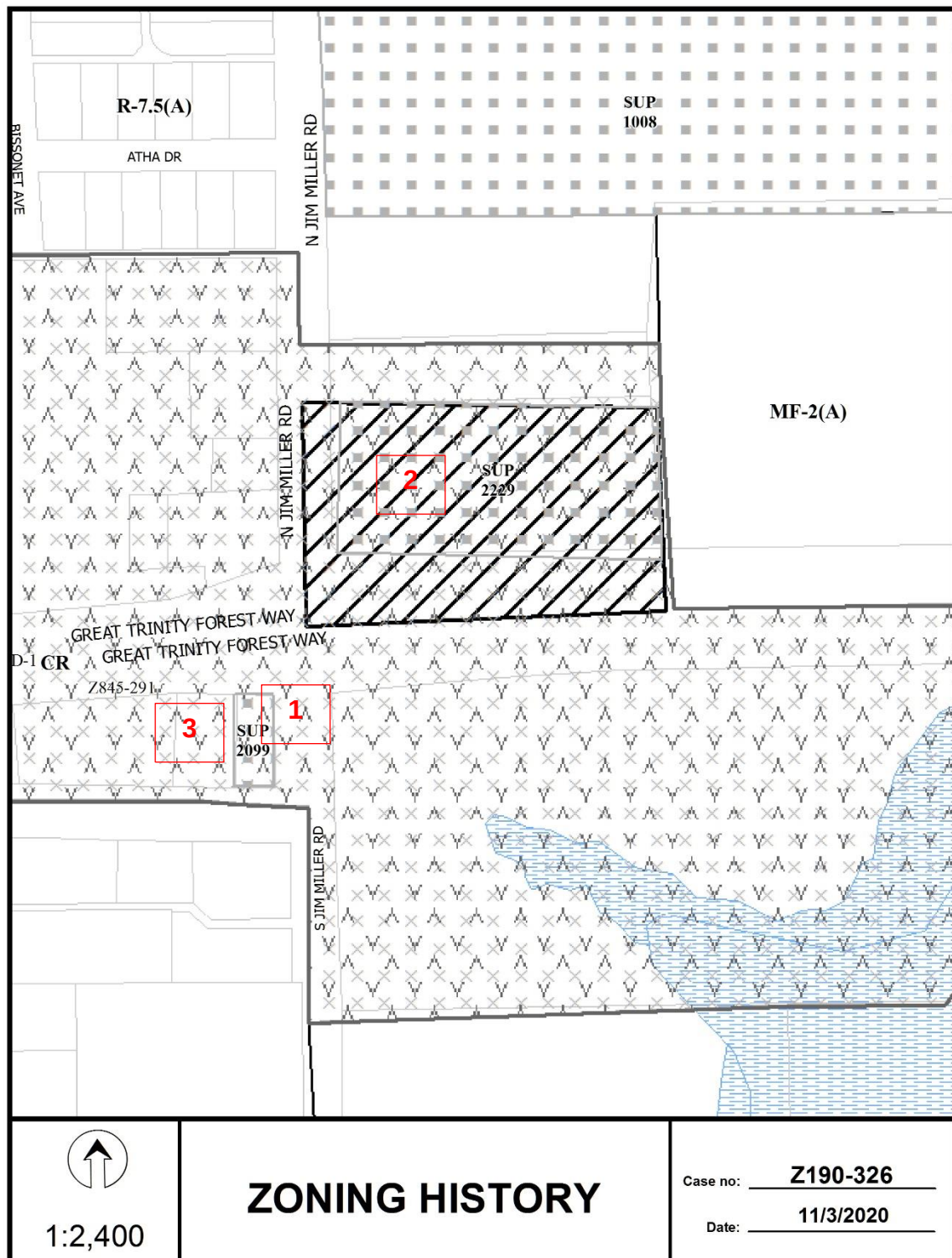
EXISTING SITE PLAN

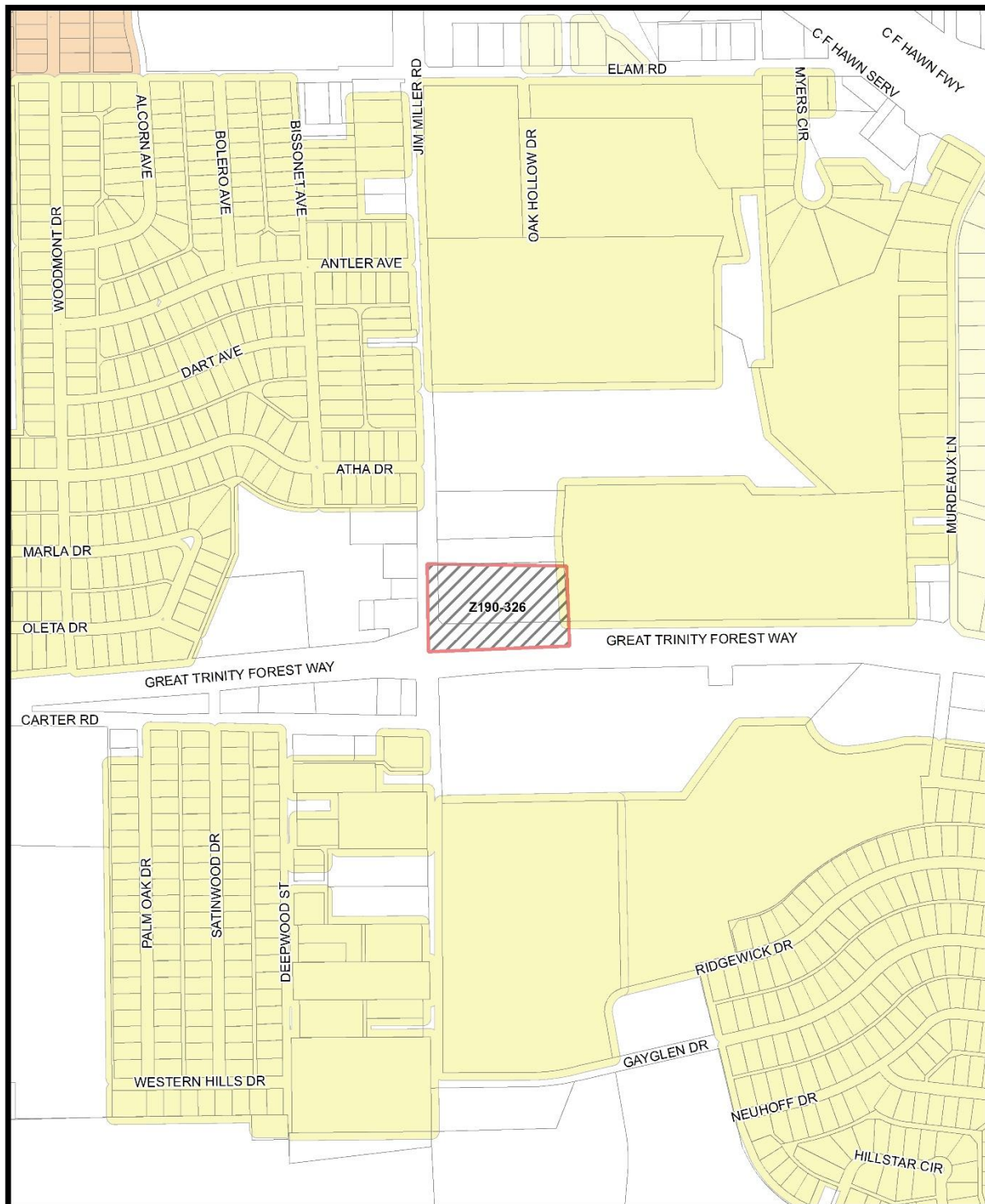












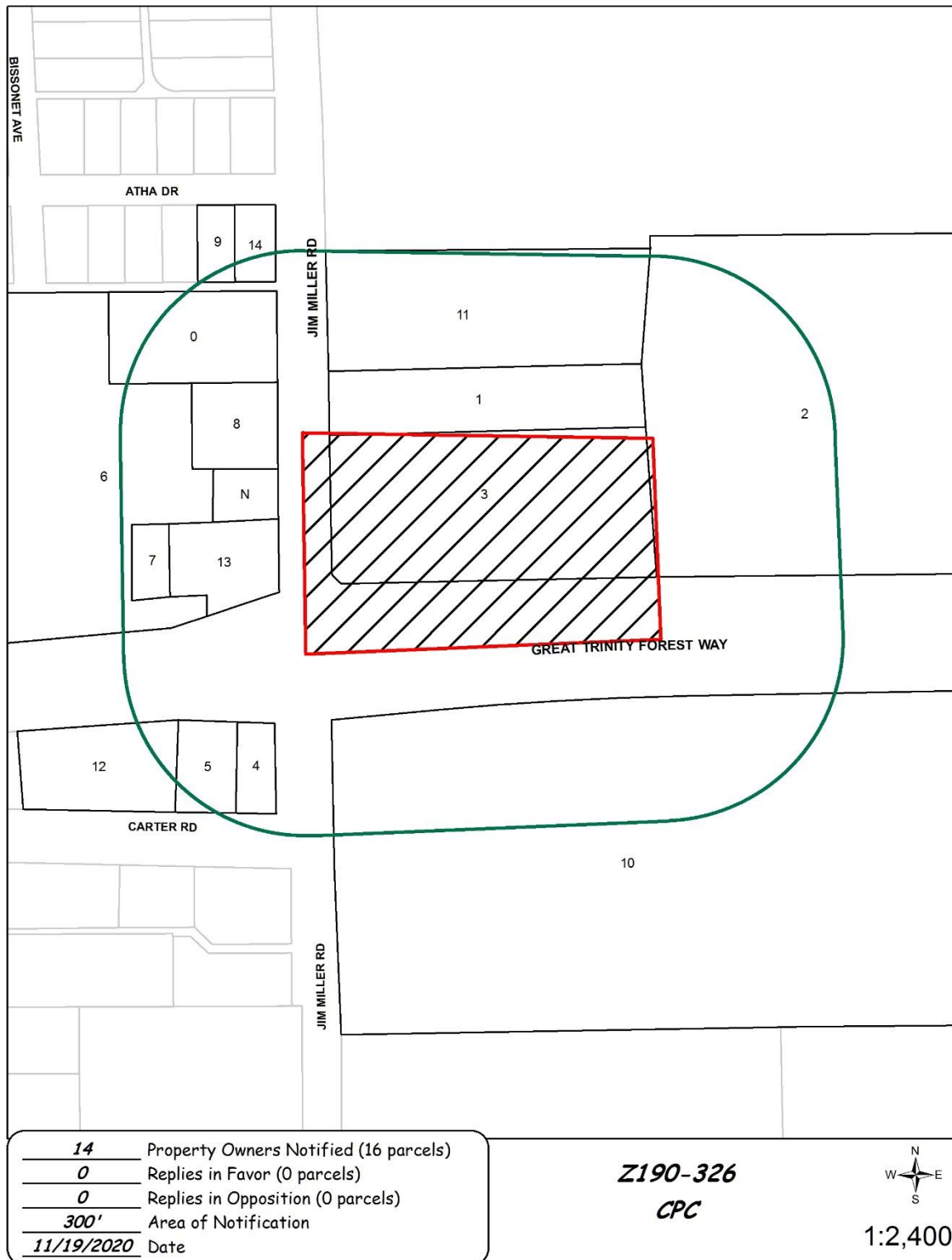
MVACluster A B C D E F G H I NA



Market Value Analysis

Printed Date: 11/3/2020

CPC RESPONSES



11/18/2020

Reply List of Property Owners***Z190-326******14 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	124 N JIM MILLER RD	ST JAMES AFRICAN METHODIST EPISCOPAL CHURCH
	2	7203 GREAT TRINITY FOREST WAY	LOOP 12 TRAILS LTD
	3	116 N JIM MILLER RD	SANABEL INVESTMENT LP
	4	7036 GREAT TRINITY FOREST WAY	FOODPLUS 2 INC
	5	7028 GREAT TRINITY FOREST WAY	SUPERB KAR WASH LLC
	6	6901 GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
	7	7015 GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
	8	129 S JIM MILLER RD	CENTURY OAK INVESTMENTS LLC
	9	7026 ATHA DR	REDDTROW PROPERTY MGMT LLC
	10	7100 GREAT TRINITY FOREST WAY	VSB INVESTMENTS LLC
	11	200 N JIM MILLER RD	ST JAMES AFRICAN METHODST
	12	7020 GREAT TRINITY FOREST WAY	JUNEJA HOSPITALITY HOLDINGS LLC
	13	7071 GREAT TRINITY FOREST WAY	ALEJANDRE ARCANGEL
	14	7032 ATHA DR	Taxpayer at