

**FILE NUMBER:** Z212-167(OA) **DATE FILED:** January 14, 2022

**LOCATION:** South line of Bruton Road, east of Lewiston Avenue

**COUNCIL DISTRICT:** 5

**SIZE OF REQUEST:** ±2,400 square feet **CENSUS TRACT:** 119.00

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**REPRESENTATIVE:** Masterplan, Andrew Ruegg

**APPLICANT / OWNER:** Huynh Investments, LP

**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 CR-D-1 Community Retail District with D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of the request is to allow for the sale of alcoholic beverages in conjunction with the existing general merchandise or food store on the site [Bruton Food-Deli].

**CPC RECOMMENDATION:** **Denial** without prejudice.

**STAFF RECOMMENDATION:** **Approval** for a three-year period, subject to site plan conditions.

**BACKGROUND INFORMATION:**

- The property is currently developed as a 2,400 square foot general merchandise or food store within a larger approximately 17,000 square foot commercial development. The property is zoned CR-D-1 Community Retail District with D-1 Liquor Control Overlay.
- A general merchandise or food store 3,500 square feet or less use is permitted by right in retail zoning districts, but the sale of alcohol for off-premises consumption is allowable by Specific Use Permit within the D-1 Liquor Control Overlay.
- The applicant is requesting a specific use permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet.
- The subject site holds a current convenience store registration, which expires on May 18, 2022.

**Zoning History:**

There has been one zoning changes in the vicinity during the last five years.

1. **Z201-225:** On Wednesday, April 10, 2019, the City Plan Commission recommended denial without prejudice 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 CR-D-1 Community Retail District with D-1 Liquor Control Overlay. [subject site]

**Thoroughfares/Streets:**

| Thoroughfare/Street | Type               | Existing/Proposed ROW   |
|---------------------|--------------------|-------------------------|
| Bruton Road         | Principal Arterial | 100 feet with bike plan |
| Lewiston Avenue     | Local Street       | 50                      |

**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.

**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 *forwardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.3** Support efforts to grow retail and residential opportunities in the Southern Sector.

## **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.

#### **STAFF ANALYSIS:**

##### **Surrounding Land Uses:**

|                             | <b>Zoning</b>                               | <b>Land Use</b>                                                        |
|-----------------------------|---------------------------------------------|------------------------------------------------------------------------|
| <b>Site</b>                 | CR-D-1                                      | General merchandise or food store;<br>Retail and Personal Service Uses |
| <b>Northwest/<br/>North</b> | R-7.5(A)                                    | Single Family                                                          |
| <b>Northeast</b>            | R-7.5(A) with deed<br>restrictions Z834-293 | Undeveloped Land                                                       |
| <b>East</b>                 | CR-D-1                                      | Motor Vehicle Fueling Station                                          |
| <b>South</b>                | CR-D-1                                      | General Merchandise or Food Store                                      |
| <b>Southeast</b>            | CR-D-1                                      | Retail & Personal Service Uses                                         |
| <b>West</b>                 | TH-3(A) with SUP No. 605                    | Single Family                                                          |

##### **Land Use Compatibility:**

The area of request consists of a 2,400 square-foot general merchandise or food store and other retail and personal service uses within the building. Retail and personal service uses are located to the southeast of the area of request. The request site is surrounded by mostly single family to the west, northwest and north. Undeveloped land is to the northeast. A motor vehicle fueling station is located to the east of the area of request.

The applicant is requesting a specific use permit for the sale of alcohol for off-premises consumption. According to Sec. 51A-4.503(3) of the Dallas Development Code, "In a "D-1" liquor control overlay district, a person shall not sell or serve alcoholic beverages, or

setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.”

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 use is compatible with the surrounding land uses and the proposed request meets the general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code. In addition, the proposed request enhanced a service throughout the area. Therefore, staff recommends a three-year period, subject to site plan conditions.

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 subject site holds a current convenience store registration, which expires on May 18, 2022. The property is in compliance with the requirements of Chapter 12B.

**Landscaping:**

No new constriction is proposed with this request, therefore compliance with the requirements of Article X will not be triggered by this request.

**Parking:**

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less at a ratio of one space for each 200 square feet of floor area. The 2,400-square-foot subject site requires twelve parking spaces. The property is developed with 132 parking spaces to serve the needs of the entire retail center.

**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 target intervention strategies more precisely 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 subject site is uncategorized. Properties located in the general area surrounding the area of request are within Category "H" to the east and within Category "G" to the north.

**List of Officers/Partners/Principals**

**Huynh Investments, LP**

- Sang Tan “Tony” Huynh – Director/President
- Huynh Management, LLC – General Partner

**CPC ACTION**  
**APRIL 21, 2022**

**Motion:** It was moved to recommend **denial without prejudice** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet or less on property zoned CR-D-1 Community Retail District with D-1 Liquor Control Overlay located on the south line of Bruton Road, east of Lewiston Avenue.

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

For: 14 - Hampton, Shidid, Carpenter, Blair, Jung,  
Housewright, Gibson, Popken, Stanard,  
Kingston, Rubin, Anderson, Haqq, Vann

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 300 Mailed: 43  
**Replies:** For: 0 Against: 2

**Speakers:** For: Andrew Ruegg, 2201 Main Street, Dallas TX 75201  
For (did not speak): Dallas Cothrum, 2201 Main Street, Dallas TX 75201  
For: Alan Sandgarten, 6407 Hidden Cove Dr, Dallas TX 75248  
Against: None.

### **APPLICANT'S 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 \_\_\_\_\_ (*three years from the passage of this ordinance*),
4. FLOOR AREA: The maximum floor area is 2,400 square feet in the location shown on the attached site plan.
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.



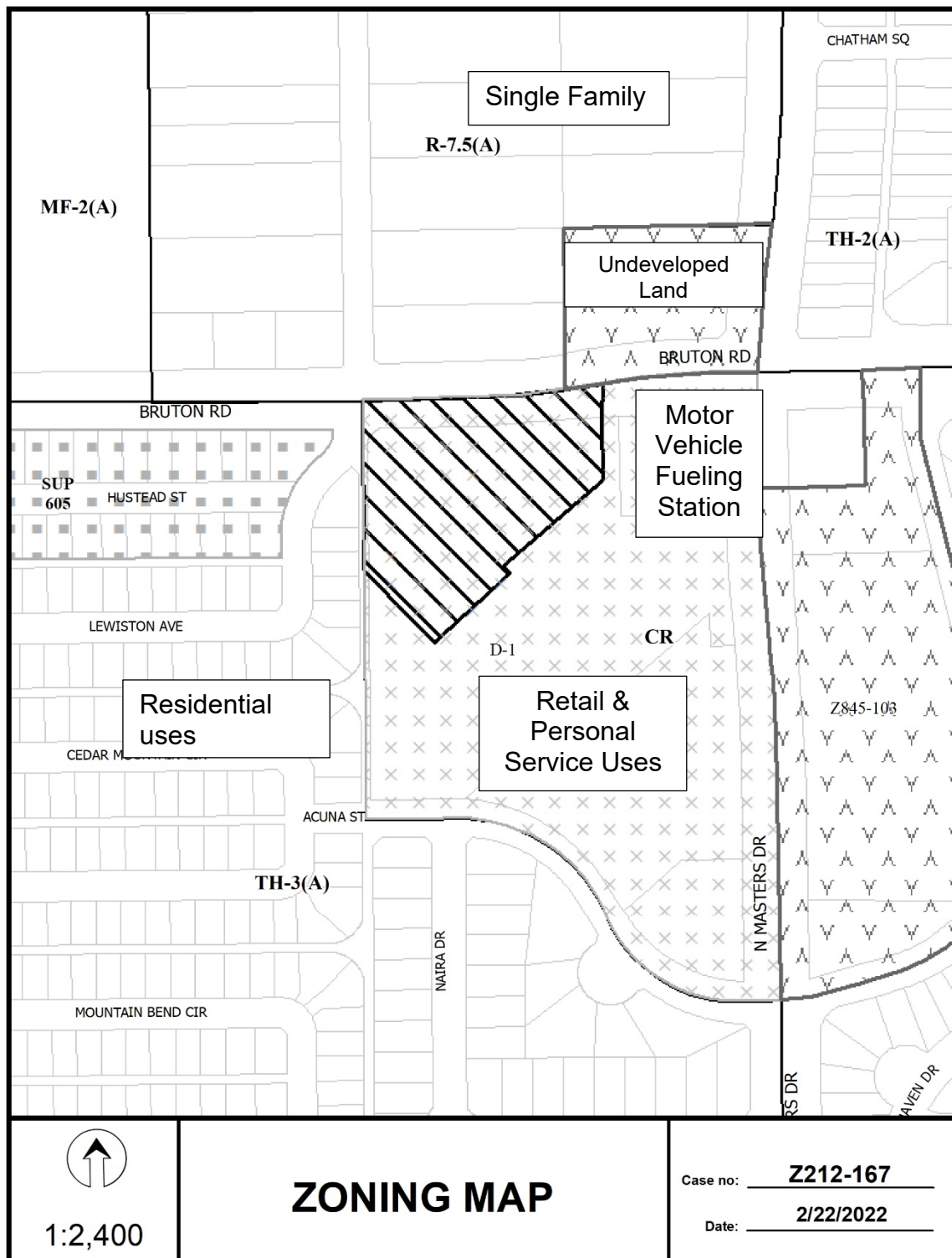
# APPLICANT'S PROPOSED SUP SITE PLAN

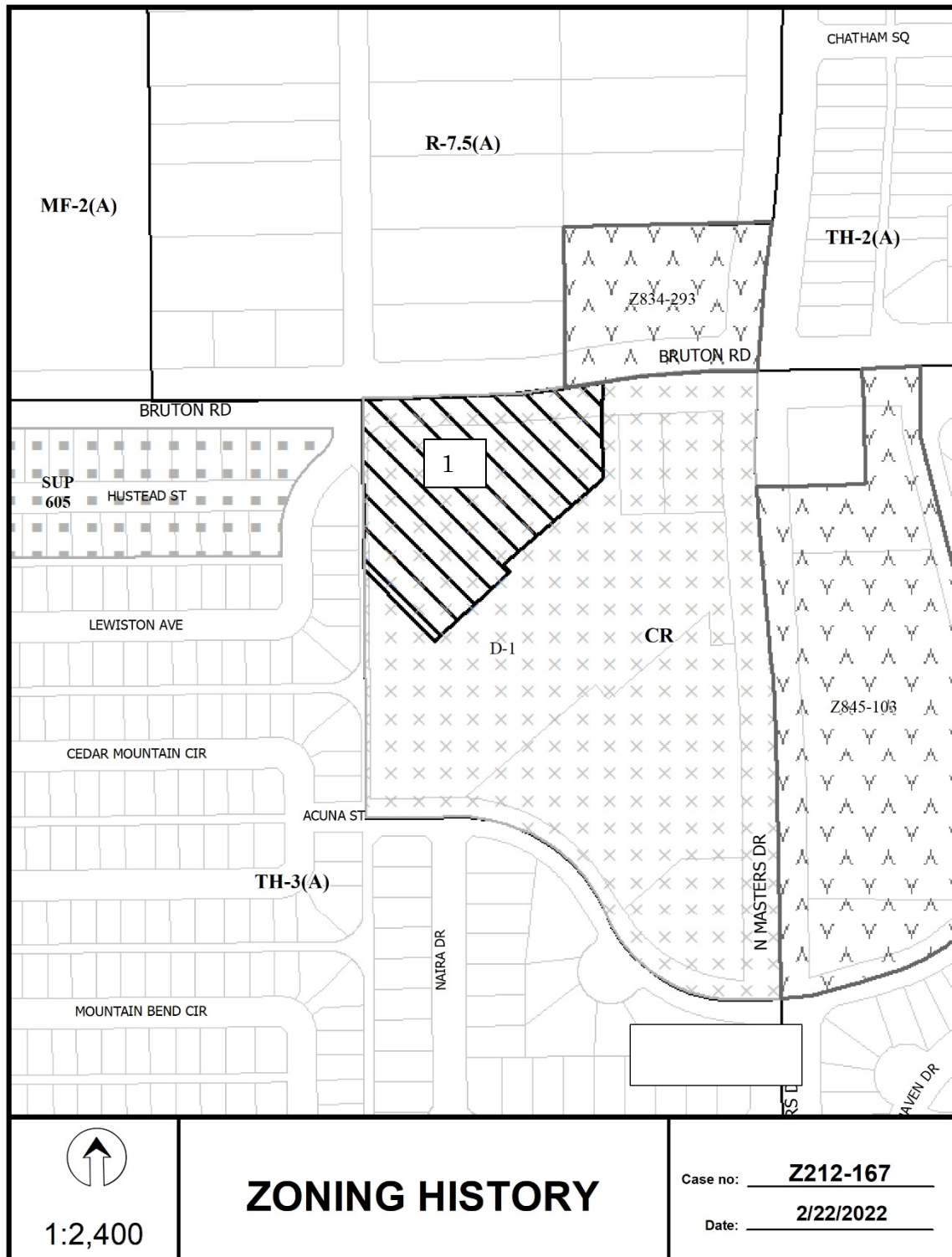






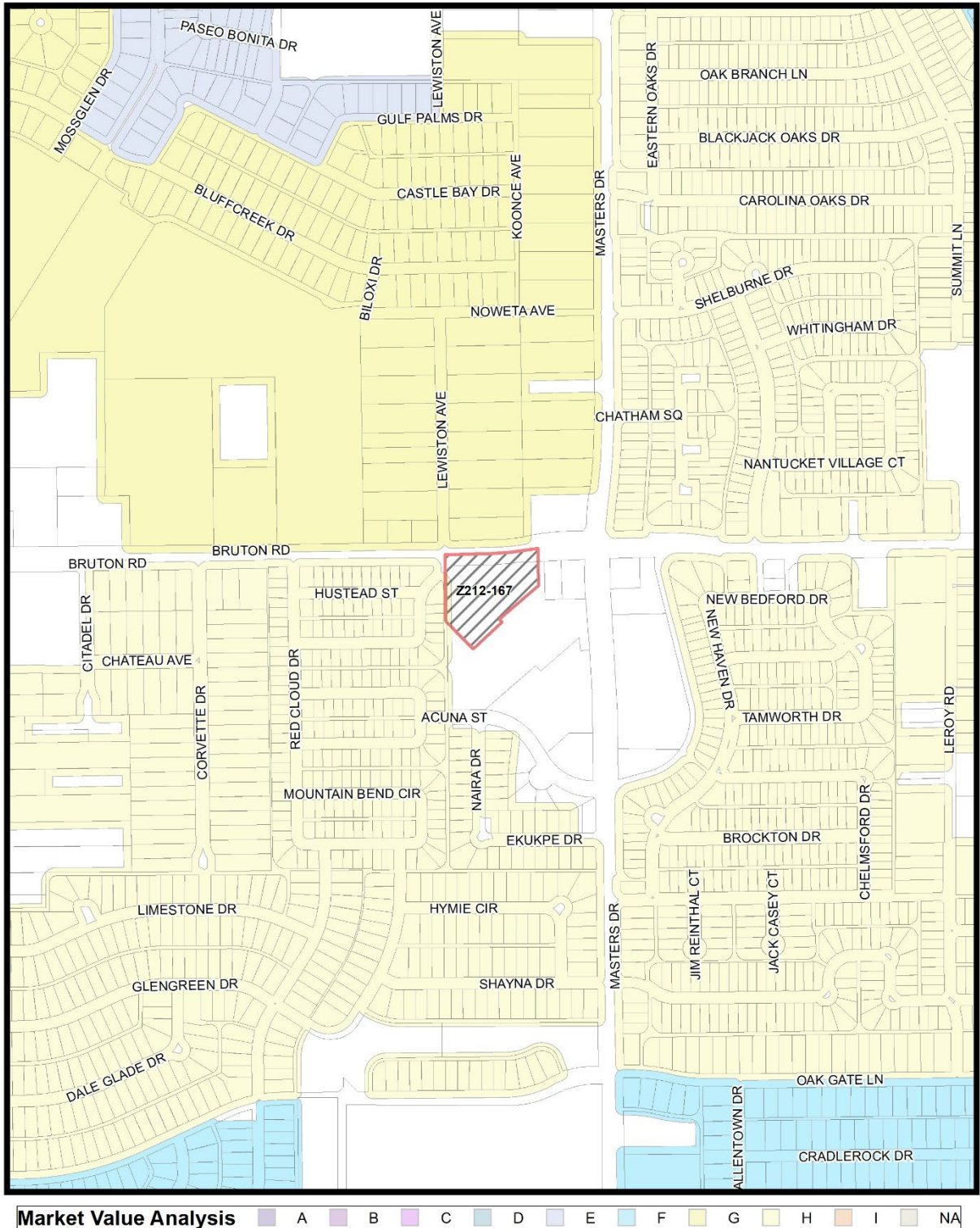








Z212-167 (OA)



1:6,000

## Market Value Analysis

Printed Date: 2/22/2022



04/20/2022

***Reply List of Property Owners******Z212-167******43 Property Owners Notified    0 Property Owners in Favor    2 Property Owners Opposed***

| <b><i>Reply</i></b> | <b><i>Label #</i></b> | <b><i>Address</i></b>   | <b><i>Owner</i></b>                 |
|---------------------|-----------------------|-------------------------|-------------------------------------|
|                     | 1                     | 10060 BRUTON RD         | HUYNH INVESTMENT                    |
| X                   | 2                     | 2017 LEWISTON AVE       | CHAVEZ JOSE R & MARIA C HERNANDEZ   |
|                     | 3                     | 2019 EWISTON AVE        | DARDEN BOBBIE JOHNSON               |
|                     | 4                     | 2021 LEWISTON AVE       | BARBOSA JOSE M                      |
|                     | 5                     | 2023 LEWISTON AVE       | ARMENDARIZ JUAN CARLOS TERRONES &   |
|                     | 6                     | 2038 LEWISTON AVE       | MENDOZA LAURENCIO A &               |
|                     | 7                     | 2036 LEWISTON AVE       | HERNANDEZ ELEANA Z RODRIGUEZ        |
|                     | 8                     | 2034 LEWISTON AVE       | MACK BRENT A                        |
|                     | 9                     | 2032 LEWISTON AVE       | GREEN DARLYNE P                     |
|                     | 10                    | 2030 LEWISTON AVE       | WOOD DORIAN S & ANTOINETTE A        |
|                     | 11                    | 2028 LEWISTON AVE       | RAMIREZ JOSE ALFREDO V              |
|                     | 12                    | 2026 LEWISTON AVE       | MUNOZ ISMAEL                        |
|                     | 13                    | 2024 LEWISTON AVE       | SMITH NIGEL O                       |
|                     | 14                    | 2022 LEWISTON AVE       | VIVIENDAS HERNANDEZ LLC             |
|                     | 15                    | 2020 LEWISTON AVE       | CABRERA MARIANA                     |
|                     | 16                    | 2016 LEWISTON AVE       | PEREZ LUIS & ARACELI                |
|                     | 17                    | 9921 CEDAR MOUNTAIN CIR | Taxpayer at                         |
|                     | 18                    | 9923 CEDAR MOUNTAIN CIR | MUNOZ MAYRA GUADALUPE &             |
|                     | 19                    | 9925 CEDAR MOUNTAIN CIR | HERNANDEZ GUADALUPE MORALES         |
|                     | 20                    | 9927 CEDAR MOUNTAIN CIR | GAUTHIER FELECIA                    |
|                     | 21                    | 9929 CEDAR MOUNTAIN CIR | DELGADO LUCIA &                     |
|                     | 22                    | 9931 CEDAR MOUNTAIN CIR | THREE ANGELS HOLDINGS LLC           |
|                     | 23                    | 9933 CEDAR MOUNTAIN CIR | MARTINEZ JOSE C &                   |
|                     | 24                    | 10100 BRUTON RD         | SEJ ASSET MGMT & INVESTMENT COMPANY |
|                     | 25                    | 2125 N MASTERS DR       | CRUZ ROMAN & ELIZABETH B            |
|                     | 26                    | 2102 LEWISTON AVE       | Taxpayer at                         |



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04/20/2022

| <i>Reply</i> | <i>Label #</i> | <i>Address</i>    | <i>Owner</i>                     |
|--------------|----------------|-------------------|----------------------------------|
|              | 27             | 2110 LEWISTON AVE | TEXAS MBM LLC                    |
|              | 28             | 2111 LEWISTON AVE | ORTEGA GILBERT                   |
|              | 29             | 2123 LEWISTON AVE | SOLIS JUAN F                     |
|              | 30             | 9920 HUSTEAD ST   | VILLALOBOS JAIME ALONSO CHAVEZ   |
|              | 31             | 9918 HUSTEAD ST   | RESICAP TEXAS OWNER LLC          |
|              | 32             | 9916 HUSTEAD ST   | KHAN ESTATES LLC                 |
|              | 33             | 9922 HUSTEAD ST   | AYALA JOSE ALFREDO               |
| X            | 34             | 2019 N MASTERS DR | BELKNAP MINISTRIES               |
|              | 35             | 9917 HUSTEAD ST   | MORALES CECILIA B                |
|              | 36             | 9919 HUSTEAD ST   | FAGAN BILLY W EST OF & LYNIDER D |
|              | 37             | 9921 HUSTEAD ST   | OPENDOOR PROPERTY TRUST I        |
|              | 38             | 9923 HUSTEAD ST   | Taxpayer at                      |
|              | 39             | 9925 HUSTEAD ST   | MORENO ALEJANDRA                 |
|              | 40             | 2107 N MASTERS DR | MASTER DR RETAILS LLC            |
|              | 41             | 9933 BRUTON RD    | MACIAS J GUADALUPE               |
|              | 42             | 9939 BRUTON RD    | DELAPAZ ARMANDO                  |
|              | 43             | 9945 BRUTON RD    | WU ALICE E                       |