

CITY PLAN COMMISSION

THURSDAY, SEPTEMBER 21, 2023

Planner: Andreea Udrea, PhD, AICP

FILE NUMBER: Z223-197(AU) **DATE FILED:** February 6, 2023

LOCATION: South line of Lake June Road, east of North St. Augustine Road

COUNCIL DISTRICT: 5

SIZE OF REQUEST: Approx. 0.30 Acres **CENSUS TRACT:** 48113011802

REPRESENTATIVE: Gena Cannon

OWNER/APPLICANT: Nikia Mitchell, Kia's Asset Management

REQUEST: An application for a D-1 Liquor Control Overlay and 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 use on property within a CR Community Retail District with a D Liquor Control Overlay.

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

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions; and **approval** of a D-1 Liquor Control Overlay.

CR Community Retail District

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-77205

D-1 Liquor Control Overlay

https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-83445

BACKGROUND INFORMATION

- The request site is currently developed with a 2,000-square-foot building, one story in height, and that is currently vacant.
- The site is located within the D Liquor Control Overlay. In a “D” 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.
- The applicant is seeking a zoning change to a D-1 liquor control overlay and requesting a Specific Use Permit for alcohol sales for off-site consumption in conjunction with a general merchandise or food store 3,500 square feet or less.
- 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.

Zoning History

There has been one zoning change requests in the surrounding area in the past five years.

1. Z223-137: On June 13, 2023, Specific Use Permit No. 2195 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, was automatically renewed for an additional five-year time period, on property zoned as an CR Community Retail District with a D-1 Liquor Control Overlay, on the west line of N St Augustine Road, and south line of Lake June Road.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing / Proposed ROW Bike Plan
Lake June Road	Principal Aerial	100' Bike Plan

Transportation

The Engineering Division of Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS**Surrounding Land Uses**

	Zoning	Land Use
Site	CR-D Community Retail with D Liquor Control Overlay	Vacant Building
North	PD No. 807 with D Liquor Control Overlay	Prairie Creek Branch Library
East	CR-D Community Retail with D Liquor Control Overlay	Vacant Building
South	CR-D Community Retail with D Liquor Control Overlay	Undeveloped
West	CR-D-1 Community Retail with D-1 Liquor Control Overlay and SUP No. 2195	Liquor Store

Land Use Compatibility

The site is zoned an CR Community Retail District with a D Liquor Control Overlay and is currently developed with a one-story, approximately 2,000-square-foot building currently vacant. In a “D” 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.

The applicant is seeking a zoning change to a D-1 liquor control overlay and requesting a Specific Use Permit for alcohol sales for off-site consumption in conjunction with a general merchandise or food store 3,500 square feet or less. 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 site is surrounded by a public library to the north, vacant building to the east, undeveloped land to the south, and a liquor store and a restaurant to the west.

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 system
- drop safes
- security signs
- height markers
- store visibility
- safety training programs and
- trespass affidavit

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. Since the building is currently vacant, the convenience store inspections were not scheduled at this time.

In general, the applicant's request is not foreseen to have a negative impact on the surrounding properties. The applicant's request subject to the attached conditions is consistent with the intent of the Dallas Development Code.

Parking

No changes are proposed with this request. Off-street parking and loading requirements must comply with the Dallas Development Code as amended. A total of 10 off-street parking spaces are required for the general merchandise or food store with fueling station derived from calculating at a ratio of 1 space for every 200 square feet of floor area. The site currently includes 19 parking spaces.

Landscaping

Landscaping will in accordance with the landscaping requirements in Article X, as amended. No changes are proposed with this request; therefore, no additional landscape requirements are triggered.

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 in proximity to a “G” MVA Cluster to the south and east, and an “F” MVA Cluster further northeast, across Lake June Road.

List of Officers

KIA'S ASSET MANAGEMENT

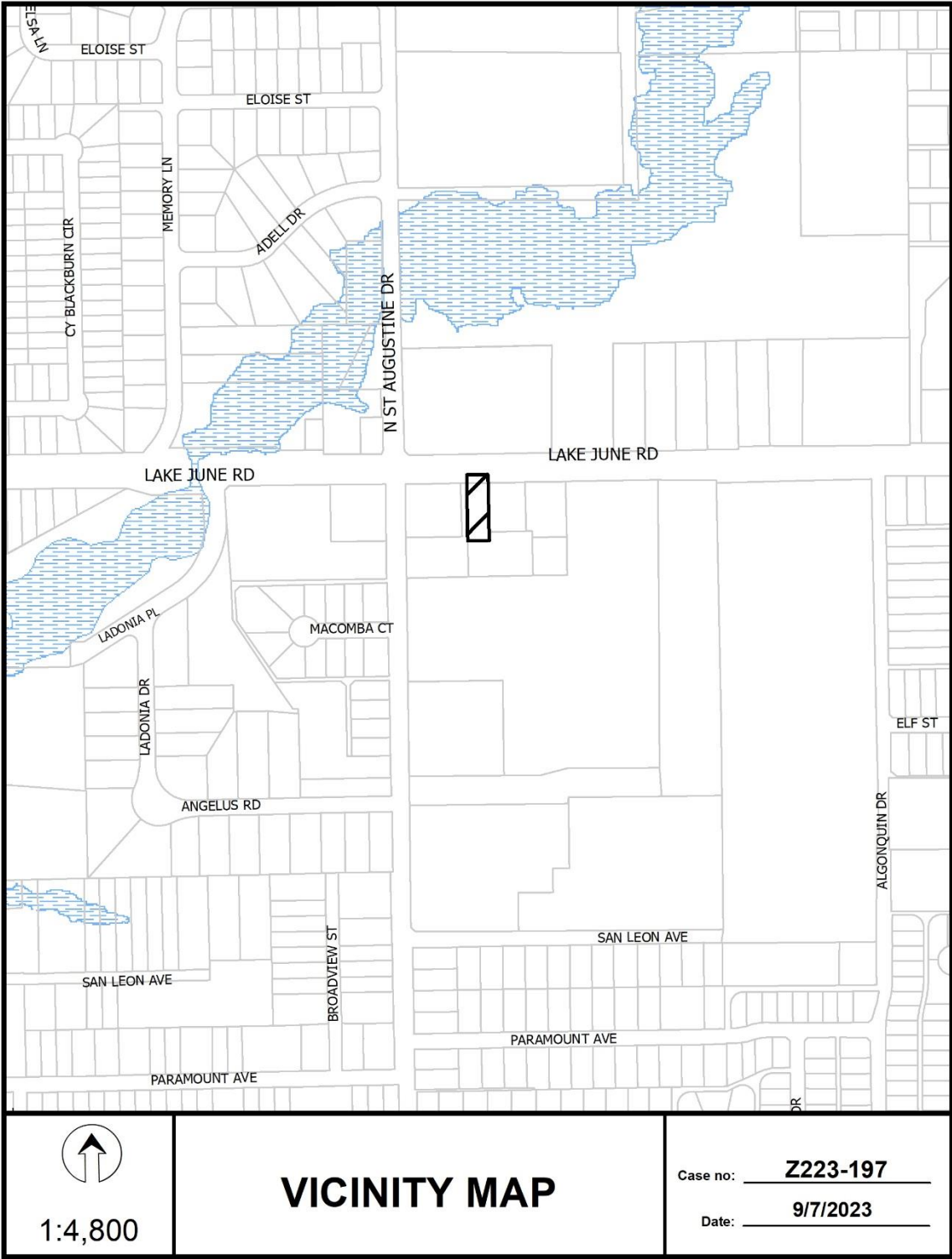
Nikia Mitchell – President / Manager

PROPOSED CONDITIONS

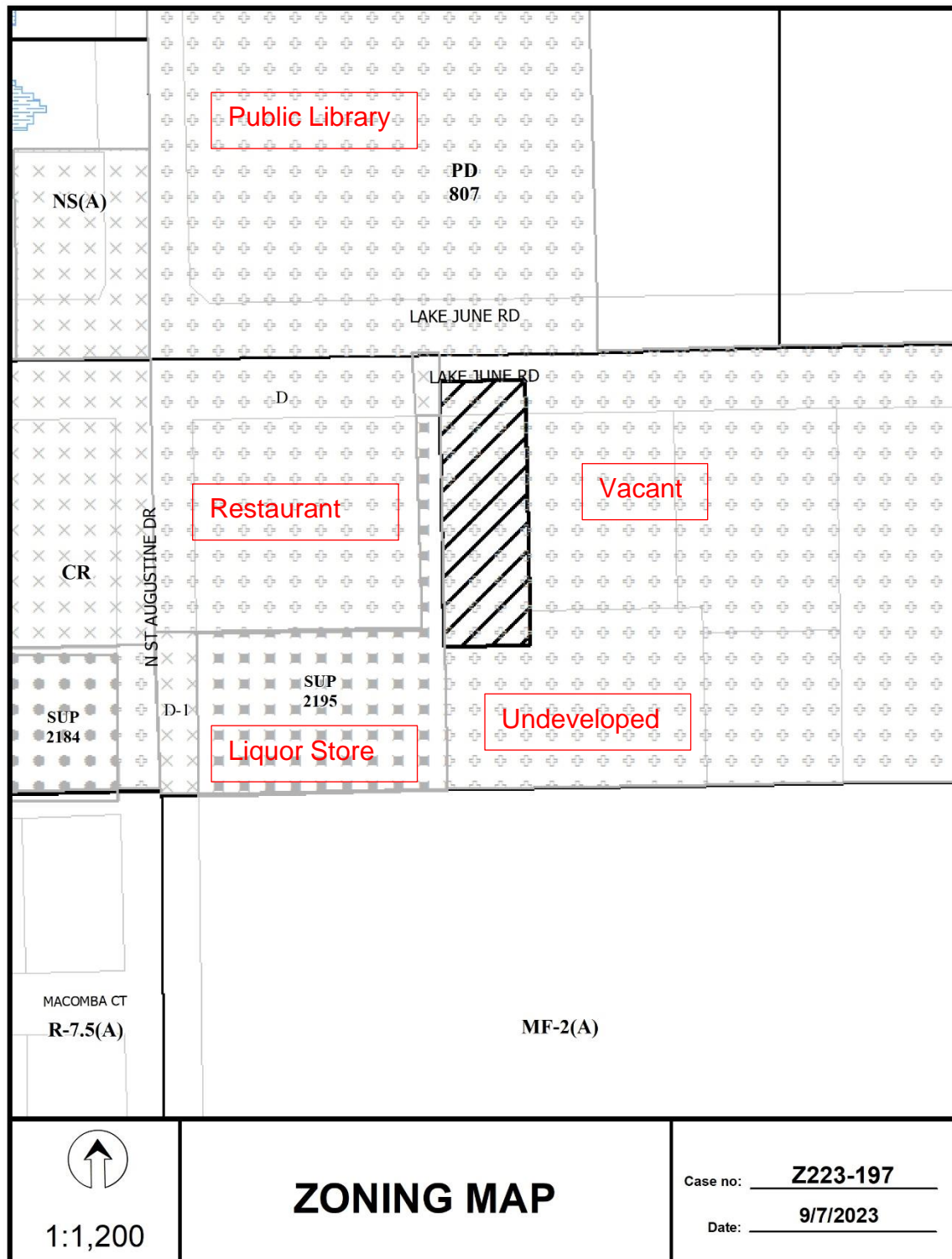
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ... (two-year period from the passage of this ordinance).
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.

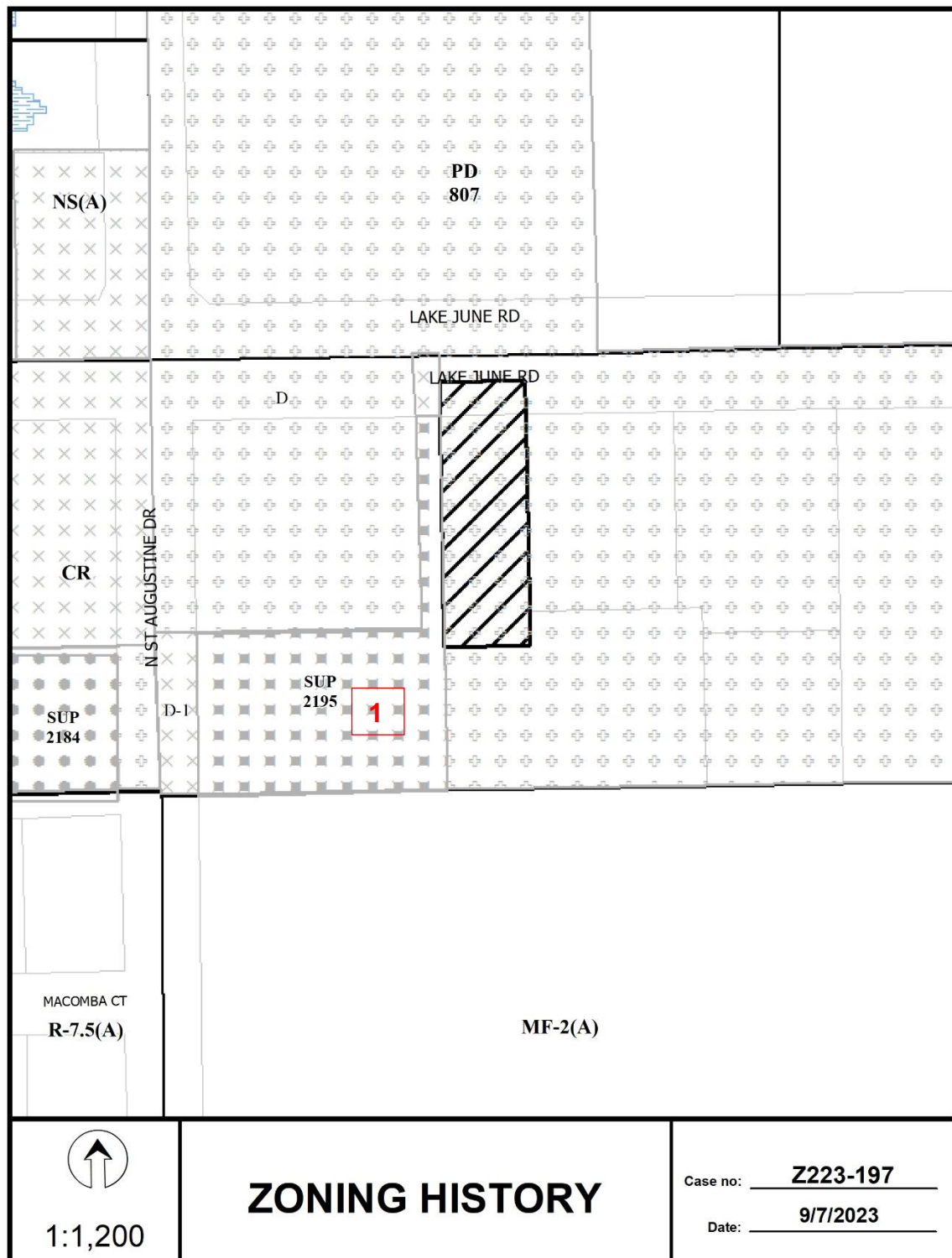
PROPOSED SITE PLAN

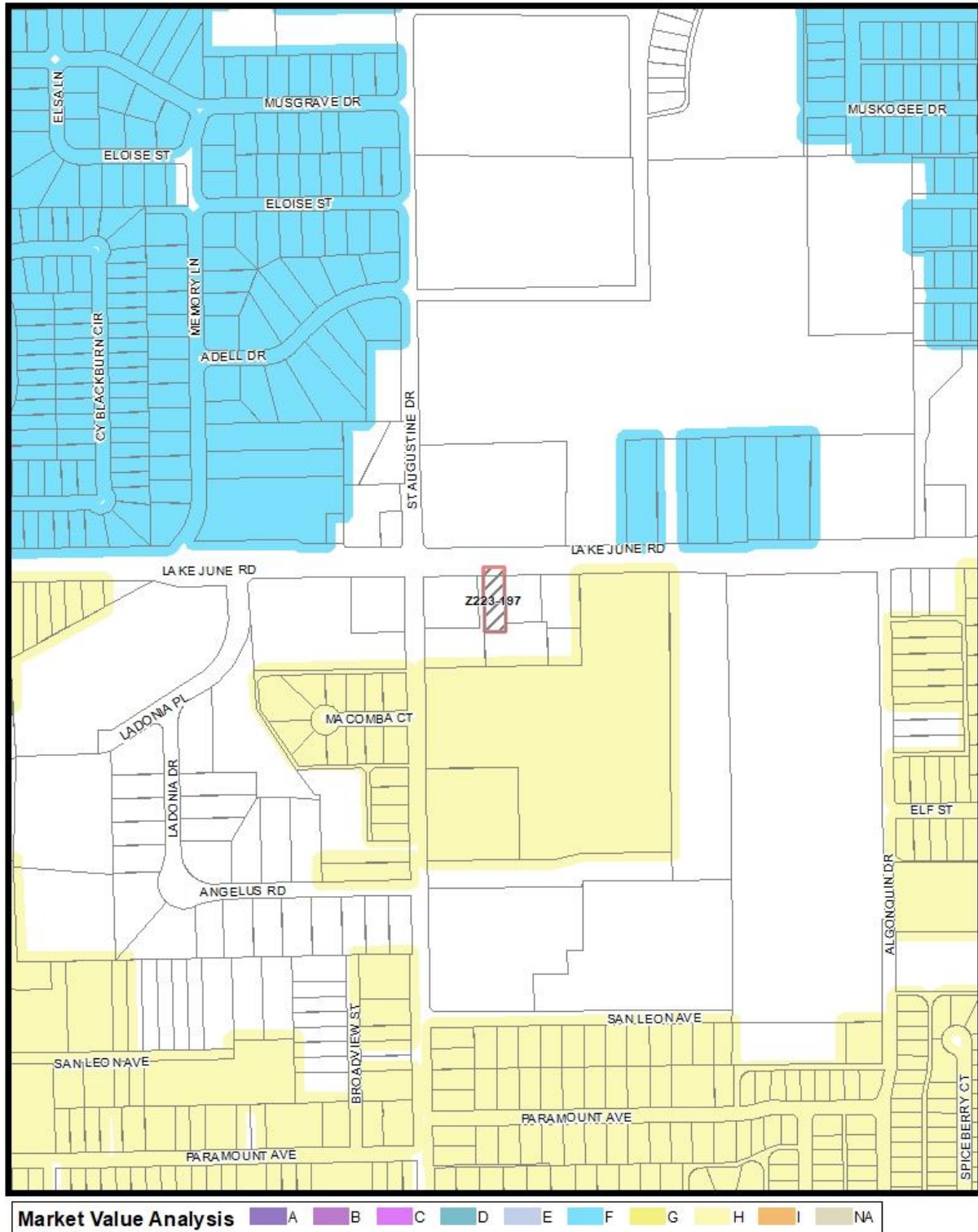
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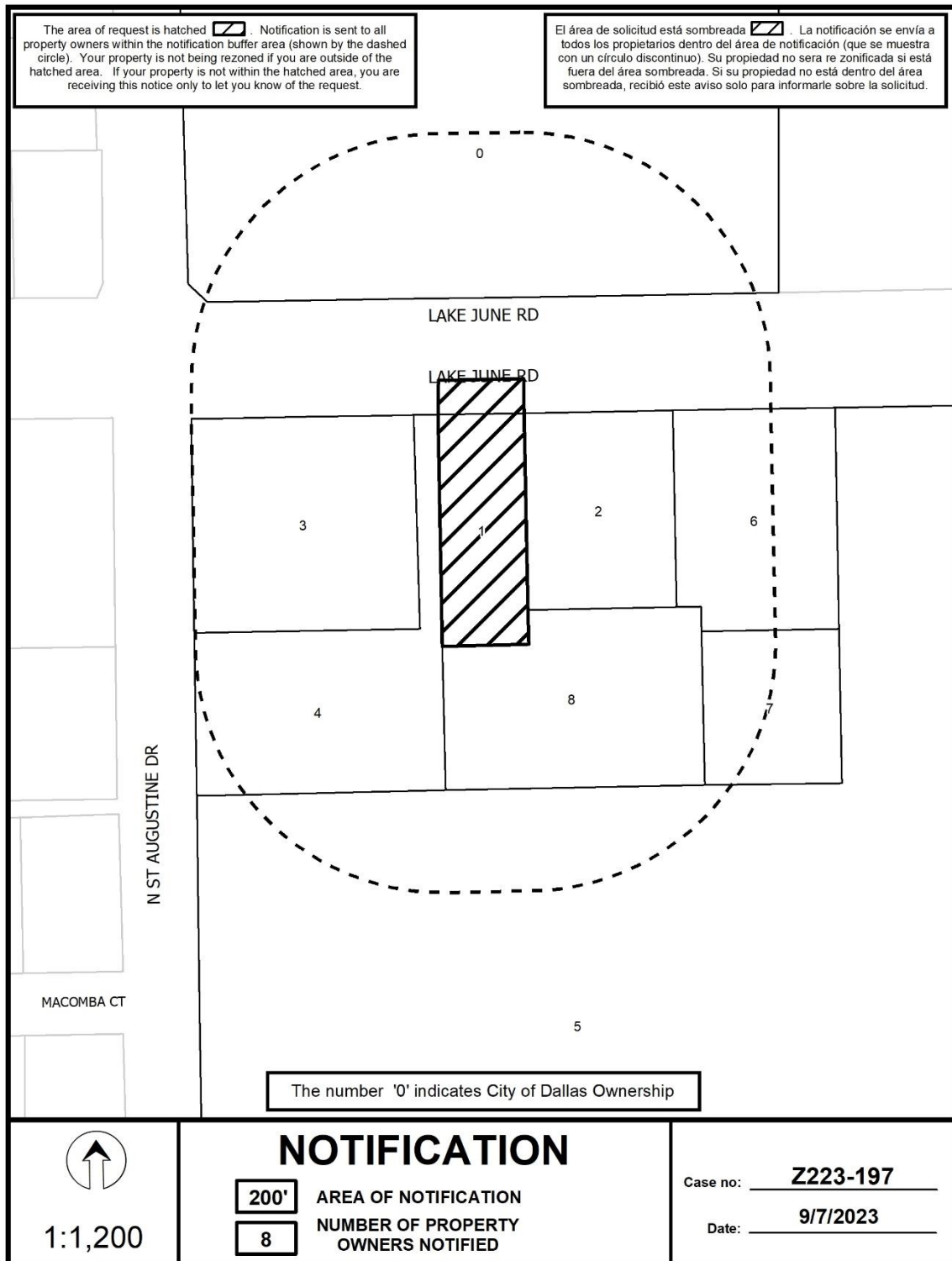




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Market Value Analysis

Printed Date: 9/7/2023



09/07/2023

Notification List of Property Owners

Z223-197

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9620 LAKE JUNE RD	KIAS ASSET MGMT GROUP
2	9630 LAKE JUNE RD	VEGA ERASMO &
3	9600 LAKE JUNE RD	TORRES ANTONIO &
4	1230 N ST AUGUSTINE RD	Taxpayer at
5	1198 ST AUGUSTINE DR	LA HACIENDA LLC
6	9650 LAKE JUNE RD	BRIGHT STAR MISS BAPT CH
7	9650 LAKE JUNE RD	LA HACIENDA
8	9620 LAKE JUNE RD	LA HACIENDA LLC