

FILE NUMBER: Z212-156(OA) **DATE FILED:** December 29, 2021

LOCATION: Southeast corner of South Belt Line Road and C.F. Hawn Expressway.

COUNCIL DISTRICT: 8

SIZE OF REQUEST: ±1.11-acre **CENSUS TRACT:** 170.01

REPRESENTATIVE: Melinda Nelson

APPLICANT/OWNER: Almo Investments, LTD

REQUEST: An application for 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 on a property zoned a CS Commercial Service District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the sale of alcoholic beverages for off-premises consumption in conjunction with a general merchandise or food store greater than 3,500 square feet on the site.

CPC RECOMMENDATION: **Denial without prejudice**

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 property is currently developed with a 3,860-square-foot general merchandise or food store, a gas station and restaurant.
- The general merchandise or food store is permitted by right. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The applicant also has a current convenience store registration, which expires on March 11, 2023, and a current TABC license that expires on February 14, 2024.

Zoning History: There has been one zoning requests in the surrounding area in the past five years.

1. **Z167-165:** On May 24, 2017, Specific Use Permit No. 2242 for a tower/antenna for Cellular Communication of property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, located on the South side of CF Hawn Freeway, southeast of South Belt Line Road, a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation, and conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
S. Belt Line Road	Principal Arterial	100 feet
C F Hawn Expwy.	Expressway	300 feet

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, outlining 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:

ECONOMIC 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.

Policy 1.1.3 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.

West Kleberg Community Plan

West Kleberg Community Plan was adopted by City Council in April 2007. The Vision for the West Kleberg Community Plan was to reflect "Old Kleberg's" historical heritage, by promoting a strong rural atmosphere still allowing for future growth to occur that was sensitive to this context.

5.2 POLICY STATEMENTS, EDD 1.1 ECONOMIC DEVELOPMENT. Encourage new neighborhood-serving uses to locate along the Hwy. 175, Kleberg Rd., Belt Line Rd. and Seagoville Rd. corridors.

The request is consistent with the abovementioned policy statement of the area plan.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	CS-D-1	General merchandise or food store, Motor vehicle fueling station,
Northwest/ North	CS-D-1	Vacant / Motor vehicle fueling station
Northeast	CS-D-1, SUP No. 2242	Tower/antenna for cellular communication
Southeast	CR-D-1	Undeveloped
Southwest	CS-D-1	Undeveloped

Land Use Compatibility:

The purpose of the request is to allow the sale of alcoholic beverages in conjunction with an existing general merchandise or food store greater than 3,500 square feet. The 1.11-acre site contains a convenience store with a fueling station and a restaurant. The existing 5,430 square building consists of 3,860 square feet dedicated to a general merchandise or food store and 1,570 square feet dedicated to the restaurant. The subject site is surrounded by a vacant commercial service use lot, and a fueling station to the northwest; tower/antenna for cellular communication use to the northeast; undeveloped land to southeast and southwest of the subject site.

The applicant is applying for a Specific Use Permit since the property is zoned CR a Community Retail District with a D-1 Overlay. 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 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:

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| • Surveillance camera systems, | • Security signs, |
| • Video recording and storage systems, | • Height markers, |
| • Alarm systems, | • Store visibility, |
| • Drop safes, | • 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 applicant is in compliance with Chapter 12B.

The use is compatible with the surrounding uses. The recommended two-year period with automatic renewals for additional five-year periods allows staff to monitor the effect that this use has in the surrounding area. Furthermore, the current convenience store registration expires on March 11, 2023 and a current TABC license expires on February 14, 2024, which assures the use is compliant and not detrimental to the area.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended; however, the request will not trigger any landscaping because there is no increase in the total floor area.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store greater than 3,500 square feet but less than 100,000 square feet requires one space per 200 square feet of floor area. The proposed store is 3,860 square feet. Therefore, the general merchandise or food store requires 20 parking spaces for the use. Additionally, a fueling station use requires two parking spaces, and a restaurant with a drive-through with 1,570 square feet requires one parking space per 100 square feet of floor area. The total parking required for the three uses is $20+2+16=38$. The general merchandise store, restaurant with a drive-through and fuel station are existing, and the original permits were approved with 36 parking spaces. The proposed SUP for the sale of alcohol does not require parking. The parking will be maintained.

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 area of request is not within an identifiable MVA category.

List of Officers/Partners/Principals

Almo Investment, LTD

- Ali Sharafr – Register Agent
- Walid Alameddine, – Vice President

CPC ACTION
APRIL 7, 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 on a property zoned CS Commercial Service District with a D-1 Liquor Control Overlay, at the southeast corner of South Belt Line Road and C.F. Hawn Expressway.

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

For: 12 - Hampton, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Popken, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Haqq
Vacancy: 2 - District 3, District 7

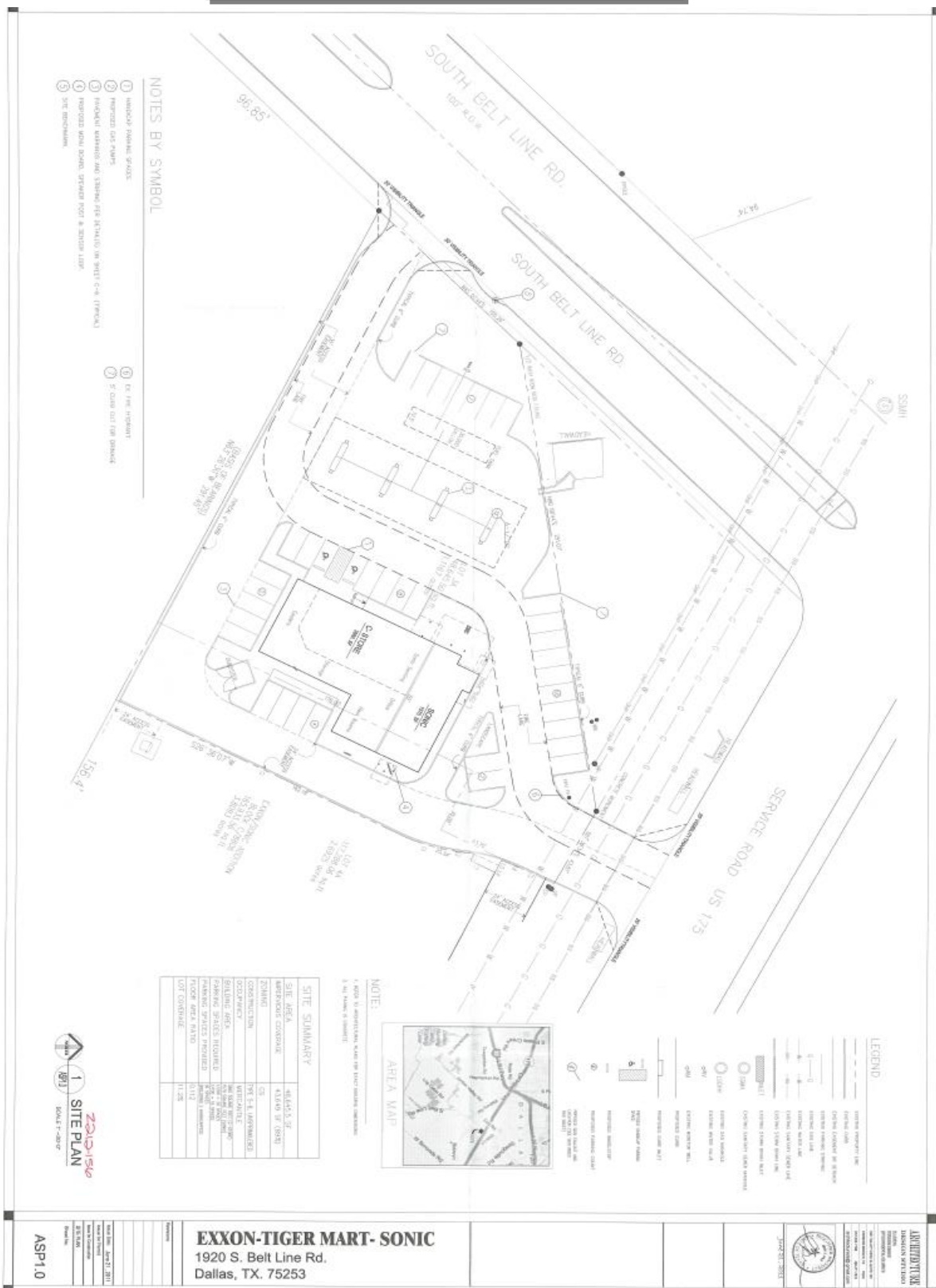
Notices: Area: 300 Mailed: 11
Replies: For: 0 Against: 0

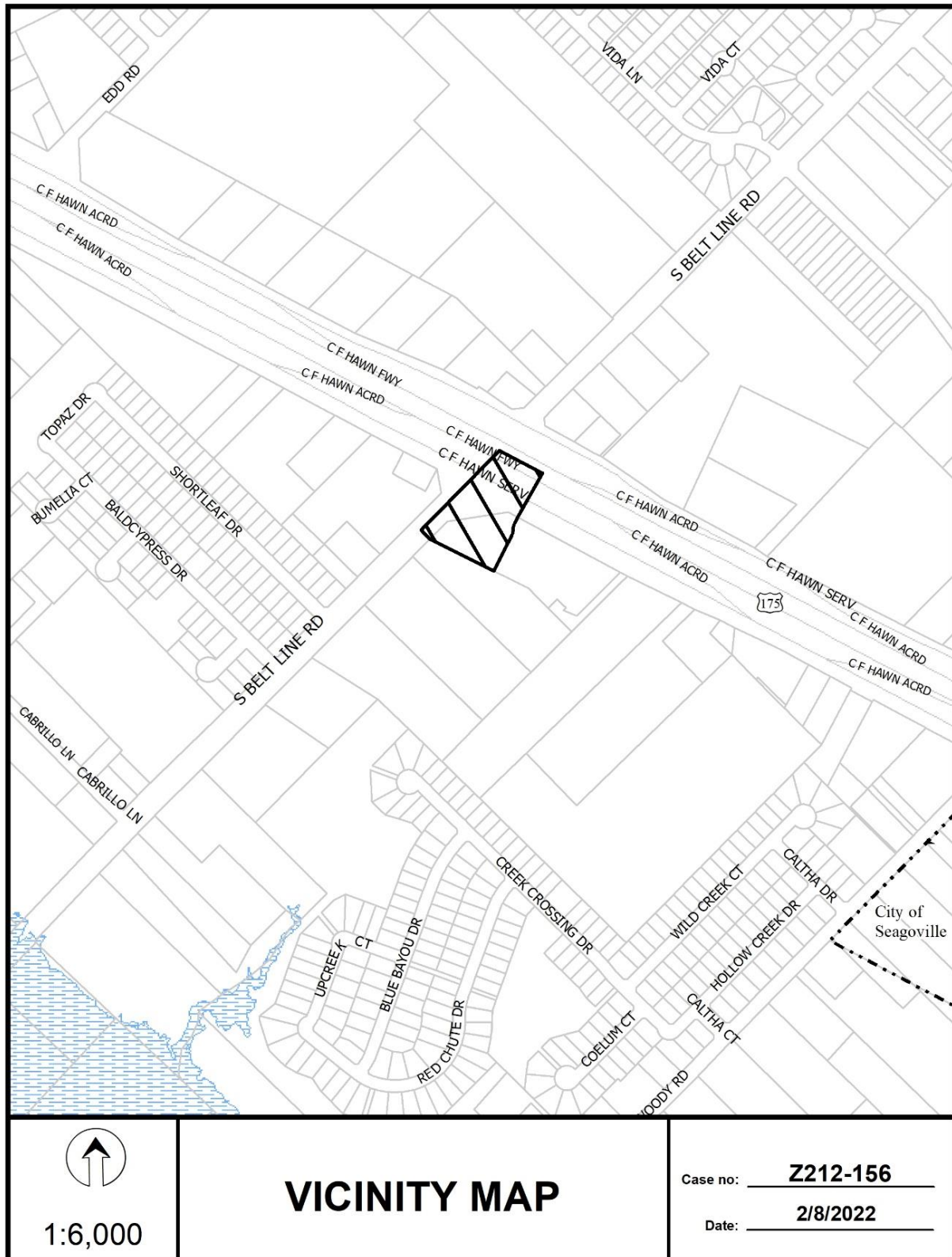
Speakers: For: Melinda Nelson, 105 YMCA drive, Waxahachie TX 75168
Nick Vasquez, 105 YMCA Drive, Waxahachie TX 75168
Against: None

PROPOSED SUP CONDITIONS

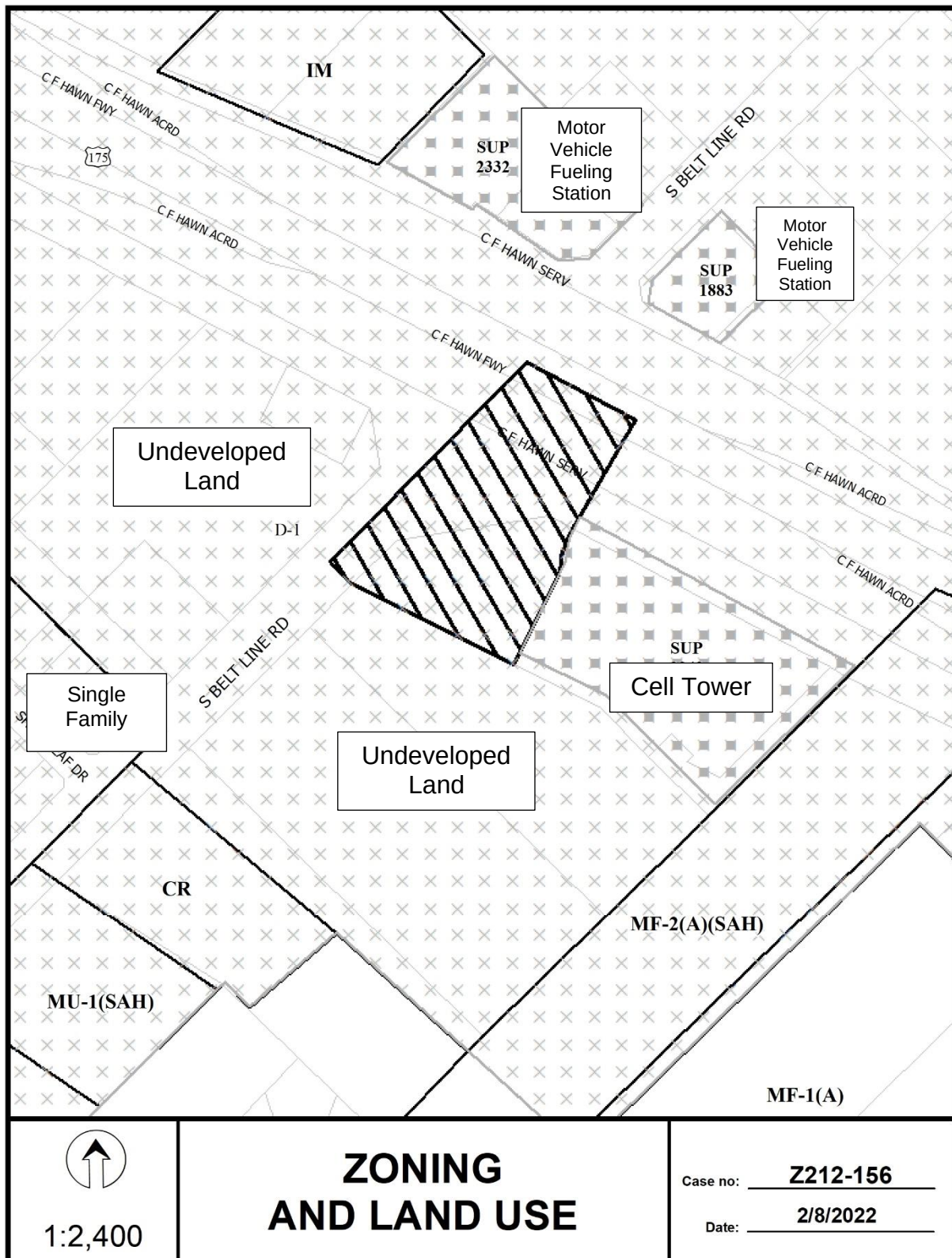
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years 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: The use of the drive-through window for retail sales of alcoholic beverage 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.

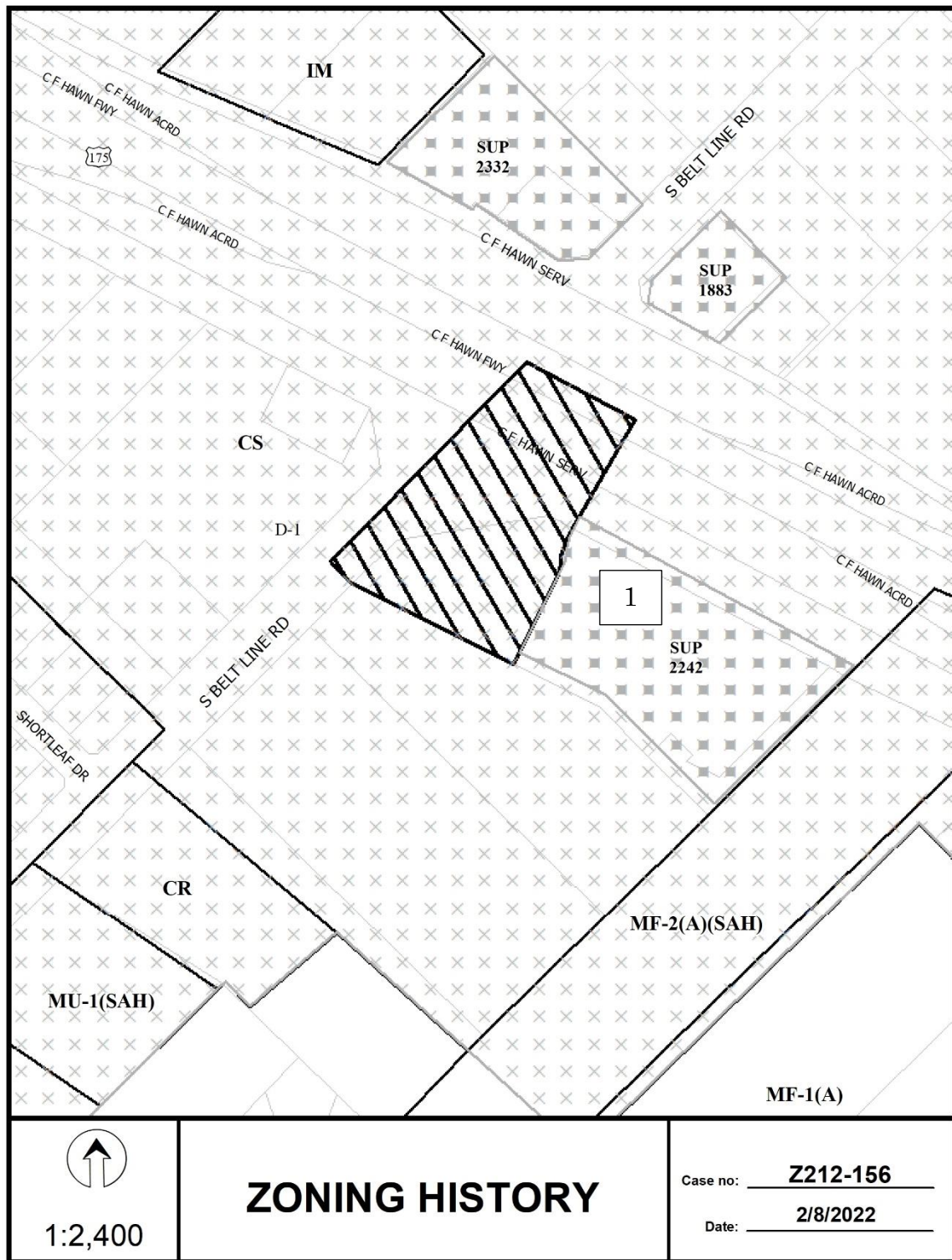
PROPOSED SUP SITE PLAN

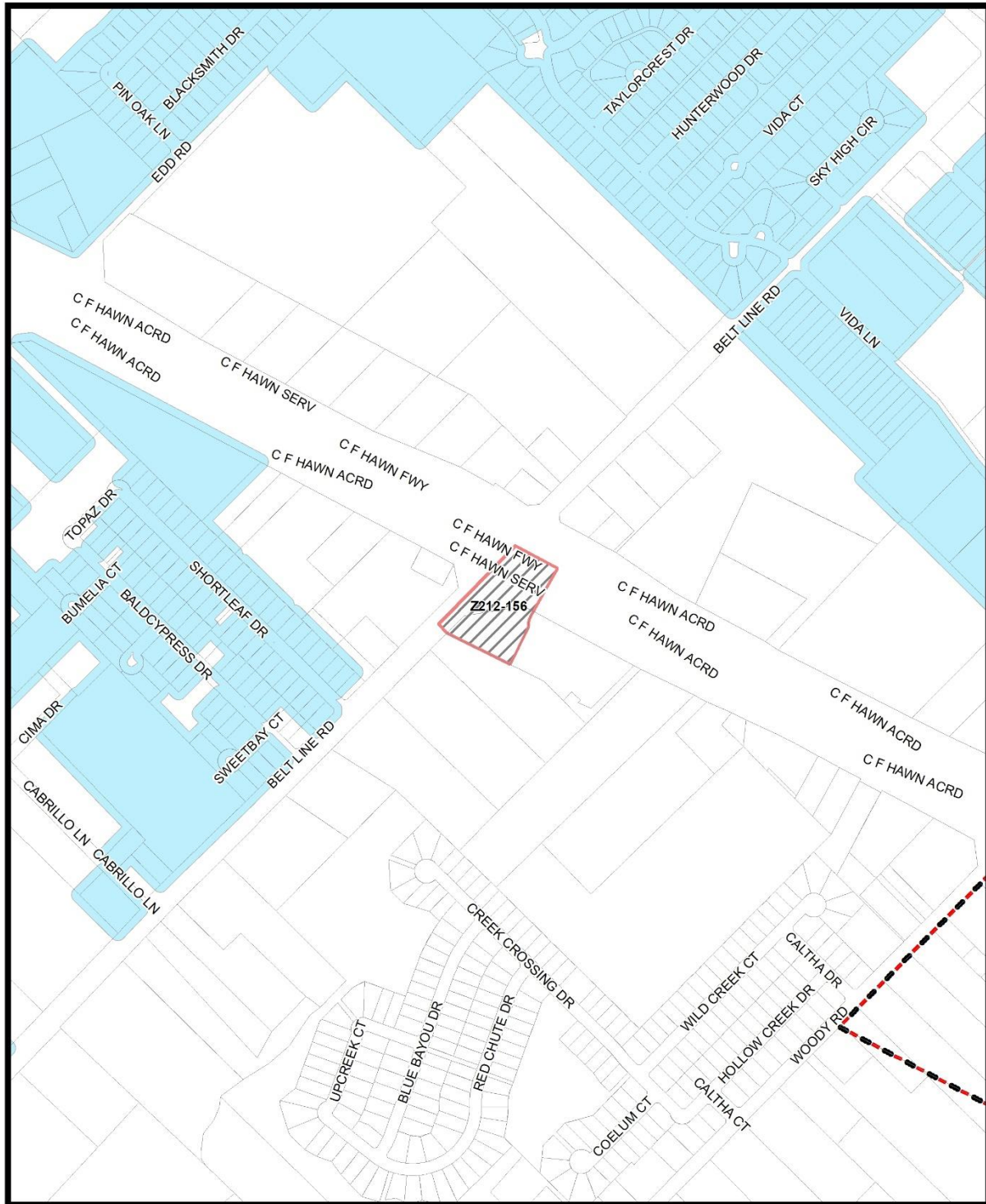












Market Value Analysis

A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 3/28/2022



04/06/2022

Reply List of Property Owners

Z212-156

11 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	1920 S BELTLINE RD	ALMO INVESTMENTS LTD
	2	1931 S BELTLINE RD	T BUCKET LLC
	3	13508 C F HAWN FWY	ALMO INVESTMENT II LTD
	4	1904 S BELTLINE RD	KWON YOONGHEE
	5	13710 C F HAWN FWY	BELTLINE & HAWN INC
	6	13415 C F HAWN FWY	QT SOUTH LLC
	7	13510 C F HAWN FWY	BUSTOS RUBEN
	8	13558 C F HAWN FWY	RIM INVESTMENTS LLC
	9	13601 C F HAWN FWY	SEJ ASSET MANAGEMENT & INVESTMENT COMPANY
	10	13700 C F HAWN FWY	Taxpayer at
	11	1808 S BELTLINE RD	MCDONALDS CORP 42 524