

FILE NUMBER: Z190-126(AU)

DATE FILED: November 1, 2019

LOCATION: Northeast corner of Lake June Road and Guard Drive

COUNCIL DISTRICT: 5

MAPSCO: 57 M

SIZE OF REQUEST: Approx. 3.7 Acres

CENSUS TRACT: 115.00

REPRESENTATIVE: Latrice Andrews

**APPLICANT/
OWNER:** 6343 Lake June, LLC; 786 Charco Blanco, LLC

REQUEST: An application for the renewal of and an amendment to Specific Use Permit No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay, and deed restrictions [Z156-163].

SUMMARY: The purpose of this request is to allow for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store on the request site. The proposed amendment includes the reduction of SUP No. 2191 to cover the southern portion of the property, where the general merchandise or food store is located. No change is being requested to SUP No. 2190.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a revised site plan and conditions.

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

BACKGROUND INFORMATION:

- The 3.7-acre-request site is comprised on two lots and is currently under development. The site is zoned MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay and deed restrictions [Z156-163].
- The request site is also zoned with two Specific Use Permits, SUP No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet, and SUP No. 2190 for a mini-warehouse use. More specifically, SUP No. 2191 pertains to the 1.554-acre southern lot, and SUP No. 2190 pertains to the 2.192-acre northern lot. The northern lot is also currently under construction with a mini-warehouse use
- On April 27, 2016, the City Council approved Specific Use Permit No. 2191 for a two-year period. SUP No. 2191 was renewed on April 11, 2018 for a two-year period. On April 27, 2016, the City Council approved Specific Use Permit No. 2190 for a ten-year period.
- The 1.5445-acre southern is currently under construction with a general merchandise or food store greater than 3,500 square feet use and a motor vehicle fueling station. The general merchandise use is permitted by right within the MU-1 District. The sale of alcoholic beverages requires a specific use permit if located within the D-1 Liquor Control Overlay. The applicant is requesting the renewal of SUP No. 2191 to allow the sale of alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- SUP No. 2191 was approved on a 3.7-acre site containing two lots, both undeveloped at that time, a 2.192-acre northern lot proposed to be developed with a mini-warehouse, and a 1.5445-acre southern lot proposed to be developed with a convenience store and a gas station.
- Because, the 3.7-acre site containing two lots is zoned with SUP No. 2190 and SUP No. 2191, the applicant is proposing to amend SUP No. 2191 and reduce it to the 1.5445-acre southern lot where the proposed sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet will take place.
- A request for a Certificate of Occupancy for a convenience store (SUP No. 2191) was submitted on September 1, 2017 and is pending upon completion of construction. The applicant is estimating the start of the operation of the general merchandise or food store at the beginning of April 2020.

- On December 10, 2008, City Council approved an MU-1 Mixed Use District with volunteered deed restrictions and a D-1 Liquor Control Overlay on property zoned an LI Light Industrial District with a D-1 Liquor Control Overlay (Z078-272), being the 3.7-acre-request property. The volunteered deed restrictions further restricted the allowable uses on the property by prohibiting several commercial and business service uses, industrial uses, institutional and community service uses, lodging uses, miscellaneous uses, retail and personal service uses, utility and service uses, and wholesale, distribution, and storage uses. Among those, both motor vehicle fueling station and mini-warehouse uses were prohibited as well. On April 27, 2016, City Council approved an amendment to the existing deed restrictions to allow both motor vehicle fueling station and mini-warehouse uses.

Zoning History

There have been no zoning change cases requested in the area in the past five years.

Thoroughfares/Streets

Thoroughfares/Street	Type	Existing ROW
Lake June Road	Principal Arterial	100 ft.
Guard Drive	Minor Arterial	60 ft.

Traffic

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing 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 that 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.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

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

	Zoning	Land Use
Site	MU-1 with D-1 with SUP No. 2190 and SUP No. 2191	Gas station with convenience store (under construction) Mini warehouse (under construction)
North	LI with SUP No. 2171	Public park [Guard Park]
East	R-7.5(A)	DART railroad, Single Family
West	R-7.5(A)-D-1	Single Family
South	PD No. 533 (Subdistrict 2)	Auto repair use Restaurant
Southeast	CS-D-1 with SUP No. 1430	DART railroad station [Lake June Station]

Land Use Compatibility

The 3.7-acre-request site is comprised on two lots and is currently under development. The site is zoned MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay and deed restrictions [Z156-163]. The request site is also zoned with two Specific Use Permits, SUP No. 2191 for the sale of alcoholic beverages in conjunction with a general

merchandise or food store greater than 3,500 square feet, and SUP No. 2190 for a mini-warehouse use. More specifically, SUP No. 2191 pertains to the 1.554-acre southern lot, and SUP No. 2190 pertains to the 2.192-acre northern lot.

The 1.5445-acre southern is currently under construction with a general merchandise or food store greater than 3,500 square feet use and a motor vehicle fueling station. The general merchandise use is permitted by right within the MU-1 District. The sale of alcoholic beverages requires a specific use permit if located within the D-1 Liquor Control Overlay. The applicant is requesting the amendment and renewal of SUP No. 2191 to allow the sale of alcohol for off-premise consumption in conjunction with the general merchandise use on the property.

The request site is surrounded by a mini-warehouse use currently under construction to the north, and a park that will also house a future park maintenance facility further north, auto repair uses to the south, and single family uses to the east and west. Also, west of the site is a DART light railway, with a DART rail station to the southwest [Lake June Station].

On April 27, 2016, the City Council approved Specific Use Permit No. 2191 for a two-year period. SUP No. 2191 was renewed on April 11, 2018 for a two-year period.

SUP No. 2191 was approved on a 3.7-acre site containing two lots, both undeveloped at that time, a 2.192-acre northern lot proposed to be developed with a mini-warehouse, and a 1.5445-acre southern lot proposed to be developed with a convenience store and a gas station. The 2.192-acre northern lot is also zoned with Specific Use Permit No. 2190 and is currently under construction with a mini-warehouse use. SUP No. 2190 was approved on April 27, 2016 for a ten-year period.

Although, the 3.7-acre site containing two lots is zoned with SUP No. 2190 and SUP No. 2191, the applicant is proposing to amend SUP No. 2191 and reduce it to the 1.5445-acre southern lot where the proposed sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet will take place. SUP No. 2190 is not a part of this request.

The site plan approved with SUP No. 2191 includes both lots. With this request, the applicant is proposing to amend the site plan to include only the 1.5445-acre southern lot. No other changes to the site plan are included with this request.

The approximately 9,240-square-foot structure is currently under construction and will be comprised of multiple suites. One suite will be occupied with the 3,500-square-foot general merchandise or food store (convenience store). The applicant proposes the continued sale of alcoholic beverages for off-premise consumption in conjunction with the proposed convenience store.

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.

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, the fact that the request site had an SUP before, and the proposed SUP Conditions

that include a shorter timeframe to allow staff to continue the periodical review of compliance, staff supports the applicant's request for an SUP for alcohol sales in conjunction with a convenience store.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Parking will be provided as shown in the revised site plan. The off-street parking requirements for a general merchandise or food store 3,500 square foot or less is one space for each 200 square feet of floor area. The building's floor area totals approximately 9,240 square feet, but only one suite is included in the SUP request. 46 parking spaces are required for the convenience store. There are 47 parking spaces included in the site plan.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended. No changes to the site plan are proposed with this request, therefore no landscape requirements are triggered by this request.

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 request site is uncategorized, however the area west of the site is located within category "E", to the east is category "F", and further southeast is category "H" and further south and southwest is category "I".

LIST OF PARTNERS

6343 Lake June LLC

Noorallah Jooma – Manager

786 Charco Blanco, LLC

Arif Merchant – Manager

CPC Action
March 5, 2020

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 2191 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, subject to a revised site plan and conditions on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay, and deed restrictions [Z156-163], on the northeast corner of Lake June Road and Guard Drive.

Maker: Shidid
Second: Blair
Result: Carried: 15 to 0

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

Against: 0
Absent: 0
Vacancy: 0

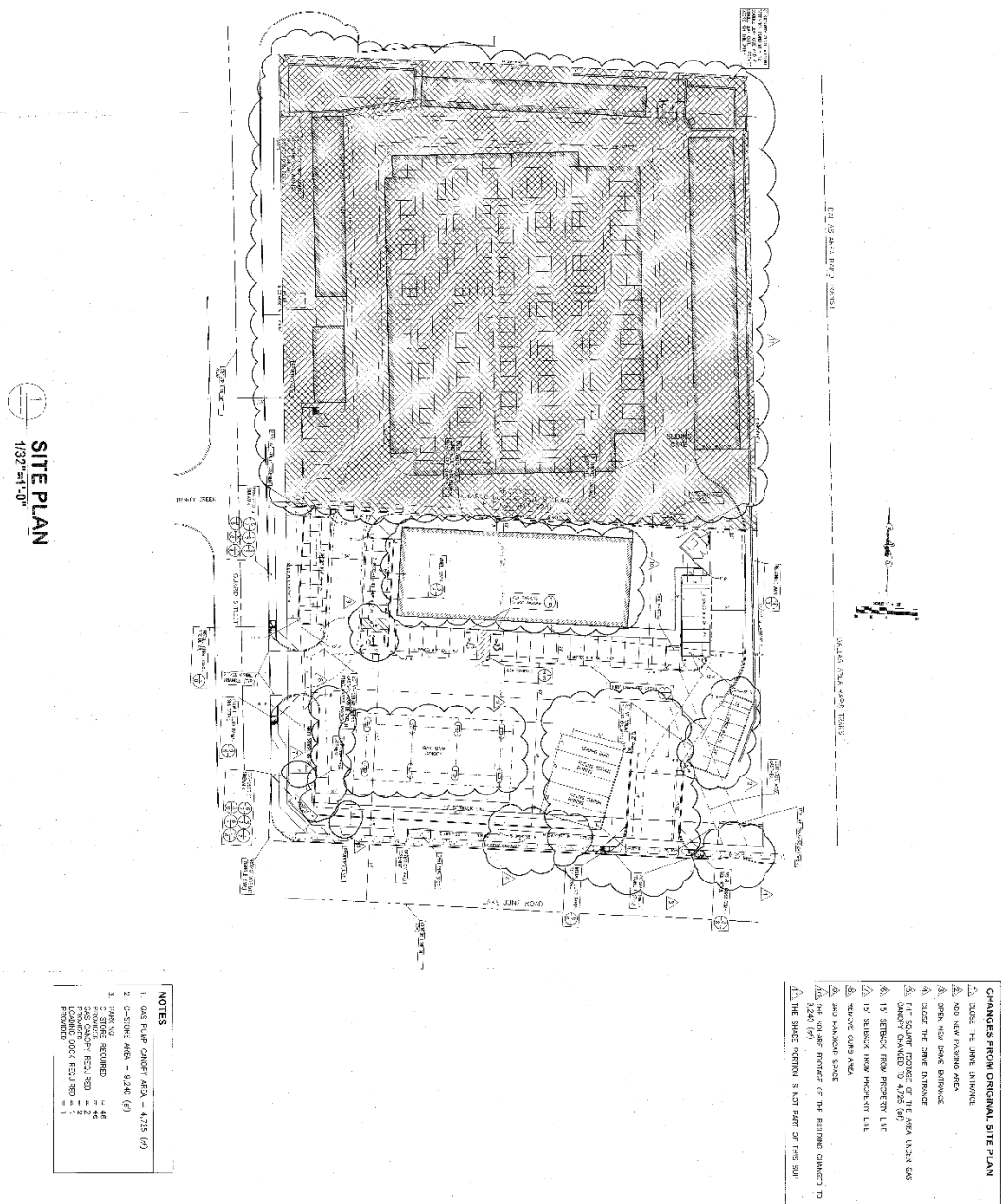
Notices: Area: 300 Mailed: 52
Replies: For: 1 Against: 3

Speakers: For: Roger Albright, 1701 N. Collins Blvd., Richardson,
TX 75080
Against: None

**CPC RECOMMENDED
SUP CONDITIONS**

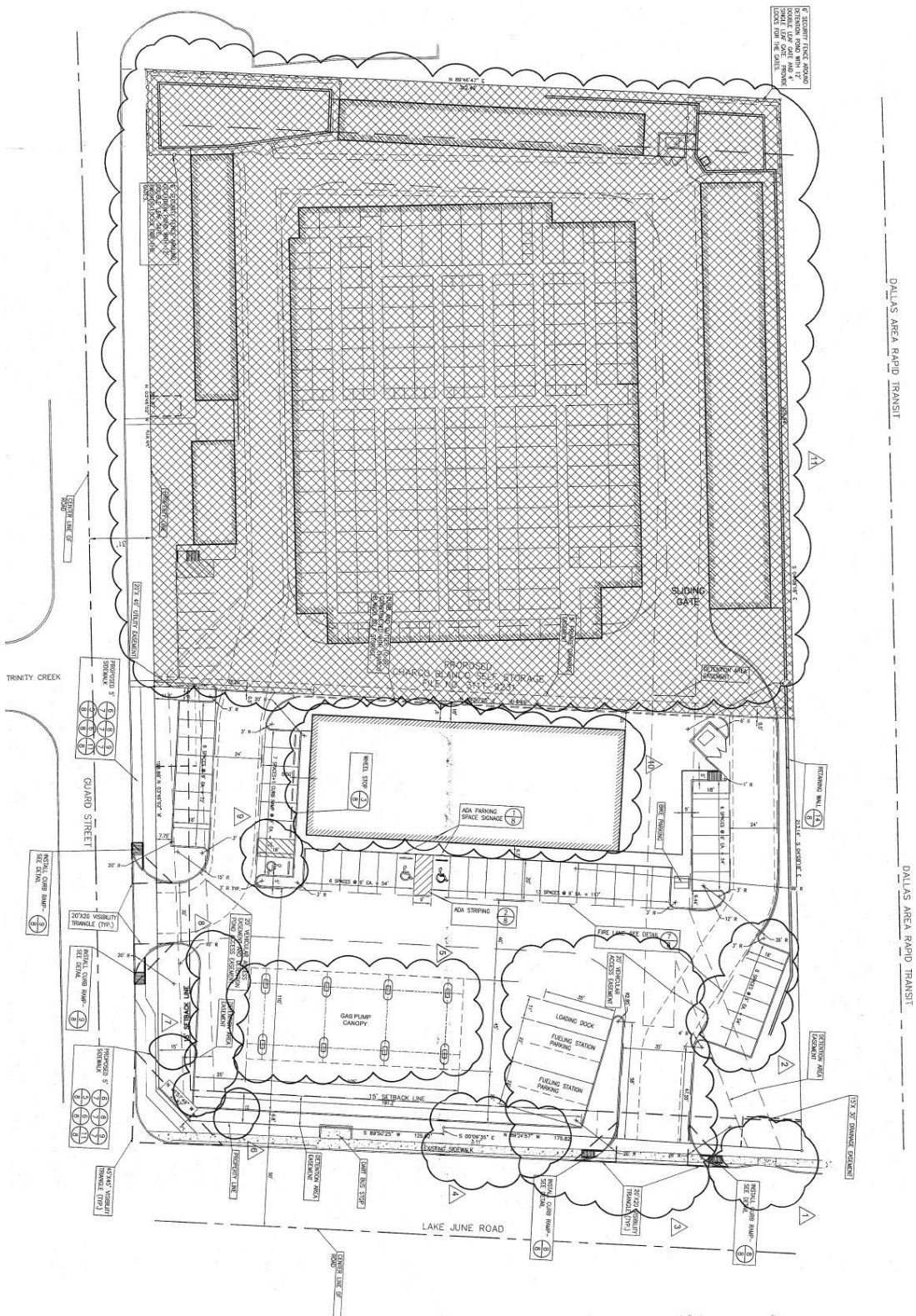
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~April 11, 2020~~, (two-year period from the passage of this ordinance) but is eligible for automatic renewal 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. FLOOR AREA: The maximum floor area is 9,240 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.

EXISTING SITE PLAN

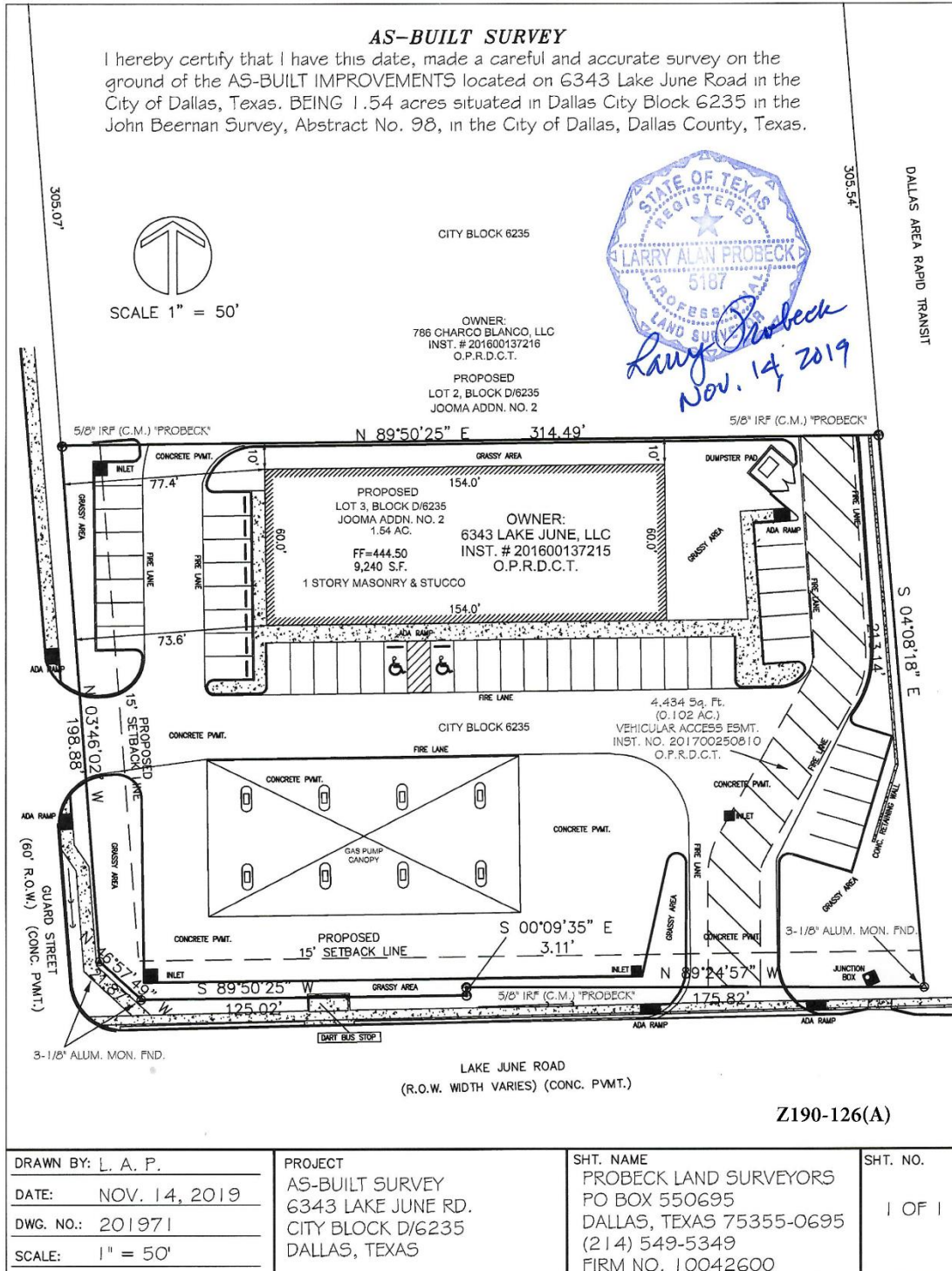


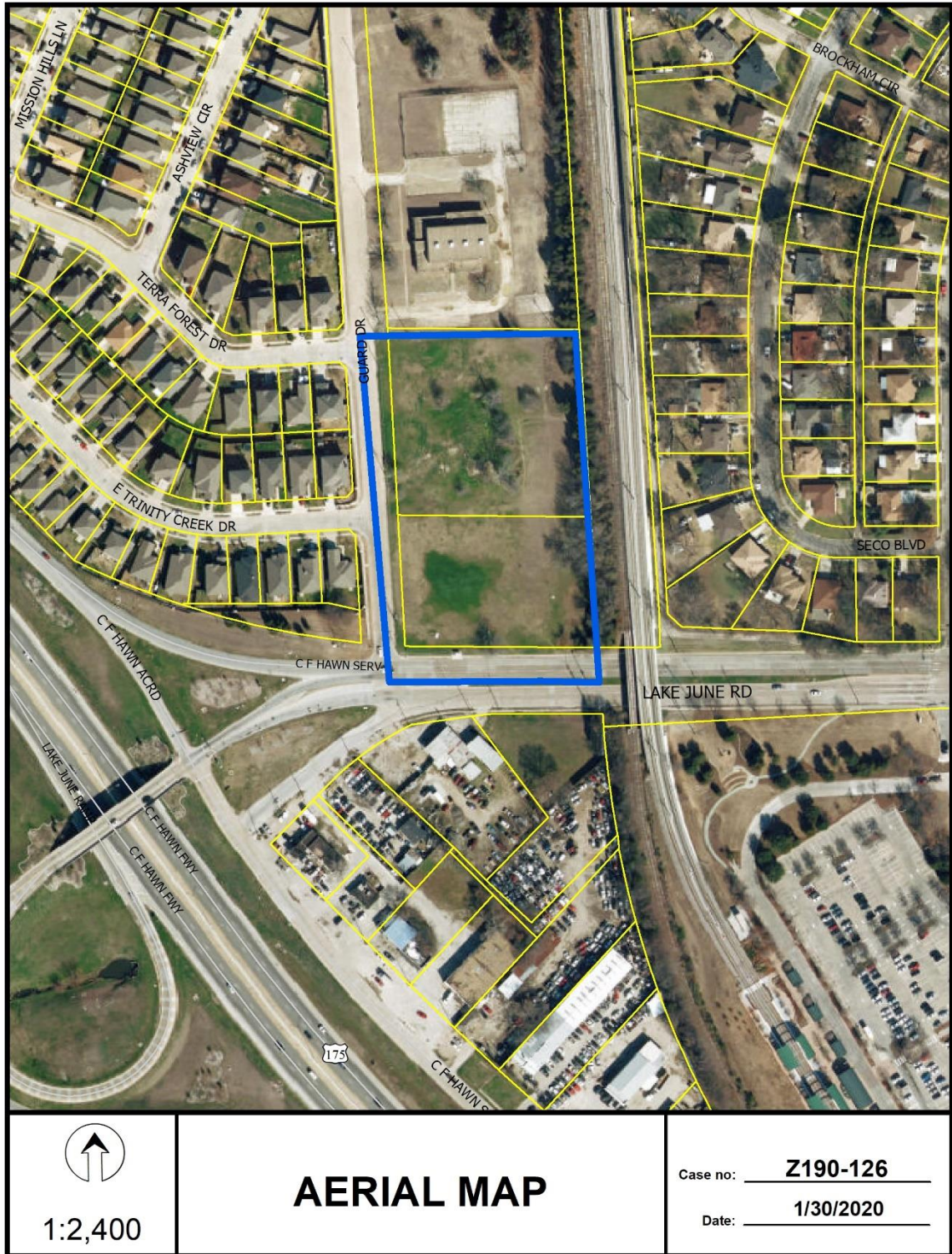
ROYAL BENGAL CONSTRUCTION INC. 3001 KENNETH J. SPENCER BL. SUITE 100, DALLAS, TX 75217 (214) 343-1100	
KWIK MART #5 6343 LAKE JUNE RD., DALLAS, TX 75217	
REVISIONS No. Date Item	Drawn: _____ Checked: _____ Approved: _____ A100 Project No. _____ Date _____ Last Revision _____

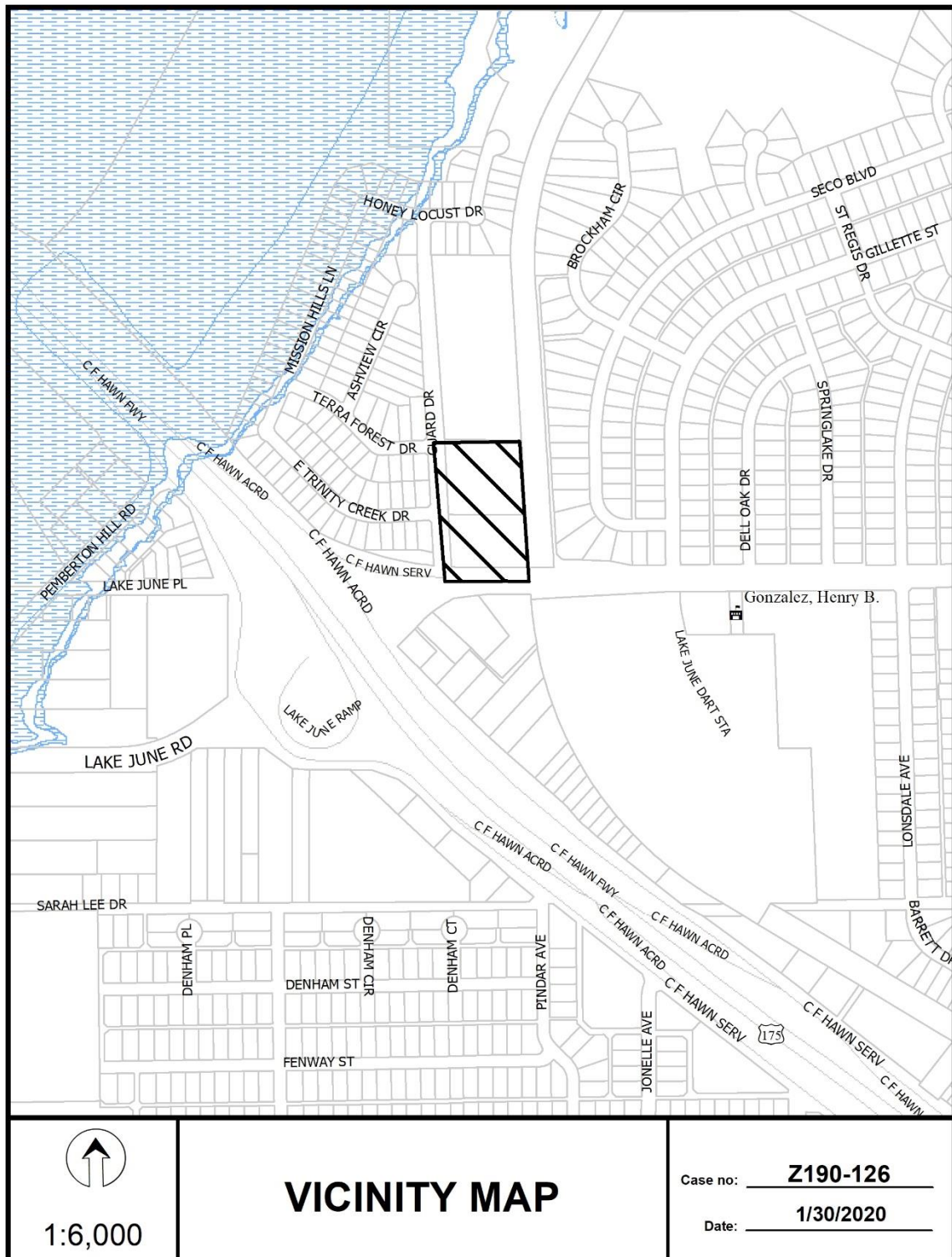
EXISTING SITE PLAN (enlarged)

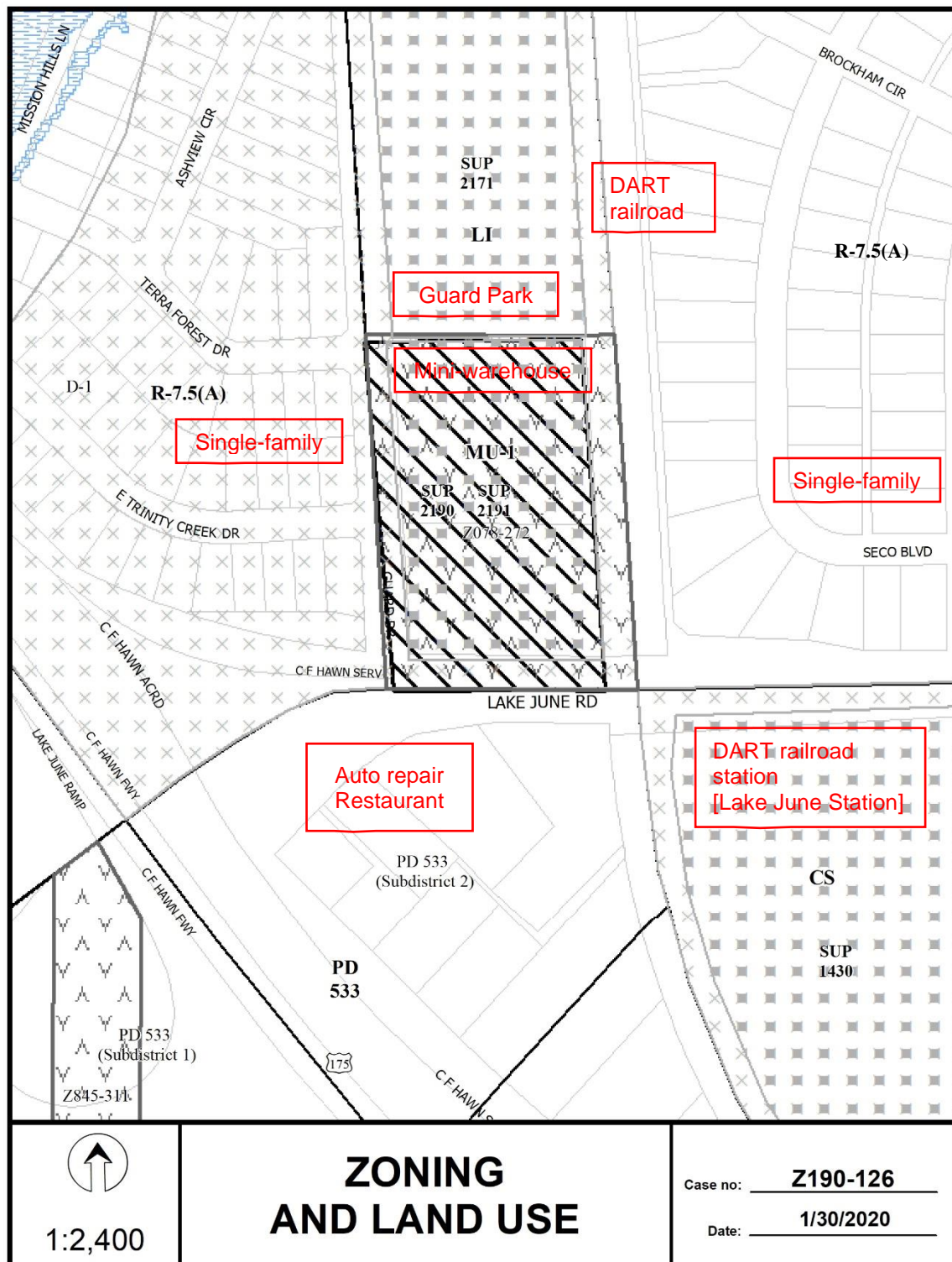


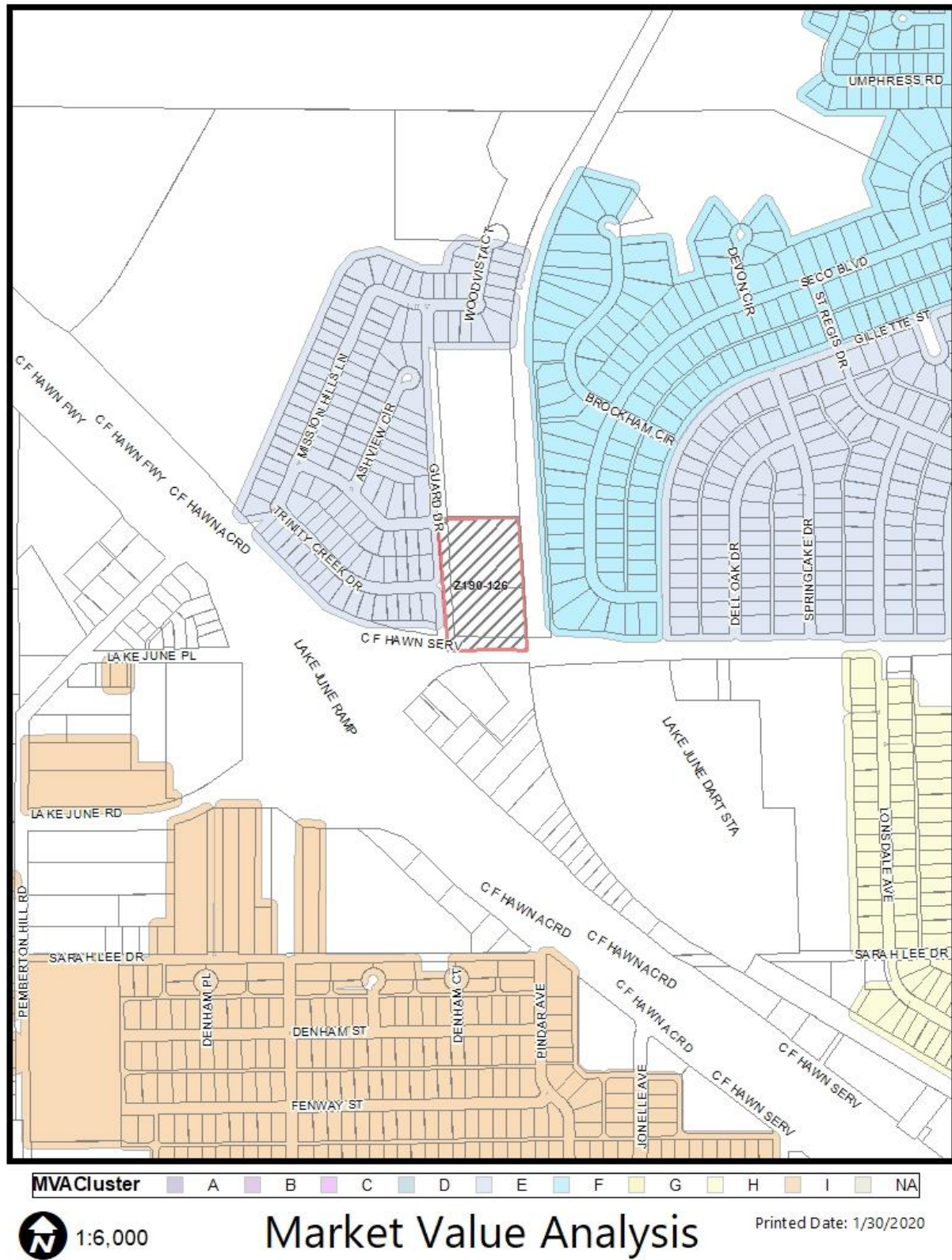
CPC RECOMMENDED SITE PLAN



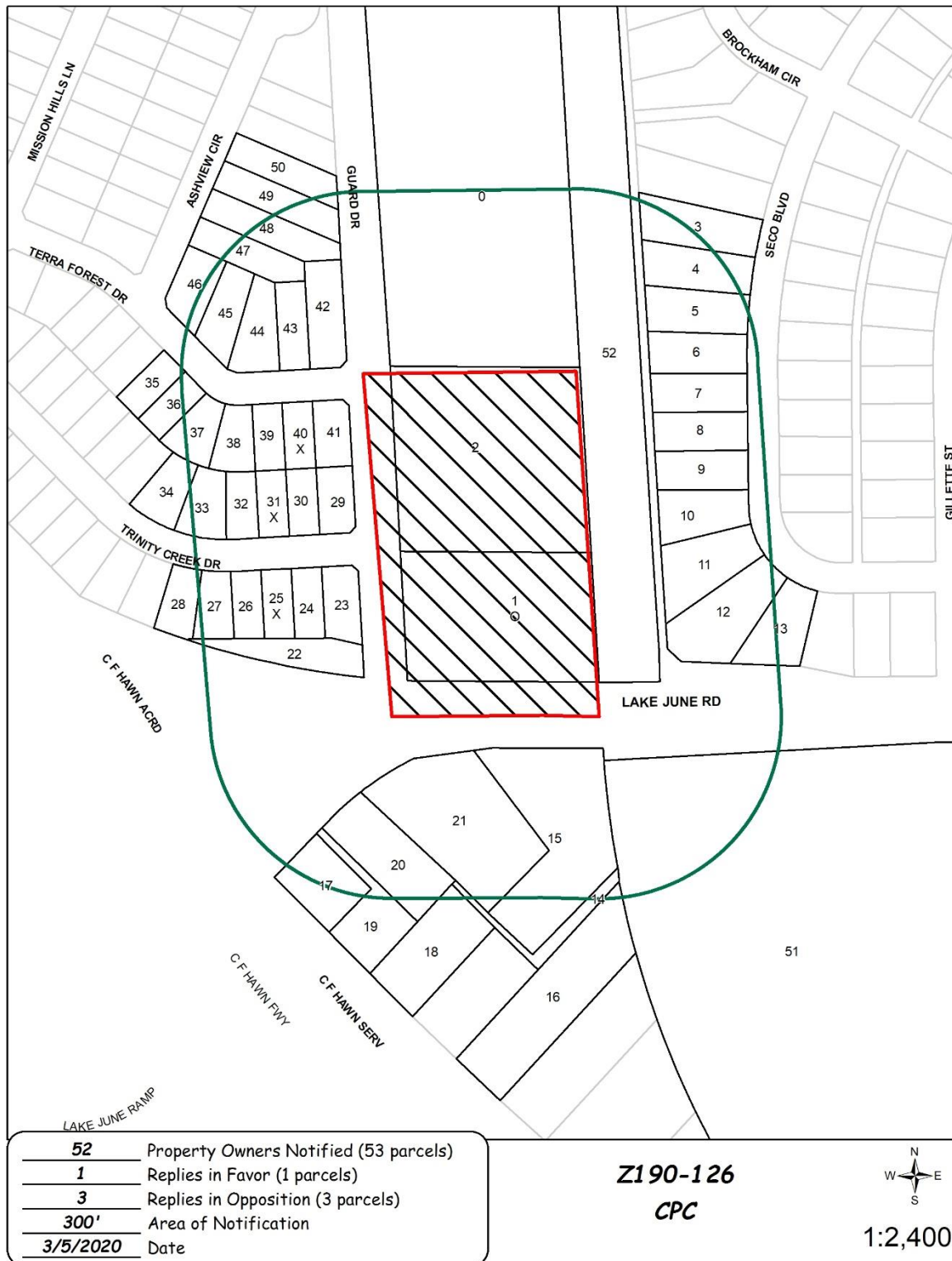








CPC RESPONSES



03/04/2020

Reply List of Property Owners***Z190-126******52 Property Owners Notified******1 Property Owners in Favor******3 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	6343 LAKE JUNE RD	6343 LAKE JUNE LLC
	2	6343 LAKE JUNE RD	786 CHARCO BLANCO LLC
	3	6469 SECO BLVD	VILLEGAS MARIA
	4	6465 SECO BLVD	RODRIGUEZ CRESCENCIO
	5	6459 SECO BLVD	PATTERSON CAROLYN J
	6	6453 SECO BLVD	WARREN MARY R
	7	6449 SECO BLVD	BOCANEGRA ROSENDO ALMANZA & OLGA EQUIA
	8	6443 SECO BLVD	BUTLER ANNETTA AVERY
	9	6439 SECO BLVD	YATES ANITA
	10	6435 SECO BLVD	GONZALEZ VINCENTE &
	11	6429 SECO BLVD	PRICE CAMERON & KRISTEN J
	12	6425 SECO BLVD	BROGDON WALLACE E
	13	6419 SECO BLVD	CRUZ SAN JUANA MORENO
	14	6312 LAKE JUNE RD	REYES GERARDO
	15	6312 LAKE JUNE RD	REYES GERARDO
	16	6406 C F HAWN FWY	HENDERSON THERESA DIAN
	17	6310 C F HAWN FWY	BROWN RICHARD
	18	6334 C F HAWN FWY	BROWN RICHARD E
	19	6326 C F HAWN FWY	BROWN RICHARD E
	20	6312 LAKE JUNE RD	MELENDEZ SONIA E
	21	6320 LAKE JUNE RD	REBOLLOSO RODOLFO
	22	6010 C F HAWN FWY	WHITEROCK HOLDING LTD
	23	6266 TRINITY CREEK DR	RESIDENTIAL RESERVES LLC
	24	6262 TRINITY CREEK DR	HOLLAND KELVIN
X	25	6258 TRINITY CREEK DR	GUTIERREZ RODRIGO S &
	26	6254 TRINITY CREEK DR	MARTINEZ VALENTIN

03/04/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	6250 TRINITY CREEK DR	IVY GERALD & LUELLA
	28	6246 TRINITY CREEK DR	GONZALEZ IVAN & ROSEMARY
	29	6255 TRINITY CREEK DR	GUADALUPE JOSE &
	30	6251 TRINITY CREEK DR	OPENDOOR HOMES PHOENIX 2 LLC
X	31	6247 TRINITY CREEK DR	GUTIERREZ RODRIGO & MARIA A
	32	6243 TRINITY CREEK DR	ADAMS GODFREY A
	33	6239 TRINITY CREEK DR	MOLINA ARMANDO &
	34	6235 TRINITY CREEK DR	MOIBI MOJISOLA O
	35	6222 TERRA FOREST DR	RUNNELS GLENN
	36	6226 TERRA FOREST DR	HOUGH AVA GWENETTE
	37	6230 TERRA FOREST DR	WOODS KENETRA & KERRY
	38	6234 TERRA FOREST DR	MYERS LETRECIA
	39	6238 TERRA FOREST DR	ESCOBAR EDWIN
X	40	6242 TERRA FOREST DR	GUTIERREZ RODRIGO S & MARIA A
	41	6246 TERRA FOREST DR	ZUNIGA BONIFACIO &
	42	6241 TERRA FOREST DR	IBARRA JOSE G &
	43	6237 TERRA FOREST DR	DB2017 LLC
	44	6233 TERRA FOREST DR	SAUCEDO URBANO &
	45	6229 TERRA FOREST DR	CANELO SERAFIN & M CONSUELO
	46	6225 TERRA FOREST DR	RODRIGUEZ IGNACIO & CONSUELO
	47	1406 ASHVIEW CIR	HERNANDEZ FELIX J
	48	1410 ASHVIEW CIR	HERNANDEZ MARIA A
	49	1414 ASHVIEW CIR	PRECIADO CARLOS &
	50	1418 ASHVIEW CIR	HERNANDEZ TERESA
	51	6414 LAKE JUNE RD	DALLAS AREA RAPID TRANSIT
	52	401 S BUCKNER BLVD	DART