

**FILE NUMBER:** Z190-335(PD)

**DATE FILED:** August 13, 2020

**LOCATION:** Northwest line of South Beltline Road, southwest of Kleberg Road

**COUNCIL DISTRICT:** 8

**MAPSCO:** 69A U

**SIZE OF REQUEST:** ±1.31 acre

**CENSUS TRACT:** 171.01

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**REPRESENTATIVE:** Catherine Chamblee, Brackin Schwartz & Associates

**APPLICANT:** Dolgencorp of Texas, Inc.

**OWNER:** Vaquero Kleberg Partners LP

**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 property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store. [Dollar General]

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

**BACKGROUND INFORMATION:**

- The request site is developed with a ±9,100-square foot general merchandise or food store use.
- On January 24, 2018, the City Council approved a general zoning change for a CS Commercial Service District on property zoned an IR-D-1 Industrial Research District with a D-1 Liquor Control Overlay on the request site to allow the development of the existing use.
- The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the general merchandise or food store.
- 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.

**Zoning History:** There has been no zoning requests in the vicinity within the last five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
South Belt Line Road	Principal Arterial	100 feet

**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 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 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.

#### Land Use:

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CS-D-1	General merchandise or food store
<b>Northeast</b>	CS-D-1, SUP No. 1843	Undeveloped, General merchandise or food store
<b>Southeast</b>	R-10(A)	Undeveloped
<b>Northwest</b>	IR-D-1	Electrical substation
<b>Southwest</b>	IR-D-1	Industrial warehouse

#### West Kleberg Community Plan (2007):

The West Kleberg Community Plan identified a vision statement: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

The subject site is located within Sub-area 3, which is comprised of approximately 3,390 acres of which 42 percent was vacant or undeveloped, and 40 percent was comprised

of public service (mainly the southside Wastewater Treatment Center) at publication in 2007.

The report reveals that “an overall analysis of the land use shows that businesses are generally located along the Hwy. 175-freeway corridor. The next concentration of small-scale uses is found at the intersection of South Belt Line Road and Seagoville Road. There is one grocery store to serve this community, with several smaller scale convenient stores scattered throughout the area. Other than that, groceries are purchased within a 5-mile radius in the cities of Balch Springs and Seagoville (e.g., Wal-Mart Super Centers, Minyard's and Kroger). The majority of businesses operating in the area include: Auto Sales, Service and Display, Machinery, Heavy Equipment or Truck Sales and Service, and Auto Salvage and Reclamation”.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mix use project and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads; Highway 175, and South Belt Line Road; and Kleberg Road and South Belt Line Road. The subject site is within that buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the top 20 Community “Needs & Desires” as indicated below. In February 2007, the community conducted a Visioning Activity meeting to incorporate additional citizen input regarding the type of businesses the community envisions for the area.

The proposed use is considered in the vision for Sub-area 3.

**TABLE 12: VISIONING ACTIVITY – COMMUNITY “NEEDS & DESIRES”**

1. Bank	11. Ice Rink
2. Big Box (Lowe's and Sam's)	12. Mid-rise Mixed Use
3. Bookstore	13. Museum
4. Central Market	14. New Auto Dealership
5. Cinema	15. Office
6. Doctor Offices	16. Outlet and/or Mini-Malls
7. Drug Store	17. Research & Development Uses
8. Gas Station	18. Restaurants
9. Hospital	19. Small Shops
10. Hotel/Conference Center	20. Ice Cream Parlor (i.e., Braum's)

## **STAFF ANALYSIS:**

### **Land Use Compatibility:**

The request site is developed with a ±9,100-square foot general merchandise or food store use constructed in 2019. The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the store.

The request site is adjacent to an electrical substation to the northeast and an industrial type use to the southwest. Northeast of the site is undeveloped. The property to the south, across South Belt Line Road, is undeveloped, and is zoned an R-10(A) Single Family District.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order 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 applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. Additionally, the representative provided documentation verifying the issuance of the Chapter 12B license.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area. Therefore, the ±9,100-square foot general merchandise or food store use requires 46 spaces.

**Landscaping:**

Landscaping must be provided in accordance with Article X, as amended. No new development is 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). Although the area of request is not within an identifiable MVA cluster, it is in the vicinity of an "F" MVA cluster to the north across Great Oak Drive and to the east across Kleberg Road.

**Police Report:**

Staff requested crime statistics from the Dallas Police Department for the period from November 2018 to November 2020. The results yield 31 calls, 6 offenses, and no arrests.

Calls:

Row Labels	Count of Problem
07 - Minor Accident	2
09/01 - Theft	2
11B - Burg of Bus	2
12B - Business Alarm	2
20 - Robbery	2
32 - Suspicious Person	5
40 - Other	6
40/01 - Other	4
41/09 - Theft - In Progress	1
41/11B - Burg Busn in Progress	1
46 - CIT	1
6X - Major Dist (Violence)	3
<b>Grand Total</b>	<b>31</b>

Offenses:

DataSource	IncidentNum	ServYr	ServNumID	Watch	Signal	Level_ID	OffIncident	Premise
RMS/NIBRS	260942-2019	2019	260942-2019-01	1	12B - BUSINESS ALARM	NULL	BURGLARY OF BUILDING - FORCED ENTRY	Convenience Store
RMS/NIBRS	099484-2019	2019	099484-2019-01	1	11B - BURG OF BUS	NULL	BURGLARY OF BUILDING - FORCED ENTRY	Grocery/Supermarket
RMS/NIBRS	191801-2020	2020	191801-2020-01	3	20 - ROBBERY	NULL	ROBBERY OF BUSINESS (AGG)	Convenience Store
RMS/NIBRS	135578-2020	2020	135578-2020-01	3	20 - ROBBERY	NULL	ROBBERY OF BUSINESS (AGG)	Commercial Property Occupied/Vacant
RMS/NIBRS	149932-2019	2019	149932-2019-01	1	11B - BURG OF BUS	NULL	THEFT OF PROP > OR EQUAL \$100 <\$750 (NOT SHOPLIFT) PC31.03(e2A)	Convenience Store
RMS/NIBRS	028654-2019	2019	028654-2019-01	2	41/09 - THEFT - IN PROGRESS	NULL	THEFT OF PROP > OR EQUAL \$100 <\$750 (SHOPLIFT-NOT EMP) PC31.03(e2A)	Retail Store

**Partners/Principals/Officers**

**Vaquero Ventures**

W.A Landreth Co-founder

Brain C. Williams Co-founder

Emily L. Crockett Chief Operating Officer & Senior Counsel

**Dolgencorp of Texas Inc.**

Steve R. Deckard	CEO
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John Garratt	CFO
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Jason S. Reiser	Secretary
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**CPC Action:**  
**December 3, 2020**

**Motion:** It was moved to recommend **approval** 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 use for a two-year period, subject to a site plan and conditions on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the northwest line of South Beltline Road, southwest of Kleberg Road.

Maker: Blair  
Second: Carpenter  
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: 20  
**Replies:** For: 1 Against: 0

**Speakers:** For: Catherine Chamblee, 511 W. 7<sup>th</sup> St., Austin, TX,  
Andrea Rudd, 1700 Sweet Water Ln., Prosper, TX,  
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.

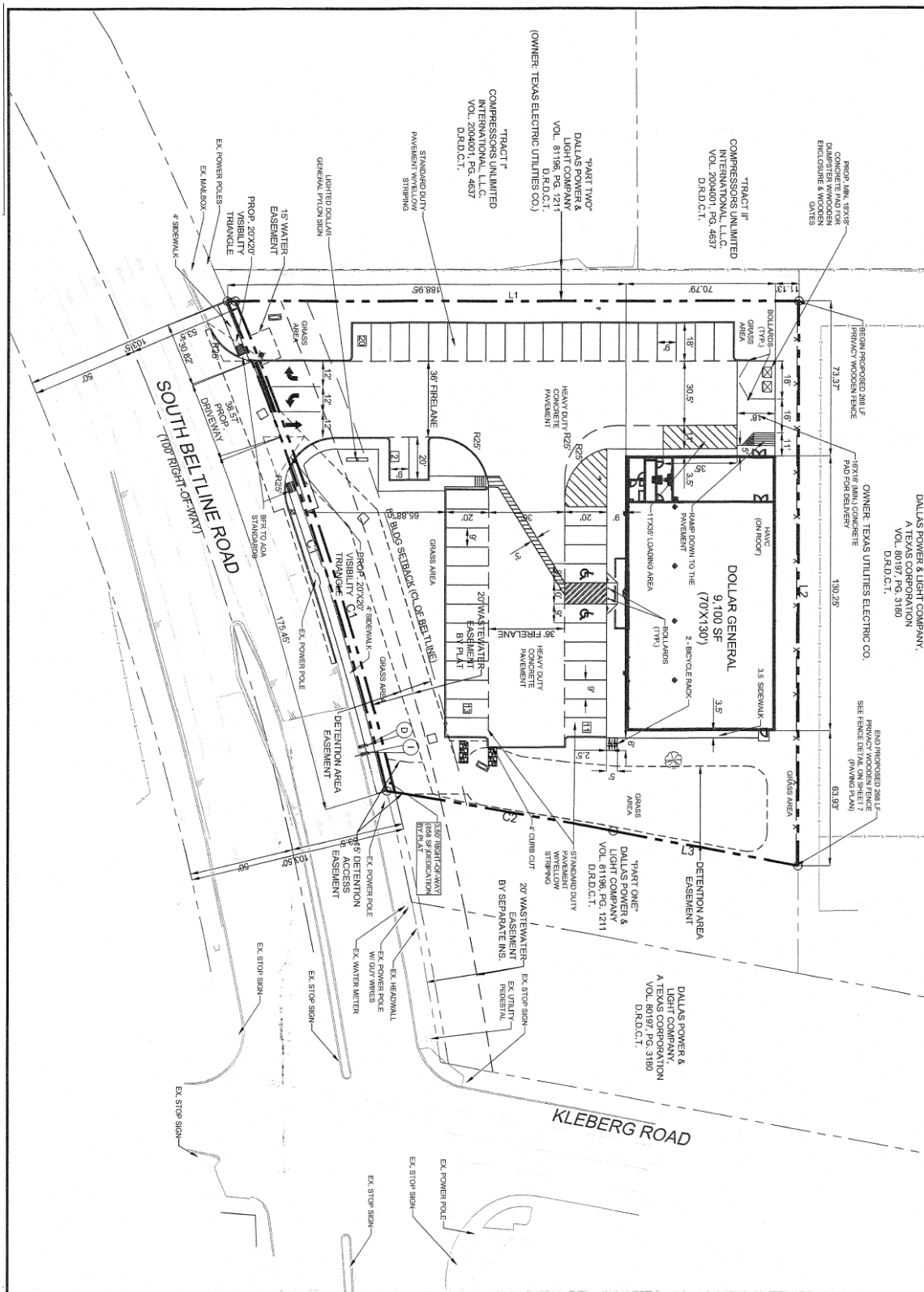
#### *CPC Recommendation:*

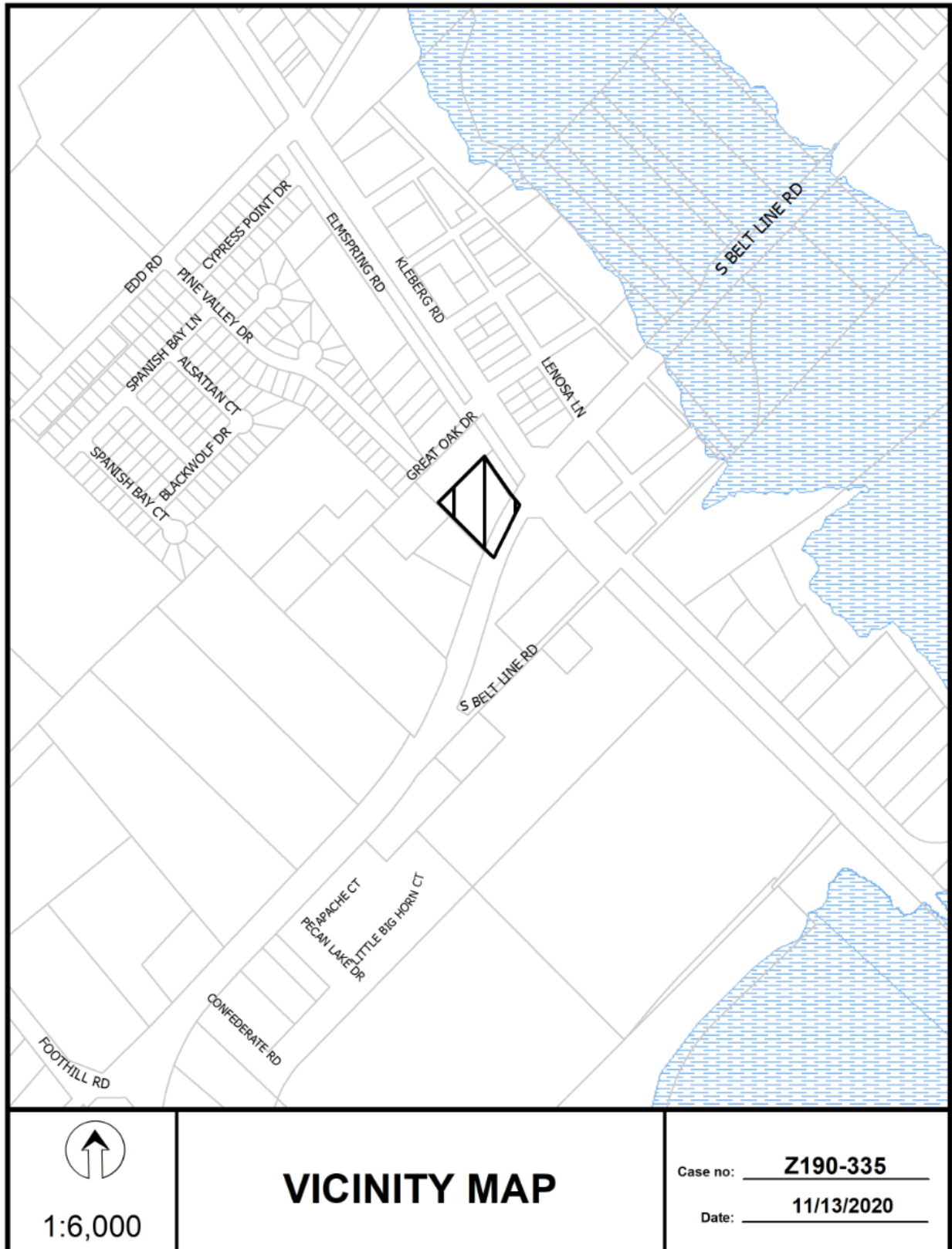
- |  |
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| 3. <u>TIME LIMIT</u> : This specific use permit expires on ( <u>two-years</u> ). |
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#### *Staff Recommendation:*

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| 3. <u>TIME LIMIT</u> : This specific use permit expires on ( <u>two-years</u> ) but is eligible for automatic renewal for additional <u>five-year</u> 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.) |
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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.

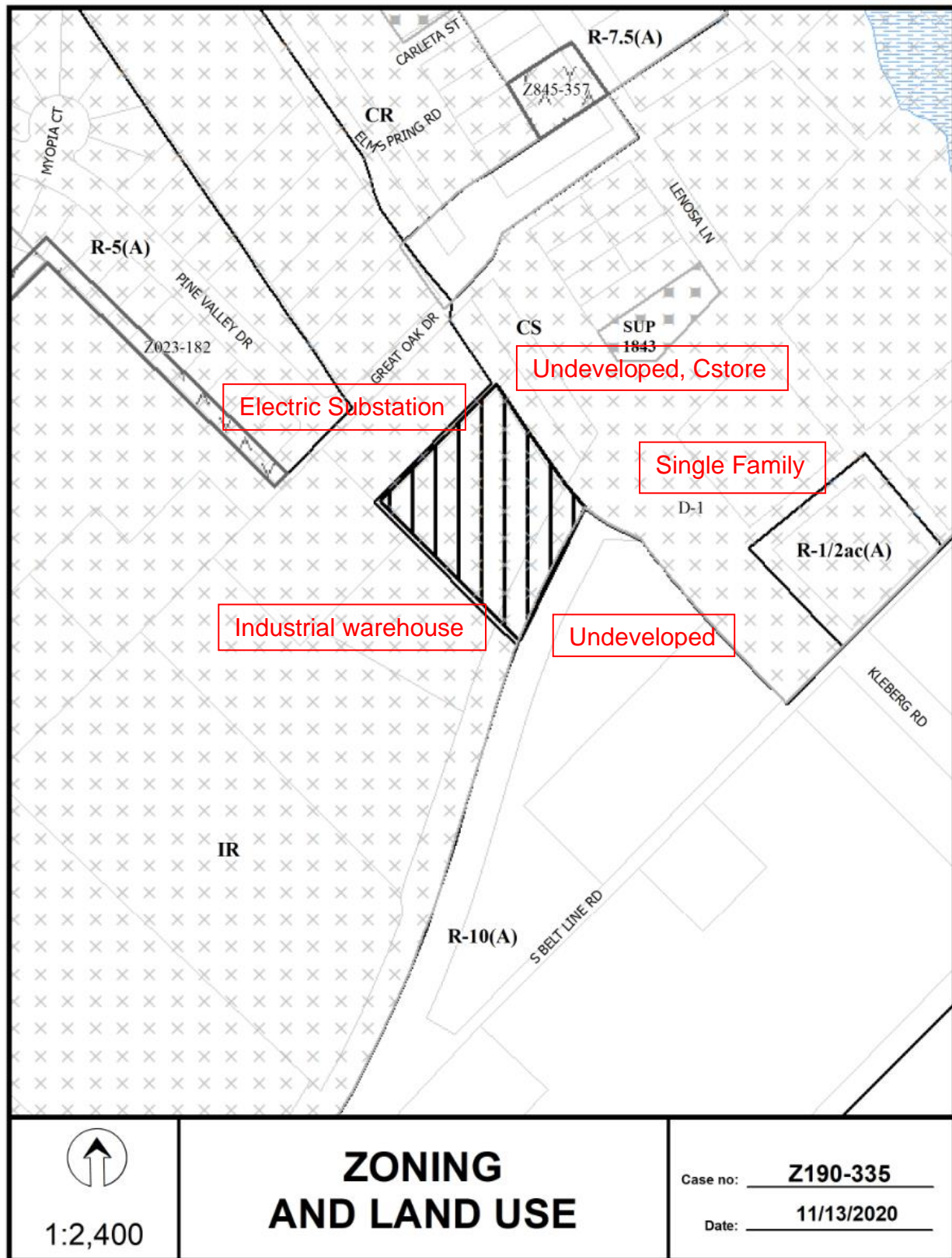
## Proposed Site Plan



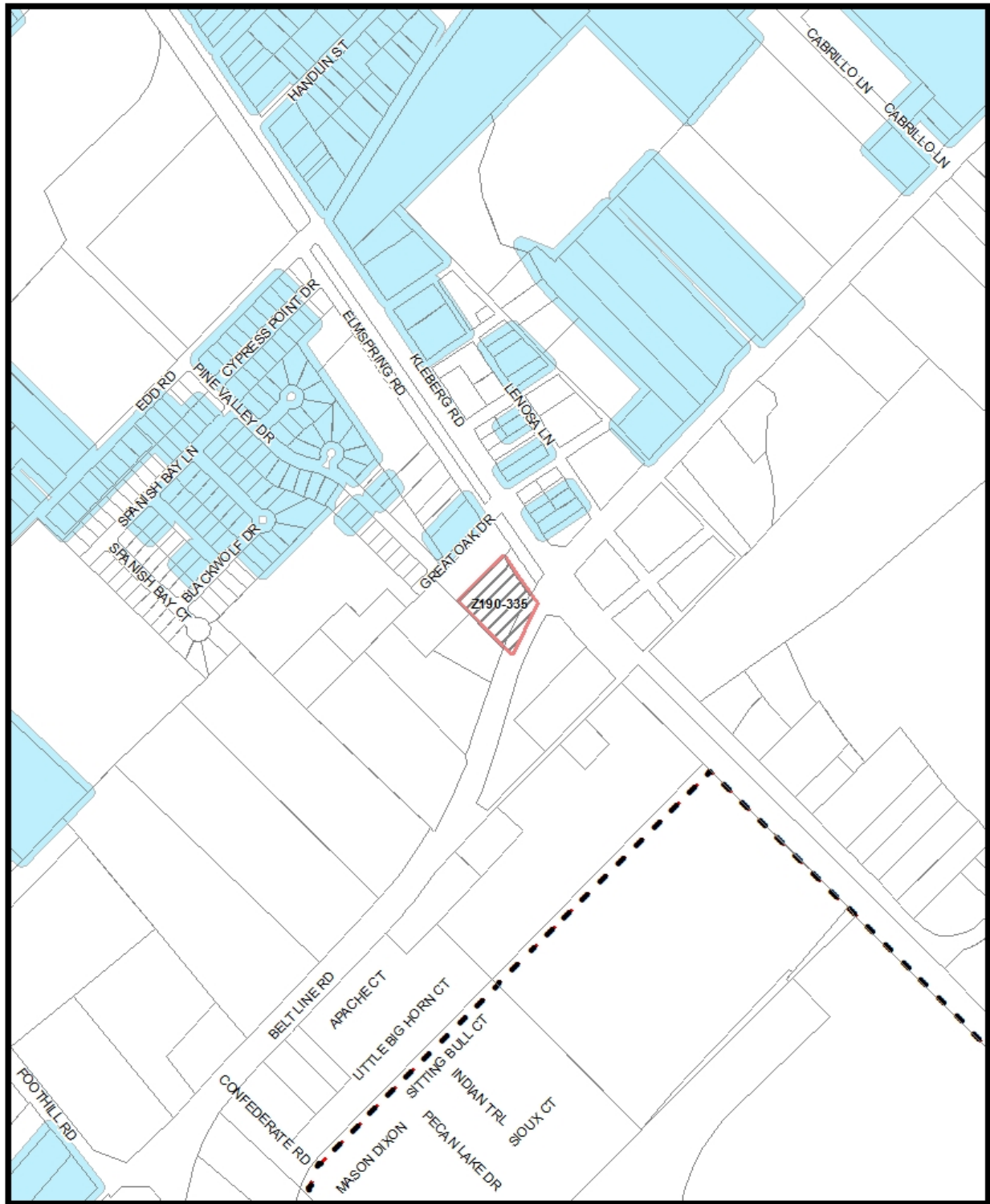












Market Value Analysis

A	B	C	D	E	F	G	H	I	NA
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 1:6,000

# Market Value Analysis

Printed Date: 11/13/2020

CPC RESPONSES





12/02/2020

***Reply List of Property Owners******Z190-335******20 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2500 GREAT OAK DR	ONCOR ELECRTIC DELIVERY COMPANY
	2	2500 S BELTLINE RD	TEXAS UTILITIES ELEC CO
	3	2511 S BELTLINE RD	DG DTX LLC
	4	2450 S BELTLINE RD	SALAZAR FRANCISCO & MIRIAM DELACRUZ
	5	13529 KLEBERG RD	BAHARIA MALIK A
	6	13523 KLEBERG RD	GEORGE BEN E
	7	13517 KLEBERG RD	HALL SALLY E L & THOMAS T
	8	13530 LENOSA LN	FOREMAN BOB
	9	13500 LENOSA LN	GALVAN MARTIN
	10	2619 S BELTLINE RD	PAREDES MAURICIO & VIRIDIANA
O	11	2531 S BELTLINE RD	COMPRESSORS UNLIMITED
	12	2501 GREAT OAK DR	IBARRA SERGIO ARTURO
	13	2500 GREAT OAK DR	GEORGE BEN E TR
	14	2500 GREAT OAK DR	DELACRUZ BRILY ALEXANDER
	15	2500 S BELTLINE RD	CHAMBLESS BENJAMIN P
	16	2500 S BELTLINE RD	ONCOR ELECTRIC DELIVERY CO
	17	13325 PINE VALLEY DR	SOTO JOSE
	18	13342 PINE VALLEY DR	GONZALEZ ERIKA CARDONA
	19	13338 PINE VALLEY DR	RODRIGUEZ MIGUEL ANGEL
	20	13334 PINE VALLEY DR	TORRES GUADALUPE BENITEZ