

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-342(AU) **DATE FILED:** August 29, 2018
LOCATION: North side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67)
COUNCIL DISTRICT: 3 **MAPSCO:** 63 U
SIZE OF REQUEST: Approx. 0.34 acres **CENSUS TRACT:** 109.02

REPRESENTATIVE: Santos Martinez, La Sierra Planning Group

OWNER/APPLICANT: Jawed Sagani, sole owner

REQUEST: An application for the renewal of Specific Use Permit No. 2308 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue the sale of alcohol for off-premise consumption in conjunction with an existing general merchandise or food store [Stop Food Mart].

CPC RECOMMENDATION: Approval for a two-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-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 currently developed with a one-story building with two suites.
- On November 10, 2014, a Certificate of Occupancy was issued for a general merchandise or food store 3,500 square feet or less use for the request suite. A liquor license was issued for the same location on June 30, 2015.
- On June 10, 2015, the City Council approved a change from a D Overlay to a D-1 Overlay and Specific Use Permit No. 2149 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for the site subject to this request. SUP No. 2149 expired on June 10, 2017.
- On January 9, 2019, City Council approved Specific Use Permit No. 2308 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, for a two-year period, on the subject property. SUP No. 2308 expires on January 9, 2021.

Zoning History

There have been three zoning changes in the vicinity during the last five years including the area of request.

- 1. Z190-199** On May 8, 2020, the auto renewal of Specific Use Permit No. 2295 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less was approved for additional five-year periods, on property zoned property zoned an RR-D Regional Retail District with a D Liquor Control Overlay located to the west of the area of request.
- 2. Z178-263** January 9, 2019, City Council approved Specific Use Permit No. 2308 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, for a two-year period, on property zoned an RR-D-1 Regional Retail District, with a D-1 Liquor Control Overlay, located on the North side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67) [subject property.]
- 3. Z178-181** On June 13, 2018, City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No. 2295 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay located to the west of the area of request.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing ROW	Required ROW
Camp Wisdom Road	Principal Arterial	100'	100'

Traffic:

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

STAFF ANALYSIS

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 request complies with the following land use 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.

Land Use

	Zoning	Land Use
Site	RR Regional Retail with D-1 Liquor Control Overlay with SUP No. 2308	General Merchandise or food store, personal service
North	RR Regional Retail with D Liquor Control Overlay	Custom Business Services
East	RR Regional Retail with D Liquor Control Overlay	Undeveloped Land
South	RR Regional Retail	Vehicle Display Sales and Service
West	RR Regional Retail with D-1 Liquor Control Overlay with SUP No. 2295	Motor fueling station and general merchandise or food store

Land Use Compatibility

The request site is zoned an RR Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a one-story, approximately 3,400-square-foot retail building. The existing general merchandise or food store use currently occupies 2,000 square feet of the building with the remainder occupied by a personal service use.

Other uses surrounding the area of request, include a mix of retail, personal service, and automotive related uses. The property to the west is developed with a gas station with a convenience store with alcohol sales.

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 request site passed the convenience store annual inspection in November 2020.

In general, the applicant's request is consistent with the general provisions for a Specific Use Permit. Staff recommends approval for a three-year period with eligibility for automatic renewal for additional five-year periods. This has been the standard for the proposed use within the general area and allows for review of the use after the initial SUP.

Parking

Per code, the parking ratio for retail uses is one space per every 200 square feet of floor area. The request unit is a portion of the 3,389-square foot building. The entire building is required to provide 17 parking spaces. There are currently 18 spaces on site.

Landscaping

No new development is proposed. Therefore, no additional landscaping is required.

Dallas Police Department

Staff requested a report of site-related incidents, calls and arrests for the most recent two-year period, since the SUP was granted. There have been 62 calls to the Dallas Police for the property since April 2019; with 19 calls coded as urgent. There have been 7 offenses and 21 arrests on the property in the same period of time.

Incident Number	Signal	Offense Incident	Premise	Date	Time	Crime Category
108124-2019	58 - ROUTINE INVESTIGATION	ASSAULT - OFFENSIVE CONTACT	Convenience Store	5/30/2019	13:11	ASSAULT OFFENSES
139291-2019	6X - MAJOR DIST (VIOLENCE)	POSS MARIJUANA <2OZ	Convenience Store	7/10/2019	20:00	DRUG/ NARCOTIC VIOLATIONS
139648-2019	09 - THEFT	THEFT FROM PERSON	Highway, Street, Alley ETC	7/8/2019	20:00	LARCENY/ THEFT OFFENSES
182505-2019	6X - MAJOR DIST (VIOLENCE)	CRIM MISCHIEF > OR EQUAL \$100 < \$750	Convenience Store	9/7/2019	19:05	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY
031638-2020	**PD REQUESTED BY FIRE	ASSAULT - BODILY INJURY ONLY	Convenience Store	2/16/2020	18:00	ASSAULT OFFENSES
021559-2020	6X - MAJOR DIST (VIOLENCE)	ASSAULT - BODILY INJURY ONLY	Convenience Store	2/1/2020	17:51	ASSAULT OFFENSES
120129-2020	6X - MAJOR DIST (VIOLENCE)	ASSAULT - OFFENSIVE CONTACT	Retail Store	7/9/2020	11:37	ASSAULT OFFENSES

Arrest Date	Arrest Time	Crime	Charge Description
5/1/2019	15:55	TRAFFIC VIOLATION - NON HAZARDOUS	TRAFFIC VIOLATION - NON HAZARDOUS
5/1/2019	15:55	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
5/1/2019	15:55	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
5/1/2019	15:55	TRAFFIC VIOLATION - NON HAZARDOUS	TRAFFIC VIOLATION - NON HAZARDOUS
5/1/2019	15:55	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
5/1/2019	15:55	TRAFFIC VIOLATION - HAZARDOUS	TRAFFIC VIOLATION - HAZARDOUS
1/11/2020	21:40	ALL OTHER OFFENSES	FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO
1/11/2020	21:40	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
9/11/2019	15:45	WARRANT-DALLAS PD (CAPIAS)	WARRANT-DALLAS PD
12/6/2019	15:40	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
9/11/2019	15:45	WARRANT-DALLAS PD (ALIAS)	WARRANT-DALLAS PD
12/6/2019	15:40	WARRANT HOLD (OUTSIDE AGENCY)	WARRANT HOLD (OUTSIDE AGENCY)
7/21/2020	15:54	WARRANT HOLD (NOT A DPD WARRANT)	WARRANT HOLD (NOT A DPD WARRANT)

7/10/2019	22:30	DRUG/ NARCOTIC VIOLATIONS	POSS MARIJUANA <2OZ
7/10/2019	22:30	WARRANT-DALLAS PD (ALIAS)	WARRANT-DALLAS PD
7/10/2019	22:30	TRESPASS OF REAL PROPERTY	CRIMINAL TRESPASS
5/31/2019	10:35	PUBLIC INTOXICATION	PUBLIC INTOXICATION
9/11/2019	15:38	PUBLIC INTOXICATION	PUBLIC INTOXICATION
9/11/2019	15:38	WARRANT-DALLAS PD	WARRANT-DALLAS PD
8/31/2019	11:50	PUBLIC INTOXICATION	PUBLIC INTOXICATION
9/11/2019	15:38	WARRANT-DALLAS PD	WARRANT-DALLAS PD

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 near the “F” MVA cluster further east, northeast, and southeast.

CPC Action
December 17, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2308 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the north side of West Camp Wisdom Road, east of Marvin D. Love Freeway (US 67).

Maker: Stinson

Second: Bair

Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Stinson, Shidid,
Carpenter, Jackson, Blair, Jung, Myers, Suhler,
Schwope, Murphy, Garcia, Rubin

Against: 0

Absent: 1 - Johnson

Vacancy: 0

Notices: Area: 200 Mailed: 8

Replies: For: 0 Against: 0

Speakers: For: Kendra Larach, 3904 Elm St., Dallas, TX, 75226
Against: None

**CPC RECOMMENDED
SUP CONDITIONS**

1. USE: The only use authorized by this specific use permit is for 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.

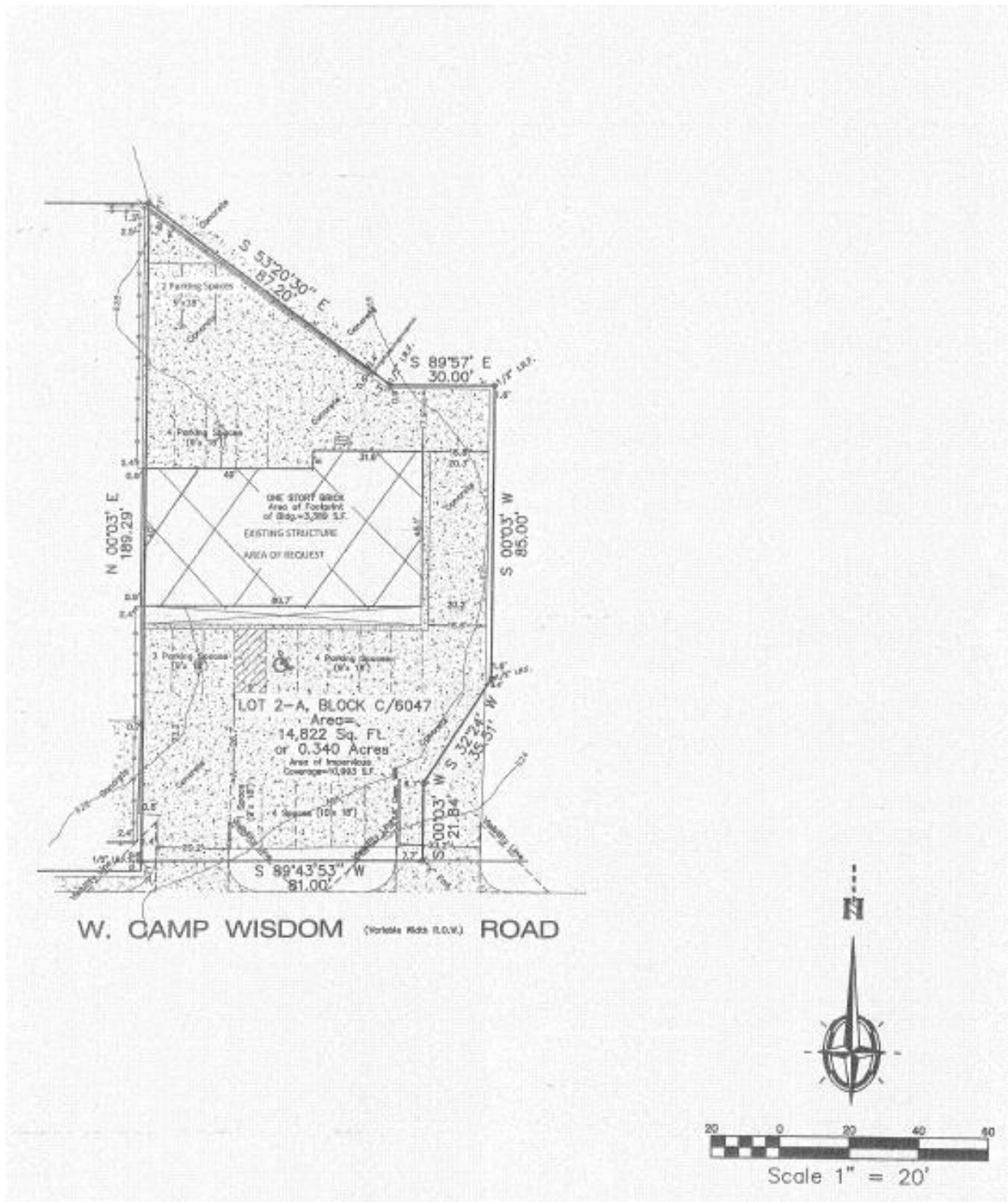
CPC recommendation:

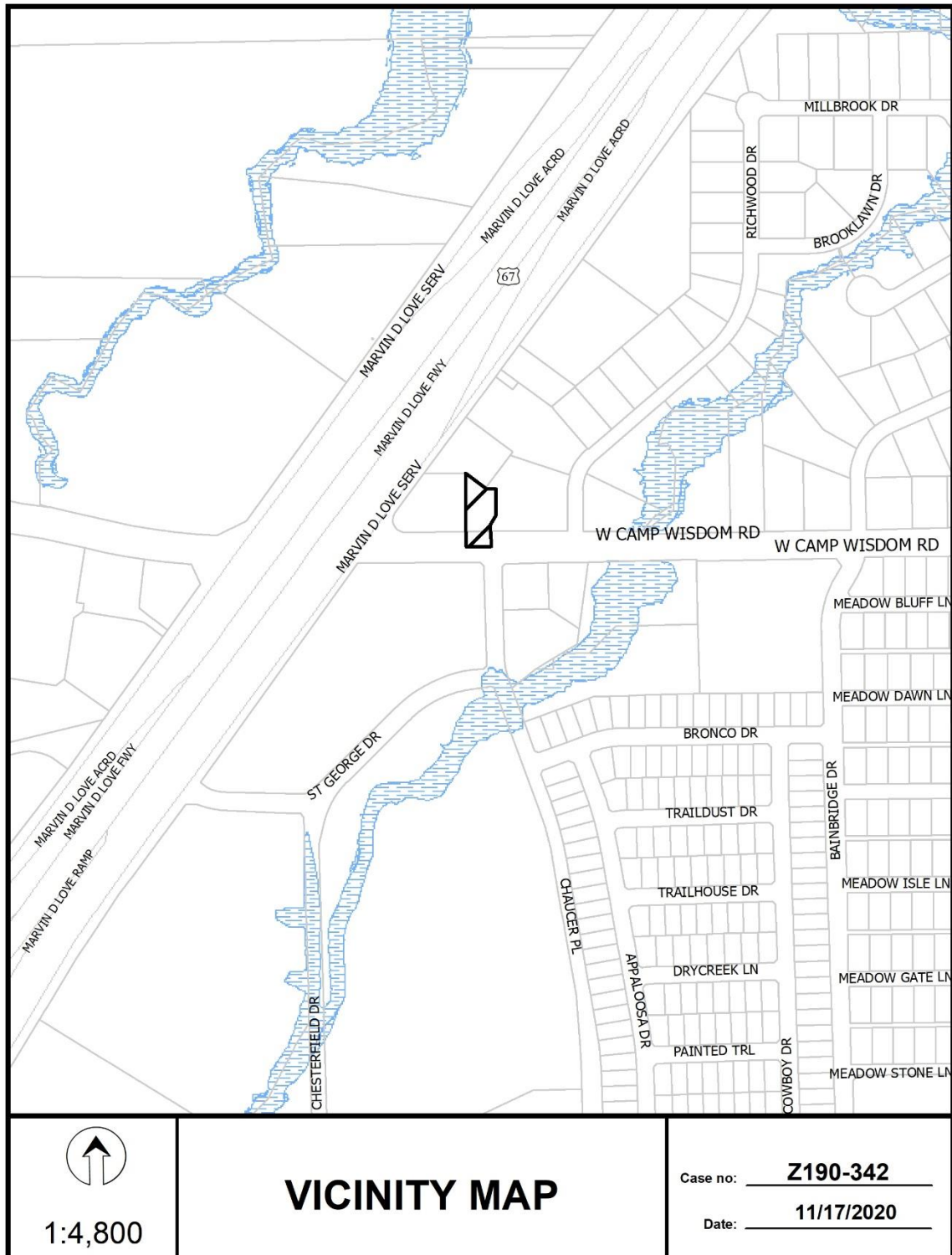
3. TIME LIMIT: This specific use permit expires on _____ (two years from the passing of this ordinance).

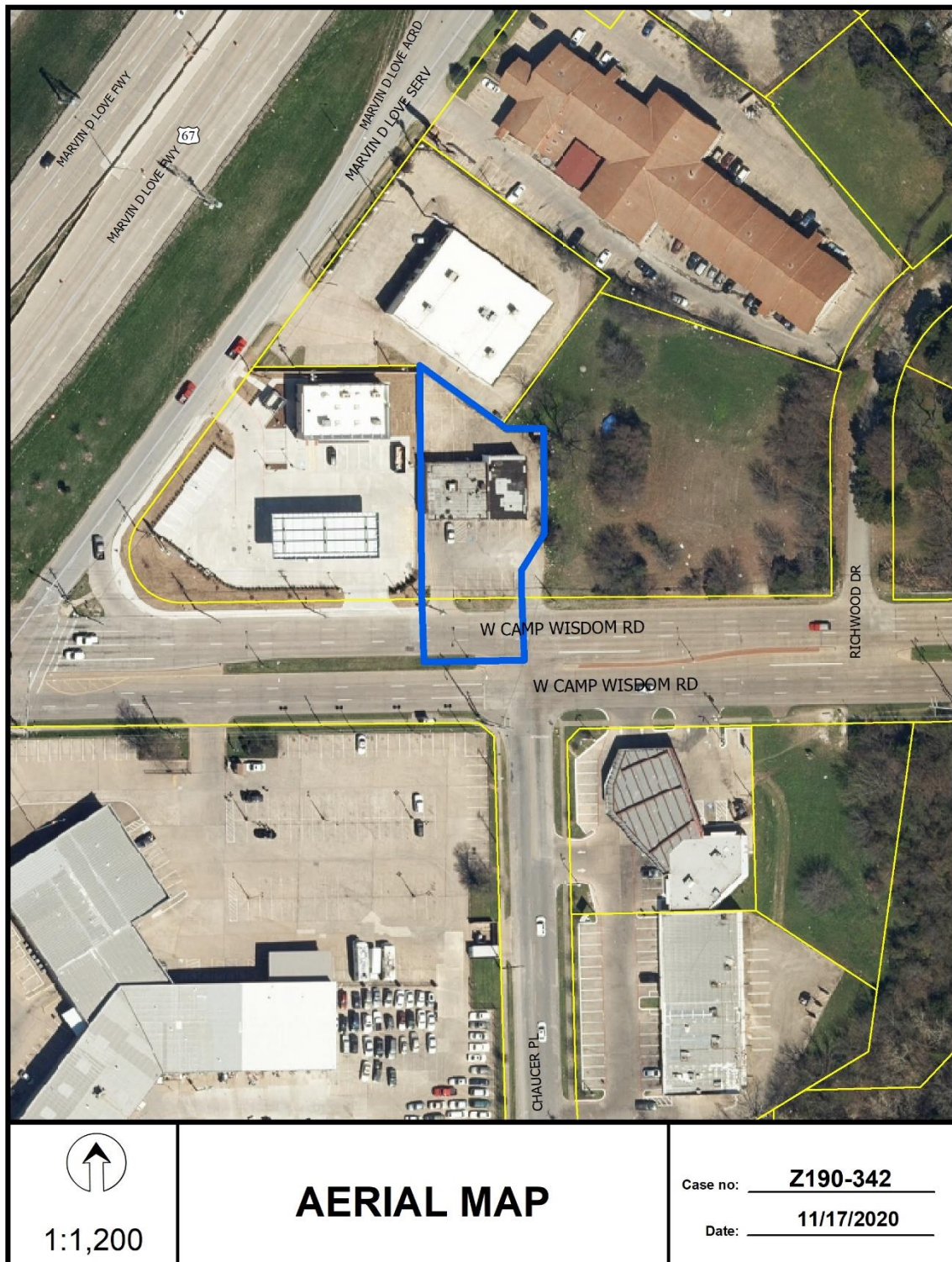
Staff recommendation:

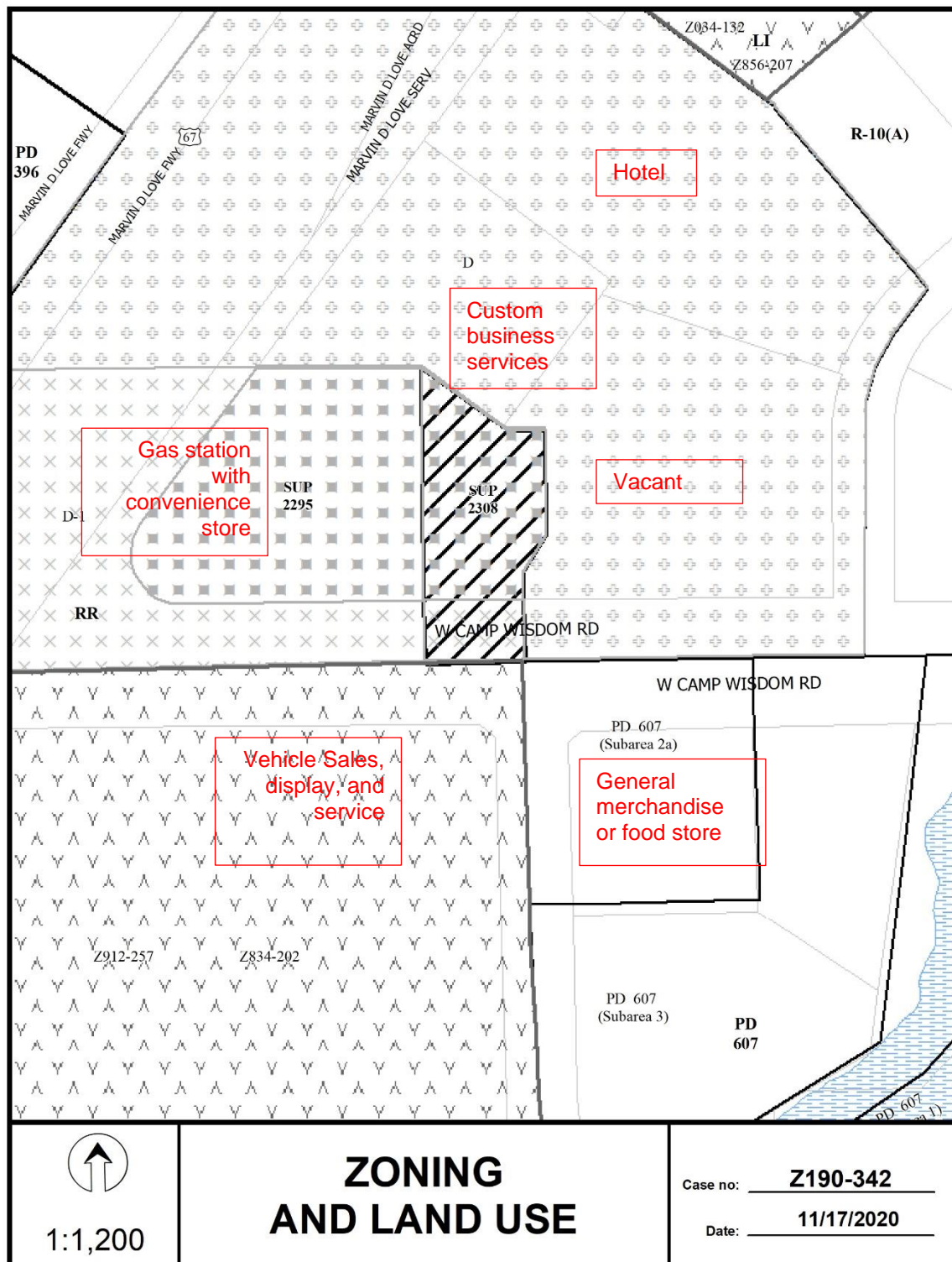
3. TIME LIMIT: This specific use permit expires on (three years) _____ but is eligible for automatic renewals for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application 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. 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.

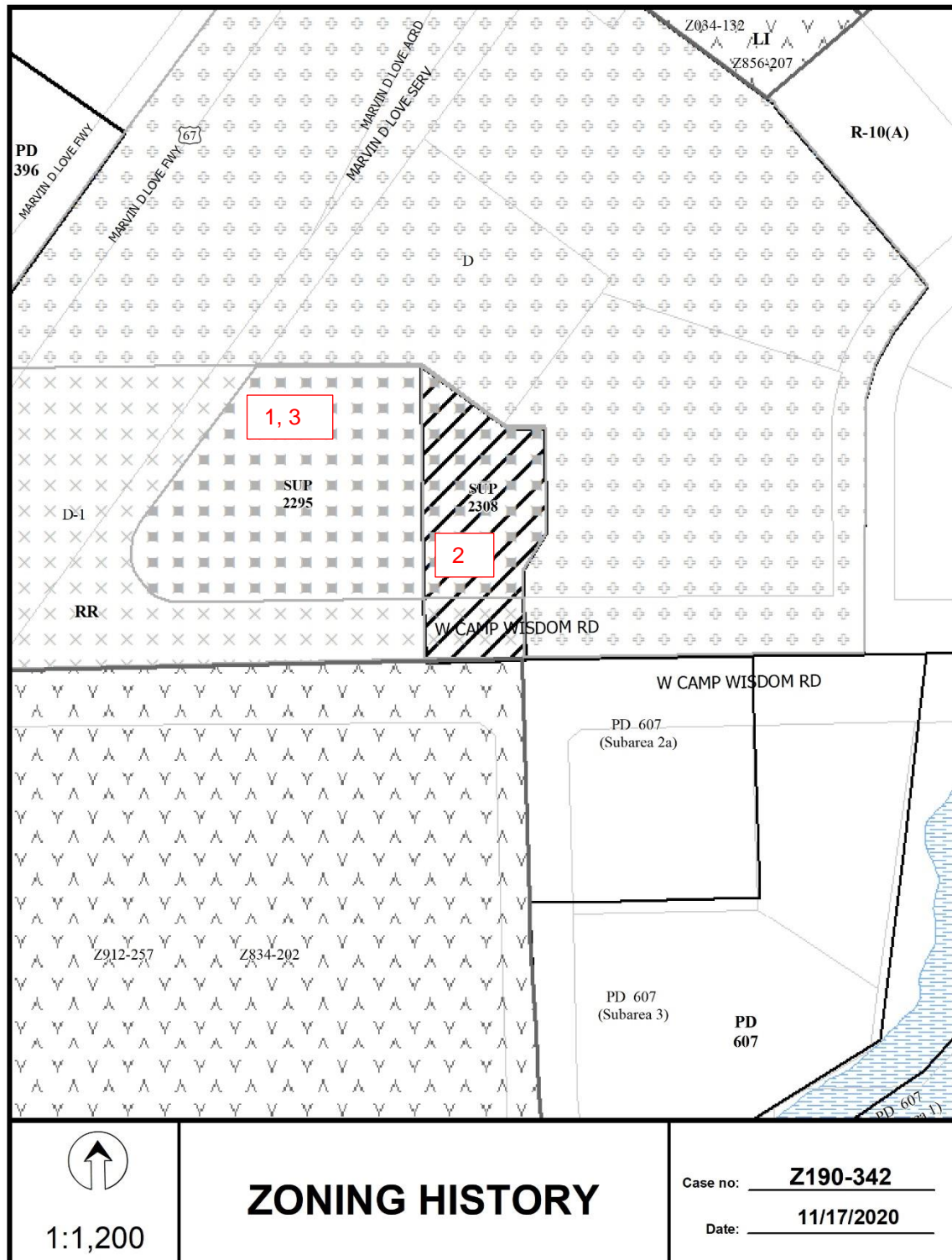
**EXISTING SITE PLAN
(no changes)**

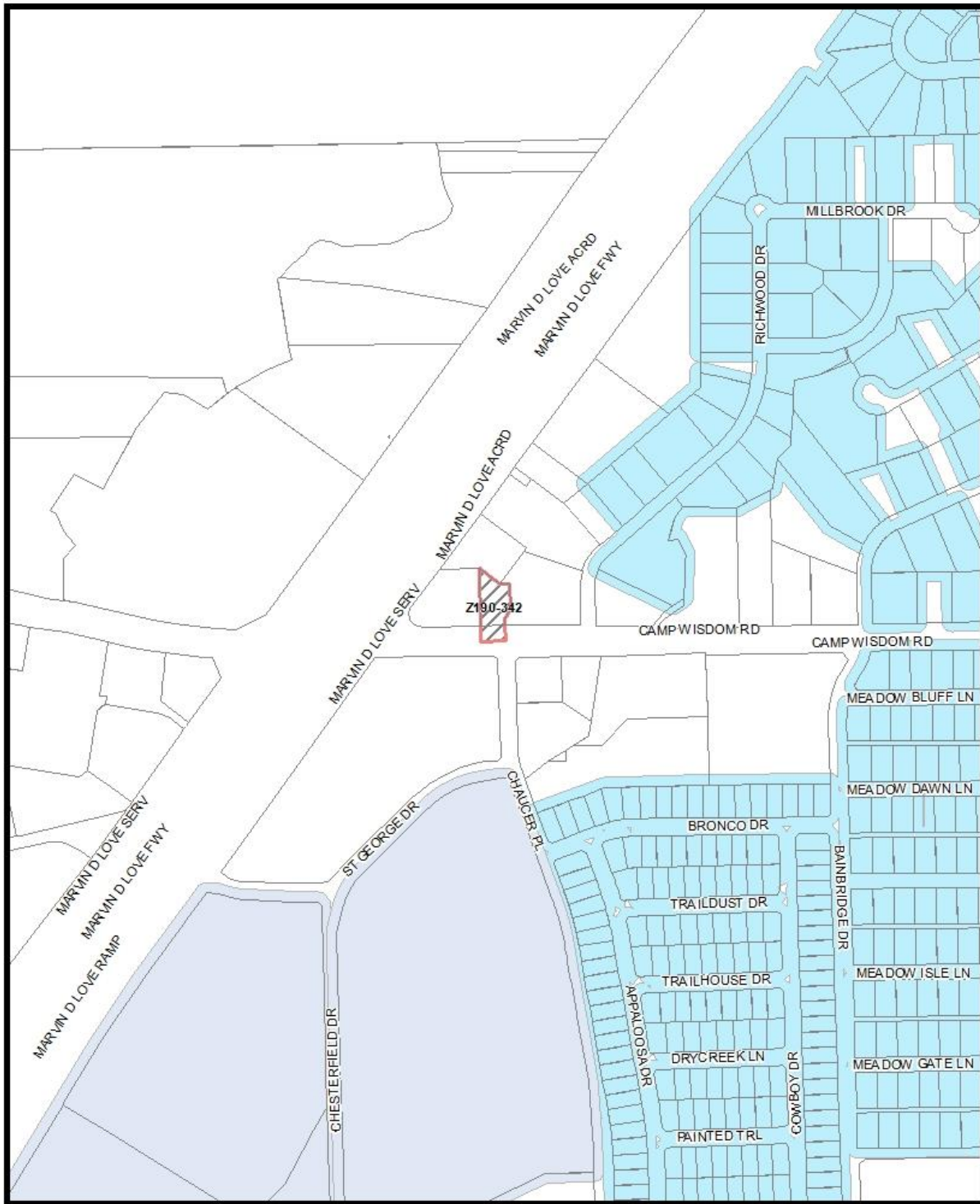












Market Value Analysis

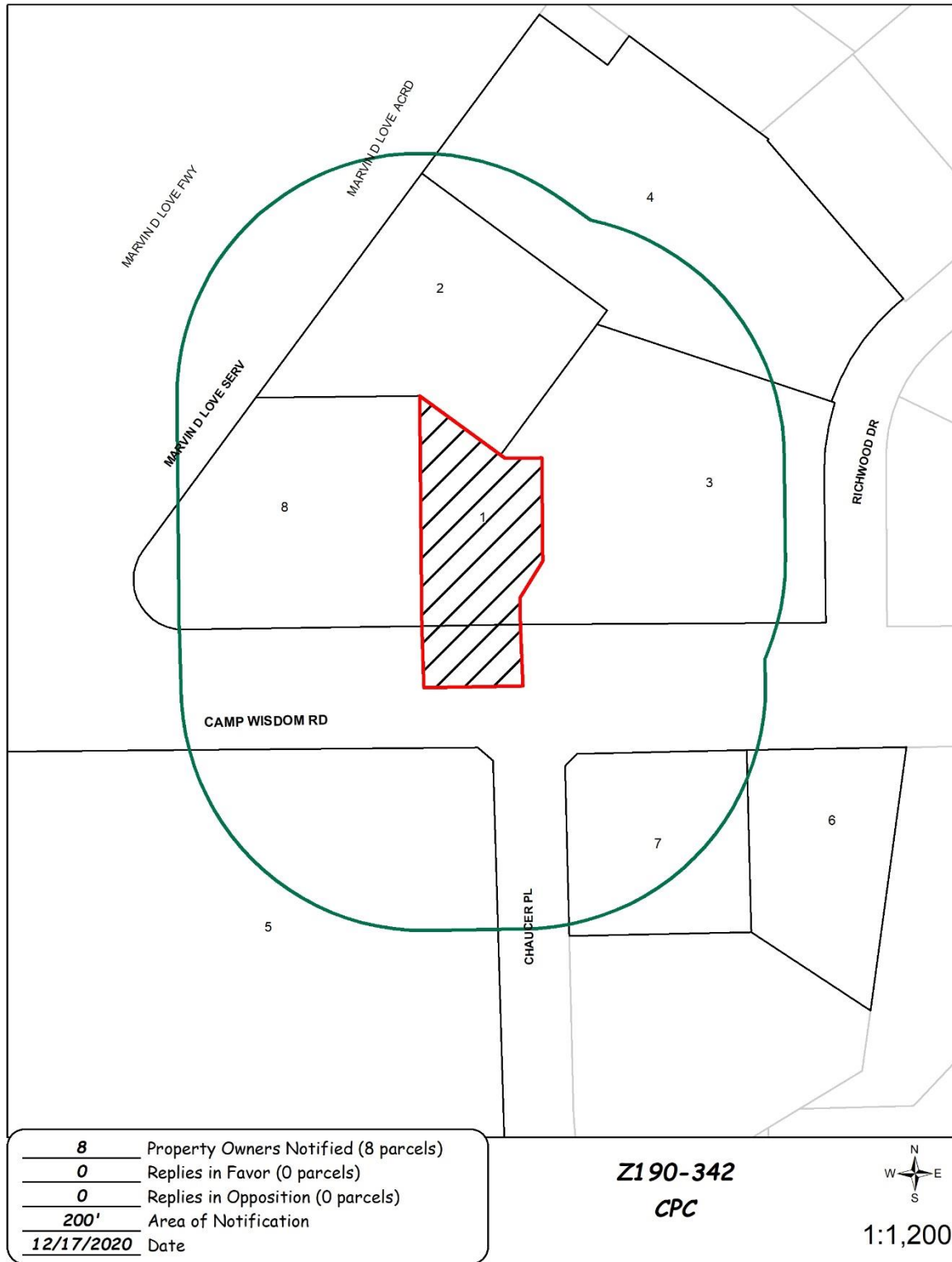


1:4,800

Market Value Analysis

Printed Date: 11/17/2020

CPC RESPONSES



12/16/2020

Reply List of Property Owners

Z190-342

8 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	2921 W CAMP WISDOM RD	SAGANI JAWED
	2	6960 MARVIN D LOVE FWY	ALREADY GEAR INC
	3	2800 W CAMP WISDOM RD	Taxpayer at
	4	6950 MARVIN D LOVE FWY	AMIT INVESTMENTS INC
	5	7100 MARVIN D LOVE FWY	AMERICA CAN CARS FOR KIDS
	6	2940 CHAUCER PL	CAMP WISDOM CHAUCER J V
	7	2950 W CAMP WISDOM RD	Taxpayer at
	8	2935 W CAMP WISDOM RD	Taxpayer at