

FILE NUMBER: Z190-343(PD)

DATE FILED: August 24, 2020

LOCATION: East side of St. Augustine Drive, south of Seagoville Road

COUNCIL DISTRICT: 5

MAPSCO: 11 N

SIZE OF REQUEST: ±0.71 acre

CENSUS TRACT: 117.01

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 CR-D-1 Community Retail 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 ±7,500-square foot general merchandise or food store [Dollar General].
- The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing general merchandise or food store use.
- The general merchandise or food store use 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 have been two SUPD auto-renewal in the vicinity within the last five years.

1. Z190-264: On August 5, 2020, an automatic renewal of Specific Use Permit No. 2065 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet, was approved for a five-year period, on property zoned a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay, located on the southwest corner of Old Seagoville Road, and South St. Augustine Drive.

2. Z145-319: On October 28, 2015, an automatic renewal of Specific Use Permit No.1838 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet, was approved for a five-year period with eligibility for automatic renewals for additional five-year periods, on property zoned a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay, located on the southwest corner of Old Seagoville Road, and South St. Augustine Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South St. Augustine Road	Collector	80 feet
Old Seagoville Road	Local	60 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:

	Zoning	Land Use
Site	CR-D-1	General merchandise or food store
West/Northwest	CR-D-1; SUP No. 2065	Single Family, shopping center (beer/wine)
North	CR-D-1	Restaurant w/drive-thru
East	R-7.5(A)	Single Family
South	R-7.5(A)	Single Family

STAFF ANALYSIS:

Land Use Compatibility:

The request site is developed with a ±7,500-square foot general merchandise or food store constructed in 2019. The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing permitted use.

The property is adjacent to single family to the west, south and east with a restaurant use with drive-thru service to the north and a shopping center to the northeast across South St. Augustine Drive. A suite within the shopping center currently holds SUP No. 2065 that allows the sale of beer/wine for off-premise consumption [Malone's].

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 ±7,500-square foot general merchandise or food store requires 38 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 a "G" MVA cluster to the east and south and an "F" MVA cluster to the west across South St. Augustine Drive.

Police Report:

Staff requested crime statistics from the Dallas Police Department for the period from March 21, 2019 to November 2020. The results yield 43 calls, 12 offenses, and no arrests.

Calls:

Row Labels	Count of Problem
04 - 911 Hang Up	1
07 - Minor Accident	1
09 - Theft	2
09/01 - Theft	1
12B - Business Alarm	1
20 - Robbery	2
21B - Business Hold Up	9
32 - Suspicious Person	3
40 - Other	8
40/01 - Other	4
6X - Major Dist (Violence)	11
Grand Total	43

Offenses:

DataSource	IncidentNum	ServYr	ServNumID	Watch	Signal	Level_ID	NIBRS_Crime_CompStat
RMS/NIBRS	113310-2020	2020	113310-2020-01	2	6X - MAJOR DIST (VIOLENCE)	NULL	SIMPLE ASSAULT
RMS/NIBRS	086458-2019	2019	086458-2019-01	3	6X - MAJOR DIST (VIOLENCE)	NULL	INTIMIDATION
RMS/NIBRS	113310-2020	2020	113310-2020-02	2	6X - MAJOR DIST (VIOLENCE)	NULL	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY
RMS/NIBRS	259524-2019	2019	259524-2019-01	1	40/01 - OTHER	NULL	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY
RMS/NIBRS	167162-2019	2019	167162-2019-01	1	40 - OTHER	NULL	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY
RMS/NIBRS	086458-2019	2019	086458-2019-02	3	6X - MAJOR DIST (VIOLENCE)	NULL	DRUG/ NARCOTIC VIOLATIONS
RMS/NIBRS	159065-2019	2019	159065-2019-01	3	20 - ROBBERY	NULL	ROBBERY-BUSINESS
RMS/NIBRS	216254-2019	2019	216254-2019-02	3	20 - ROBBERY	NULL	ROBBERY-BUSINESS
RMS/NIBRS	064360-2020	2020	064360-2020-01	2	PSE/09 - THEFT	NULL	SHOPLIFTING
RMS/NIBRS	101299-2020	2020	101299-2020-01	3	40/01 - OTHER	NULL	SHOPLIFTING
RMS/NIBRS	106119-2020	2020	106119-2020-01	3	6X - MAJOR DIST (VIOLENCE)	NULL	SHOPLIFTING
RMS/NIBRS	246439-2019	2019	246439-2019-01	2	6X - MAJOR DIST (VIOLENCE)	NULL	SHOPLIFTING

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 CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the east side of St. Augustine Drive, south of Seagoville Road.

Maker: Shidid
Second: Hampton
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: 200 Mailed: 19
Replies: For: 0 Against: 0

Speakers: For: Catherine Chamblee, 511 W. 7th St., Austin, TX, 78701
For (Did not speak): Wayne Martin, 4230 Grady Ln., Arlington, TX, 76016
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:

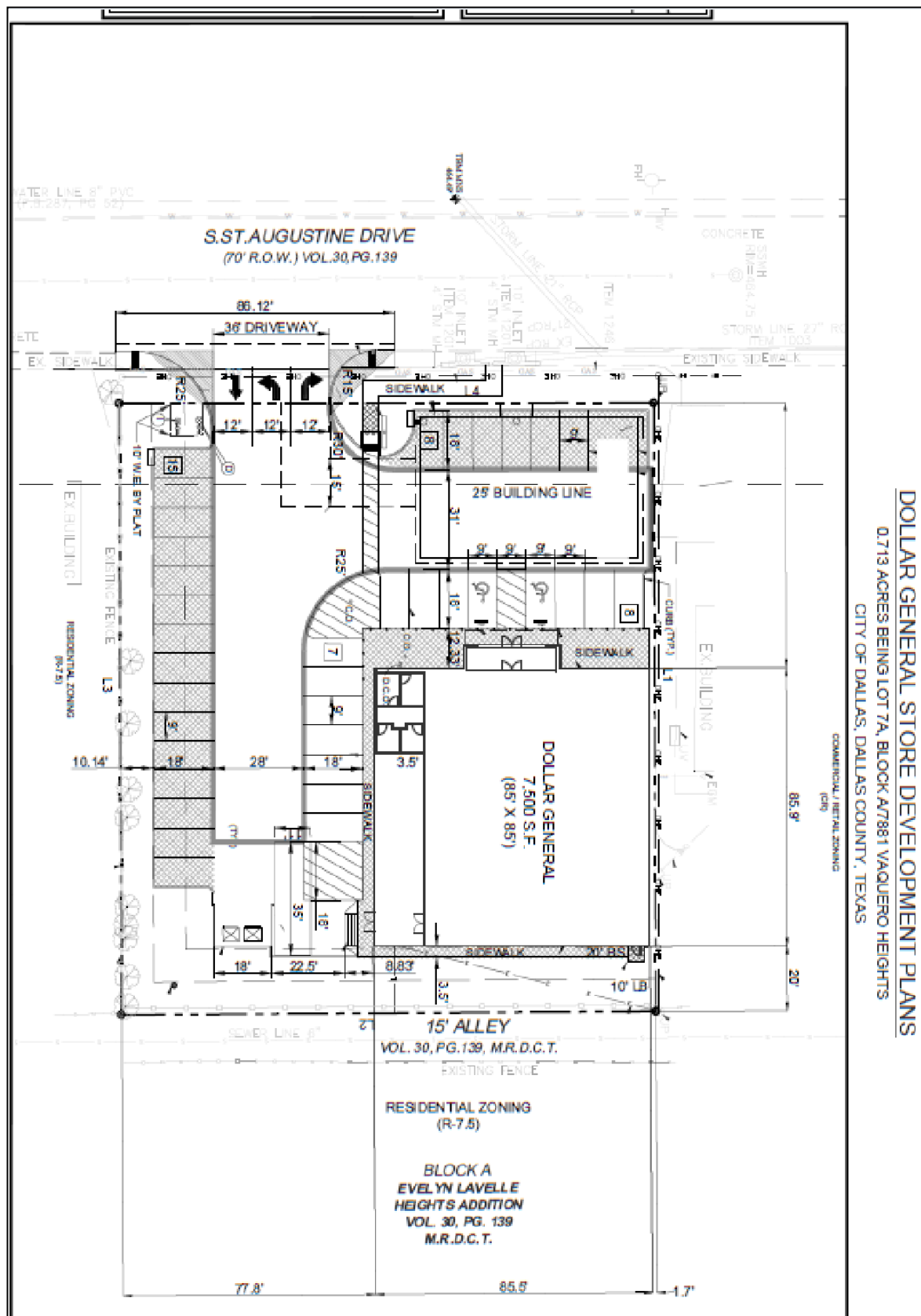
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| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two-years</u>). |
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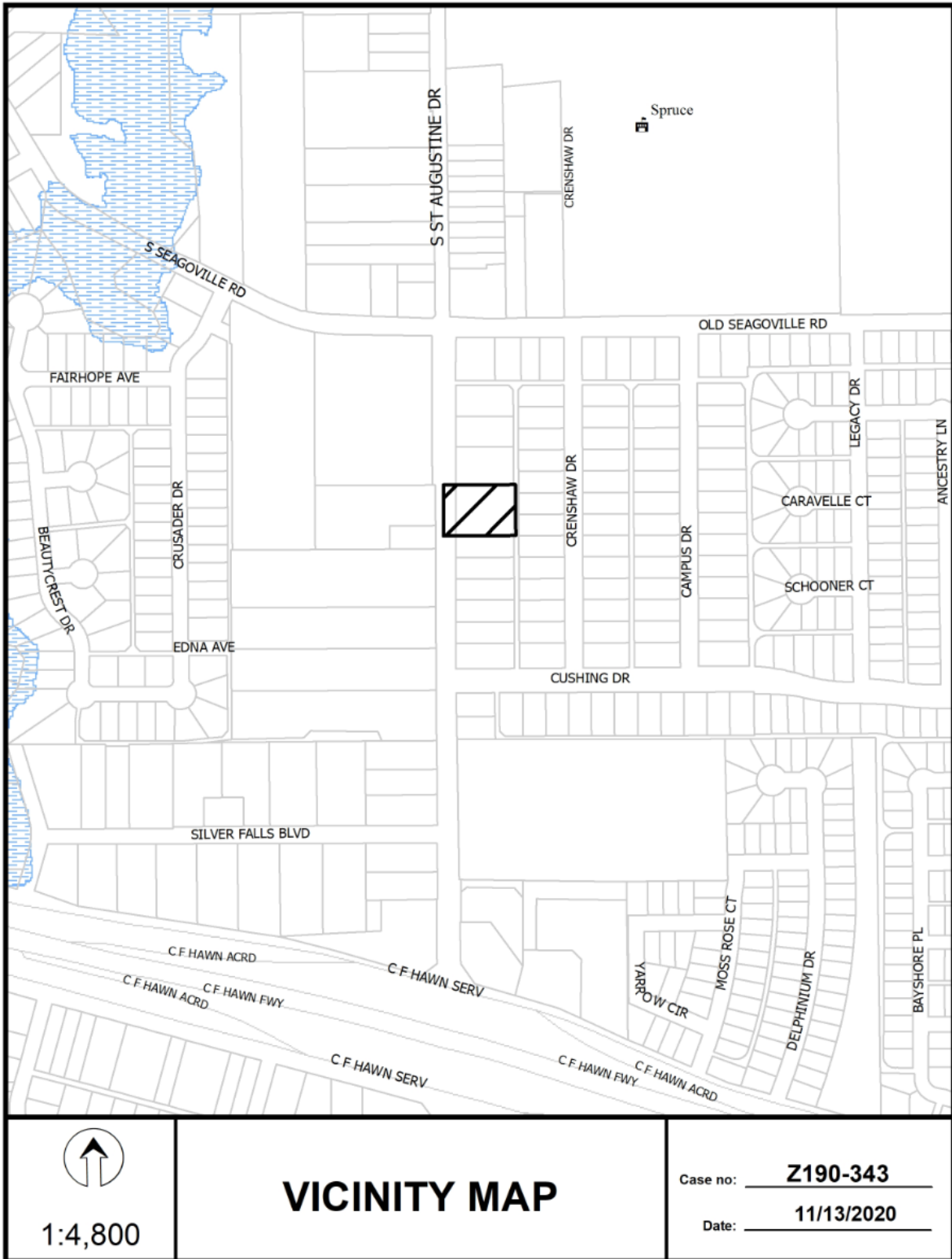
Staff Recommendation:

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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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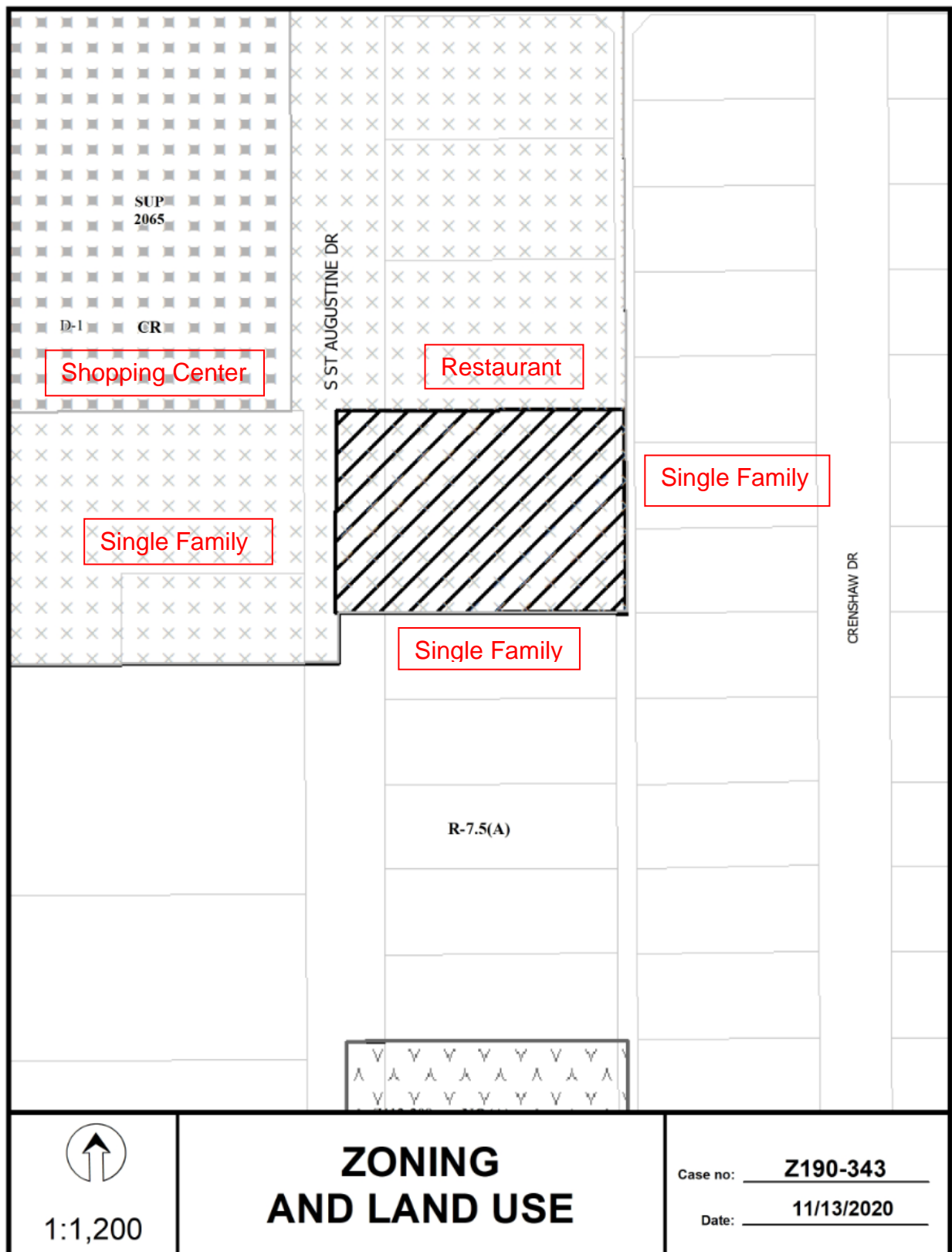
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

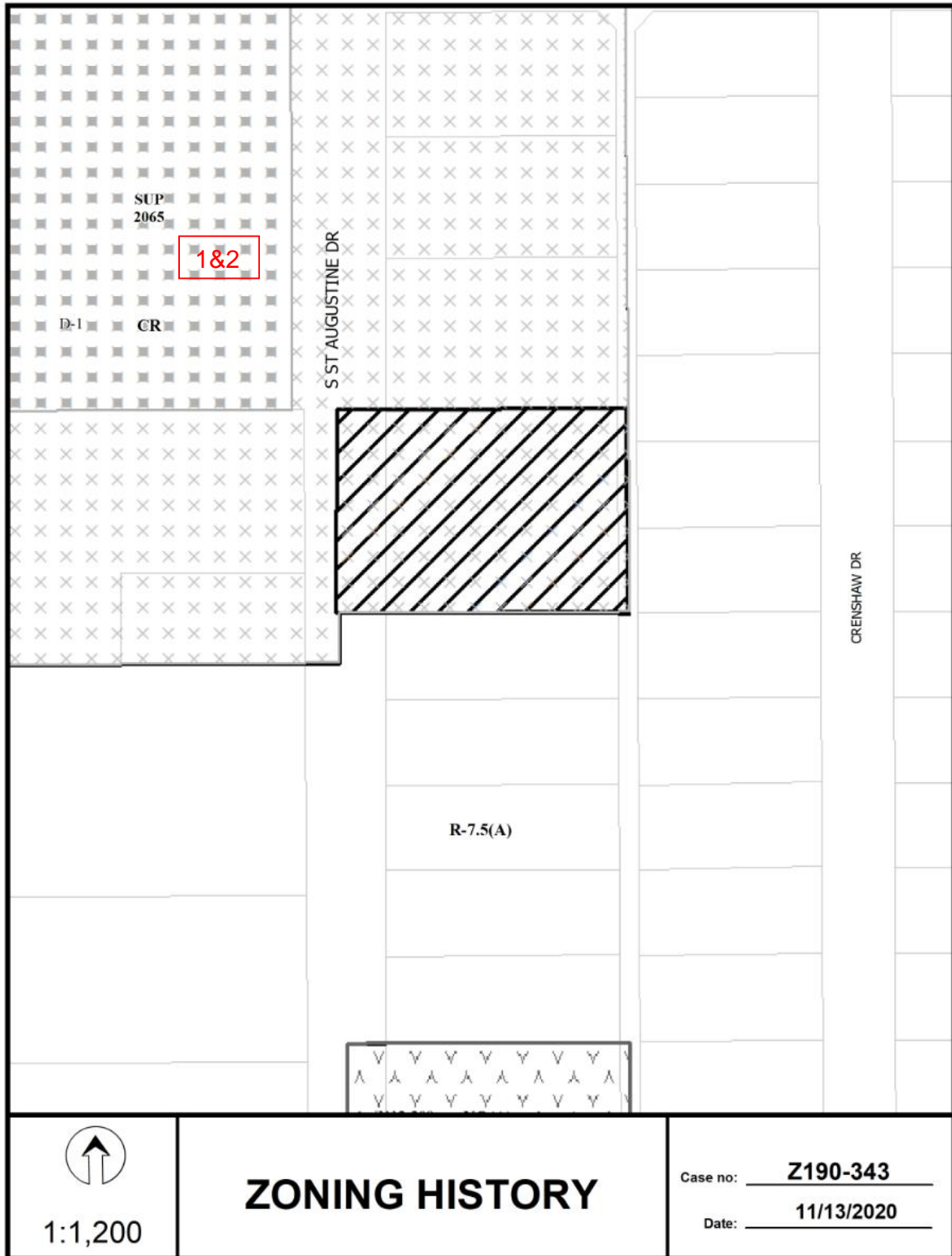
CPC Recommended Site Plan

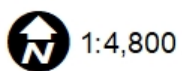
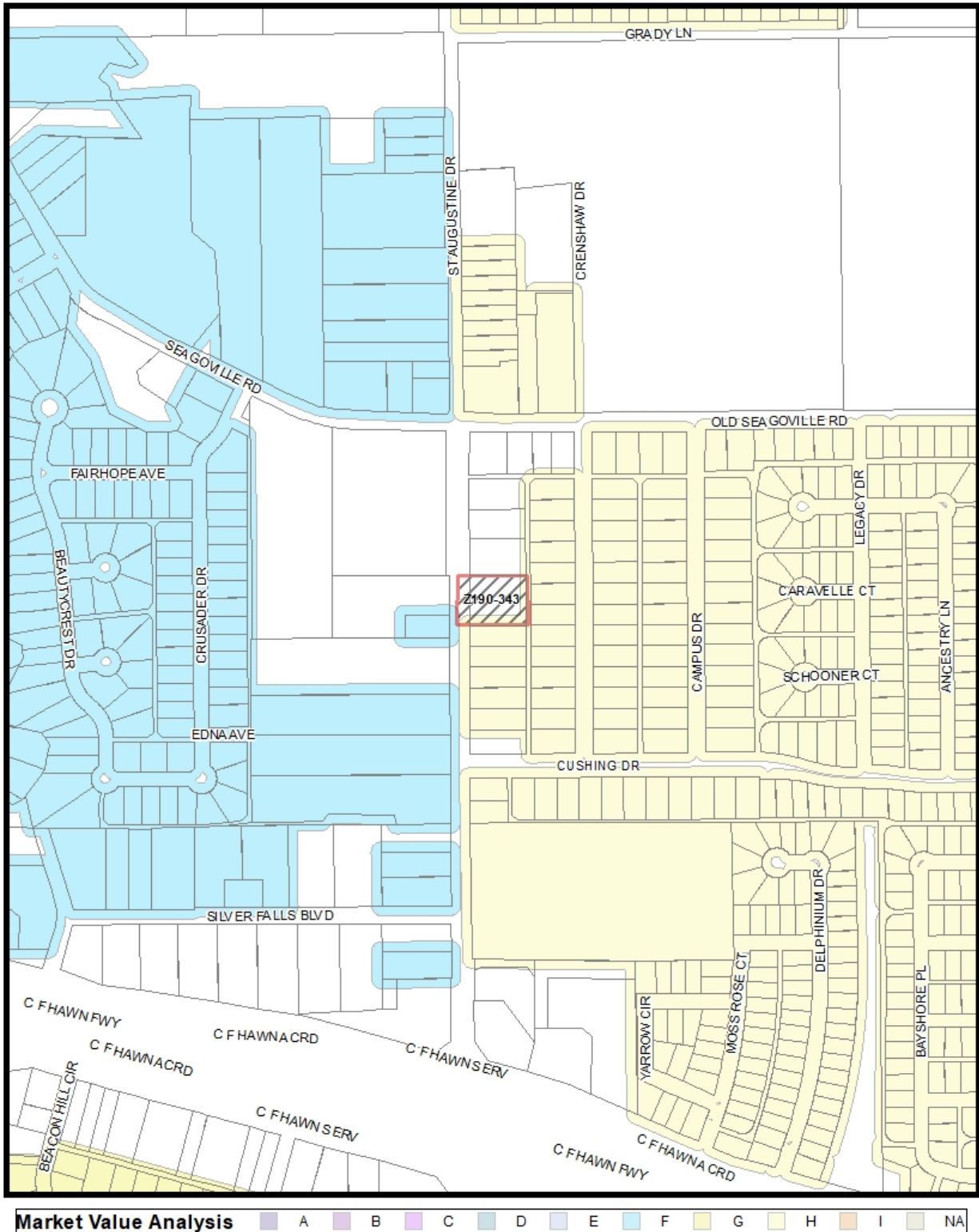








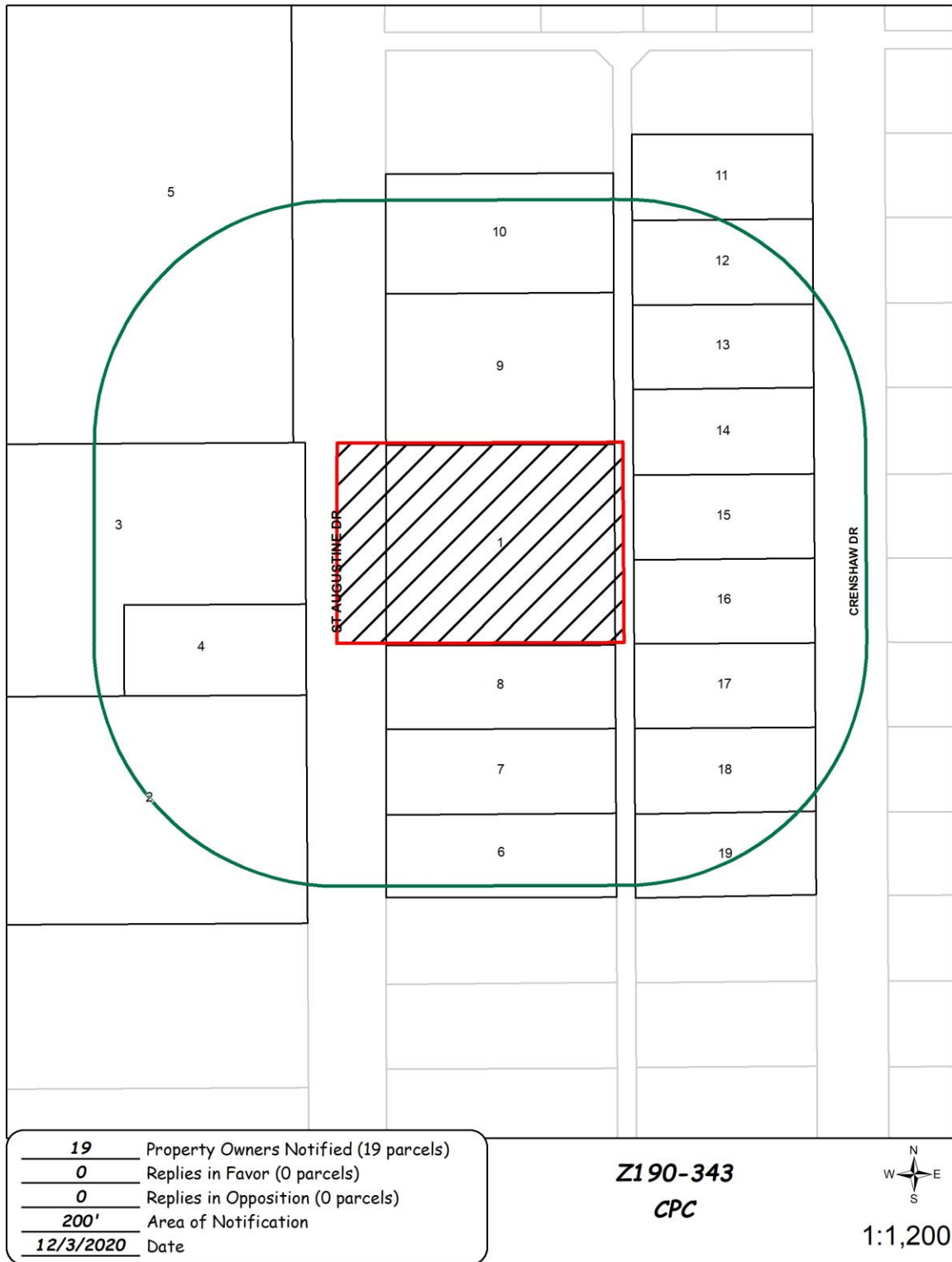




Market Value Analysis

Printed Date: 11/13/2020

CPC RESPONSES



12/02/2020

Reply List of Property Owners***Z190-343******19 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	342	S ST AUGUSTINE RD	BAAJ PROPERTY LLC
2	335	ST AUGUSTINE RD	CARTER JAMES
3	323	ST AUGUSTINE RD	CORDOVA LUIS
4	325	S ST AUGUSTINE RD	CORDOVA LUIS
5	333	S ST AUGUSTINE RD	BALLAS VICTOR E
6	362	S ST AUGUSTINE RD	GARCIA JESUS R
7	356	S ST AUGUSTINE RD	SANCHEZ PATRICIA
8	352	S ST AUGUSTINE RD	ALVARADO JUAN &
9	332	S ST AUGUSTINE RD	MILLER W C TRUSTEE
10	326	ST AUGUSTINE RD	OPALACH THOMAS
11	319	CRENSHAW DR	AREVALO NORMA A
12	325	CRENSHAW DR	PORTILLO REINA DE LAPAZ
13	331	CRENSHAW DR	SERRATO ADELFA
14	337	CRENSHAW DR	Taxpayer at
15	341	CRENSHAW DR	ALVAREZ LUIS
16	345	CRENSHAW DR	VILLATORO RODOLFO & MARIA
17	351	CRENSHAW DR	MORENO PEDRO
18	355	CRENSHAW DR	RINER JOYCE
19	361	CRENSHAW DR	OVALLE TEODORO &