

**FILE NUMBER:** Z190-355(CT)

**DATE FILED:** September 15, 2020

**LOCATION:** Northeast corner of Great Trinity Forest Way and Creek Cove Drive

**COUNCIL DISTRICT:** 8

**MAPSCO:** 57 V

**SIZE OF REQUEST:** approx. 0.78 acres

**CENSUS TRACT:** 93.04

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**REPRESENTATIVE:** Audra Buckley, Permitted Development

**APPLICANT:** Tabitha Tijernia

**OWNER:** Monica R. Raofpur

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store. [Hello Food Mart]

**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 currently developed with a 2,020 square foot general merchandise or food store 3,500 square feet or less.
- The request is to allow the sale of alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.

**Zoning History:** There has been one zoning change in the vicinity during the last five years.

**Z178-129** On April 25, 2018, City Council approved an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a country club and golf course.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Great Trinity Forest Way	Principal Arterial	107' ROW
Creek Cove Drive	Local	65' ROW.

**Traffic.**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding 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:

**URBAN DESIGN****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:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CS-D-1	General merchandise or food store
<b>North</b>	MF-1(A)	Undeveloped
<b>East</b>	CS-D-1	Vehicle Display, Sales, or Service
<b>South</b>	PDD No. 833 Subarea 2A SUP No.383 for a sand and gravel mine SUP 2228 for the sale of alcoholic beverages in conjunction with a Country Club	Country Club with golf course
<b>West</b>	CS-D-1	Vehicle Display, Sales, or Service

**STAFF ANALYSIS:**

**Land Use Compatibility:** The site is located within a CS Commercial Service District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less use on the property. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property which requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The adjacent land uses consist of a vehicle display sales and services uses to the east and west of the subject site. The properties north of site developed with multifamily and townhouse uses. South, across Great Trinity Forest Way, is a country club with a golf course.

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 Dallas Police has determined that the request site is in compliance with Chapter 12B.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

#### **Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>PRIMARY Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
CS Commercial Service	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR for lodging, office, and retail and personal service uses 0.75 for all uses combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial and business serving outside storage, service, or display

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. Landscaping will not be triggered by this request.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 10 spaces with 10 being provided per the attached site plan.

**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 subject site is not within a MVA Cluster. Properties to the north of the site are classified as "H" MVA cluster and property to properties to the west are in an "E" MVA cluster.

**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 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).

*Staff Recommendation*

3. TIME LIMIT: This specific use permit expires on (two years), 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. 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 ACTION**  
**December 17, 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 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the northeast corner of Great Trinity Forest Way and Creek Cove Drive.

Maker: Blair  
Second: Stinson  
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

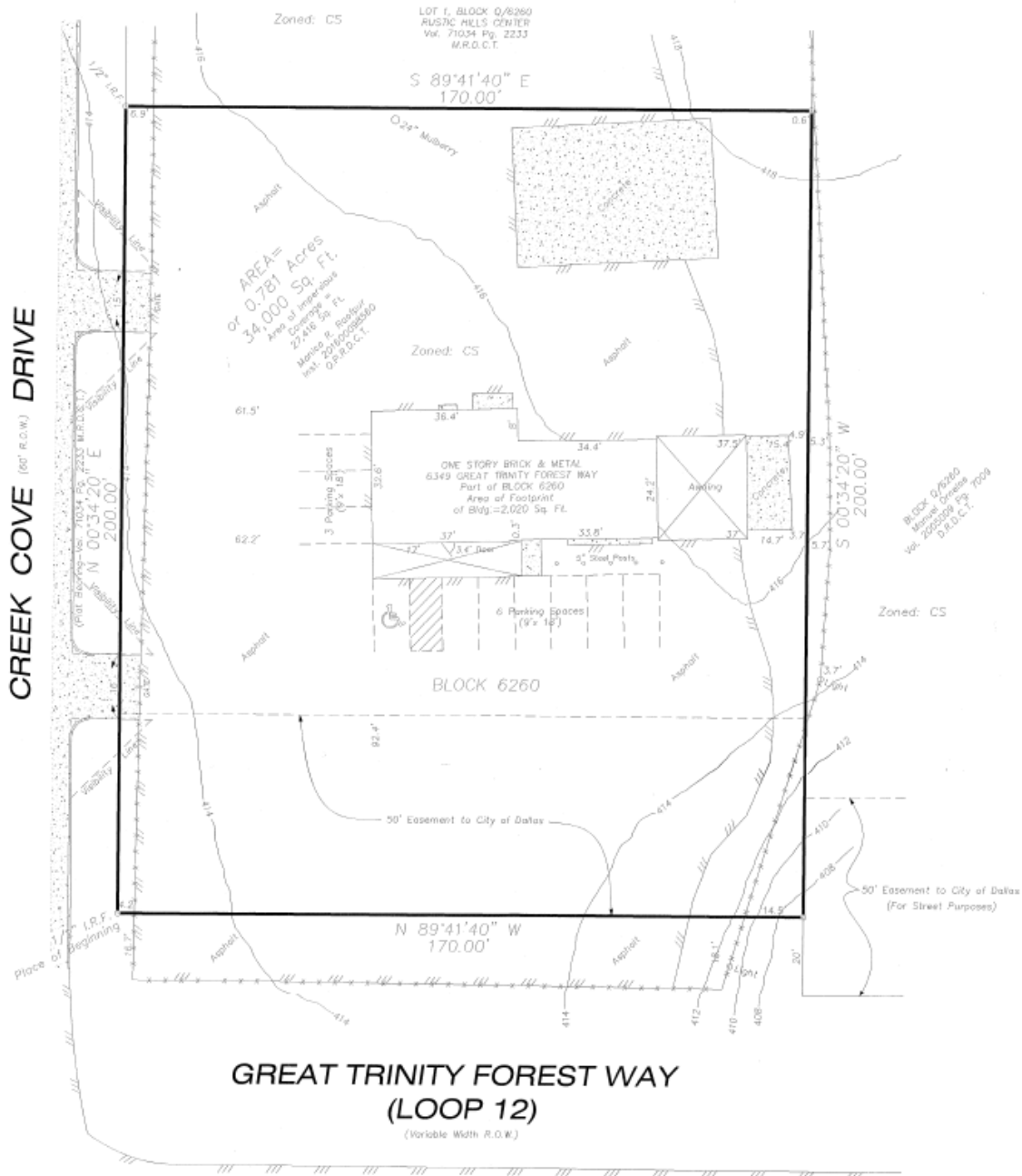
<b>Notices:</b>	Area: 200	Mailed: 12
<b>Replies:</b>	For: 0	Against: 0

**Speakers:** None





# **PROPOSED SUP SITE PLAN (ENLARGED)**



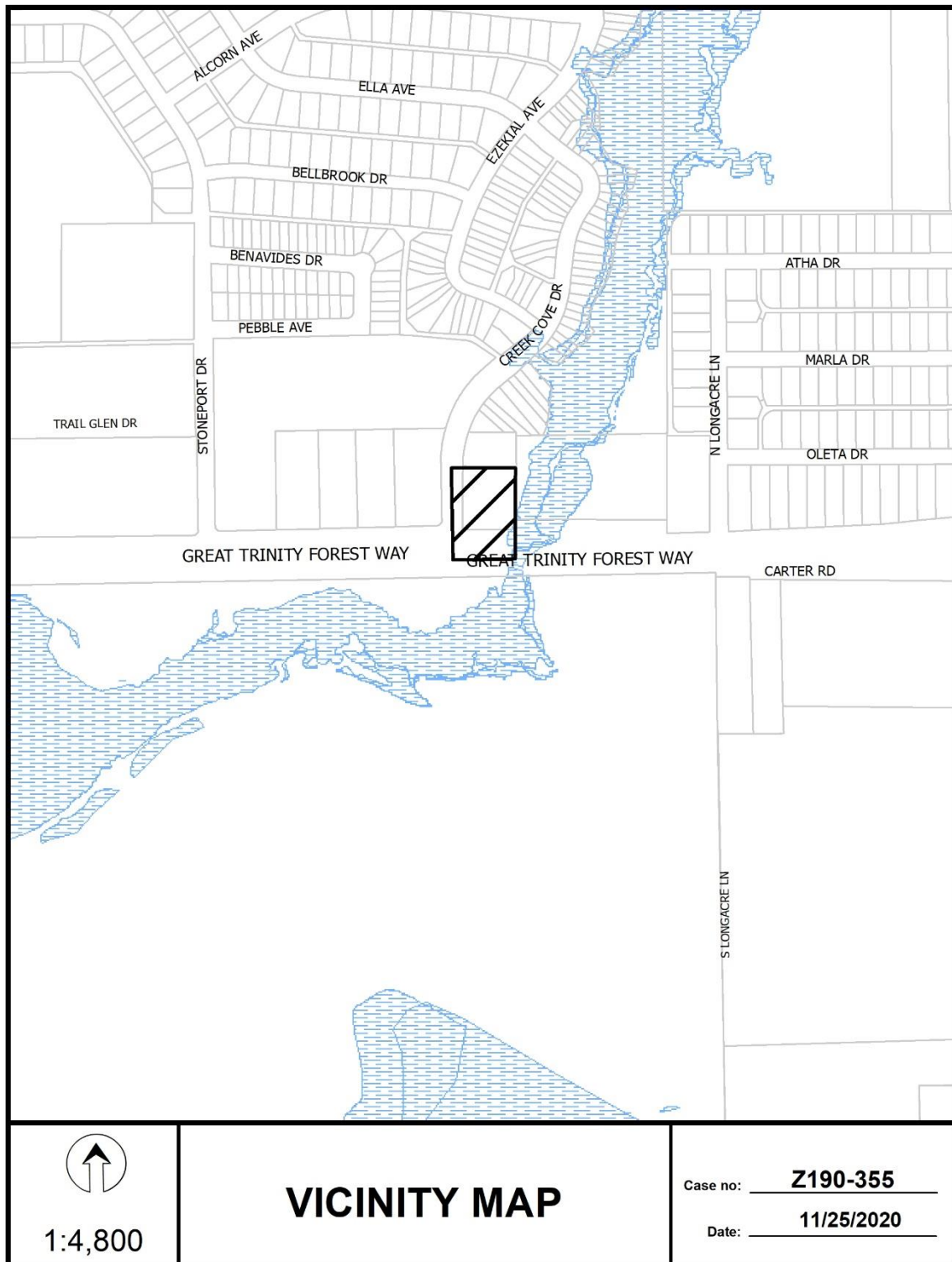
6349 GREAT TRINITY FOREST WAY

ZONED: CS

D Overlay: D-1

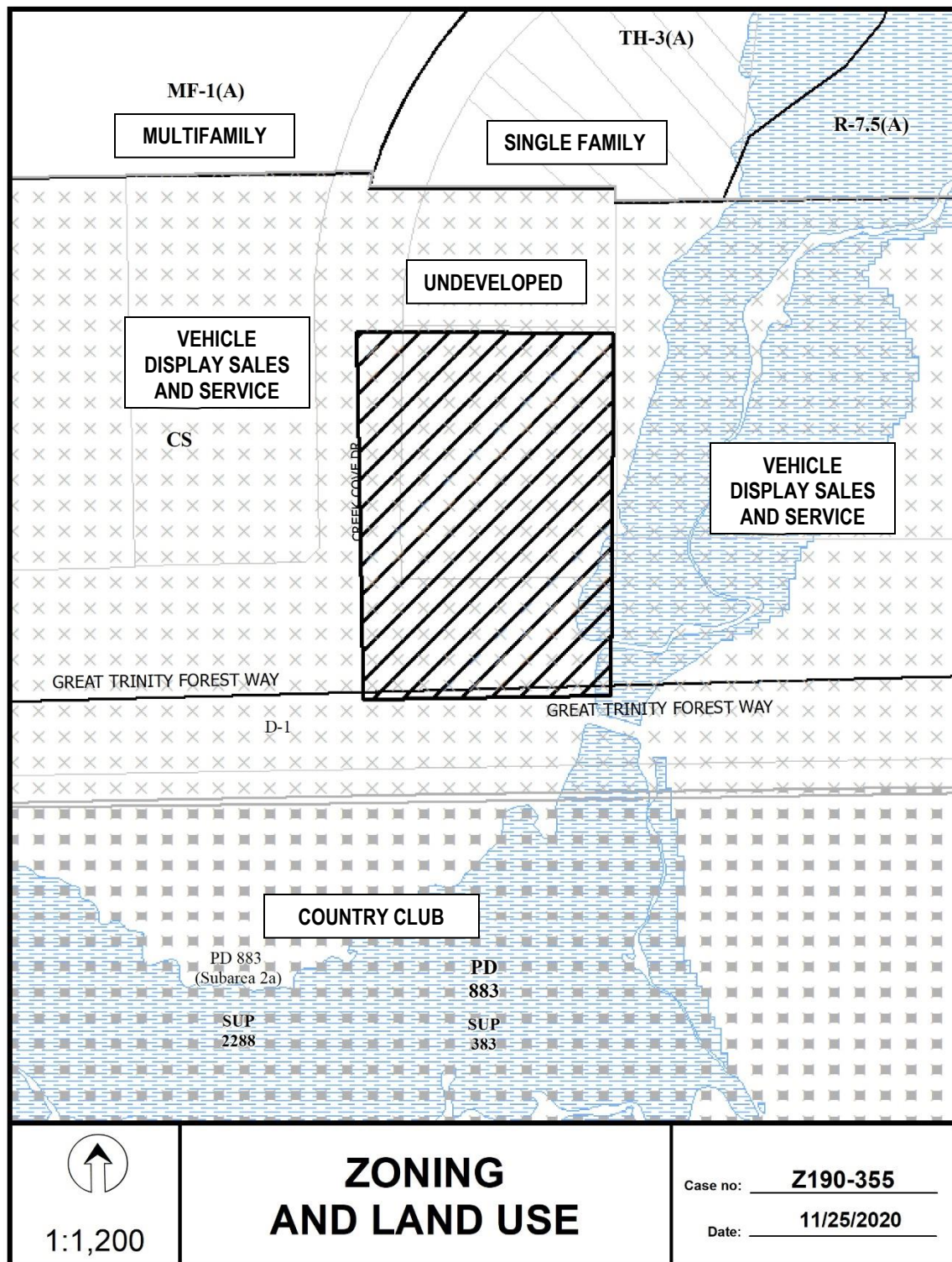
PARKING TABLE

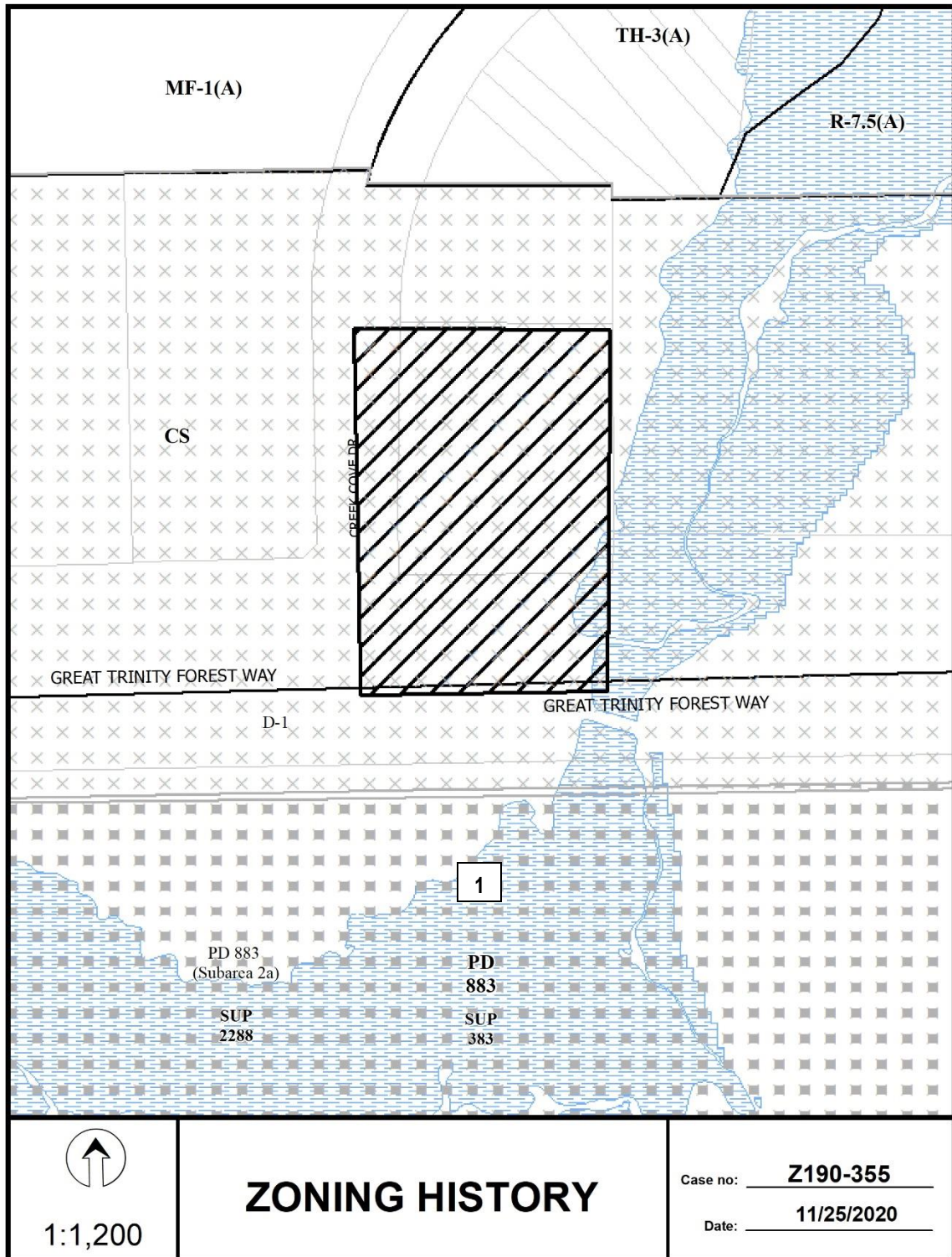
	REQUIRED PARKING	PROPOSED PARKING
6349 GREAT TRINITY FOREST WAY	9 Regular Parking Spaces 1 Handicap Parking Spaces	9 Regular Parking Spaces 1 Handicap Parking Spaces
	10 TOTAL PARKING SPACES	10 TOTAL PARKING SPACES





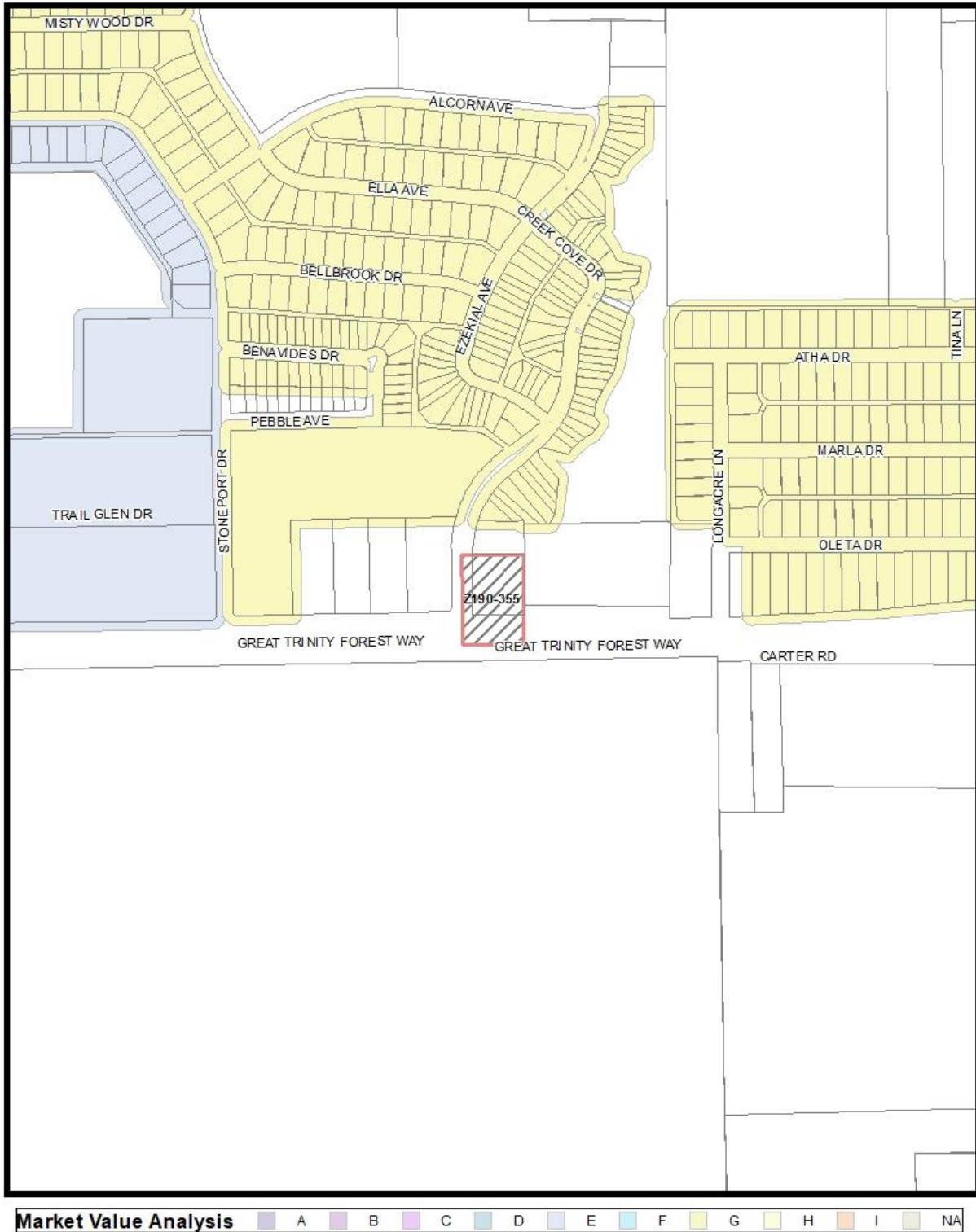








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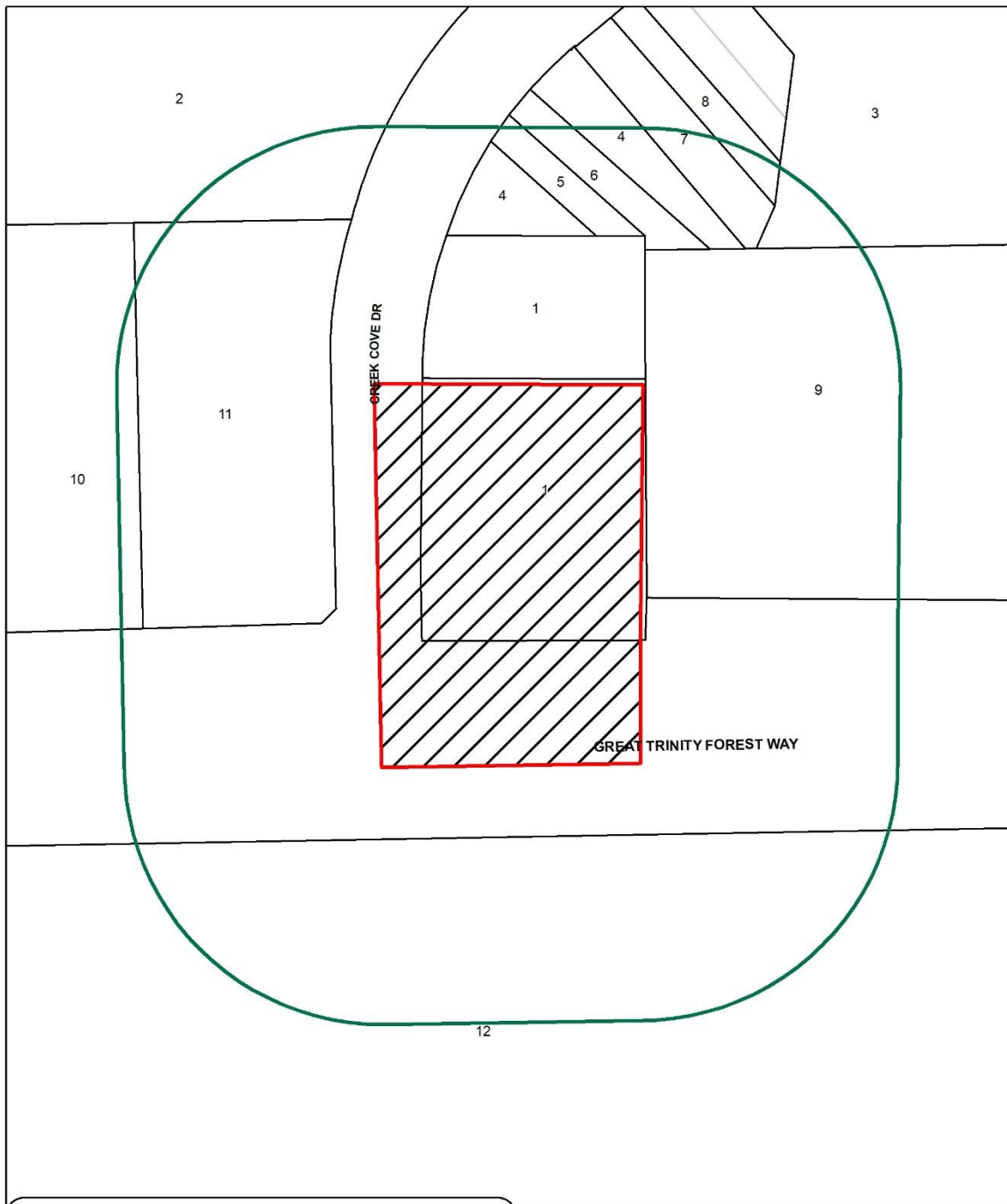


1:4,800

## Market Value Analysis

Printed Date: 11/25/2020

CPC Response



<u>12</u>	Property Owners Notified (14 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>12/17/2020</u>	Date

**Z190-355**  
**CPC**



1:1,200

12/16/2020

***Reply List of Property Owners******Z190-355******12 Property Owners Notified    0 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	6349	GREAT TRINITY FOREST WAY	RAOFFUR MONICA R
2	220	STONEPORT DR	TX HILLSIDE APARTMENTS LP
3	150	CREEK COVE DR	VENENCA LP
4	124	CREEK COVE DR	WALKER NEAL
5	130	CREEK COVE DR	DEAN STEPHEN HOMES INC
6	132	CREEK COVE DR	HOSHIN INVESTMENTS INC
7	138	CREEK COVE DR	STEPHEN DEAN HOMES INC
8	142	CREEK COVE DR	SEGOVIA IDALID
9	6439	GREAT TRINITY FOREST WAY	ORNELAS MANUEL
10	6365	GREAT TRINITY FOREST WAY	CEDARSCAPE HOLDINGS LLC
11	6373	GREAT TRINITY FOREST WAY	Taxpayer at
12	5000	GREAT TRINITY FOREST WAY	COMPANY OF TRINITY FOREST GOLFERS INC