HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, AUGUST 11, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-195(HC) DATE FILED: February 25, 2021

LOCATION: South of Great Trinity Forest Way, west of Murdock Road

COUNCIL DISTRICT: 8 MAPSCO: 58 Y

SIZE OF REQUEST: Approx. .85 acres CENSUS TRACT: 116.01

APPLICANT/REPRESENTATIVE: Elizabeth Alvarez Villaizan

OWNER: Fuel Town Inc., Jawed Sagani

REQUEST: An application for the renewal of Specific Use Permit No. 2340

for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use on property zoned RR-D-1 Regional Retail District with a

D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue to allow the sale of

alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet of less on the

subject site. [Fuel Town].

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

STAFF RECOMMENDATION: <u>Approval</u> for a five-year period, subject to conditions.

BACKGROUND INFORMATION:

- On June 8, 2011, the City Council approved Specific Use No. 1858 for the sale of alcohol in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods subject to a site plan and conditions. The SUP was not automatically renewed in 2013 and subsequently expired on June 8, 2013. A new request, SUP No. 2340, was approved by the City Council on June 26, 2019 under a new operator.
- The request site is developed with a 1,999-square foot general merchandise or food store use and a motor vehicle fueling station.
- The request is to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise or food store use on the property. The sale of alcoholic beverages in the D-1 Liquor Control Overlay requires a Specific Use Permit.
- On June 26, 2019, Specific Use Permit No. 2340 was approved by City Council for a two-year period.

Zoning History: There have been ten zoning requests in the area within the past five years.

- 1. Z167-221: On April 11, 2018, the City Council approved Specific Use Permit No. 2286 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, located on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way.
- 2. Z190-138: On January 10, 2020, an application for the renewal of Specific Use Permit No.2286 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, located on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way was automatically approved.
- 3. Z189-211: On January 25, 2017, the City Council approved Specific Use Permit No. 2339 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 RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, located on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway.
- 4. Z201-185: On April 1, 2021, an application for the renewal of Specific Use Permit No.2339 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 RR-

- D-1 Regional Retail District with a D-1 Liquor Control Overlay, located on the northeast corner of Murdock Road and Elkton Circle, southwest of C.F. Hawn Freeway was automatically approved.
- 5. **Z189-193:** On June 12, 2019, the City Council approved Specific Use Permit 2337 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 RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, located on the southwest corner of Great Trinity Forest Way (Loop 12) and Murdock Road.
- 6. Z201-168: On March 22, 2021, an application for the renewal of Specific Use Permit No. 2337 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 RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, located on the southwest corner of Great Trinity Forest Way (Loop 12) and Murdock Road was automatically renewed.
- 7. **Z189-129:** On March 21, 2019, the City Plan Commission denied without prejudice an application for the renewal of Specific Use Permit No. 1966 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 RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, located south of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive.
- 8. **Z190-165:** On August 12, 2020, the City Council approved Specific Use Permit No. 2385 for a vehicle display, sales, and service use on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District, with a D-1 Control Liquor Overlay, located on the northwest corner of South Buckner Boulevard and C.F. Hawn Freeway.
- 9. **Z189-203:** On June 26, 2019, the City Council approved Specific Use Permit No. 2340 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, located south of Great Trinity Forest Way, west of Murdock Road.
- 10. Z190-122: On March 24, 2021, the City Council approved Specific Use Permit No. 2410 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, located on the south line of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Туре	Existing ROW
Great Trinity Forest Way (Loop 12)	Principal Arterial	107 feet
Murdock Road	Principal Arterial	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will not have a negative impact on the existing street system.

STAFF ANALYSIS:

Comprehensive Plan:

The <u>forwardDallas! Comprehensive Plan</u> was adopted by the City Council in June 2006. The <u>forwardDallas! Comprehensive Plan</u> 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.

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.

Land Use:

	Zoning	Land Use
Site	RR-D-1	General merchandise or food store with fueling station
North	PDD No. 533-D-1, Subdistrict 5 SUP No. 2286	General merchandise or food store with fueling station and restaurant with drive-through
East	RR-D-1	General merchandise or food store
South	RR-D-1	Church
West	RR-D-1	General merchandise or food store with fueling station and restaurant

Land Use Compatibility:

The request site is currently developed with a fueling station and general merchandise or food store 3,500 square feet or less.

The adjacent uses consist primarily of retail and general merchandise or food stores. A church is located south of the request site and is greater than 300 feet by front-door-to-front door measurement, therefore complying with the distance separation requirement as confirmed during the original SUP application.

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 Department has determined that the request site meets the standards in Chapter 12B.

The applicant's request, subject to the attached conditions and site plan, is consistent with the intent of the Dallas Development Code. Staff is in support of the request since Staff does not anticipate a negative impact of this use on the surrounding areas.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area. In addition, a motor vehicle fueling station requires two spaces.

Therefore, the proposed ±1999-square foot convenience store requires 10 spaces plus two for the motor vehicle fueling station for a total of 12 spaces required with 27 spaces provided, as depicted on the site plan.

Landscaping:

Landscaping of any development will be in accordance with Article X, as amended. The proposed SUP will not require any additional landscaping since no new construction/additions are planned.

Crime Statistics:

Crime statistics covering the period from June 1, 2019 to June 16, 2021 follows. The crime statistics reflect 213 calls, 48 offenses, and 49 arrests within a two-year period.

Offenses:

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TOUCH	7/3/2019	POSS MARIJUANA <20Z	8000 GREAT TRINITY FOREST WAY

Arrests:

ArArrestDate	ArLAddress	ChargeDesc
4/22/2021	8000 GREAT TRINITY FOREST WAY	MAN DEL CONT SUB PEN GRP 1 > OR EQUAL 1G<4G
4/19/2021	8000 GREAT TRINITY FOREST WAY	WARRANT DALLAS PD (OTHERS)
4/17/2021	8000 GREAT TRINITY FOREST WAY	WARRANT DALLAS PD (MURDER)
4/14/2021	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (NOT A DPD WARRANT)
3/2/2021	8000 GREAT TRINITY FOREST WAY	MAN DEL CONT SUB PEN GRP 1 > OR EQUAL 1G<4G
3/2/2021	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 <1G
3/2/2021	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 <1G
1/26/2021	8000 GREAT TRINITY FOREST WAY	CRIMINAL TRESPASS
1/4/2021	8000 GREAT TRINITY FOREST WAY	ASSAULT (AGG) -DEADLY WEAPON
12/10/2020	8000 GREAT TRINITY FOREST WAY	CRIMINAL TRESPASS
10/17/2020	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 <1G
10/7/2020	8000 GREAT TRINITY FOREST WAY	APOWW (SOCIAL SERVICES REFERRAL)
8/30/2020	8000 GREAT TRINITY FOREST WAY	POSSESSION OF DRUG PARAPHERNALIA
8/11/2020	8000 GREAT TRINITY FOREST WAY	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE
7/9/2020	8000 GREAT TRINITY FOREST WAY	PUBLIC INTOXICATION
7/8/2020	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 <1G
7/8/2020	8000 GREAT TRINITY FOREST WAY	POSS MARIJUANA <20Z
7/4/2020	8000 GREAT TRINITY FOREST WAY	MAN DEL CONT SUB PEN GRP 1 > OR EQUAL 4G<200G
7/4/2020	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 <1G
6/27/2020	8000 GREAT TRINITY FOREST WAY	PUBLIC INTOXICATION
6/23/2020	8000 GREAT TRINITY FOREST WAY	POSS MARIJUANA <20Z
5/28/2020	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (NOT A DPD WARRANT)
4/27/2020	8000 GREAT TRINITY FOREST WAY	MAN DEL CONT SUB PEN GRP 1 <1G
4/27/2020	8000 GREAT TRINITY FOREST WAY	MAN DEL CONT SUB PEN GRP 1 <1G
4/26/2020	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (NOT A DPD WARRANT)
4/16/2020	8000 GREAT TRINITY FOREST WAY	PUBLIC INTOXICATION
3/24/2020	8000 GREAT TRINITY FOREST WAY	POSSESSION OF DRUG PARAPHERNALIA
3/17/2020	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (NOT A DPD WARRANT)
3/7/2020	8000 GREAT TRINITY FOREST WAY	POSS MARIJUANA >20Z< OR EQUAL 40Z
2/9/2020	8000 GREAT TRINITY FOREST WAY	TRAF VIO -RECKLESS DRIVING
2/2/2020	8000 GREAT TRINITY FOREST WAY	POSS MARIJUANA >20Z< OR EQUAL 40Z
1/24/2020	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
1/9/2020	8000 GREAT TRINITY FOREST WAY	ASSAULT - OFFENSIVE CONTACT
1/6/2020	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
12/20/2019	8000 GREAT TRINITY FOREST WAY	OTHER OFFENSE - MISDEMEANOR
12/20/2019	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
11/7/2019	8000 GREAT TRINITY FOREST WAY	PUBLIC INTOXICATION
11/6/2019	8000 GREAT TRINITY FOREST WAY	WARRANT DALLAS PD (THEFT OTHER)
11/6/2019	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 > OR EQUAL 1G<4G
11/4/2019	8000 GREAT TRINITY FOREST WAY	ASSAULT (AGG) -DEADLY WEAPON
11/3/2019	8000 GREAT TRINITY FOREST WAY	POSS CONT SUB PEN GRP 1 < 1G
10/29/2019	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
9/2/2019	8000 GREAT TRINITY FOREST WAY	APOWW (SOCIAL SERVICES REFERRAL)
8/24/2019	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
8/24/2019	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
7/20/2019	8000 GREAT TRINITY FOREST WAY	APOWW (SOCIAL SERVICES REFERRAL)
7/14/2019	8000 GREAT TRINITY FOREST WAY	WARRANT HOLD (OUTSIDE AGENCY)
7/3/2019	8000 GREAT TRINITY FOREST WAY	POSS MARIJUANA <20Z
6/13/2019	8000 GREAT TRINITY FOREST WAY	RESIST ARREST SEARCH OR TRANSPORT

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. While the area of request is not located within an identified MVA cluster, residential properties to the southwest, and west are located within Category "G". An area to the south and southeast across Murdock Road, and northwest across Great Trinity Forest Way are within Category "H". An area to the northeast is within Category "I."

List of Officers

Fuel Town Inc DBA Chevron Fuel Town

• Jawed Sagani, President/Secretary

CPC ACTION JULY 1, 2021

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2340 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a five-year period, subject to conditions; as briefed, on property zoned RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, south of Great Trinity Forest Way, west of Murdock Road.

Maker: Jung Second: Hampton

Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,

Shidid, Carpenter, Jackson, Blair, Jung, Suhler,

Schwope, Murphy, Garcia

Against: 0

Absent: 1 - Rubin Vacancy: 1 - District 10

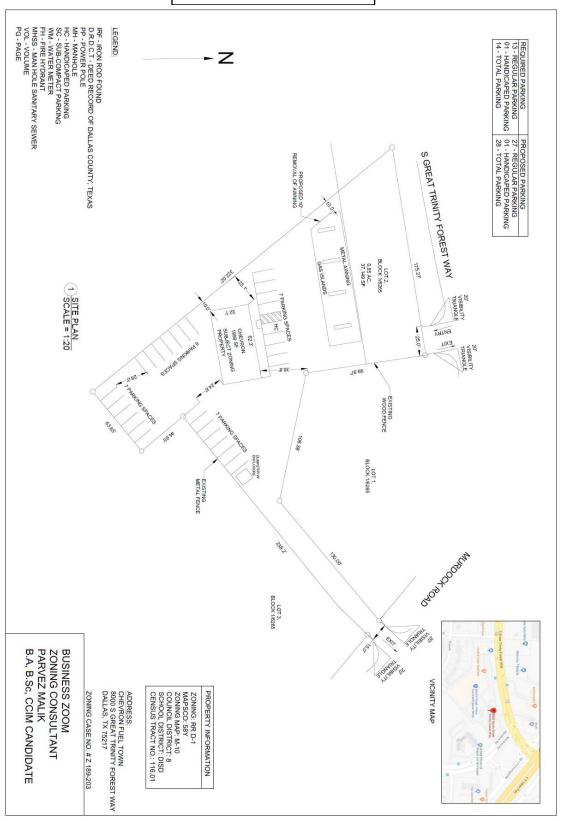
Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

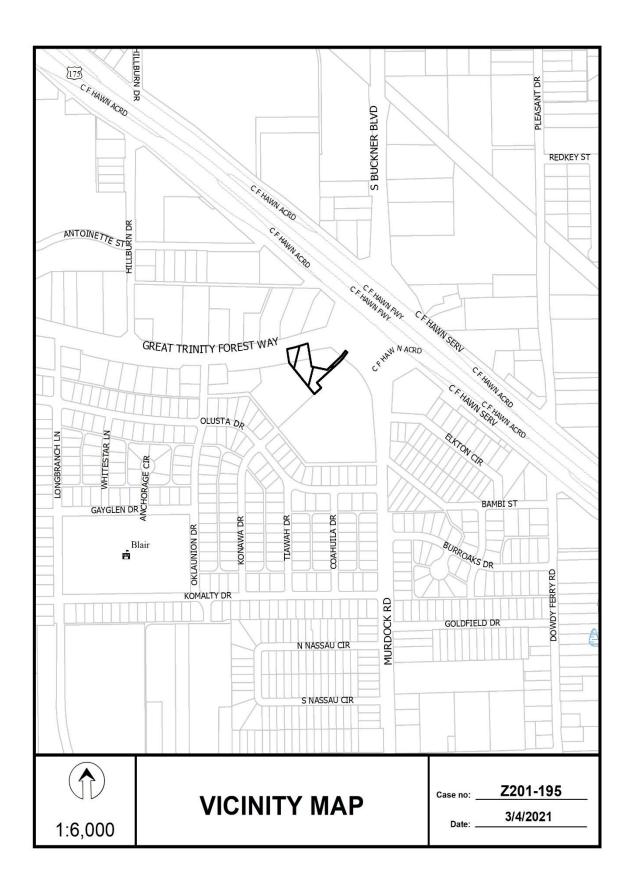
Speakers: None

CPC Recommended SUP Conditions

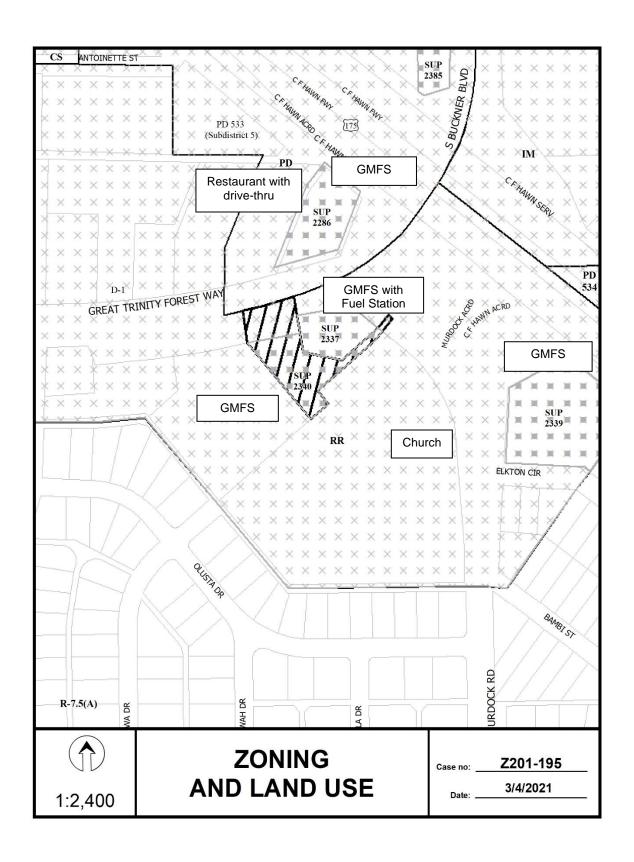
- 1. <u>USE:</u> The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
- 2. <u>SITE PLAN:</u> Use and development of the Property must comply with the attached site plan.
- 3. <u>TIME LIMIT</u>: This specific use permit expires on (five years) from the passage of this ordinance.
- 4. FLOOR AREA: The maximum floor area for this use is 1,999 square feet.
- 5. <u>INGRESS/EGRESS:</u> Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
- 6. PARKING: Off-street parking must be located as shown on the attached site plan.
- 7. <u>MAINTENANCE</u>: The Property must be properly maintained in a state of good repair and neat appearance.
- 8. <u>GENERAL REQUIREMENTS:</u> 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.

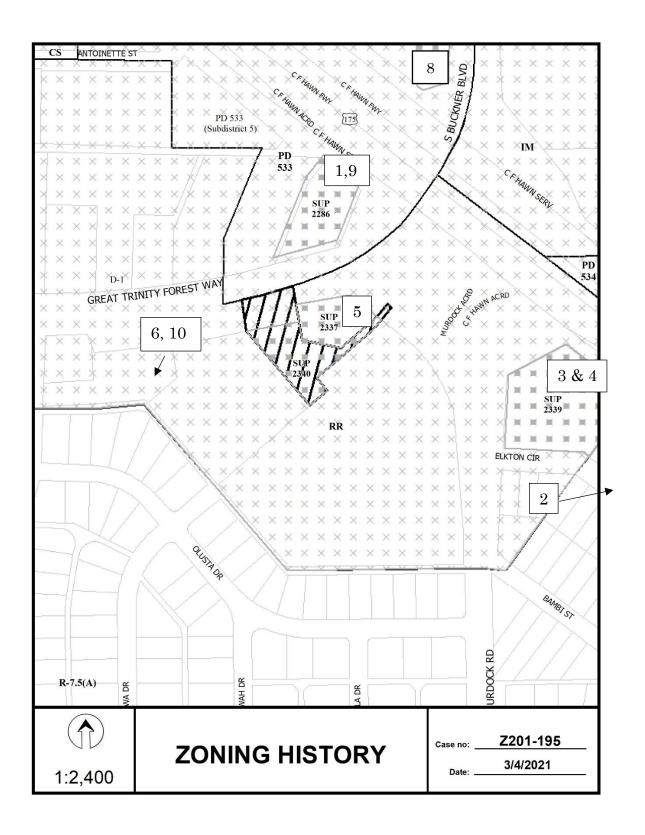
Existing Site Plan (No Changes)

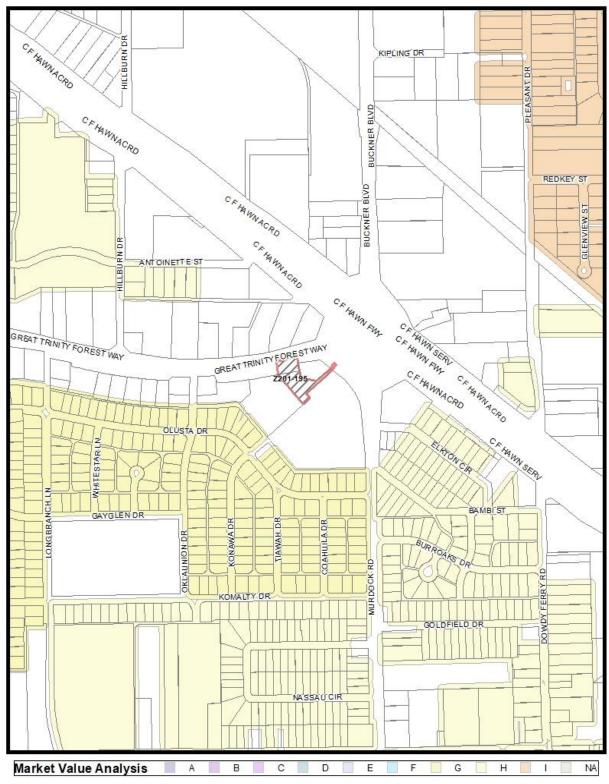








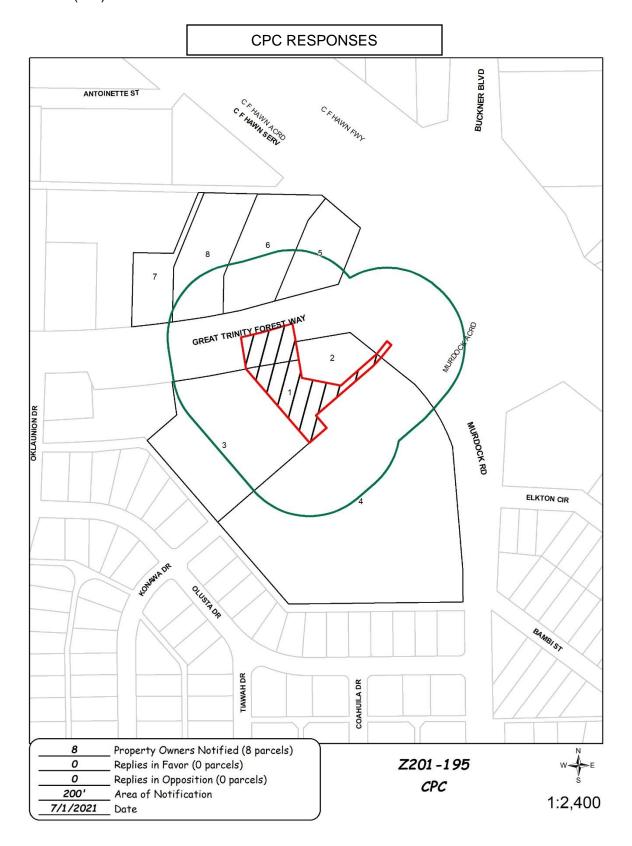




1:6,000

Market Value Analysis

Printed Date: 3/4/2021



06/30/2021

Reply List of Property Owners Z201-195

8 Property Owners Notified	0 Property Owners in Favor	0 Property Owners Opposed
o Troperty Owners Houjted	o Troperty Owners in Tavor	o Troperty Owners Opposed

Reply Label#	Address	Owner	
1	8000	GREAT TRINITY FOREST WAY	R & R SULEIMAN LLC
2	8098	GREAT TRINITY FOREST WAY	ENIGMA ENTERPRISES INC
3	7932	GREAT TRINITY FOREST WAY	KIMODALE INC
4	121	MURDOCK RD	UNITED HOUSE OF PRAYER
5	8015	C F HAWN FWY	DFW DISTRIBUTOR PETROLEUM INC
6	8055	GREAT TRINITY FOREST WAY	MCDONALDS USA LLC
7	7959	GREAT TRINITY FOREST WAY	WILLIAMS FRIED CHICKEN
8	7900	GREAT TRINITY FOREST WAY	Taxpayer at