

FILE NUMBER: Z201-309(MP)

DATE FILED: July 28, 2021

LOCATION: Northeast corner of C.F. Hawn Freeway and South Masters Drive

COUNCIL DISTRICT: 5

MAPSCO: 69 C

SIZE OF REQUEST: ±0.52 acres

CENSUS TRACT: 117.02

APPLICANT: Elizabeth Alvarez

OWNER: Kawal Financial, Inc

REQUEST: An application for the renewal of Specific Use Permit No. 2349 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 2 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3 with 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 or less on the site.

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

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

BACKGROUND INFORMATION:

- The site is developed with an approximately 2,800 square foot building containing a general merchandise or food store 3,500 square feet or less and a restaurant with drive-through service. The property also includes motor vehicle fueling station.
- The general merchandise or food store use is permitted by right, but the D-1 Liquor Control Overlay requires a Specific Use Permit (SUP) for the sale of alcoholic beverages on the property. The applicant proposes to continue the sale of beer and wine for off-premise consumption in conjunction with the 2,800-square foot convenience store.
- On October 23, 2019, City Council approved Specific Use Permit No. 2349 for a two-year period.

Zoning History:

There has been one zoning case in the area in the past five years.

- **Z189-260:** On October 23, 2019, City Council approved Specific Use Permit No. 2349 for a two-year period on the subject site.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|----------------------------|----------------|---------------------|
| C F Hawn Freeway | Freeway | Variable Width |
| Masters Drive | Minor Arterial | 100 feet |

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction 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 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 1.1.2 Focus on Southern Sector development opportunities.

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.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Surrounding Land Uses:

| | Zoning | Land Use |
|--------------|---------------------------------|--|
| Site | PD 535 with D-1 SUP No. 2349 | General merchandise or food store 3,500 square feet or less, Restaurant drive-through service, motor vehicle fueling station |
| North | PD 535 with D-1 | Undeveloped |
| East | PD 535 with D-1 | Undeveloped / Creek |
| South | PD 535 with D-1, R-7.5(A) | Elevated Freeway, Undeveloped |
| West | PD 535 with D-1 | Undeveloped |

Land Use Compatibility:

The site is developed with a general merchandise or food store, a motor vehicle fueling station, and a restaurant. The applicant is requesting to renew a specific use permit to sell alcohol for off-premise consumption in conjunction with the general merchandise or food store use on the property, which is required in the D-1 Liquor Control Overlay.

The surrounding land uses primarily consist of undeveloped land. However, there are single family uses that are north and northwest of the request site, however these are further away from the site and are unlikely to be impacted by the use.

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. Staff

has obtained confirmation that the applicant is in compliance with Chapter 12B and maintains a current registration.

The site has operated without issues in the past two years and complies with the conditions of the SUP. Additionally, the applicant is not requesting any changes to the existing site plan, so operation should continue as it has for the past few years. Staff does not see evidence of detriment to the adjacent properties, and as such initially recommended approval for two years with eligibility for automatic renewal for an additional five year period. However, the City Plan Commission recommended it for two years with no automatic renewals. Staff agrees with this provision as well.

Parking:

The applicant proposes no changes to the current parking layout, which is shown on the previously approved site plan and as required pursuant to the Dallas Development Code.

Landscaping:

No new development or expansion is being proposed with this request. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

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 in proximity to a “H” to the northwest and a “G” MVA subdivision to the north and southwest.

Police Report:

From October 23, 2019 to August 2021, 4 offenses, 44 calls, and 2 arrests were placed to the Dallas Police Department (DPD) record.

Offenses:

| Date | Incident | Address |
|-------------|--|--------------------|
| 6/29/2021 | CRIM MISCHIEF >OR EQUAL \$750 < \$2,500 | 10201 C F HAWN FWY |
| 3/3/2021 | POSSESSION OF STOLEN PROPERTY | 10201 C F HAWN FWY |
| 10/15/2020 | UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE | 10201 C F HAWN FWY |

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| Date | Incident | Address |
|-----------|---------------------|--------------------|
| 8/26/2020 | POSS MARIJUANA <2OZ | 10201 C F HAWN FWY |

Calls:

| Response Date | Incident | Address |
|---------------|-----------------------------|------------------------|
| 8/21/2021 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 8/16/2021 | 6XE - Disturbance Emergency | 10201 C F Hawn Serv Wb |
| 6/29/2021 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 6/13/2021 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 6/13/2021 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 6/6/2021 | 07 - Minor Accident | 10201 C F Hawn Serv Wb |
| 5/31/2021 | 40/01 - Other | 10201 C F Hawn Serv Wb |
| 5/26/2021 | 40 - Other | 10201 C F Hawn Serv Wb |
| 5/20/2021 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 5/18/2021 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 5/15/2021 | 07 - Minor Accident | 10201 C F Hawn Serv Wb |
| 5/4/2021 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 3/20/2021 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 2/25/2021 | 40 - Other | 10201 C F Hawn Serv Wb |
| 2/2/2021 | **PD Requested by Fire | 10201 C F Hawn Serv Wb |
| 12/2/2020 | 07 - Minor Accident | 10201 C F Hawn Serv Wb |
| 11/20/2020 | 40 - Other | 10201 C F Hawn Serv Wb |
| 11/9/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 11/5/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 10/30/2020 | 40/01 - Other | 10201 C F Hawn Serv Wb |
| 10/7/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 10/1/2020 | 40/01 - Other | 10201 C F Hawn Serv Wb |
| 9/8/2020 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 9/1/2020 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 8/16/2020 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 8/1/2020 | 6X - Major Dist (Violence) | 10201 C F HAWN SERV WB |
| 7/24/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 6/22/2020 | 40 - Other | 10201 C F Hawn Serv Wb |
| 6/8/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 5/19/2020 | 32 - Suspicious Person | 10201 C F Hawn Serv Wb |
| 5/13/2020 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 4/25/2020 | 07 - Minor Accident | 10201 C F Hawn Serv Wb |
| 4/23/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 4/21/2020 | 12B - Business Alarm | 10201 C F Hawn Serv Wb |
| 4/17/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 4/16/2020 | 6XA - Major Dist Ambulance | 10201 C F Hawn Serv Wb |
| 4/8/2020 | 12B - Business Alarm | 10201 C F Hawn Fwy Wb |
| 3/8/2020 | 40 - Other | 10201 C F Hawn Serv Wb |

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| Response Date | Incident | Address |
|----------------------|----------------------------|------------------------|
| 2/19/2020 | 24 - Abandoned Property | 10201 C F HAWN SERV WB |
| 2/14/2020 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |
| 2/14/2020 | 6X - Major Dist (Violence) | 10201 C F HAWN SERV WB |
| 2/4/2020 | 40 - Other | 10201 C F Hawn Serv Wb |
| 1/22/2020 | 24 - Abandoned Property | 10201 C F Hawn Serv Wb |
| 11/8/2019 | 6X - Major Dist (Violence) | 10201 C F Hawn Serv Wb |

Arrest:

| Date | Charge | Address |
|-------------|--|--------------------|
| 3/3/2021 | THEFT OF PROP > OR EQUAL \$2,500 <\$30K (NOT SHOPLIFT) PC31.03(e4A) | 10201 C F HAWN FWY |
| 1/17/2021 | DWI | 10201 C F HAWN FWY |

**CPC ACTION
OCTOBER 7, 2021**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2349 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 Subdistrict 2 within Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3 with D-1 Liquor Control Overlay, at the northeast corner of C.F. Hawn Freeway and South Masters Drive.

Maker: Shidid
Second: Suhler
Result: Carried: 11 to 0

For: 11 - MacGregor, Shidid, Carpenter, Jackson, Blair,
Jung, Suhler, Haqq, Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Hampton
Vacancy: 3 - District 3, District 4, District 10

Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 0

Speakers: None

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LIST OF OFFICERS

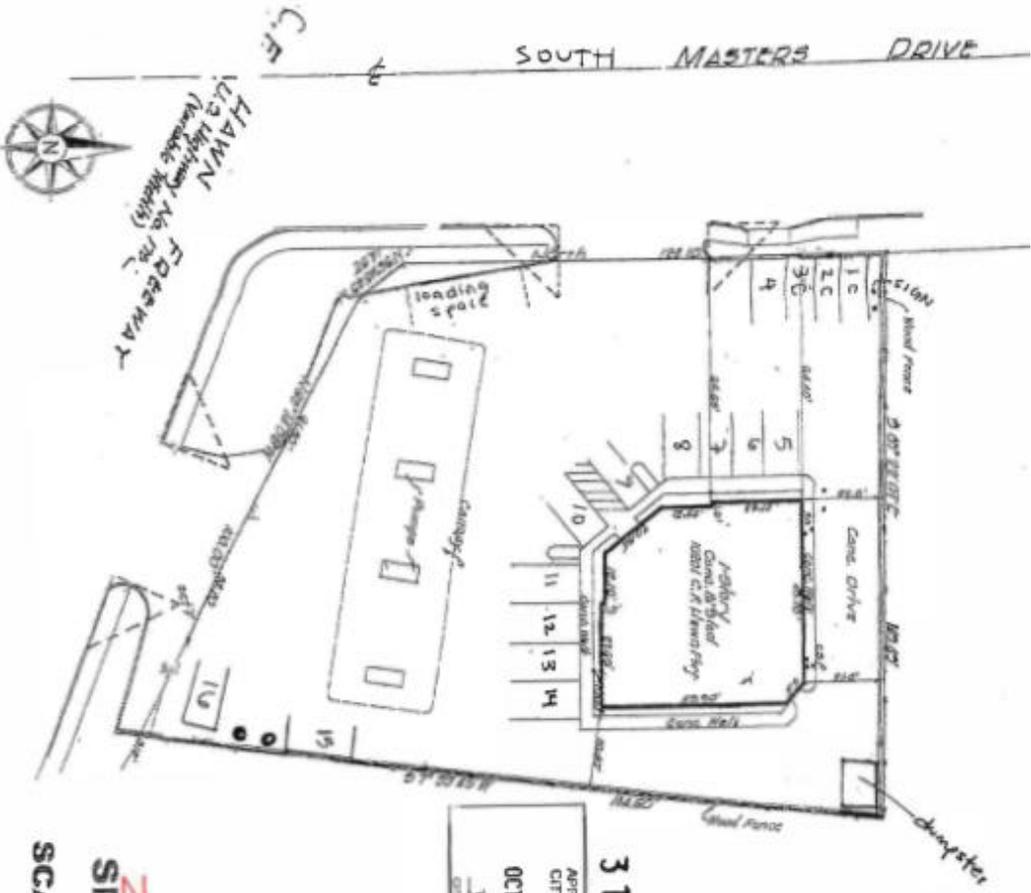
Kawal Financial

1. Mohammed Jiwani, President
2. Nooruddin Jivani, Officer
3. Shiraz Jivani, Officer

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 use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years from the passage of this ordinance).
4. DRIVE-THROUGH WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. 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)



Site Summary
 Zoning: PDD 535 - STD 2 - D-1
 Zoning Request: SUP for the sale of alcoholic beverages for off-premise consumption.
 Including Use: General merchandise food store 3,500 sqft. or less with motor vehicle fueling station (accessory).
 Lot Area: 22173.168 square feet
 Lot Coverage: 13 percent
 Front Area: 2890 square feet
 Required Parking: 16 spaces

| |
|---|
| General Merchandise Store: 11 spaces |
| Church's Chicken: 1 space |
| Motor Vehicle Fueling Station: 2 spaces |
| Total: 16 spaces |

Provided Parking: 16 spaces

APPROVED BY
 CITY COUNCIL
 OCT 23 2019

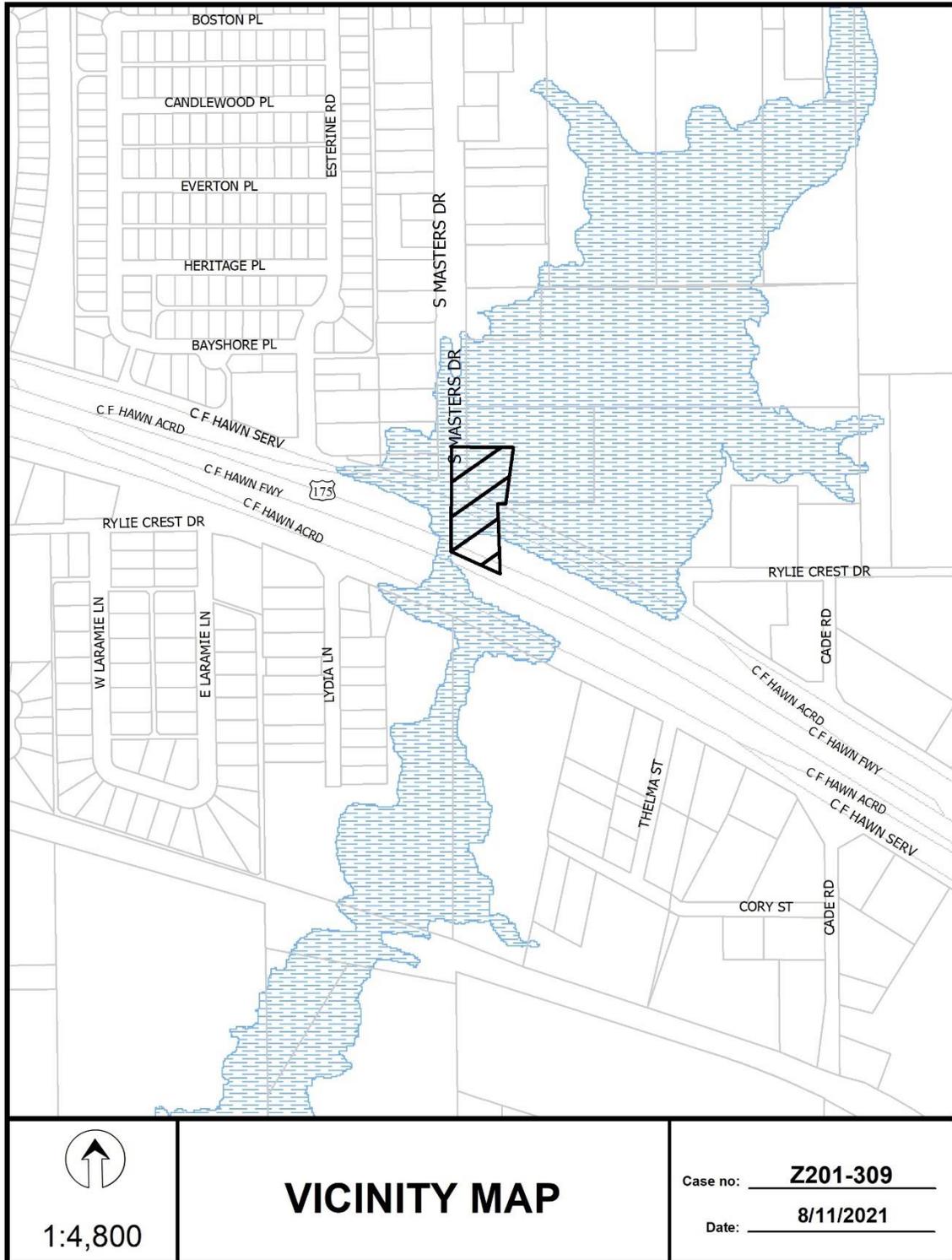
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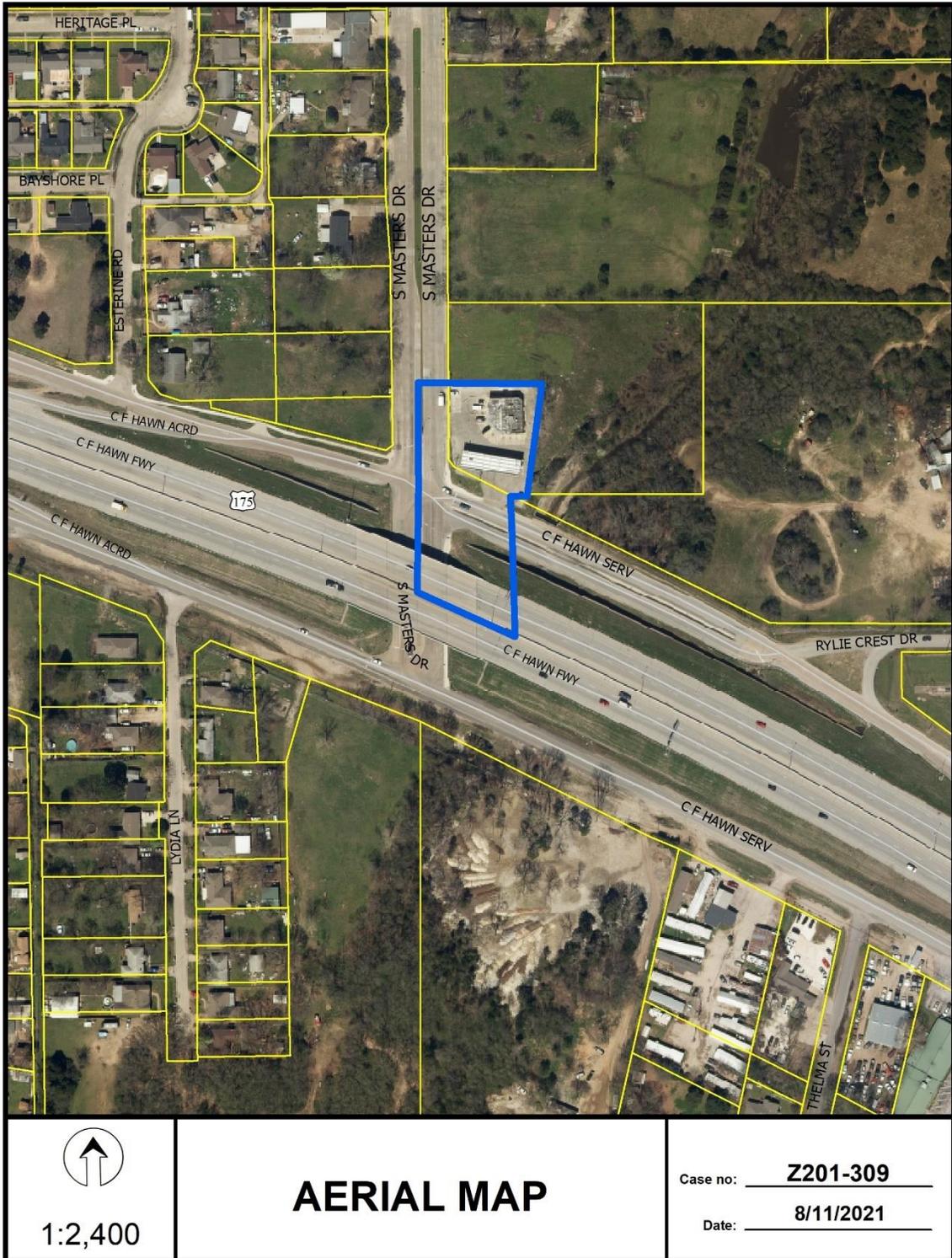
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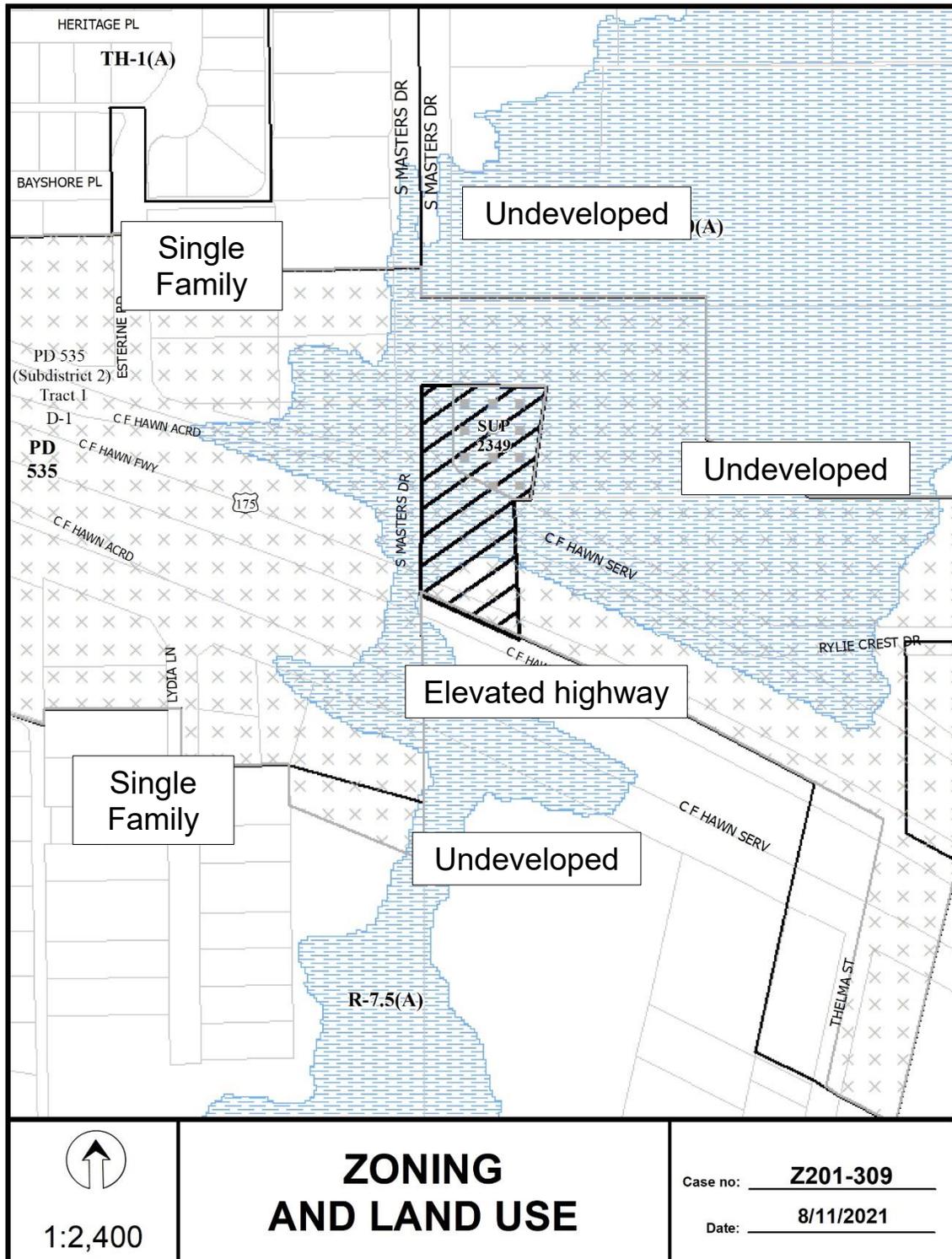
Approved
 City Plan Commission
 September 3, 2019

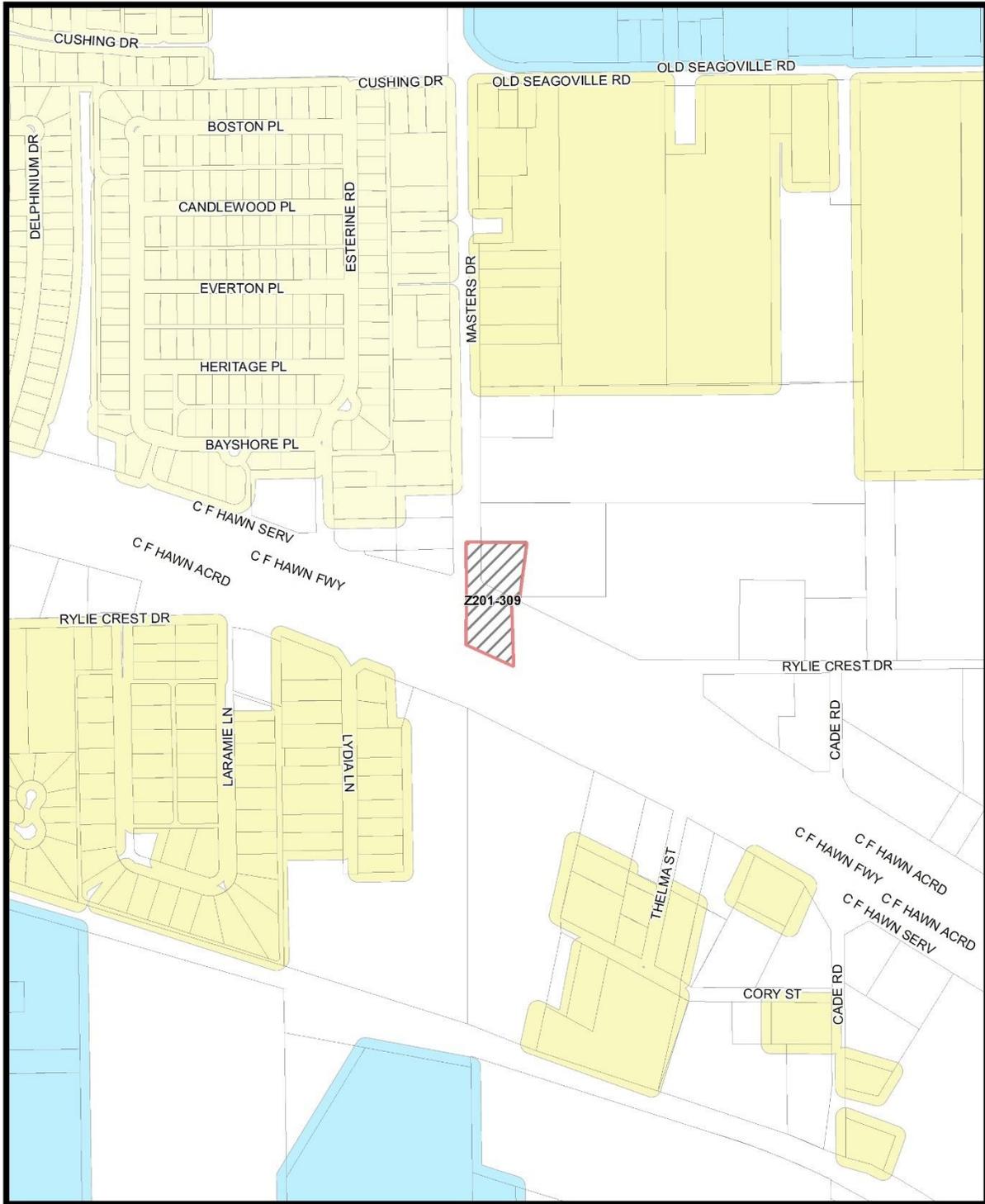
Specific Use Permit
 No. 2349

Z201-309
SITE PLAN
 SCALE 1" = 30'









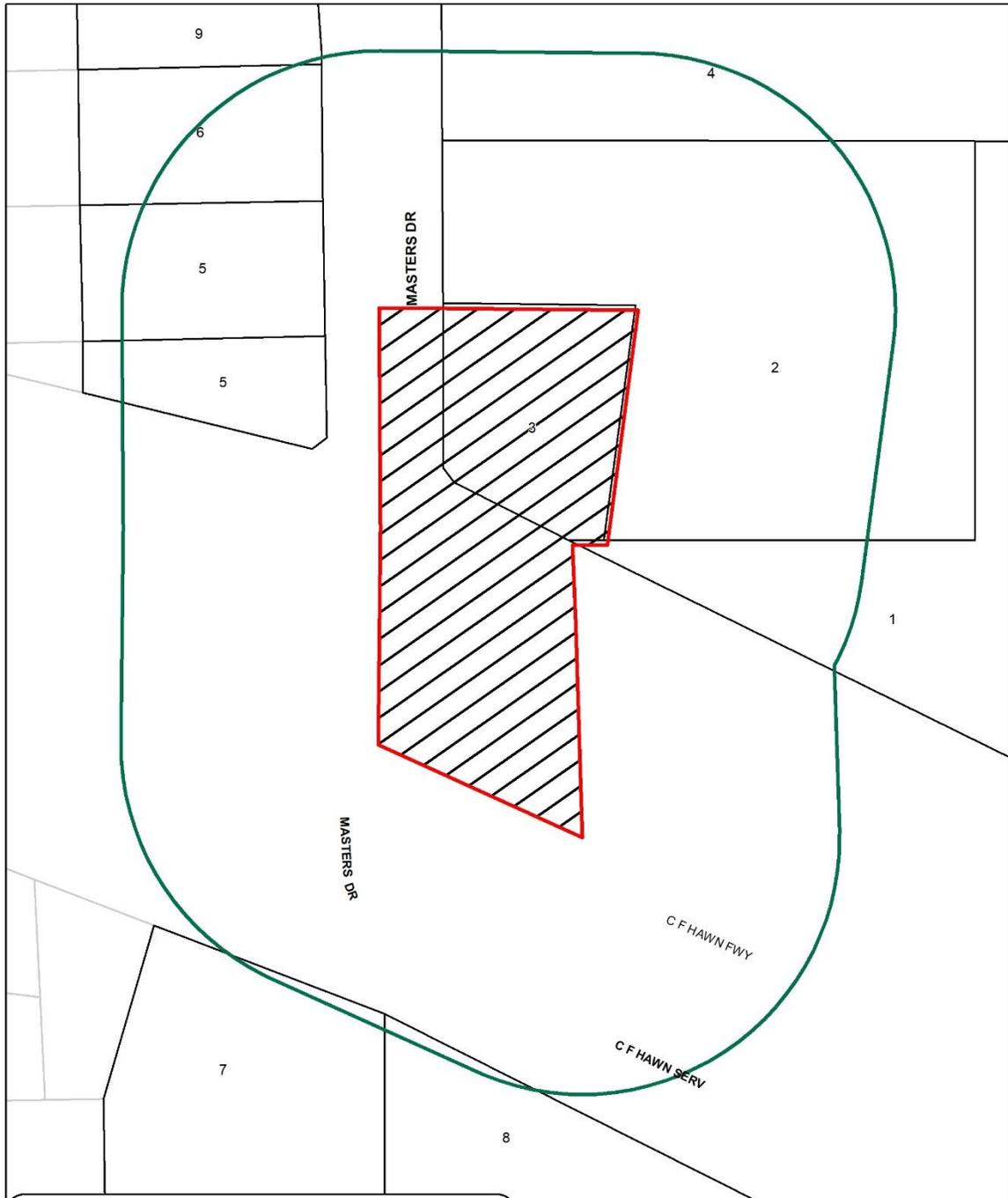
Market Value Analysis A B C D E F G H I NA

 1:4,800

Market Value Analysis

Printed Date: 8/11/2021

CPC RESPONSES



| | |
|------------------|---------------------------------------|
| <u>9</u> | Property Owners Notified (10 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>200'</u> | Area of Notification |
| <u>10/7/2021</u> | Date |

Z201 - 309
CPC



1:1,200

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10/06/2021

Reply List of Property Owners

Z201-309

9 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 | 10407 | RYLIE CREST DR | RAHIMI ATA |
| 2 | 720 | S MASTERS DR | HICKS BOBBY |
| 3 | 10201 | C F HAWN FWY | Taxpayer at |
| 4 | 650 | S MASTERS DR | CENTRO EVANGELISTICO JERUSALEN INC |
| 5 | 725 | S MASTERS DR | JIVWANI REAL ESTATE LLC |
| 6 | 715 | S MASTERS DR | BEDOLLA GILBERTO JR |
| 7 | 10200 | C F HAWN FWY | YOUNG JERRY D & TAMMY S |
| 8 | 10296 | C F HAWN FWY | ALRABRIEH GHANEM ALI |
| 9 | 675 | S MASTERS DR | DIAZ FRANCISCO |