

**FILE NUMBER:** Z189-235(PD)

**DATE FILED:** April 3, 2019

**LOCATION:** South side of Samuell Boulevard, east of North Jim Miller Road

**COUNCIL DISTRICT:** 7

**MAPSCO:** 48 E

**SIZE OF REQUEST:** Approx. 0.0361 acres

**CENSUS TRACT:** 122.07

---

**APPLICANT:** SAI Kamalesori Inc.

**OWNER:** The Chung Family Living Trust

**REPRESENTATIVE:** Ryan Hughes

**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 use on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to sell alcohol in conjunction with a general merchandise or food store in a portion of the existing building facing Samuell Boulevard [Food Plus].

**CPC RECOMMENDATION:** **Denial** without prejudice.

**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 multi-tenant, one-story, retail building with approximately 5,625 square feet overall and is in a D-1 Liquor Control Overlay.
- The first Certificate of Occupancy was approved and issued on January 26, 2016; however, ownership changed, and a subsequent Certificate of Occupancy was approved and issued on January 26, 2017
- On January 27, 2016, City Council approved a 1) D-1 Liquor Control Overlay and 2) Specific Use Permit No. 2179 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a two-year period, subject to a site plan and conditions. SUP No. 2179 expired on January 27, 2018.
- The applicant proposes to utilize the 1,574-square-foot suite for the continued sale of alcoholic beverages in conjunction with a general merchandise or food store use.

**Zoning History:** There have been two recent zoning requests in the area within the last five years.

- 1. Z178-303** On April 24, 2019, the City Council approved the renewal of Specific Use Permit No. 2215 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on the southwest corner of North Jim Miller Road and East R.L. Thornton Freeway.
- 2. Z156-314** On November 9, 2016, the City Council approved the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet located on the southeast corner of North Jim Miller and Samuell Road.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Samuell Boulevard	Principle Arterial	120 ft.
Jim Miller Road	Minor Arterial	100 ft.

**Traffic:**

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

## STAFF ANALYSIS:

### Comprehensive Plan:

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

## 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.

## URBAN DESIGN

### GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

### Surrounding Land Uses:

	Zoning	Land Use
Site	RR-D-1	Retail and personal service uses
North	RR, D-1	Office, retail, restaurants
East	RR-D	Retail uses
South	RR-D, MF-2(A), R-7.5(A)	Retail, personal service and residential uses
West	RR-D, SUP 1907	Retail uses, SUP for sale of alcohol (CVS)

### Land Use Compatibility:

The approximately 0.0361 acre site is developed with a multi-tenant 5,625 square foot building with three separate suites consisting of two retail uses and one personal service use. The applicant proposes to utilize a 1,574-square-foot suite for the sale of alcoholic beverages in conjunction with a general merchandise or food store use.

The surrounding land uses primarily consist of retail, office, restaurants to the north, east, and west; and a car wash and residential to the south.

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 proposed general merchandise or food store must comply with Chapter 12B (Convenience Store, CS) requirements. The purpose of regulating convenience stores is to protect the health, safety, and welfare of the City of Dallas citizens by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores throughout the city. The business owner of a convenience store must obtain the CS license only after the store is in operation. While the business owner can register for the license before opening the store; the inspection and approval can only be obtained after the store is in operation.

Staff supports the request because in addition to the aforementioned, the conditions and time periods recommended for the use provide an opportunity for continued evaluation of the site. Therefore, the sale of alcoholic beverages in conjunction with the existing general merchandise or food store use should not be a detriment to the adjacent properties because the Specific Use Permit provides periodic review to ensure the site continues to comply with approved plans and other regulations; thus, staff supports the request for a two-year period with eligibility of automatic renewals for additional five-year periods.

**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 adjacent to an “E” MVA cluster to the south and an “F” MVA cluster to the southwest.

**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 proposed use requires eight parking spaces. Parking must be provided as shown on the site plan.

**Landscaping:**

Landscaping is required in accordance with Article X, as amended of the Dallas Development Code. However, the applicant’s request will not trigger any Article requirements as no new construction is proposed on the site.

**Reported offense, calls and incidences requiring police activity in the three years:**

The crime statistics cover the period of January 27, 2016, to June 26, 2019. The data shows that there have been 17 calls, two offenses, and four arrests.

## Z189-235(PD)

### Calls:

16-1655354	8/20/2016	9:32:00 AM	Southeast	310	318	1217	6X - Major Dist (Violence)
16-1852117	9/16/2016	2:21:00 PM	Southeast	310	318	1217	40 - Other
16-1940256	9/28/2016	9:28:00 PM	Southeast	310	318	1217	46 - CIT
16-1946800	9/29/2016	8:02:00 PM	Southeast	310	318	1217	07 - Minor Accident
16-2476673	12/16/2016	6:05:00 PM	Southeast	310	318	1217	40 - Other
17-0096014	1/15/2017	8:15:00 PM	Southeast	310	318	1217	20 - Robbery
17-0198238	1/31/2017	3:47:00 PM	Southeast	310	318	1217	40 - Other
17-0927421	5/16/2017	9:04:00 PM	Southeast	310	318	1217	6XE - Disturbance Emergency
17-1631000	8/26/2017	8:56:00 PM	Southeast	310	318	1217	40 - Other
17-2348069	12/13/2017	11:32:00 AM	Southeast	310	318	1217	09/01 - Theft
18-0643081	4/13/2018	9:01:00 AM	Southeast	310	318	1217	6XA - Major Dist Ambulance
18-1664585	9/12/2018	7:26:00 AM	Southeast	310	318	1217	12B - Business Alarm
18-1782211	9/30/2018	12:23:00 AM	Southeast	310	318	1217	12B - Business Alarm
18-1863920	10/12/2018	10:55:00 AM	Southeast	310	318	1217	6X - Major Dist (Violence)
18-2057756	11/12/2018	8:05:00 AM	Southeast	310	318	1217	12B - Business Alarm
18-2058551	11/12/2018	10:50:00 AM	Southeast	310	318	1217	6X - Major Dist (Violence)
18-2083854	11/16/2018	1:41:00 PM	Southeast	310	318	1217	6X - Major Dist (Violence)

### Offenses:

011802-2017	3	ROBBERY OF BUSINESS (AGG)	Convenience Store	6214 SAMUELL BLVD	1217	318	SOUTHEAST
282598-2017	2	THEFT FROM PERSON-PICKPOCKE	Convenience Store	6214 SAMUELL BLVD	1217	318	SOUTHEAST

### Arrests:

REDACTED	REDACTED	REDACTED	REDACTED	6214 SAMUELL BLVD	SIMPLE ASSAULT	MA
175649-2018	18-028334	8/9/2018	10:10:00 PM	6214 SAMUELL BLVD	DRUG/ NARCOTIC VIOLATIONS	MB
175649-2018	18-028334	8/9/2018	10:10:00 PM	6214 SAMUELL BLVD	WARRANT HOLD (OUTSIDE AGENCY)	NA
175649-2018	18-028334	8/9/2018	10:10:00 PM	6214 SAMUELL BLVD	WARRANT HOLD (OUTSIDE AGENCY)	NA

**CPC ACTION:**  
**September 5, 2019**

**Motion:** It was moved to recommend **denial without prejudice** 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 on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the south side of Samuell Boulevard, east of North Jim Miller Road.

Maker: Brinson  
Second: Jung  
Result: Carried: 8 to 4

For: 8 - MacGregor, Johnson, Carpenter, Brinson,  
Jung, Housewright, Schultz, Ridley

Against: 4 - Schulte, Shidid, Murphy, Tarpley  
Absent: 1 - Criss  
Vacancy: 2 - District 8, District 12

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

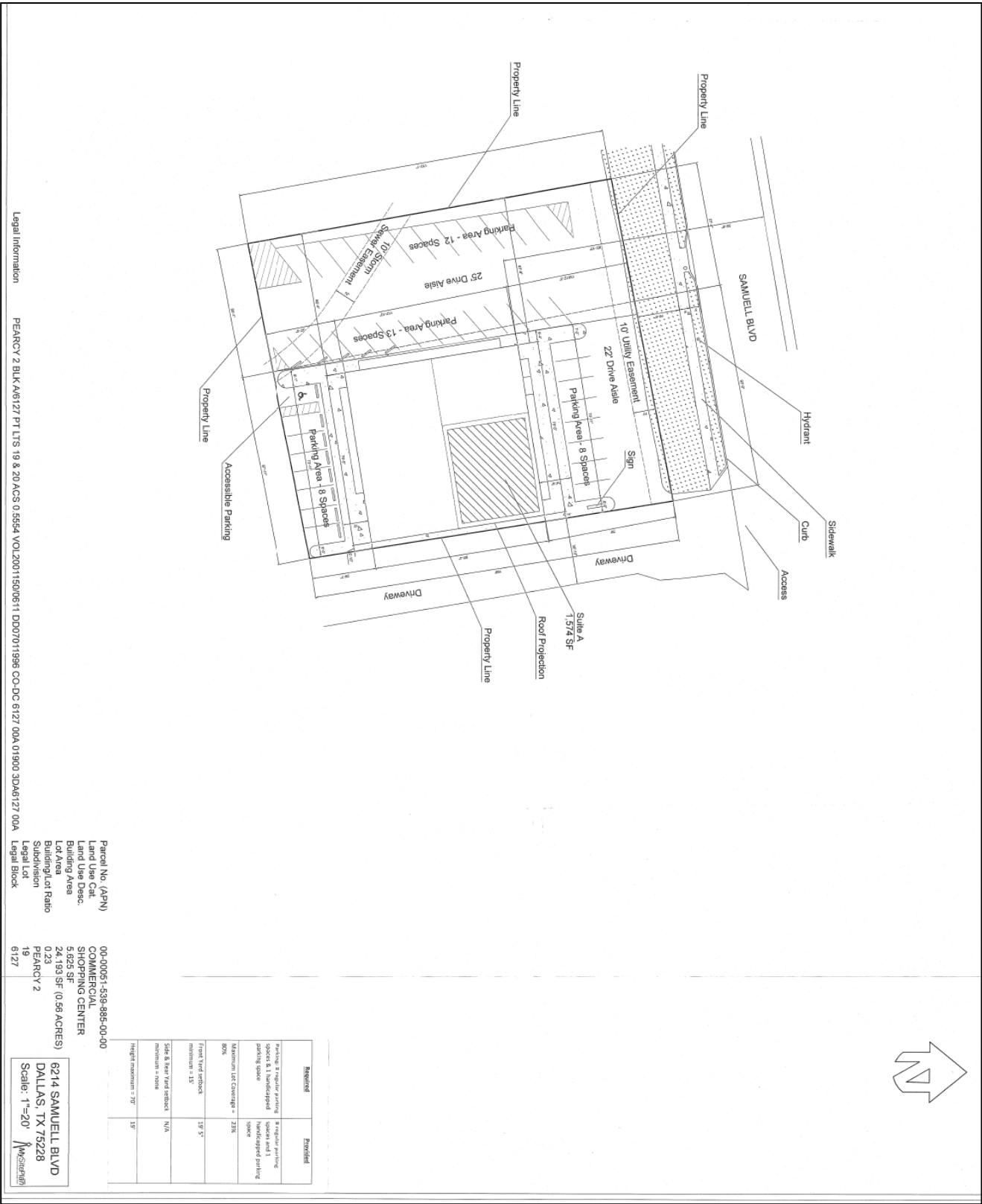
**Speakers:** For: Ryan Hughes, 1111 S. Main St., Grapevine, TX, 76051  
Against: None

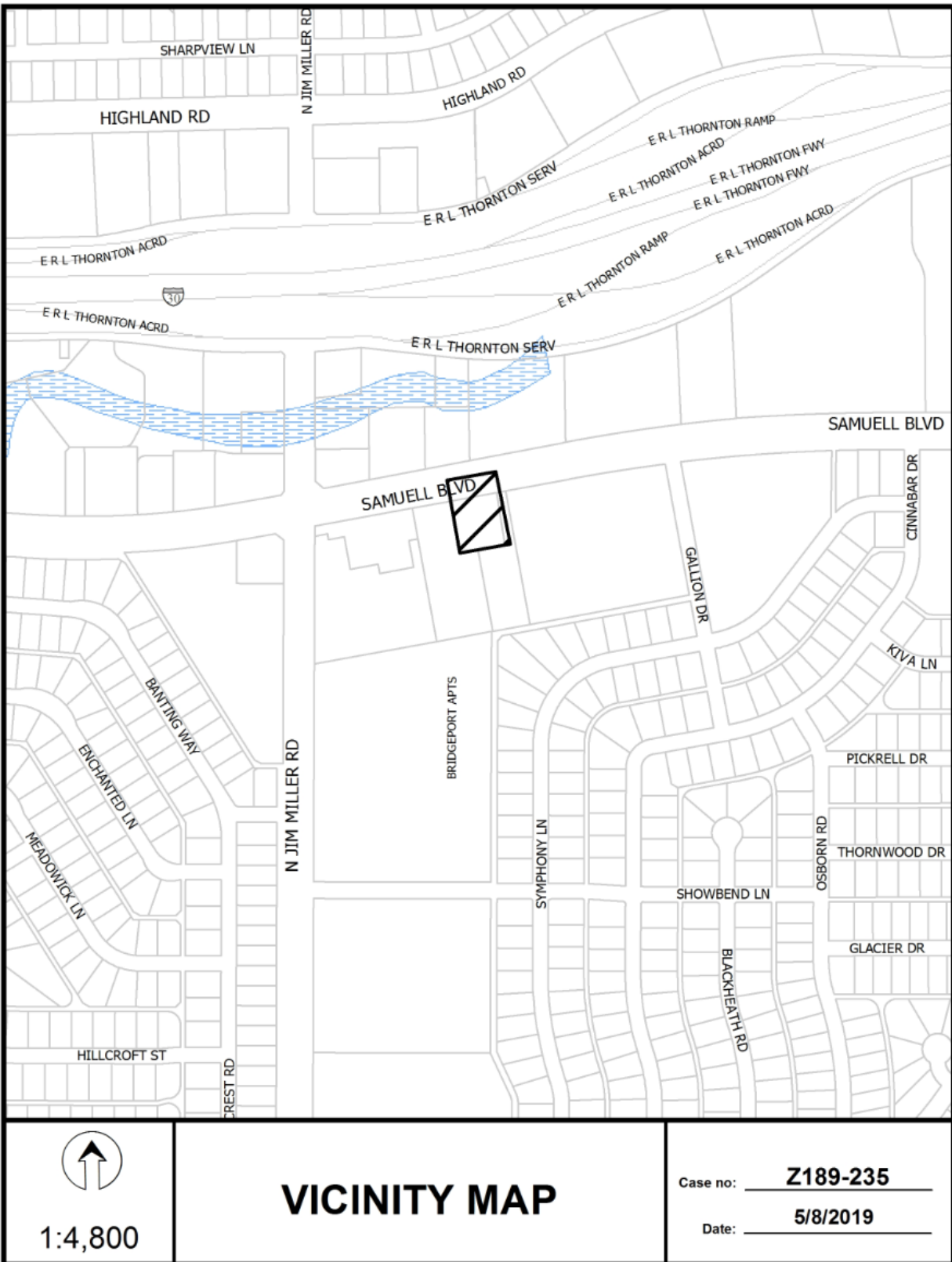
### **Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption 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.
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.)
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.



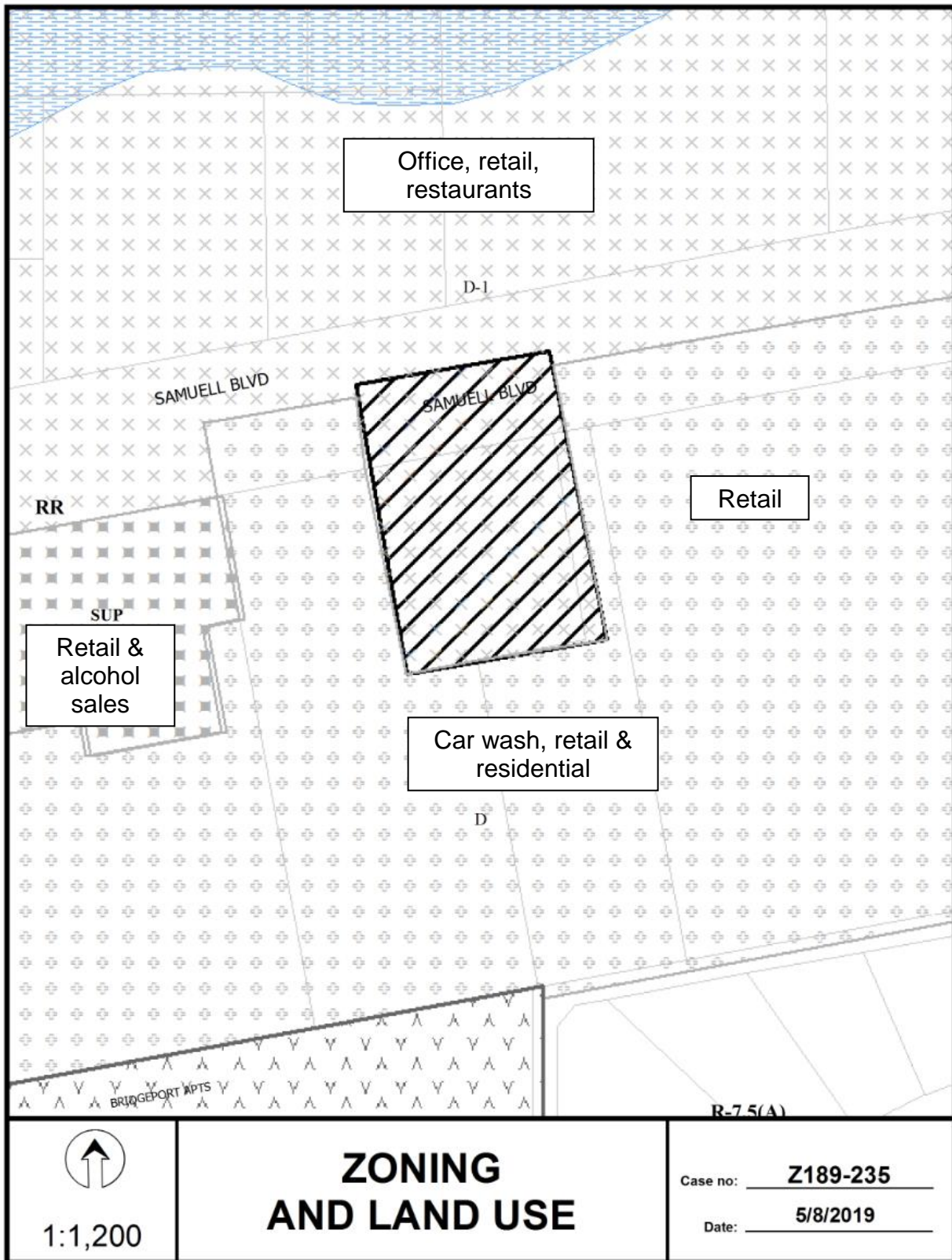
PROPOSED SITE PLAN

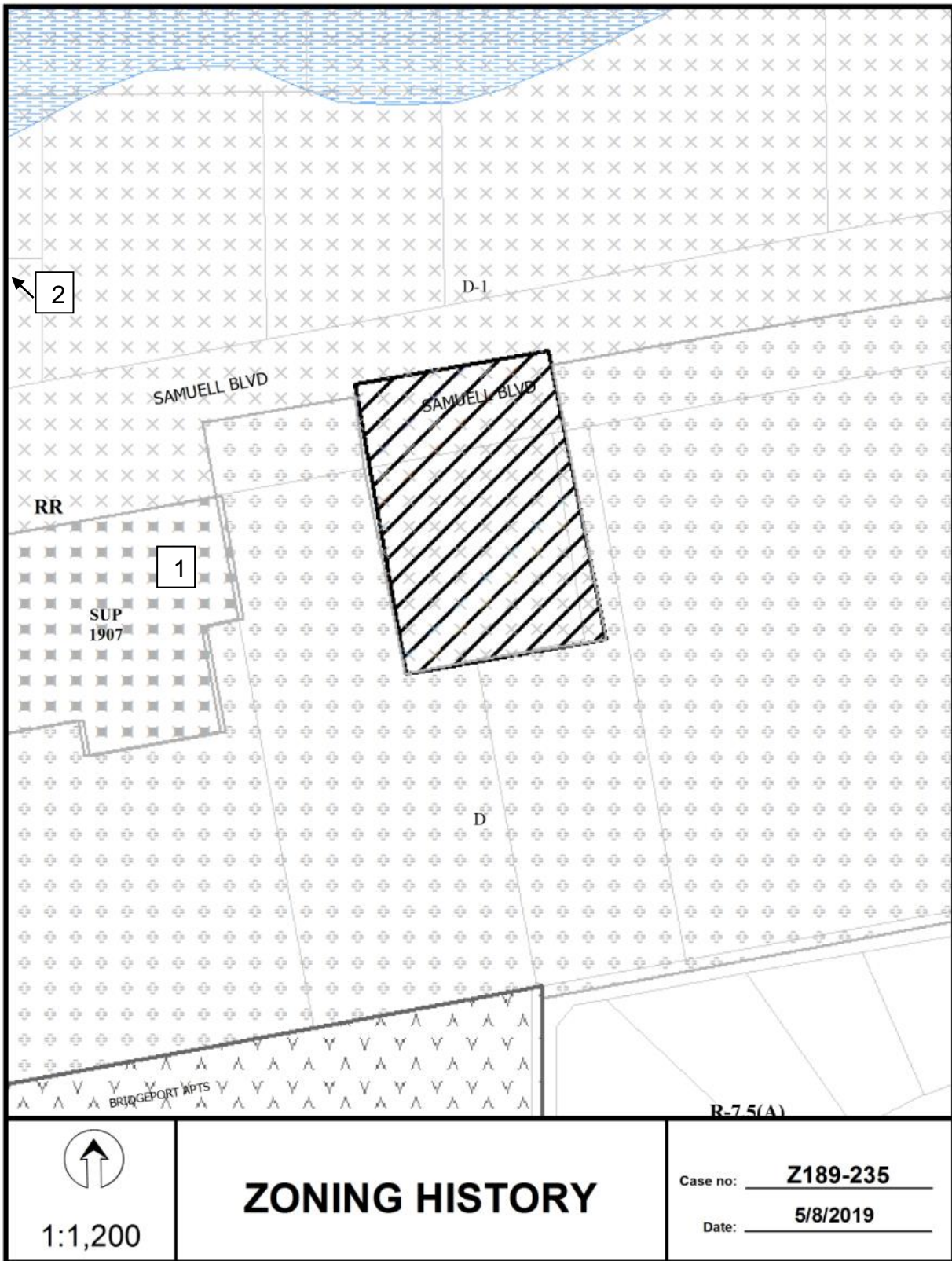


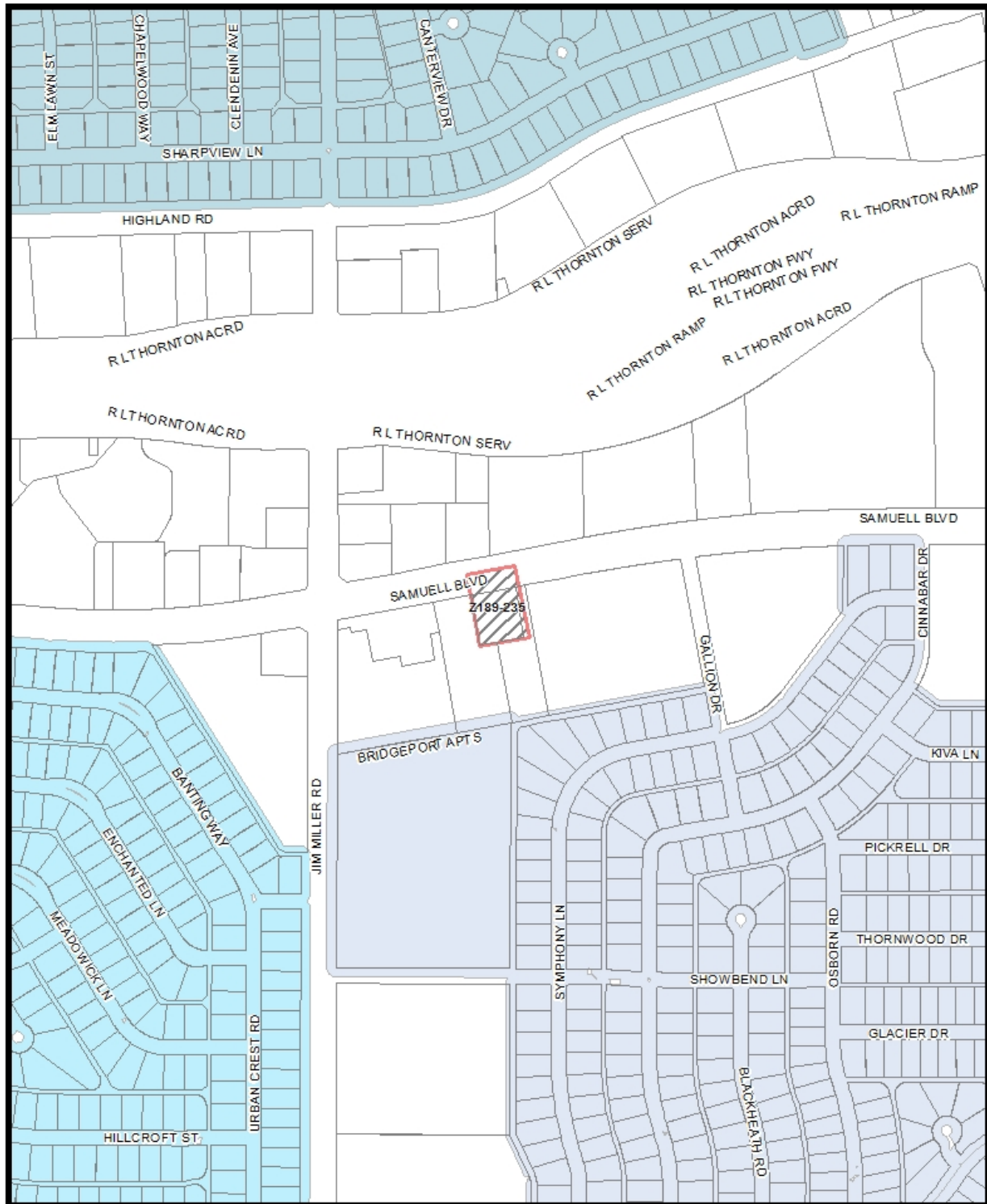












MVA Cluster A B C D E F G H I NA



1:4,800

# Market Value Analysis

Printed Date: 5/8/2019



# CPC RESPONSES



09/04/2019

***Reply List of Property Owners***

***Z189-235***

***9 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	6000	SAMUELL BLVD	CHUNG JOE INKI TR &
2	6024	SAMUELL BLVD	DRY WAYNE F
3	6118	SAMUELL BLVD	SAMUEL MILLER FIT LLC
4	6885	SAMUELL BLVD	FIREBRAND PROPERTIES LP
5	6155	SAMUELL BLVD	SAMUELL RETAIL LTD
6	6300	SAMUELL BLVD	SAM VILLAGE LLC
7	6004	SAMUELL BLVD	PARKER MICHAEL
8	5470	N JIM MILLER RD	CFIC LLC
9	8344	E R L THORNTON FWY 4D	SIVRAJ LLC