HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, FEBRUARY 12, 2020
ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-221(CT)	**DATE FILED:**	March 6, 2019
LOCATION:	Southeast corner of Military Parkway and North St. Augustine Road.		
COUNCIL DISTRICT:	7	**MAPSCO:**	49 T
SIZE OF REQUEST:	Approx. 2.92 acres	**CENSUS TRACT:**	121.00

REPRESENTATIVE: Santos Martinez, La Sierra Planning Group

OWNER/APPLICANT: Abdul Akram Alzoubi, sole owner

REQUEST: An application for 1) a D-1 Liquor Control Overlay; 2) 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; and 3) a Specific Use Permit for a mini-warehouse use on property zoned a CR-D Community Retail District with D Liquor Control Overlay.

SUMMARY: The applicant proposes to develop the site with a one-story, approximately 8,150-square-foot multi-tenant building, a fueling station canopy, and approximately 14,800 square feet of mini-warehouse units. The purpose of the request is to allow for the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store greater than 3,500 square feet to occupy one of the lease spaces, and to allow for the mini-warehouse use.

CPC RECOMMENDATION: **Approval** of a D-1 Liquor Control Overlay, **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 for a two-year period, subject to a site plan and conditions; and **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of a D-1 Liquor Control Overlay, **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 for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions; and **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is zoned CR-D Community Retail District with a D Liquor Control Overlay and is currently undeveloped.

- The applicant proposes to develop the site with an approximately 8,150-square-foot one-story multi-tenant building containing three lease spaces, a canopy for fueling station and a mini-storage use.

- The proposed general merchandise or food store will occupy an approximately 3,700-square-foot suite within the multi-tenant building. The mini-warehouse use will contain approximately 14,800 square feet of floor area, plus an approximately 1,000-square-foot accessory leasing office.

- The purpose of the request is to change the D Liquor Control Overlay to a D-1 Liquor Control Overlay and obtain an SUP for the sale of alcohol in conjunction with the general merchandise store and an SUP for the mini-warehouse use.

Zoning History: There has been one zoning change for the area of request in the past five years.

1. **Z156-270** On February 8, 2017, City Council denied an application for a Specific Use Permit for a mini-warehouse on property located on the southeast corner of Military Parkway and North St. Augustine Drive, the area of request.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Military Parkway	Major Arterial	160 feet	100 feet
North St. Augustine	Major Arterial	50 feet	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department 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 request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

> **Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

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.

Land Use:

	Zoning	Land Use
Site	CR-D Community Retail District with D Liquor Control Overlay	Undeveloped land
North	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Freight terminal
Northwest	CS-D Commercial Service with D Liquor Control Overlay	Undeveloped land
East	MF-2(A) Multifamily District and SUP No. 538	Multifamily
South	PDD No. 413	Water tower
West	CR-D Community Retail District with D Liquor Control Overlay	Multifamily

Land Use Compatibility:

The approximate 2.92-acre site is zoned a CR-D Community Retail District with a D Liquor Control Overlay and is currently undeveloped. Historical aerial images from 1952 and subsequent years show the area of request undeveloped with no indication of any past construction.

The property located to the north of the area of request, across Military Parkway is zoned LI-D-1 Light Industrial District with D-1 Liquor Control Overlay and is developed with a freight terminal facility. To the northwest, at the northwest corner of North St. Augustine Road and Military Parkway, there is an undeveloped tract of land zoned CS-D Commercial Service District with D Liquor Control Overlay. A nonconforming multifamily use is located to the west of the area of request, across North St. Augustin Road in a CR Community Retail District.

Abutting the southern boundary of the area of request, there is a water tower use on property zoned Planned Development District No. 413. Directly adjacent to the east there is a multifamily use on property zoned an MF-2(A) Multifamily District and Specific Use Permit No. 538 for a day nursery use.

Single family uses are located further to the south and southwest along North St. Augustine Road, on property zoned Planned Development District No. 415 and TH-2(A) Townhouse District respectively. Both districts are medium density residential districts, allowing a maximum density of nine dwelling units per acre.

On February 8, 2017, City Council denied an application for a Specific Use Permit for a mini-warehouse use at the subject site. The applicant of this request is a new owner proposing to develop the site with a one-story multi-tenant building containing three lease spaces, a canopy for fueling station, and a mini-storage use.

The proposed general merchandise or food store will occupy an approximately 3,700-square-foot suite within the approximately 8,150-square-foot multi-tenant building. The mini-warehouse use will contain approximately 14,800 square feet of floor area, plus an approximately 1,000-square-foot accessory leasing office.

The CR Community Retail District provides for the development of community-servicing retail, personal service and office uses at a scale and intensity compatible with residential communities. This district allows for the proposed general merchandise or food store and fueling station uses by right; however, a Specific Use Permit is required for the proposed mini-warehouse use.

The “D” Overlay District is a Liquor Control Overlay District that prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

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 purpose of requesting the change from a D Liquor Control Overlay to a D-1 Liquor Control Overlay, is to allow for the applicant to obtain a Specific Use Permit for the sale of alcoholic beverages for off-premise consumption in conjunction with the proposed general merchandise or food store.

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.

In general, the applicant's request is consistent with the existing zoning and with the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties.

Additionally, the Development Code includes regulations such as residential proximity slope, and an increased setback to mitigate potential compatibility concerns with the adjoining residential uses, particularly with the multifamily use to the east. Staff recommends approval of the request.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking:

Off-street parking and loading requirements must comply with the Dallas Development Code as amended.

According to the applicant, the general merchandise or food store will occupy an approximately 3,700-square-foot lease area within the multi-tenant building. A 1,200-square-foot restaurant with drive-thru and a prospective retail lease space of approximately 3,250 square feet of floor area are also proposed within the building.

At a ratio of one space for every 200 square feet of floor area, a total of 19 spaces will be required for the general merchandise store [3,700 / 200 = 18.5 ~ 19 spaces]. The proposed restaurant will be required to provide 12 parking spaces calculated at a ratio of 1 space for every 100 square feet [1,200/100 = 12 spaces]. The future retail space will require, a total of 16 spaces calculated at a ratio of 1 space for every 200 square feet of floor area [3,250/200 = 16.25 ~ 16 spaces]. Additionally, the Development Code requires a minimum of two parking spaces for the motor vehicle fueling station use, and a minimum of six spaces for the mini-warehouse use. For all the proposed uses combined, a total of 55 spaces are required.

Since the request includes two different Specific Use Permits, two separate site plans have been provided, one for the sale of alcoholic beverages in conjunction with the general merchandise or food store greater than 3,500 square feet, and one for the mini-warehouse use. Each site plan indicates the parking calculations for each use and the parking being provided on site which complies with the Development Code.

Landscaping:

For the proposed development, compliance with Article X will be required.

Dallas Police Department:

Staff requested a report of site-related crime statistics for a time period from the denial of the previous zoning change request for the area in 2017 up to date. The list of reported crime obtained includes three calls, three offenses and two arrests; however, due to the site being currently undeveloped, the police report received is not related neither to the proposed uses nor the sale of alcohol for off-premise consumption.

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 Site is not within an identifiable MVA Category; however, it is in proximity to a “G” MVA Cluster to the northwest, west, and southwest of the subject site and an “F” MVA Cluster to the southeast.

CPC ACTION
November 7, 2019

Motion: It was moved to recommend 1) **approval** of a D-1 Liquor Control Overlay, 2) **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; and 3) **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan and conditions on property zoned a CR-D Community Retail District with D Liquor Control Overlay on the southeast corner of Military Parkway and North St. Augustine Road.

Maker: Brinson
Second: Housewright
Result: Carried: 12 to 2

For: 12 - MacGregor, Hampton, Johnson, Shidid, Carpenter, Brinson, Blair, Jung, Housewright, Schultz, Schwope, Rubin

Against: 2 - Murphy, Ridley
Absent: 0
Vacancy: 1 - District 3

Notices: Area: 300 Mailed: 44
Replies: For: 1 Against: 1

Speakers: For: Santos Martinez, 12 Tangier Terrace, Angel Fire, NM, 87710
Against: None

CPC RECOMMENDED SUP CONDITIONS (sale of alcohol)

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:

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.)

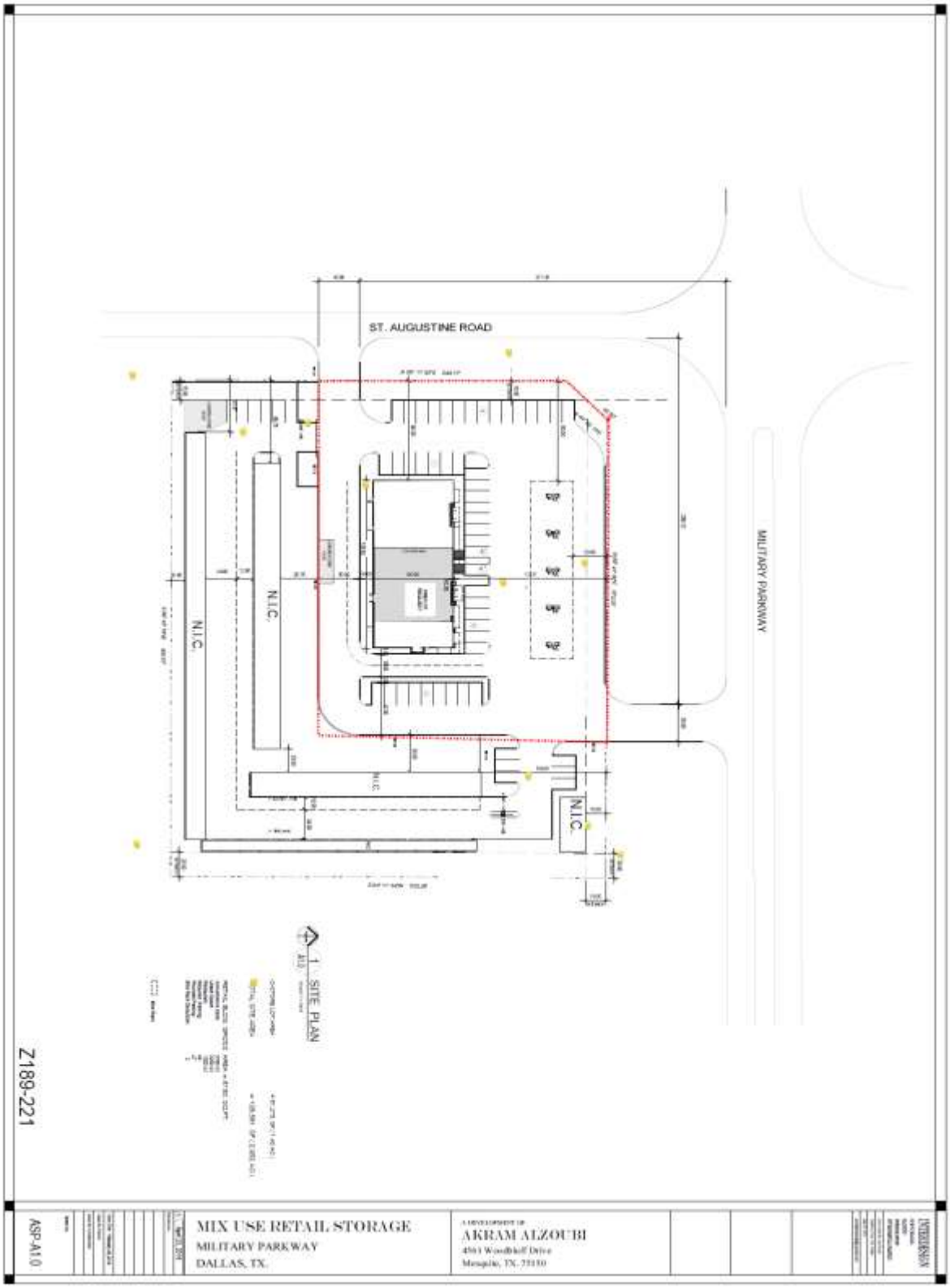
4. DRIVE-THROUGH WINDOW: Use of the drive-through window for retail sales of alcoholic beverages is prohibited.

5. FLOOR AREA: The maximum floor area is 3,700 square feet on the location shown on the attached site plan.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. 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 SUP SITE PLAN (sale of alcohol)



CPC PROPOSED SUP CONDITIONS (mini-warehouse use)

1. USE: The only use authorized by this specific use permit is a mini-warehouse use.

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 (ten years) _____.

Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on [ten-years from the passage of this ordinance] but is eligible for automatic renewal for additional ten-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. FLOOR AREA:

    a. The maximum total floor area for a mini-warehouse use is 14,800 square feet.

    b. Maximum floor area for the accessory office building for a mini-warehouse use is 1,000 square feet in the location shown on the attached site plan.

5. HEIGHT: The use authorized by this specific use permit may not exceed 26 feet in height.

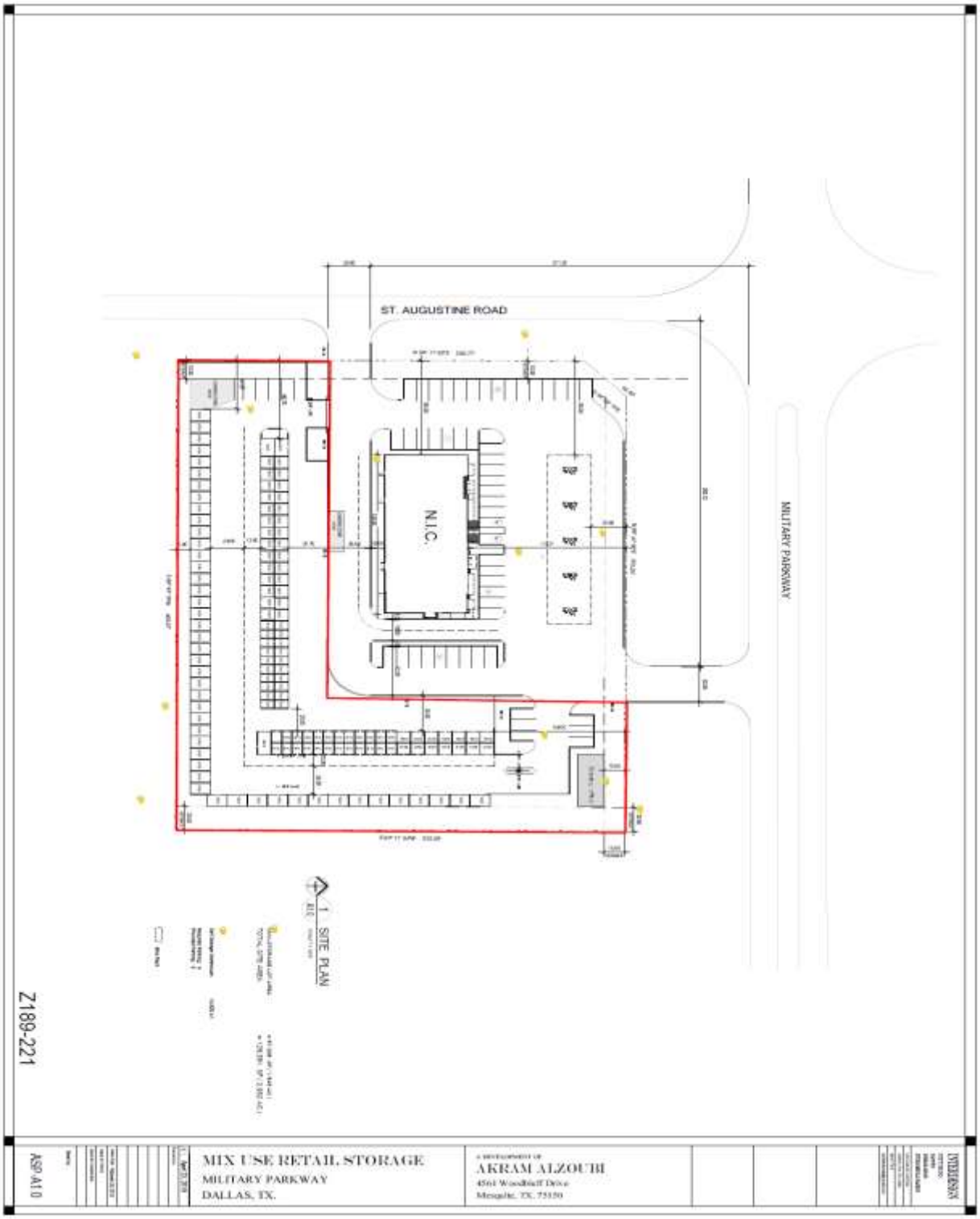
6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

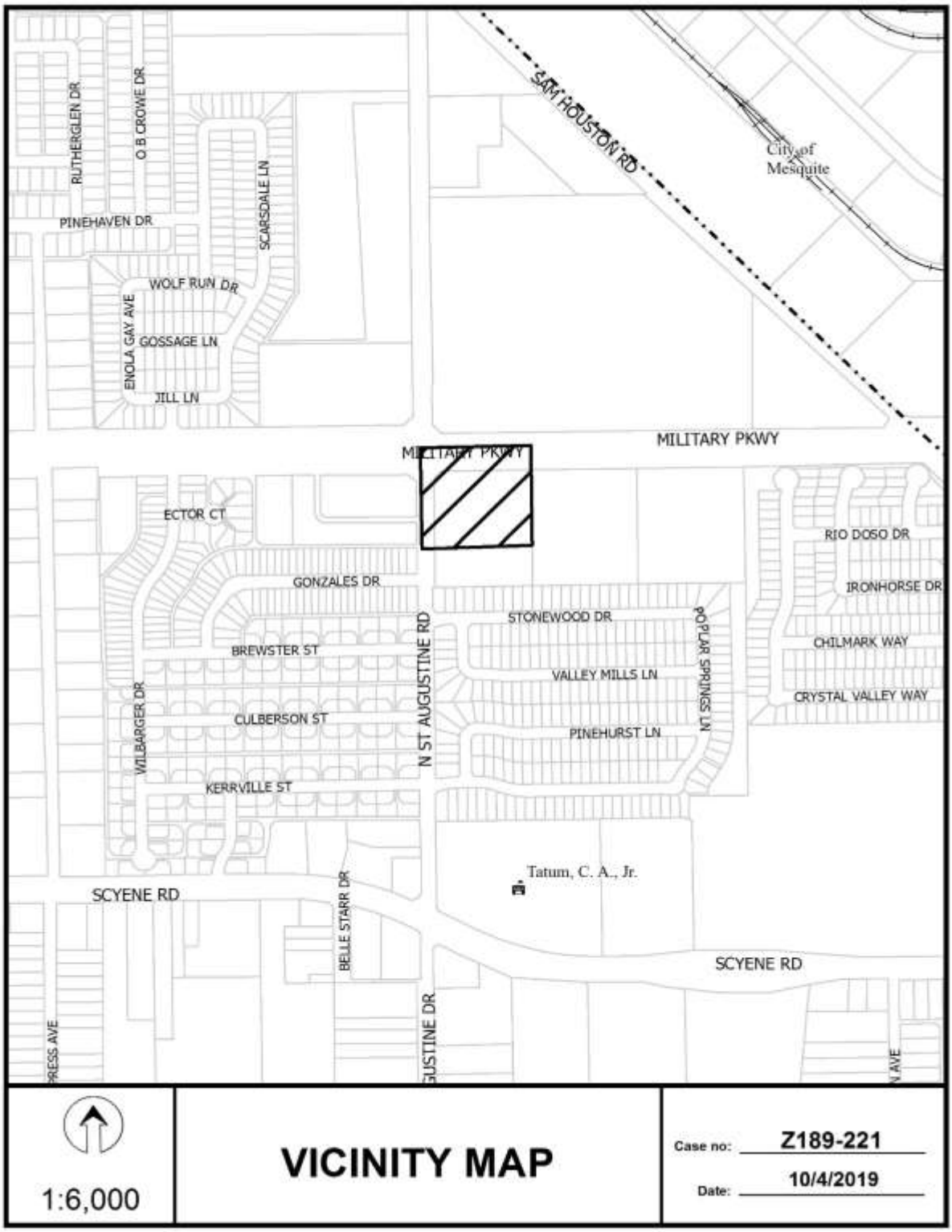
7. OUTSIDE STORAGE: Outside storage of vehicles, outside parking of vehicles for rent, and outside parking of boats or equipment is prohibited.

8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

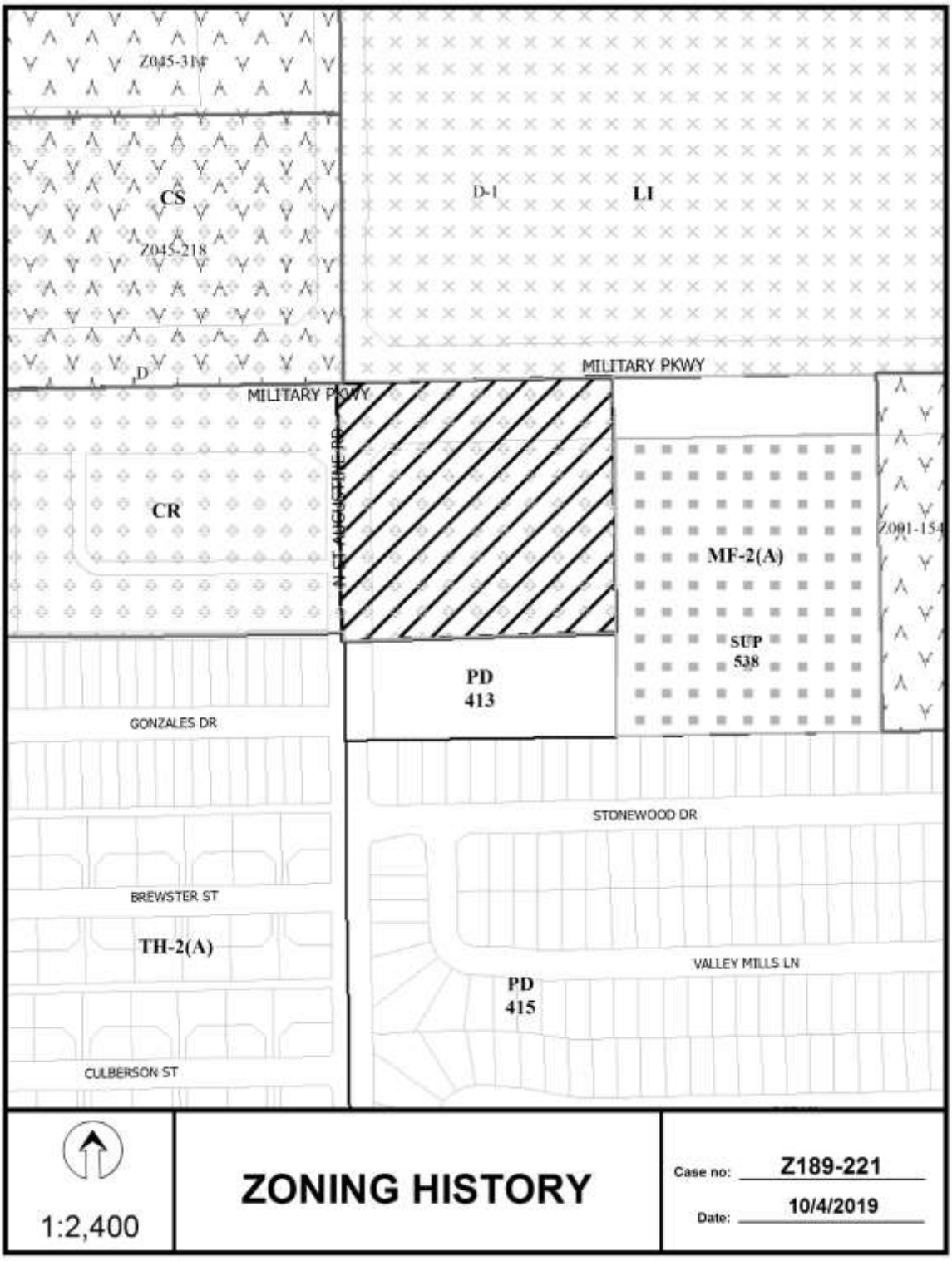
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

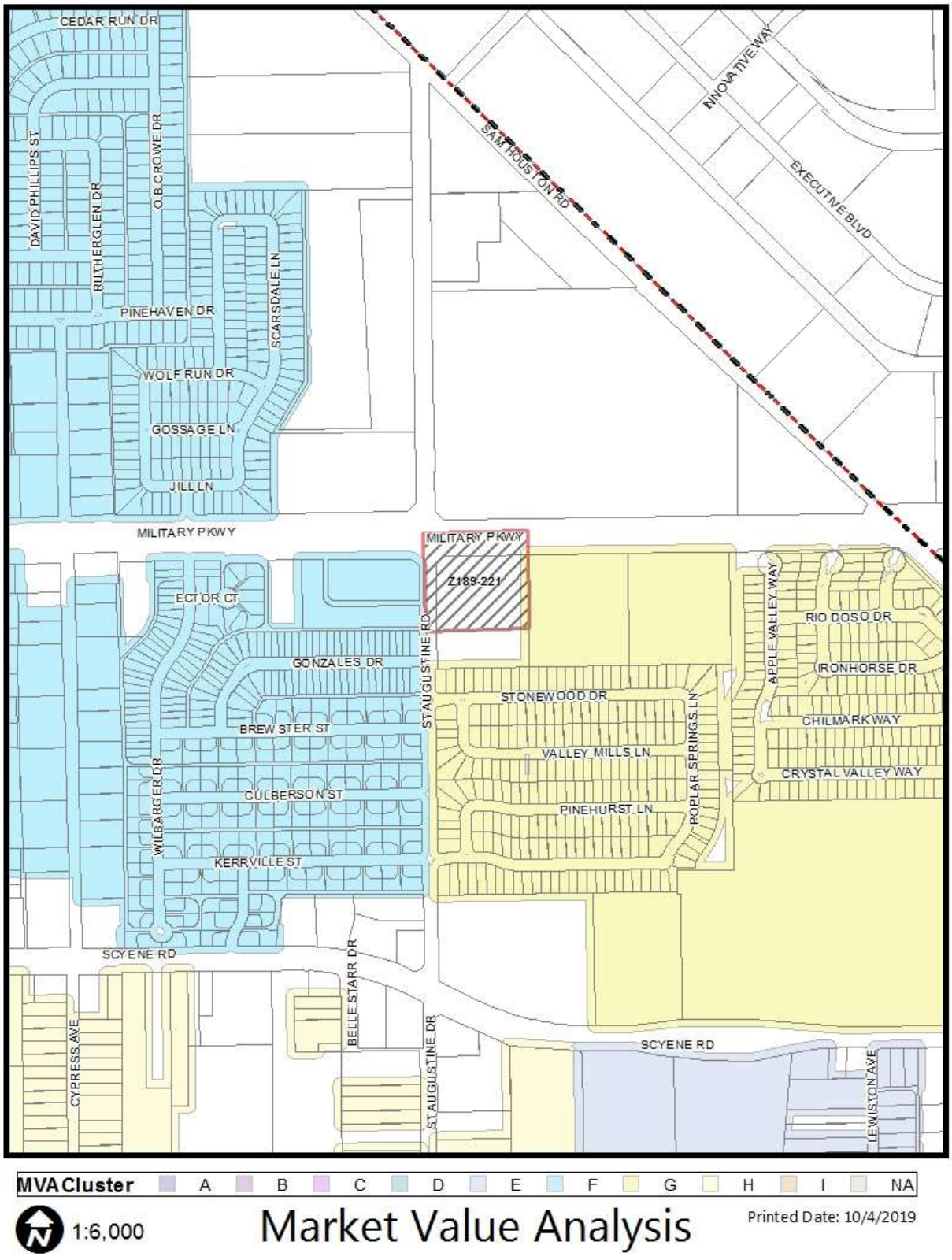
PROPOSED SUP SITE PLAN (mini-warehouse use)



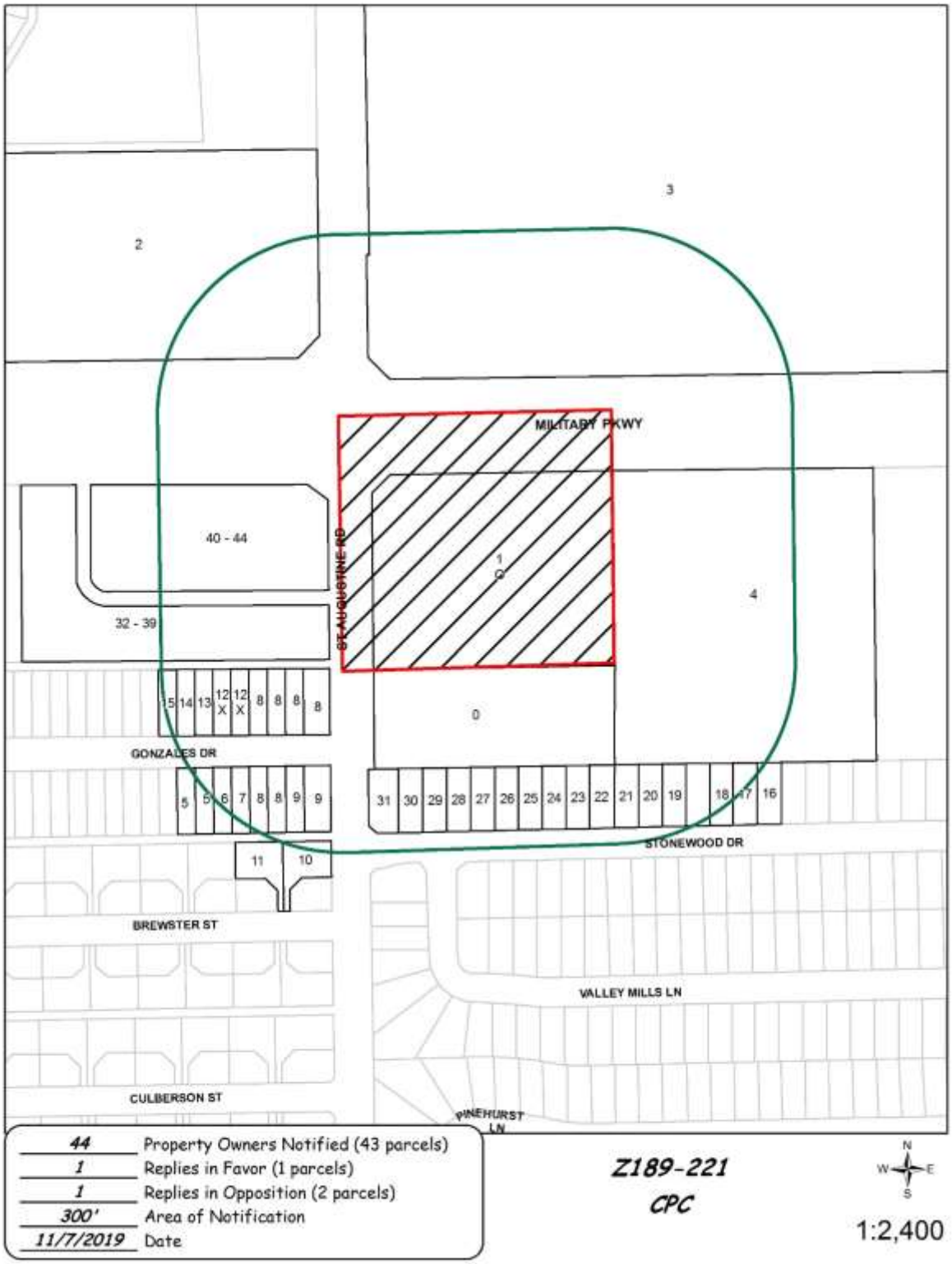

SAM HOUSTON RD
City of Mesquite
RUTHERGLEN DR
O B CROWE DR
SCARSDALE LN
PINEHAVEN DR
WOLF RUN DR
ENOLA GAY AVE
GOSSAGE LN
JILL LN
MILITARY PKWY
MILITARY PKWY
ECTOR CT
GONZALES DR
BREWSTER ST
CULBERSON ST
KERRVILLE ST
WILBARGER DR
N ST AUGUSTINE RD
STONEWOOD DR
VALLEY MILLS LN
PINEHURST LN
POPLAR SPRINGS LN
RIO DOSO DR
IRONHORSE DR
CHILMARK WAY
CRYSTAL VALLEY WAY
Tatum, C. A., Jr.
SCYENE RD
SCYENE RD
BELLE STARR DR
GUSTINE DR
PRESS AVE
1:6,000
VICINITY MAP
Case no: Z189-221
Date: 10/4/2019


N ST AUGUSTINE RD
MILITARY PKWY
MILITARY PKWY
GONZALES DR
STONEWOOD DR
BREWSTER ST
VALLEY MILLS LN
CULBERSON ST
1:2,400
AERIAL MAP
Case no: Z189-221
Date: 10/4/2019


Z045-31
CS
Z045-218
D-1
LI
MILITARY PKWY
D
MILITARY PKWY
N CT AUGUSTINE RD
CR
Z091-154
MF-2(A)
SUP
538
PD
413
GONZALES DR
STONEWOOD DR
BREWSTER ST
TH-2(A)
VALLEY MILLS LN
PD
415
CULBERSON ST
1:2,400
ZONING HISTORY
Case no: Z189-221
Date: 10/4/2019


CEDAR RUN DR
DAVID PHILLIPS ST
RUTHERGLEN DR
O.B.CROWE DR
PINEHAVEN DR
SCARSDALE LN
WOLF RUN DR
GOSSAGE LN
JILL LN
MILITARY PKWY
SAM HOUSTON RD
INNOVATIVE WAY
EXECUTIVE BLVD
MILITARY PKWY
Z189-221
ECTOR CT
GONZALES DR
BREWSTER ST
CULBERSON ST
KERRVILLE ST
WILBARGER DR
ST AUGUSTINE RD
STONEWOOD DR
VALLEY MILLS LN
PINEHURST LN
POPLAR SPRINGS LN
APPLE VALLEY WAY
RIO DOSO DR
IRONHORSE DR
CHILMARK WAY
CRYSTAL VALLEY WAY
SCYENE RD
BELLE STARR DR
ST AUGUSTINE DR
SCYENE RD
CYPRESS AVE
LEWISTON AVE
MVA Cluster
A
B
C
D
E
F
G
H
I
NA
1:6,000
Market Value Analysis
Printed Date: 10/4/2019

CPC RESPONSES



11/06/2019

Reply List of Property Owners

Z189-221

44 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	9600	MILITARY PKWY	ALZOUBI AKRAM ABDUL
	2	3700	ST AUGUSTINE RD	BLACK LABEL PARTNERS LP
	3	9757	MILITARY PKWY	STEVENS TRANSPORT INC
	4	9710	MILITARY PKWY	NVTX2 APARTMENTS LLC
	5	9548	GONZALES DR	5405 REDWATER CT LLC
	6	9556	GONZALES DR	BELL TYRONE
	7	9560	GONZALES DR	ALMAZAN ISIS LOPEZ
	8	9564	GONZALES DR	CHAPA OSCAR
	9	9572	GONZALES DR	MAY 0507 LLC
	10	9555	BREWSTER ST	ANDRADE ESTABAN
	11	9543	BREWSTER ST	JACKSON GARY C
X	12	9559	GONZALES DR	CL CAPITAL PPTY MGMT LLC
	13	9551	GONZALES DR	DAVIS MONICA
	14	9547	GONZALES DR	BREWTON CHANDRIKA
	15	9543	GONZALES DR	MEBRAHTU SIMON N & MULE TSEGGAI ARAIA
	16	9707	STONEWOOD DR	ZELAYA HENRY ALEXIS VILLALOBOS &
	17	9703	STONEWOOD DR	EATON SONEK
	18	9659	STONEWOOD DR	BROWN BRENDA D
	19	9651	STONEWOOD DR	VIDALES BALTAZAR
	20	9647	STONEWOOD DR	DAVIS KARL E
	21	9643	STONEWOOD DR	JACKSON BRENDA
	22	9639	STONEWOOD DR	ALONSO LORENA
	23	9635	STONEWOOD DR	CARDOSO JOVITO &
	24	9631	STONEWOOD DR	TRAN CHANH &
	25	9627	STONEWOOD DR	SALAZAR FRANCISCO &
	26	9623	STONEWOOD DR	CARPENTER JOHN L &

11/06/2019

Reply Label #	*Address*		*Owner*
27	9619	STONEWOOD DR	RODRIGUEZ GERARDO &
28	9615	STONEWOOD DR	ROMERO JAMIE
29	9611	STONEWOOD DR	SHEPPARD COLIN I &
30	9607	STONEWOOD DR	HERNANDEZ DAVID A
31	9603	STONEWOOD DR	MARTINEZ YESENIA &
32	9524	MILITARY PKWY	FRITTS ENTERPRISES INC
33	9524	MILITARY PKWY	CHATTERJEE KALLOL
34	9524	MILITARY PKWY	RETANA JHOEM & PANORAMA
35	9524	MILITARY PKWY	FRAZIER JO HELLEN
36	9524	MILITARY PKWY	DOTT GREG
37	9524	MILITARY PKWY	MENDOZA GUADALUPE
38	9524	MILITARY PKWY	ALVARADO RICARDO A &
39	9524	MILITARY PKWY	BRYANT SHIRLEY VERNON
40	9524	MILITARY PKWY	FRITTS ENTERPRISES INC
41	9524	MILITARY PKWY	WILLIAMS EARNEST D
42	9524	MILITARY PKWY	DOTT GREG
43	9524	MILITARY PKWY	DAVIS VICKIE KAY
44	9524	MILITARY PKWY	BABKHANYAN ENTERPRISES LLC