

**FILE NUMBER:** Z189-362(AM)

**DATE FILED:** September 23, 2019

**LOCATION:** Northwest corner of Elam Road and Cheyenne Road

**COUNCIL DISTRICT:** 5

**MAPSCO:** 59 V

**SIZE OF REQUEST:** ± 0.3 acre

**CENSUS TRACT:** 118.00

**REPRESENTATIVE:** Santos Martinez; La Sierra Planning Group

**APPLICANT:** Foodplus 4 Inc.

**OWNER:** Jean McCallum

**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 CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to allow the sale of alcohol for off-premise consumption in conjunction with the existing general merchandise or food store. [FoodPlus]

**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 site is presently developed with a one-story, approximately 2,250-square-foot building.
- The business is operating as a general merchandise or food store less than 3,500 square feet.
- A general merchandise or food store has been operating at this location since 1991.
- The applicant would like to include the sale of alcoholic beverages such as beer and wine as an additional component to their core business.

**Zoning History:** There have been no zoning changes requested in the area within the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Required ROW
Elam Road	Principal Arterial	36 ft.	56 ft.
Cheyenne Road	Residential Collector	100 ft.	100 ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed use will not have a negative impact on the surrounding street 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 2.4 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 Element**

**Goal 5.3** ESTABLISHING WALK-TO CONVENIENCE

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

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D-1	General Merchandise or Food Store < 3.5k sq ft
<b>North</b>	R-7.5(A)	Single Family Home
<b>East</b>	CR-D-1	Single Family Home
<b>South</b>	CR-D	General Merchandise or Food Store < 3.5k sq ft
<b>West</b>	CR-D-1	Car Wash

**Land Use Compatibility**

The approximately 0.3-acre request site is developed with a general merchandise or food store use that has been operational since 1991. 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 applicant is seeking an off-premise license.

The surrounding land uses consists of single-family homes to the north and east, a general merchandise or food store less than 3,500 square feet to the south, and commercial uses to the west (such as car wash). The property sits on the border of the Dallas / Balch Springs city limits.

The “D-1” Overlay District is a Liquor Control Overlay District which required 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
- 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. Dallas Police Department confirms the applicant came into full compliance with Chapter 12B by passing inspections on January 10, 2020.

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 three-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 markets 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 a “G” MVA cluster to the north, and across from an “F” MVA cluster to the southwest.

**Parking:**

The Dallas Development Code (§51A-4.210(14)) requires one off-street parking space per 200 square feet of floor area, and a minimum of one off-street loading space. Based on the total floor area of 2,250-square-feet of general merchandise use, 12 parking stalls are required. The site provides 12 parking spaces and one loading zone.

**Landscaping:**

Landscaping of any development will be in accordance with Article X, as amended. Landscaping requirements may be triggered as a result of new paving that will be provided for parking.

**CPC Action**  
**February 6, 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 a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of Elam Road and Cheyenne Road.

Maker: Shidid  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,  
Carpenter, Jackson, Blair, Jung, Housewright,  
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0  
Absent: 0  
Vacancy: 1 - District 3

**Notices:** Area: 200 Mailed: 18  
**Replies:** For: 0 Against: 0

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

Z189-362(AM)

<b>Ownership List</b>
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**Owners**

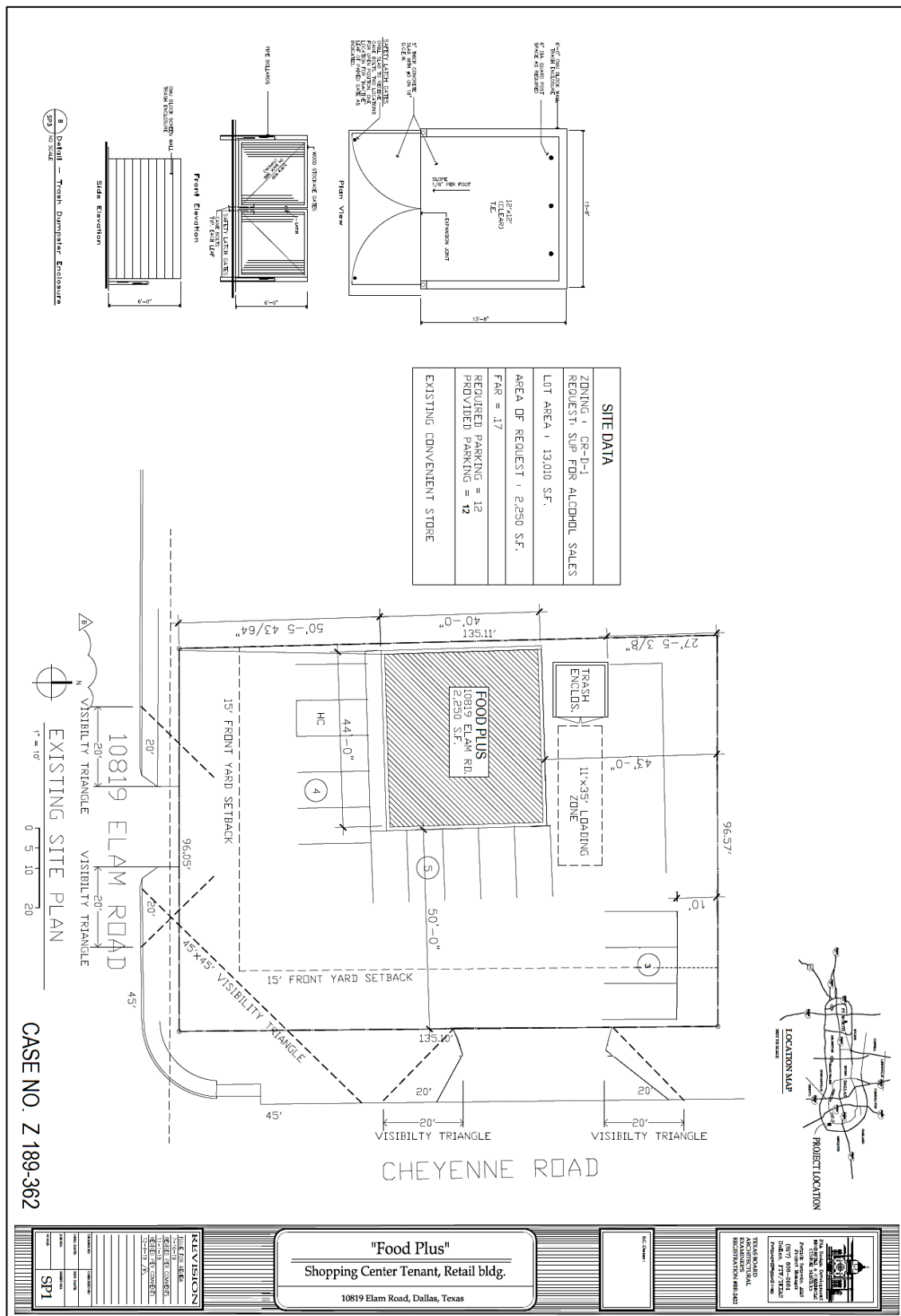
Jean and Leon McCallum

<b>CPC Recommended SUP Conditions</b>
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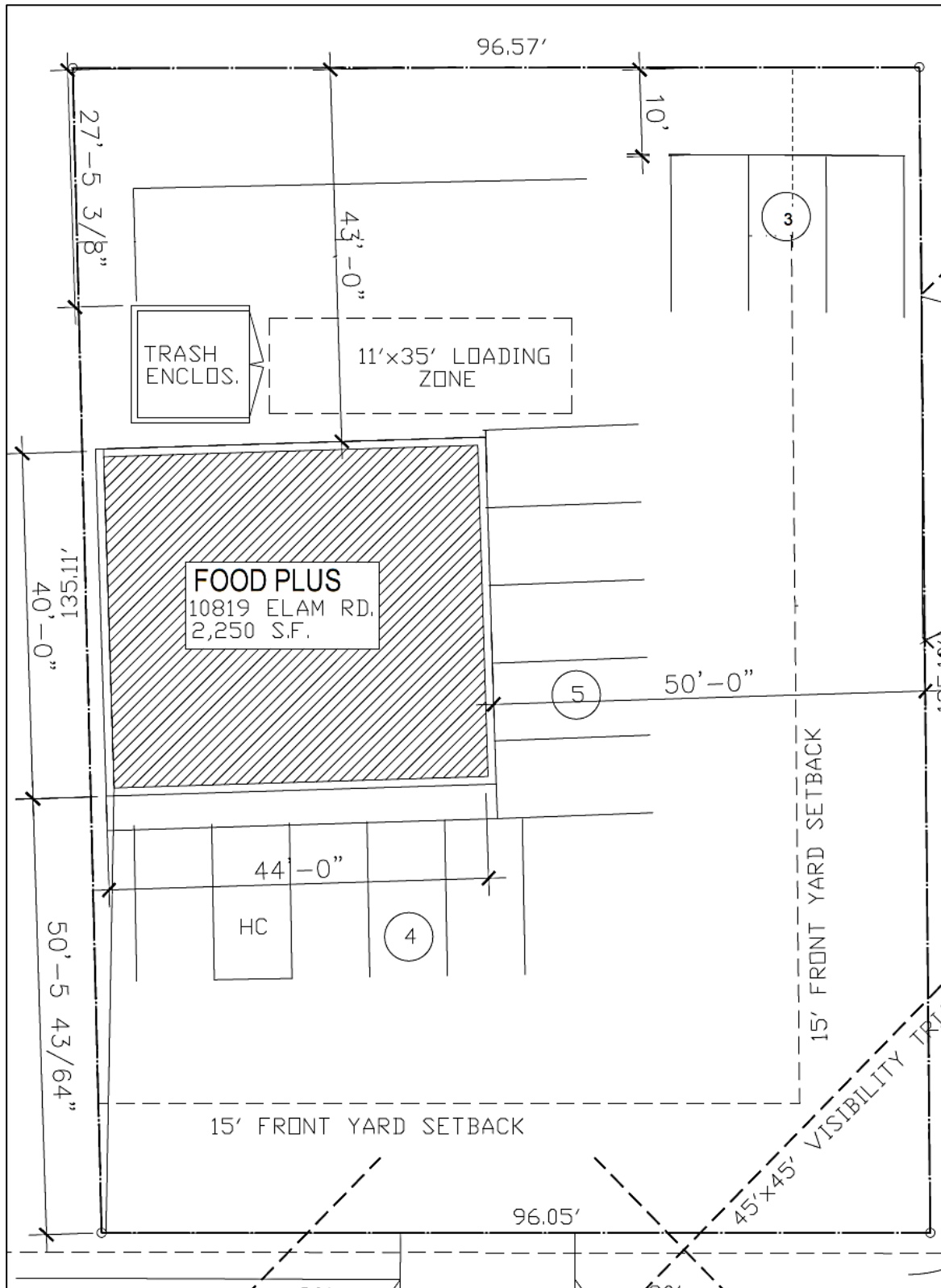
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption as part of the operation of a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: The specific use permit expires on \_\_\_\_\_, (two-year period from the passage of this ordinance).
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.

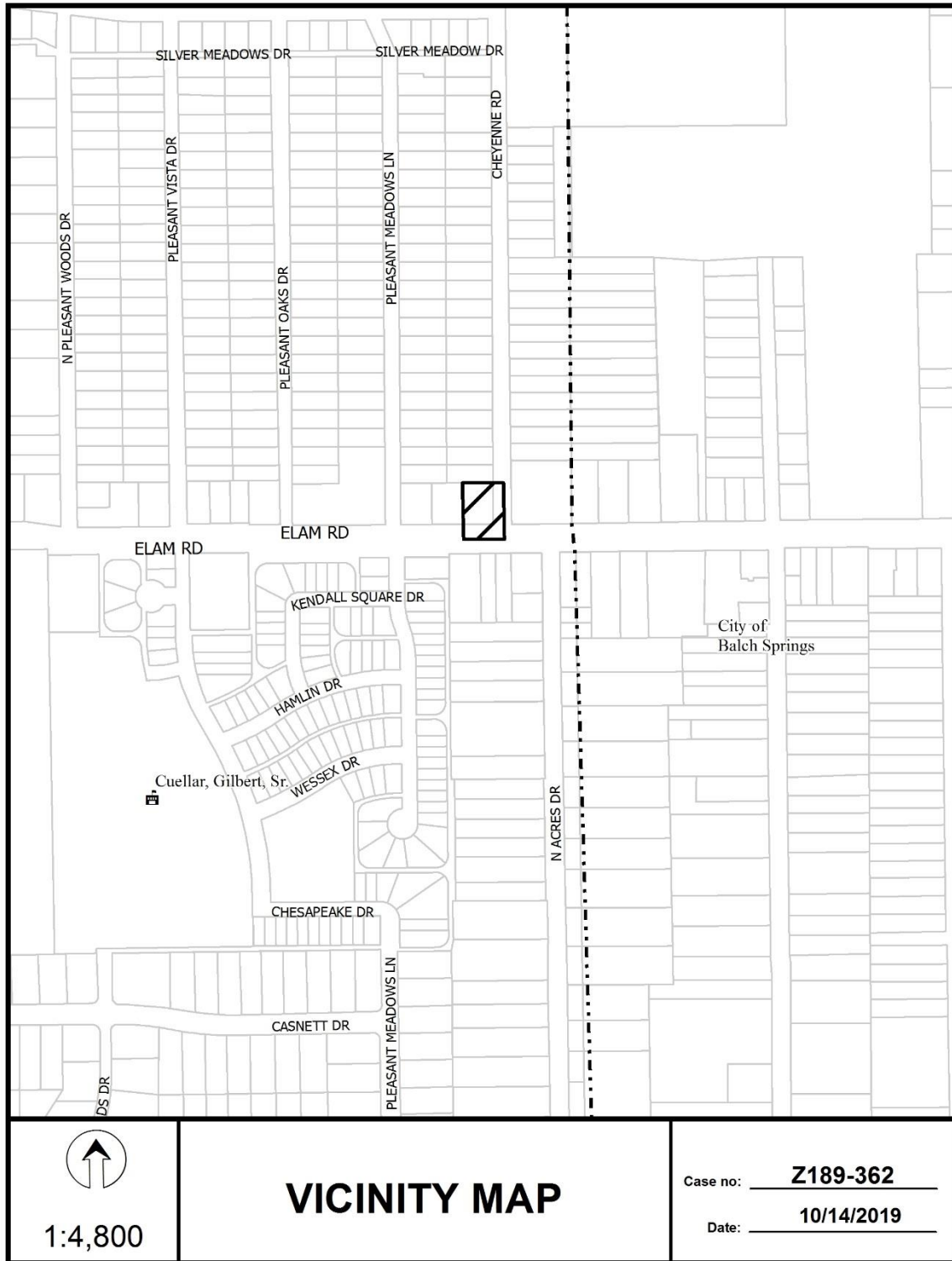


## Proposed Site Plan

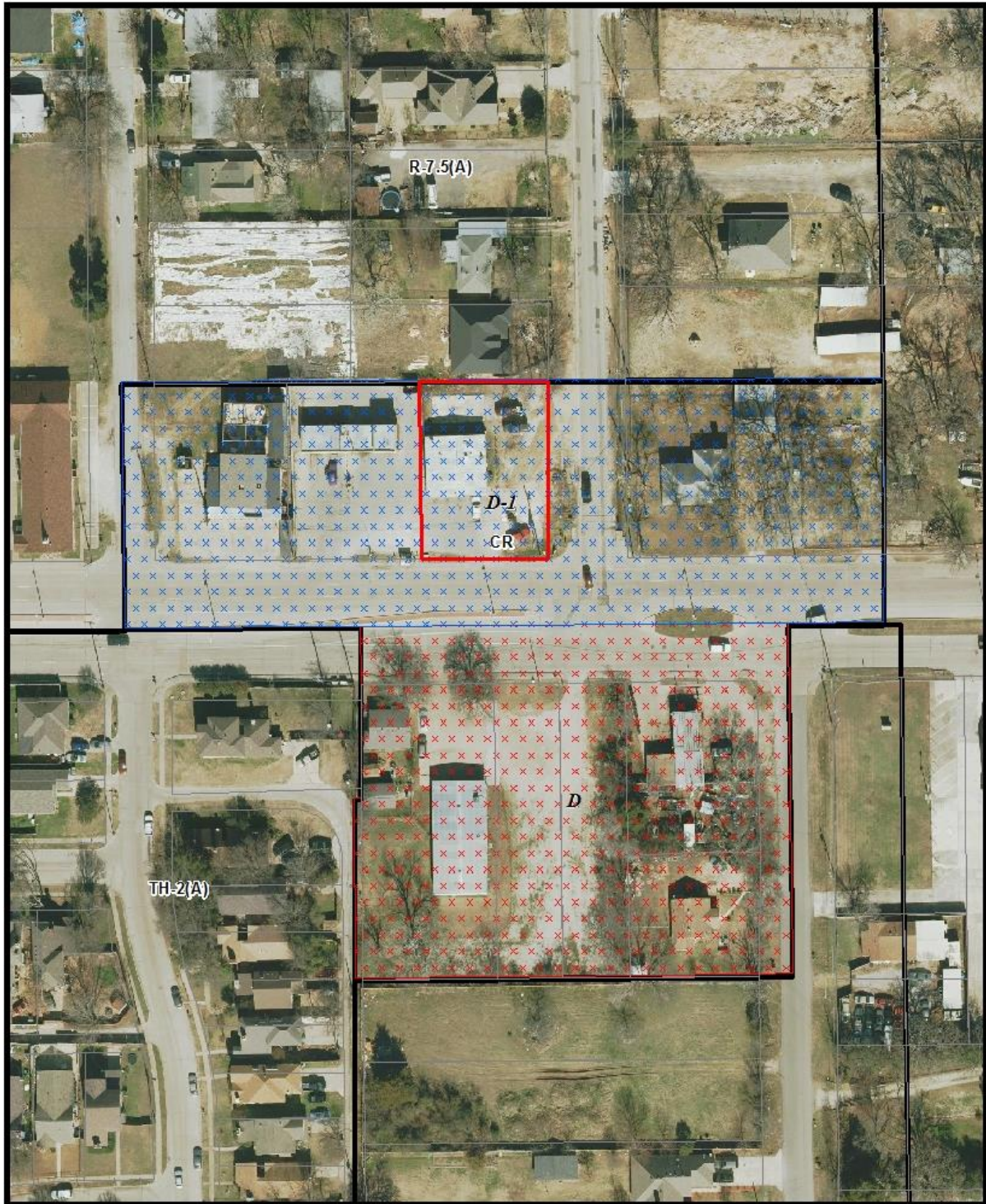


**Proposed Site Plan - Enlarged**



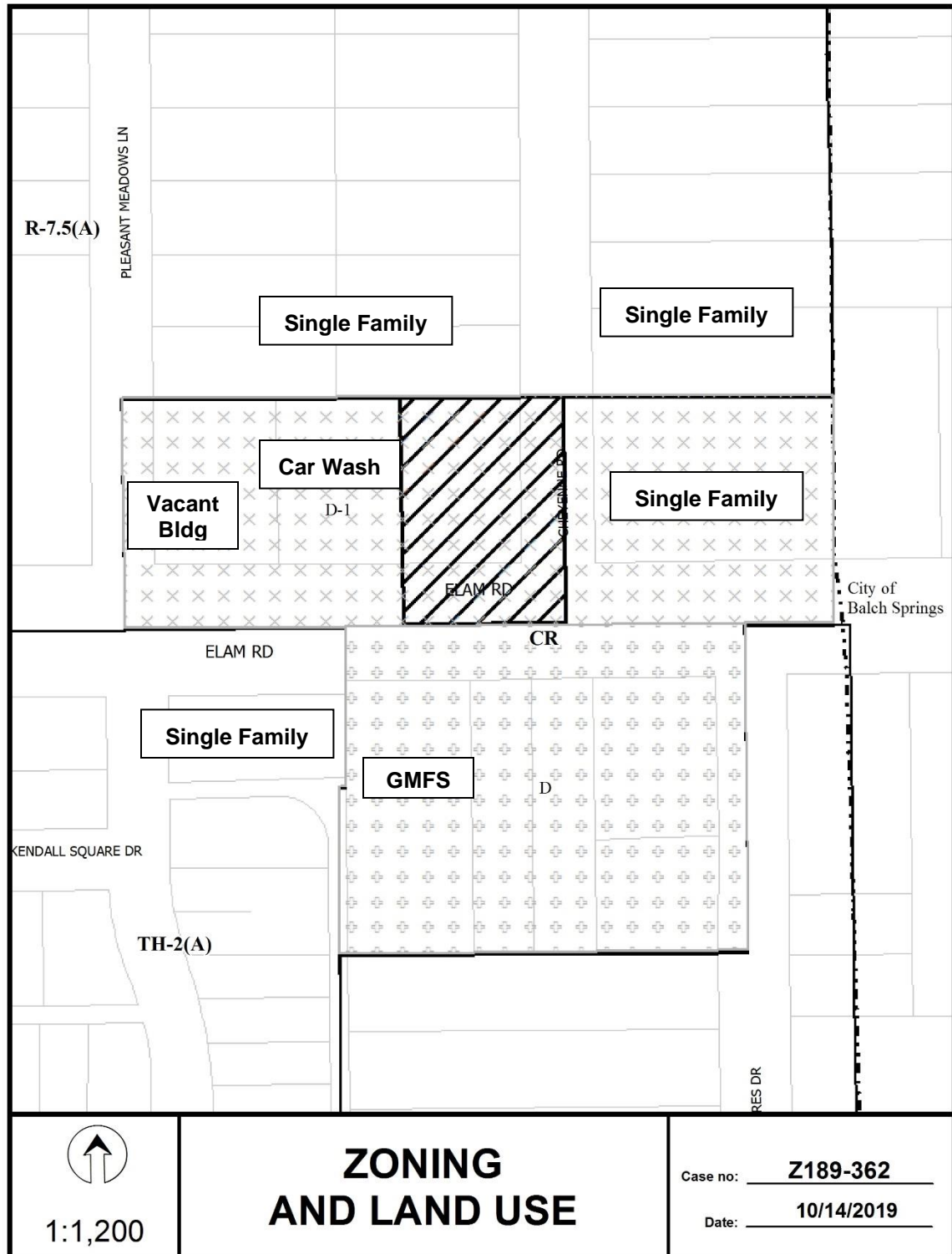




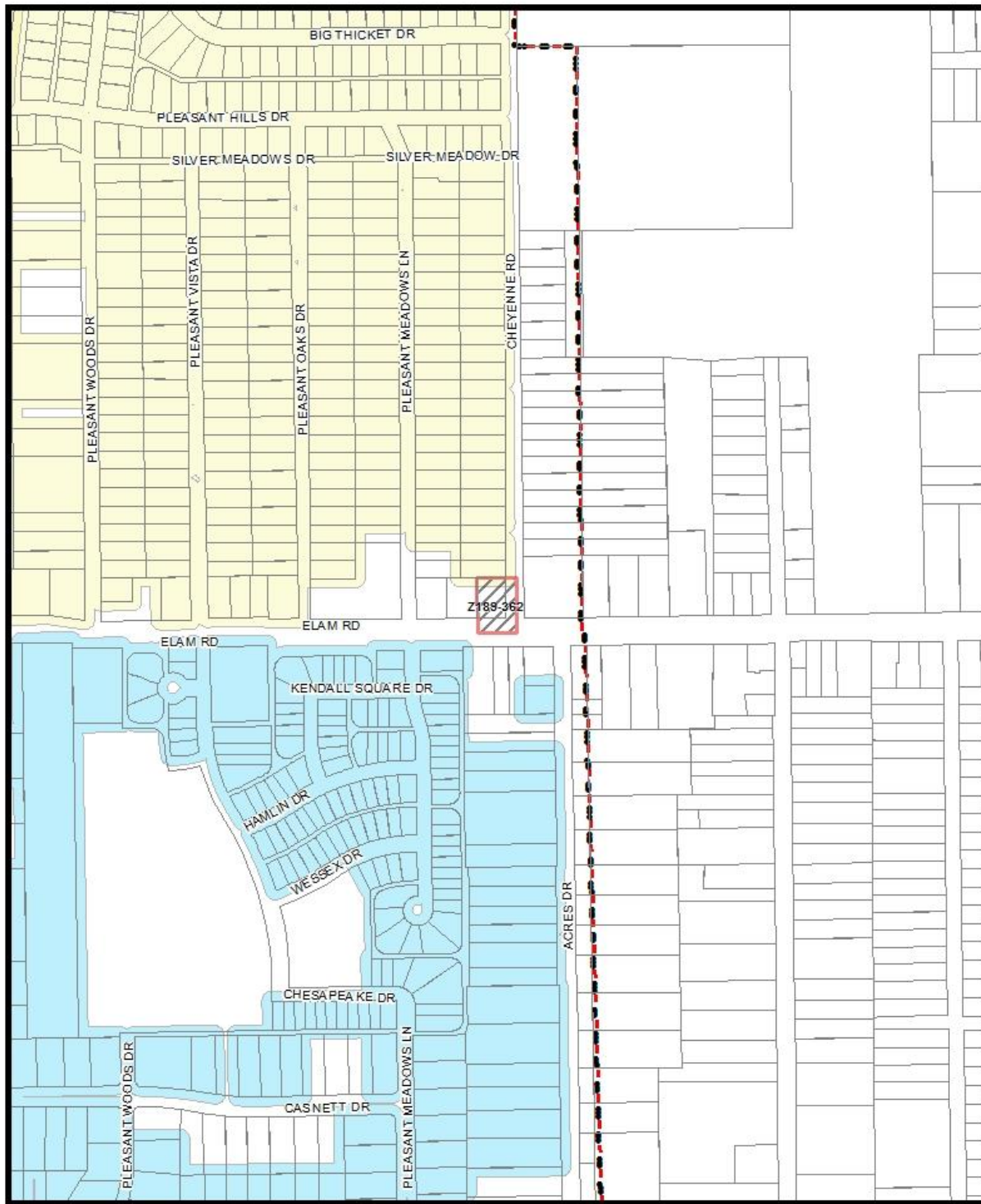


## Aerial Map

Printed Date: 1/21/2020







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

1:4,800

# Market Value Analysis

Printed Date: 10/14/2019

# CPC Responses



02/05/2020

***Reply List of Property Owners******Z189-362******18 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	10819	ELAM RD	MCCALLUM JEAN &
2	10902	ELAM RD	FRONTIER REVIVAL CENTER
3	10816	ELAM RD	MCCURRY RONALD G & LEATA G
4	10820	ELAM RD	MCCURRY RONNIE & LEOTA
5	10832	ELAM RD	MCMURRY RONALD & LEOTA
6	437	N ACRES DR	LUJANO ADAN & MARGARITA
7	530	PLEASANT MEADOWS DR	ALVAREZ JUAN C
8	526	PLEASANT MEADOWS DR	AVALOS ANASTACIO
9	520	PLEASANT MEADOWS DR	AREVALO FRANVISCO & SILVA ELENA
10	10815	ELAM RD	TRAN OANH H
11	517	CHEYENNE RD	MENDOZA ADELITA & ISMAEL
12	521	CHEYENNE RD	MOORE VIRGINIA
13	527	CHEYENNE RD	DOMINGUEZ SANTIAGO VILLAFUERTE
14	10903	ELAM RD	JOHNSON LIZA &
15	492	PLEASANT MEADOWS LN	FERNANDEZ ELSA
16	488	PLEASANT MEADOWS LN	WHITNEY DOREEN
17	530	CHEYENNE RD	CONTRERAS ANASTACIO
18	526	CHEYENNE RD	GAUCIN LAZARO