

**FILE NUMBER:** Z190-162(JM) **DATE FILED:** December 17, 2019

**LOCATION:** Southwest corner of North Jim Miller Road and East R.L. Thornton Freeway

**COUNCIL DISTRICT:** 7 **MAPSCO:** 48 E

**SIZE OF REQUEST:** ±1.5379 acres **CENSUS TRACT:** 122.06

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**APPLICANT/OWNER:** RaceTrac Petroleum, Inc.

**REPRESENTATIVE:** Laura Hoffman, Winstead P. C.

**REQUEST:** An application for the renewal of Specific Use Permit No. 2215 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.

**SUMMARY:** The applicant requests to continue to sell alcohol for off-premise consumption in conjunction with the existing convenience store [Race Way].

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

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

**BACKGROUND INFORMATION:**

- The existing 2,436-square-foot convenience store was constructed in 2005, according to Dallas Central Appraisal District. The existing gas canopy was originally constructed in 1985.
- On November 9, 2016, City Council approved SUP No. 2215 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. On April 24, 2019, City Council approved the renewal of the SUP for a one-year period. The SUP expires on April 24, 2020.
- On February 11, 2020, the store passed inspections and is in compliance with Chapter 12B of the Dallas City Code for Convenience Stores.

**Zoning History:** There have been two zoning changes requested in the area in the past five years.

1. **Z156-314:** On November 9, 2016, 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 on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southeast corner of Samuel Boulevard and North Jim Miller Road for a five-year period, with eligibility for automatic renewals for additional five-year periods, subject to conditions.
2. **Z189-235 and Z156-114:** On January 27, 2016, City Council approved an application for a D-1 Liquor Control Overlay and Specific Use Permit No. 2179 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 Regional Retail District with a D Liquor Control Overlay located on the south side of Samuell Boulevard, east of North Jim Miller Road for a two-year period, subject to a site plan and conditions. On January 22, 2020, City Council denied the renewal of SUP No. 2179.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Proposed ROW
East R.L. Thornton Freeway	Variable width ROW	Variable
North Jim Miller Road	Major Arterial	100 ft.

**Traffic:**

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

**Comprehensive Plan:**

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

**URBAN DESIGN ELEMENT****GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

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

**STAFF ANALYSIS:****Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	RR-D-1	General merchandise or food store with a motor vehicle fueling station
<b>North</b>	RR	Freeway, Restaurant with drive-through service, General merchandise or food store with a motor vehicle fueling station, and Vehicle display, sales, and service
<b>East</b>	RR-D-1	General merchandise or food store with a motor vehicle fueling station and Restaurant with drive-through service
<b>South</b>	RR-D-1	Restaurant with drive-through service and Auto-related
<b>West</b>	RR-D-1	Restaurant with drive-through service

**Land Use Compatibility:**

The site is zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The applicant's request for the renewal of a specific use permit

will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less. Although the general merchandise use is permitted by right, the sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a restaurant with drive-through service, general merchandise or food store with a motor vehicle fueling station, and vehicle display, sales, and service to the north across the freeway; general merchandise or food store with a motor vehicle fueling station and restaurant with drive-through service to the east; restaurant with drive-through service and auto-related to the south; and, restaurant with drive-through service to the west.

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 applicant passed inspections on February 11, 2020 and is compliant with Chapter 12B. Staff supports automatic renewals because it would allow staff periodic reinspection of the site to ensure it remains in compliance.

### **Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>PRIMARY Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

### **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 the three mid-range MVA markets to the north and south.

### **Landscaping:**

Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

**Parking:**

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less at one space for each 200 square feet of floor area. The development requires 14 spaces with 15 being provided per the attached site plan.

**Crime Report:**

Since January 1, 2019, the subject site has experienced 44 phone calls to the Dallas Police Department (DPD), three offenses, 16 arrests.

**Incidents reported by address:**

	A	B	C	D	E	F	G
1	IncidentNum	ArrestNumber	ArArrestDate	ArArrestTime	ArLAddress	ArLZip	NIBRS_Crime
2	069111-2019	19-012245	4/8/2019	2:30:00 AM	8130 E R L THORNTON FWY	75228	WARRANT-DALLAS PD (ALIAS)
3	069111-2019	19-012245	4/8/2019	2:30:00 AM	8130 E R L THORNTON FWY	75228	TRAFFIC VIOLATION - NON HAZARDOU
4	069111-2019	19-012245	4/8/2019	2:30:00 AM	8130 E R L THORNTON FWY	75228	DUI
5	083237-2019	19-015323	5/3/2019	12:15:00 AM	8130 E R L THORNTON FWY	75228	UUMV
6	083237-2019	19-015323	5/3/2019	12:15:00 AM	8130 E R L THORNTON FWY	75228	WARRANT-DALLAS PD (ALIAS)
7	167361-2019	19-030117	8/18/2019	5:13:00 AM	8130 E R L THORNTON FWY EB	75228	WARRANT HOLD (OUTSIDE AGENCY)
8	167361-2019	19-030116	8/18/2019	5:10:00 AM	8130 E R L THORNTON FWY EB	75228	WARRANT-DALLAS PD (ALIAS)
9	182876-2019	19-033022	9/8/2019	11:00:00 AM	8130 E R L THORNTON FWY EB	75228	INTIMIDATION
10	182876-2019	19-033022	9/8/2019	11:00:00 AM	8130 E R L THORNTON FWY EB	75228	WARRANT DALLAS PD (OTHERS)
11	245634-2019	19-043843	12/7/2019	7:00:00 AM	8130 E R L THORNTON FWY	75228	AGG ASSAULT - NFV
12	250494-2019	19-044723	12/14/2019	4:22:00 AM	8130 E R L THORNTON FWY	75228	DRUG/ NARCOTIC VIOLATIONS
13	250494-2019	19-044723	12/14/2019	4:22:00 AM	8130 E R L THORNTON FWY	75228	DRUG/ NARCOTIC VIOLATIONS
14	250494-2019	19-044723	12/14/2019	4:22:00 AM	8130 E R L THORNTON FWY	75228	PUBLIC INTOXICATION
15	250503-2019	19-044718	12/14/2019	4:20:00 AM	8130 E R L THORNTON FWY	75228	PUBLIC INTOXICATION
16	250494-2019	19-044723	12/14/2019	4:22:00 AM	8130 E R L THORNTON FWY	75228	ALL OTHER OFFENSES
17	253788-2019	19-045260	12/19/2019	1:13:00 AM	8130 E R L THORNTON SERV WB	75228	WARRANT HOLD (OUTSIDE AGENCY)

**Incidents at site:**

	B	F	H	I	J	O	P	S	W	Y
1	IncidentNum	Signal	Premise	ObjAttack	Address	Beat	Division	Date1	Time1	NIBRS_Crime
2	005563-2020	09/01 - THEFT	Gas or Service Station	N/A	8130 E R L THORNTON FWY EB	317	SOUTHEAST	1/9/2020	1:50:00 AM	SHOPLIFTING
3	000273-2019	09 - THEFT	Convenience Store	Other	8130 E R L THORNTON FWY EB	317	SOUTHEAST	1/1/2019	11:40:00 AM	ALL OTHER LARCENY
4	003260-2019	09/01 - THEFT	Convenience Store	N/A	8130 E R L THORNTON FWY	317	SOUTHEAST	1/5/2019	8:00:00 PM	ALL OTHER LARCENY
5										

<b>LIST OF OFFICERS</b>
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CARL BOLCH, JR.  
SUSAN BASS BOLCH  
MAX LENKER  
ROBERT J. DUMBACHER  
ALLISON BOLCH MORAN  
NATALIE BOLCH MORHOUS  
MELANIE BOLCH ISBILL  
JORDAN BASS BOLCH

**CPC Action**  
**March 26, 2020**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2215 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period, subject to conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the southwest corner of North Jim Miller Road and East R.L. Thornton Freeway.

Maker: Jackson  
Second: Carpenter  
Result: Carried: 14 to 0

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

Against: 0  
Absent: 1 - Housewright  
Vacancy: 0

**Notices:** Area: 300 Mailed: 20  
**Replies:** For: 0 Against: 0

**Speakers:** None



**CPC RECOMMENDED  
SUP No. 2215 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 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

**CPC Recommendation:**

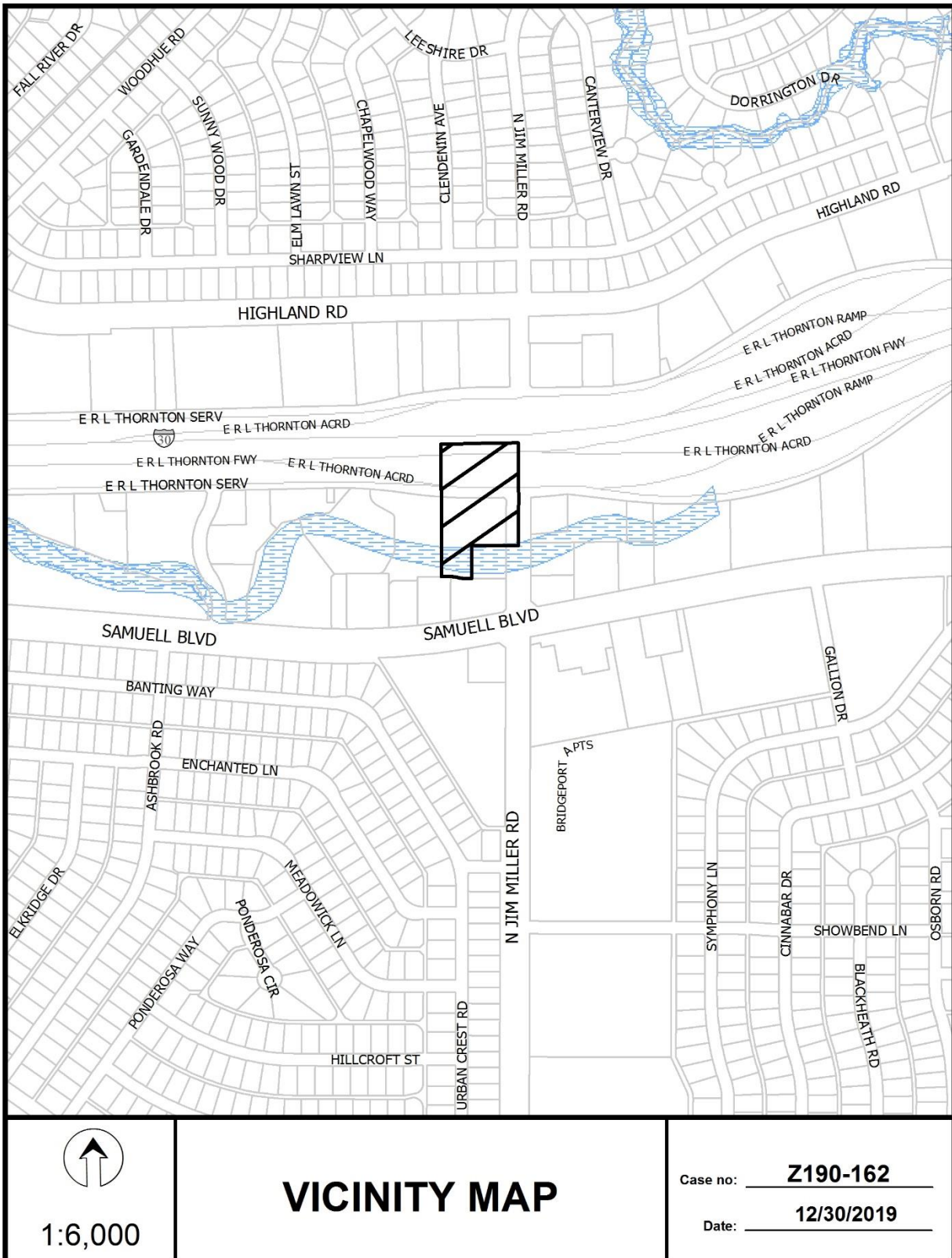
- |  |
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| 3. <u>TIME LIMIT</u> : This specific use permit expires on [five-years from the passage of this ordinance] [April 24, 2019.] |
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**Staff Recommendation:**

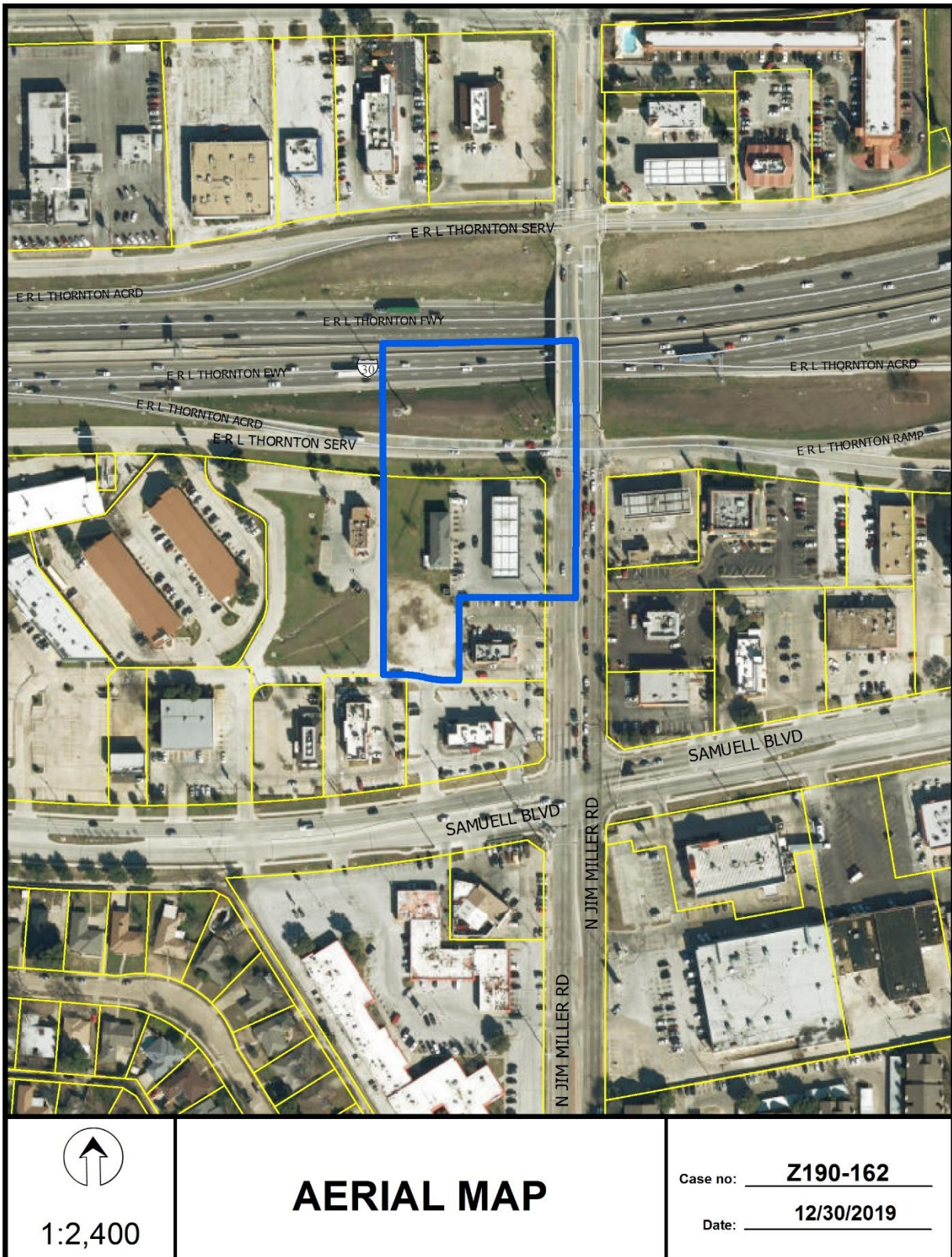
- |  |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on [five-years from the passage of this ordinance], but is eligible for automatic renewals for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to 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). [April 24, 2019.] |
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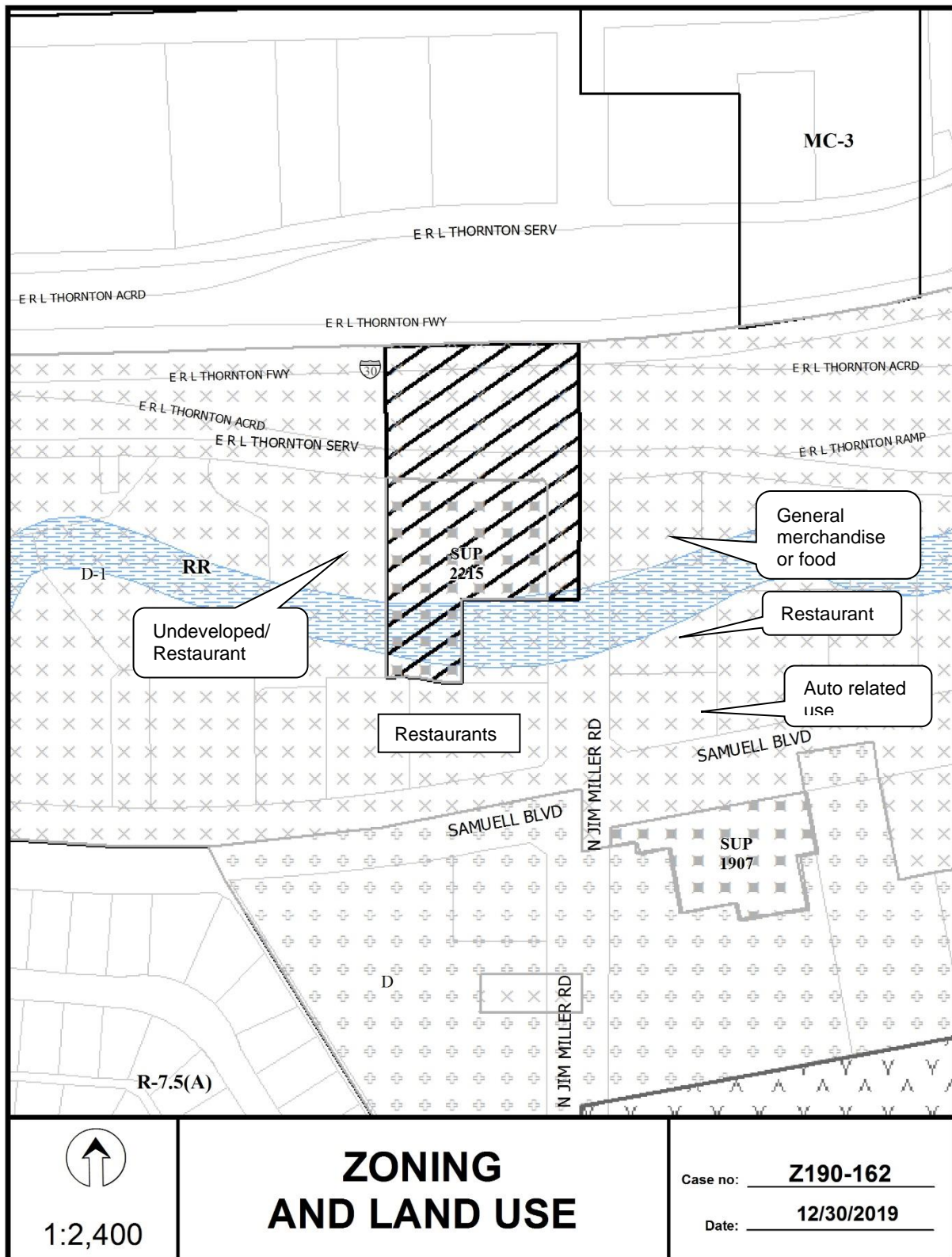
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



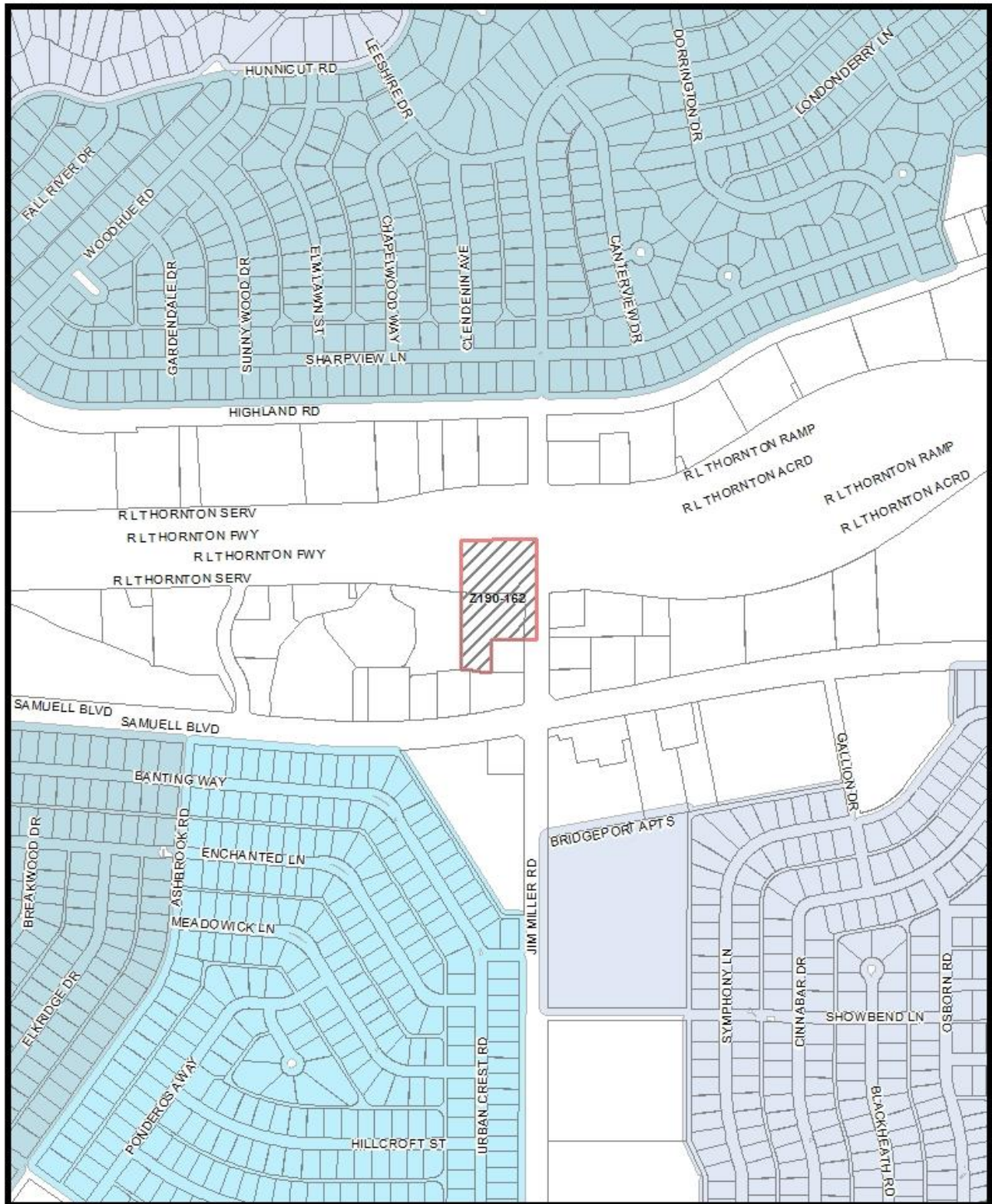












**Market Value Analysis**



1:6,000

# Market Value Analysis

Printed Date: 12/30/2019

A
  B
  C
  D
  E
  F
  G
  H
  I
  NA

**CPC Responses**



<u>20</u>	Property Owners Notified (20 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>3/26/2020</u>	Date

**Z190-162**  
**CPC**



1:2,400

03/25/2020

***Reply List of Property Owners******Z190-162******20 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	8130	E R L THORNTON FWY	RACETRAC PETROLEUM INC
2	5409	N JIM MILLER RD	JIM MILLER SHOPPING CENTER LP
3	5475	N JIM MILLER RD	ISSA DAVID
4	5757	N JIM MILLER RD	HIGHLAND GROVE HOLDINGS LLC
5	8117	E R L THORNTON FWY	MCDONALDS REAL ESTATE CO
6	8105	E R L THORNTON FWY	WILBANKS FRANCES YVONNE
7	8111	E R L THORNTON FWY	WAFFLE HOUSE INC
8	5514	N JIM MILLER RD	INTERSTATE VENTURES LLC
9	5510	N JIM MILLER RD	DAY MARIE L
10	6885	SAMUELL BLVD	FIREBRAND PROPERTIES LP
11	5757	SAMUELL BLVD	OREILY AUTO ENTERPRISES LLC
12	5575	N JIM MILLER RD	SIDERIS BASIL K ET AL
13	5555	N JIM MILLER RD	SIDERIS BASIL K ET AL
14	5877	SAMUELL BLVD	KENTUCKY FRIED CHICKEN
15	8108	E R L THORNTON FWY	JIM MILLER HOSPITALITY LP
16	5859	SAMUELL BLVD	SAMUELLLIANG LLC
17	8120	E R L THORNTON FWY	POP HOLDINGS LP
18	8201	E R L THORNTON FWY	SEJ ASST MGMT & INVESTMENT COMPANY
19	8228	E R L THORNTON FWY	CANSPAN LLC
20	8200	E R L THORNTON FWY	QUIK WAY RETAIL AS II LTD