

FILE NUMBER: Z190-221(AU)

DATE FILED: March 4, 2020

LOCATION: North corner of South Belt Line and Seagoville Road

COUNCIL DISTRICT: 8

MAPSCO: 70 E

SIZE OF REQUEST: ± 0.5 Acres

CENSUS TRACT: 171.01

REPRESENTATIVE: La Sierra Planning Group

APPLICANT/OWNER: Abed Ammouri

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

SUMMARY: The purpose of this request is to allow for the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store. [Phillips Food Mart.]

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 ±0.584-acre request site is developed with a 3,195 square feet building for a general merchandise or food store (convenience store), a restaurant, and a gas station.
- The general merchandise or food store use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.
- City Council approved Specific Use Permit No. 1899 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on the request property. SUP No. 1899 was approved on September 28, 2011 for a two-year period. SUP No. 1899 was amended and renewed on May 28, 2014 for a five-year period with eligibility for automatic renewal for additional five-year periods. SUP No. 1899 expired on May 28, 2019.
- The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing general merchandise and food store. There are no proposed alcohol sales for the existing restaurant that is operated in one of the units inside the building.
- On June 17, 2011, a Certificate of Occupancy for the general merchandise or food store with alcohol sales was issued.

Zoning History

There have been four zoning change requests in the area within the past five years.

- 1. Z178-109:** On January 25, 2018, an automatic renewal of Specific Use Permit No.1838 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, was approved for a five-year period, on property zoned a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay, located on the south line of Seagoville Road, southwest of Belt Line Road.
- 2. Z190-191:** On June 24, 2020, City Council approved a CR Community Retail District with deed restriction on property zoned an R-10(A) Single Family District, located on the northwest line of Seagoville Road, northeast of Belt Line Road.
- 3. Z190-215:** An application for a Planned Development District on property zoned an R-10(A) Single Family District, located on the east corner of Belt Line Road and Seagoville Road. Pending City Plan Commission hearing.

- 4. Z190-220:** 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 a CR-D-1 Commercial Retail District with a D-1 Liquor Control Overlay, located on the west corner of Seagoville Road and South Beltline Road. The application is scheduled for the September 9, 2020 City Council hearing.

Thoroughfares

Thoroughfare/Street	Type	Existing / Proposed ROW
South Belt Line Road	Principal Arterial	100 feet
Seagoville Road	Minor Arterial	60 feet

Traffic:

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

Comprehensive Plans:

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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

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.

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.

5.3.1.5 Build neighborhood facilities, such as schools, libraries and community centers, within walking distance of transit stations and homes.

West Kleberg Community Plan was adopted by City Council in April 2007. The Vision for the West Kleberg Community Plan was to reflect "Old Kleberg's" historical heritage, by promotion a strong rural atmosphere still allowing for future growth to occur that was sensitive to this context.

The result of that meeting was consensus to maintain the "rural character" while the area remains predominately residential (low to medium density residential) with neighborhood-serving retail and commercial uses along Belt Line Road, Kleberg Road and Hwy. 175 as defined in this Plan.

5.2 POLICY STATEMENTS, EDD 1.1 ECONOMIC DEVELOPMENT. Encourage new neighborhood-serving uses to locate along the Hwy. 175, Kleberg Rd., Belt Line Rd. and Seagoville Rd. corridors.

The proposal is consistent with the Plan's policy statements.

STAFF ANALYSIS

Surrounding Land Uses:

	Zoning	Land Use
Site	CR-D-1	Gas station with associated general merchandise and food store
North	CR-D-1	Undeveloped
East	CR-D-1	Single family
South	CR-D-1	Auto-related
West	CR-D-1	Gas station with associated general merchandise and food store

The ±0.584-acre request site is developed with a 3,195 square feet building for a general merchandise or food store (convenience store), a restaurant use, and a gas station.

The property is adjacent to undeveloped land and surrounded by auto-related and general merchandise and food store uses, and single family uses across the street and further north and east. Retail uses are located further on Beltline Road. The use is compatible with the surrounding development.

The general merchandise or food store use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit due to the D-1 Liquor Control Overlay.

The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing general merchandise and food store. There are no proposed alcohol sales for the existing restaurant that is operating one of the units inside the building.

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 Dallas Police has indicated that the request site is in compliance with Chapter 12B.

The applicant's request, subject to the attached conditions, is consistent with the requirements of the Dallas Development Code. Staff also took into consideration the previous SUP for alcohol sales in supporting the request.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Parking will be provided as shown in the revised site plan. The off-street parking requirements for a general merchandise or food store 3,500 square foot or less is one space for each 200 square feet of floor area. The building's floor area totals approximately 3,195 square feet, but only one suite is included in the SUP request. 17 parking spaces are required for the convenience store. There are 21 parking spaces included in the site plan.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended. No new development is proposed with this request; therefore, no landscape requirements are triggered by this request.

Police Report:

Specific Use Permit No. 1899 was renewed on May 28, 2014. A crime report from Dallas Police Department for the period from May 2014 to May 2020 was requested, and it revealed no incidents.

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

Z190-221(AU)

I). Although the area of request is not within an identifiable MVA cluster, it is in the vicinity of an “F” MVA cluster.

CPC Action
July 9, 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 Commercial Retail District with a D-1 Liquor Control Overlay, on the north corner of South Belt Line and Seagoville Road.

Maker: Rubin
Second: Carpenter
Result: Carried: 12 to 0

For: 12 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Blair, Jung, Schultz,
Schwope, Garcia, Rubin

Against: 0
Absent: 2 - Jackson, Murphy
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 12
Replies: For: 4 Against: 2

Speakers: For: Santos Martinez, 12 Tanager Terrace, Angel Fire,
NM, 87710

For (Did not speak): Kendra Larach, 3904 Elm St., Dallas, TX, 75226
Against: None

PROPOSED 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 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

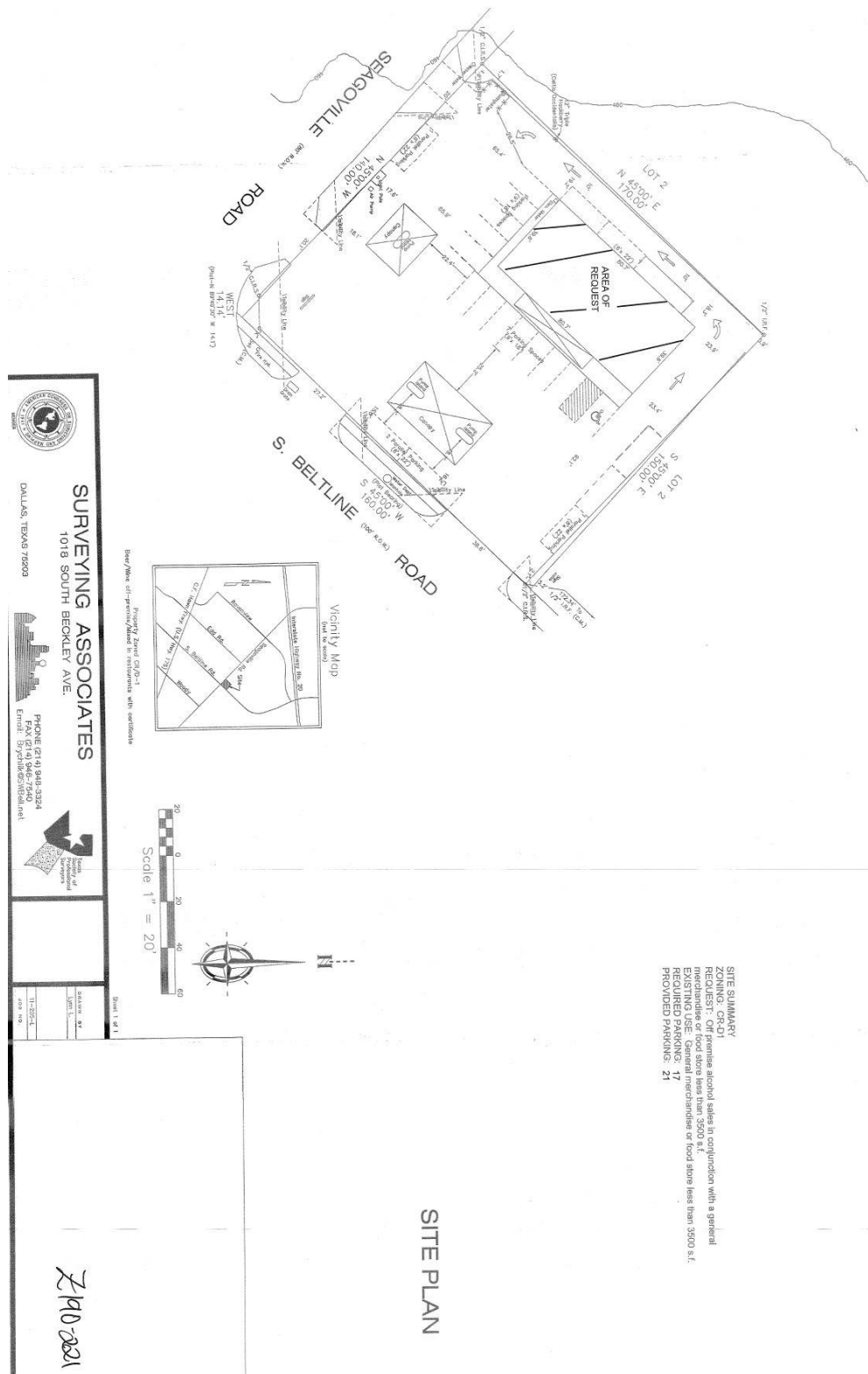
City Plan Commission recommendation:

- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on ... <u>(two-years)</u> |
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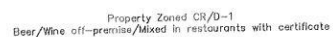
Staff's recommendation:

- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on ... <u>(two-years)</u> , but is eligible for automatic renewal for additional <u>five-year</u> 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. 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.

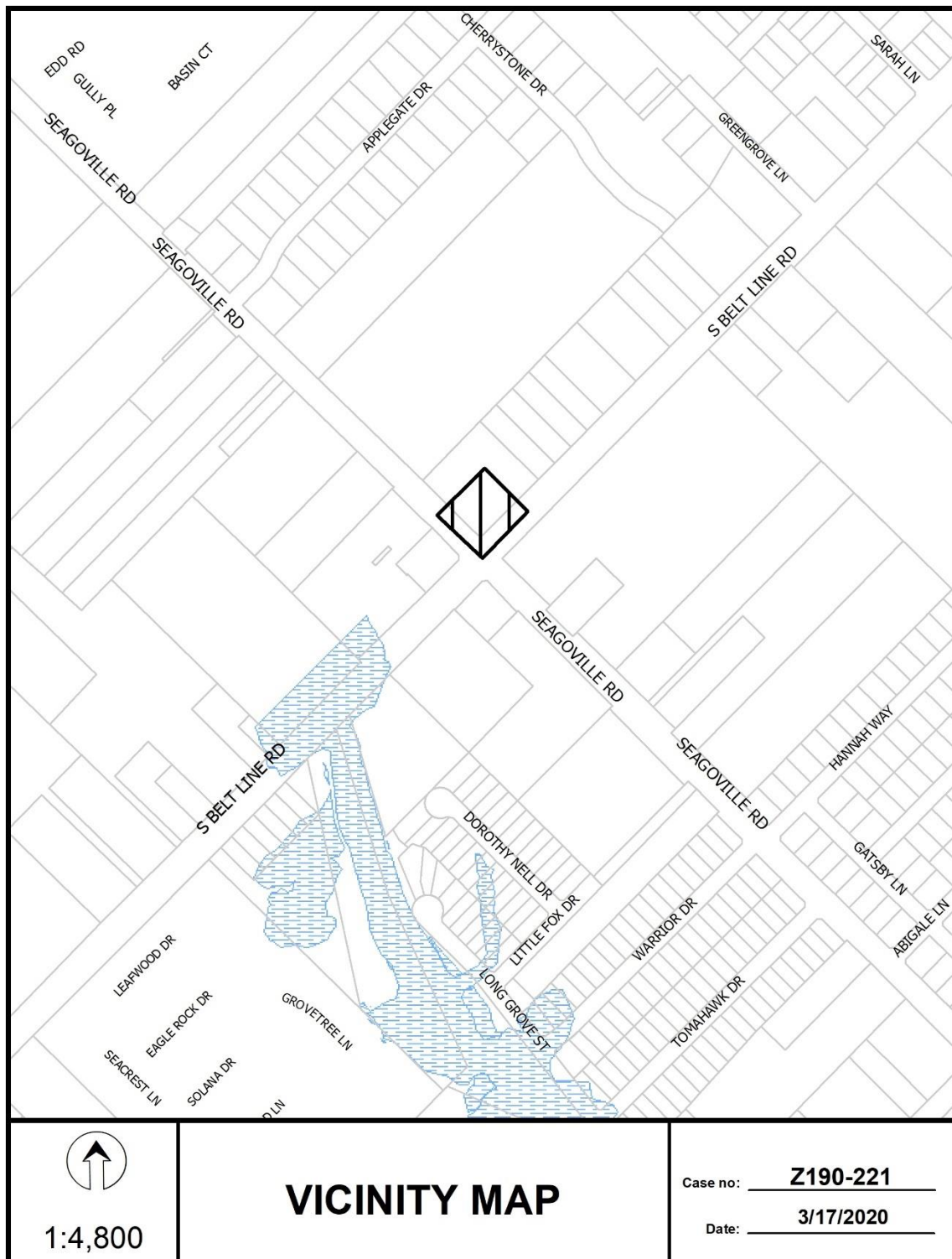
PROPOSED SITE PLAN

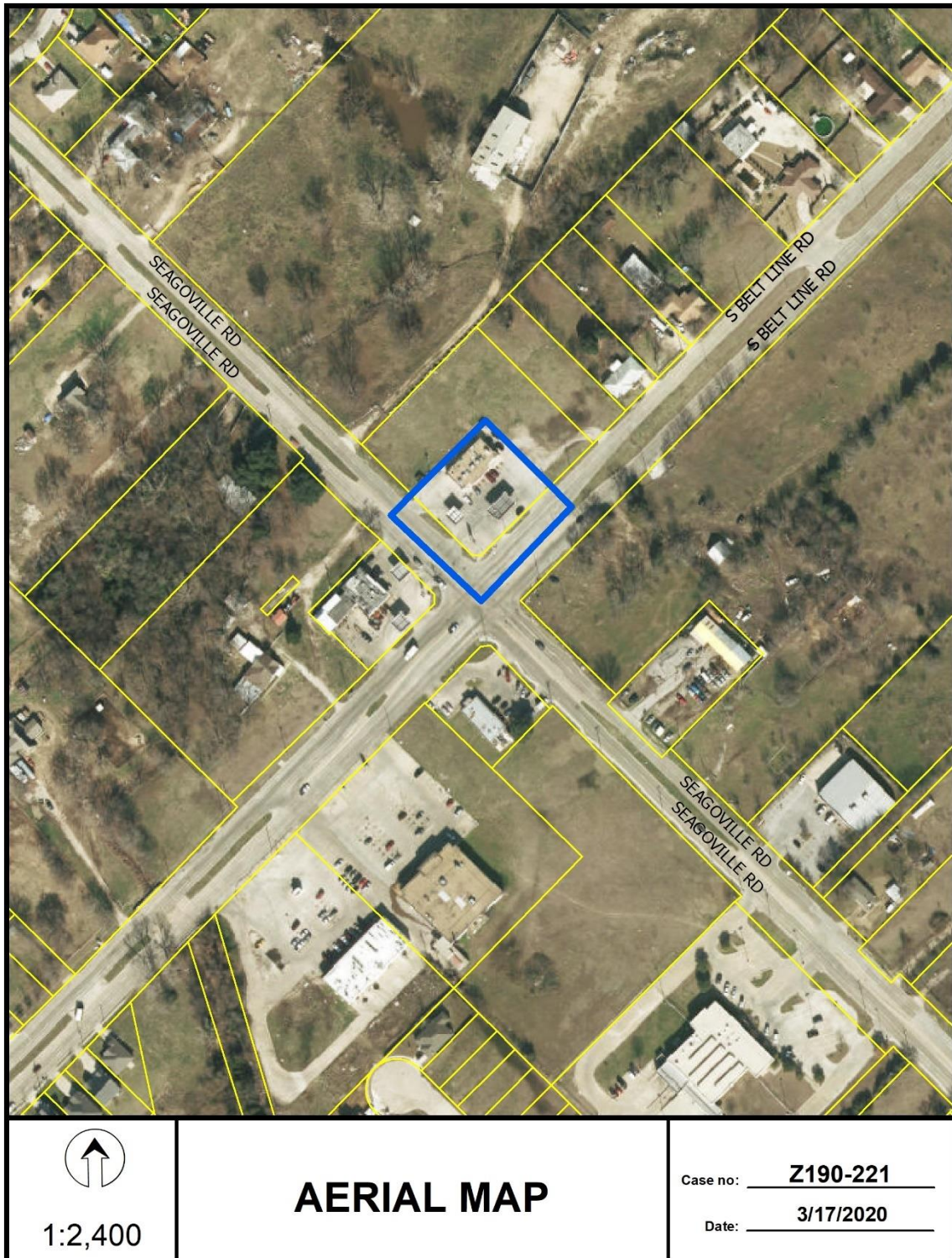


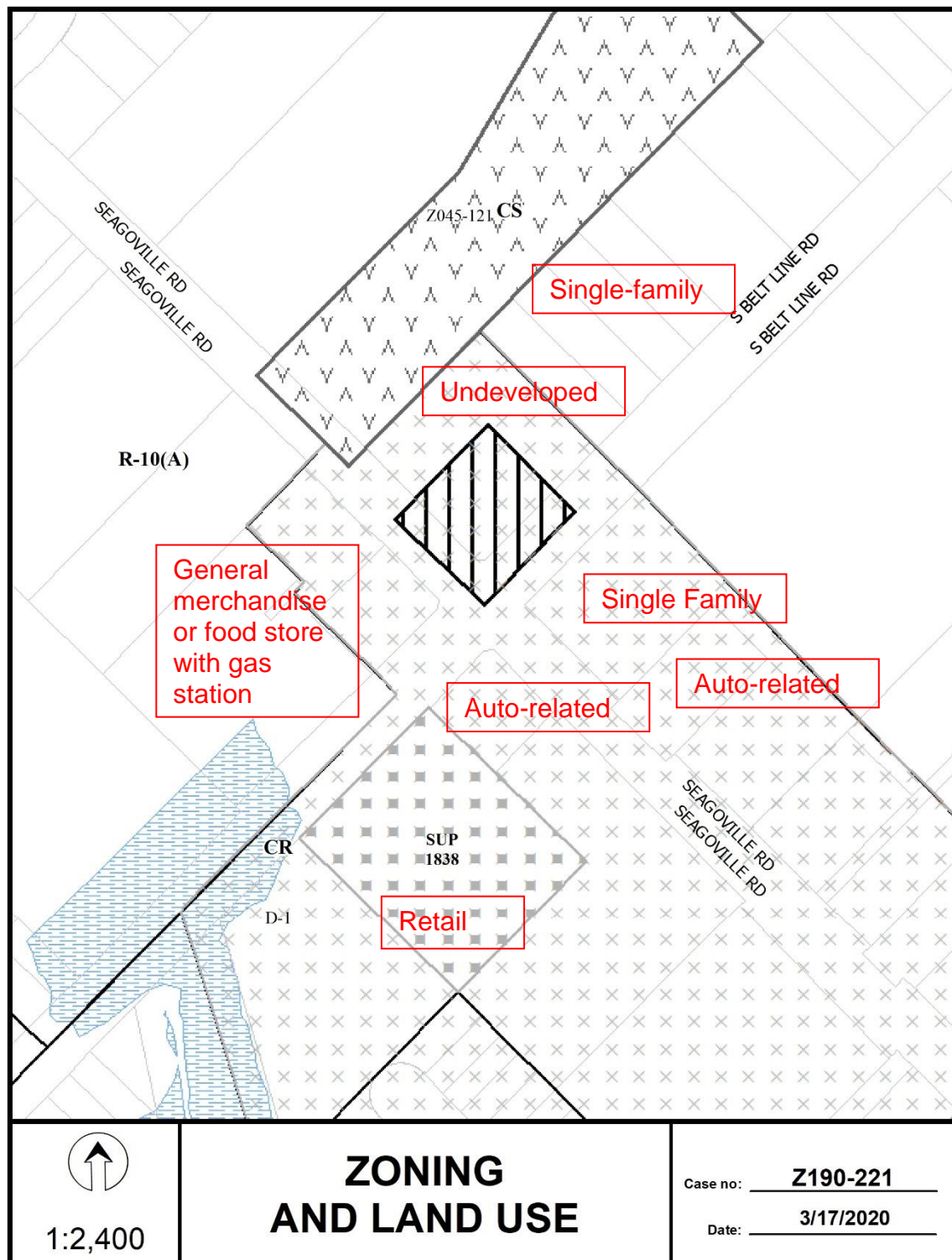
SITE PLAN

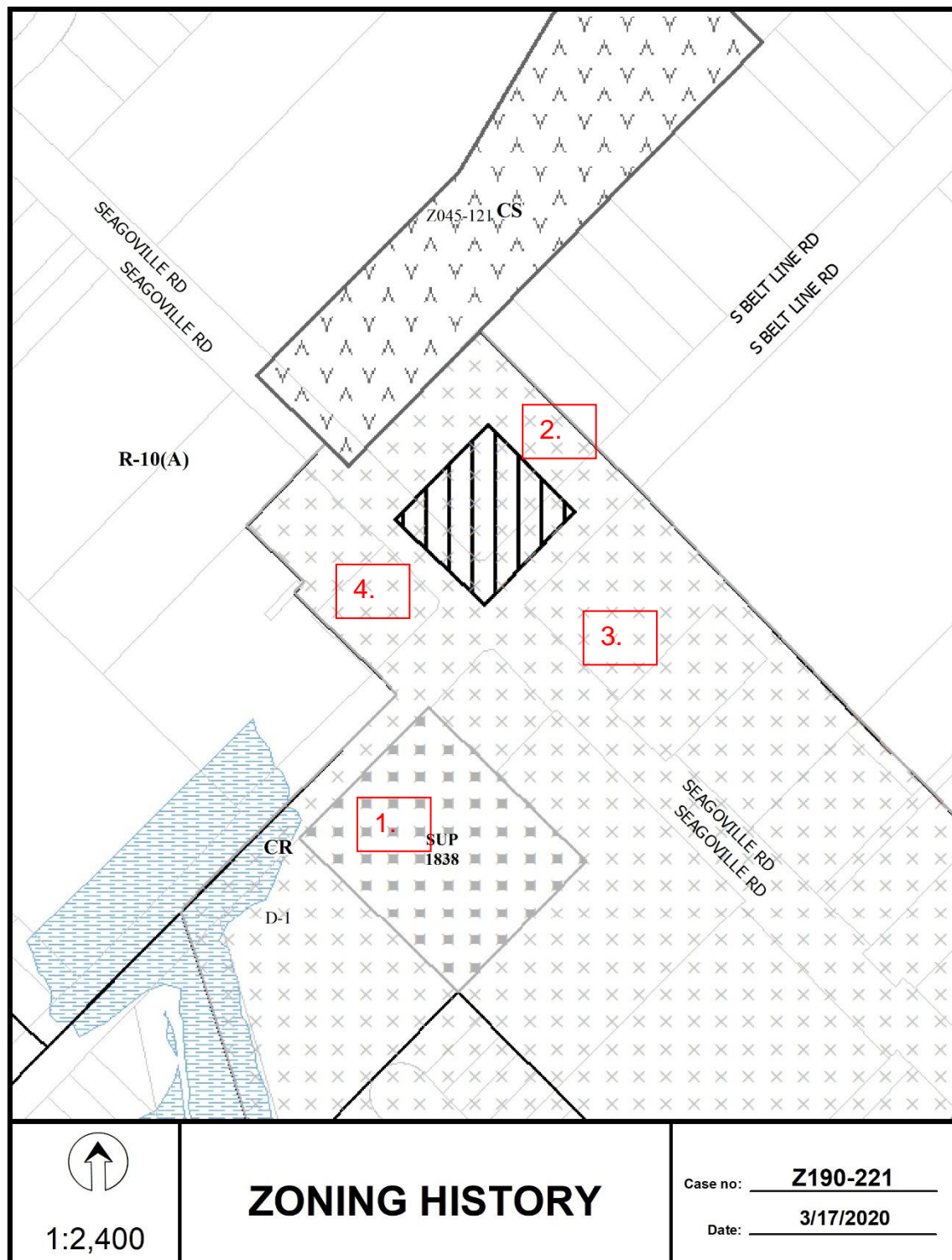


Z190-221(AU)

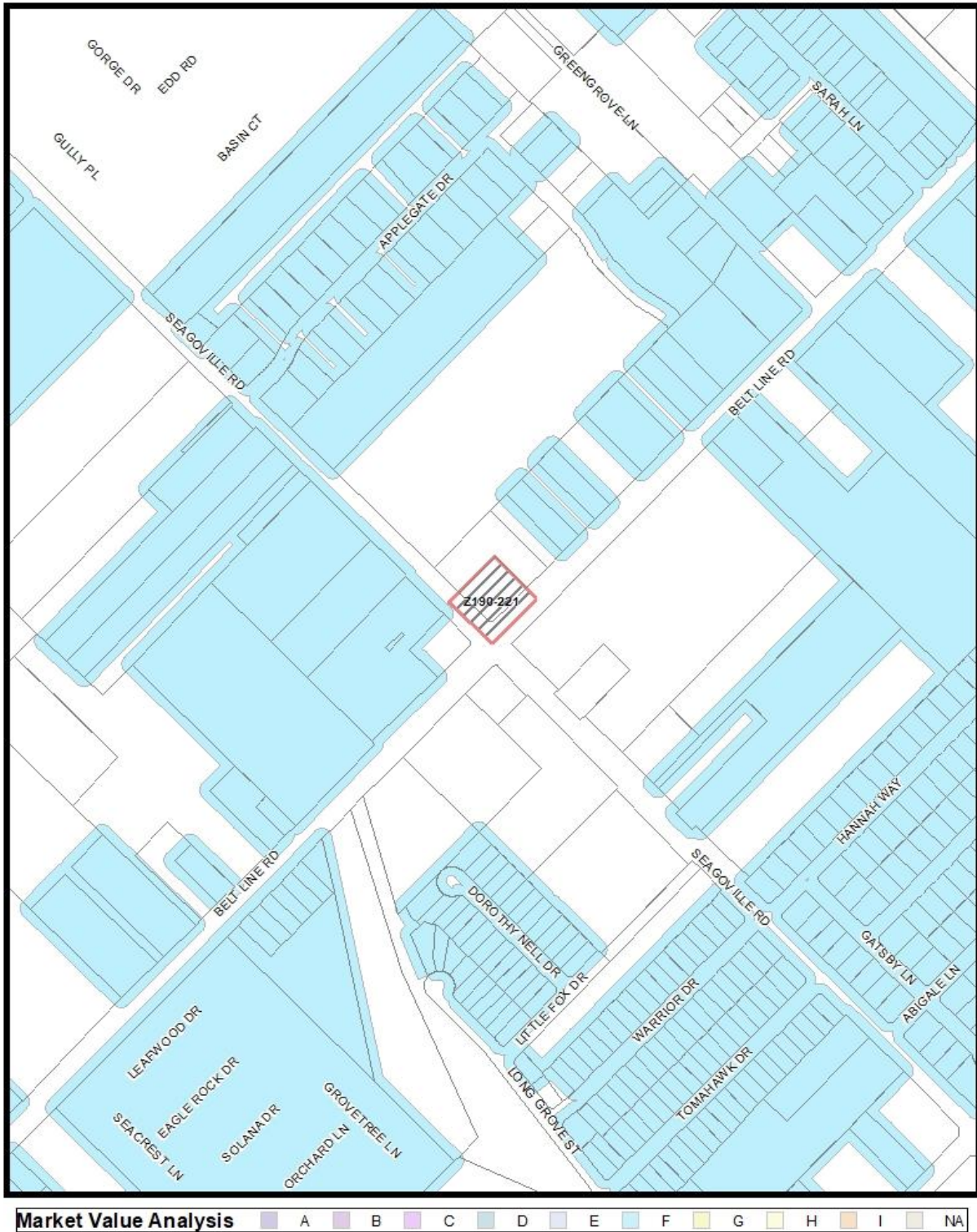




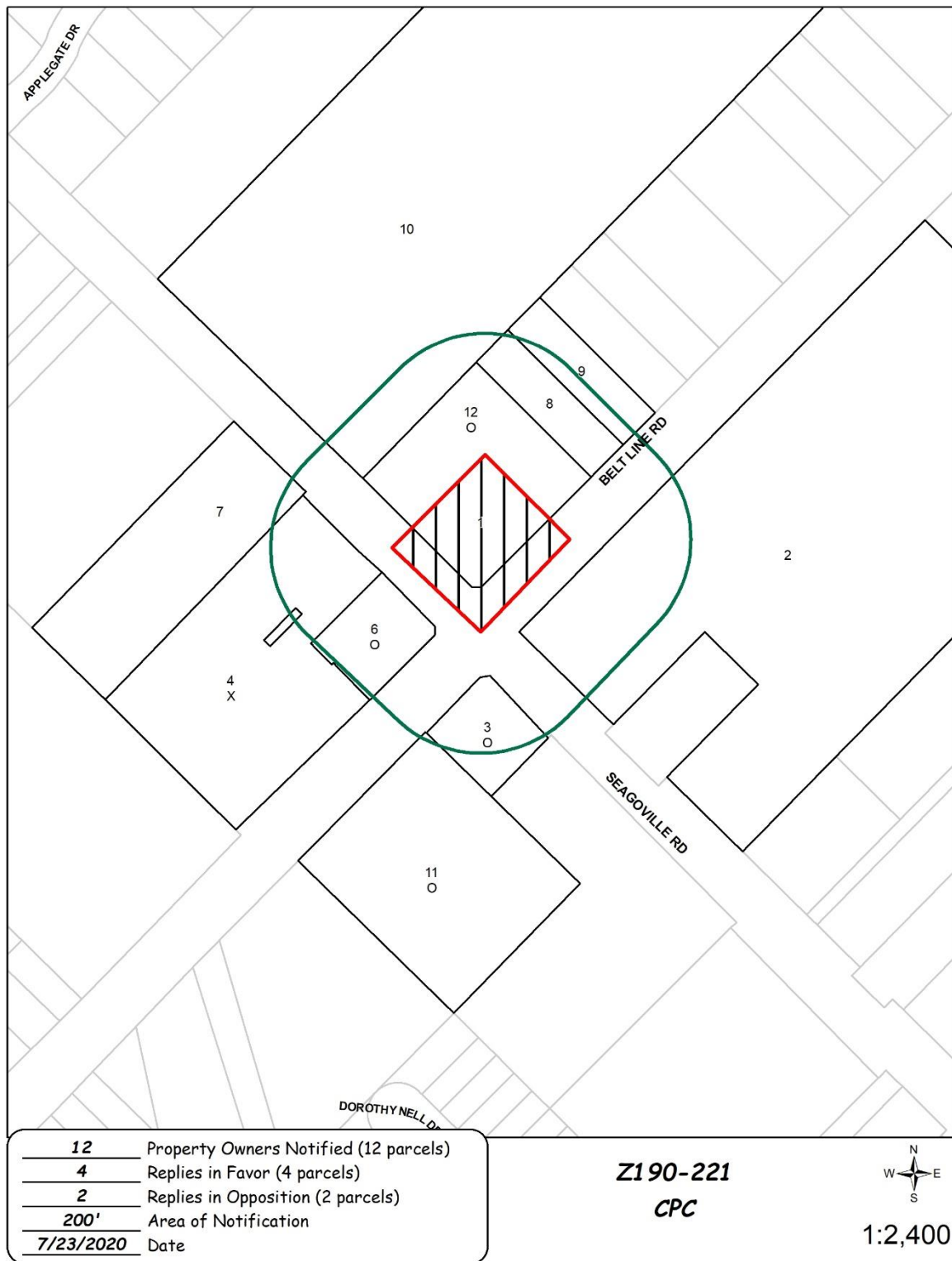




Z190-221(AU)



CPC RESPONSES



07/22/2020

Reply List of Property Owners

Z190-221

12 Property Owners Notified 4 Property Owners in Favor 2 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	951 S BELTLINE RD	AMMOURI ABED
	2	15251 SEAGOVILLE RD	BIG SCORE INVESTORS LLC
O	3	1000 S BELTLINE RD	ALKAM HAMZA
X	4	1025 S BELTLINE RD	FLOYD CHARLES M
X	5	1001 S BELTLINE RD	FLOYD CHARLES M & BARBARA
O	6	15130 SEAGOVILLE RD	SAI BUSINESS INVESTMENTS LLC
	7	15104 SEAGOVILLE RD	SCHLEIMER PATSY SUE
	8	937 S BELTLINE RD	AMMOURI ABED &
	9	933 S BELTLINE RD	RAMIREZ RICARDO RODRIGUEZ &
	10	15029 SEAGOVILLE RD	T W FORD LP
O	11	1050 S BELTLINE RD	BOWMAW INC
O	12	915 S BELTLINE RD	ALKAM HAMZA &