

FILE NUMBER: Z190-294(PD)

DATE FILED: July 1, 2020

LOCATION: Southwest corner of Great Trinity Forest Way and North Jim Miller Road

COUNCIL DISTRICT: 8

MAPSCO: 58 W

SIZE OF REQUEST: ± 0.22 acre

CENSUS TRACT: 116.01

REPRESENTATIVE: Kendra Larach, La Sierra PD

APPLICATN/OWNER: FoodPlus 2, Inc.

REQUEST: An application for the renewal of Specific Use Permit No. 2099 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 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions [Z845-291].

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store [BZ Food Mart].

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a revised site plan and conditions.

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

BACKGROUND INFORMATION:

- The request site is developed with a ±2,167-square-foot general convenience store with fuel pumps. No new construction is proposed by this application.
- The general merchandise or food store (convenience store) is permitted by right, but the sale of alcoholic beverages for off-premise consumption in conjunction with the convenience store requires a Specific Use Permit due to the D-1 Liquor Control Overlay.
- Deed restrictions volunteered on July 16, 1986, limit the uses to those allowed in the Chapter 51 General Retail District and limit multifamily uses to no more than 26 units per acre.
- As depicted on the alcohol measurement survey submitted with the application, the request site complies with the 300-foot door-to-door distance requirement from the church to the south.
- SUP No. 2099 was originally approved on December 10, 2014 for a two-year period and renewed on August 23, 2017 for a three-year period.

Surrounding Zoning History: There have been two recent zoning changes within the area in the past five years.

1. **Z178-377:** On June 12, 2019, the City Council approved the renewal of Specific Use Permit No. 2229 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 CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.
2. **Z156-310:** On August 23, 2017, the City Council approved the renewal of Specific Use Permit No. 2099 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 CR-D-1 Community Retail District with a D-1 Liquor Control Overlay for a two-year period, subject to conditions.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Great Trinity Forest Way	Principal Arterial	160 feet
North Jim Miller Road	Principal Arterial	100 feet

Traffic:

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

Surrounding Land Uses:

	Zoning	Land Use
Site	CR with SUP No. 2099, deed restrictions	General merchandise or food store with sale of alcohol and motor vehicle fueling stations
North	CR-D-1, deed restrictions	Auto service center, church, General merch with a restaurant
East	CR-D-1, deed restrictions	Undeveloped
South	R-7.5(A)	Vacant structure, church
West	CR-D-1, deed restrictions	Carwash

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.

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation measure 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.

Land Use Compatibility:

The proposed site is developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant is requesting that the existing SUP be renewed to continue the sale of alcoholic beverages for off-premise consumption. Additionally, the proposed site plan has been revised to remove two

parallel parking spaces along the eastern portion of the site and reorient three off-street parking spaces along the southern portion of the site.

The property is adjacent to a car wash to the west. The surrounding uses are auto service center, restaurant, church, undeveloped, and restaurant under construction; to the east undeveloped; to the south undeveloped, single family, church and multifamily; to the west hotel and undeveloped.

An existing church is behind the proposed site. The site meets the minimum required distance to be able to sell alcoholic beverages. The church measurements are from door-to-door and staff estimates that there is a distance of over 450 feet.

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,

The applicant's request for renewal of the SUP conforms to the zoning regulations and standards of the Dallas Development Code. The applicant is in compliance with the convenience store regulations. The proposed sale of alcoholic beverages in conjunction with the existing convenience store does not seem to negatively impact the adjacent

properties as shown in the police calls for the past four years. The use is compatible with the surrounding non-residential uses and provides an alternative shopping venue for the neighborhood. The short initial time period of three-years will allow re-evaluation of the request to ensure ongoing compliance with the conditions and other City regulations. Lastly, staff would like to ensure that a drive approach along the northeastern portion of the site that should have been removed with the first approval is in fact closed to comply with Engineering requirements. As a result, CPC agreed with staff's recommendation and approved the request after confirmation from the representative that the drive approach will be closed, as indicated on the site plan.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area; the off-street parking requirement for a motor vehicle fueling station is two spaces. Therefore, the ±2,167-square-foot convenience store with fuel pumps requires 13 parking spaces. The applicant is providing 14 spaces as shown on the existing site plan.

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. While the area of request is not categorized as being within an MVA cluster, the immediate property immediately adjacent to the south is located within a "G" MVA category.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

Police Report:

The Dallas Police Department's provided an incident report for the period from September 20, 2017 to August 2020. The crime statistics reflect a total 109 calls, 23 offenses, and 17 arrests.

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Calls Counts:

Row Labels	Count of Problem
07 - Minor Accident	2
08 - Intoxicated Person	1
09 - Theft	2
09V-01 UUMV Just Ocrd	1
12B - Business Alarm	3
16 - Injured Person	1
20 - Robbery	2
20R - Robbery (report)+1hr	1
21B - Business Hold Up	1
23 - Parking Violation	1
24 - Abandoned Property	1
32 - Suspicious Person	3
33 - Prostitution	1
34 - Suicide	1
40 - Other	31
40/01 - Other	3
46 - CIT	2
6G - Random Gun Fire	1
6X - Major Dist (Violence)	26
6XE - Disturbance Emergency	1
7CE - City Equipment Accident	1
DAEF-Dist Armed Encounter Foot	2
DAEV-Dist Armed Encounter Veh	1
DASF-Dist Active Shooter Foot	1
OADS - Open Air Drug Sales	11
PH - Panhandler	8
Grand Total	109

Offense Counts:

Row Labels	Count of NIBRS_Crime_CompStat
AGG ASSAULT - NFV	3
DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	2
DRUG/ NARCOTIC VIOLATIONS	3
OTHER THEFT	2
ROBBERY-INDIVIDUAL	4
SIMPLE ASSAULT	8
WEAPON LAW VIOLATIONS	1
Grand Total	23

Arrest Counts:

Row Labels	Count of NIBRS_Crime
ALL OTHER LARCENY	2
(blank)	2
ALL OTHER OFFENSES	2
(blank)	2
APOWW	1
APOWW	1
DRUG/ NARCOTIC VIOLATIONS	3
(blank)	3
PUBLIC INTOXICATION	4
(blank)	4
WARRANT DALLAS PD (ALIAS/CAPIAS)	2
(blank)	2
WARRANT-DALLAS PD (ALIAS)	2
(blank)	2
WEAPON LAW VIOLATIONS	1
(blank)	1
(blank)	
(blank)	
Grand Total	17

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List of Officers

FoodPlus 2, Inc.

Mansoor Ali

President/Officer

CPC ACTION

September 17, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2099 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 revised site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions (Z845-291), on the southwest corner of Great Trinity Forest Way and North Jim Miller Road.

Maker: Blair
Second: Hampton
Result: Carried: 14 to 0

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

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 12
Replies: For: 1 Against: 0

Speakers: For: Santos Martinez, 12 Tanager Terrace, Angel Fire, NM, 87710
Kendra Larach, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC Recommended 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.

CPC Recommendation:

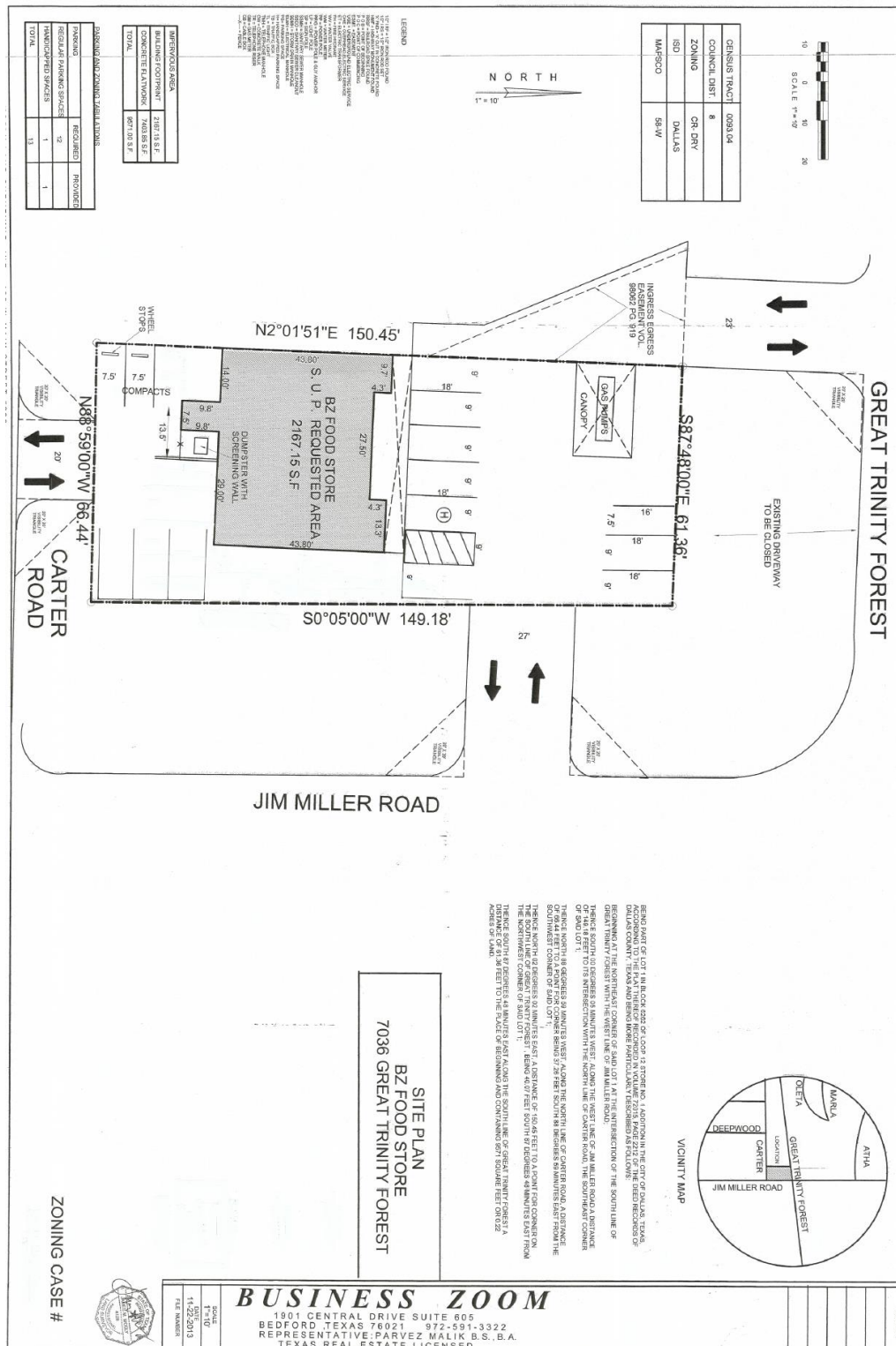
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|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>). August 23, 2020 |
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Staff's Recommendation:

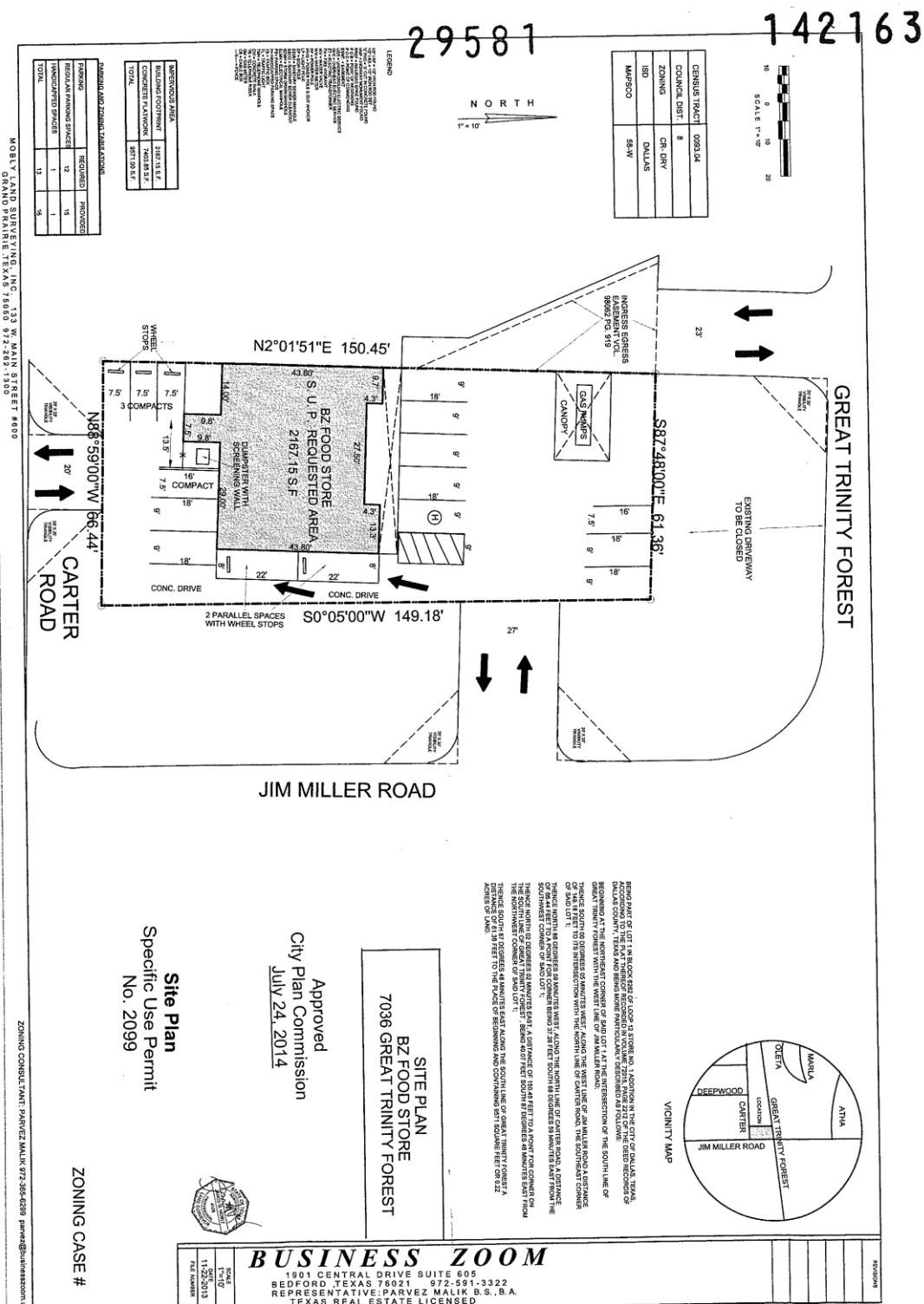
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|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>three years</u>) but is eligible for automatic renewal for additional <u>five-year</u> periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. 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.) August 23, 2020 |
|---|
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.

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CPC RECOMMENDED SITE PLAN



EXISTING SITE PLAN



THENCE 01 degrees, 05 minutes, 08 seconds, East, with said North Jim Miller Road a distance of 245.89 feet to an Iron Rod for corner;

THENCE North 89 degrees, 24 minutes, 20 seconds, West, a distance of 20.0 feet to a point for corner;

THENCE North 01 degree, 12 minutes, 00 seconds, East, a distance of 105.00 feet to the PLACE OF BEGINNING and containing 187,146.301 square feet or 4.296 acres of land.

That the undersigned, Paul L. Adams and Jack Kellam, do hereby impress all of the following described property with the following deed restrictions, to-wit:

(1) The only permitted uses on the property are those uses allowed in a General Retail District as defined in the Dallas Development Code, as amended (the "Code").

(2) Multiple-family uses are limited to no more than 26 units per acre in density, as defined in the Code.

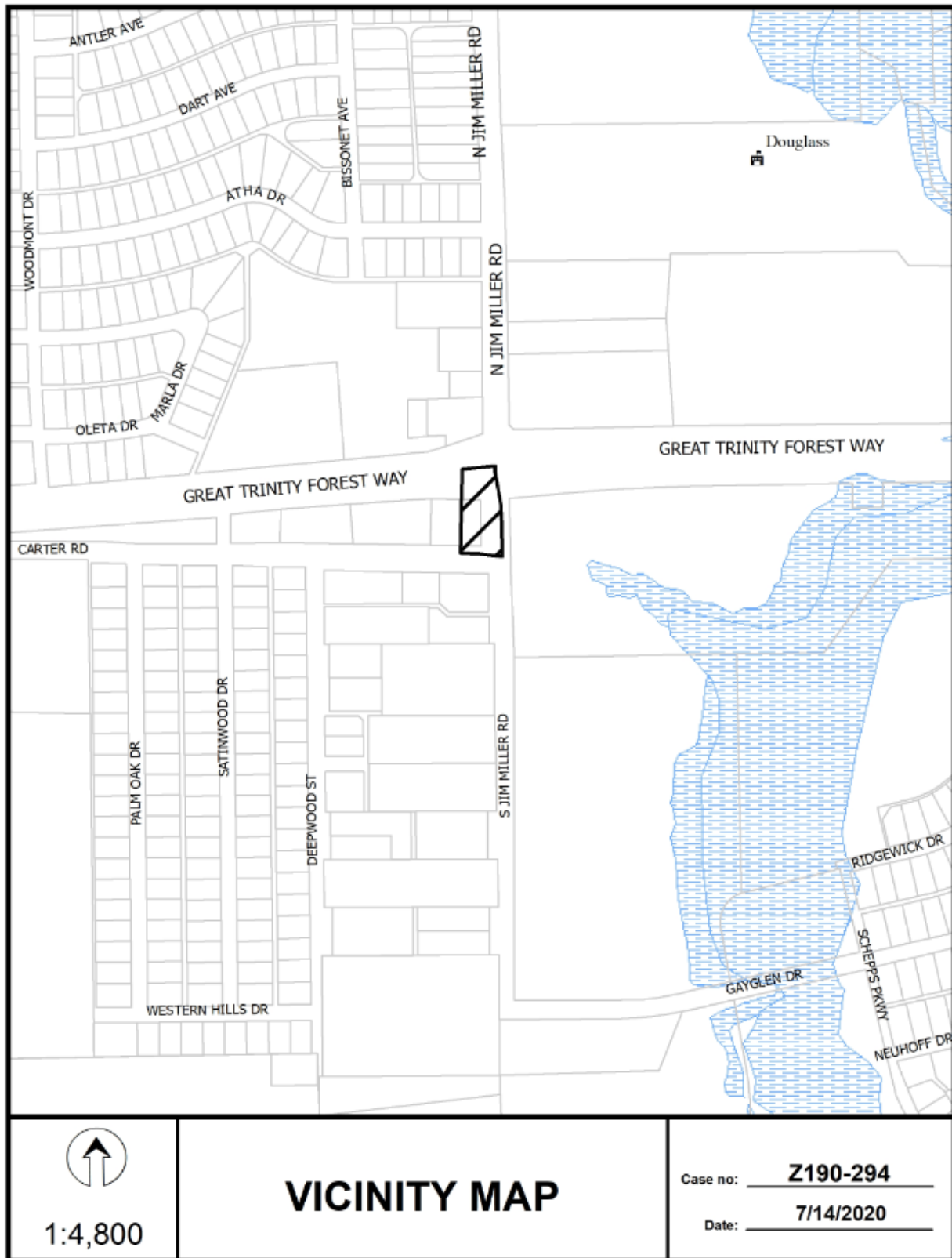
These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution, and shall automatically be extended for additional period of ten (10) years unless terminated in the manner specified herein.

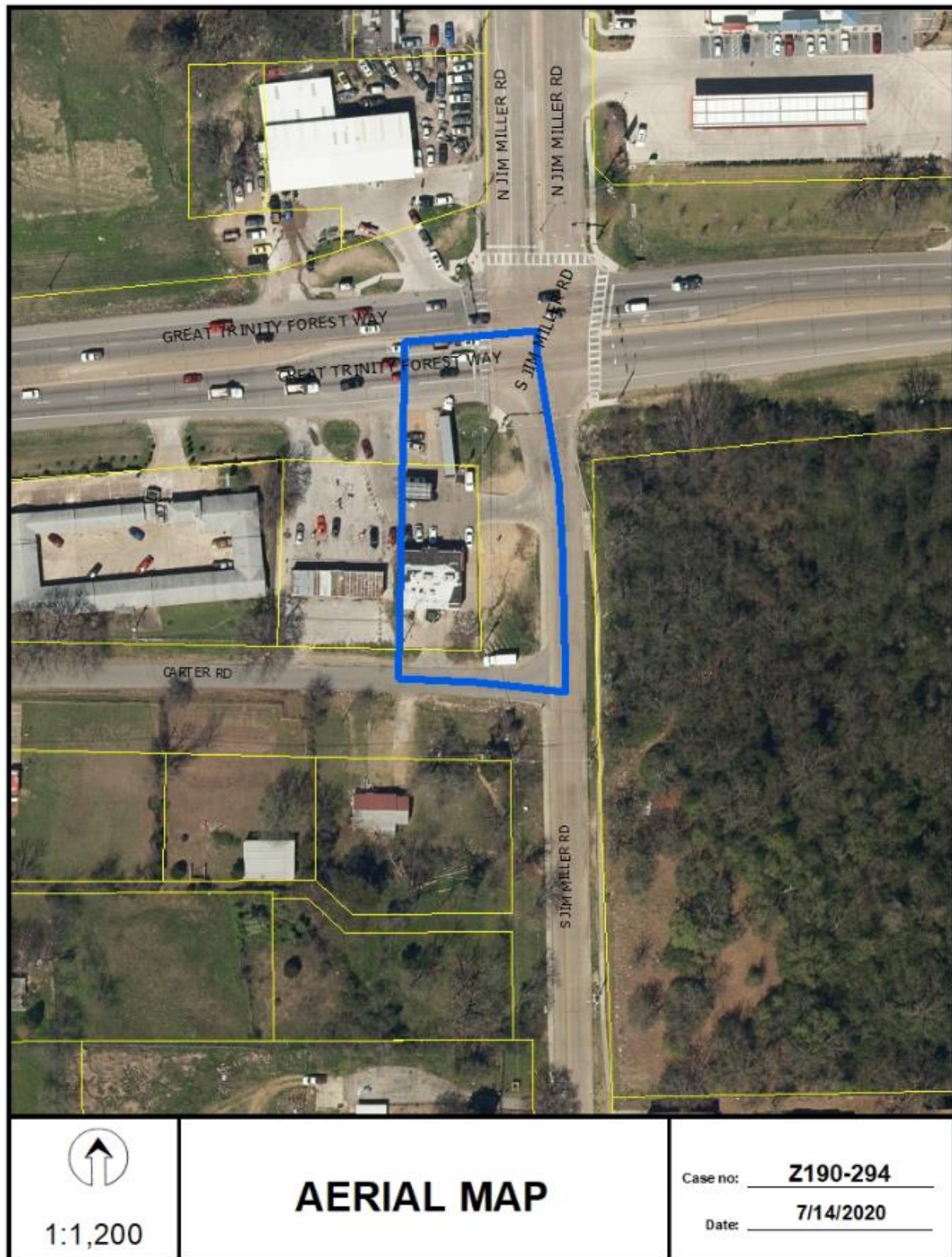
These restrictions shall not be altered, amended or terminated without a public hearing before the City Plan Commission and the City Council of the City of Dallas. Notice of such public hearings shall be given as would be required by law for a zoning change on the property described herein.

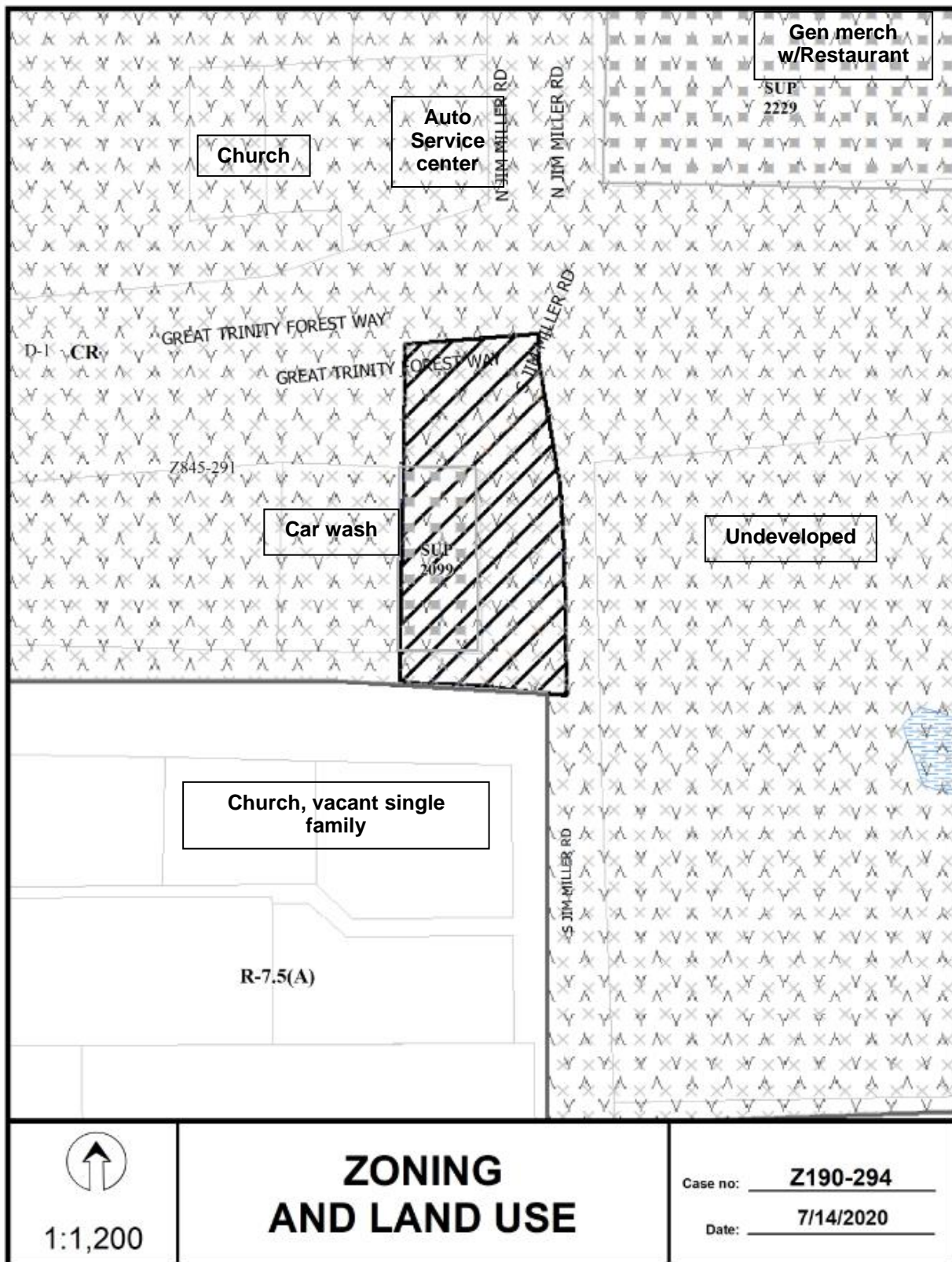
The restrictions contained herein are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning of the property is concerned.

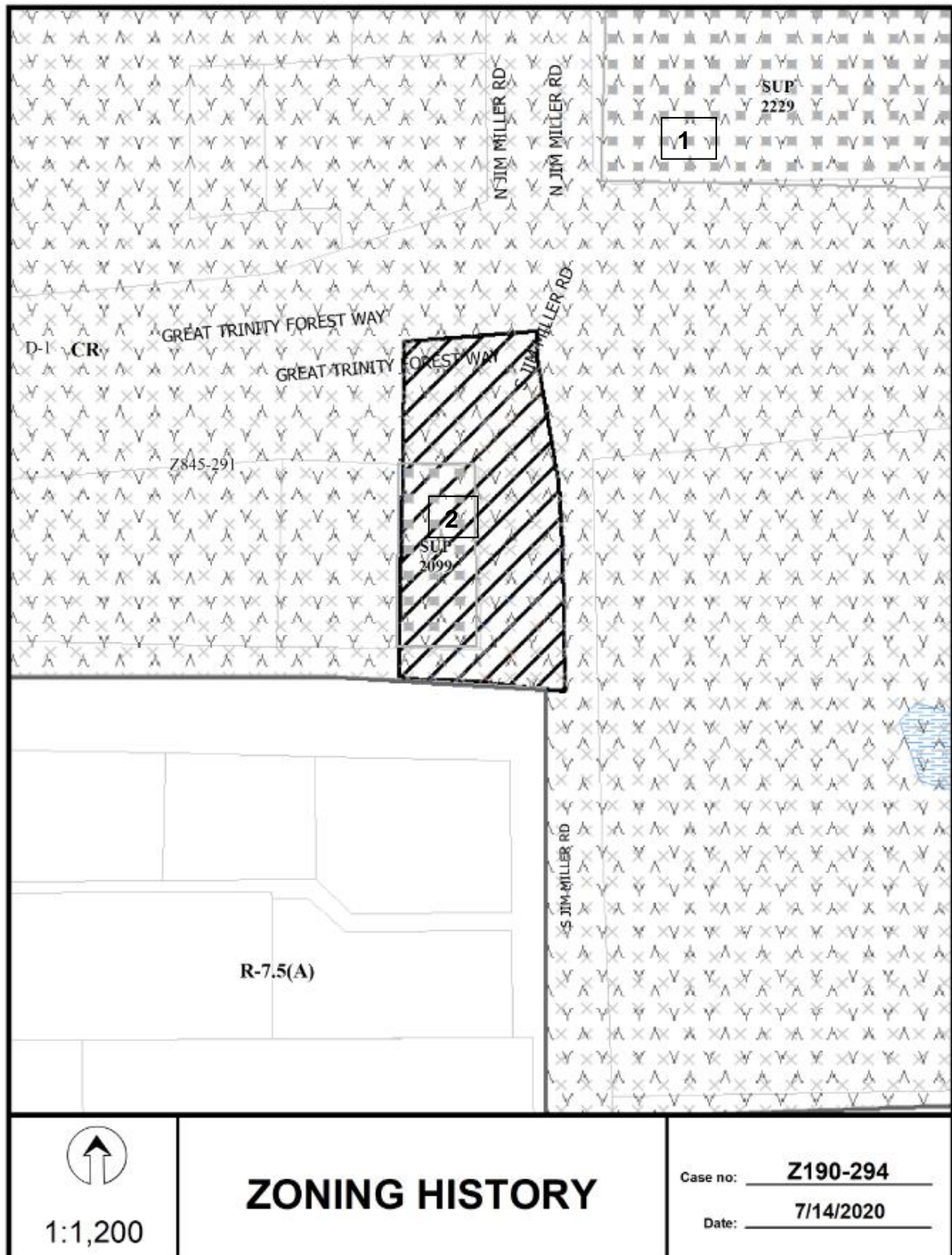
These restrictions inure to the benefit of the City of Dallas, and the undersigned owner hereof does grant to the City of Dallas the right to

86140 2745

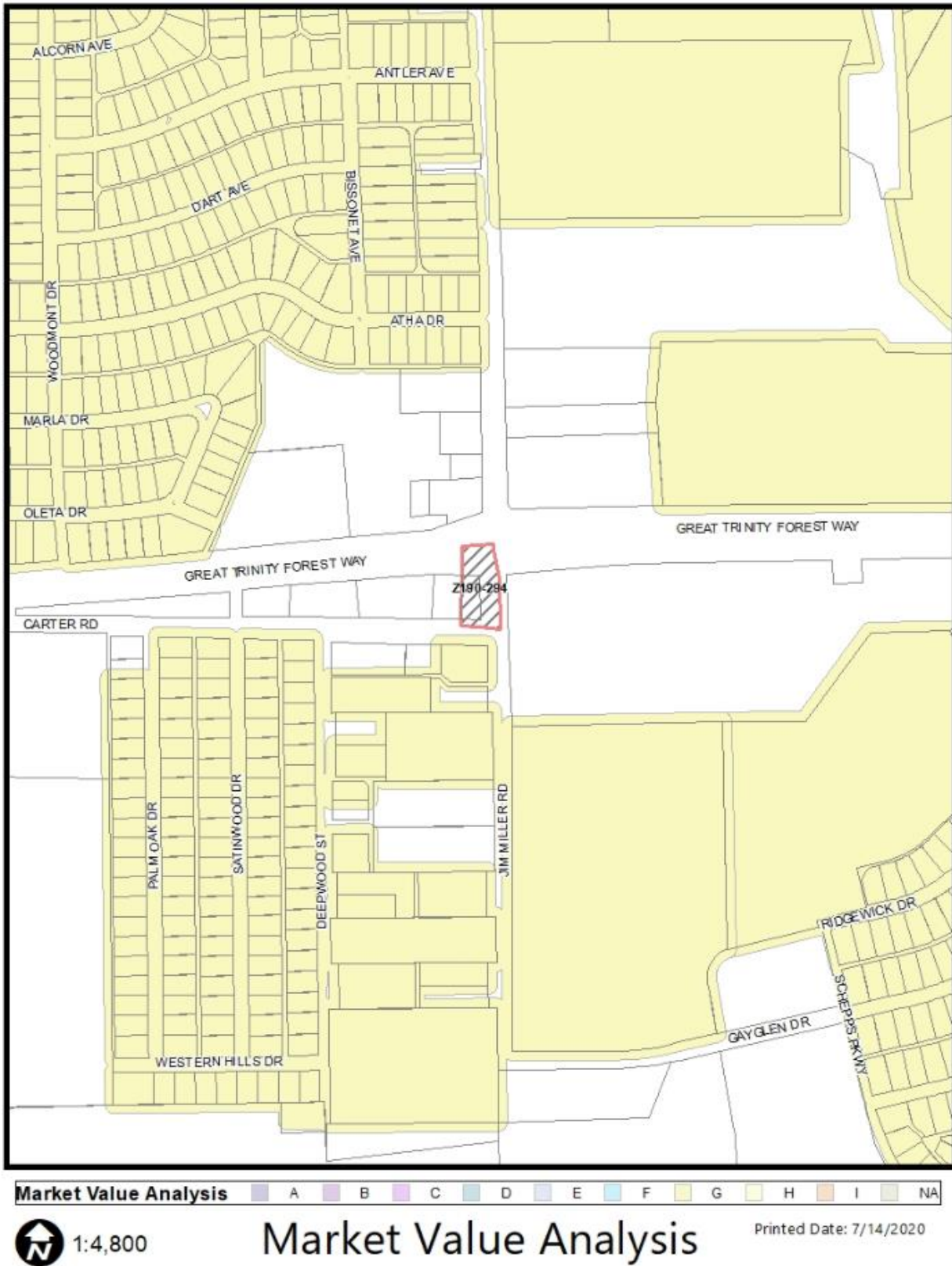








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CPC RESPONSES



09/16/2020

Reply List of Property Owners***Z190-294******12 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	7036 GREAT TRINITY FOREST WAY	JUNEJA PROPERTY HOLDINGS INC
	2	7028 GREAT TRINITY FOREST WAY	PHILLIPS LEO &
	3	6901 GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
	4	7015 GREAT TRINITY FOREST WAY	CATHEDRAL OF FAITH
	5	137 S JIM MILLER RD	MENDOZA JUAN
	6	7100 GREAT TRINITY FOREST WAY	VSB INVESTMENTS LLC
O	7	7020 GREAT TRINITY FOREST WAY	JUNEJA HOSPITALITY HOLDINGS LLC
	8	7071 GREAT TRINITY FOREST WAY	ALEJANDRE ARCANGEL
	9	7004 CARTER RD	LOVE OF GOD CHURCH
	10	7026 CARTER RD	GIBSON KENNETH E
	11	7040 CARTER RD	HOUSE OF PRAYER
	12	116 N JIM MILLER RD	SANABEL INVESTMENT LP