

FILE NUMBER: Z190-307(CT)

DATE FILED: July 15, 2020

LOCATION: North line of Lake June Road, west of Masters Drive

COUNCIL DISTRICT: 5

MAPSCO: 59 K; L

SIZE OF REQUEST: Approx. 7.172 acre

CENSUS TRACT: 119.00

REPRESENTATIVE: Catherine Chamblee, Esq.

APPLICANT/OWNER: Fiesta Mart, LLC

REQUEST: An application for 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 on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay

SUMMARY: The applicant proposes to sell alcoholic beverages for off-premise consumption. [Fiesta]

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 request site is currently developed with a shopping center containing a mix of retail uses including the specific suite containing an approximately 46,046 square foot grocery store.
- The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing grocery store.
- The general merchandise or food store use is permitted by right in the CR Community Retail District. The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay requires a specific use permit.
- On September 16, 2012, City Council approved Specific Use Permit No. 1983 for the sale of acholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for two-year period with eligibility for automatic renewals for additional five-year periods.
- Specific Use Permit No. 1983 was renewed for a five-year period on September 26, 2014 but missed the subsequent automatic renewal window in September of 2019, causing the termination of Specific Use Permit No. 1983.
- 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.

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

1. **Z190-245** Automatic renewal of Specific Use Permit No. 1809 for an open enrollment charter school.
2. **Z156-113** On January 27, 2016, City Council approved an amendment and expansion to Planned Development District No. 805.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Lake June Road	Principle Arterial	100 ft.
Masters Drive	Minor Arterial	100 ft.

Traffic:

The Engineering Division of the Sustainable Construction and Development 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:

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	CR-D-1	Retail/Personal Service
North	R-7.5(A)	Single Family
East	PD 805 D-1 & D	Retail/Personal Service
South	CR-D, R-7.5(A)	Personal Service, Restaurant, Church, and Single Family
West	MF-2(A) CR-D-1 with D.R. (978- 305)	Undeveloped, Office

Land Use Compatibility:

The request site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a shopping center containing a mix of retail uses. The specific tenant requesting to sell alcoholic beverages for off-premise consumption is a grocery store. The SUP site plan has the grocery store highlighted as the area for alcohol sales.

The surrounding land uses are single family to the north and south, retail to the east, south and west, an open-enrollment charter school, church and undeveloped land to the south. The request site meets the minimum spacing requirement of 300 feet from property line to property line from the open-enrollment charter school. There is also a church nearby, but the spacing requirement is measured from front door to front door and meets this requirement as well.

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 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.

In general, the applicant's request is consistent with the intent of the Dallas Development Code. Therefore, staff recommends the 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 conditions. CPC recommended approval for a two-year period with no automatic renewals.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store greater than 3,500 square feet is one parking space

per 200-square feet of floor area. The subject site is comprised of 46,046-square-feet and 230 parking spaces are required. The site meets the parking for the use.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code, as amended. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Market Value Analysis

[Market Value Analysis \(MVA\)](#), is a tool to aid residents and policymakers 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 subject site is uncategorized, there are properties to the south are located within Category "G" and properties to the north are located within Category "F."

List of Partners/Principals/Officers

Applicant:

Fiesta Mart, LLC

Siddarth Keswani, President/CEO

Wayne Peterson, CFO

David deKanter, Secretary

Stacy Walker, Treasurer

Carlos Smith, Manager

Josemaria Angulo, Asst. Secretary

Jack Hook, Asst Treasurer

Owner:

PINFIN Properties, LP

Keith W. Finley, President

**CPC ACTION
OCTOBER 15, 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 greater than 3,500 square feet 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 north line of Lake June Road, west of Masters Drive.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 11

Notices: Area: 400 Mailed: 71
Replies: For: 1 Against: 0

Speakers: For: Catherine Chamblee, 511 W. 7th Ave., Austin, TX, 78701
Bobbie Rawls, 2951 S. Buckner Blvd., Dallas, TX, 75227
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 restaurant with drive-in or drive through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

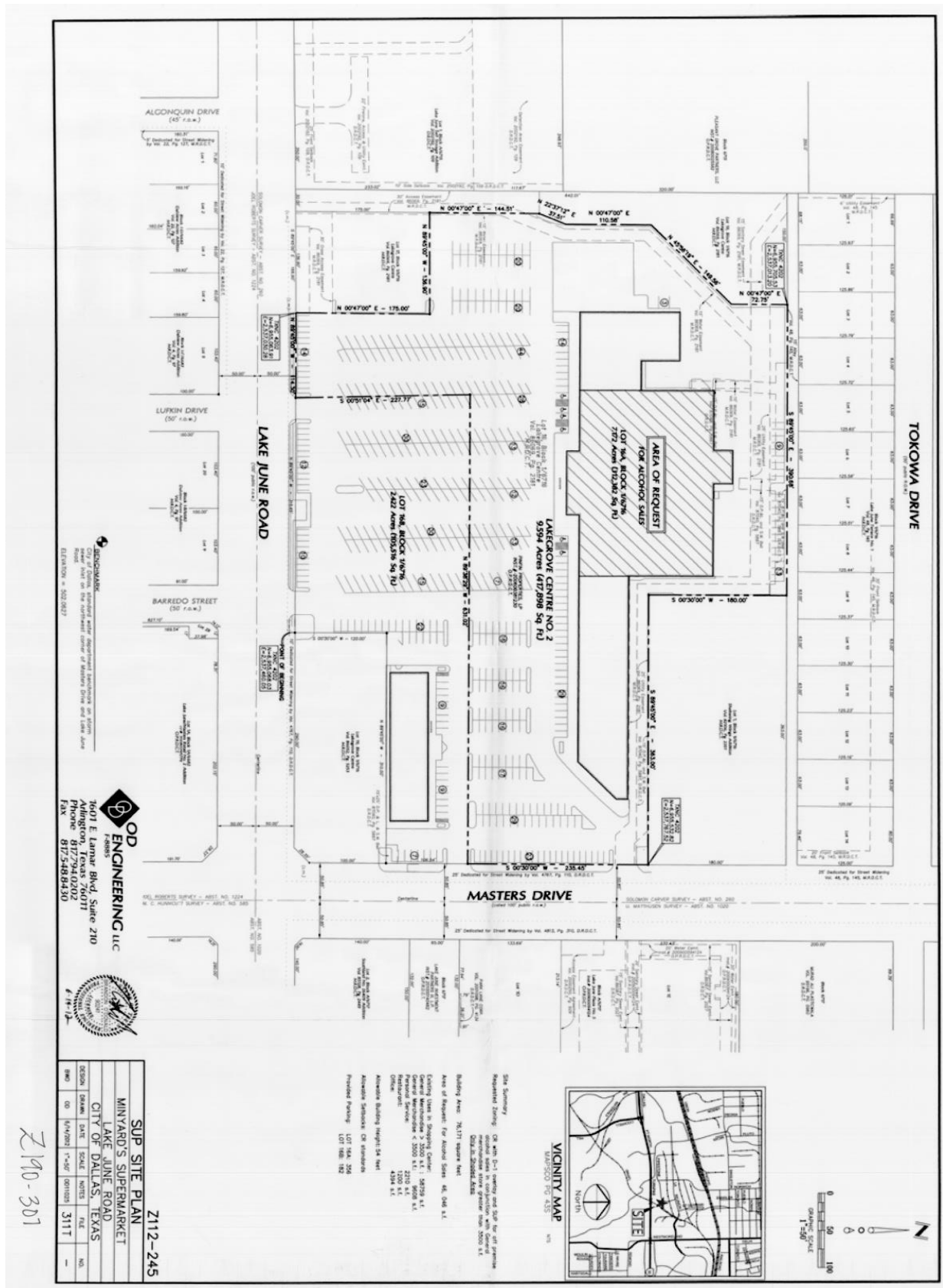
CPC Recommendation:

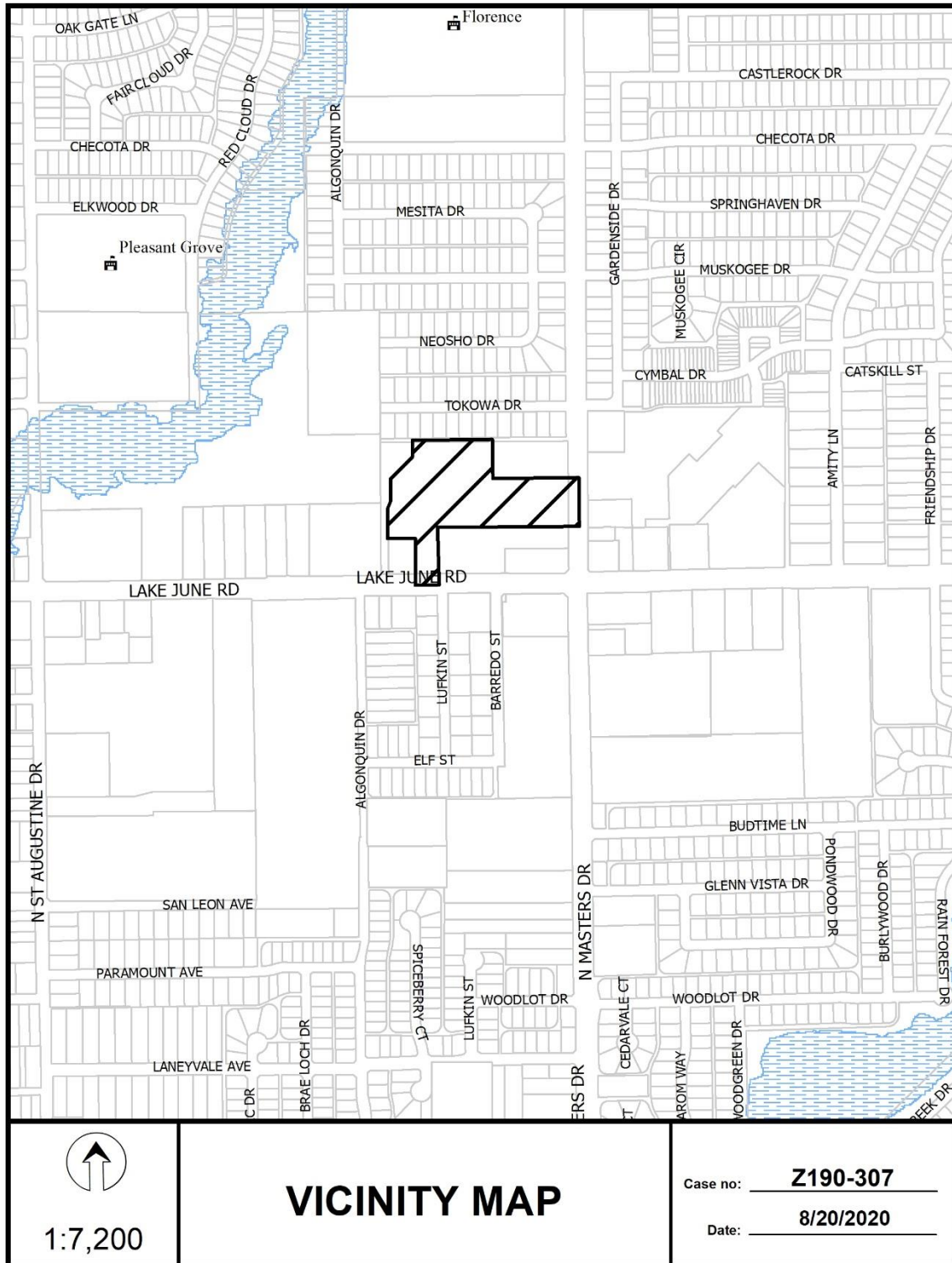
3. TIME LIMIT: This specific use permit expires on a (two-year period from the passage of this ordinance).

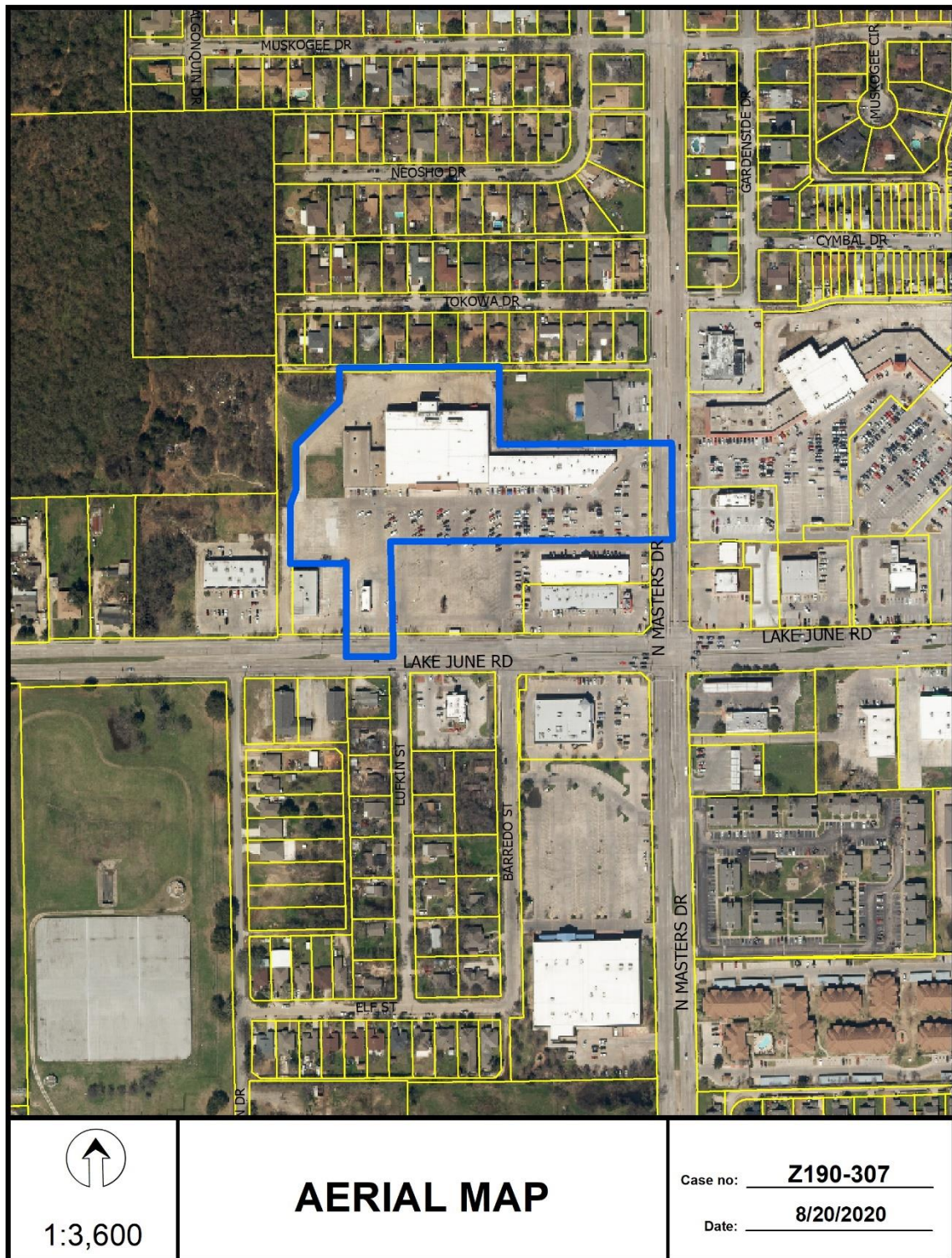
Staff's Recommendation

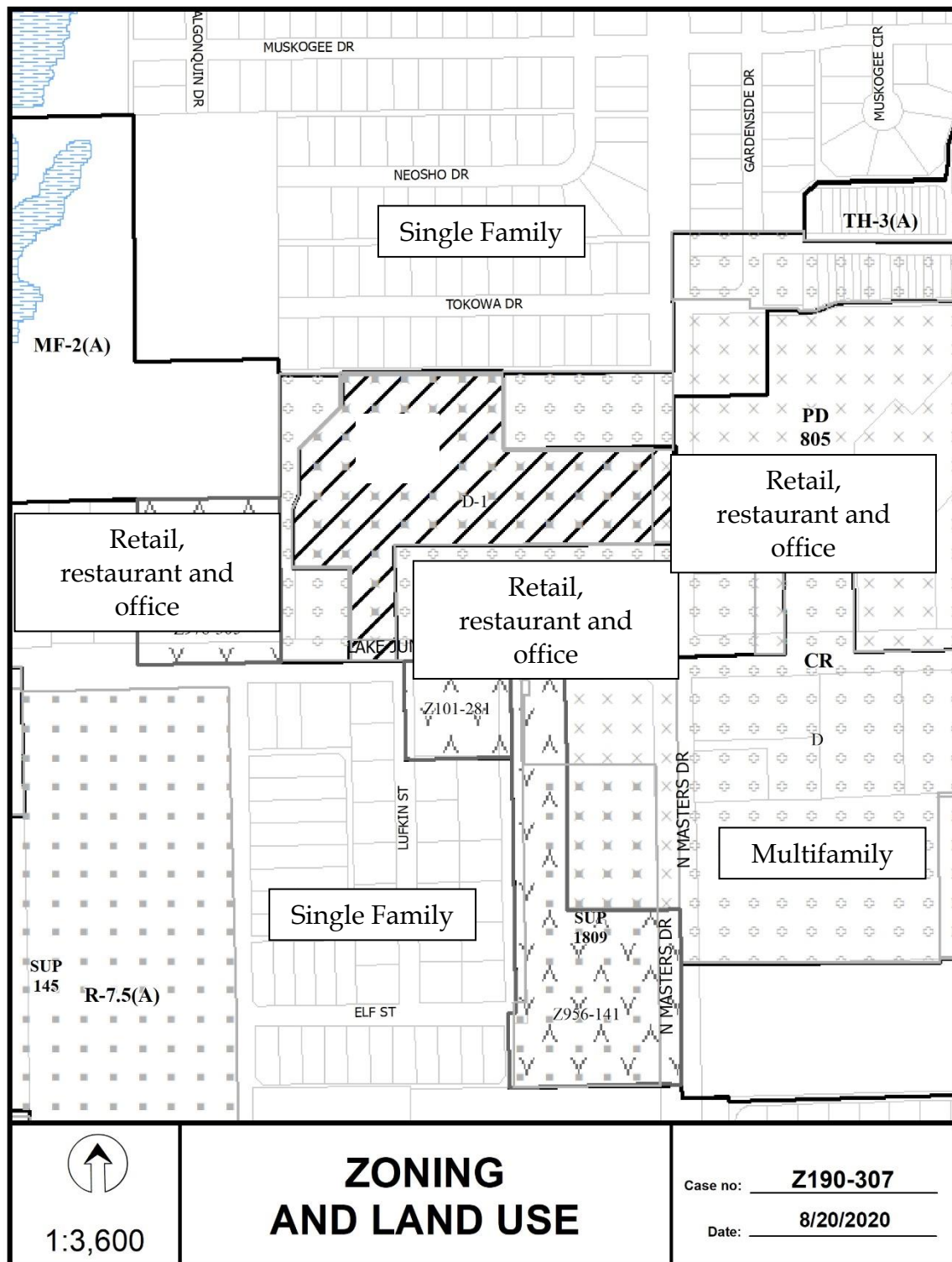
3. TIME LIMIT: This specific use permit expires on a (two-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property 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. 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.

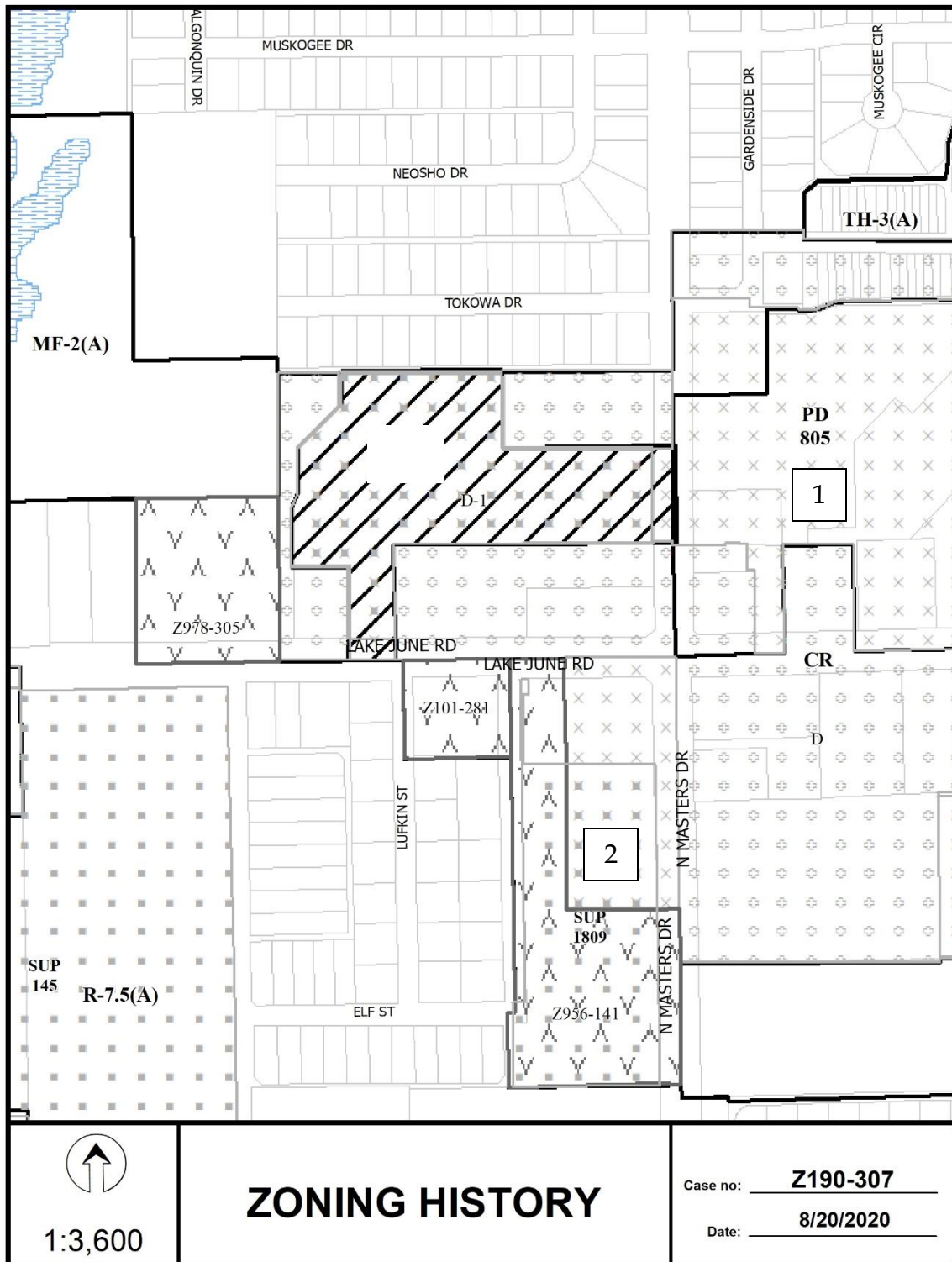
PROPOSED SITE

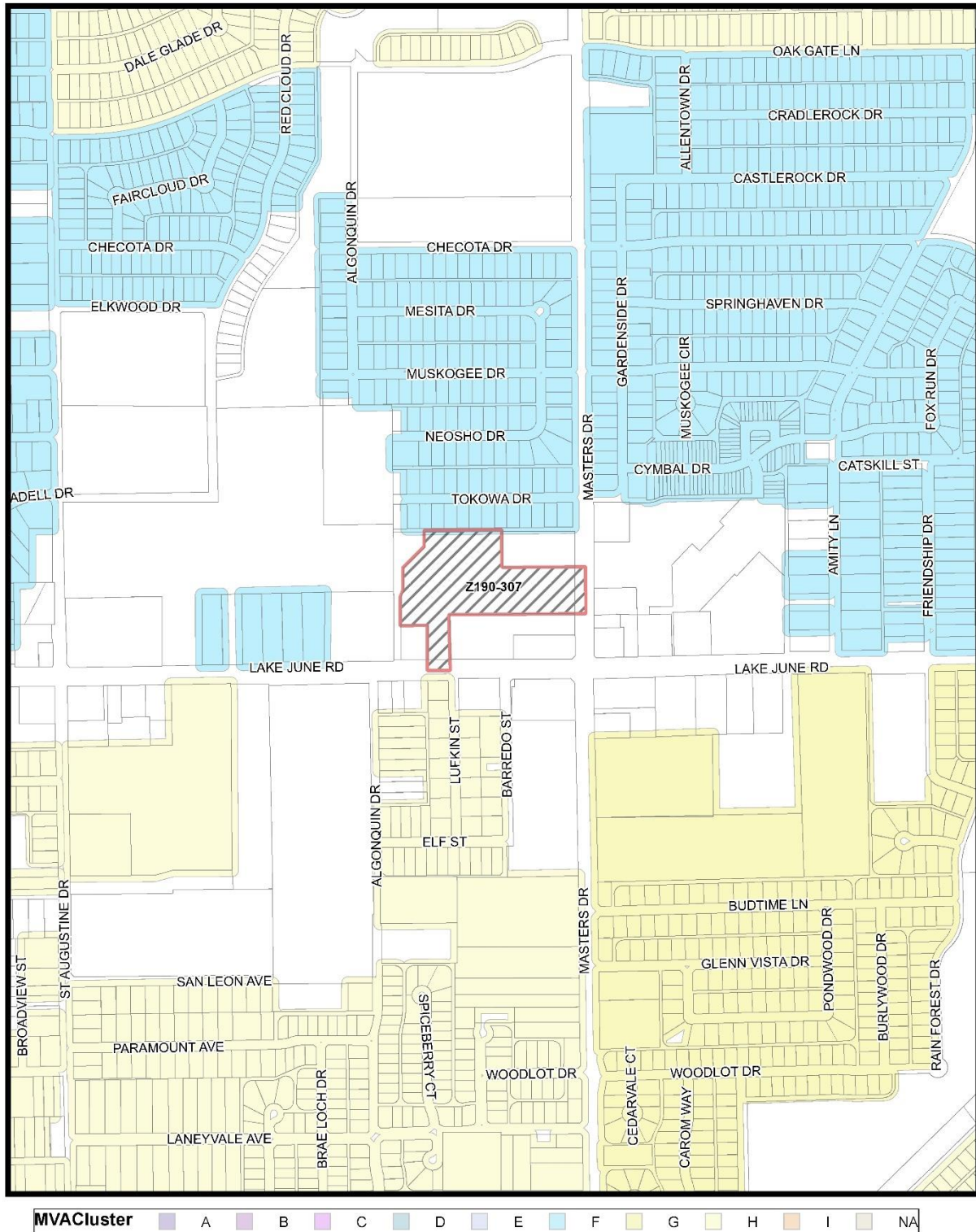








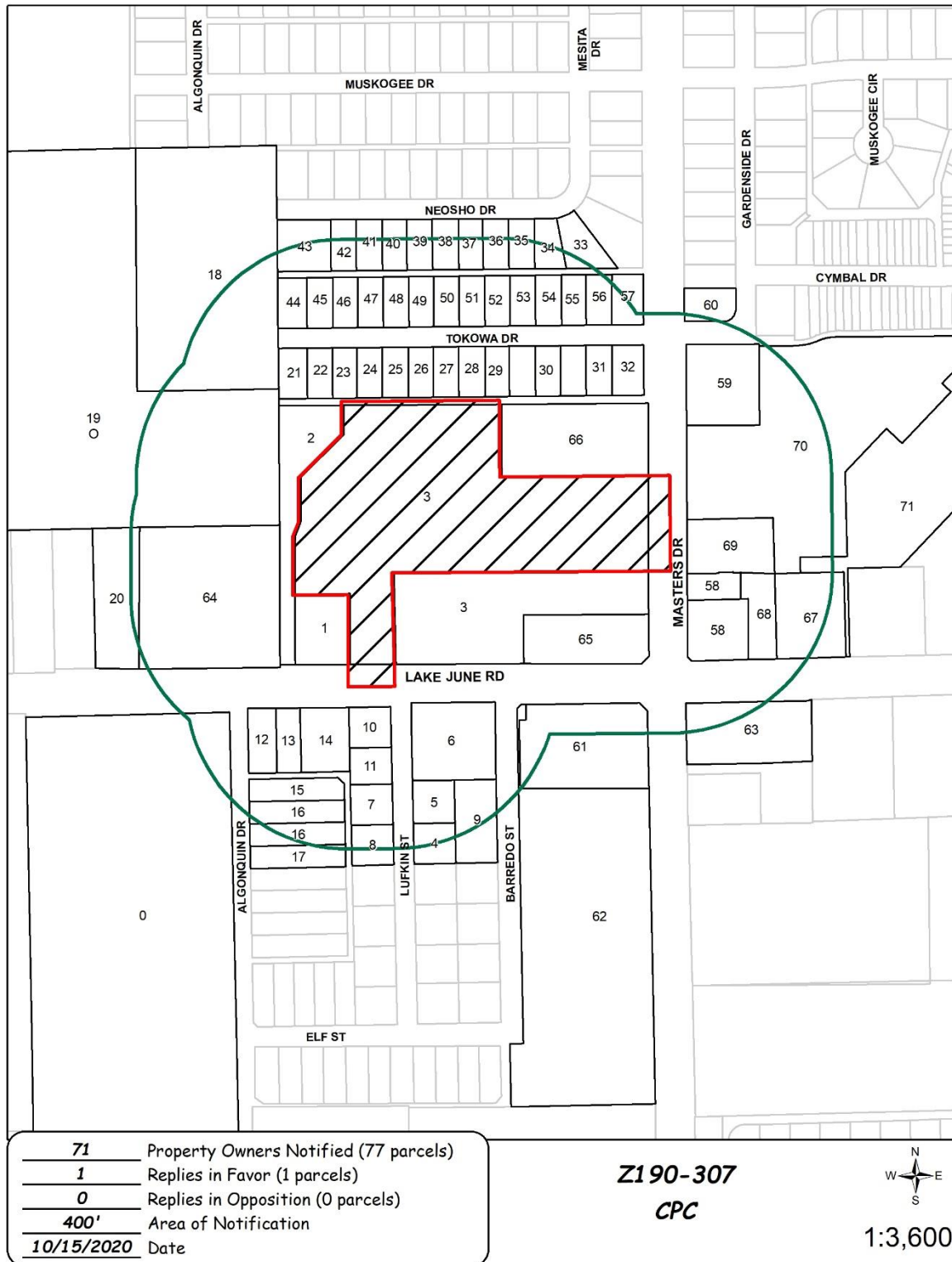




Market Value Analysis

Printed Date: 9/24/2020

CPC RESPONSE



10/14/2020

Reply List of Property Owners***Z190-307******71 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	10025 LAKE JUNE RD	CRAN BROOK INC
	2	10100 LAKE JUNE RD	ELLIS DEVELOPMENT COMPANY
	3	10121 LAKE JUNE RD	PINFIN PROPERTIES LP
	4	1222 LUFKIN ST	SANCHEZ CARLOS H &
	5	1232 LUFKIN ST	CARRUTH BILLY J
	6	10106 LAKE JUNE RD	FIREBRAND PPTIES LP
	7	1229 LUFKIN ST	MONTOYAVEGA ADELINA
	8	1223 LUFKIN ST	JUAREZ MARCIAL &
	9	1233 BARREDO ST	ROBERTS PHILLIP LEE
	10	10022 LAKE JUNE RD	EVANS BING CROSBY & NANCY
	11	1239 LUFKIN ST	HERNANDEZ ARMANDO
	12	10002 LAKE JUNE RD	LITTLE BETHEL ASSEMBLY
	13	10016 LAKE JUNE RD	LITTLE BETHEL ASSEMBLY
	14	10020 LAKE JUNE RD	LITTLE BETHEL
	15	1232 ALGONQUIN DR	SANCHEZ GUADALUPE
	16	1228 ALGONQUIN DR	HERNANDEZ RODOLFO &
	17	1220 ALGONQUIN DR	ZARAGOZA SAID R ROJO &
	18	9711 LAKE JUNE RD	NILVI NIRMAL S
O	19	9621 LAKE JUNE RD	PLEASANT GROVE PARTNERS L
	20	9903 LAKE JUNE RD	TAPIA JACOBO A RAMOS
	21	10018 TOKOWA DR	DEAVILA ARTURO & OLGA
	22	10022 TOKOWA DR	DE AVILA ARTURO & OLGA
	23	10026 TOKOWA DR	FISHER PATRICE
	24	10032 TOKOWA DR	REYES MARIA E
	25	10036 TOKOWA DR	MORA JERONIMO
	26	10040 TOKOWA DR	WEED KELLY & KATHY

10/14/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10044	TOKOWA DR	GUERRERO HERMELINDA &
28	10104	TOKOWA DR	SHEKHAS INC
29	10108	TOKOWA DR	CHAVEZ PEGGY
30	10116	TOKOWA DR	SOSA CLAUDIO & NORMA DELIA
31	10124	TOKOWA DR	CARDENAS JOSE P
32	10128	TOKOWA DR	LOPEZ FERMIN & SELENE
33	10104	NEOSHO DR	VILLALOBOS OSIRIS ANGELICA &
34	10058	NEOSHO DR	ULMER MICHAEL & MILLY
35	10054	NEOSHO DR	GOMEZ MAREESHA &
36	10050	NEOSHO DR	BARNES CHARLES H JR
37	10048	NEOSHO DR	CHAVEZ PEGGY
38	10042	NEOSHO DR	AVOCET VENTURES LP
39	10038	NEOSHO DR	IZAGUIRRE LAURENCIA & VICTOR
40	10034	NEOSHO DR	JOHNSON SANDRA K
41	10030	NEOSHO DR	LEWIS DAVID W & MARY J
42	10026	NEOSHO DR	COAHUILAS JOSE &
43	10022	NEOSHO DR	OLIVAS LUZ ADELINA
44	10017	TOKOWA DR	CHINSKE DENISE M
45	10021	TOKOWA DR	AMARO ABELINO &
46	10025	TOKOWA DR	JONES LINDA
47	10031	TOKOWA DR	MURILLO MADAY
48	10035	TOKOWA DR	SEJA LETICIA
49	10039	TOKOWA DR	HERRERA EFREN & ORALIA
50	10043	TOKOWA DR	GOVELLAN JULIAN
51	10103	TOKOWA DR	IBARRA ELIUD & AZAHALIA
52	10107	TOKOWA DR	PEDRAZA ALEJANDRO
53	10111	TOKOWA DR	TREJO ANTONIO AGUILAR &
54	10115	TOKOWA DR	TRAYLOR SAMUEL D &
55	10119	TOKOWA DR	MCELROY VICKIE J
56	10123	TOKOWA DR	MORENO VICTORIANA
57	10127	TOKOWA DR	VILLA CARLA

10/14/2020

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1318	N MASTERS DR	NEC LAKE JUNE & MASTERS LP
59	1346	N MASTERS DR	PLASTICWALA MURAD ALI
60	1403	GARDENSIDE DR	MEDRANO REINA &
61	10152	LAKE JUNE RD	WALGREEN CO
62	1227	N MASTERS DR	AMERICA CAN!
63	10208	LAKE JUNE RD	MDC COAST 6 LLC
64	9911	LAKE JUNE RD	RS PLAZA LLC
65	10155	LAKE JUNE RD	KING KASH INVESTORS 1991
66	1339	N MASTERS DR	SUNRISE ENTERPRISES INC
67	10315	LAKE JUNE RD	OREILY AUTO ENTERPRISES LLC
68	3	LAKE JUNE RD	NEC LAKE JUNE & MASTERS L
69	1326	N MASTERS DR	GOOD CLUCK LLC
70	10325	LAKE JUNE RD	NEC LAKE JUNE & MASTERS L
71	10325	LAKE JUNE RD	NEC LAKE JUNE & MASTERS L