

FILE NUMBER: Z190-330(CT) **DATE FILED:** August 22, 2019

LOCATION: Southeast corner of Scyene Road and Namur Street

COUNCIL DISTRICT: 7 **MAPSCO:** 49 Y

SIZE OF REQUEST: ± .48 acres **CENSUS TRACT:** 176.05

REPRESENTATIVE: Parvez Malik, BUSINESS ZOOM

APPLICANT: Sadlerssai Enterprise Inc.

OWNER: Kwickpick Grocery Inc.

REQUEST: An application for the renewal of Specific Use Permit No. 2354 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 the continued to sale alcohol for off-premise consumption in conjunction with an approximately 3,774-square-foot general merchandise or food store [Sadler's Food Mart Beer & Wine].

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

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

BACKGROUND INFORMATION:

- The request site is currently developed with a general merchandise or food store greater 3,500 square feet.
- On December 11, 2019, City Council approved Specific Use Permit No. 2354 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a one-year time-period.
- The applicant is seeking renewal of Specific Use Permit No. 2354.
- The request is to continue the sell alcohol for off-premise consumption in conjunction with the general merchandise or food store use.
- 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.

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

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Scyene Road	Principal Arterial	107 ft.	107 ft.
Namur Street	Collector	24 ft	24 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 *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! 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 because it is retaining the existing zoning regulations while allowing an additional use that is not only compatible but allowed within the zoning district with an added layer of regulation.

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

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 SUP No. 2354	General Merchandise
North	CR-D-1	Mini-warehouse
South	R-7.5(A), SUP No. 2231	Cellular Tower Antenna and Single Family
East	CR-D-1	Pharmacy, Undeveloped
West	CR-D-1	Single Family

Land Use Compatibility:

The request site is developed with a general merchandise or food store. The applicant is proposing to renew Specific Use Permit No. 2354 for sell alcohol for off-premise consumption in conjunction with the general merchandise or food store 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 an undeveloped tract of land to east, a single-family dwelling to the west across Namur Street, a cellular communication tower or antenna to the south and a warehouse use to the north across Scyene Road.

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.

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 is current with the Chapter 12B Licensure.

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 two-year period with eligibility of automatic renewals for additional five year periods.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. Based

on the total floor area of 3,774-square-foot general merchandise use 19 spaces are required. However, the site is providing 24 off-street parking spaces.

Landscaping:

Landscaping of any development will be in accordance with Article X, as amended. However, no new construction, additions or paving are requested. Therefore, landscape requirements will not be triggered.

Crime Statistics:

Staff obtained reported offenses for the most recent one-year period during which the use has operated under SUP No. 2354. The list of offenses is provided below:

Calls:

Response Date	Problem	Location Name	Address
1/8/2020	04 - 911 Hang Up		10300-10334 Scyene Rd
1/30/2020	12B - Business Alarm	SADLER'S FOOD MART #2	10300 Scyene Rd
2/9/2020	07 - Minor Accident	SADLER'S BEER AND WINE	10300 Scyene Rd
2/26/2020	09 - Theft	SADLER'S FOOD MART AND GROCERY	10300 Scyene Rd
2/27/2020	09 - Theft	SANDLER'S FOOD MART #2	10300 Scyene Rd
3/12/2020	09 - Theft		10300 Scyene Rd
4/2/2020	6X - Major Dist (Violence)	SADLER FOOD MART 2	10300 Scyene Rd
5/10/2020	6X - Major Dist (Violence)	SADLER FOOD MART	10300 Scyene Rd
6/5/2020	40/01 - Other		10300 Scyene Rd

Arrests:

Arrest Date	Arrest Time	Address	Crime
5/23/2020	1:22	10300 SCYENE RD	WARRANT DALLAS PD (ALIAS/CAPIAS)

Offenses: Zero

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 I). Although the area of request is not within an identifiable MVA cluster, it is adjacent to an “F” MVA cluster to the west and south across Namur Street.

<p>LIST OF OFFICERS Kwickpick Grocery LLC</p>
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Kwickpick Grocery LLC

Kishor Gajera	President and Director
Bharat Gajera	Vice President and Secretary

Sadlerssai Enterprise Inc.

Ram D. Shah	President/Secretary
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CPC ACTION
NOVEMBER 19, 2020

Motion: It was moved to recommend **approval** of the renewal of a Specific Use Permit No. 2354 for the sale of acholic 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 on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the southeast corner of Scyene Road and Namur Street.

Maker: Hampton
Second: Murphy
Result: Carried: 15 to 0

For: 15 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Myers,
Suhler, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 0

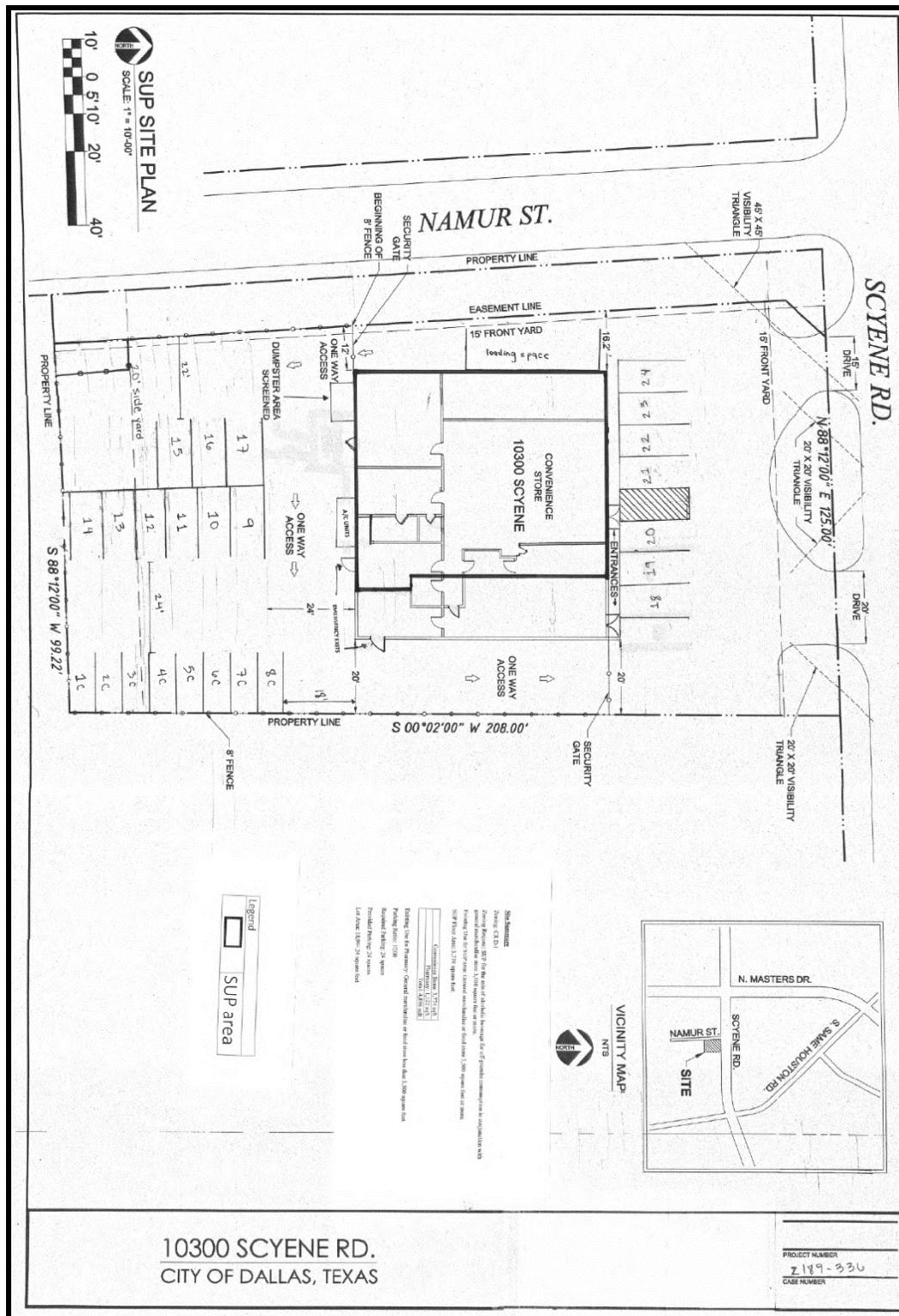
Notices: Area: 200 Mailed: 16
Replies: For: 0 Against: 0

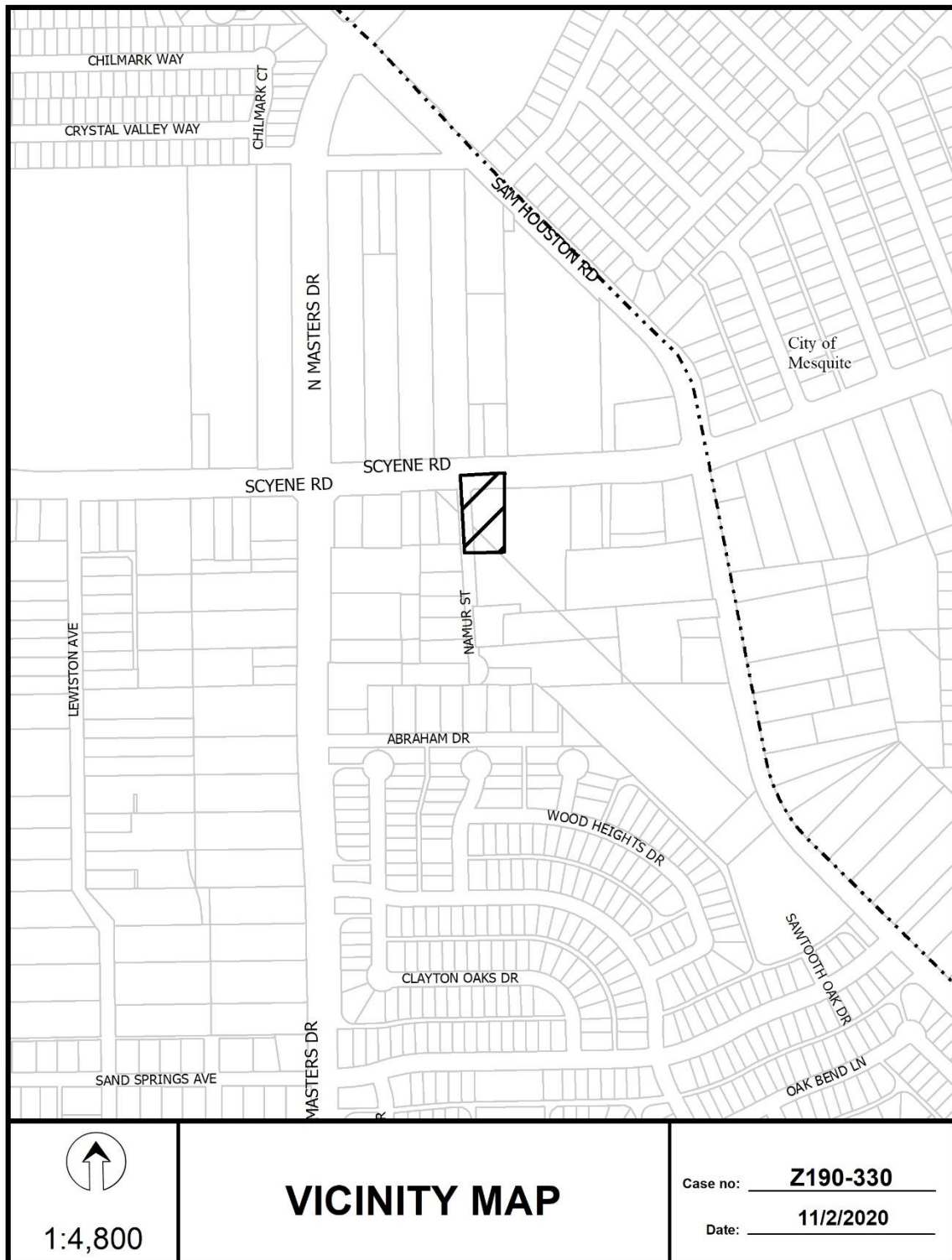
Speakers: For: None
For (Did not speak): Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
Against: None

CPC RECOMMENDED CONDITIONS

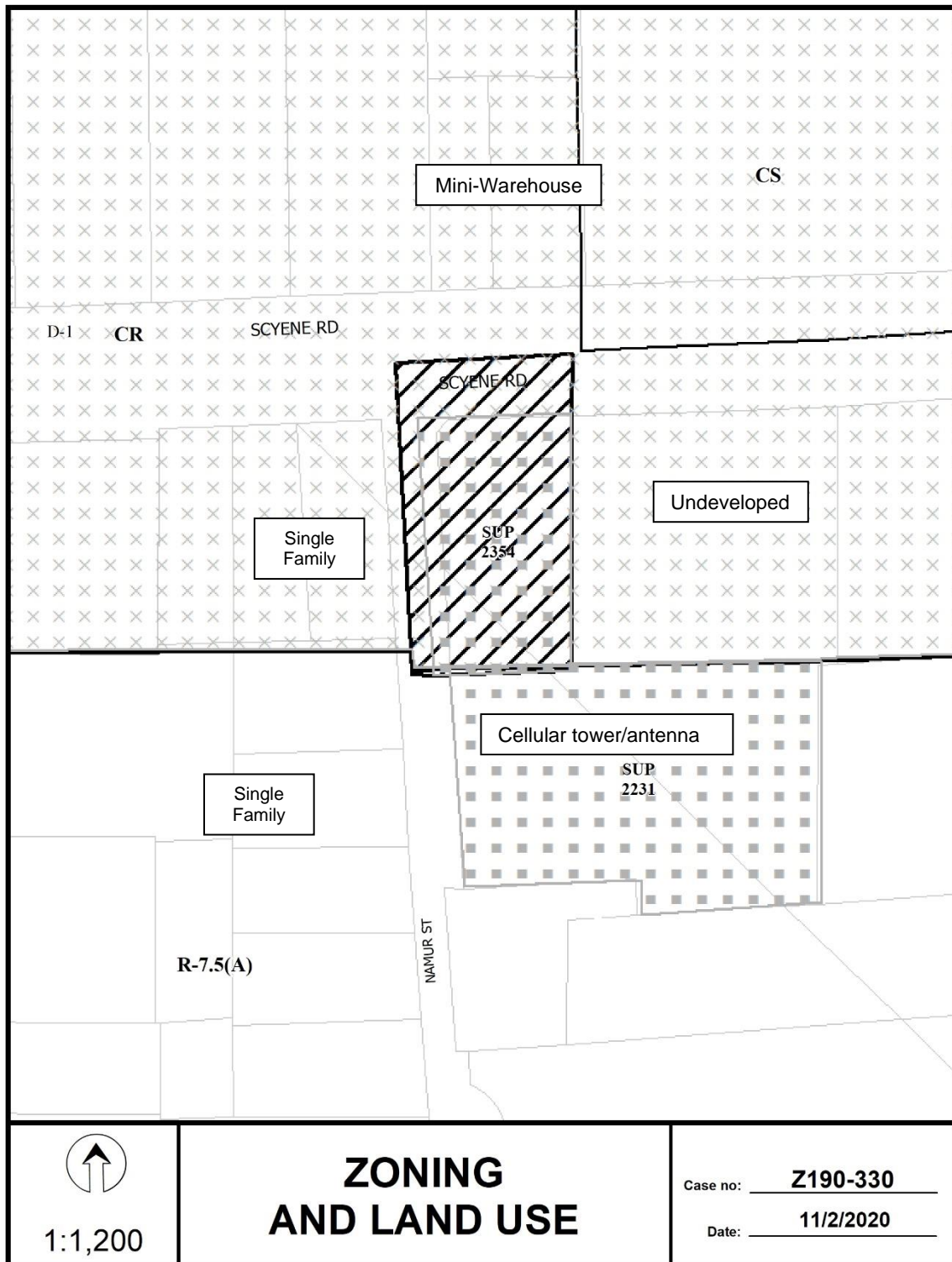
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages as part of the operation of a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~December 11, 2020~~, (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.

EXISTING SITE PLAN

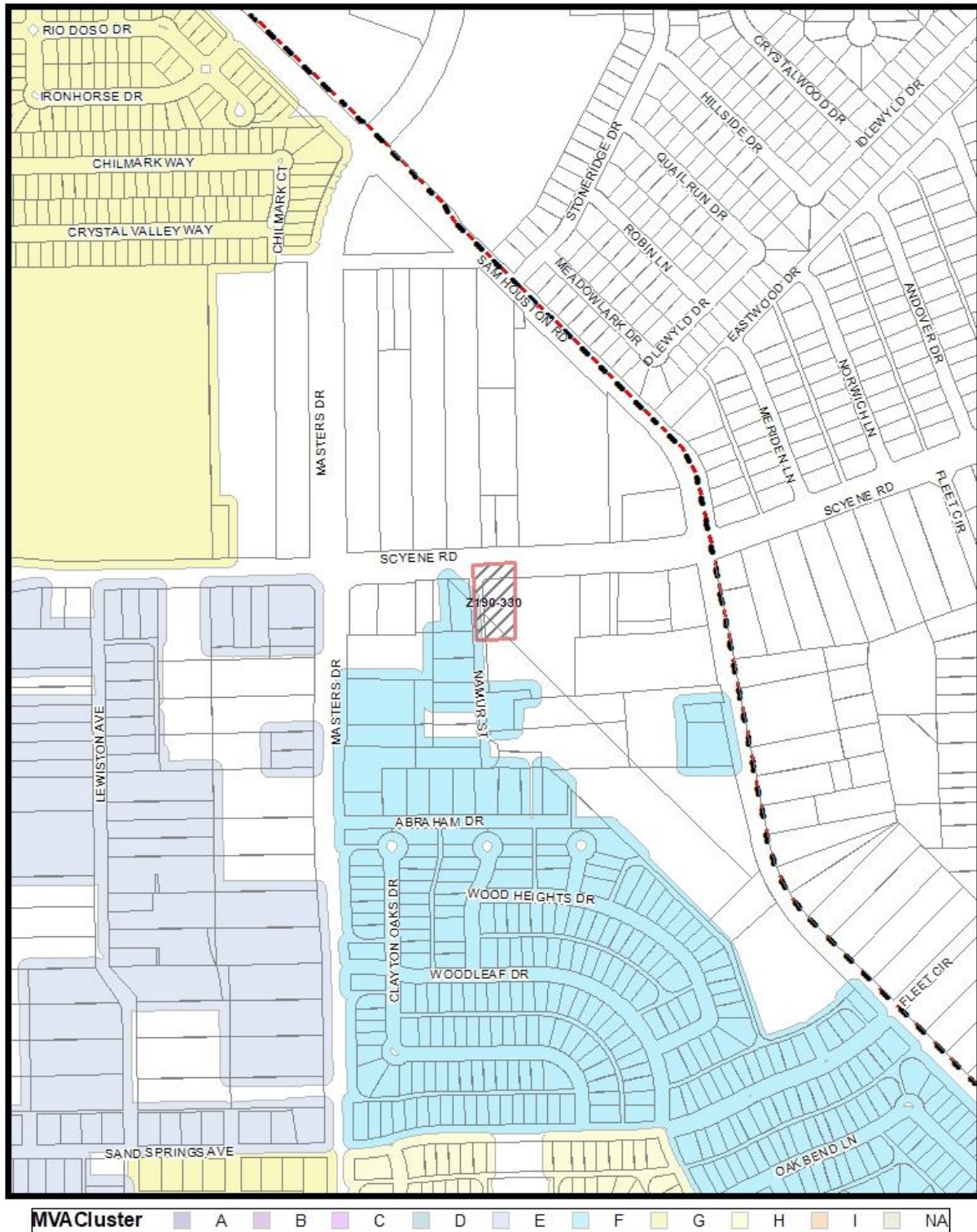








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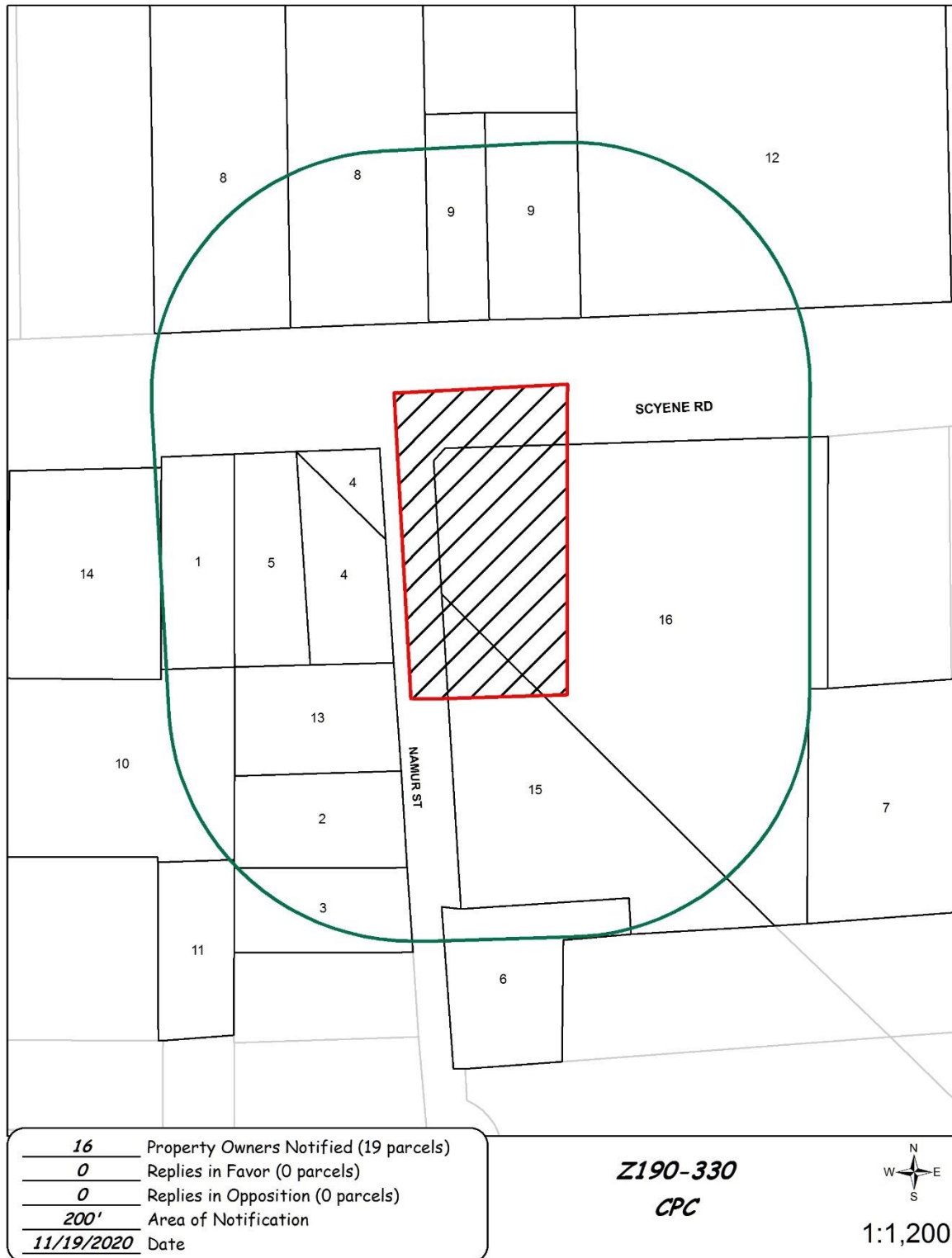


1:4,800

Market Value Analysis

Printed Date: 11/2/2020

CPC RESPONSES



11/11/2020

Notification List of Property Owners

Z190-330

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10222 SCYENE RD	GARCIA GABRIEL &
2	2909 NAMUR ST	PADILLA MARCOS
3	2901 NAMUR ST	ALBARRAN JOSE LUIS ALFARO
4	10230 SCYENE RD	JB CARICSON LLC
5	10226 SCYENE RD	GARCIA GABRIEL &
6	2830 NAMUR ST	MUNOZ JOSE SANTOS &
7	2911 SAM HOUSTON RD	CASTILLO IRVING
8	10221 SCYENE RD	TABE PETROLEUM CORPORATION
9	10301 SCYENE RD	TAMEZ HECTOR &
10	2910 N MASTERS DR	CASTILLO MAGDA
11	2907 NAMUR ST	IGLESIA NUEVA VIDA PENTECOSTES
12	10331 SCYENE RD	SCYENE STORAGE LP
13	2917 NAMUR ST	Taxpayer at
14	10210 SCYENE RD	Taxpayer at
15	10300 SCYENE RD	Taxpayer at
16	10300 SCYENE RD	Taxpayer at