

**FILE NUMBER:** Z201-151(PD)

**DATE FILED:** December 16, 2020

**LOCATION:** Northeast corner of Lake June Road and Holcomb Road

**COUNCIL DISTRICT:** 5

**MAPSCO:** 58 M

**SIZE OF REQUEST:** ± .3916 ac.

**CENSUS TRACT:** 92.10

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**REPRESENTATIVE:** Parvez Malik, Business Zoom

**OWNER/APPLICANT:** Creek Rental Property, LLC, Karim Rashid, sole officer

**REQUEST:** An application for a renewal of Specific Use Permit No. 1871 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.

**SUMMARY:** The applicant proposes to continue to sell alcohol for off-premise consumption in conjunction with the existing convenience store [Buy & Ride].

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, 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 request site is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station.
- The proposed use is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- Although the general merchandise or food store 3,500 square feet or less is permitted by right, the sale of alcoholic beverages requires a specific use permit in the D-1 Liquor Control Overlay.
- On August 10, 2011, SUP No. 1871 was approved by Council with a two-year approval period with eligibility for five-year automatic renewals.
- On October 8, 2013, the Council approved an amendment to SUP No. 1871 for a five-year period with eligibility for five-year automatic renewals.
- On May 8, 2019, the City Council approved the renewal of SUP No. 1871 for a two-year period.

**Zoning History:** There have been four zoning change requested in the area in the past five-years.

1. **Z190-357:** On February 24, 2021, the City Council will hear a request for the renewal of SUP No. 2365 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 located on the southwest corner of Lake June Road and Holcomb Road.
2. **Z189-367:** On February 26, 2020, the City Council approved an ordinance granting SUP No. 2365 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 located on the southwest corner of Lake June Road and Holcomb Road.
3. **Z178-378:** On May 8, 2019, the City Council approved the renewal of SUP No. 1871 for a two-year period. (subject site)

4. **Z167-146:** On October 24, 2018, the City Council approved a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District located on the north line of Lake June Road, east of Holcomb Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
Lake June Road	Principal Arterial	80 ft.
Holcomb Road	Local	60 ft.

**Traffic:** The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing 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:**

	Zoning	Land Use
<b>Site</b>	CR-D-1, SUP No. 1871	General Merchandise store & fueling station
<b>North</b>	R-7.5(A)	Undeveloped, Single Family
<b>East</b>	CR with DR No. Z167-146	Undeveloped
<b>South</b>	CR-D-1 with SUP No. 1866, RR-D	General Merchandise store & fueling station, Auto related uses
<b>West</b>	RR-D	Auto related uses

**Land Use Compatibility:**

The site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant proposes to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a variety of auto related, retail, and convenience stores with fueling station uses along Lake June Road. There are two convenience stores with fueling stations that are located on the southeast and southwest corners of Lake June Road and Holcomb Road. Properties north of the request site are developed with residential uses and the undeveloped land to the east was recently approved a zoning change to allow certain CR Community Retail District uses.

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 site is currently in compliance with Chapter 12B.

Staff supports the request subject to the attached conditions due to consistency with the intent of the Dallas Development Code.

**Landscaping:**

Landscaping of any development will be in accordance with Article X, as amended.

**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 and two spaces for a motor vehicle fueling station. Therefore, the development requires 12 spaces and 13 are provided on site.

**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 abuts an “H” MVA cluster on the north.

### **Crime Report:**

Dallas Police Department (DPD) data reflects crime statistics from the previous date of approval or May 8, 2019 to February 2, 2021. The data reflects nine calls, two offenses, and no arrests.

### **Calls:**

Row Labels	Count of Problem
09V - UUMV	1
09V-01 UUMV Just Ocrd	1
16A - Injured Person w/Amb	2
24 - Abandoned Property	1
40 - Other	1
41/20 - Robbery - In Progress	1
6X - Major Dist (Violence)	2
<b>Grand Total</b>	<b>9</b>

### **Offenses:**

DataSource	IncidentNum	ServYr	ServNumID	Watch	Signal	Level_ID	OffIncident	Premise
RMS/NIBRS	096360-2020	2020	096360-2020-01	3	7X - MAJOR ACCIDENT	NULL	ASSAULT (AGG) -DEADLY WEAPON	Parking (Business)
RMS/NIBRS	213194-2019	2019	213194-2019-01	1	41/20 - ROBBERY - IN PROGRESS	NULL	ROBBERY OF BUSINESS (AGG)	Gas or Service Station

**CPC ACTION:**  
**March 4, 2021**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1871 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 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 northeast corner of Lake June Road and Holcomb Road.

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

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

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

**Notices:** Area: 200 Mailed: 16  
**Replies:** For: 1 Against: 0

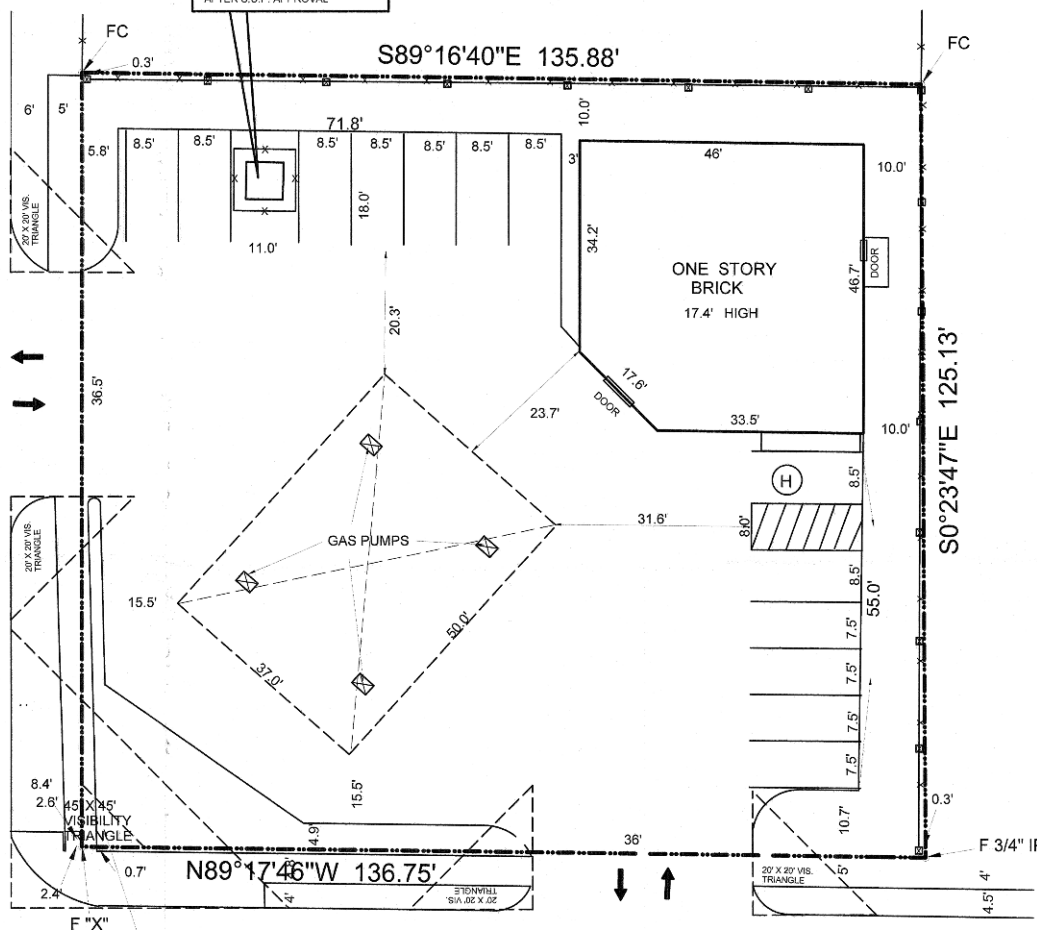
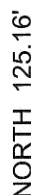
**Speakers:** For: None  
For (Did not speak): Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062  
Against: None

**CPC Recommended Conditions**  
**SUP No. 1871**

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.
3. TIME LIMIT: This specific use permit expires on (five-years from the passage of this ordinance). [May 8, 2021, 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. INGRESS/EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations,



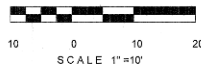
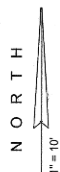
PARKING SPACES WILL  
BE RESTRIPTED PER  
SITE PLAN AFTER S.U.P.  
APPROVAL



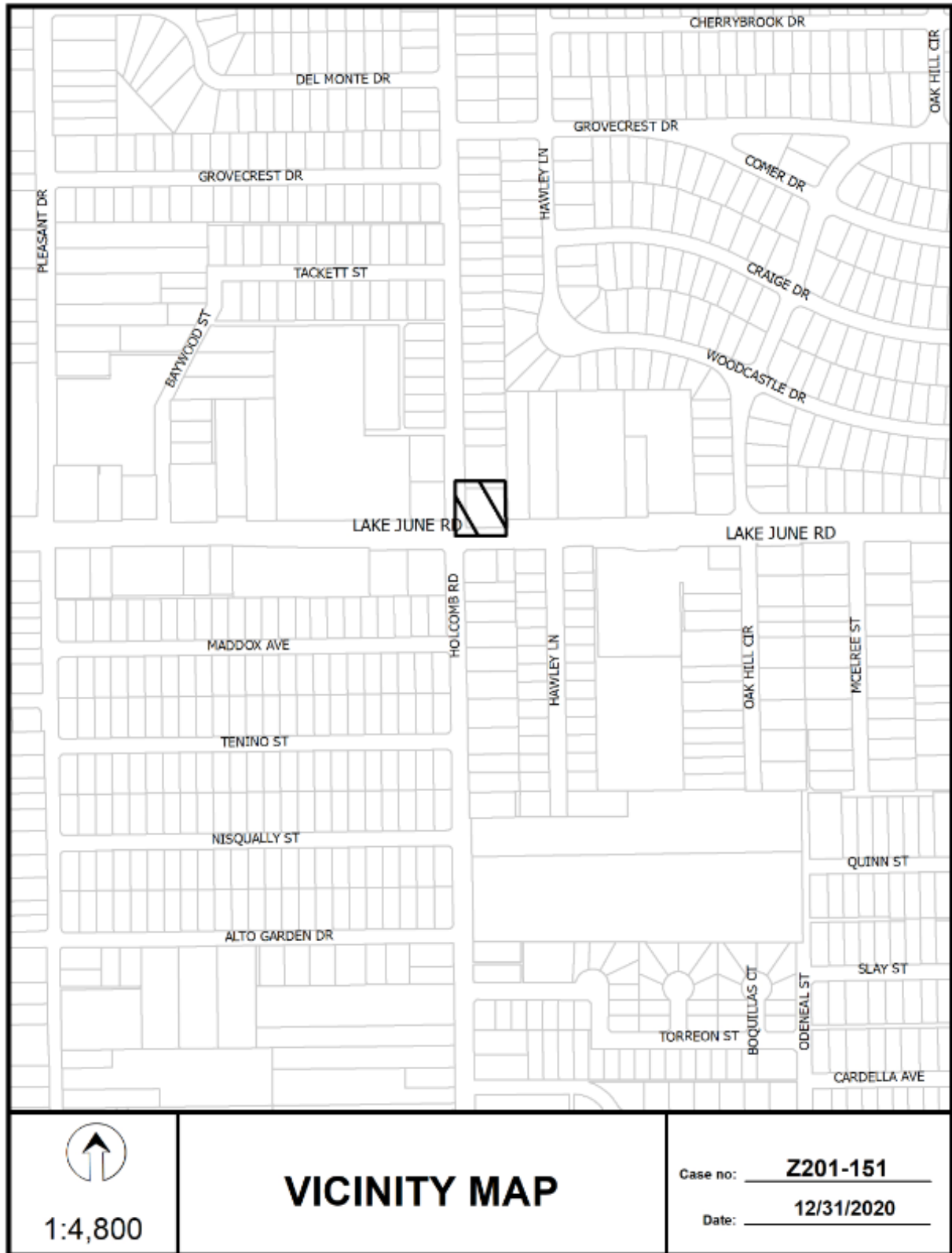
IMPERVIOUS AREA	
BUILDING FOOTPRINT	2070.08 S.F.
CONCRETE/ ASPHALT	11376.80 S.F.
TOTAL	13446.88 S.F.

PARKING TABULATIONS		
PARKING	REQUIRED	PROVIDED
REGULAR PARKING SPACES	12	12
HANDICAPPED SPACES	1	1
TOTAL	13	13

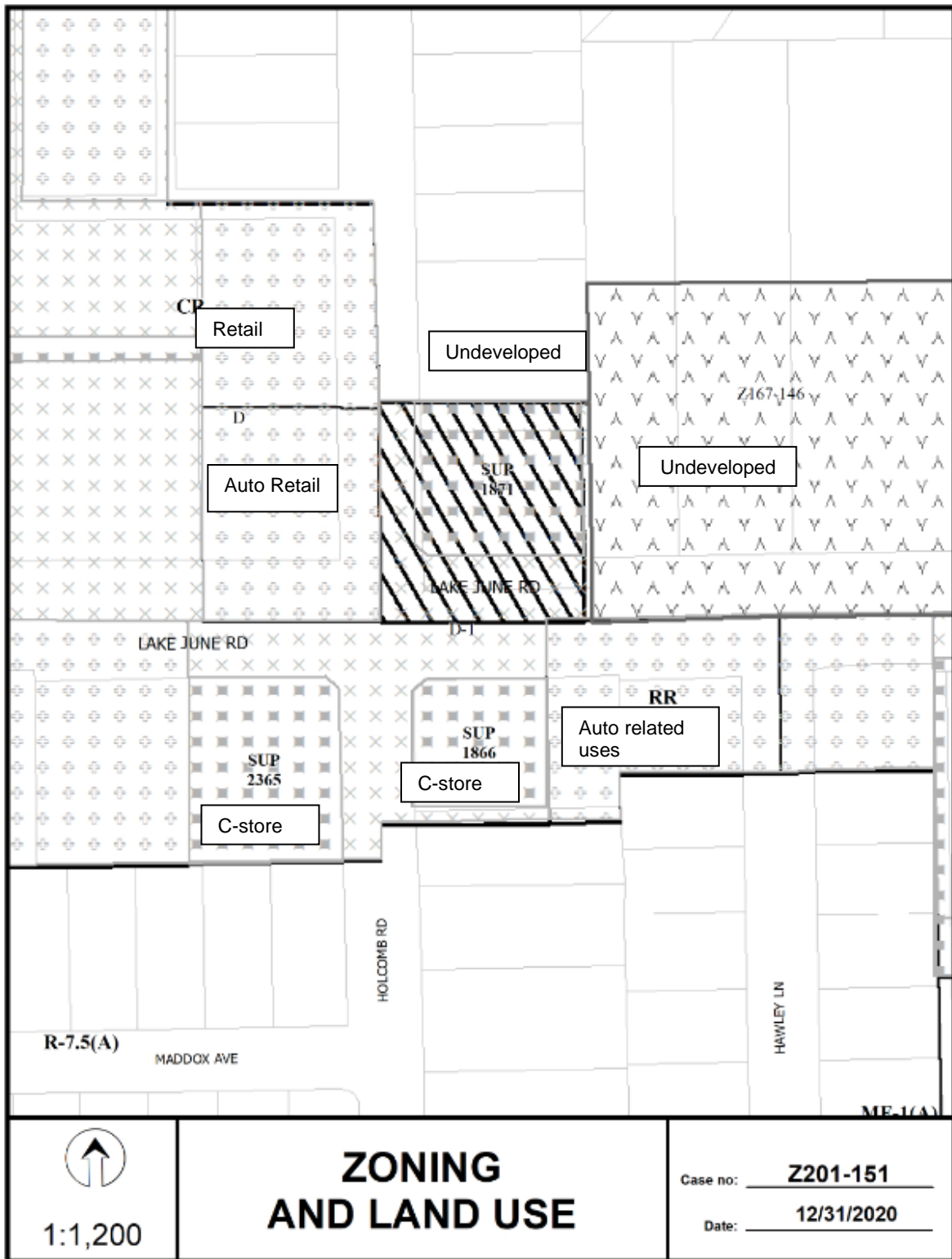
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(VARIABLE WIDTH ROW)



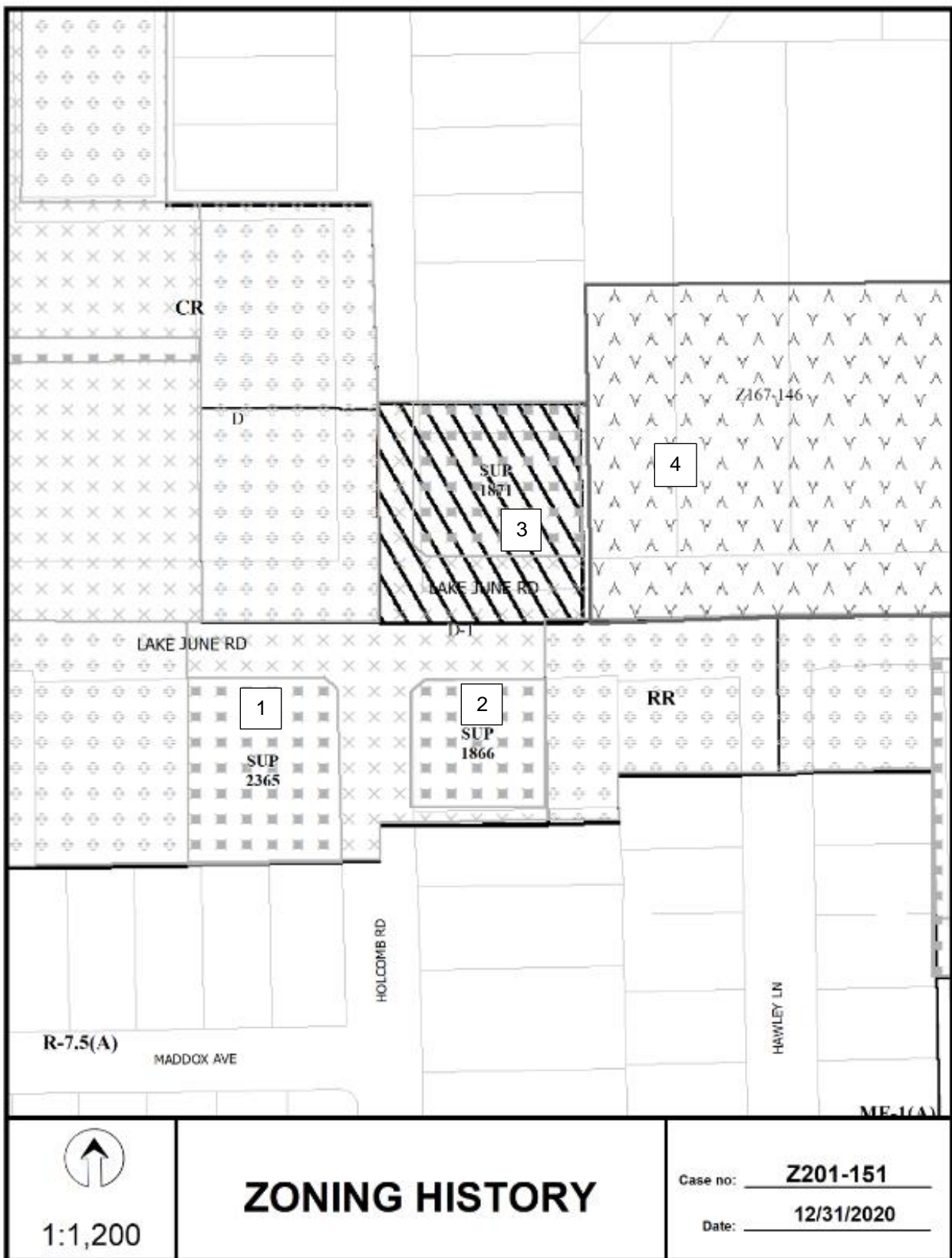
MOBLY LAND SURVEYING, INC.  
740 DALWORTH STREET  
GRAND PRAIRIE, TEXAS 75050 817-262-1000

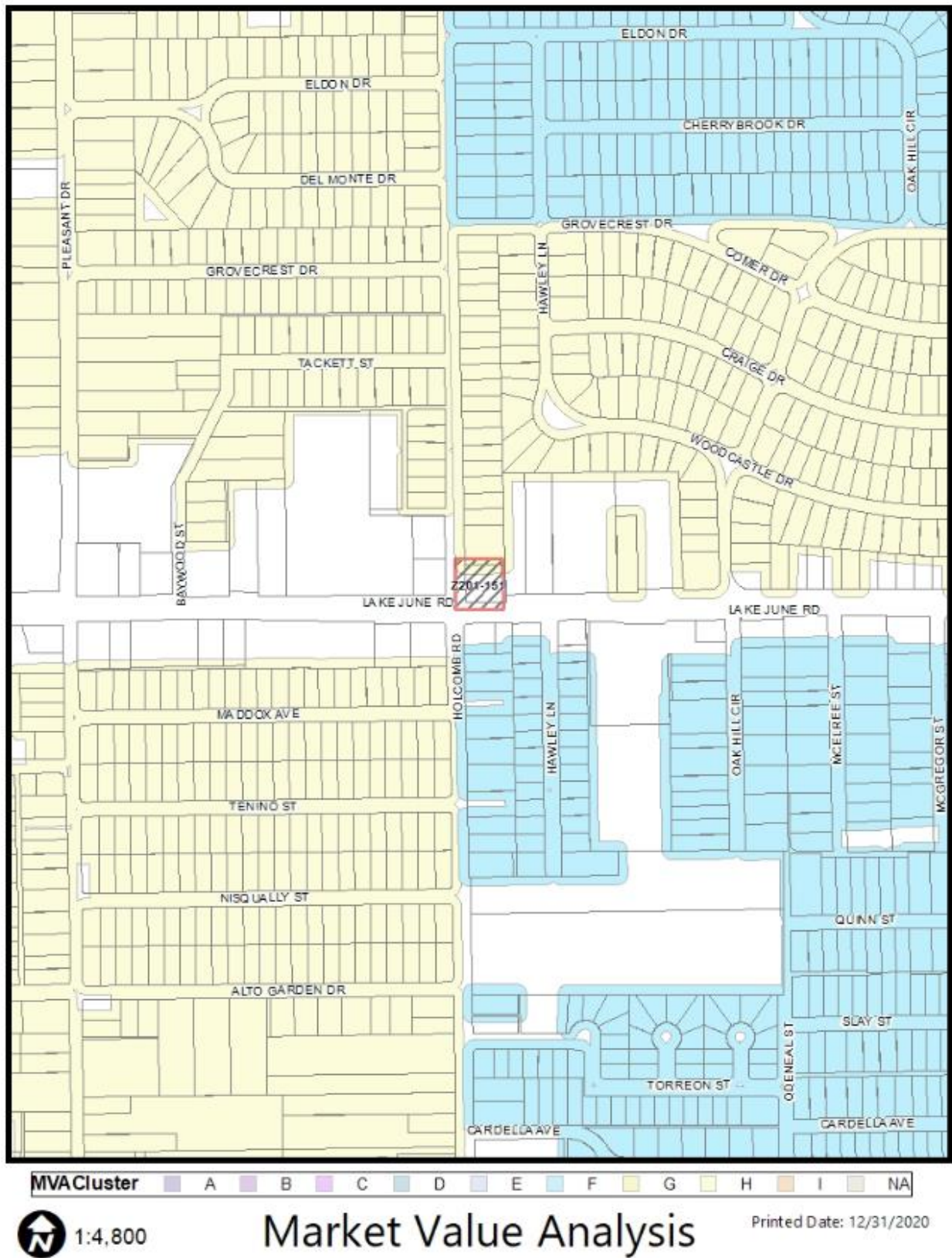




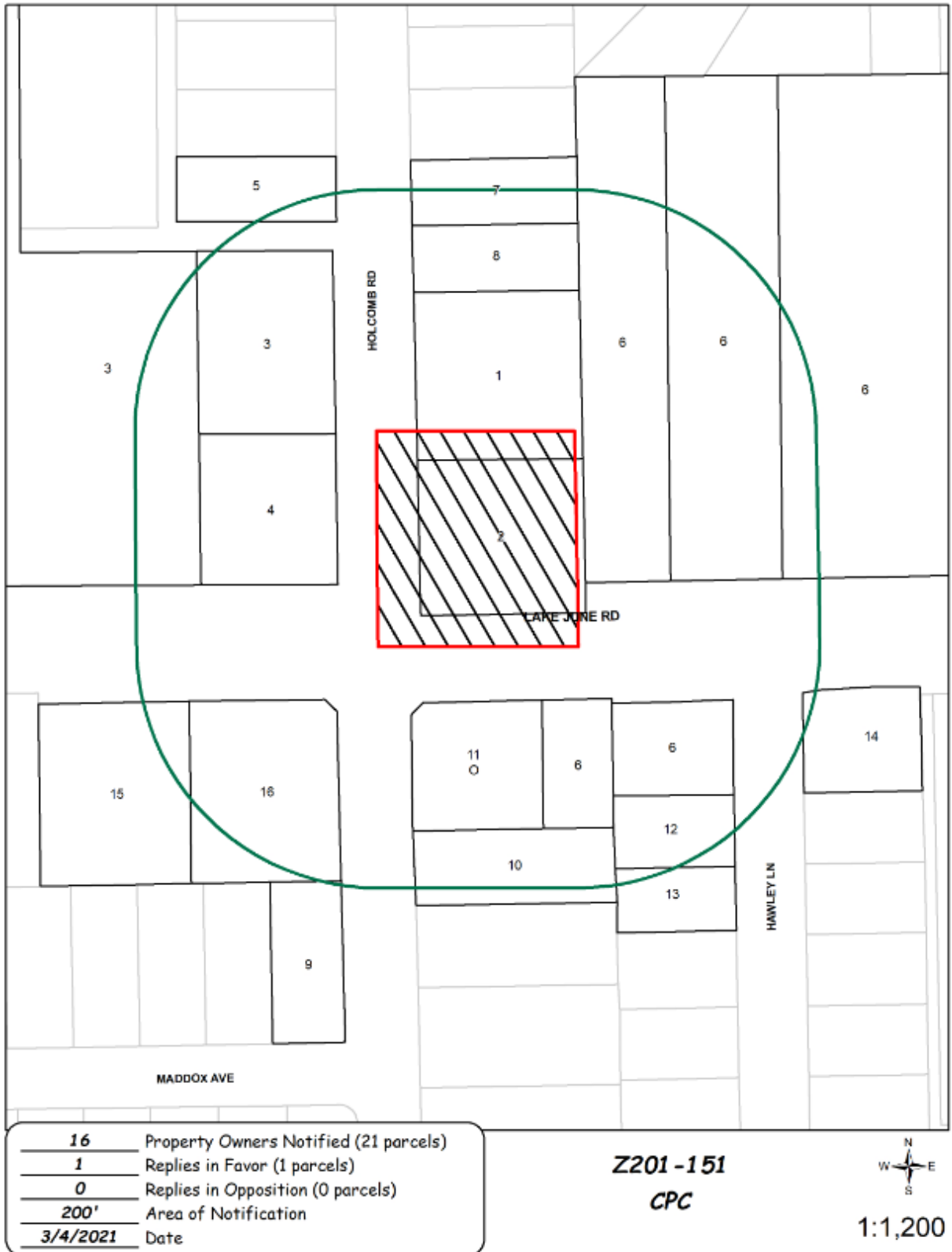








# CPC RESPONSES



03/03/2021

***Reply List of Property Owners******Z201-151******16 Property Owners Notified******1 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	1316 HOLCOMB RD	RAMIREZ JOSEFINA EST OF
	2	8505 LAKE JUNE RD	CLUB CREEK RENTAL PROPERTY LLC
	3	8443 LAKE JUNE RD	MARTINEZ RUBEN
	4	8449 LAKE JUNE RD	ORTIZ JOSE & SANDRA
	5	1329 HOLCOMB RD	SEGOVIA JOSE
	6	8601 LAKE JUNE RD	MUMITH FAHIM
	7	1328 HOLCOMB RD	MORENO ROSA
	8	1324 HOLCOMB RD	MONGE JOSE &
	9	8451 MADDOX AVE	ALVARADO JAVIER & OLIMPIA
	10	1236 HOLCOMB RD	DURAN JOSE JORGE
O	11	8502 LAKE JUNE RD	FGC PROPERTIES INC
	12	1231 HAWLEY LN	HERNANDEZ ROGELIO
	13	1227 HAWLEY LN	MENDEZ BELEN V
	14	8600 LAKE JUNE RD	MUMITH FAHIM & OMRAN
	15	8440 LAKE JUNE RD	WASH JUNE INC
	16	8470 LAKE JUNE RD	DEEYANSAI ENTERPRISE INC