

FILE NUMBER: Z190-303(CT)

DATE FILED: July 10, 2020

LOCATION: Northwest corner of South Buckner Boulevard and Scyene Road

COUNCIL DISTRICT: 5

MAPSCO: 48 Y

SIZE OF REQUEST: Approx. 0.203-acres

CENSUS TRACT: 85.00

REPRESENTATIVE: Parvez Malik

APPLICANT/OWNER: Sai DS Buckner Inc.

REQUEST: An application for the renewal of Specific Use Permit No. 2160 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 7 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District.

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store. [Valero]

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 developed with a general merchandise or food store and fueling station.
- On November 10, 2015, City Council approved Specific Use Permit No. 2160 for the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store use for a two-year period.
- The Specific Use Permit was applied for within the renewal time but needed to come into compliance with the Chapter B Convenience Store License and was allowed time to do so.
- On December 12, 2018, City Council approved the renewal of Specific Use Permit 2160 the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store use for a two-year period.

Zoning History: There has been one zoning change requested in the area during the past five years.

1. **Z156-183** -- On September 13, 2017, City Council approved amendments to Planned Development District No. 366.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Buckner Boulevard	Principal Arterial	100
Scyene Road	Community Collector	60

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	PD No. 366-D-1, Subarea 7, SUP No. 2160	General merchandise or food store, Fueling Station
North, West & South	R-7.5(A), SUP No. 92	Cemetery
East	PD No. 366-D-1 Subarea 1	Restaurant with drive-through service Retail Auto related uses

Land Use Compatibility:

The predominate land use that surrounds the request site to the north, west and south is a cemetery. The uses to the east of the request site are primarily retail, restaurant, and auto-oriented uses that line the eastern side of South Buckner Boulevard. The previously approved site plan will not be changed with this renewal.

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

In general, the applicant's request is consistent with the intent of the Dallas Development Code. Therefore, City Plan Commission and staff recommends the approval of a Specific Use Permit No. 2160 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.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
PDD No. 366 Subarea 7	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall	45' 3 stories	80%	Proximity Slope Visual Intrusion	retail & personal service & office & restaurant

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 and a motor vehicle fueling station requires two spaces. Therefore, the approximately 2,112-square-foot convenience store requires 11 parking spaces and the fueling station requires two spaces for a total of 13 spaces, as depicted on the site plan.

Landscaping:

Landscaping must be provided in accordance with Planned Development District No. 366 regulations (§51P-366.110). There are no changes that trigger landscaping.

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 east are located within Category “G” and properties to the west are located within Category “F.”

Police Report:

Crime statistics for the location from December 12, 2020 to present are found below:

Calls:

Response Date	Problem	Location Name	Address	City	State
8/25/2019	20 - Robbery	VALERO	3003 S Buckner Blvd	Dallas	TX
6/18/2019	40/01 - Other	VALERO	3003 S Buckner Blvd	Dallas	TX
11/26/2019	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
7/8/2020	40 - Other	valero	3003 S Buckner Blvd	Dallas	TX

8/3/2020	6X - Major Dist (Violence)	valero	3003 S Buckner Blvd	Dallas	TX
8/16/2020	PH - Panhandler	VALERO	3003 S Buckner Blvd	Dallas	TX
8/1/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
2/5/2019	40 - Other	VALERO GAS STATION	3003 S Buckner Blvd	Dallas	TX
5/4/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
3/23/2020	6X - Major Dist (Violence)	valero	3003 S Buckner Blvd	Dallas	TX
6/22/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
7/22/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
8/26/2019	40/01 - Other	VALERO	3003 S Buckner Blvd	Dallas	TX
6/30/2020	6X - Major Dist (Violence)	bengal food store	3003 S Buckner Blvd	Dallas	TX
3/25/2020	24 - Abandoned Property	VALERO	3003 S Buckner Blvd	Dallas	TX
8/18/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
4/2/2020	6X - Major Dist (Violence)	valero	3003 S BUCKNER BLVD	Dallas	TX
4/19/2019	PH - Panhandler		3003 S Buckner Blvd	Dallas	TX
4/28/2019	32 - Suspicious Person	VALERO	3003 S BUCKNER BLVD	Dallas	TX
1/28/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
6/13/2020	40 - Other	VALERO	3003 S Buckner Blvd	Dallas	TX
5/17/2019	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
1/16/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
11/29/2019	40 - Other		3003 S Buckner Blvd	Dallas	TX
12/13/2019	6X - Major Dist (Violence)	BENGAL, FOOD MART	3003 S Buckner Blvd	Dallas	TX
8/22/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX

11/4/2019	7X - Major Accident		3003 S BUCKNER BLVD	Dallas	TX
8/7/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
6/5/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
6/5/2020	6X - Major Dist (Violence)	VALERO	3003 S Buckner Blvd	Dallas	TX
4/29/2019	40/01 - Other	VALERO	3003 S Buckner Blvd	Dallas	TX
1/28/2020	40 - Other	VALERO	3003 S Buckner Blvd	Dallas	TX
3/2/2020	40/01 - Other	VALERO	3003 S Buckner Blvd	Dallas	TX

Offense:

Signal	Incident	Premise	Address
09V - UUMV	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Parking (Business)	3003 S BUCKNER BLVD
09V - UUMV	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Parking (Business)	3003 S BUCKNER BLVD
	THEFT OF PROP > OR EQUAL \$100 <\$750 (NOT SHOPLIFT) PC31.03(e2A)	Gas or Service Station	3003 S BUCKNER BLVD
6X - MAJOR DIST (VIOLENCE)	POSS CONT SUB PEN GRP 1 <1G	Parking (Business)	3003 S BUCKNER BLVD
6X - MAJOR DIST (VIOLENCE)	UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	Gas or Service Station	3003 S BUCKNER BLVD
6X - MAJOR DIST (VIOLENCE)	CRIM MISCHIEF > OR EQUAL \$2,500 < \$30K	Parking (Business)	3003 S BUCKNER BLVD

Arrests:

Arrest Date	Address	Crime
4/28/2019	3003 S BUCKNER BLVD	PUBLIC INTOXICATION
3/21/2020	3003 S BUCKNER BLVD	ALL OTHER OFFENSES

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5/19/2020	3003 S BUCKNER BLVD	WARRANT DALLAS PD (ALIAS/CAPIAS)
5/19/2020	3003 S BUCKNER BLVD	SIMPLE ASSAULT
6/5/2020	3003 S BUCKNER BLVD	WARRANT DALLAS PD (CRIMINAL TRESPASS)
6/5/2020	3003 S BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
8/22/2020	3003 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)

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Partners/Principals/Officers:

SAI DS BUCLNER INC.

Surendra Shrestha, President/Secretary

CPC Action
October 1, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2160 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 Subarea 7 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, on the northwest corner of South Buckner Boulevard and Scyene Road.

Maker: Shidid
Second: MacGregor
Result: Carried: 12 to 1

For: 12 - MacGregor, Johnson, Shidid, Carpenter,
Jackson, Blair, Jung, Myers, Schwope, Murphy,
Garcia, Rubin

Against: 1 - Stinson
Absent: 1 - Hampton
Vacancy: 1 - District 11

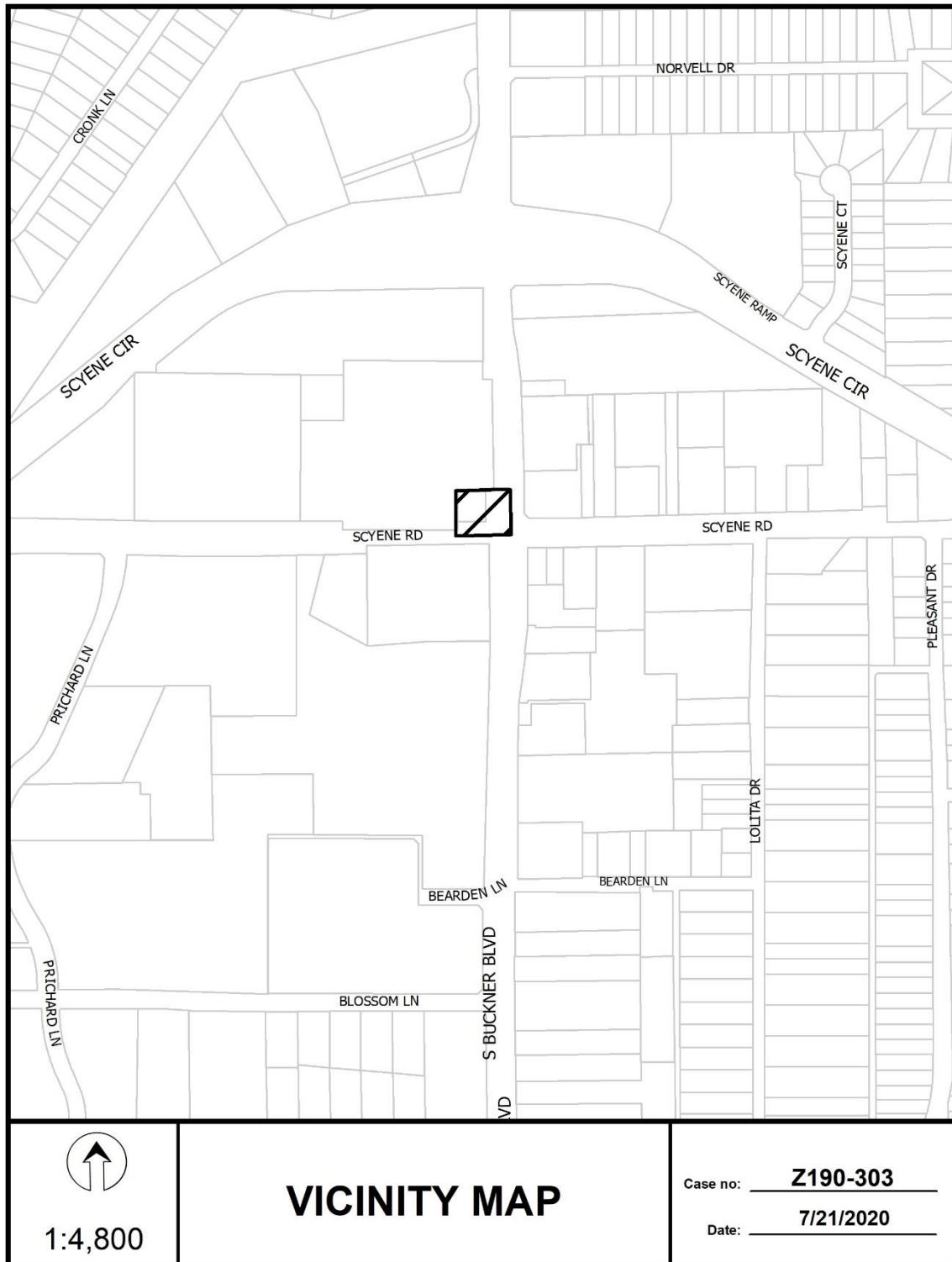
Notices: Area: 200 Mailed: 9
Replies: For: 1 Against: 0

Speakers: For: Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
Against: None

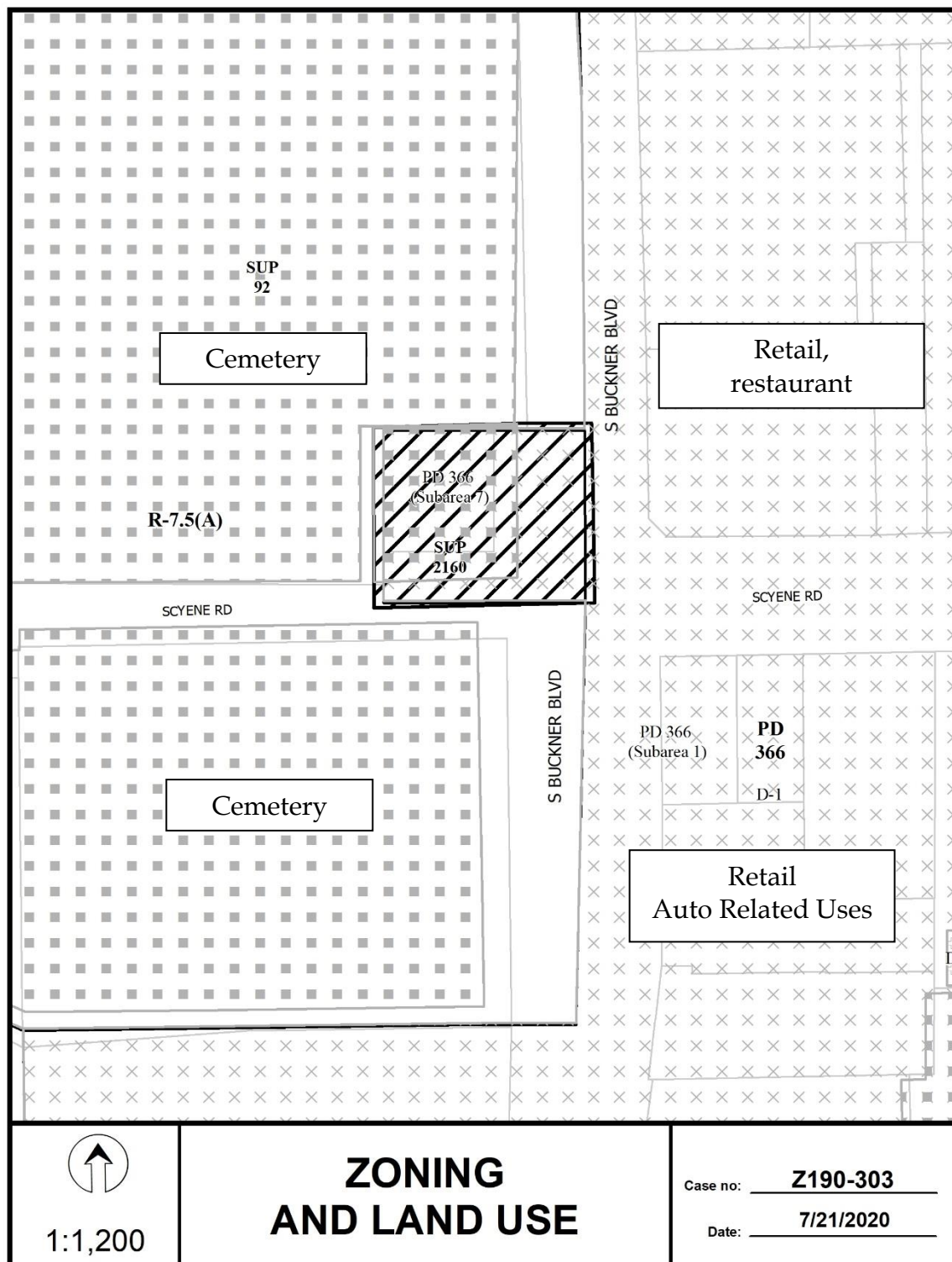
CPC Recommended SUP Conditions

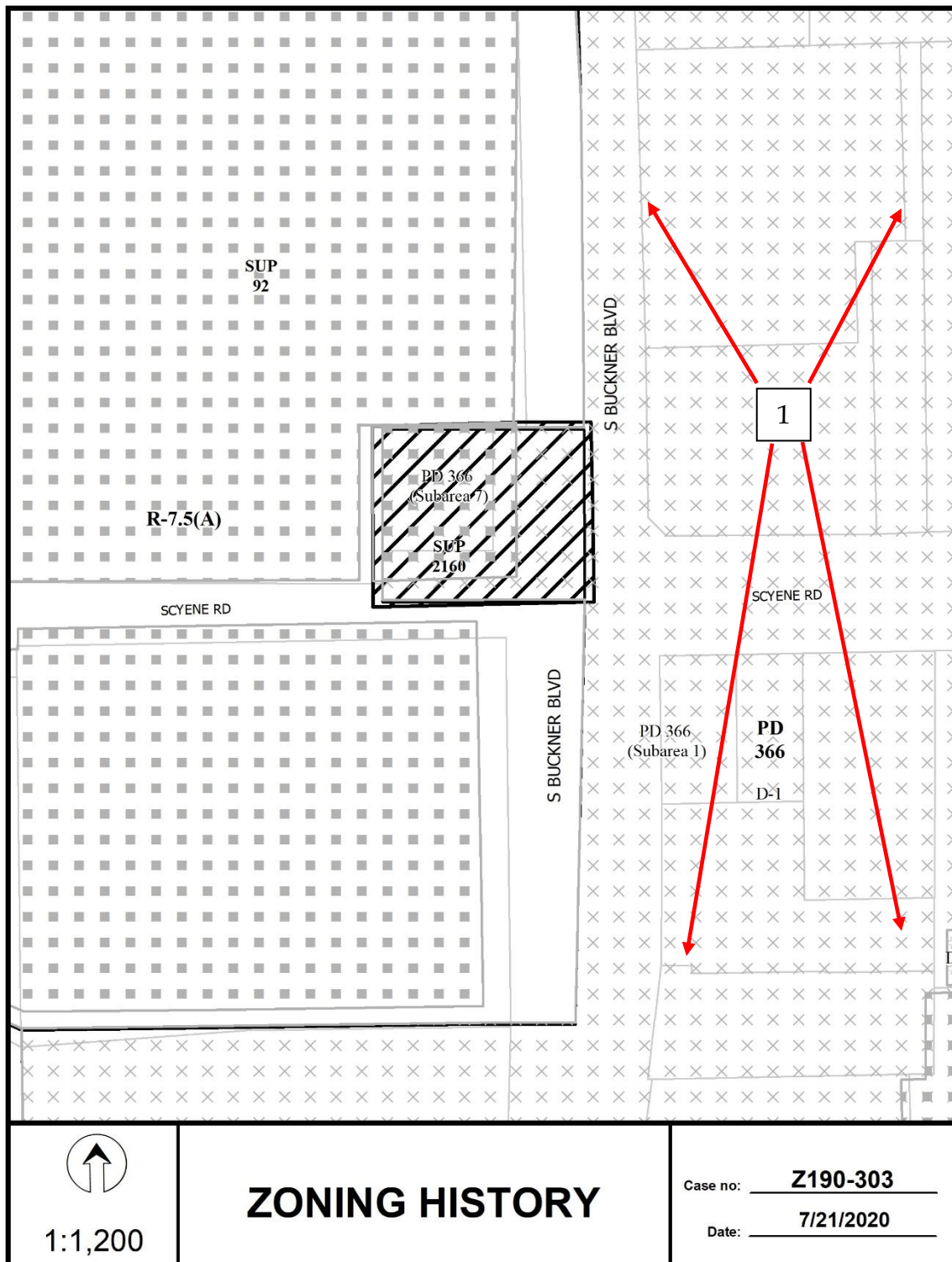
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~December 12, 2020~~, (five years 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.

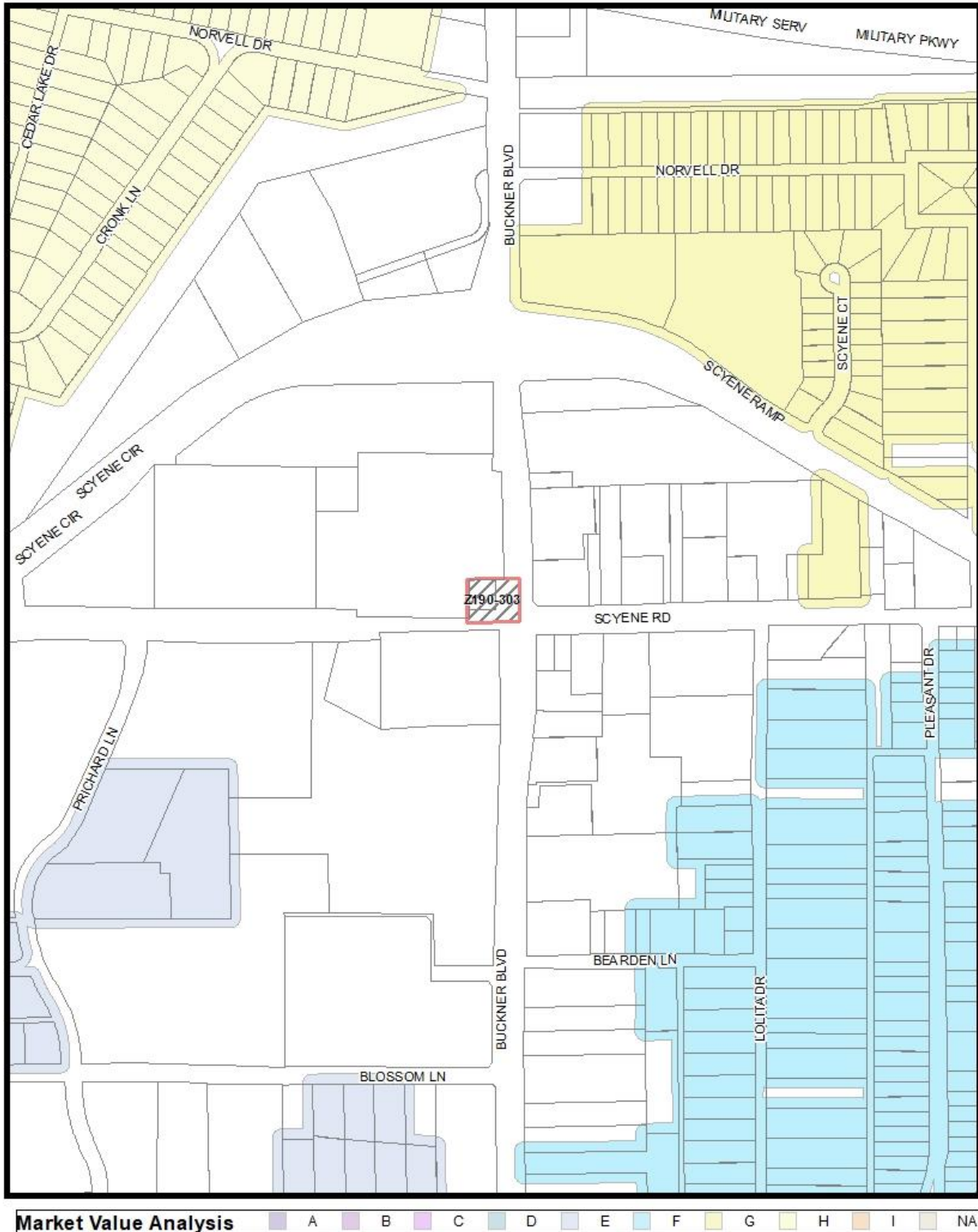










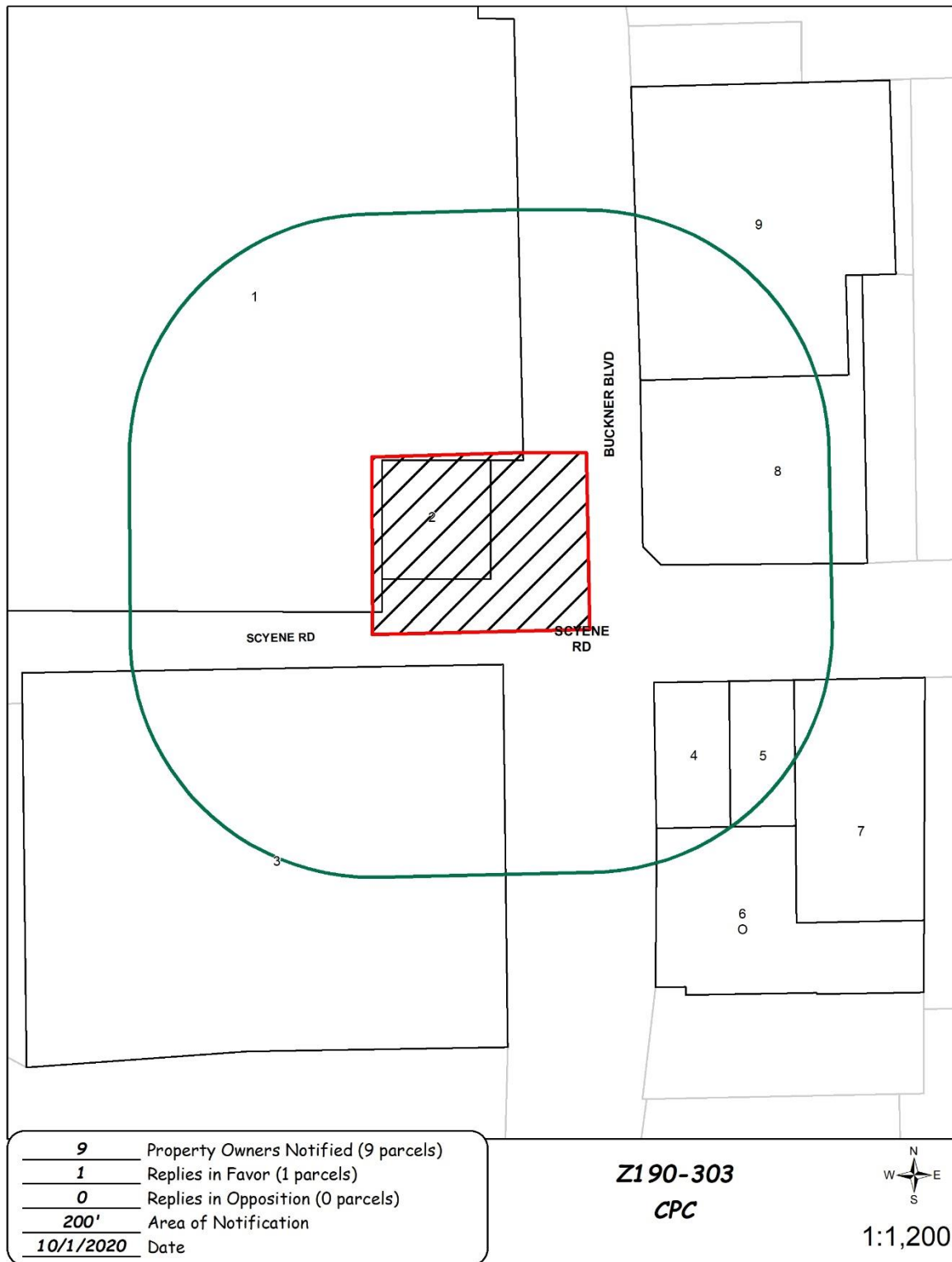


1:4,800

Market Value Analysis

Printed Date: 7/21/2020

CPC RESPONSES



09/30/2020

Reply List of Property Owners

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9 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	3151 S BUCKNER BLVD	PLEASANT MOUND CEMETERY
	2	3003 S BUCKNER BLVD	EAST BENGAL CORP
	3	8050 SCYENE RD	CEMETERY
	4	2952 S BUCKNER BLVD	MONA & NADA CORPORATION
	5	8106 SCYENE RD	ZUNIGA CLAUDIA Y
O	6	2940 S BUCKNER BLVD	MITCHELL WILLIAM J &
	7	8116 SCYENE RD	LEWIS PAUL C
	8	3004 S BUCKNER BLVD	FIREBRAND PROPERTIES LP
	9	3110 S BUCKNER BLVD	FIRST CASH LTD