

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-217(AU) **DATE FILED:** February 26, 2019

LOCATION: Southwest corner of Forney Road and South Buckner Boulevard

COUNCIL DISTRICT: 7 **MAPSCO:** 48 Q

SIZE OF REQUEST: Approx. 0.616 acres **CENSUS TRACT:** 85.00

REPRESENTATIVE: Julie Nalluri

APPLICANT/OWNER: Buckner Foods, Inc.

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the sale of alcoholic beverages for off-premise consumption in conjunction with an existing general merchandise or food store.

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 0.616-acre request site is zoned a LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a convenience store 2,400 square feet and a gas station. The D-1 overlay requires a Specific Use Permit for the sale of alcoholic beverages.
- On October 23, 2013, the City Council approved Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use, for a two-year period for the subject site. On November 10, 2015, the City Council approved the renewal of SUP No. 2052 for a three-year period [Expiration date: November 10, 2018.]
- On May 23, 2008, a certificate of occupancy for a general merchandise or food store 3,500 square feet or less use was issued to the applicant. On January 9, 2014 a certificate of occupancy for a general merchandise or food store 3,500 square feet or less use with beer and wine sales and a gas station was issued to the applicant.
- The applicant proposes to reinstate the sale of alcoholic beverages for off-premise consumption within the existing general merchandise or food store.

Zoning History:

There have been two zoning change requested in the area in the past 5 years.

1. **Z145-284:** On November 10, 2015, City Council approved the renewal of Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less, for a three-year period, on a property zoned LI-D1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard. SUP No. 2052 expired on November 10, 2018 (subject site).
2. **Z167-359:** On March 28, 2018, City Council approved Specific Use Permit No. 2269 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, on a property zoned Light Industrial (LI) District with a D-1 Liquor Control Overlay, on the northeast corner of Forney Road and South Buckner Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing / Proposed ROW
South Buckner Boulevard	Principal Arterial	100 ft.
Forney Road	Community Collector	80 ft.

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

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 is consistent with the following Plan recommendations.

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.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

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.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	LI w/ D-1 overlay	Convenience store with gas station
North	MC-1 w/ D-1 overlay	Undeveloped
Northeast	LI w/ D-1 overlay and SUP No. 2269	Convenience store with alcohol sales and gas station
East	LI w/ D-1 overlay	Office, warehouse, distribution
South	LI w/ D-1 overlay	Church
Southwest	LI w/ D-1 overlay	Office and personal services
West	LI w/ D-1 overlay	Auto related uses

Land Use Compatibility:

The approximately 0.616 acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a 2,400 square-foot general merchandise or food store and a motor vehicle fueling station.

On October 23, 2013, the City Council approved Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use, for a two-year period for the subject site. SUP No. 2052 expired on November 10, 2018. The request for a Specific Use Permit will allow the applicant to reinstate the sale of alcoholic beverages in conjunction with the existing general merchandise store or food store 3,500 square feet or less use.

The general merchandise use is permitted by right. 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 adjacent land uses consist of an auto related use and office uses to the west, a large tract of undeveloped land to the north, retail and personal services to the west, industrial type of uses to the east, and a general merchandise or food store with alcohol sales and a fueling station to the northeast.

To the south and west there are church uses. Chapter 6 of City of Dallas Development Code for alcoholic beverages establishments specifies that no person may sell alcoholic beverages if the place of business is within 300 feet of a church. The measurement of the distance between the place of business where alcoholic beverages are sold and a church will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The applicant submitted a distance survey that shows a distance of 305.6 feet door to door from the convenience store to the church located to the south, and 533.5 feet door to door from the convenience store to the church located to the west.

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 renewed the convenience store registration in October 2019.

Considering the location of the area of request on a corner between two major thoroughfares, the surrounding uses that are similar or complimentary to the proposed use, the fact that the request site had an SUP before, and the proposed SUP Conditions that include a shorter timeframe to allow staff to continue the periodical review of compliance, staff supports the applicant's request for an SUP for alcohol sales in conjunction with a convenience store.

Landscaping:

Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 3,500 square feet or less is at one space for each 200 square feet of floor area. The development requires 24 spaces with 25 being provided per the attached site plan.

Crime Report:

From November 2015 to March 2019, 68 phone calls were placed to the Dallas Police Department (DPD) at the request site location, of which 33 calls were coded either a general service or non-critical, and 35 calls were coded urgent or emergency. DPD also reported the following 5 incidents and 1 arrest charges as detailed below within the same period since the previous SUP approval action.

Offenses:

Incident Number	Incident	Premise	Date	Offense
252536-2016	THEFT FROM PERSON	Gas or Service Station	10/20/2016	OTHER THEFTS
240731-2017	BURGLARY OF BUILDING - FORCED ENTRY	Convenience Store	10/20/2017	BURGLARY-BUSINESS
275847-2017	ROBBERY OF BUSINESS (AGG)	Gas or Service Station	12/4/2017	ROBBERY-BUSINESS
275847-2017	ROBBERY OF BUSINESS (AGG)	Gas or Service Station	12/4/2017	ROBBERY-BUSINESS
034958-2019	THEFT OF PROP <\$100 - SHOPLIFTING - (NOT BY EMPLOYEE)	Convenience Store	2/20/2019	SHOPLIFTING

Arrests:

Incident Number	Arrest Number	Arrest Date	Arrest Time	Crime	Description
071134-2017	17-012905	3/30/2017	9:10:00 PM	INTIMIDATION	ASSAULT FAM VIOL THREAT

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 subject site is uncategorized, properties located in the general area surrounding the area of request are located within Category "H", to the west and further southeast, and Category E to the northeast.

Z189-217(AU)

**CPC Action
November 21, 2019**

Z189-217(AU)

Planner: Andreea Udrea

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 3,500 square feet or less use for a two-year period, subject to a site plan and conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, on the southwest corner of Forney Road and South Buckner Boulevard.

Maker: Brinson
Second: Schultz
Result: Carried: 12 to 0

For: 12 - MacGregor, Johnson, Shidid, Carpenter,
Brinson, Blair, Jung, Schultz, Schwope,
Murphy, Garcia, Rubin

Against: 0
Absent: 2 - Hampton, Housewright
Vacancy: 1 - District 3

Notices: Area: 200 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: Julie Nalluri, 810 Mill Creek Rd., Lancaster, TX, 75146
Abi Nalluri, 810 Mill Creek Rd., Lancaster, TX, 75146
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:

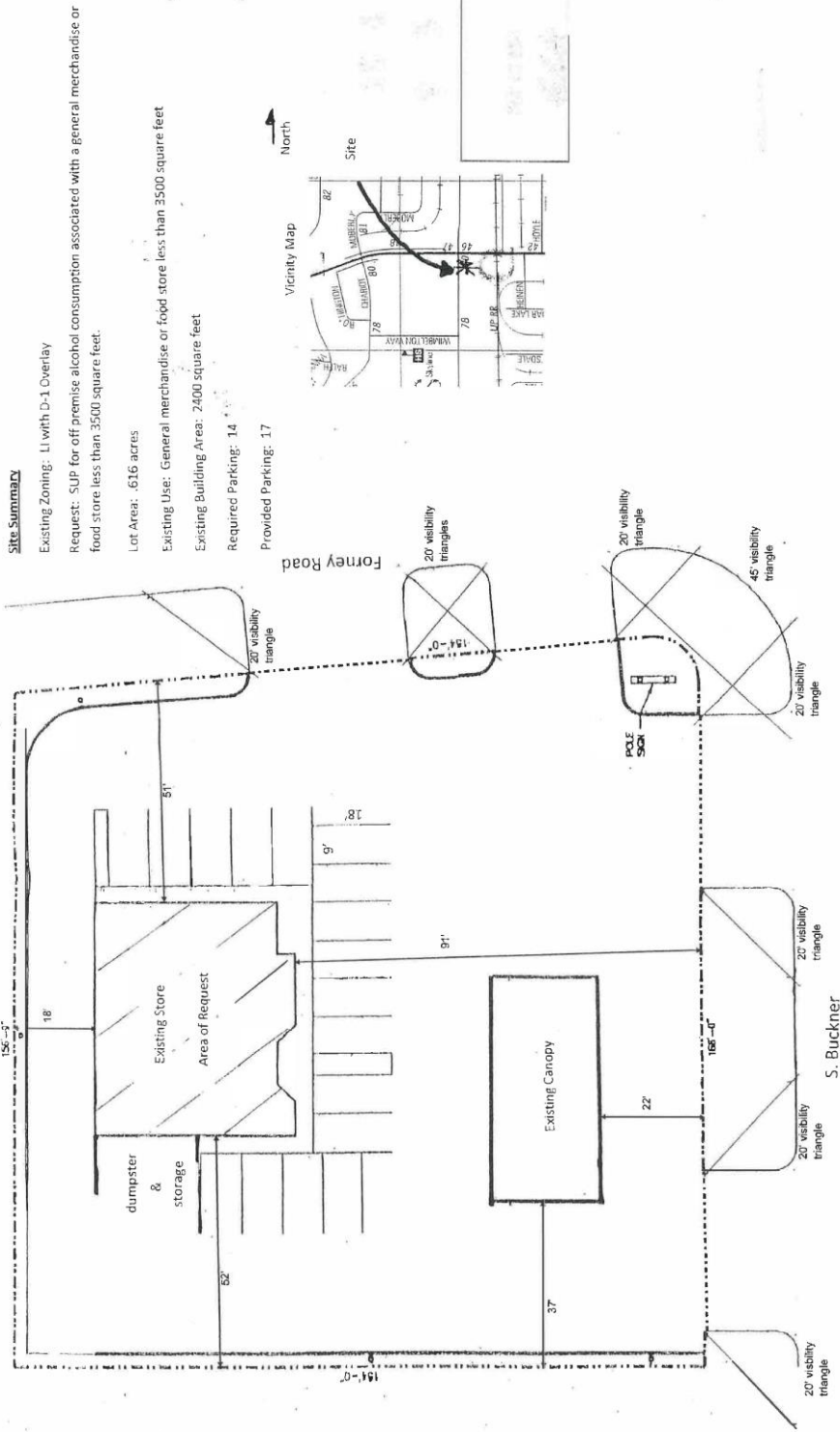
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance)

Staff's recommendation:

3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance) but is eligible for automatic renewals 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).

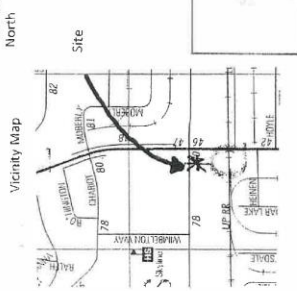
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

CPC RECOMMENDED SUP SITE PLAN



Site Summary

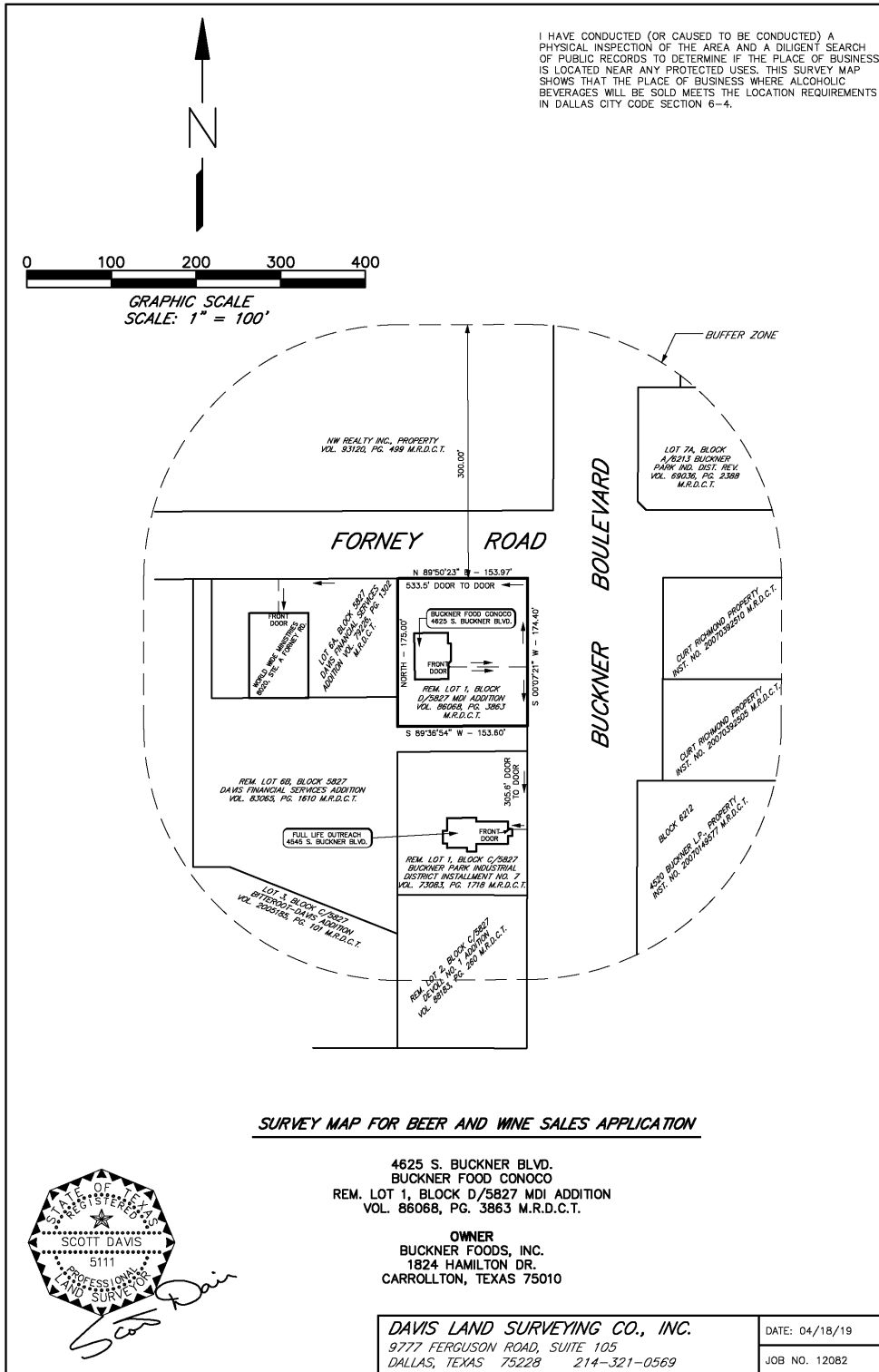
Existing Zoning: L1 with D-1 Overlay
 Request: SUP for off premise alcohol consumption associated with a general merchandise or food store less than 3500 square feet.
 Lot Area: .616 acres
 Existing Use: General merchandise or food store less than 3500 square feet
 Existing Building Area: 2400 square feet
 Required Parking: 14
 Provided Parking: 17

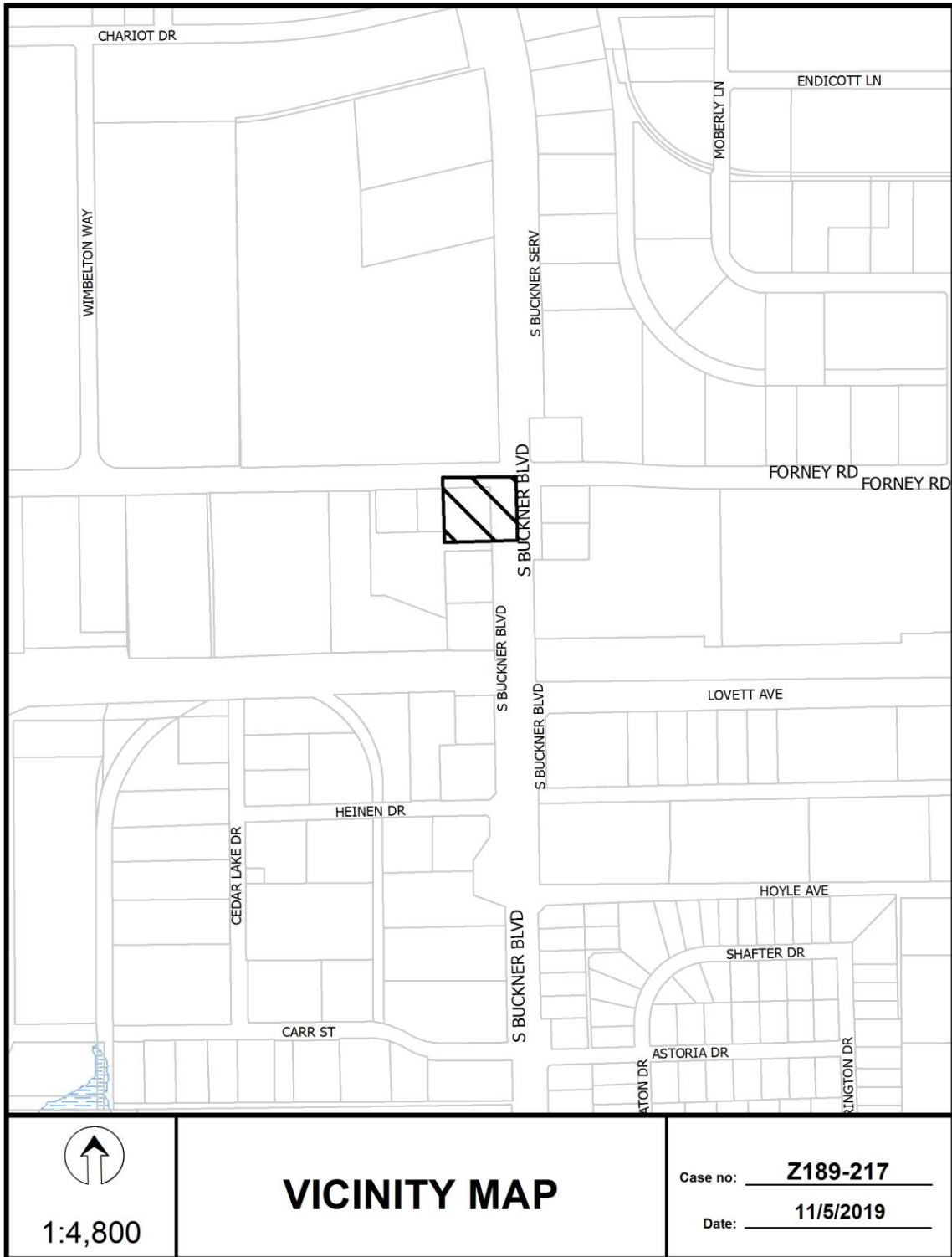


Z 189-217

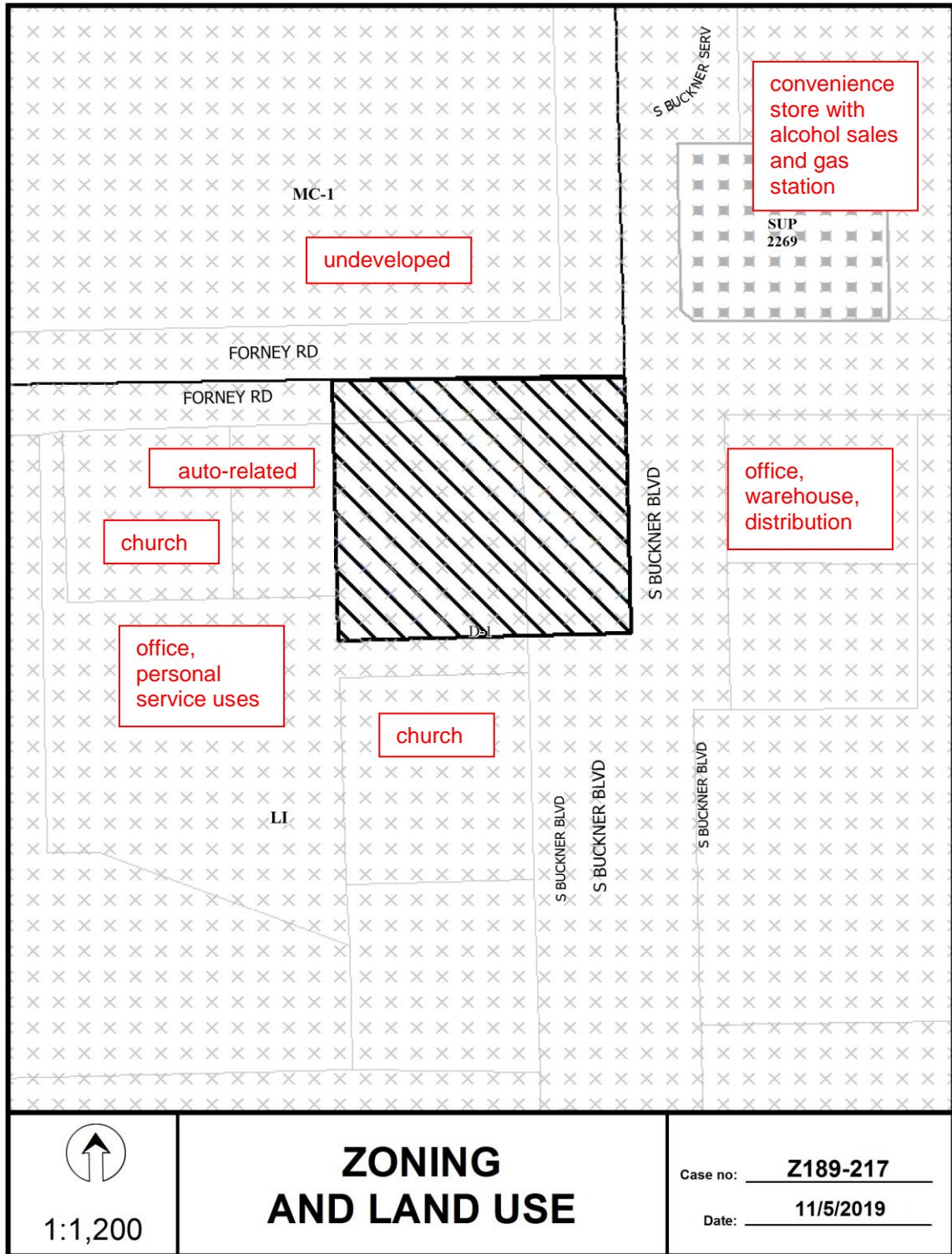
Scale: 1" = 20'

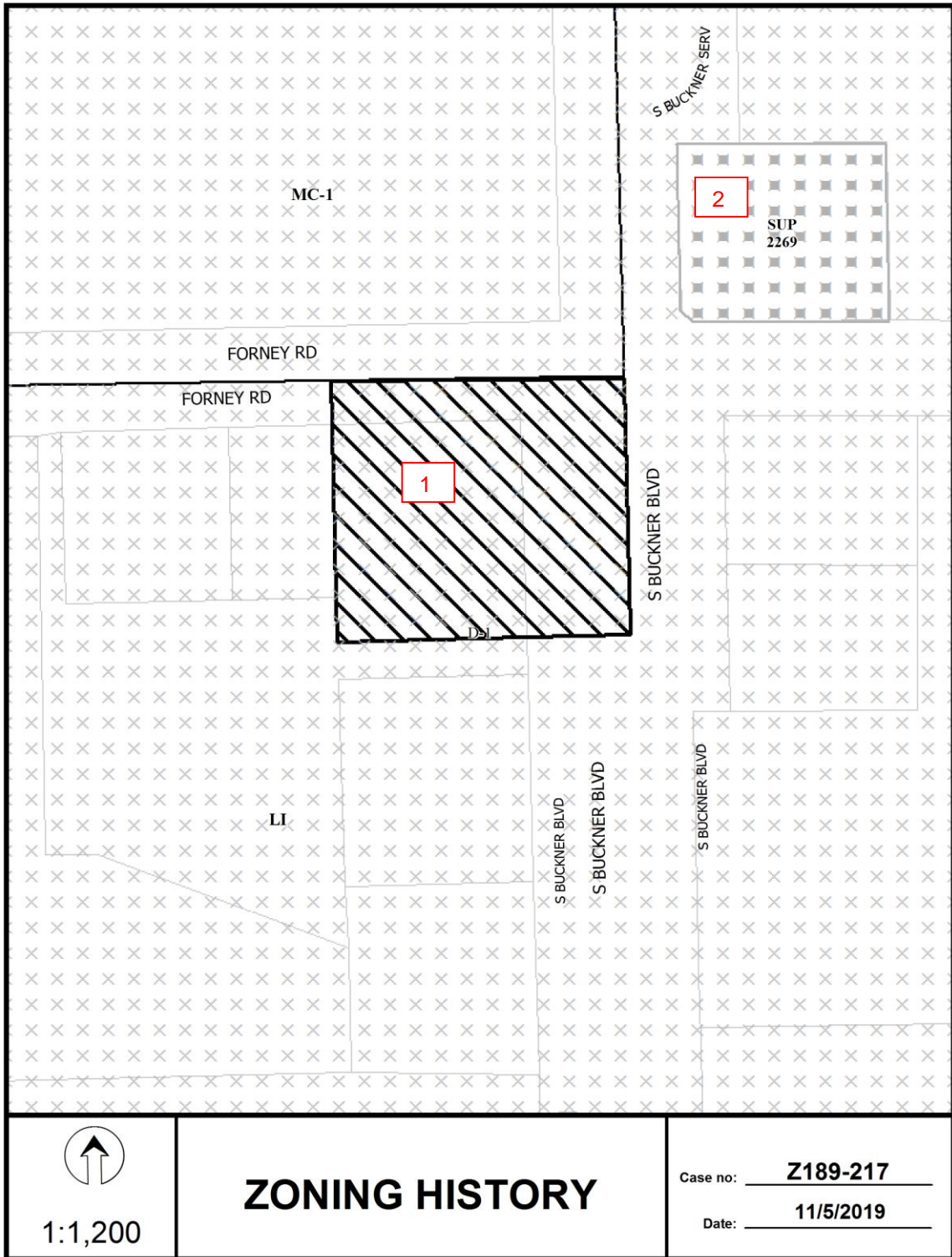
DISTANCE SURVEY

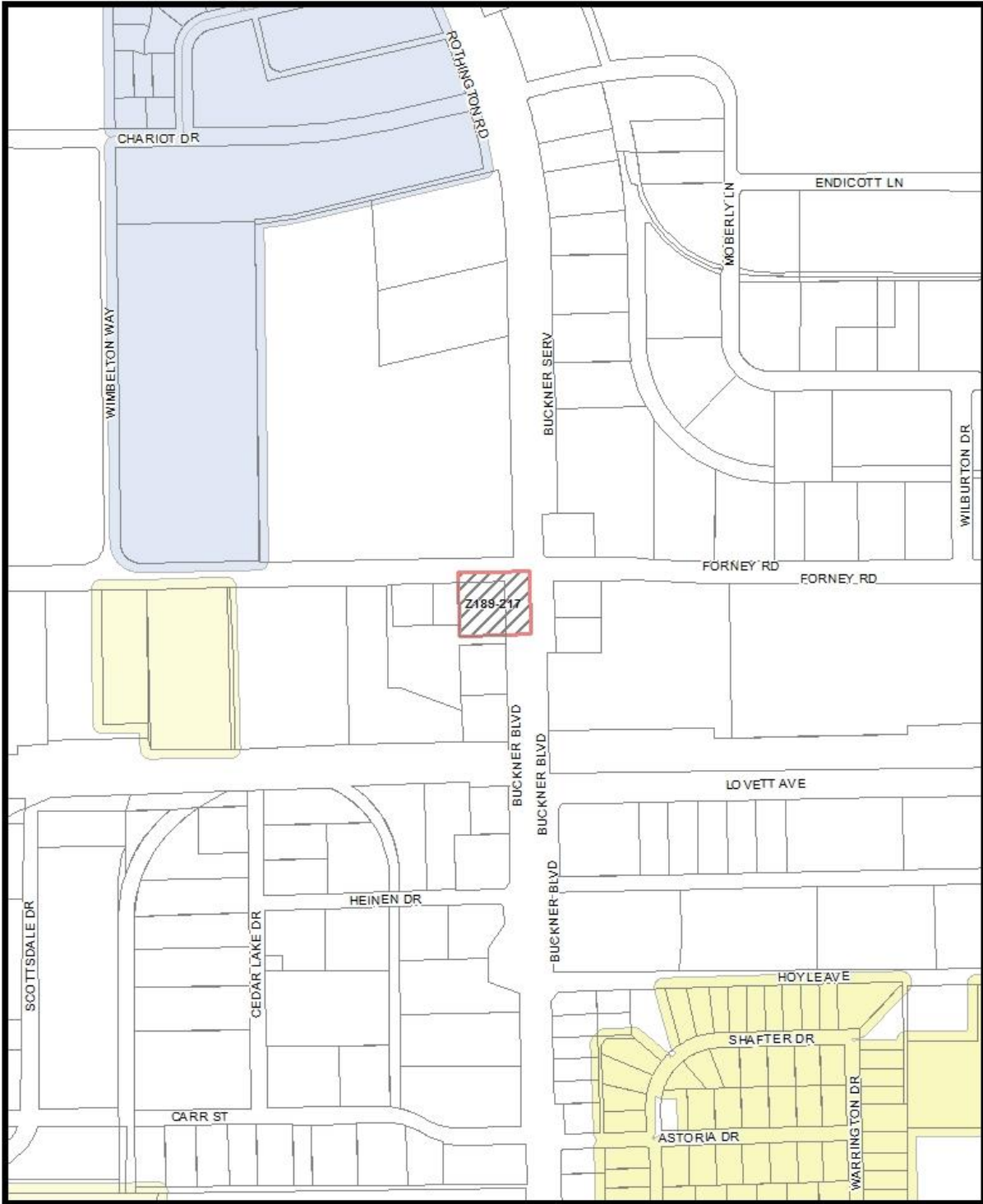












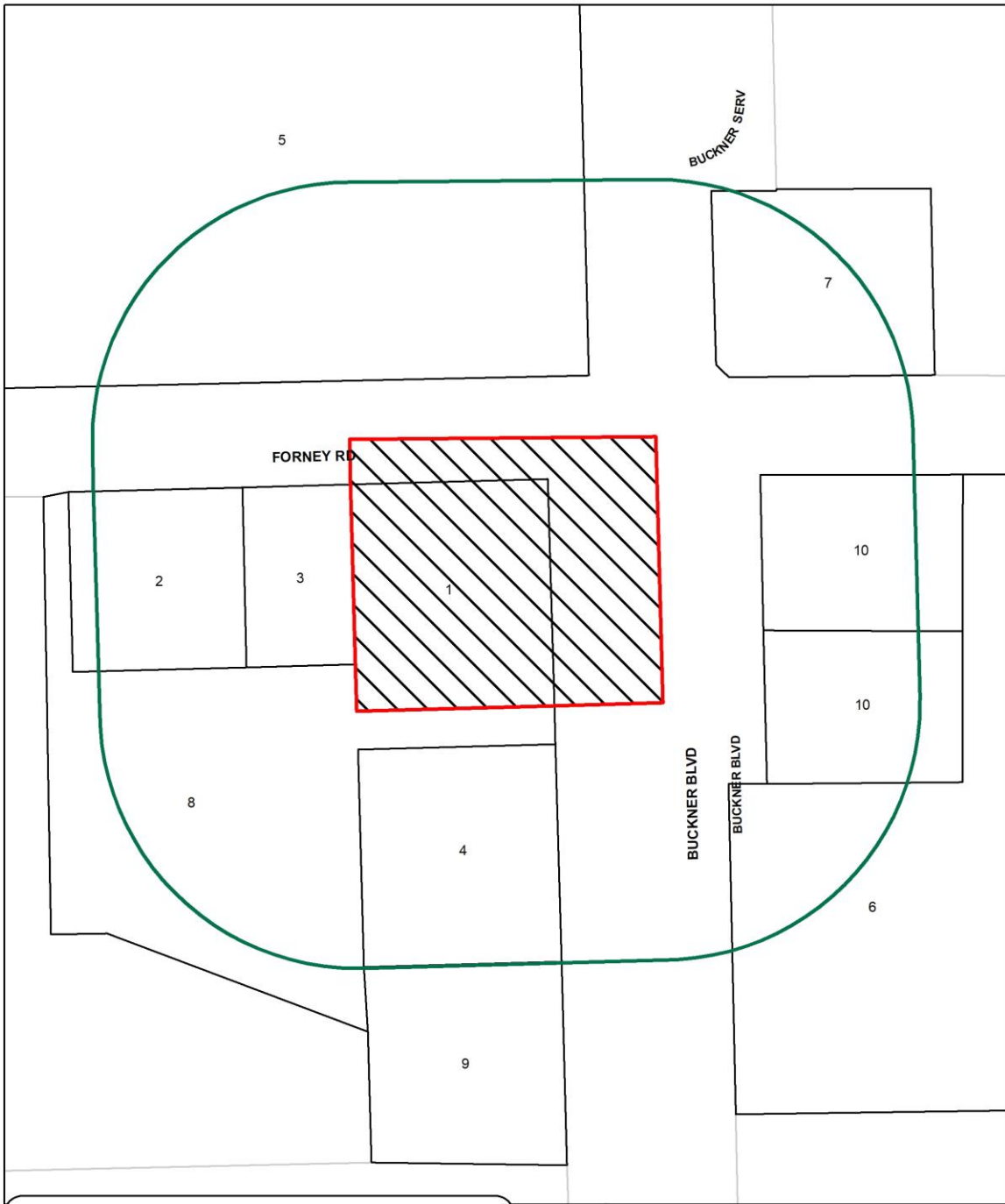
Market Value Analysis A B C D E F G H I NA



Market Value Analysis

Printed Date: 11/5/2019

CPC RESPONSES



<u>10</u>	Property Owners Notified (11 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/21/2019</u>	Date

Z189-217
CPC



1:1,200

Z189-217(AU)

11/20/2019

Reply List of Property Owners

Z189-217

10 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4625 S BUCKNER BLVD	BUCKNER FOODS INC
	2	8020 FORNEY RD	KINGDOM BUILDERS CHRISTIAN CENTER OF FAITH
	3	8050 FORNEY RD	SIX CONSTRUCT INC
	4	4545 S BUCKNER BLVD	FULL LIFE OUTREACH CENTER
	5	4700 S BUCKNER BLVD	MDJ BUCKNER LLC
	6	4520 S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE
	7	4710 S BUCKNER BLVD	BUCKNER CROSSING LP
	8	4617 S BUCKNER BLVD	PRUETT DARYL JEROME
	9	4509 S BUCKNER BLVD	TORRES JOSE IGNACIO
	10	4612 S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE