

FILE NUMBER: Z190-254(CT)

DATE FILED: April 27, 2020

LOCATION: East line of South Buckner Boulevard, north of Bruton Road

COUNCIL DISTRICT: 5

MAPSCO: 58 C

SIZE OF REQUEST: Approx. 1-acre

CENSUS TRACT: 90.00

REPRESENTATIVE: Laura C. Kekahuna

APPLICANT/OWNER: Del Centro Restaurant Concepts, LLC

REQUEST: An application for the renewal of Specific Use Permit No. 2293 for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service use, on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the continued sale of alcoholic beverage for on-premise consumption in conjunction with a restaurant with drive-in or drive-through window. [Los Molcajetes]

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 3,195-square-foot restaurant use.
- On May 9, 2018, City Council approved Specific Use Permit No. 2293 for the sale of alcoholic beverages in conjunction with a restaurant with drive-in and drive-through service use for a two-year period.
- The purpose of this request is to renew Specific Use Permit No. 2293.
- 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. **Z189-226** On March 25, 2020, City Council approved a Specific Use Permit for sale of alcoholic beverages for off-premise consumption in conjunction with a general merchandise of food store greater than 3500 square feet.
2. **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

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	Subarea 1 within PDD No. 366 w/D overlay	Restaurant
North	Subarea 1 within PDD No. 366 w/D overlay	Retail and medical office
East	R-7.5(A)	Single family
South	Subarea 1 within PDD No. 366 w/D overlay	Retail, restaurant, and multi-family
West	Subarea 1 within PDD No. 366 w/D overlay	Office, retail, and restaurant

Land Use Compatibility:

The request site is developed with a 3,195-square-foot building. The applicant intends to continue the sale of alcoholic beverages in conjunction with the restaurant. The use is in compliance with the existing SUP conditions and site plan.

The request site is surrounded by retail and medical office uses to the north; single family uses to the east; retail, restaurant, and multifamily uses to the south; and office, retail, and restaurant uses to west. The site is in compliance with the current conditions and site plan. Staff has added a condition which would not allow for the sale of alcohol through the drive through window.

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 No. 2293 for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service 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 366 Subarea 1	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 restaurant use is one (1) space per 100 square feet of floor area. Therefore, the 3,195-square foot restaurant will require 32 off-street parking spaces with 37 spaces provided.

Landscaping:

Landscaping must be provided in accordance with Planned Development District No. 366 regulations (§51P-366.110).

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:

The following police report shows activity at the request site for the past five years. The Dallas Police Department's crime statistics report provides a list of all calls logged with 911, a list of actual criminal offenses reported by an officer and the number of arrests made by an officer. These reports listed below are from the period from May 9, 2018 to Present.

Response Date	Problem	Priority Description	Location Name	Address
9/24/2018	21B - Business Hold Up	2 - Urgent	MOLCAJETES	2306 S Buckner Blvd
12/17/2018	12B - Business Alarm	3 - General Service	MOLCAJETES RESTAURANT	2306 S Buckner Blvd
12/24/2018	21B - Business Hold Up	2 - Urgent	molcajetes	2306 S Buckner Blvd
12/27/2018	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
1/27/2019	23 - Parking Violation	4 - Non-Critical	MOLCAJETE	2306 S Buckner Blvd
2/5/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
2/17/2019	12B - Business Alarm	3 - General Service	MOLCAJETES RESTAURANT	2306 S Buckner Blvd
2/28/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
3/2/2019	12B - Business Alarm	3 - General Service	MOCHA JETTIS RESTAURANT	2306 S Buckner Blvd

3/10/2019	21B - Business Hold Up	2 - Urgent	MOLCAJETES RESTAURANT	2306 S Buckner Blvd
4/8/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
4/22/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
5/14/2019	12B - Business Alarm	3 - General Service	MOLCAJETES RESTUARANT	2306 S Buckner Blvd
5/23/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
6/11/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
6/22/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
7/30/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
8/7/2019	12B - Business Alarm	3 - General Service	MOLCAJETES RESTAURANT	2306 S Buckner Blvd
9/12/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
12/23/2019	12B - Business Alarm	3 - General Service	MOLCAJETES	2306 S Buckner Blvd
2/4/2020	25 - Criminal Assault	2 - Urgent	MOLCAJETES	2306 S Buckner Blvd
3/2/2020	6G - Random Gun Fire	3 - General Service		2306 S Buckner Blvd

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Partners/Principals/Officers:

Del Centro Restaurant Concepts, LLC

Ivan Omar Saenz, Member

Laura Carolina Sanchez Juarez, Member

CPC ACTION
August 6, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2293 for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay, on the east line of South Buckner Boulevard, north of Bruton Road.

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

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

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

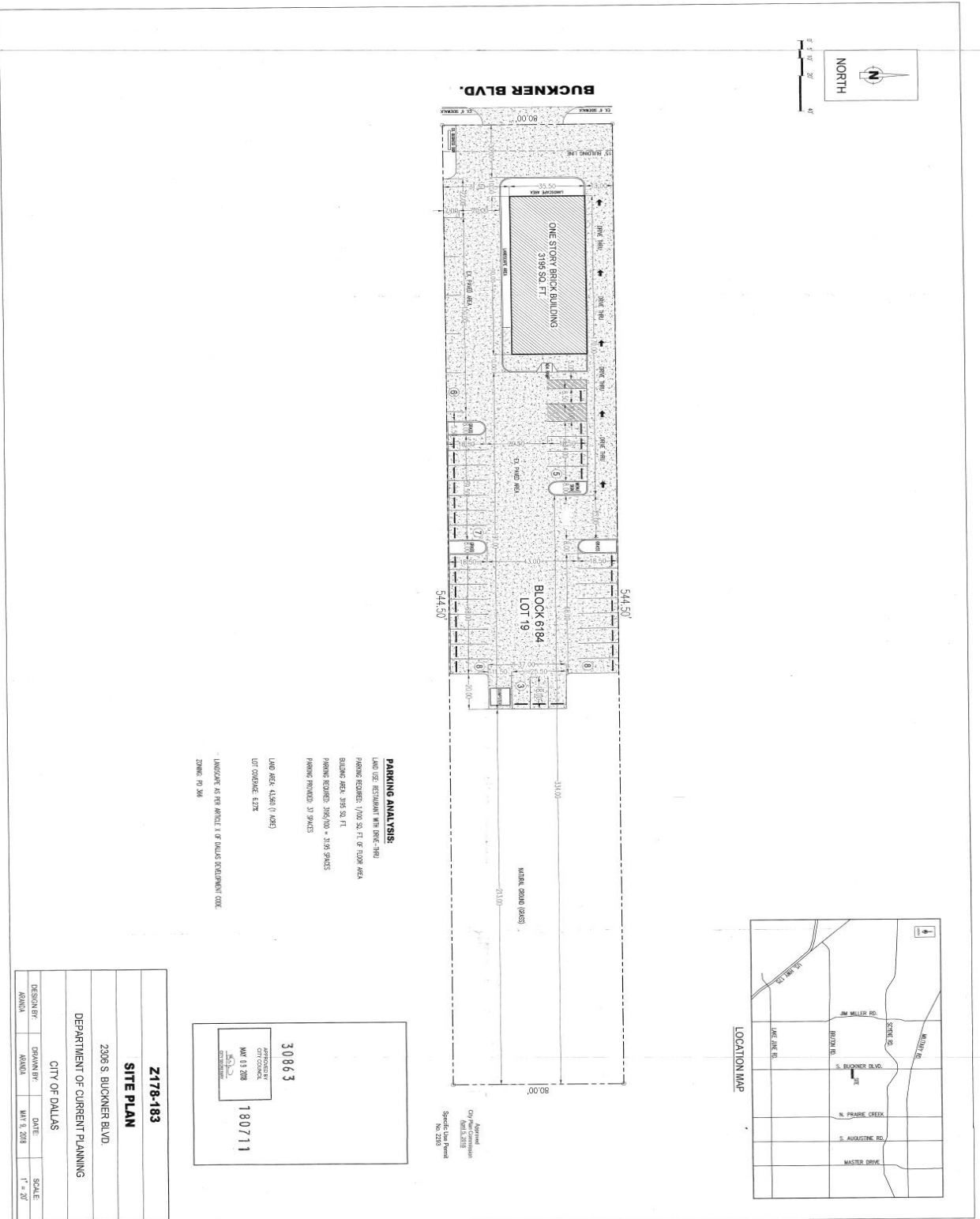
Notices: Area: 200 Mailed: 19
Replies: For: 0 Against: 0

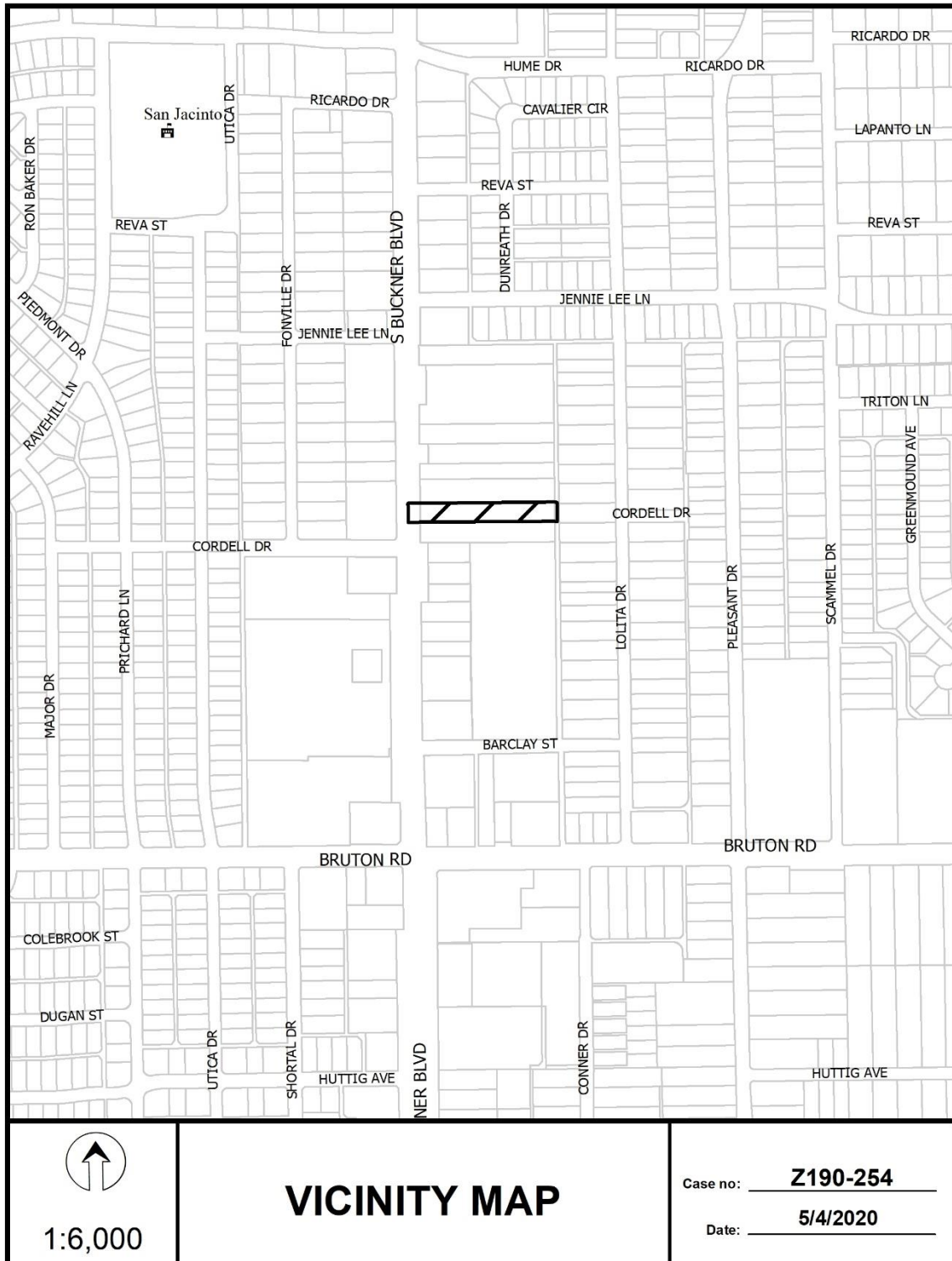
Speakers: None

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 ~~April 19, 2020~~, (five-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. FLOOR AREA: Maximum floor area is 3,195-square feet.
5. OUTDOOR SPEAKERS: Outdoor speakers are prohibited.
6. DRIVE-THROUGH ALCOHOL SALES: Alcohol sales through a drive-through window are prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. 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





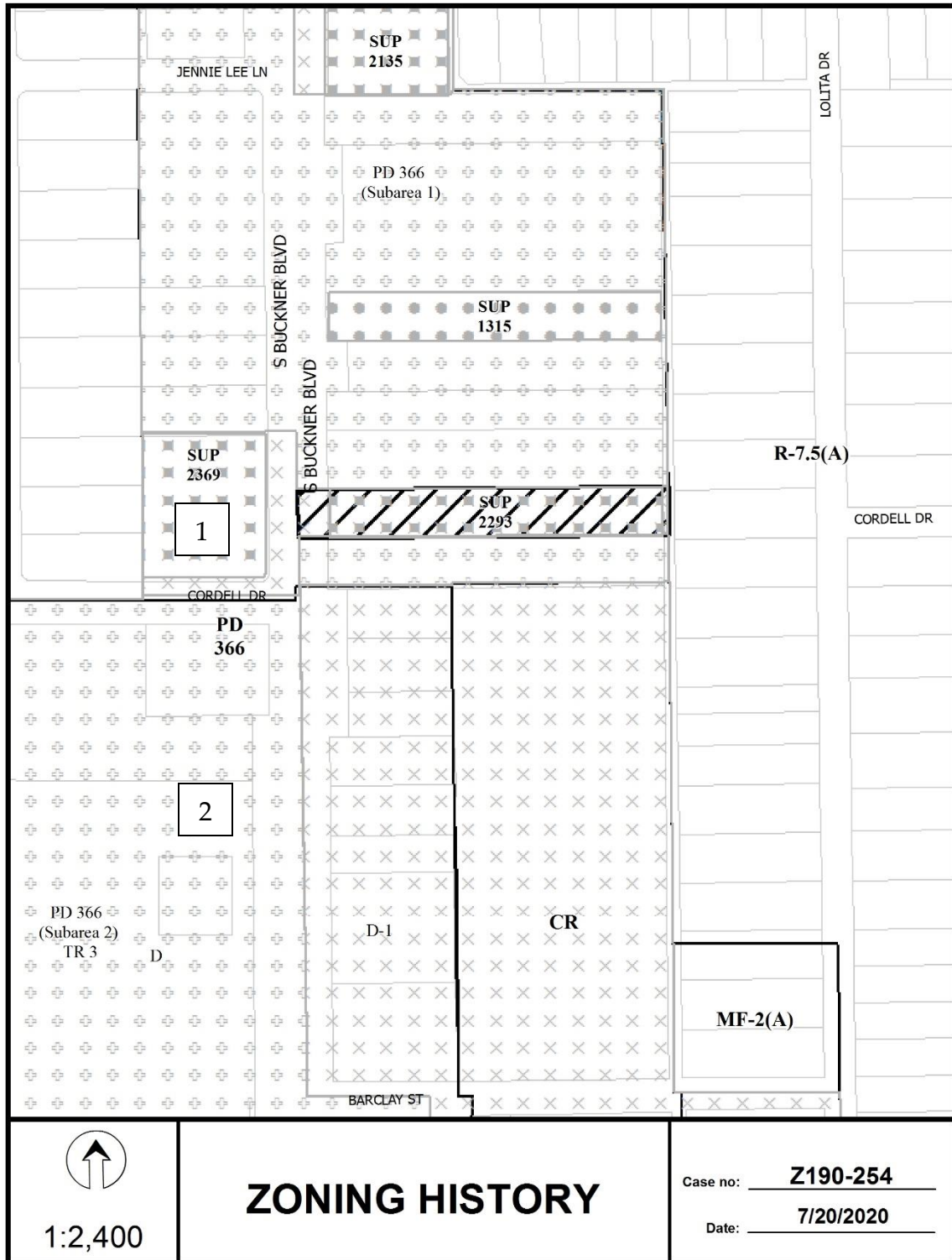
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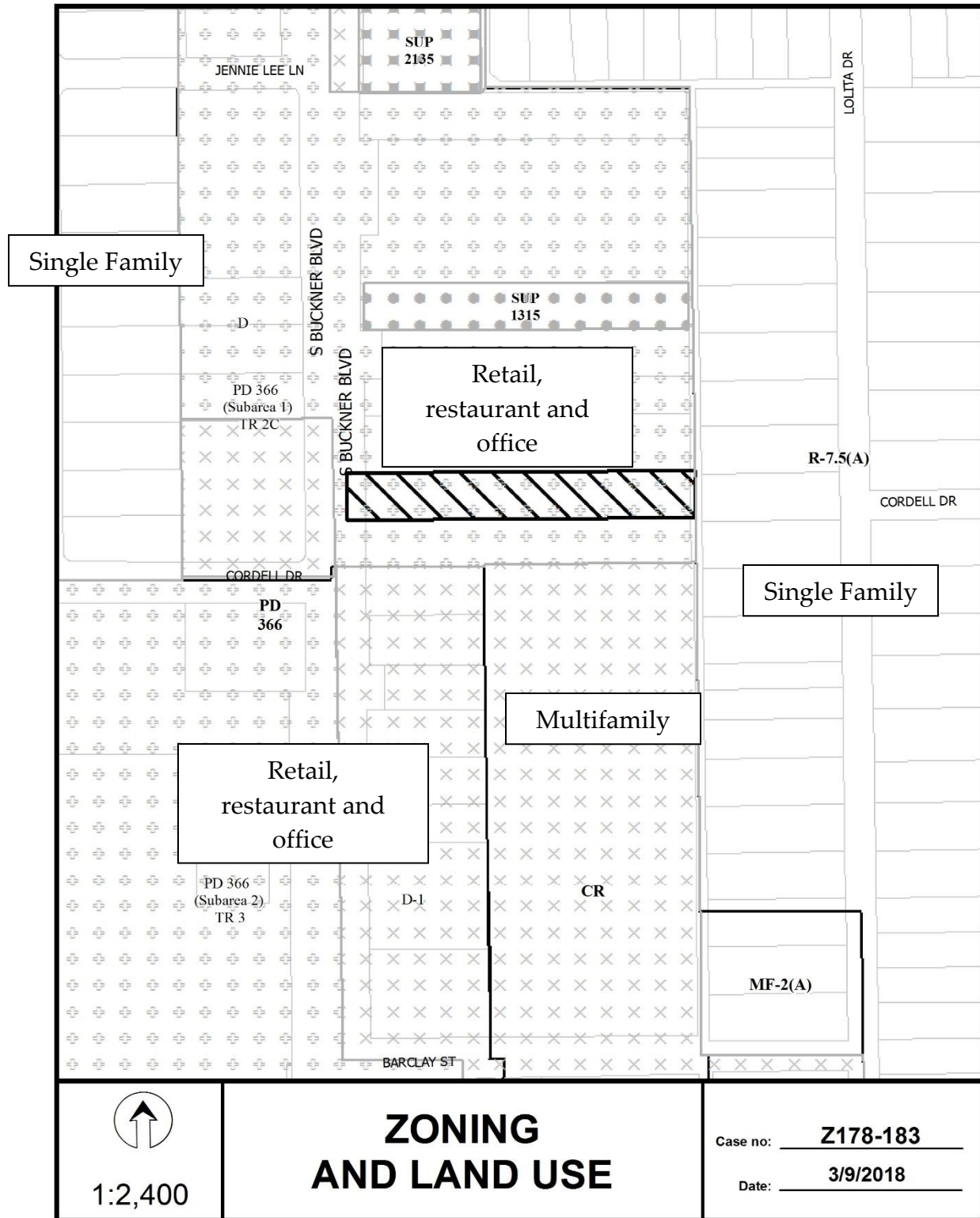
VICINITY MAP

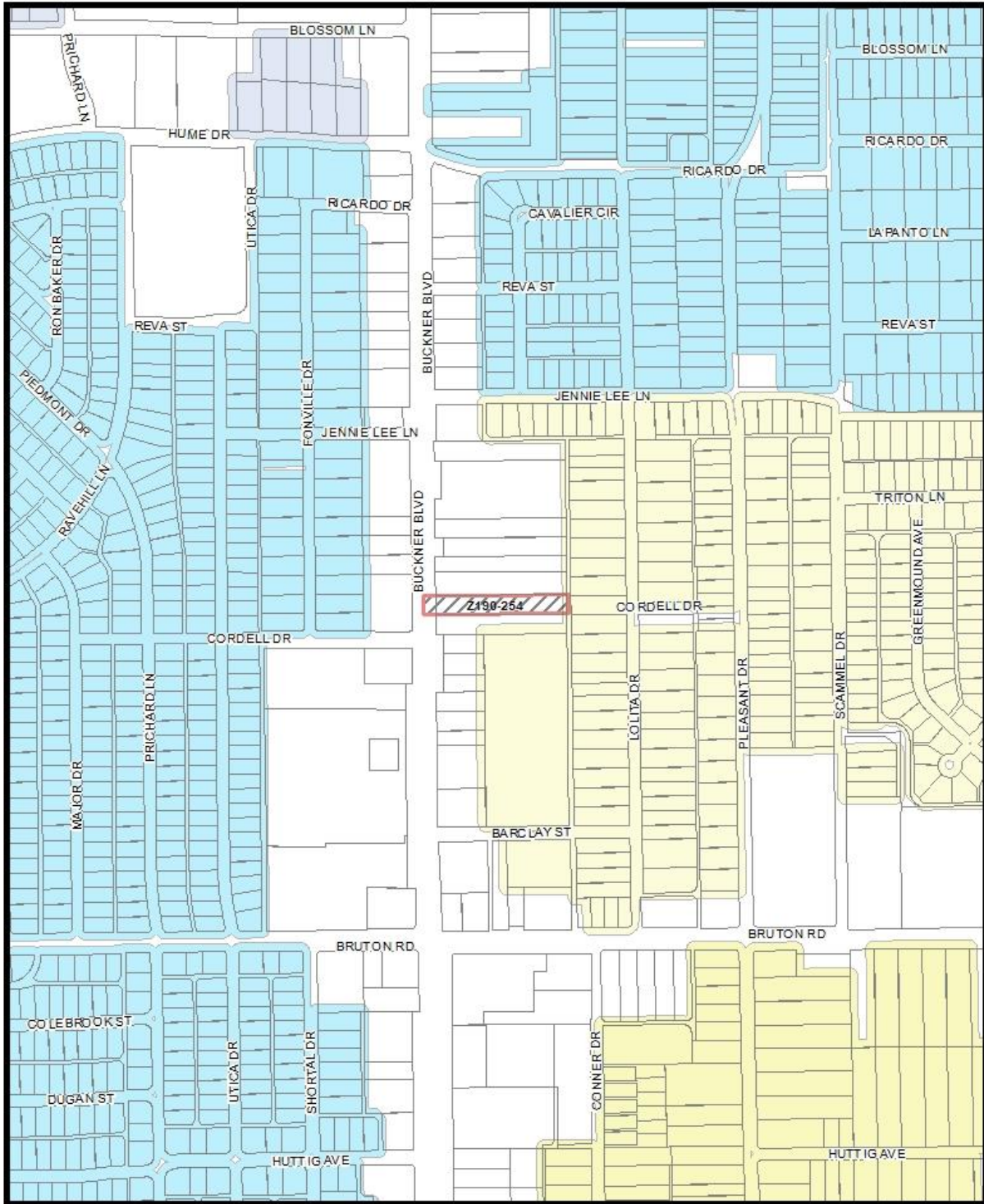
Case no: Z190-254

Date: 5/4/2020









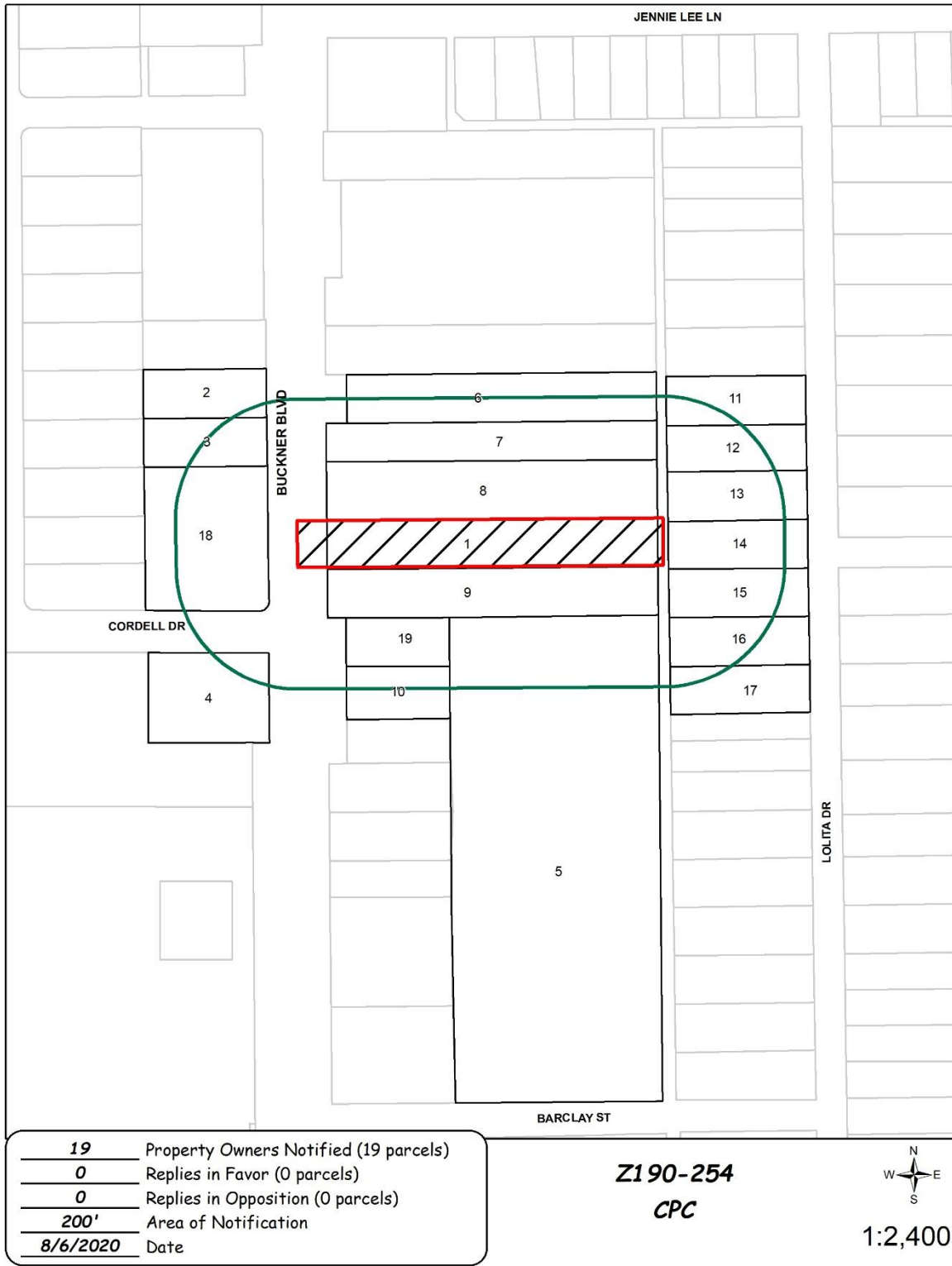
Market Value Analysis A B C D E F G H I NA



Market Value Analysis

Printed Date: 5/4/2020

CPC RESPONSES



08/05/2020

Reply List of Property Owners

Z190-254

19 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	2306 S BUCKNER BLVD	DEL CENTRO RESTAURAUNT
	2	2327 S BUCKNER BLVD	HALL NANCY MARIE
	3	2323 S BUCKNER BLVD	PFA INVESTMENTS LLC
	4	2253 S BUCKNER BLVD	JOEDE LEASING INC
	5	8117 BARCLAY ST	DELMENDO VILLAS LLC
	6	2328 S BUCKNER BLVD	MARTINEZ JOAN JOSEPH GOMEZ
	7	2320 S BUCKNER BLVD	HERNANDEZ ALFREDO
	8	2312 S BUCKNER BLVD	SILVA DONACIANO
	9	2300 S BUCKNER BLVD	DEL REY PARTNERS LLC
	10	2248 S BUCKNER BLVD	ADELPHI GROUP LTD
	11	2323 LOLITA DR	MEJIA ELIZABETH & JORGE
	12	2317 LOLITA DR	NOSKA ROSA TRUSTEE
	13	2311 LOLITA DR	LOPEZ JUAN
	14	2305 LOLITA DR	ROSARIO ADELINA &
	15	2267 LOLITA DR	RIVERA CLARA E &
	16	2263 LOLITA DR	NAPOLI DEBBIE L
	17	2255 LOLITA DR	SOLIS ARMANDO & TERESA
	18	2313 S BUCKNER BLVD	KUMAR VILAS
	19	2292 S BUCKNER BLVD	MTX NOOR REAL ESTATE LLC