

FILE NUMBER: Z201-219(OA) **DATE FILED:** March 26, 2021
LOCATION: East side of South Buckner Boulevard, between Scyene Road
and Bearden Lane
COUNCIL DISTRICT: 5 **MAPSCO:** 48 Y
SIZE OF REQUEST: Approx. 0.7643 acres **CENSUS TRACT:** 90.00

APPLICANT: Mariana Roman

OWNER: William Freedman

REQUEST: An application for the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service 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 the request is to continue to allow the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service. [M Tacubaya].

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 subject site that is developed within a multi-tenant, one-story, retail development and is located in a D-1 Liquor Control Overlay. The 1,200 square foot space is used for a restaurant without drive-in or drive-through service. In addition, the proposed use has a 433 square foot outdoor patio space.
- The restaurant without drive-in or drive-through service is permitted by right within Planned Development District No. 366 Subarea 1. The D-1 Liquor Control Overlay requires a Specific Use Permit to serve alcoholic beverages in conjunction with the use.
- On November 9, 2016, City Council approved Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service for a two-year period, subject to a site plan and conditions.

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

1. **Z178-305:** On March 27, 2019, the City Council approved the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 1 within Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay for a two-year period with eligibility for automatic renewals for additional five-year periods, [subject site].
2. **Z156-183:** On August 9, 2017, the City Council approved an amendment to Planned Development District No. 366 on property located generally along both sides of South Buckner Boulevard from Heinan Drive and Hoyle Avenue on the north to the T. & N.O. Railroad on the south, and along Lake June Road between Carbona Drive on the west and Pleasant Drive on the east.
3. **Z167-125:** On February 22, 2017, the City Council amended and renewed Specific Use Permit No. 2034 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for additional five-year periods on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane..
4. **Z156-320:** On November 9, 2016, City Council approved Specific Use Permit No. 2034 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service for a two-year period on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane.

5. **Z190-303:** On November 11, 2020, the City Council approved 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 use at northwest corner of South Buckner Boulevard and Scyene Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
S. Buckner Boulevard	Principal Arterial	107 ft.

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.

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.

STAFF ANALYSIS:

Land Uses:

	Zoning	Land Use
Site	Subarea 1, PDD No. 366 with a D-1 SUP No. 2219	Restaurant; Retail and personal service
North	Subarea 1, PDD No. 366 with a D-1	Restaurant, General merchandise or food store
South	Subarea 1, PDD No. 366 with a D-1	Medical Clinic
East	Subarea 1, PDD No. 366 with a D-1, SUP No. 2034	General merchandise or food store
West	Subarea 1, PDD No. 366 with a D-1	Retail and personal service

Land Use Compatibility:

The site is developed with a one-story, multi-tenant retail development. The applicant requests to continue to sell alcoholic beverages in an existing 1,200-square-foot restaurant without drive-in or drive-through service. The surrounding land uses consist of a variety of retail and personal service uses, and a medical clinic.

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 continued sale of alcoholic beverages in conjunction with the existing restaurant should not be a detriment to the adjacent properties; therefore, staff supports the request.

Landscape:

This request does not trigger any landscaping requirements.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for all proposed uses within the existing shopping center is 67 and 50 parking spaces are provided on site and 17 out of 28 parking spaces are provided in a remote parking agreement within an automotive repair shop parking lot on the south side of Scyene Road, north of the existing retail parking area.

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. The subject site is not located within an identified market type category.

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List of Officers

M Tacubaya

- Mariana Roman, Sole Owner

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**CPC ACTION
JUNE 3, 2021**

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Planner: Oscar Aguilera

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service 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 side of South Buckner Boulevard, between Scyene Road and Bearden Lane.

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

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

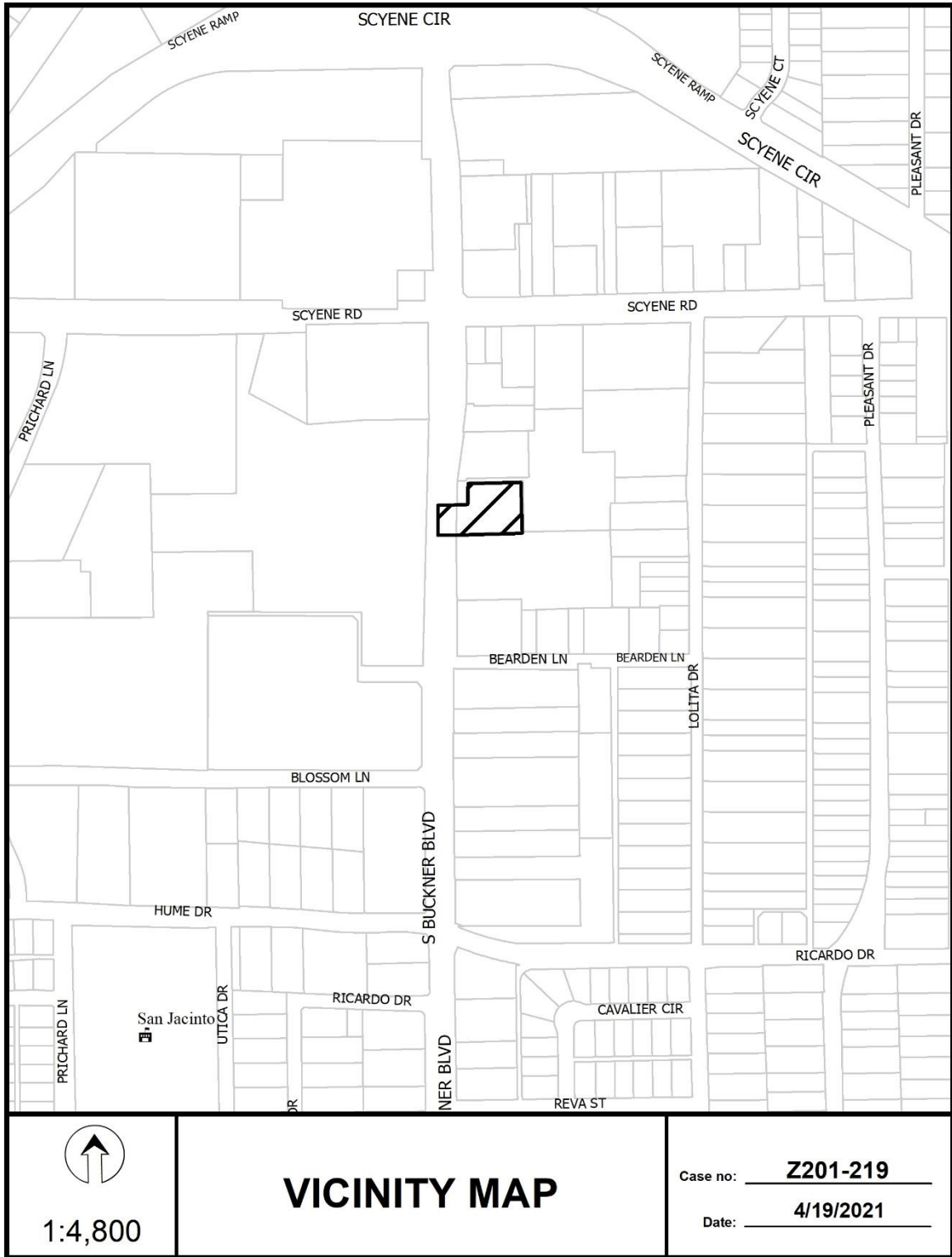
Against: 0
Absent: 0
Vacancy: 1 - District 10

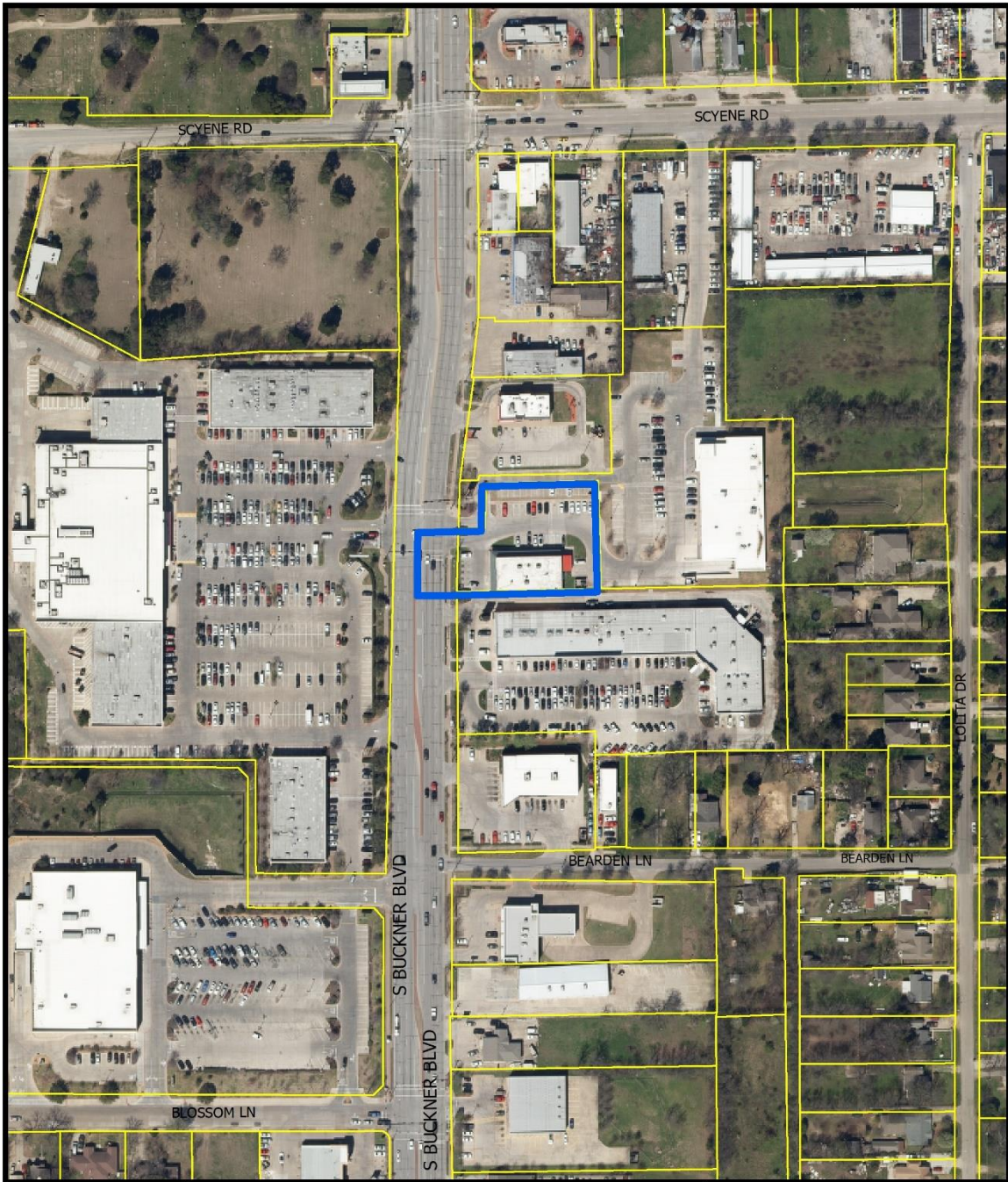
Notices: Area: 200 Mailed: 6
Replies: For: 0 Against: 0

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 without drive-in 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 (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) [November 9, 2018].
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.



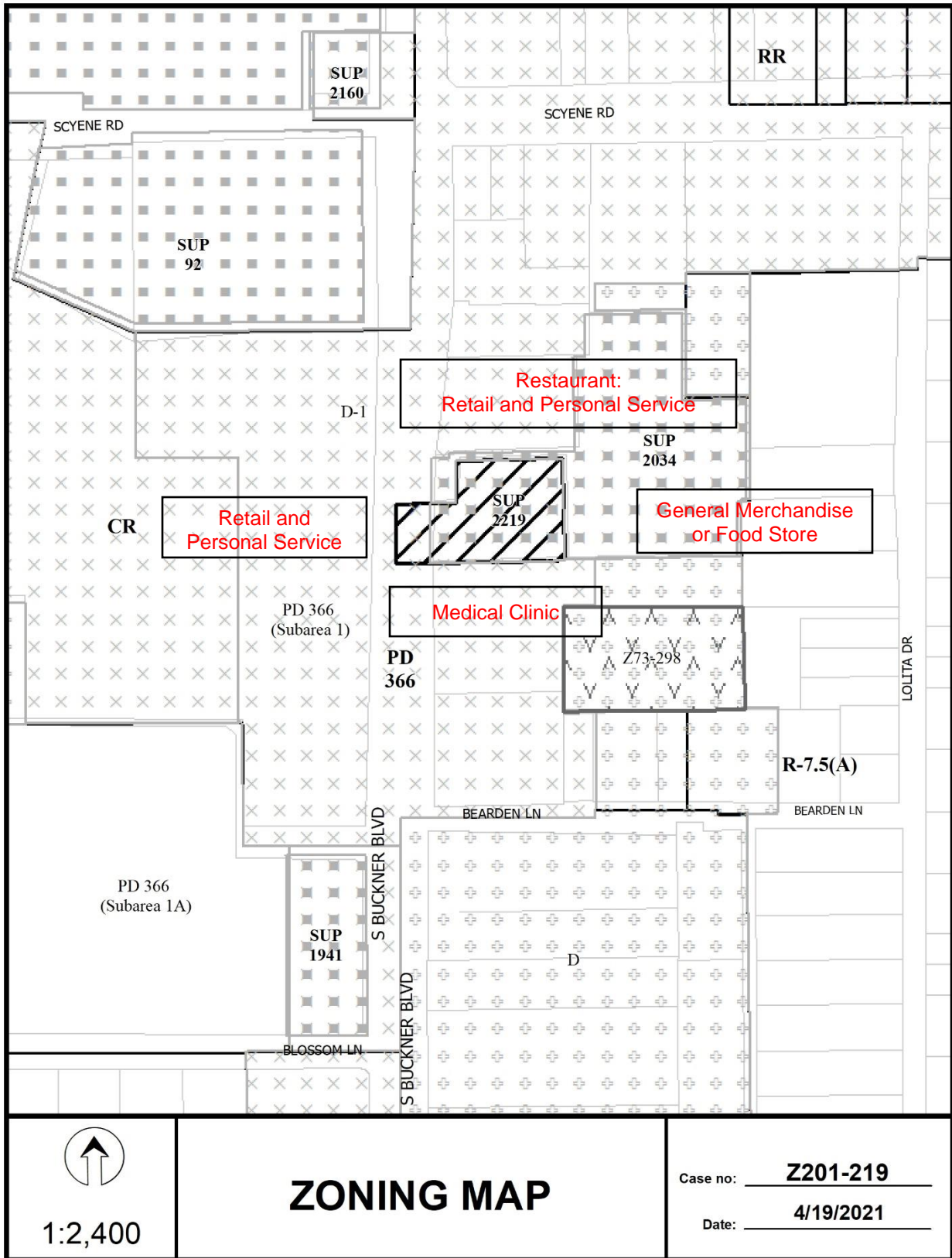


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AERIAL MAP

Case no: Z201-219

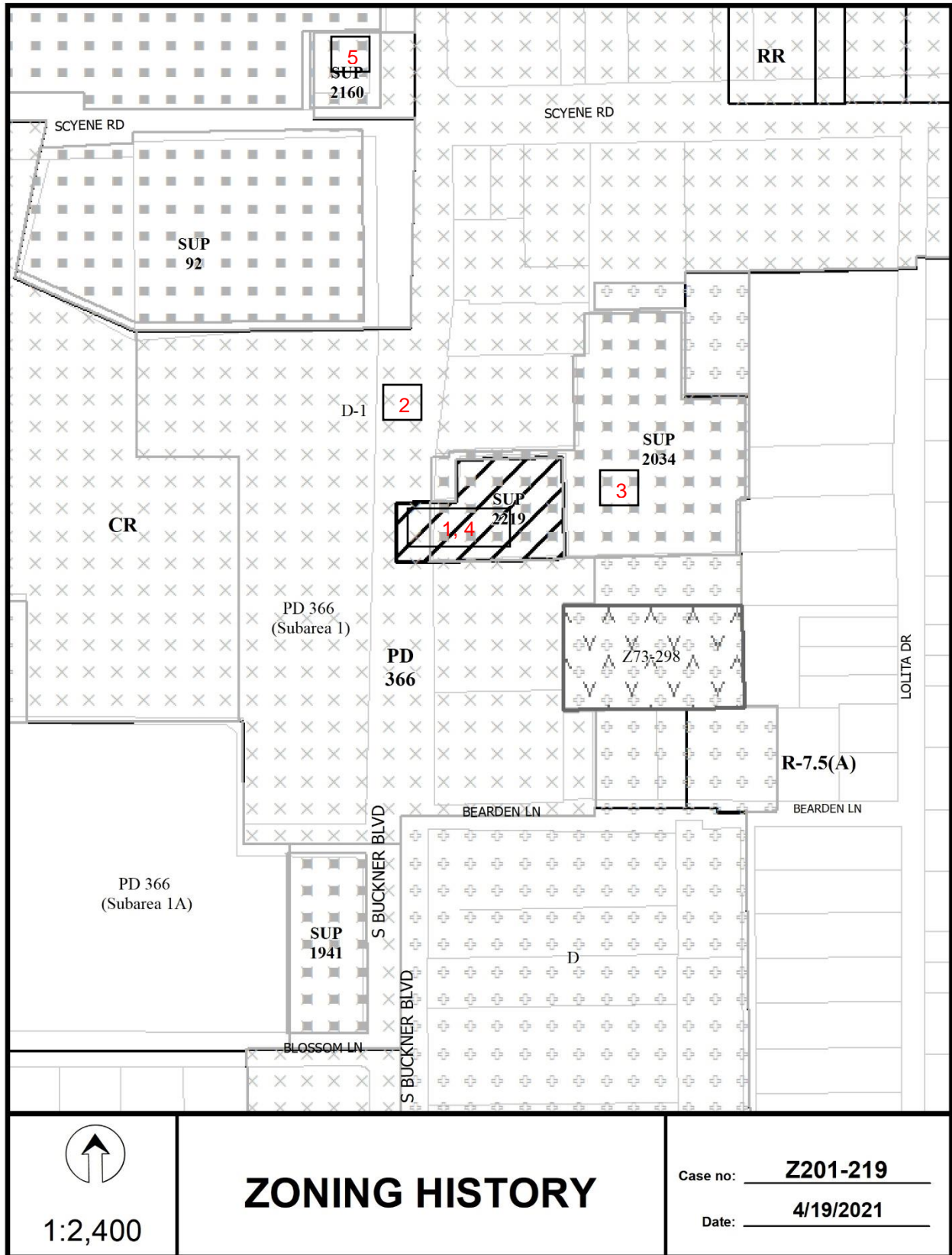
Date: 4/19/2021



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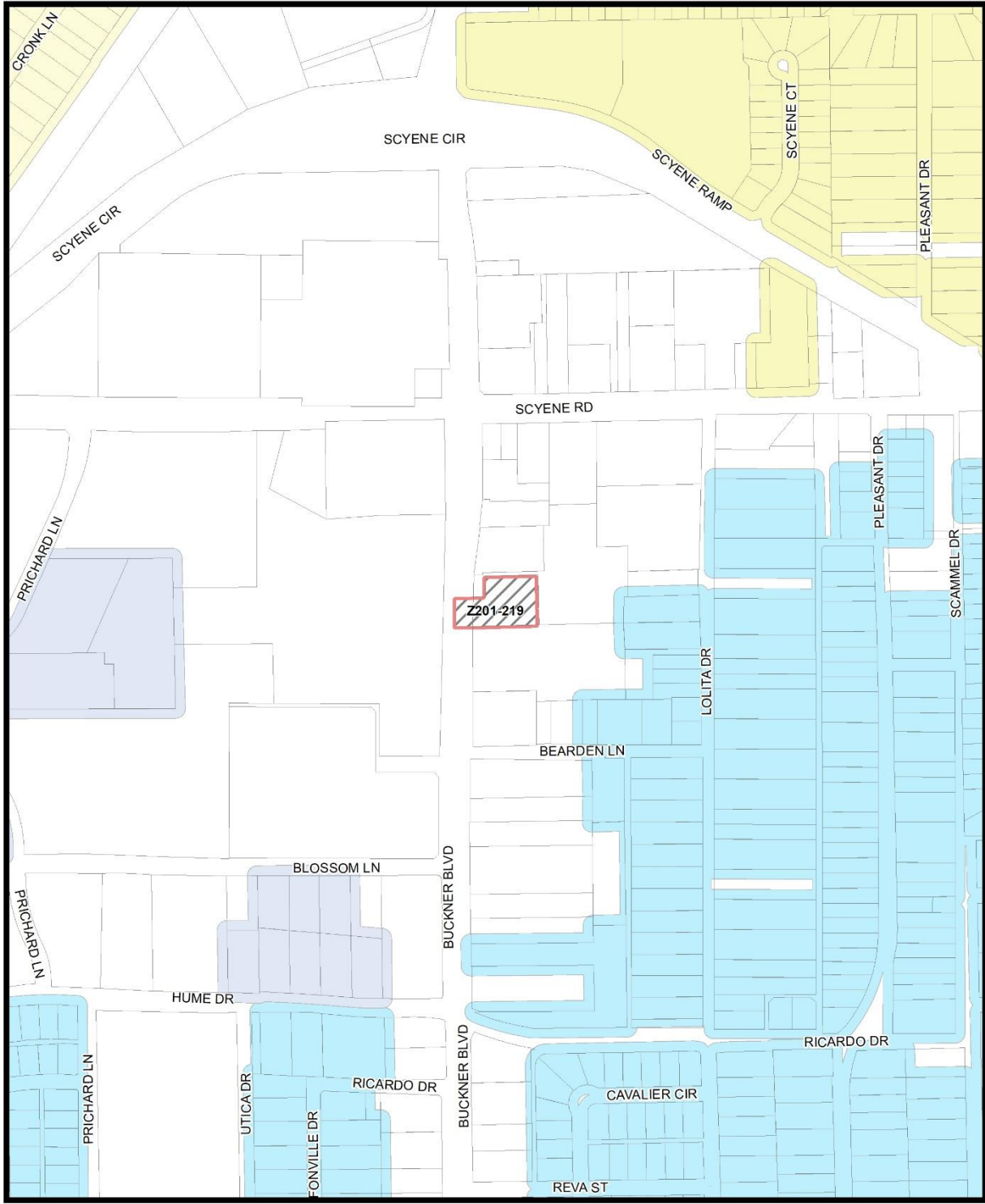
ZONING MAP

Case no: Z201-219
Date: 4/19/2021



ZONING HISTORY

Case no: Z201-219
Date: 4/19/2021



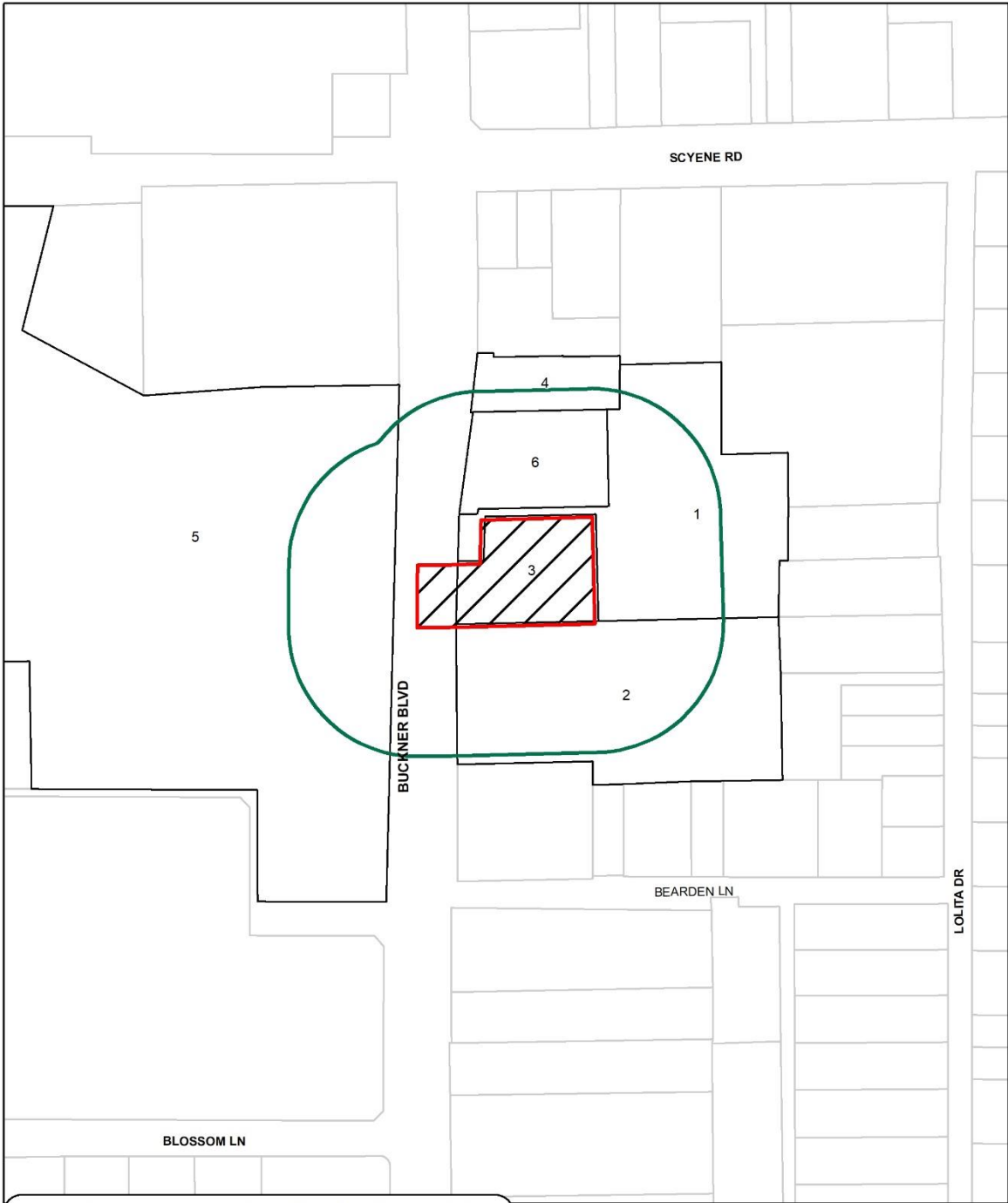
Market Value Analysis A B C D E F G H I NA

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Market Value Analysis

Printed Date: 4/19/2021

CPC RESPONSES



<u>6</u>	Property Owners Notified (6 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>6/3/2021</u>	Date

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06/02/2021

Reply List of Property Owners

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6 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	2926 S BUCKNER BLVD	ALDI LLC
	2	2902 S BUCKNER BLVD	BAIDU LLC
	3	2916 S BUCKNER BLVD	Taxpayer at
	4	2942 S BUCKNER BLVD	HEAVER PROPERTIES LIMITED
	5	8000 SCYENE RD	BUCKNER PARTNERSHIP LP
	6	2930 S BUCKNER BLVD	FWP BUCKNER BLVD TX LLC