
FILE NUMBER: Z234-111(CR) **DATE FILED:** October 16, 2023

LOCATION: Northeast corner of South Buckner Boulevard and Forney Road.

COUNCIL DISTRICT: 7

SIZE OF REQUEST: ± 24,393 sqft **CENSUS TRACT:** 48113012207

REPRESENTATIVE: Andrew Ruegg, MASTERPLAN

OWNER/APPLICANT: Bert & Bob Investment Co.

REQUEST: An application for renewal of 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 on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow for the continued sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to amended conditions.

BACKGROUND INFORMATION:

- The approximately 0.56-acre area of request is developed with a 3,010-square-foot general merchandise or food store (convenience store) and vehicle fueling station (gas pumps).
- On March 28, 2018, the City Council approved 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 for a two-year period on the request site. The SUP was renewed on February 26, 2020, with eligibility for automatic renewal for additional two-year periods. The SUP was then automatically renewed on February 26, 2022. This application would renew the SUP for a five-year period, with eligibility for automatic renewal for additional five-year periods.
- The proposed request is to continue the sale of alcohol for off-premises consumption in conjunction with the general merchandise use on the property. No changes are proposed to the site plan.
- The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premises consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- No changes are proposed to the existing site plan.

Zoning History:

There have been three zoning cases in the area in the last five years:

1. **Z234-155:** On August 14, 2024, the City Council approved a request for an amendment to Specific Use Permit No. 2359 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 LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, located on the southwest corner of South Buckner Boulevard and Forney Road.
2. **Z201-351:** On May 11, 2022, the City Council approved an application for the renewal of Specific Use Permit No. 2359 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 LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, located on the southwest corner of South Buckner Boulevard and Forney Road.
3. **Z201-347:** On January 31, 2022, the City of Dallas approved the automatic renewal of 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 on property zoned a LI-

D-1 Light Industrial District with a D-1 Liquor Control Overlay, located on the northeast corner of Buckner Road and Forney Road. [subject property]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Buckner Boulevard	Principal Arterial	107 feet
Forney Road	Community Collector	80 feet

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

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:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	LI-D-1 Light Industrial with D-1 Liquor Control Overlay (SUP No. 2269)	Fueling station
North	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Church
East	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Warehouse
South	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Industrial (inside)
West	MC-1-D-1 Multiple Commercial District with D-1 Liquor Control Overlay	Undeveloped

Land Use Compatibility:

The approximately 0.56-acre area of request is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The request for renewal of Specific Use Permit No. 2269 will allow the applicant to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise. Additionally, the applicant is seeking to amend the previously approved conditions to permit automatic renewals for additional 5-year periods (an increase from the prior 2-year automatic renewal periods).

The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.

The adjacent land uses consist of a warehouse and church use to the north, warehouse uses to the east and an industrial (inside) use to the south. Properties west of the request site, across South Buckner Boulevard, are undeveloped. The proposed request complies with the alcoholic distance requirement of 300 feet from a church, which is measured front door to front door along the right-of-way lines.

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 applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

Landscaping:

Landscaping will be provided in accordance with Article X of the Dallas Development Code, as amended.

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. Based on the 3,010 square feet of floor area, the development requires 17 spaces with 17 being provided per the attached site plan.

Crime Statistics:

Arrest(s):

Description	Count
APOWW (SOCIAL SERVICES REFERRAL)	1
ASSAULT -PUB SERV (PEACE OFFICER/JUDGE)	1

Call(s):

Description	Count
20 - Robbery	1
46A - CIT w/Ambulance	1
32 - Suspicious Person	1
6X - Major Dist (Violence)	1
46 - CIT	1
40/01 - Other	1
7X - Major Accident	1
7X - Major Accident	1
6X - Major Dist (Violence)	1
40 - Other	1
11B/01 - Burg of Bus	1
40 - Other	1
41/11B - Burg Busn in Progress	1
11B - Burg of Bus	1
6X - Major Dist (Violence)	1
07 - Minor Accident	1
40 - Other	1
40 - Other	1
6X - Major Dist (Violence)	1
40 - Other	1
40 - Other	1
24 - Abandoned Property	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
41/20 - Robbery - In Progress	1
40 - Other	1
40 - Other	1
46 - CIT	1
46 - CIT	1
46 - CIT	1
40 - Other	1
6X - Major Dist (Violence)	1
40 - Other	1
43 - Road Rage	1
24 - Abandoned Property	1
6X - Major Dist (Violence)	1
40 - Other	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
40 - Other	1
6X - Major Dist (Violence)	1
40 - Other	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
32 - Suspicious Person	1

Description	Count
40/01 - Other	1
21B - Business Hold Up	1
21B - Business Hold Up	1
40/01 - Other	1
6X - Major Dist (Violence)	1
7X - Major Accident	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
DASF-Dist Active Shooter Foot	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
20 - Robbery	1
6X - Major Dist (Violence)	1
6X - Major Dist (Violence)	1
16 - Injured Person	1
40 - Other	1
6X - Major Dist (Violence)	1
40 - Other	1
6X - Major Dist (Violence)	1
DAEV-Dist Armed Encounter Veh	1
21B - Business Hold Up	1
21B - Business Hold Up	1

Incident(s):

Description	Count
MISCELLANEOUS	1
MISCELLANEOUS	1
TRAFFIC VIOLATION - HAZARDOUS	1
BURGLARY-BUSINESS	1
MISCELLANEOUS	1
MISCELLANEOUS	1
MISCELLANEOUS	1
DRUG EQUIPMENT VIOLATIONS	1
DRUG/ NARCOTIC VIOLATIONS	1
ROBBERY-INDIVIDUAL	1
DRUG/ NARCOTIC VIOLATIONS	1
UUMV	1
UUMV	1
INTIMIDATION	1
MISCELLANEOUS	1

Description	Count
BMV	1
BMV	1
SIMPLE ASSAULT	1
MISCELLANEOUS	1
DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	1
SIMPLE ASSAULT	1
MISCELLANEOUS	1
DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	1
WEAPON LAW VIOLATIONS	1
MISCELLANEOUS	1
MISCELLANEOUS	1
MISCELLANEOUS	1
MISCELLANEOUS	1

Market Value Analysis:

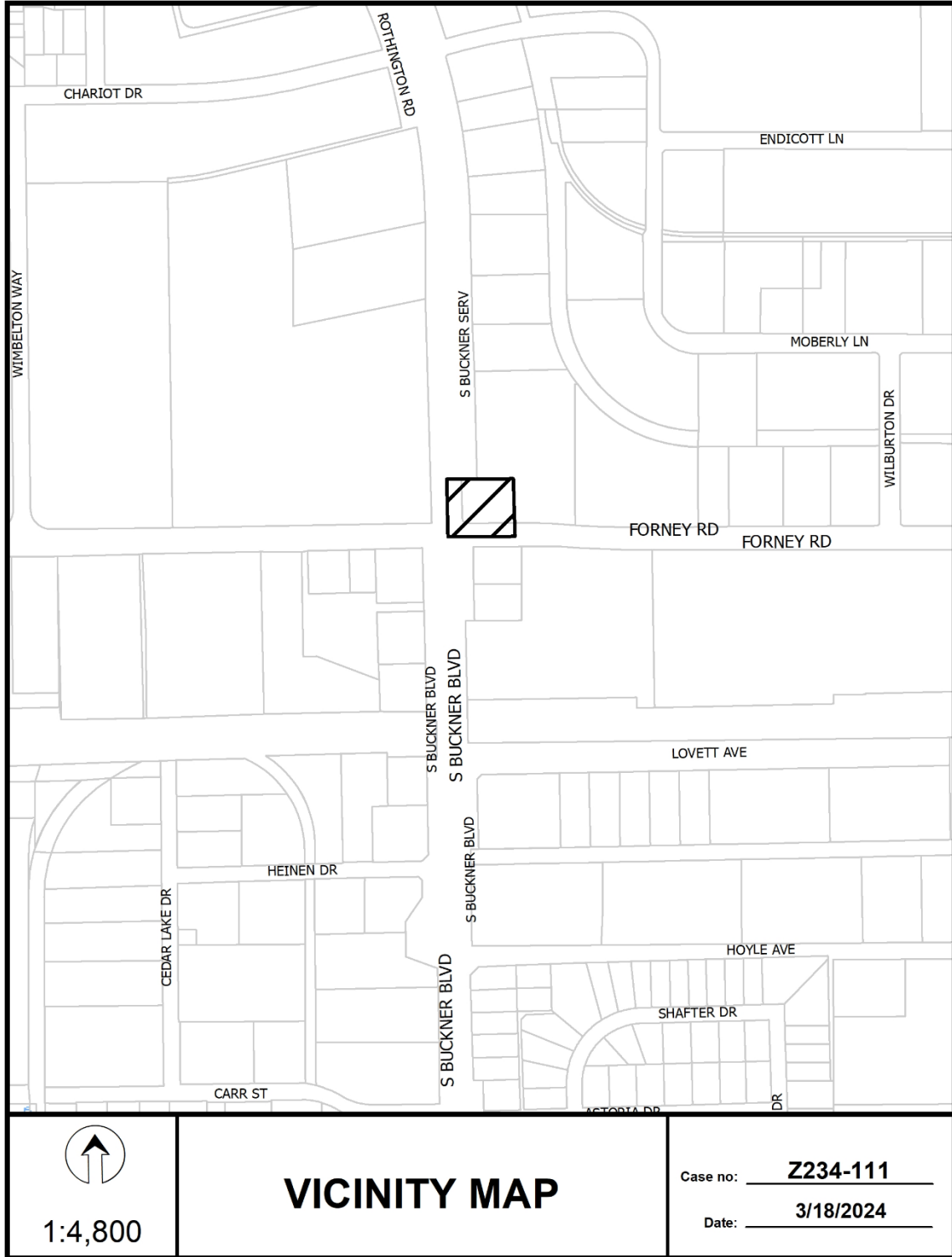
Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas 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 (A through C) to orange, representing the weakest markets (G through I). The area of request is currently in an “F” MVA area.

LIST OF OFFICERS

Bert & Bob Investment Co.
Steven H. Epstein, Partner
Ber H. Epstein, Partner

PROPOSED 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.
3. TIME LIMIT: This specific use permit expires on (5 years from the passage of this ordinance) [~~February 26, 2024~~], but is eligible for automatic renewal for ~~one~~ additional five-year [~~two-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 application for automatic renewal must be filed after the 18th 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 application 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.



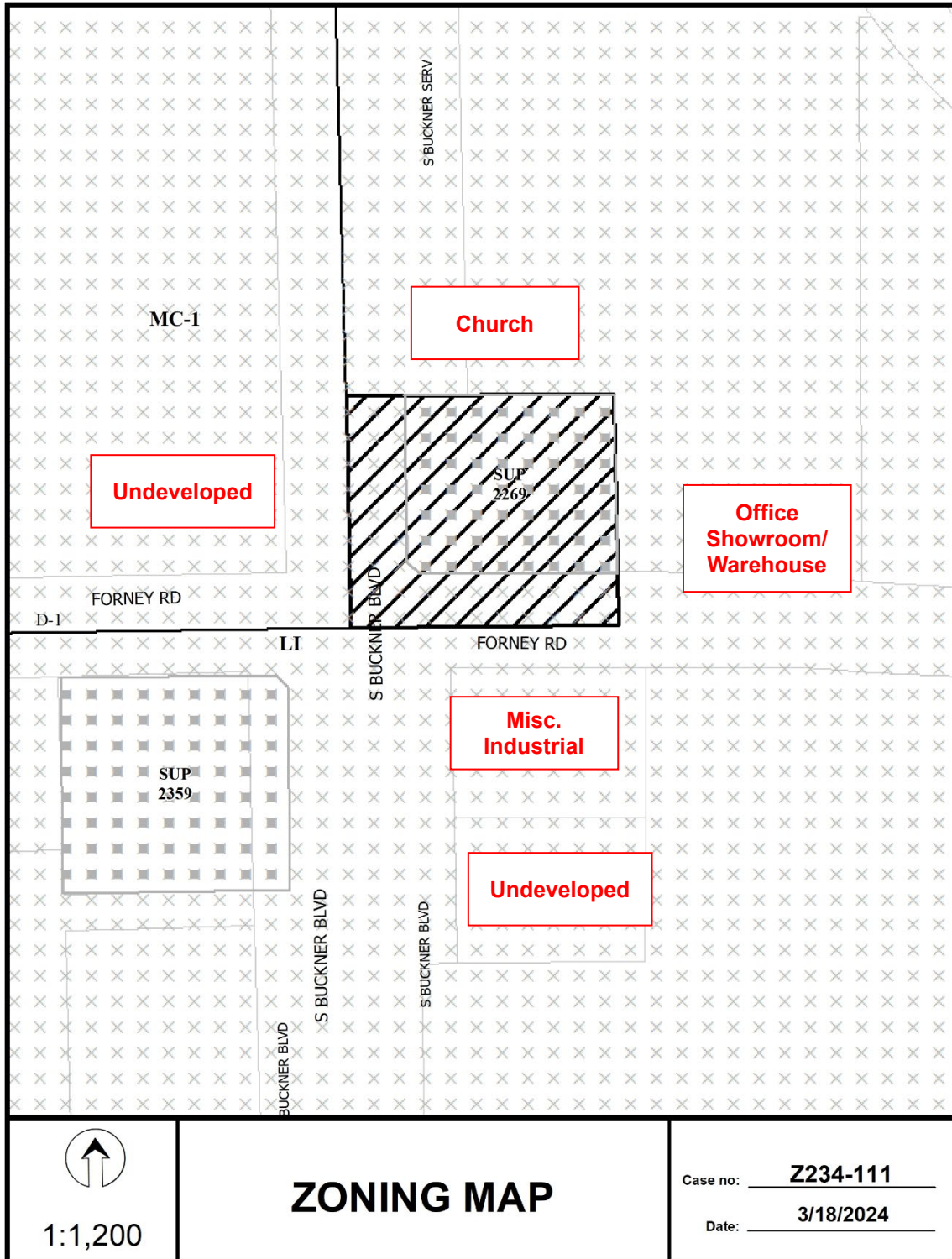


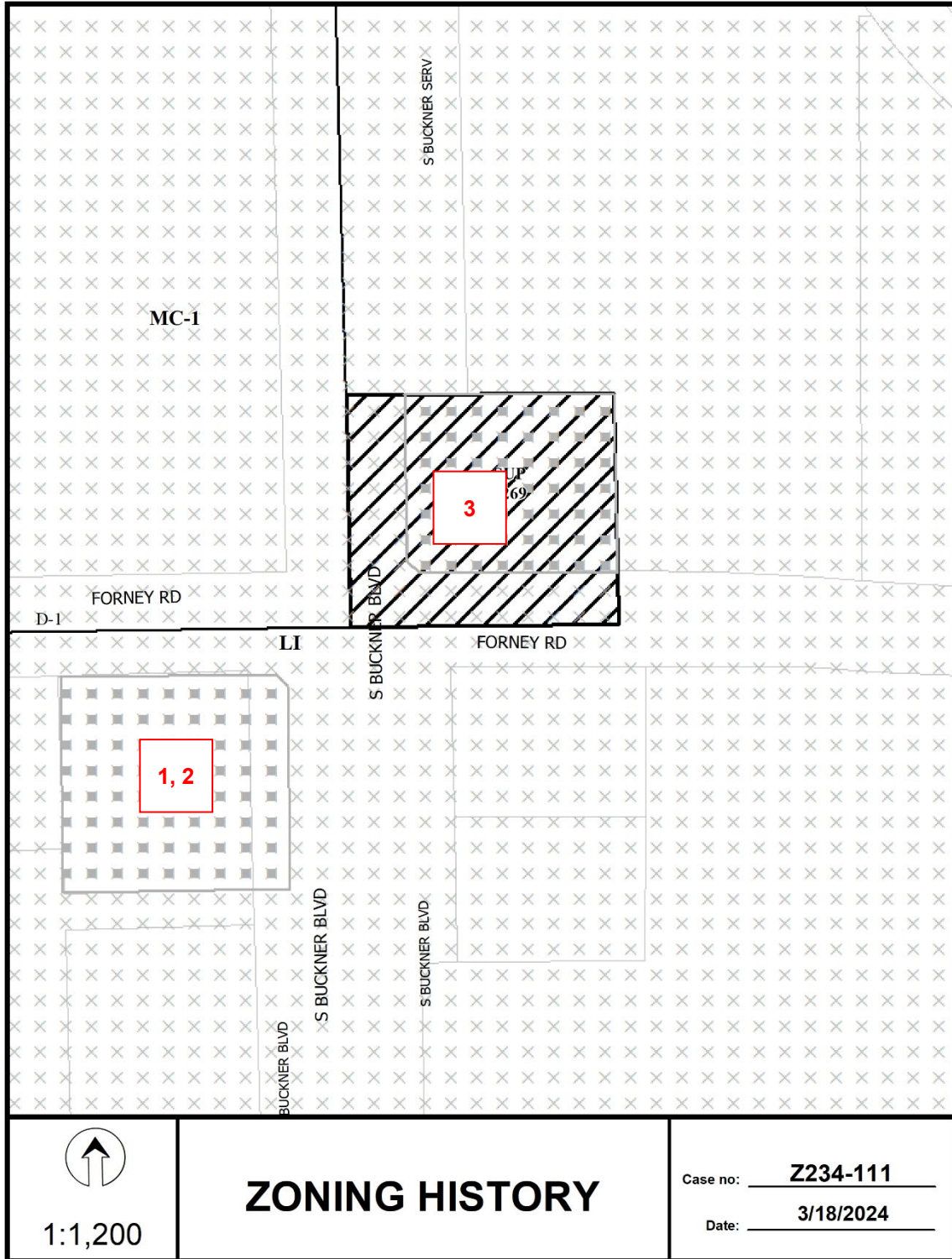
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AERIAL MAP

Case no: Z234-111

Date: 3/18/2024



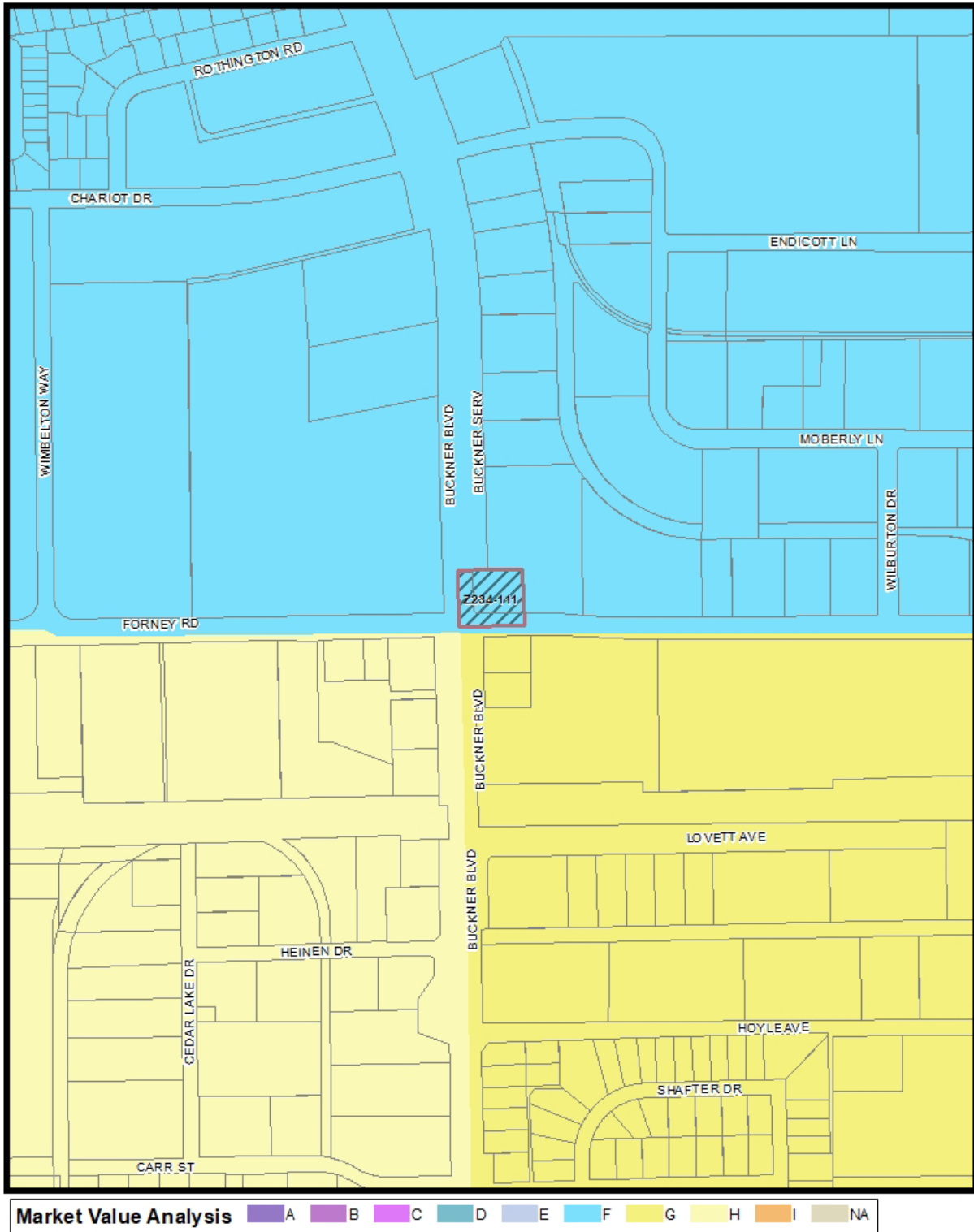


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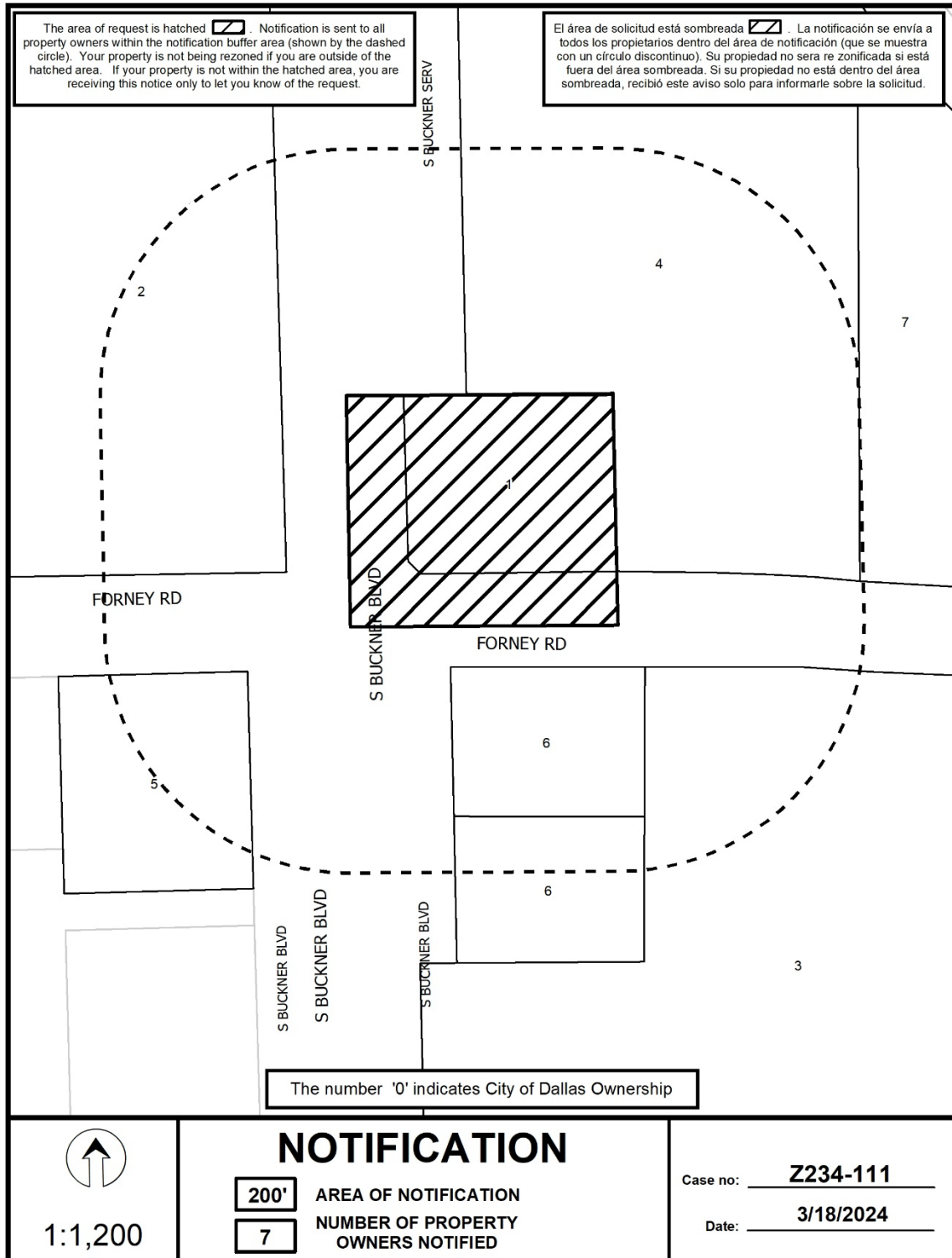
ZONING HISTORY

Case no: Z234-111

Date: 3/18/2024



Market Value Analysis



Z234-111(CR)

03/18/2024

Notification List of Property Owners

Z234-111

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4710 S BUCKNER BLVD	BERT & BOB INVESTMENT CO
2	4700 S BUCKNER BLVD	MDJ BUCKNER LLC
3	4520 S BUCKNER BLVD	WHEEL MART TEXAS INC
4	4740 S BUCKNER RD	LANDSCAPE STRUCTURES INC
5	4625 S BUCKNER BLVD	TRISPEED INVESTMENT INC
6	4612 S BUCKNER BLVD	ZAXO GROUP INC
7	8131 FORNEY RD	LANDSCAPE STRUCTURES INC