

ACM: Majed Al-Ghafry

FILE NUMBER: Z189-226(SM) **DATE FILED:** March 19, 2019
LOCATION: Northwest corner of South Buckner Boulevard and Cordell Drive
COUNCIL DISTRICT: 5 **MAPSCO:** 58 C
SIZE OF REQUEST: Approx. 1.07 acres **CENSUS TRACT:** 91.01

APPLICANT/OWNER: Vilas Kumar

REPRESENTATIVE: Santos Martinez, La Sierra Planning Group

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned Subarea 1 within Planned Development District No. 366 with a D-1 Liquor Control Overlay.

SUMMARY: The applicant requests to continue the sale alcohol for off-premise consumption in conjunction with the existing convenience store [Adi's Shell].

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:

- On September 28, 2011, Specific Use Permit No. 1900 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet was approved by Council for a two-year period.
- On November 10, 2011, the Texas Alcoholic Beverage Commission issued a Wine And Beer Retailer's Off-Premise Permit (BQ) which “authorizes the holder to sell for off-premise consumption only in unbroken original containers, but not for resale, wine, beer, and malt liquors containing alcohol in excess of one-half of one percent (1/2 of 1%) by volume and not more than 14% or 17% of alcohol by volume (Section 251.81)”. This permit is still current and was issued to Adi’s Shell, which is the current operator.
- On August 28, 2013, SUP No. 1900 was renewed for a two-year period with eligibility for automatic renewals for additional five-year periods.
- On August 28, 2015, SUP No. 1900 expired because an application was not submitted during the renewal eligibility period which is 180 to 120 days before the SUP expiration date.
- The proposed use is to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property is permitted by Specific Use Permit in a D-1 Liquor Control Overlay.
- On October 16, 2019, the site passed inspections for compliance with Chapter 12B of the Dallas City Code, Convenience Stores.
- On December 20, 2019, the applicant confirmed a shipping container was removed from the property, thereby bringing the site into compliance with Section 51A-4.603 *Use of Conveyance as a Building*.

Zoning History: There have been two recent zoning requests in the vicinity within the last five years.

1. **Z178-183:** On May 9, 2018, City Council approved a D-1 Liquor Control Overlay; and 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 two-year period, subject to a site plan and conditions on property zoned Subarea 1 within Planned Development District No. 366, the Buckner

Boulevard Special Purpose District, with a D Liquor Control Overlay on the east line of South Buckner Boulevard, north of Bruton Road.

2. **Z156-183:** On August 9, 2017, City Council approved amendments to Planned Development District No. 366 generally located along both sides of Buckner Boulevard from Heinen 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.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Cordell Street	Local	60 feet
South Buckner Boulevard	Principle Arterial	100 feet

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

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.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 366 (Subarea 1) with a D-1 Overlay	Office and GMFS >3,500 SF with fuel sales
North	PDD No. 366 (Subarea 1)with a D Overlay	Office
East	PDD No. 366 (Subarea 1) with a D-1 Overlay SUP No. 2293 with a D-1 Overlay	Restaurants with drive-through service and furniture store
South	PDD No. 366 (Subarea 2) with a D Overlay	Restaurant with drive-through service
West	R-7.5(A)	Single family

Land Use Compatibility:

The request site is developed with a one-story structure that is divided into two suites. The larger suite contains a gas station with a kitchen and a few tables and chairs for dining. The second smaller suite contains an office use. The building was originally designed to accommodate a drive-through window; however, no certificates of occupancy have been issued for any drive-through use and the drive-through is not in operation

The adjacent land uses are as shown in the above and 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 Dallas Police Department has provided a report since SUP No. 1900 was renewed in August 2013 to October 2019. The report showed 16 offenses; however, only one was an aggravated assault while the other 15 were related to theft or robberies. There were also 19 arrests, but only one for public intoxication.

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. Dallas Police Department confirms the applicant came into full compliance with Chapter 12B by passing inspections on October 16, 2019.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The adjacent residential uses could be considered incompatible, but the property is located on Buckner Boulevard, a major commercial corridor. CPC's recommended initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. Therefore, the general merchandise or food store use at 5,187 square feet of floor area requires 26 spaces and the motor vehicle fueling station development requires two additional spaces. The overall development is shown to require 32 spaces and is providing 32 spaces.

Landscaping:

Landscaping is required per PDD No. 366; however, the site will not trigger compliance with landscaping requirements. Landscaping of any future development will be in accordance with PDD No. 366, as amended.

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). Although the area of request is not within an identifiable MVA cluster, the nearest MVA cluster abuts the site's west property line and is identified as an "F" MVA cluster.

CPC Action
February 6, 2020

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 use greater than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned Subarea 1 within Planned Development District No. 366 with a D-1 Liquor Control Overlay, on the northwest corner of South Buckner Boulevard and Cordell Drive.

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

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

Against: 0
Absent: 0
Vacancy: 1 - District 3

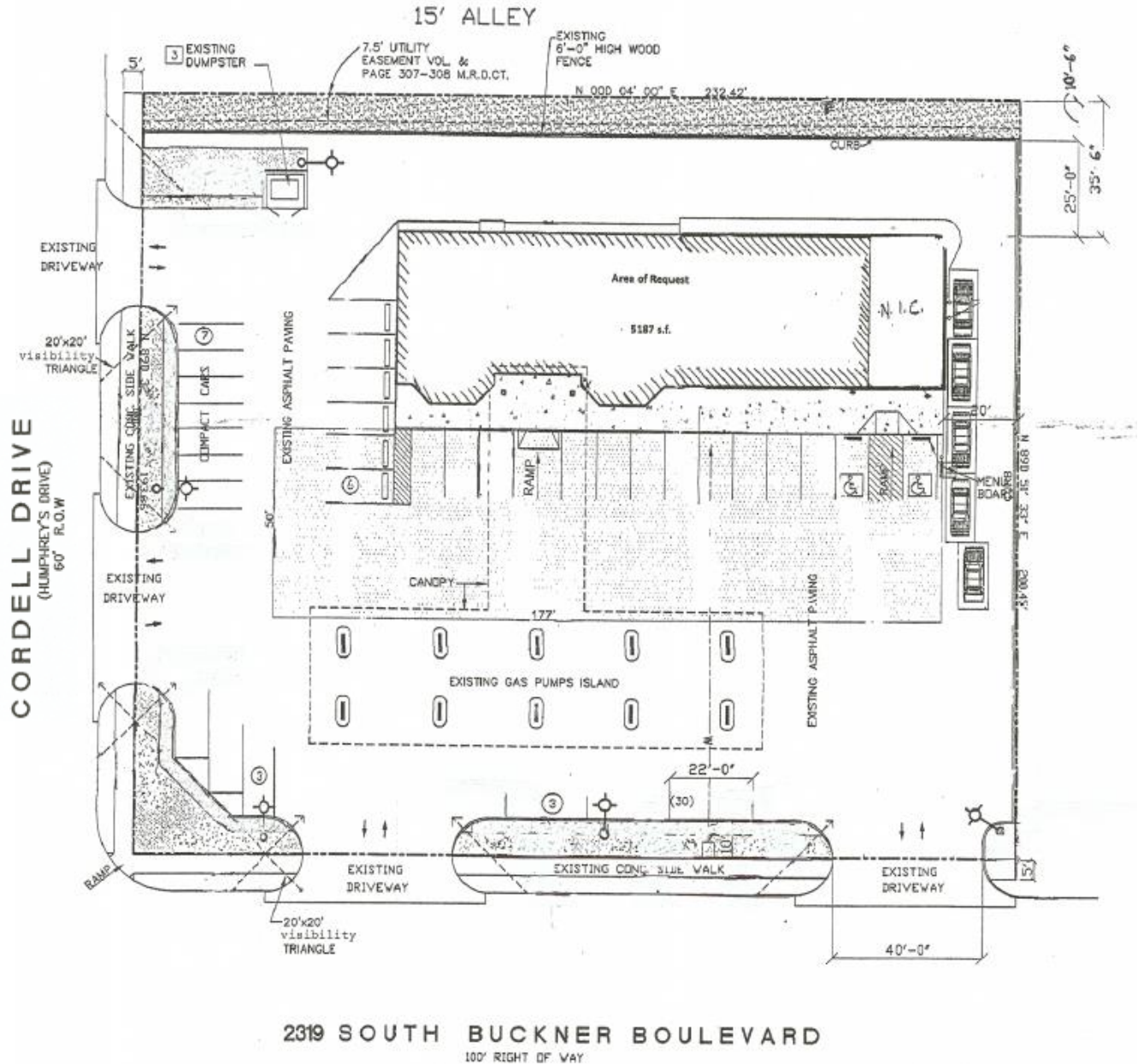
Notices: Area: 200 Mailed: 21
Replies: For: 1 Against: 0

Speakers: For: Santos Martinez, 12 Tanager Terrace, Angel Fire, NM, 87710
Against: None

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption as part of the operation of a general merchandise or food store greater than 3,500 square foot.
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 (two years from the passage of this ordinance).
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 SITE PLAN

**SITE SUMMARY**

Zoning: PDD 366 SD-1, D-1, SUP 1900

Uses:

General Merchandise or Food Store greater than 3500 s.f. 5187 s.f.

Restaurant (take out and delivery only) 800 s.f.

Motor Vehicle Fueling Station

Lot Area: 46,783 s.f.

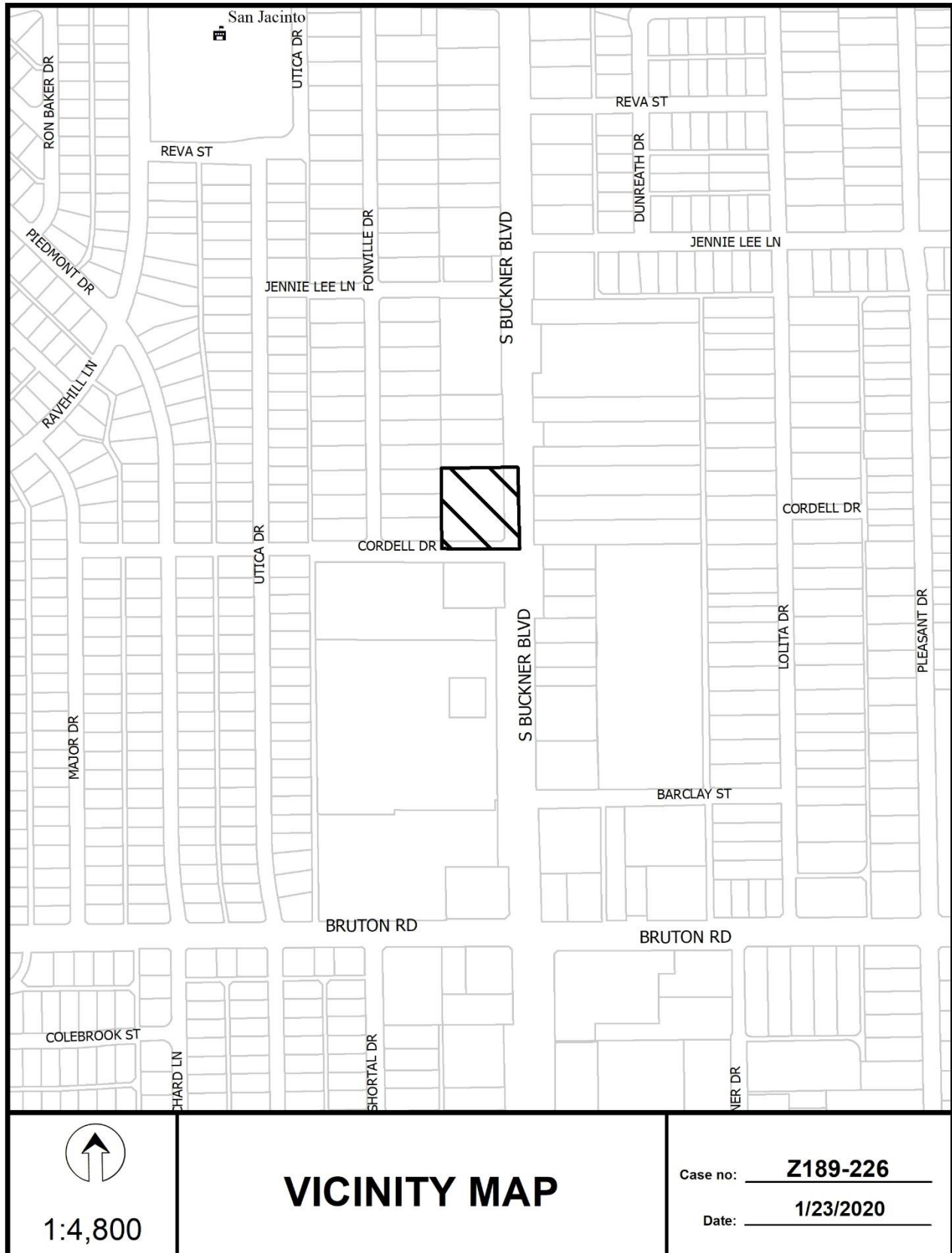
Lot Coverage: 12.9 %

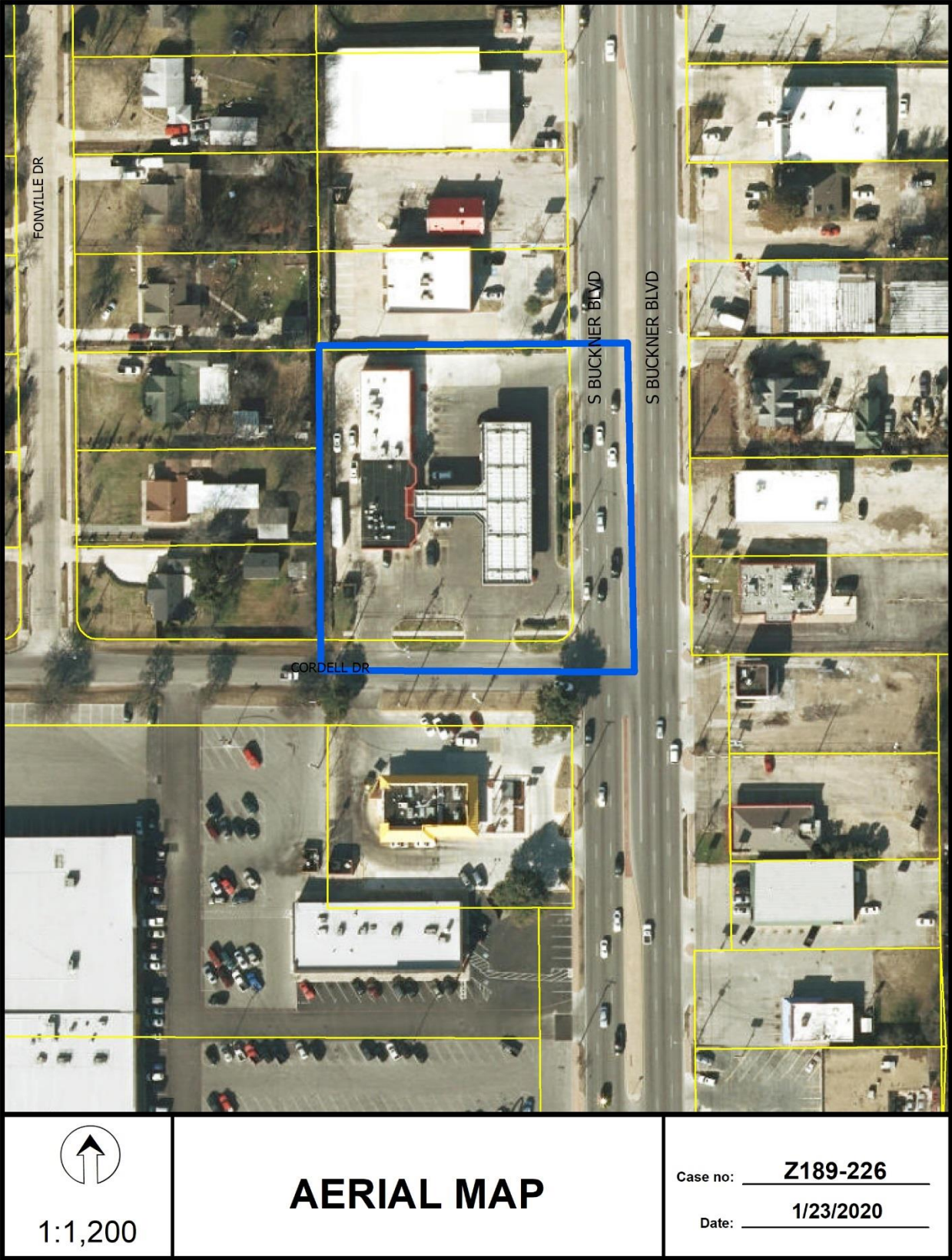
Building Area: 5987 s.f.

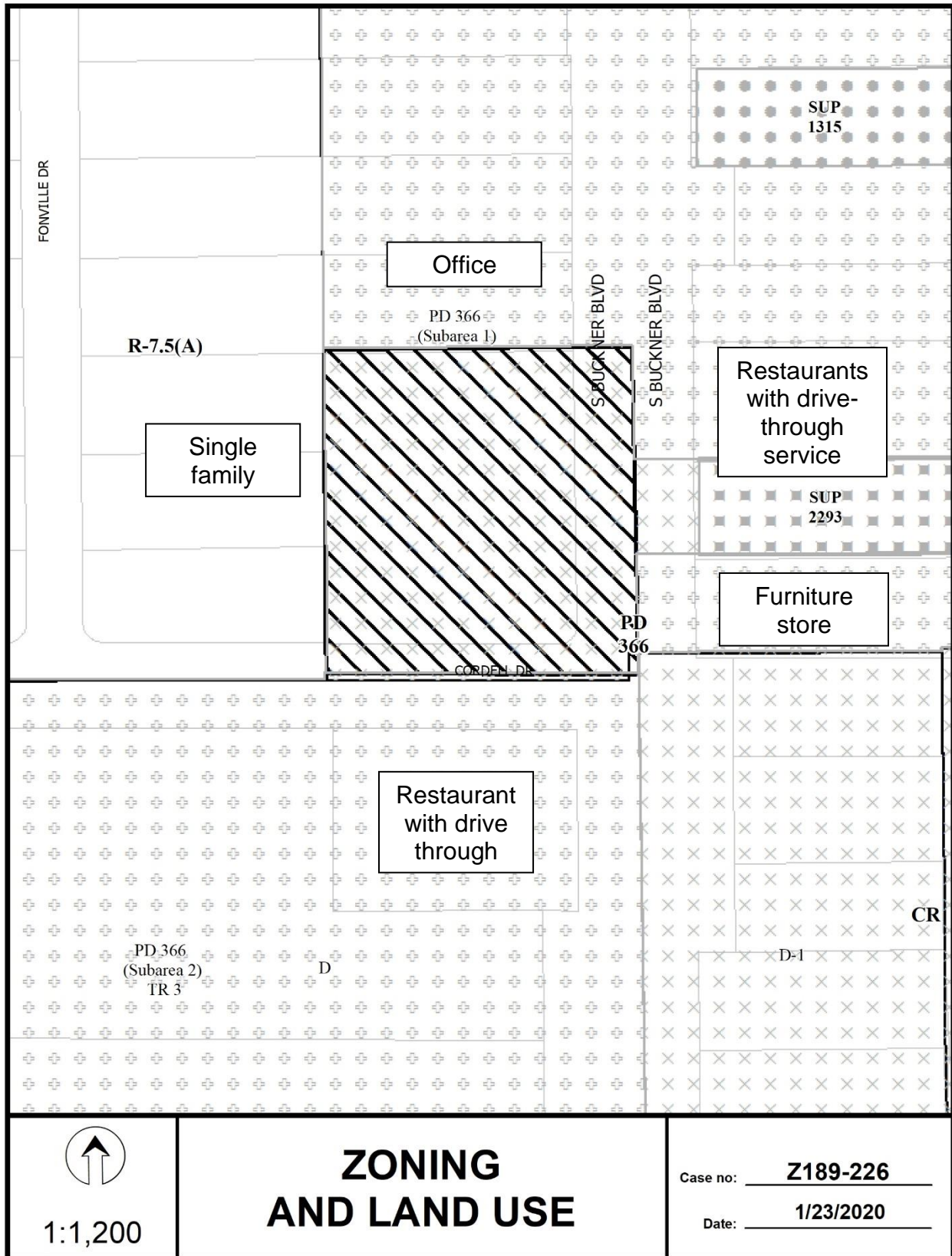
Area of Request: 5187 s.f.

Required Parking: 32

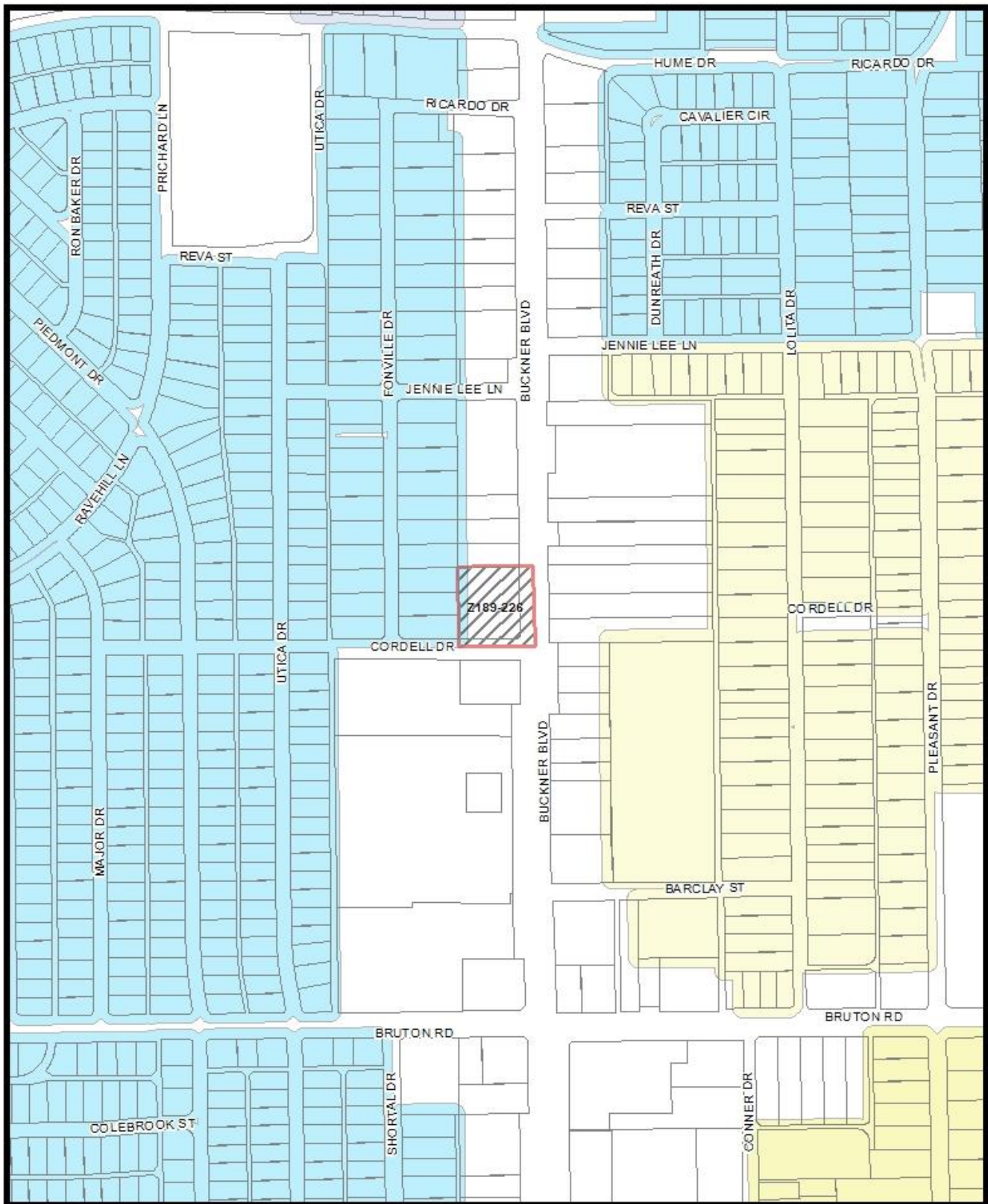
Provided Parking: 32







Z189-226(SM)

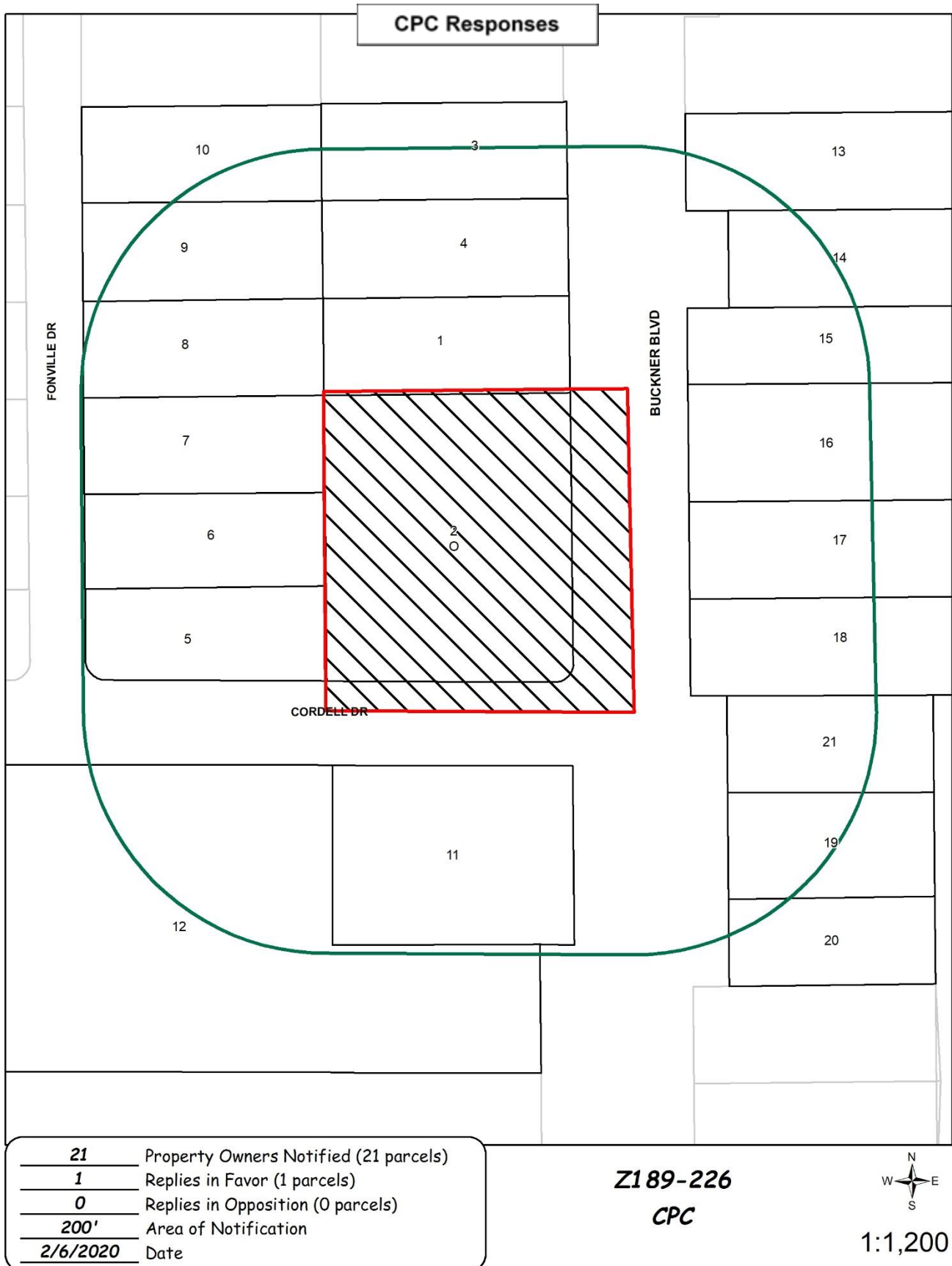


MVACluster A B C D E F G H I NA



Market Value Analysis

Printed Date: 1/23/2020



02/05/2020

Reply List of Property Owners**Z189-226*****21 Property Owners Notified 1 Property Owner in Favor 0Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2323 S BUCKNER BLVD	PFA INVESTMENTS LLC
O	2	2313 S BUCKNER BLVD	KUMAR VILAS
	3	2405 S BUCKNER BLVD	QAREM FADI
	4	2327 S BUCKNER BLVD	HALL NANCY MARIE
	5	2300 FONVILLE DR	DELGADO ENRIQUE F &
	6	2310 FONVILLE DR	SILVA MARICELA &
	7	2316 FONVILLE DR	ALVARADO JAVIER E
	8	2322 FONVILLE DR	ALFAN MARLENE &
	9	2328 FONVILLE DR	GUZMAN JERONIMO & MARIA
	10	2404 FONVILLE DR	GONZALEZ ZENON &
	11	2253 S BUCKNER BLVD	JOEDE LEASING INC
	12	7900 CORDELL DR	KRS PARTNERSHIP LTD
	13	2336 S BUCKNER BLVD	TNS INVESTMENTS LTD
	14	2328 S BUCKNER BLVD	MARTINEZ JOAN JOSEPH GOMEZ
	15	2320 S BUCKNER BLVD	HERNANDEZ ALFREDO
	16	2312 S BUCKNER BLVD	SILVA DONACIANO
	17	2306 S BUCKNER BLVD	DEL CENTRO RESTAURAUNT
	18	2300 S BUCKNER BLVD	DEL REY PARTNERS LLC
	19	2248 S BUCKNER BLVD	ADELPHI GROUP LTD
	20	2244 S BUCKNER BLVD	BRIAN L HOCHSTEIN LLC
	21	2292 S BUCKNER BLVD	MTX NOOR REAL ESTATE LLC