

FILE NUMBER: Z223-138(AU) **DATE FILED:** November 22, 2022

LOCATION: East line of North Buckner Boulevard, north of Chenault Street

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 1.28 Acres **CENSUS TRACT:** 48113012302

OWNER/APPLICANT: Southern Cornerstone, Inc.

REPRESENTATIVE: Tommy Mann, Winstead PC

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, on property zoned an RR Regional Retail District with deed restrictions [Z823-391], and a D-1 Liquor Control Overlay District.

SUMMARY: The purpose of the request is to allow the continued sale of alcoholic beverage within a convenience store associated with a fueling station [Race Trac].

CPC RECOMMENDATION: **Approval** for a five-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.

RR Regional Retail District
https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-77205

Deed Restrictions [Z823-391]
https://dallascityhall.com/departments/city-attorney/DCH%20Documents/deed_restrictions/Maps/Map%20No.%20I-10/Z823-391-6291-E.pdf

BACKGROUND INFORMATION:

- The area of request is currently located within an RR Regional Retail District with Deed Restrictions [Z823-391], and a D-1 Liquor Control Overlay District. In a “D-1” Liquor Control Overlay District, a person shall not sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises, unless the sale or service is part of the operation of a use for which a specific use permit has been granted by the city council.
- The existing Deed Restrictions [Z823-391] were established in March 1984 and are further restricting the maximum allowable height on the property, prohibit multifamily uses, and require additional landscaping and a wall along the eastern property line.
- The area of request had Specific Use Permit No. 1877 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less. SUP No. 1877 was approved in September 2011 for a two-year period with eligibility for automatic renewal for additional five-year periods. SUP No. 1877 expired on September 14, 2018.
- The property is currently developed with a 3,040 square-foot-building being used as convenience store and a gas station. The most recent certificate of occupancy for the convenience store was issued on August 12, 2013.

Zoning History:

There have been no zoning change requests in the area within the last five years.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing/ Proposed ROW
North Buckner Boulevard	Principal Arterial	130 feet

Traffic

The Engineering Division of the Transportation Department has reviewed the request and determined that the proposed use will not have a negative impact on the surrounding street system.

Land Use

	Zoning	Land Use
Site	RR-D-1 Regional Retail District with D-1 Liquor Control Overlay and Deed Restrictions [Z823-391]	General Merchandise or Food Store in conjunction with a Fueling Station
North	RR-D-1 Regional Retail District with D-1 Liquor Control Overlay and Deed Restrictions [Z823-391]	Retail
East	RR-D-1 Regional Retail District with D-1 Liquor Control Overlay and Deed Restrictions [Z823-391]	Undeveloped
South	RR-D-1 Regional Retail District with D-1 Liquor Control Overlay and Deed Restrictions [Z823-391]	Restaurant
West	MF-2(A) Multifamily District	Multifamily

STAFF ANALYSIS**Land Use Compatibility**

The site is surrounded by a mix of nonresidential uses to the east side of North Buckner Boulevard and by multifamily across to the west. The sale of alcoholic beverages on the property requires a specific use permit if located within the D-1 Dry Liquor Control Overlay.

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 Dallas Police Department has determined that the request site meets the standards in Chapter 12B.

In general, the applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties. Staff considered previous SUP for alcohol sales and the fact that this is an established convenience store. The applicant's request subject to the attached conditions is consistent with the intent of the Dallas Development Code.

Landscaping

There are no changes to the site, therefore additional landscaping is not required.

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 two parking spaces for the fueling station. The general merchandise or food store building is 3,047 square feet in area, the required parking is 18 spaces, the site plan is indicating 24 parking spaces are provided.

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 not within an identifiable MVA cluster. Surrounding properties to the west are within "G" cluster.

Crime Statistics

Based on Dallas Police Department's crime statistics 47 offenses, 10 arrests, and 1056 calls were generated from the subject property since the last SUP was approved in 2011.

Offenses

OFFENSE REPORTS	Count of Crime Comp Stat
AGG ASSAULT - FV	1
AGG ASSAULT - NFV	3
BMV	5
COUNTERFEITING / FORGERY	1
DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	3
DRUG/ NARCOTIC VIOLATIONS	2
FRAUD OFFENSES	2
INTIMIDATION	2
OTHER THEFT	5
ROBBERY-BUSINESS	4
ROBBERY-INDIVIDUAL	2
SIMPLE ASSAULT	6
UUMV	9
WEAPON LAW VIOLATIONS	2
Grand Total	47

Signal	Off Incident	Premise	Address	Date1
11V/01 - BURG MOTOR VEH	BMV	Gas or Service Station	3516 N BUCKNER BLVD	10/22/2017
09V-01 UUMV JUST OCRD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Convenience Store	3516 N BUCKNER BLVD	5/27/2017
6X - MAJOR DIST (VIOLENCE)	ASSAULT (AGG) - SERIOUS BODILY INJURY	Gas or Service Station	3516 N BUCKNER BLVD	8/31/2017
20 - ROBBERY	ROBBERY OF BUSINESS (AGG)	Gas or Service Station	3516 N BUCKNER BLVD	9/8/2018
20 - ROBBERY	ROBBERY OF BUSINESS (AGG)	Convenience Store	3516 N BUCKNER BLVD	11/28/2018

Signal	Off Incident	Premise	Address	Date1
09V-01 UUMV JUST OCRD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Convenience Store	3516 N BUCKNER BLVD	2/28/2018
09V - UUMV	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Gas or Service Station	3516 N BUCKNER BLVD	9/18/2018
09/01 - THEFT	FORGERY TO DEFRAUD OR HARM OF ANOTHER	Parking (Business)	3516 N BUCKNER BLVD	7/17/2018
20 - ROBBERY	ROBBERY OF BUSINESS	Convenience Store	3516 N BUCKNER BLVD	8/7/2018
6X - MAJOR DIST (VIOLENCE)	ASSAULT (AGG) - DEADLY WEAPON	Gas or Service Station	3516 N BUCKNER BLVD	2/24/2018
41/09V - UUMV IN PROGRESS	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Gas or Service Station	3516 N BUCKNER BLVD	1/21/2018
40 - OTHER	ASSAULT - VERBAL THREAT	Gas or Service Station	3516 N BUCKNER BLVD	2/13/2019
58 - ROUTINE INVESTIGATION	CREDIT CARD OR DEBIT CARD ABUSE	Other	3516 N BUCKNER BLVD	12/25/2019
09V - UUMV	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Gas or Service Station	3516 N BUCKNER BLVD	4/3/2019
09 - THEFT	THEFT OF PROP > OR EQUAL \$100 <\$750 (NOT SHOPLIFT) PC31.03(e2A)	Gas or Service Station	3516 N BUCKNER BLVD	6/23/2019
09/01 - THEFT	CRIM MISCHIEF >OR EQUAL \$750 < \$2,500	Gas or Service Station	3516 N BUCKNER BLVD	6/30/2019
6XA - MAJOR DIST AMBULANCE	ASSAULT (AGG) - DEADLY WEAPON	Gas or Service Station	3516 N BUCKNER BLVD	7/26/2019
6X - MAJOR DIST (VIOLENCE)	ROBBERY OF BUSINESS	Convenience Store	3516 N BUCKNER BLVD	6/19/2019
6X - MAJOR DIST (VIOLENCE)	ASSAULT - OFFENSIVE CONTACT	Commercial Property Occupied/Vacant	3516 N BUCKNER BLVD	9/29/2020
09V - UUMV	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Gas or Service Station	3516 N BUCKNER BLVD	1/6/2020

Signal	Off Incident	Premise	Address	Date1
6XEA - DISTURBANCE EMERG AMB	ASSAULT (AGG) - SERIOUS BODILY INJURY	Convenience Store	3516 N BUCKNER BLVD	8/22/2020
40/01 - OTHER	POSS CONT SUB PEN GRP 2 < 1G	Parking (Business)	3516 N BUCKNER BLVD	2/16/2020
6X - MAJOR DIST (VIOLENCE)	ASSAULT - BODILY INJURY ONLY	Gas or Service Station	3516 N BUCKNER BLVD	2/20/2020
58 - ROUTINE INVESTIGATION	ASSAULT -FAM VIO, PREV CONV - BOD INJ ONLY	Gas or Service Station	3516 N BUCKNER BLVD	10/20/2020
6XEA - DISTURBANCE EMERG AMB	ASSAULT - OFFENSIVE CONTACT	Convenience Store	3516 N BUCKNER BLVD	8/22/2020
20 - ROBBERY	THEFT OF PROP <\$100 - OTHER THAN SHOPLIFT	Convenience Store	3516 N BUCKNER BLVD	4/15/2021
58 - ROUTINE INVESTIGATION	UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	Convenience Store	3516 N BUCKNER BLVD	7/20/2021
6X - MAJOR DIST (VIOLENCE)	CRIM MISCHIEF > OR EQUAL \$100 < \$750	Parking (Business)	3516 N BUCKNER BLVD	4/20/2021
58 - ROUTINE INVESTIGATION	CREDIT CARD OR DEBIT CARD ABUSE	Convenience Store	3516 N BUCKNER BLVD	10/1/2021
58 - ROUTINE INVESTIGATION	ROBBERY OF INDIVIDUAL (AGG)	Parking (Business)	3516 N BUCKNER BLVD	6/26/2021
	BMV	Convenience Store	3516 N BUCKNER BLVD	4/29/2021
55 - TRAFFIC STOP	POSS CONT SUB PEN GRP 1 <1G	Gas or Service Station	3516 N BUCKNER BLVD	4/24/2021
40/01 - OTHER	HARASSMENT	Apartment Complex/Building	3516 N BUCKNER BLVD	10/4/2021
20 - ROBBERY	ROBBERY OF INDIVIDUAL	Parking (Business)	3516 N BUCKNER BLVD	1/14/2021
55 - TRAFFIC STOP	UNLAWFUL CARRYING WEAPON	Gas or Service Station	3516 N BUCKNER BLVD	4/24/2021
20 - ROBBERY	THEFT FROM PERSON	Parking (Business)	3516 N BUCKNER BLVD	4/5/2021
PSE/11V - BURG MOTOR VEH	BMV	Bar/NightClub/DanceHall ETC.	3516 N BUCKNER BLVD	11/26/2022

Signal	Off Incident	Premise	Address	Date1
58 - ROUTINE INVESTIGATION	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Gas or Service Station	3516 N BUCKNER BLVD	5/12/2022
41/31 - CRIM MIS/PROGRESS/FELO	CRIM MISCHIEF > OR EQUAL \$100 < \$750	Gas or Service Station	3516 N BUCKNER BLVD	6/11/2022
11V/01 - BURG MOTOR VEH	BMV	Convenience Store	3516 N BUCKNER BLVD	7/5/2022
21B - BUSINESS HOLD UP	DISCHARGE FIREARM IN CERTAIN MUNICIPALITIES	Gas or Service Station	3516 N BUCKNER BLVD	8/14/2022
6X - MAJOR DIST (VIOLENCE)	ASSAULT - BODILY INJURY ONLY	Convenience Store	3516 N BUCKNER BLVD	7/19/2022
11V - BURG MOTOR VEH	BMV	Parking (Business)	3516 N BUCKNER BLVD	12/19/2022
	THEFT OF PROP > OR EQUAL \$750 <\$2,500 (NOT SHOPLIFT) PC31.03(e3)	Commercial Property Occupied/Vacant	3516 N BUCKNER BLVD	8/26/2022
40/01 - OTHER	ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	Gas or Service Station	3516 N BUCKNER BLVD	2/11/2023
41/20 - ROBBERY - IN PROGRESS	THEFT OF PROP <\$300K ATM	Gas or Service Station	3516 N BUCKNER BLVD	4/5/2023
09V-01 UUMV JUST OCRD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	Parking (Business)	3516 N BUCKNER BLVD	3/4/2023

Arrests

Arrest Date	Arrest Time	Address	Crime
12/21/2015	4:30:00 AM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
12/21/2015	4:30:00 AM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
1/31/2016	10:01:00 PM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
5/1/2017	5:00:00 AM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
2/16/2020	6:10:00 PM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
2/16/2020	6:10:00 PM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
4/24/2021	1:31:00 PM	3516 N BUCKNER BLVD	WEAPON LAW VIOLATIONS
4/24/2021	1:31:00 PM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
1/15/2022	9:00:00 PM	3516 N BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS

1/15/2022	9:00:00 PM	3516 N BUCKNER BLVD	WEAPON LAW VIOLATIONS
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Calls

CALLS	Count of Problem
**PD Requested by Fire	7
04 - 911 Hang Up	27
06 - Minor Disturbance	4
07 - Minor Accident	67
08 - Intoxicated Person	5
09 - Theft	6
09/01 - Theft	9
09V - UUMV	14
09V-01 UUMV Just Ocrd	8
11B - Burg of Bus	1
11R - Burg of Res	1
11V - Burg Motor Veh	11
11V/01 - Burg Motor Veh	9
14 - Stabbing, Cutting	2
16 - Injured Person	7
16A - Injured Person w/Amb	1
17 - Kidnapping in Progress	2
19 - Shooting	1
20 - Robbery	25
20R - Robbery (report)+1hr	6
21B - Business Hold Up	38
24 - Abandoned Property	8
25 - Criminal Assault	2
31 - Criminal Mischief	2
32 - Suspicious Person	16
34 - Suicide	3
36/01 - Aband Child Critical	3
37 - Street Blockage	4
38 - Meet Complainant	8
39 - Speeding/Racing	8
40 - Other	190
40/01 - Other	76
41/09 - Theft - In Progress	3
41/09V - UUMV in Progress	1
41/11V - BMV-In Progress	1
41/20 - Robbery - In Progress	4

CALLS	Count of Problem
41/31 - Crim Mis/Progress/Felo	1
46 - CIT	27
46A - CIT w/Ambulance	11
6G - Random Gun Fire	1
6X - Major Dist (Violence)	334
6XA - Major Dist Ambulance	10
6XE - Disturbance Emergency	11
6XEA - Disturbance Emerg Amb	2
7CE - City Equipment Accident	2
7X - Major Accident	19
DAEF-Dist Armed Encounter Foot	6
DASV-Dist Active Shooter Veh	5
OADS - Open Air Drug Sales	3
PH - Panhandler	53
Grand Total	1065

LIST OF OFFICERS

Southern Cornerstone Inc

Carl Bolch Jr. – CEO

Max Lenker – President

Robert J. Dumbacher – CFO

Joseph Akens – CLO

Susan Bass Bolch – Business Relations Manager

Melanie Bolch Isbill – Chief Marketing Officer

Jordan Bass Bolch – Executive Director of Real Estate

CPC Action
July 20, 2023

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 for a five-year period, subject to a site plan and conditions, as briefed; on property zoned an RR Regional Retail District with deed restrictions [Z823-391], and a D-1 Liquor Control Overlay District on the east line of North Buckner Boulevard, north of Chenault Street.

Maker: Rubin
Second: Stanard
Result: Carried: 13 to 0

For: 13 - Popken, Hampton, Herbert, Anderson, Shidid,
Carpenter, Blair, Jung, Treadway, Haqq,
Stanard, Kingston, Rubin

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 300 Mailed: 11
Replies: For: 0 Against: 0

Speakers: For: Daniel Box, 2728 N. Harwood St., Dallas, TX, 75201
For (Did not Speak): Scott Griffin, 200 Galleria Pkwy., Atlanta, GA, 30339
Angela Shenton, 2108 Stone Moss Ln., Grapevine, TX, 76051
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:

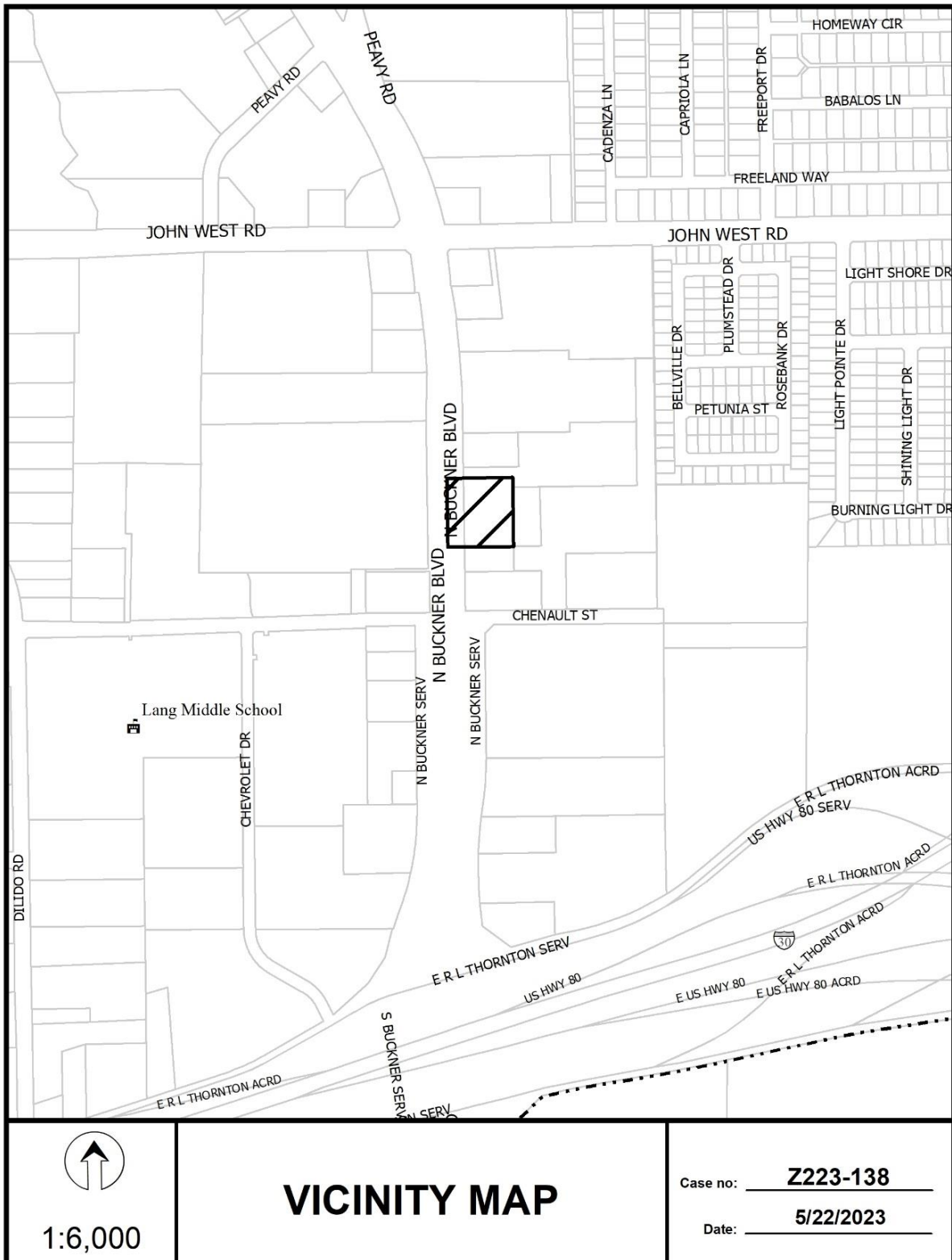
3. **TIME LIMIT:** This specific use permit expires on _____ (five-year period from the passage of this ordinance)

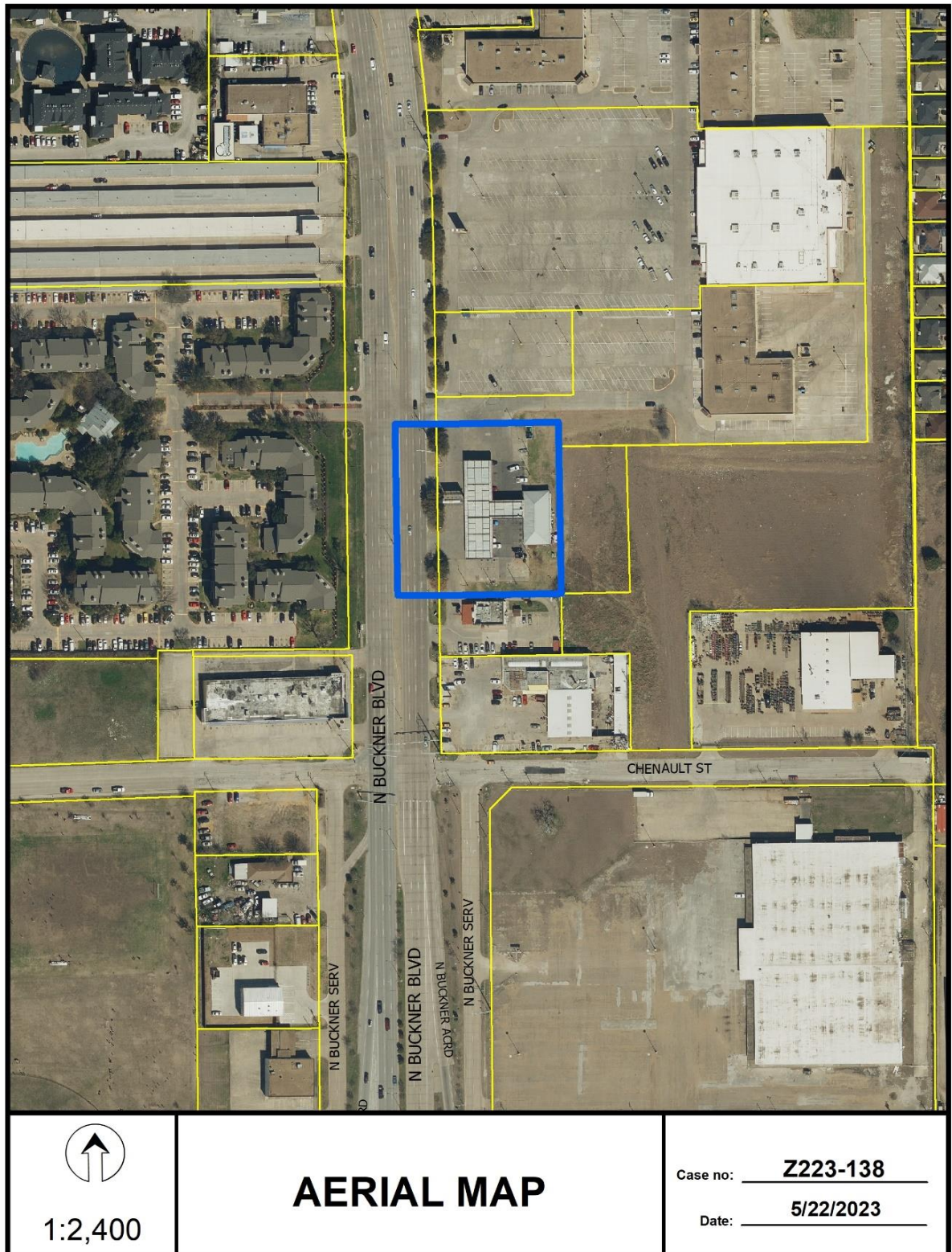
Staff recommendation:

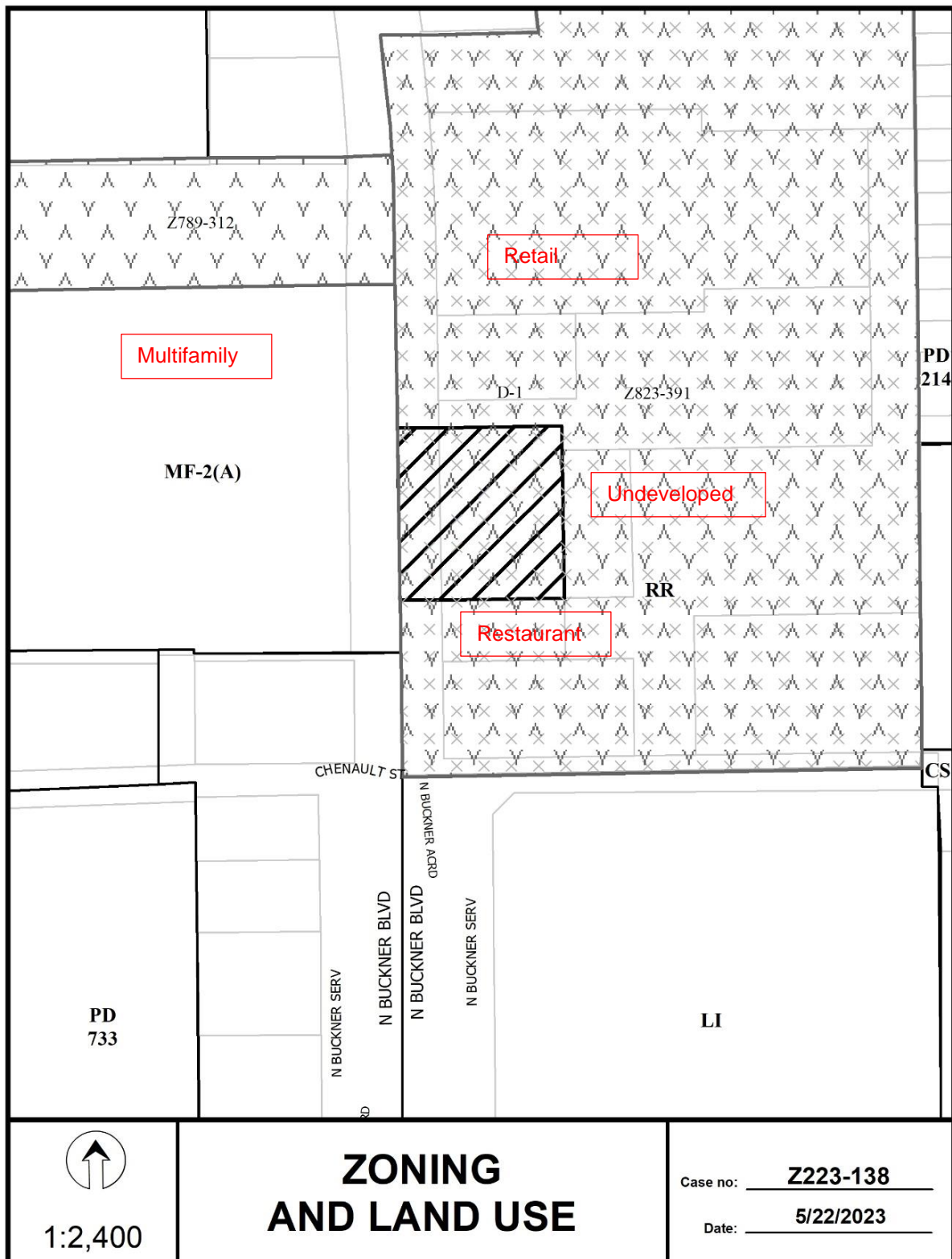
3. **TIME LIMIT:** This specific use permit expires on _____ (two-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the 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).

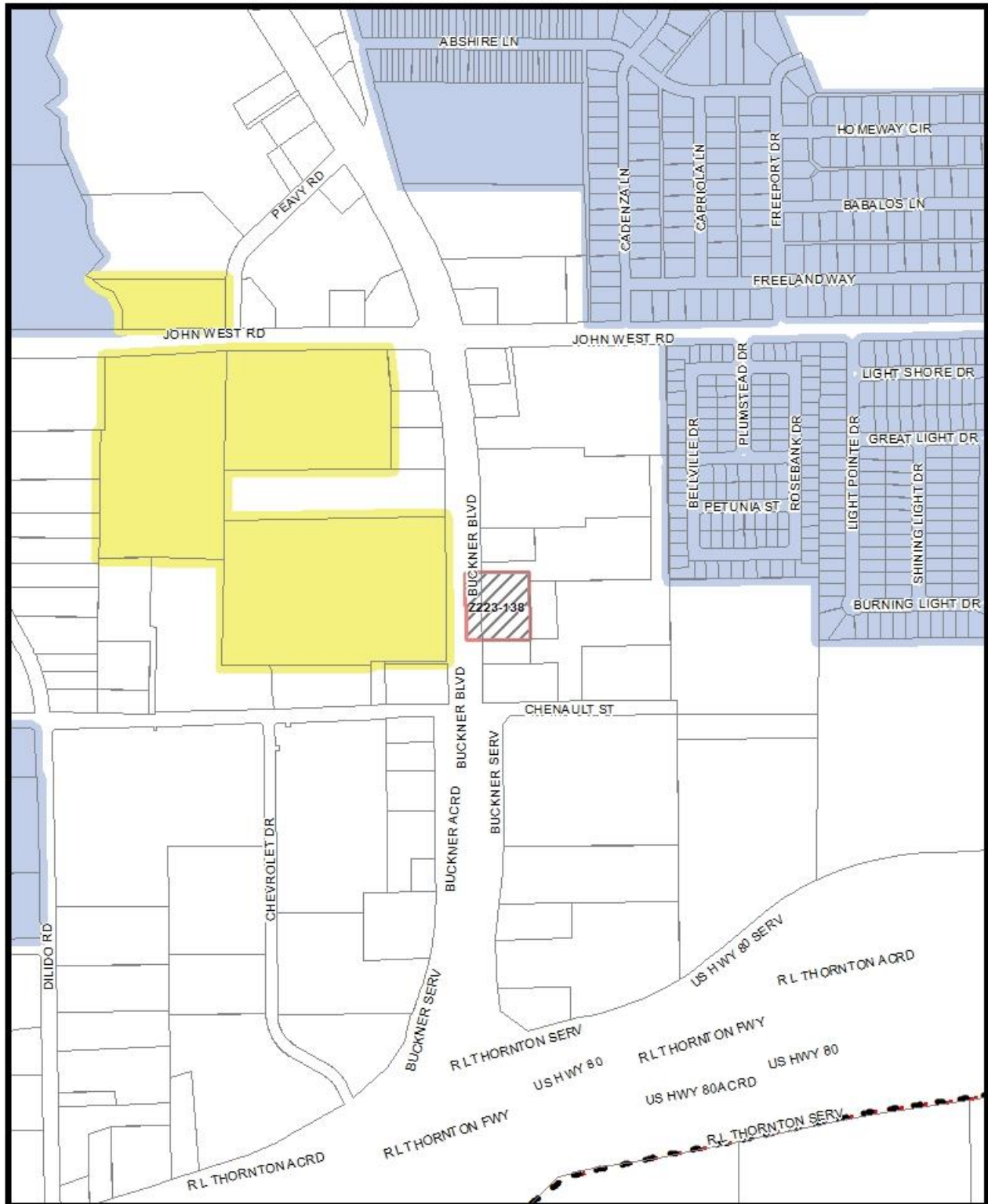
4. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.
5. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.











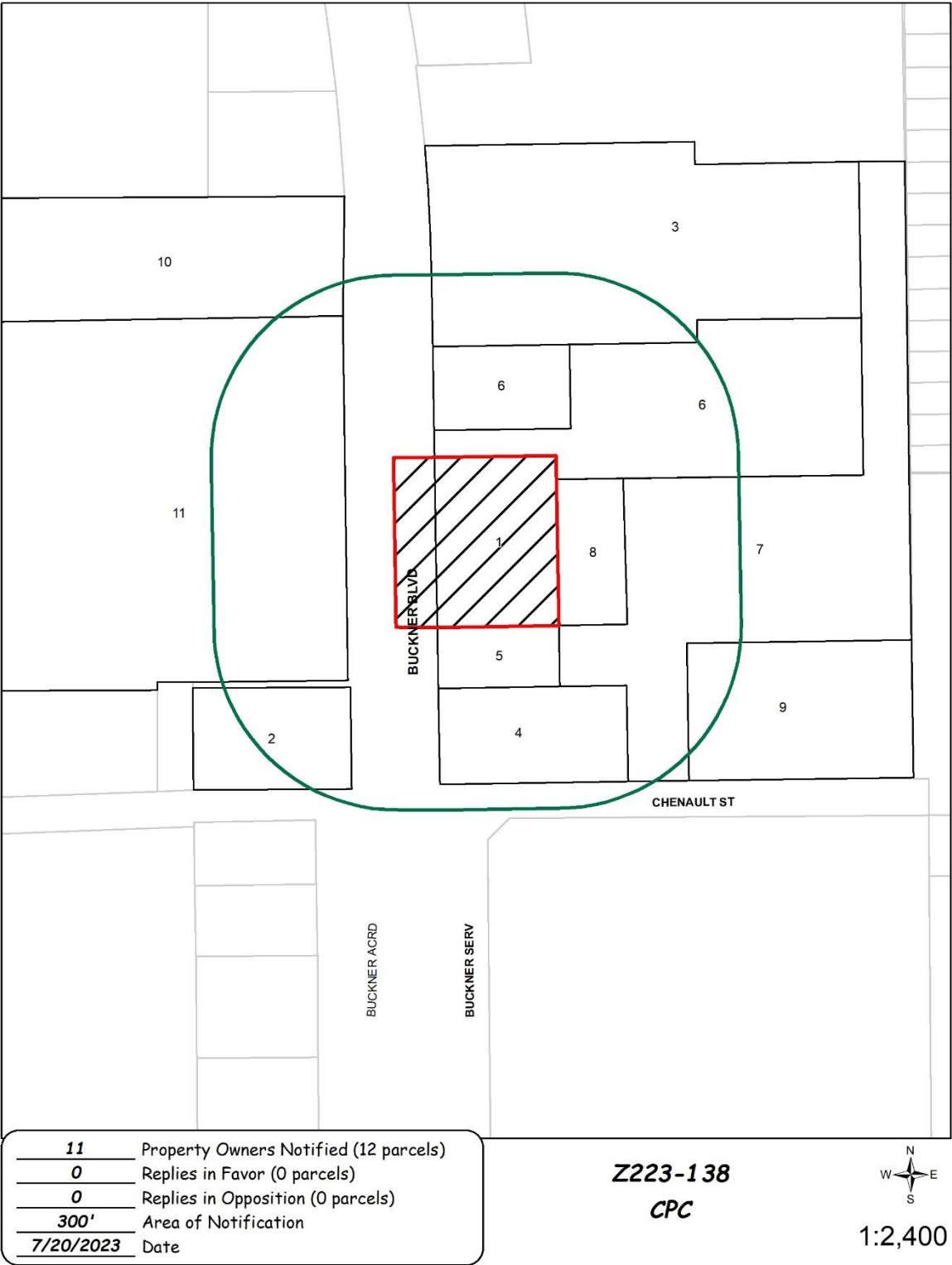
Market Value Analysis

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

Printed Date: 5/22/2023



07/19/2023

Reply List of Property Owners

Z223-138

11 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	3516	N BUCKNER BLVD	SOUTHERN CONERSTONE INC
2	3535	N BUCKNER BLVD	COMMUNITY MEDICAL PLAZA
3	3322	N BUCKNER BLVD	NACHA LP
4	3530	N BUCKNER BLVD	SIX CONSTRUCT INC
5	3520	N BUCKNER BLVD	VESTAL FREDDY
6	3402	N BUCKNER BLVD	TOWNE SQUARE MARKET LP
7	3516	N BUCKNER BLVD	Taxpayer at
8	3516	N BUCKNER BLVD	SOUTHERN CORNERSTONE INC
9	1953	CHENAULT ST	TGLLB LLC
10	3333	N BUCKNER BLVD	SH 718 LLC
11	3501	N BUCKNER BLVD	EVEREST WINDSOR LP