

FILE NUMBER: Z201-351(OA)

DATE FILED:

LOCATION: Southwest corner of Forney Road and South Buckner Boulevard

COUNCIL DISTRICT: 7

SIZE OF REQUEST: ±0.616 acres

CENSUS TRACT: 85.00

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER/APPLICANT: Trispeed Investment, INC.

REQUEST: 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 an LI-D-1 Light Industrial 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 general merchandise or food store 3,500 square feet or less on the site.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to conditions.

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

BACKGROUND INFORMATION:

- The 0.616-acre request site is zoned a LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a convenience store containing 2,400 square feet of floor area and a fueling station. The D-1 overlay requires a Specific Use Permit for the sale of alcoholic beverages.
- On October 23, 2013, the City Council approved Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a two-year period at the subject site. On November 10, 2015, the City Council approved the renewal of SUP No. 2052 for a three-year period [Expiration date: November 10, 2018.] Note that SUP No. 2052 expired since a request to renew was never filed.
- On January 8, 2020, the City Council approved 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 use for a two-year period subject to a site plan and conditions on the subject site.

Zoning History:

There have been two zoning cases in the area in the past five years.

1. **Z190-112** On February 26, 2020, City Council approved an application for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. **Z189-217** On January 8, 2020, City Council approved an application for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing 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 ANALYSIS:

Comprehensive Plan:

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

The applicant's request is consistent with the following goals and policies of the comprehensive plan.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Surrounding Land Uses:

	Zoning	Land Use
Site	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	General merchandise or food store 3,500 square feet or less, Restaurant drive-through service, motor vehicle fueling station
North	MC-1 with D-1 Liquor Control Overlay	Undeveloped lots and food store with alcohol sales and a fueling station
East	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	industrial type of uses to the east
South	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Vacant Structure
West	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Office and retail uses

Land Use Compatibility:

The approximately 0.616-acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a 2,400 square-foot general merchandise or food store and a motor vehicle fueling station.

On October 23, 2013, the City Council approved Specific Use Permit No. 2052 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use, for a two-year period for the subject site. SUP No. 2052 expired on November 10, 2018. On January 8, 2020, the City Council approved Specific Use Permit No. 2359 for a two-year period. The request for a Specific Use Permit will allow the applicant to continue the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less use.

The adjacent land uses consist of an auto related use and office uses to the west, a large tract of undeveloped land to the north, industrial type of uses to the east, and a general merchandise or food store with alcohol sales and a fueling station to the northeast.

To the south and west there are church uses. Chapter 6 of City of Dallas Development Code for alcoholic beverages establishments specifies that no person may sell alcoholic beverages if the place of business is within 300 feet of a church. The measurement of the distance between the place of business where alcoholic beverages are sold and a church will be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The applicant submitted a distance survey that shows a distance of 305.6 feet door to door from the convenience store to the church located to the south, and 533.5 feet door to door from the convenience store to the church located to the west.

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 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. Staff has obtained confirmation that the applicant is in compliance with Chapter 12B and maintains a current registration.

The site has operated without issues in the past two years and complies with the conditions of the SUP. Additionally, the applicant is not requesting any changes to the existing site plan, so operation should continue as it has for the past few years. Staff does not see evidence of detriment to the adjacent properties, and as such recommends approval for two years with eligibility for automatic renewal for an additional five-year period

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. The development requires 24 spaces with 25 being provided per the attached site plan.

Landscaping:

No new development or expansion is being proposed with this request. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

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 to orange, representing the weakest markets. While the subject site is uncategorized, properties located in the general area surrounding the area of request are located within Category "H", to the west and further southeast, and Category E to the northeast.

Police Report:

From January 8, 2020 to November 2021, 1 offense, 5 calls, and 2 arrests were placed to the Dallas Police Department (DPD) record.

Offenses:

Date	Offense	Address
3/22/2020	POSS MARIJUANA <2OZ	4625 S BUCKNER BLVD

Calls:

Response	Problem	Address
1/16/2020	16 - Injured Person	4625 S Buckner Blvd
1/28/2020	6X - Major Dist (Violence)	4625 S Buckner Blvd
2/27/2020	21B - Business Hold Up	4625 S Buckner Blvd
3/9/2020	12B - Business Alarm	4625 S Buckner Blvd
3/17/2020	24 - Abandoned Property	4625 S BUCKNER BLVD

Arrest:

Arrest Date	Address	CRIME
3/22/2020	4625 S BUCKNER BLVD	DRUG/ NARCOTIC VIOLATIONS
3/22/2020	4625 S BUCKNER BLVD	ALL OTHER OFFENSES

LIST OF OFFICERS

Trispeed Investment, Inc.

1. Akram Alzoubi

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of 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 for a two-year period, subject to conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay, at the southwest corner of Forney Road and South Buckner Boulevard.

Maker: Rubin
Second: Hampton
Result: Carried: 12 to 0

For: 12 - Hampton, Anderson, Shidid, Carpenter, Blair,
Jung, Housewright, Gibson, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 1 - Popken
Vacancy: 2 - District 3, District 7

Notices: Area: 200 Mailed: 10
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Audra Buckley, 1414 Belleview St., Dallas, TX, 75215
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 use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommendation

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| 3. <u>TIME LIMIT</u> : This specific use permit expires on January 8, 2022 (two years from the passage of this ordinance). |
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Staff recommendation

3. <u>TIME LIMIT</u> : This specific use permit expires on January 8, 2022 (two years from the passage of this ordinance), <u>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.)</u>
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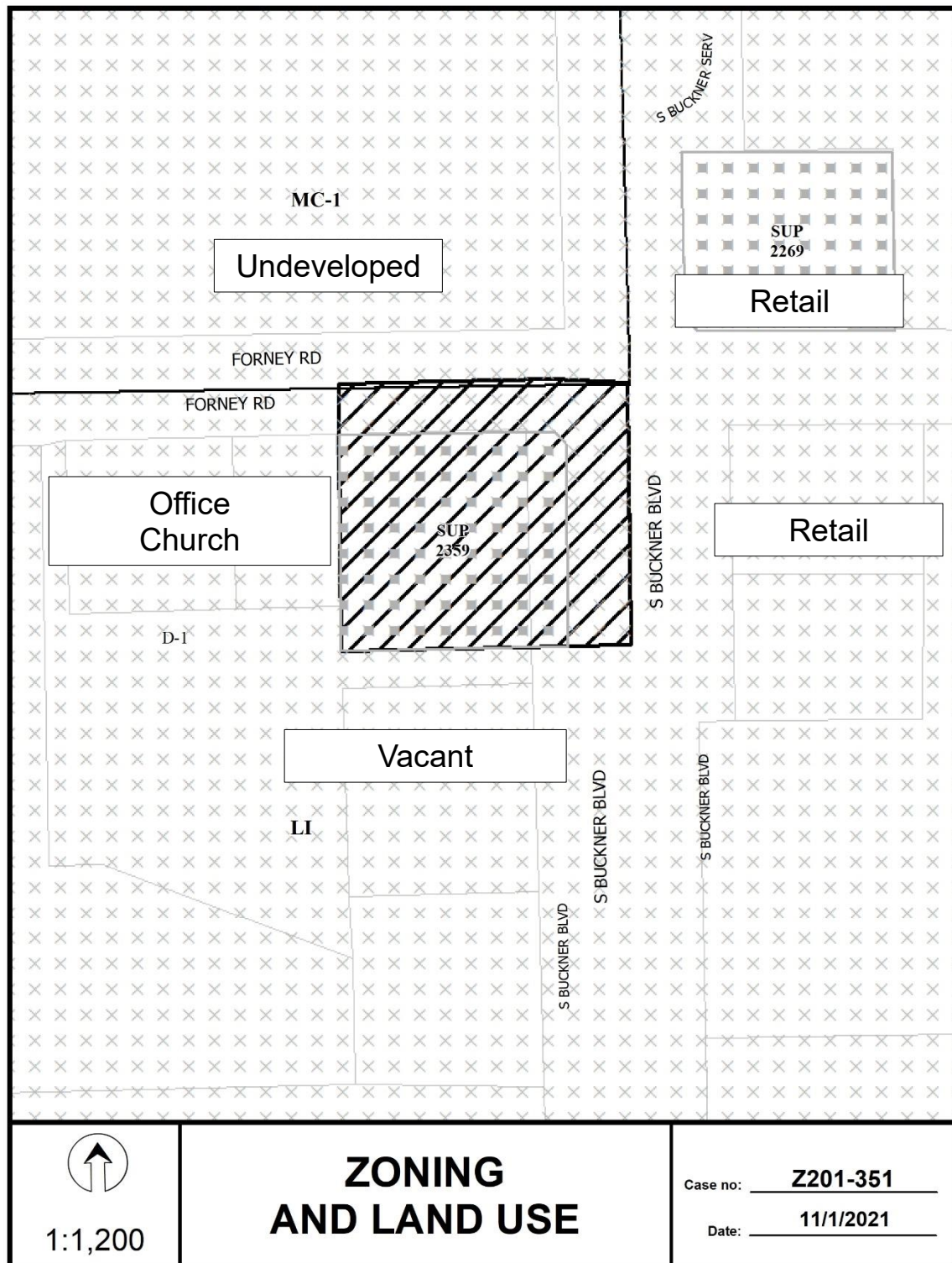
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



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1:4,800

Market Value Analysis

Printed Date: 11/1/2021



Z201-351(OA)

03/23/2022

Reply List of Property Owners

Z201-351

10 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	4625 S BUCKNER BLVD	TRISPEED INVESTMENT INC
	2	8020 FORNEY RD	KINGDOM BUILDERS CHRISTIAN CENTER OF FAITH
	3	8050 FORNEY RD	SIX CONSTRUCT INC
	4	4545 S BUCKNER BLVD	FULL LIFE OUTREACH CENTER
	5	4700 S BUCKNER BLVD	MDJ BUCKNER LLC
	6	4520 S BUCKNER BLVD	WHEEL MART TEXAS INC
	7	4710 S BUCKNER BLVD	BERT & BOB INVESTMENT CO
	8	4617 S BUCKNER BLVD	PRUETT DARYL JEROME
	9	4509 S BUCKNER BLVD	TORRES JOSE IGNACIO
	10	4612 S BUCKNER BLVD	ZAXO GROUP INC