

FILE NUMBER: Z201-290(OA)

DATE FILED: June 25, 2021

LOCATION: Southwest corner of Bruton Road and South Buckner Boulevard

COUNCIL DISTRICT: 5

SIZE OF REQUEST: ±0.957

CENSUS TRACT: 91.04

OWNER/APPLICANT: Casa Rock Partners, Ltd.

REPRESENTATIVE: Kendra Larach, La Sierra PG

REQUEST: An application for the renewal of Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to continue to allow the sale of alcoholic beverages in conjunction with a general merchandise or food store and a fueling station [7-Eleven] to sell alcoholic beverages for off-premises consumption.

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

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

PLANNED DEVELOPMENT DISTRICT NO. 366:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=366>

BACKGROUND INFORMATION:

- Planned Development District No. 366, the Buckner Boulevard Special Purpose District, was adopted in 1992 and contains nine subareas within approximately 407.945 acres.
- The subject site lies within Subarea 2 of PDD No. 366, which allows the general merchandise or food store less than 3,500 square feet and motor vehicle fueling station uses by right; however, the D-1 liquor Control Overlay requires for an approved SUP to allow the sale of alcoholic beverages.
- On December 12, 2018, City Council approved Specific Use Permit No. 2312 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period, subject to a site plan and conditions. The applicant proposes to continue this use.

Zoning History:

There have been two zoning changes in the area within the last five years.

1. **Z167-192:** On May 18, 2017, the City Plan Commission recommended denial without prejudice of an application for a Planned Development District for NS(A) Neighborhood Service district uses and an auto service center, a motor vehicle fueling station, and a restaurant with drive-in or drive-through service by right, on property zoned an R-7.5(A) Single Family District and Subarea 2 within PDD No. 366, the Buckner Boulevard Special Purpose District, located on the southeast corner of Bruton Road and Shortal Drive and the southwest corner of Bruton Road and South Buckner Boulevard. Application was not appealed. *[This includes the subject site, as well as property zoned an R-7.5(A) District to the north.]*
2. **Z178-318:** On December 12, 2018, The City Council approved an ordinance granting a D-1 Liquor Control Overlay and granting Specific Use Permit No. 2312, located on the southwest corner of Bruton Road and South Buckner Boulevard, for a three-year period, subject to a site plan and conditions. *[subject site]*

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing/ proposed ROW
Bruton Road	Principal Arterial	100 feet
S. Buckner Boulevard (Loop 12)	Principal Arterial	107 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 request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 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.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

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.

The proposed use complements the neighborhood by adding a convenient option within walking distance from residential properties. Additionally, S. Buckner Boulevard is a retail hub. Such reinvestment in commercial properties benefits the surrounding neighborhood.

Surrounding Land Uses

	Zoning	Land Use
Site	Specific Use Permit No. 2312 Tract 3, Subarea 2, PD No. 366 w/D-1 Overlay	General merchandise or food store 3,500 square feet or less and a fueling station
North	Tract 3, Subarea 2, PD No. 366 w/D Overlay	Retail, financial institution without drive in window, and auto service center
East	Tract 3, Subarea 2, PD No. 366 w/D-1 Overlay, SUP No. 1973	General merchandise or food store 3,500 square feet or less
South	Tract 3, Subarea 2, PD No. 366 w/D-1 Overlay	Retail, personal service, vehicle display, sales, or service and single family
West	R-7.5(A)	Undeveloped and single family.

Land Use Compatibility

The property contains less than one acre with general merchandise or food store with 3,062 square feet of floor area and a fueling station [7-Eleven]. The purpose of this request is to renew Specific Use Permit No. 2312 to continue the sale of alcoholic beverages for off-premises consumption.

The subject site lies within Subarea 2 of PD No. 366, which allows the general merchandise or food store less than 3,500 square feet and motor vehicle fueling station uses by right; however, the D-1 Liquor Control Overlay prohibits the sale of alcohol unless a specific use permit has been granted by the city council.

Surrounding uses include retail, financial institution without drive in window, and auto service center to the north; general merchandise or food store 3,500 square feet or less to the east; retail, personal service, vehicle display, sales, and service, and single family to the south; and undeveloped land and residential to the west.

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 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 proposed continued sale of alcoholic beverages in conjunction with a general merchandise or food store is complementary to the area. Having neighborhood establishments with a variety of shopping and dining opportunities add to the quality of life for the neighborhood residents. The continued sale of alcoholic beverages in conjunction with a general merchandise or food store and fueling station should not be a detriment to the adjacent properties. Therefore, staff supports the request for a renewal of a two-year period, with eligibility for automatic renewals for additional five-year periods.

Parking

PD No. 366 refers to the Dallas Development Code for required parking. Off-street parking for a general merchandise or food store 3,500 square feet or less is required at a ratio of one space for each 200 square feet of floor area. The building contains 3,062 square feet of floor area requiring 15 off-street spaces. Additionally, two parking spaces are required for a motor vehicle fueling station. The proposed SUP site plan indicates that 17 parking spaces are provided, including one accessible space. This meets the minimum parking requirement.

Landscaping

No new construction or pavement is proposed by this application. New construction will require landscaping per the privation of Article X.

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 not located within an identified market type category, it is closest to Category F to the west along Shortal Drive.

Crime Report:

From March 2020 to August 2021, 81 calls, 14 offenses, three arrests were placed to the Dallas Police Department (DPD) with the location 2975 S. Buckner Boulevard.

Calls:

ID	Date of Resp.	Jurisdiction	Problem
068034-2021	4/20/2021	DALLAS POLICE	UUMV
144239-2021	8/12/2021	DALLAS POLICE	SIMPLE ASSAULT
053997-2021	3/30/2021	DALLAS POLICE	ALL OTHER LARCENY
033945-2021	2/27/2021	DALLAS POLICE	INTIMIDATION
033332-2021	2/26/2021	DALLAS POLICE	COUNTERFEITING / FORGERY
060147-2021	4/6/2021	DALLAS POLICE	EMBEZZELMENT
087313-2021	5/9/2021	DALLAS POLICE	EMBEZZELMENT
170667-2020	9/24/2020	DALLAS POLICE	DRUG EQUIPMENT VIOLATIONS
215669-2020	12/3/2020	DALLAS POLICE	SIMPLE ASSAULT
049532-2020	3/11/2020	DALLAS POLICE	ALL OTHER LARCENY
087991-2021	5/20/2021	DALLAS POLICE	DRUG/ NARCOTIC VIOLATIONS
231789-2020	12/29/2020	DALLAS POLICE	SHOPLIFTING
212523-2020	11/27/2020	DALLAS POLICE	SIMPLE ASSAULT
189171-2020	10/23/2020	DALLAS POLICE	ROBBERY-BUSINESS
079620-2021	4/28/2021	DALLAS POLICE	EMBEZZELMENT
079622-2021	5/1/2021	DALLAS POLICE	EMBEZZELMENT

Offenses:

Offense Type	Count of IncidentNum
ASSAULT -BODILY INJURY ONLY	1
ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	1
ASSAULT -OFFENSIVE CONTACT	1
FORGERY GOVT/NATIONAL INST/MONEY/SECURITY	1
HARASSMENT-REPEATED ELECTRONIC COMMUNICATION	1
POSS CONT SUB PEN GRP 1 > OR EQUAL 1G<4G	1
POSSESSION OF DRUG PARAPHERNALIA	1
ROBBERY OF BUSINESS (AGG)	1
THEFT OF PROP > OR EQUAL \$100 <\$750 (EMPLOYEE) PC31.03(e2A)	2
THEFT OF PROP > OR EQUAL \$100 <\$750 (NOT SHOPLIFT) PC31.03(e2A)	1
THEFT OF PROP > OR EQUAL \$100 <\$750 (SHOPLIFT-NOT EMP) PC31.03(e2A)	1
THEFT OF PROP > OR EQUAL \$2,500 <\$30K (NOT SHOPLIFT) PC31.03(e4A)	1
THEFT OF PROP > OR EQUAL \$750 <\$2,500 (EMPLOYEE) PC 31.03(e3)	2
UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE	1
Grand Total	16

Arrests:

IncidentNum	ArLAddress	ChargeDesc
125095-2020	2075 S BUCKNER BLVD	APOWW (SOCIAL SERVICES REFERRAL)
142404-2020	2075 S BUCKNER BLVD	ASSAULT (AGG) FAM VIO DEADLY WEAPON- NO SBI
142404-2020	2075 S BUCKNER BLVD	POSS MARIJUANA <20Z
142404-2020	2075 S BUCKNER BLVD	UNLAWFUL POSS FIREARM BY FELON
142404-2020	2075 S BUCKNER BLVD	EVADING ARREST DETENTION
142404-2020	2075 S BUCKNER BLVD	WARRANT DALLAS PD (ALIAS/CAPIAS)
170667-2020	2075 S BUCKNER BLVD	POSSESSION OF DRUG PARAPHERNALIA
170667-2020	2075 S BUCKNER BLVD	CRIMINAL TRESPASS
170667-2020	2075 S BUCKNER BLVD	OTHER OFFENSE - MISDEMEANOR
179748-2020	2075 S BUCKNER BLVD	FAIL TO ID -FUGITIVE INTENT GIVE FALSE INFO
179748-2020	2075 S BUCKNER BLVD	POSS MARIJUANA <20Z
179748-2020	2075 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)
212523-2020	2075 S BUCKNER BLVD	ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)
087991-2021	2075 S BUCKNER BLVD	POSS CONT SUB PEN GRP 1 > OR EQUAL 1G<4G
087991-2021	2075 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)
087889-2021	2075 S BUCKNER BLVD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE
087889-2021	2075 S BUCKNER BLVD	WARRANT HOLD (NOT A DPD WARRANT)
087889-2021	2075 S BUCKNER BLVD	UNAUTHORIZED USE OF MOTOR VEH - AUTOMOBILE

LIST OF OFFICERS

- 1 Name of Partnership: **CASA ROCK PARTNERS, LTD.**
- 2 Address of Principal Office: 9111 East R.L. Thornton Freeway
Dallas, Texas 75228
- 3 Name and Address of Registered Agent:
Larry D. Smith
9111 East R.L. Thornton Freeway
Dallas, Texas 75228
- 4 General Partner:


Name: **TICAN, Inc.**

Mailing Address: 9111 East R.L. Thornton Freeway
Dallas, Texas 75228

EXECUTED this 1st day of May, 1998.

GENERAL PARTNER:

TICAN, Inc.

By: 
Larry D. Smith, President

CPC Action

March 24, 2022

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2312 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 with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned Subarea 2, Tract 3, within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay at the southwest corner of Bruton 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

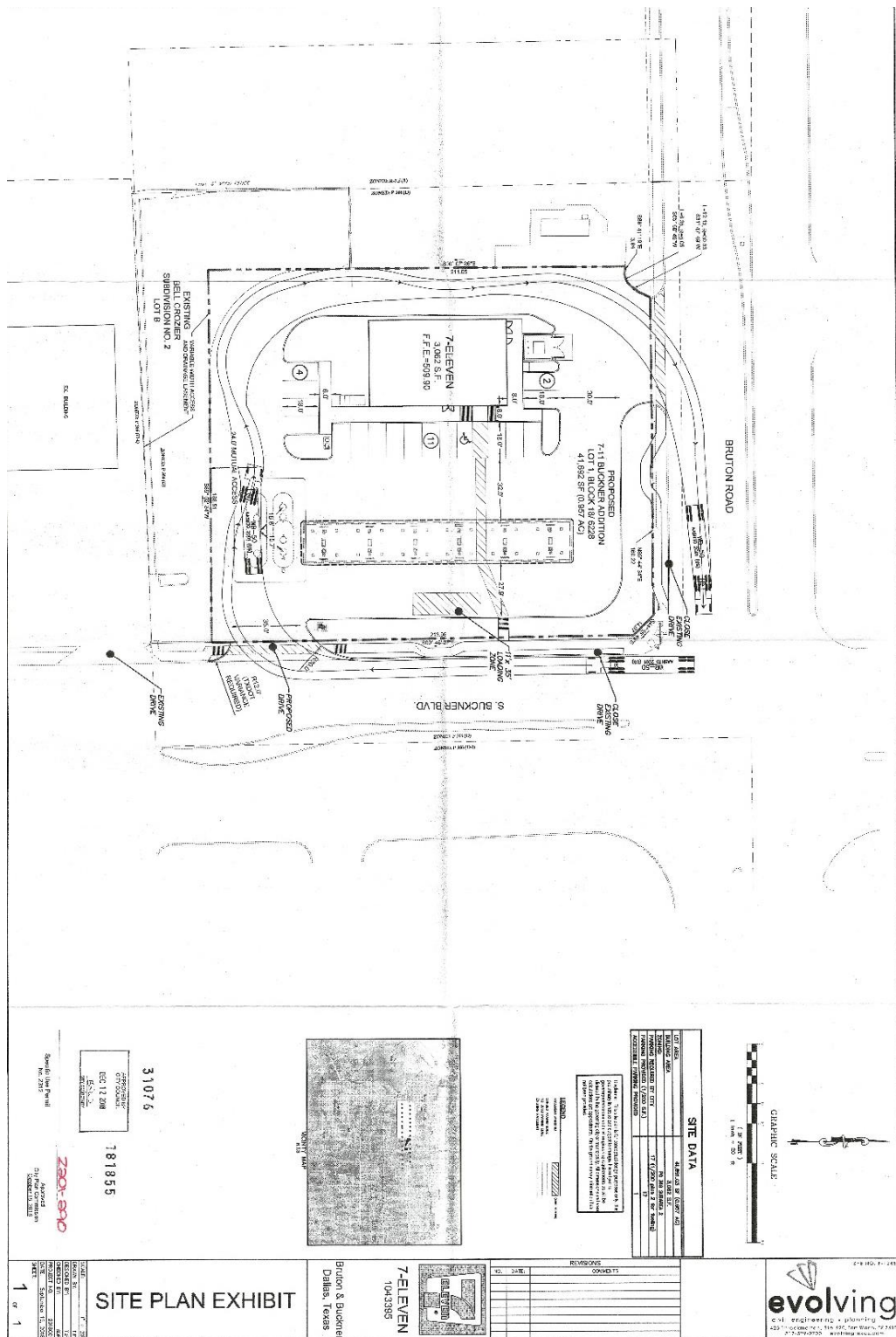
Notices: Area: 200 Mailed: 11
Replies: For: 1 Against: 0

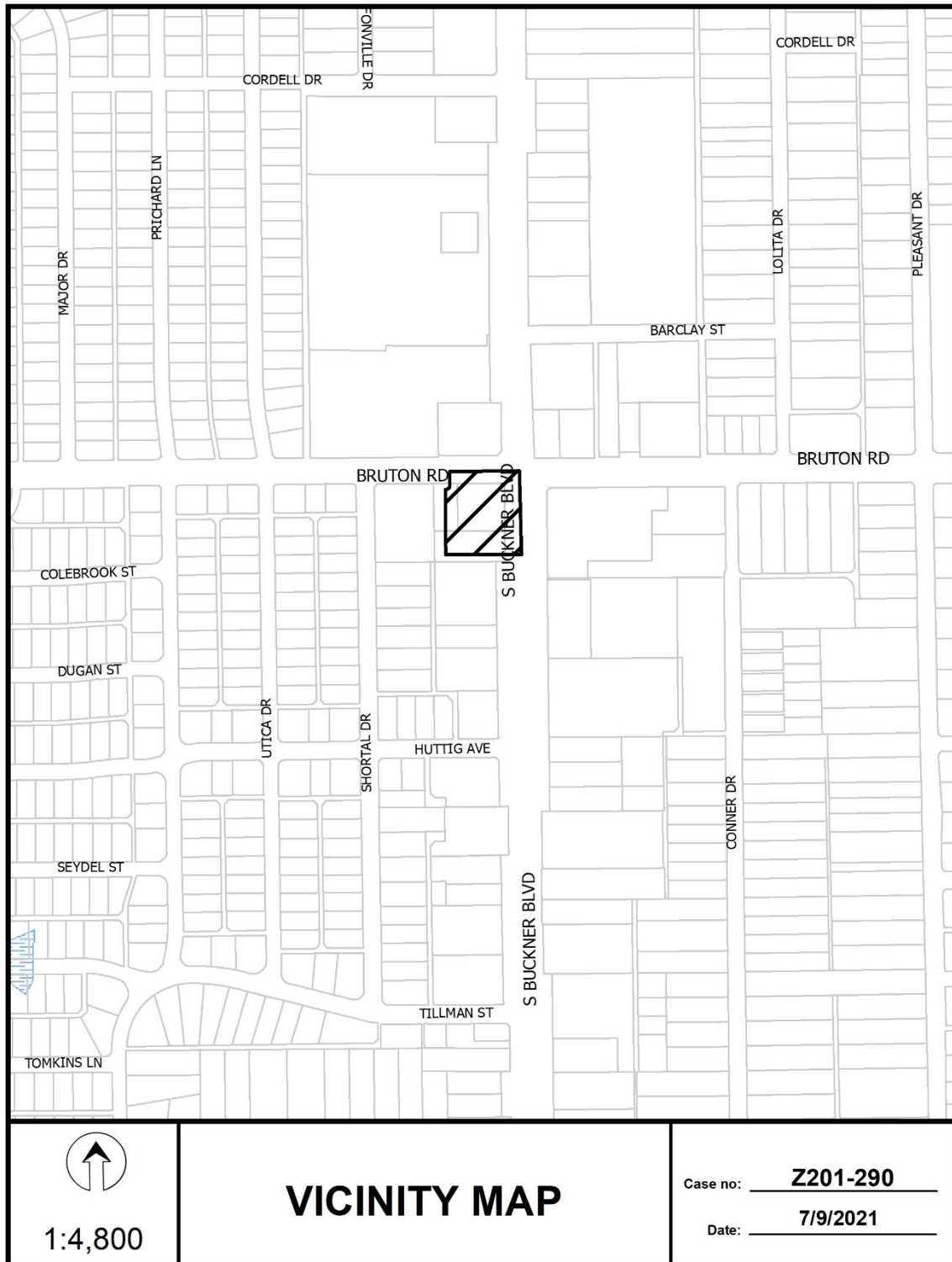
Speakers: For: None
For (Did not speak): Kendra Larach, 3904 Elm St., Dallas, TX, 75226
Against: None

**CPC RECOMMENDED
SUP CONDITIONS**

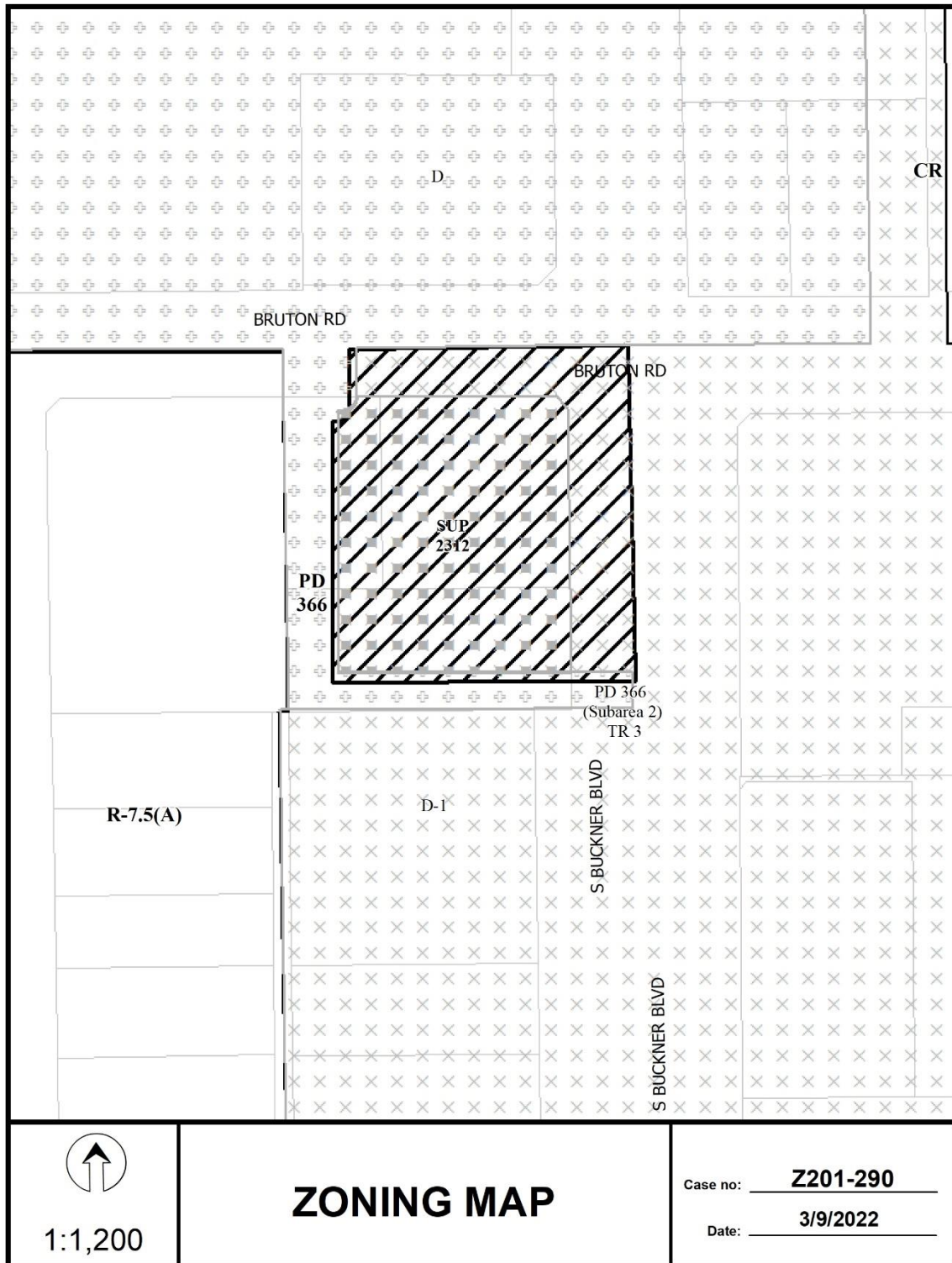
1. USE: The only use authorized by this specific use permit is for the sale of alcoholic beverages for off-premises consumption in conjunction with a general merchandise or food store with less than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~December 12, 2021~~ (two years from 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.

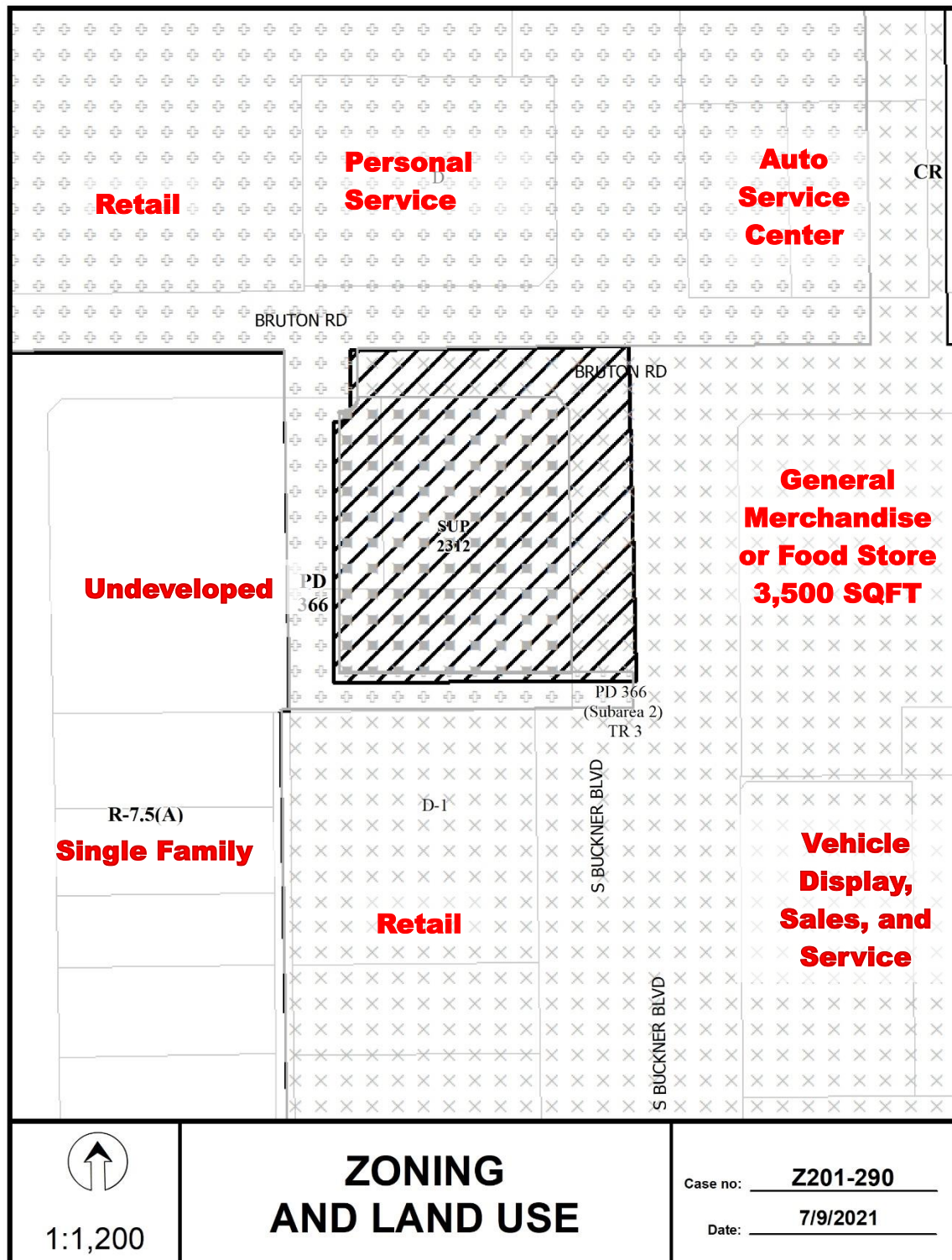
**Existing Site Plan
(no changes)**

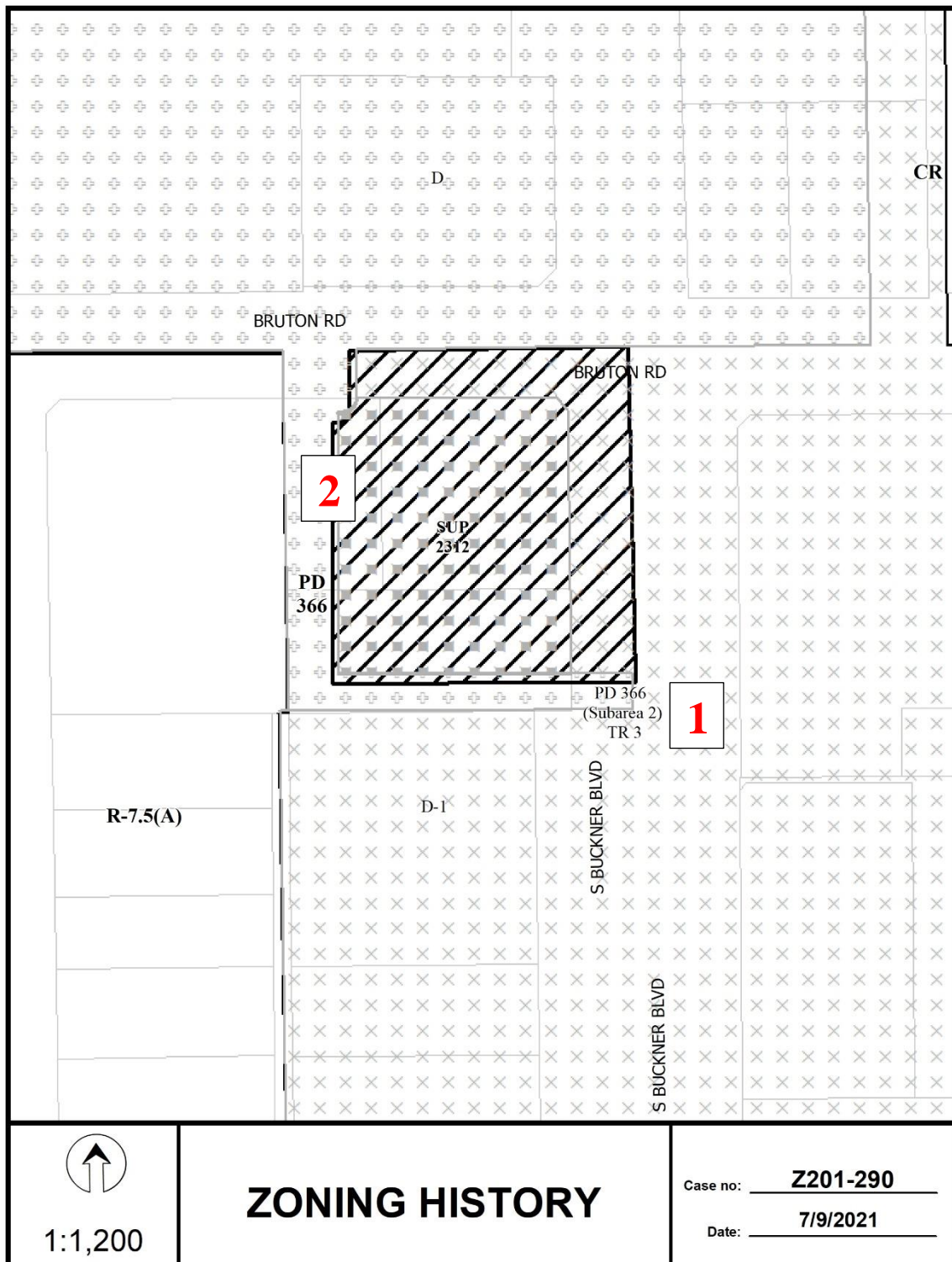


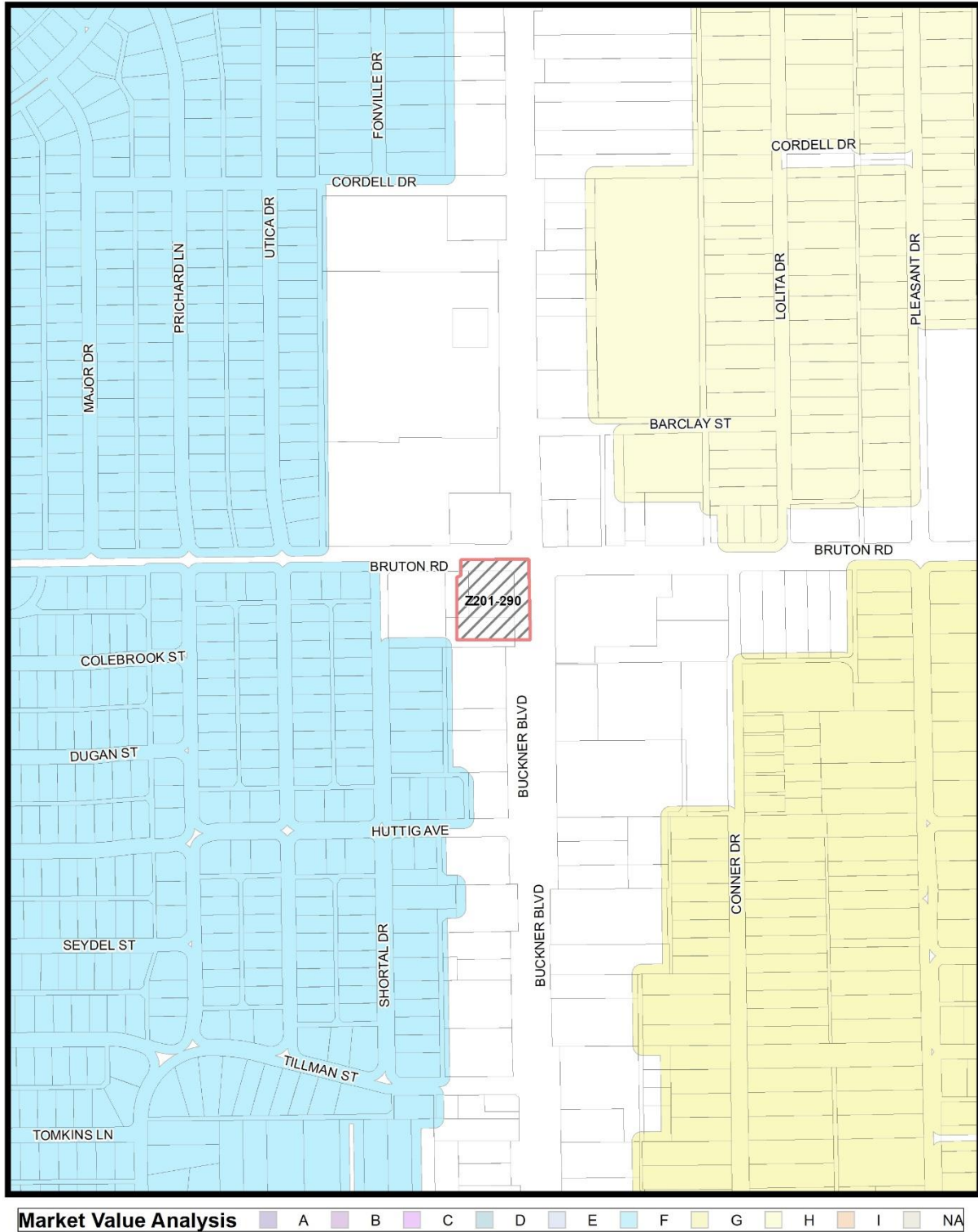








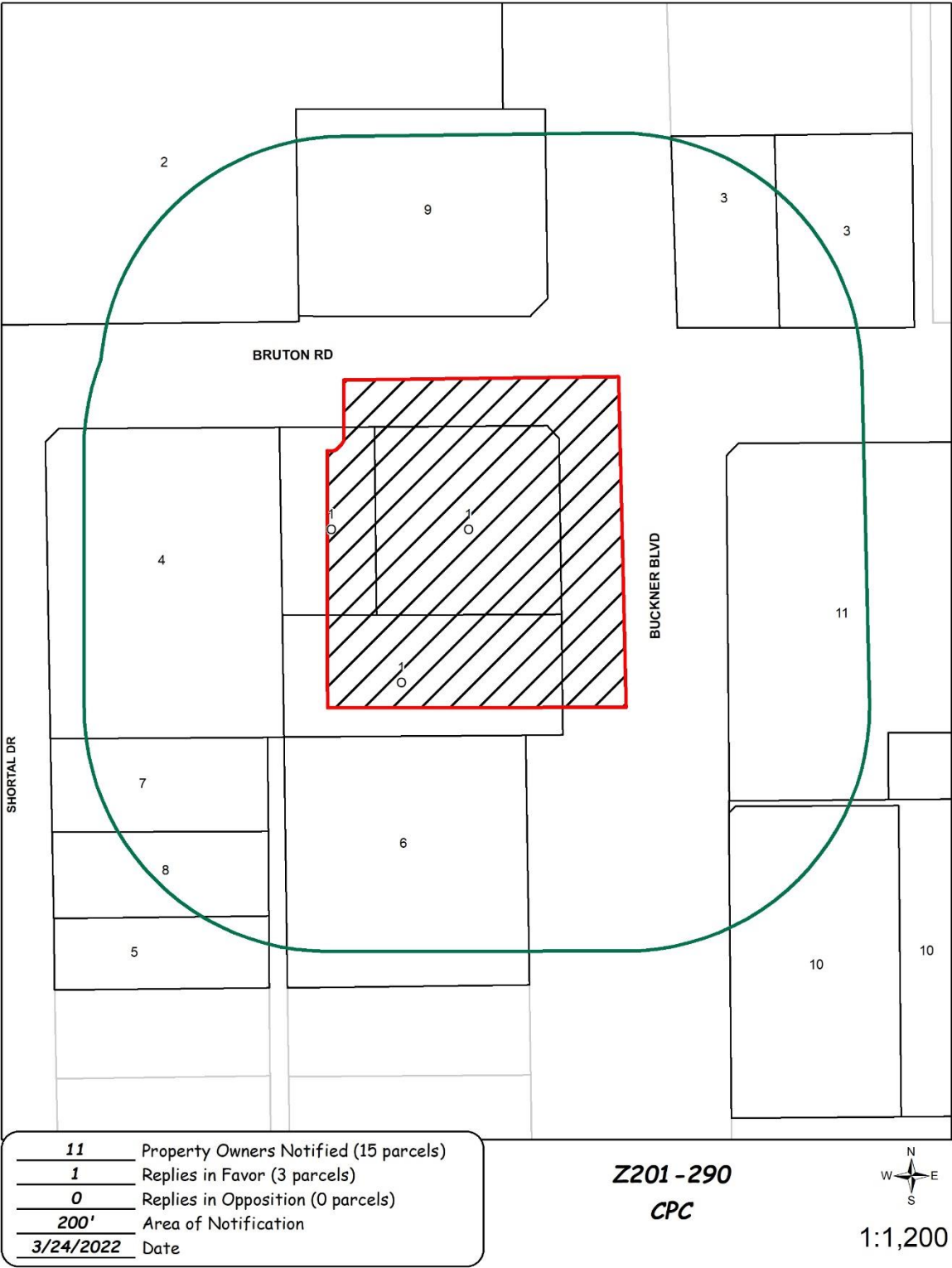




1:4,800

Market Value Analysis

Printed Date: 7/9/2021



03/23/2022

Reply List of Property Owners***Z201-290******11 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2075 S BUCKNER BLVD	CASA ROCK PARTNERS LTD &
	2	2109 S BUCKNER BLVD	EASTERN COLUMBIA ASSO LLC
	3	2104 S BUCKNER BLVD	BRUTON FAMILY LLC
	4	8040 BRUTON RD	Taxpayer at
	5	2030 SHORTAL DR	HALL ROY J
	6	2029 S BUCKNER BLVD	K & O INVESTMENTS INC
	7	2042 SHORTAL DR	HARPER KENNETH L &
	8	2036 SHORTAL DR	GONZALEZ OSCAR & DEIBI
	9	2101 S BUCKNER BLVD	PLS PPTY MGMT OF TX LP
	10	2030 S BUCKNER BLVD	MUELLER PROPERTIES LTD
	11	2060 S BUCKNER BLVD	EXCHANGERIGHT NET LEASED PORTFOLIO 40 DST