

FILE NUMBER: Z201-211(CT)

DATE FILED: March 15, 2021

LOCATION: South line of Bruton Road, between North Jim Miller Road and Joan Drive

COUNCIL DISTRICT: 5

MAPSCO: 58 A

SIZE OF REQUEST: ±0.45 acre

CENSUS TRACT: 91.04

APPLICANT: Cedrick Stubblefield

OWNER: Moser Properties, Inc.

REQUEST: An application for the renewal of Specific Use Permit No. 2093 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned CS-D-1 Commercial Service 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 use on the subject site. [A1 Star Convenience]

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

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

BACKGROUND INFORMATION:

- The site is developed with an approximately 4,150-square-foot building comprised of two suites both of which are occupied by general merchandise or food store uses.
- The general merchandise or food store use is permitted by right, but the D-1 Liquor Control Overlay requires a Specific Use Permit (SUP) for the sale of alcoholic beverages on the property. The applicant proposes to continue the sale of beer and wine for off-premise consumption in conjunction with the 2,400-square foot convenience store.
- On May 28, 2014, City Council approved Specific Use Permit No. 2093 for a two-year period with eligibility for automatic renewals for additional five-year periods. The SUP was renewed in May of 2016 through the automatic renewal process with an expiration date of May 28, 2021. The applicant missed the window for automatic renewals but remains eligible for the standard renewal process.

Surrounding Zoning History:

There have been no zoning cases in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Bruton Road	Principal Arterial	100 feet
North Jim Miller Road	Minor Arterial	100 feet

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment 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. The forwardDallas! Comprehensive Plan outlines several goals and policies which can 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 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

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.

Surrounding Land Uses:

	Zoning	Land Use
Site	CS-D-1 SUP No. 2093	General merchandise or food store
North	CS-D SUP No. 2017	Auto Service Center
Northeast	CS-D-1; SUP No. 2017	Convenience store
East	CS-D	Auto Service Center
South	CS-D	Retail and personal services
West	CS-D	Auto Service Center

Land Use Compatibility:

The site is currently developed with a one-story structure with two suites, both of which contain general merchandise or food store uses. Only one suite currently sells alcoholic beverages. The second suite sells children's clothing. The site is located near the intersection of two thoroughfares with a variety of retail and personal service uses surrounding the site, including two auto related uses to the east and west of the site.

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 conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. The proposed sale of alcoholic beverages in conjunction with the existing convenience store is not anticipated to negatively impact the adjacent properties. Therefore, staff recommends approval for a five-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CS-D-1	15'	20' adj. to res. Other: no min.	0.75 Overall 0.5 Office/lodging/retail	45' 3 stories	80%	RPS Visual Intrusion	Commercial and business service

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area. Therefore, the 2,400-square-foot convenience store requires 12 parking spaces. As depicted on the site plan, 21 spaces are provided to serve both retail uses located on the site.

Landscaping:

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

Police Report:

Dallas Police Department's offense incident reports from the previous five years show the following:

Offenses:

Date	Official Incident	Premise	Address
5/29/2017	Robbery of business (agg)	Convenience Store	7010 Bruton Rd
10/22/2017	Burglary of building - forced entry	Convenience Store	7010 Bruton Rd
5/18/2018	Assault -bodily injury only	Parking (Business)	7010 Bruton Rd
5/20/2018	Robbery of business (agg)	Convenience Store	7010 Bruton Rd

Calls:

Date	Problem	Location Name	Address
1/23/2016	11B - Burg of Bus	Manna Food Store	7010 Bruton Rd
2/9/2016	12B - Business Alarm	Manna Food Store	7010 Bruton Rd
3/2/2016	12B - Business Alarm	Manna Food Store	7010 Bruton Rd
4/6/2016	12B - Business Alarm	Manna Food Store	7010 Bruton Rd
4/7/2016	12B - Business Alarm	Manna Food Store	7010 Bruton Rd
7/21/2016	24 - Abandoned Property	Manna Food Store	7010 Bruton Rd
4/8/2017	32 - Suspicious Person	Manna Food Store	7010 Bruton Rd
10/22/2017	40/01 - Other	-	7010 Bruton Rd
5/18/2018	6XA - Major Dist. Ambulance	Manna Foodstore	7010 Bruton Rd
5/20/2018	41/20 - Robbery - In Progress	-	7010 Bruton Rd
7/14/2018	21B - Business Hold Up	Manna Food Store	7010 Bruton Rd
9/25/2019	40/01 - Other	-	7010 Bruton Rd
2/29/2020	6X - Major Dist. (Violence)	Food Store	7010 Bruton Rd
7/13/2020	04 - 911 Hang Up	-	7010 Bruton Rd
11/4/2020	31 - Criminal Mischief	-	7010 Bruton Rd
11/10/2020	21B - Business Hold Up	A-1 Star Convenience	7010 Bruton Rd
12/14/2020	DAEF-Dist Armed Encounter Foot	Ace Star Convenience	7010 Bruton Rd
12/14/2020	6X - Major Dist. (Violence)	A1 Star Convenience	7010 Bruton Rd
1/21/2021	32 - Suspicious Person	A1	7010 Bruton Rd

Arrest:

There has been no arrest at the location.

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

Z201-211(CT)

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. The area of request is not within an identifiable MVA category; however, it is in proximity to a "F" to the north and southwest and a "H" MVA cluster to the south.

LIST OF OFFICERS

Moser Properties, Inc.

- William Jacob “Jake Moser”, President
- Rickey Don Callahan, Vice President
- Marla Moser, Secretary/Treasurer
- Gregory S. Imhofe, Director

CPC ACTION
May 6, 2021

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2093 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the south line Bruton Road, between North Jim Miller Road and Joan Drive.

Maker: Jackson
Second: Suhler
Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,
Shidid, Carpenter, Jackson, Blair, Jung, Suhler,
Schwope, Murphy, Rubin

Against: 0
Absent: 1 - Garcia
Vacancy: 1 - District 10

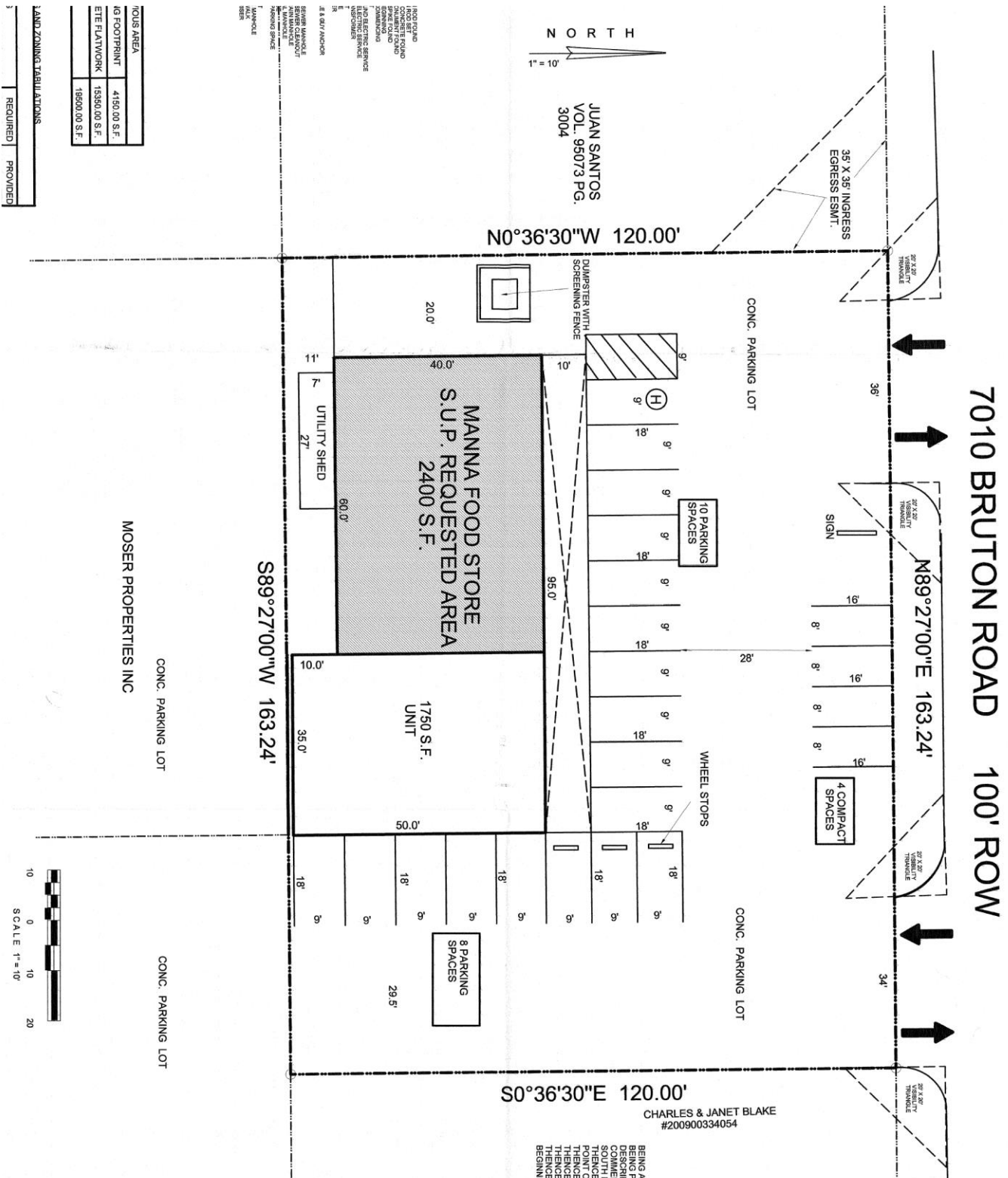
Notices:	Area: 200	Mailed: 10
Replies:	For: 0	Against: 0

Speakers: None

CPC Recommended SUP Conditions

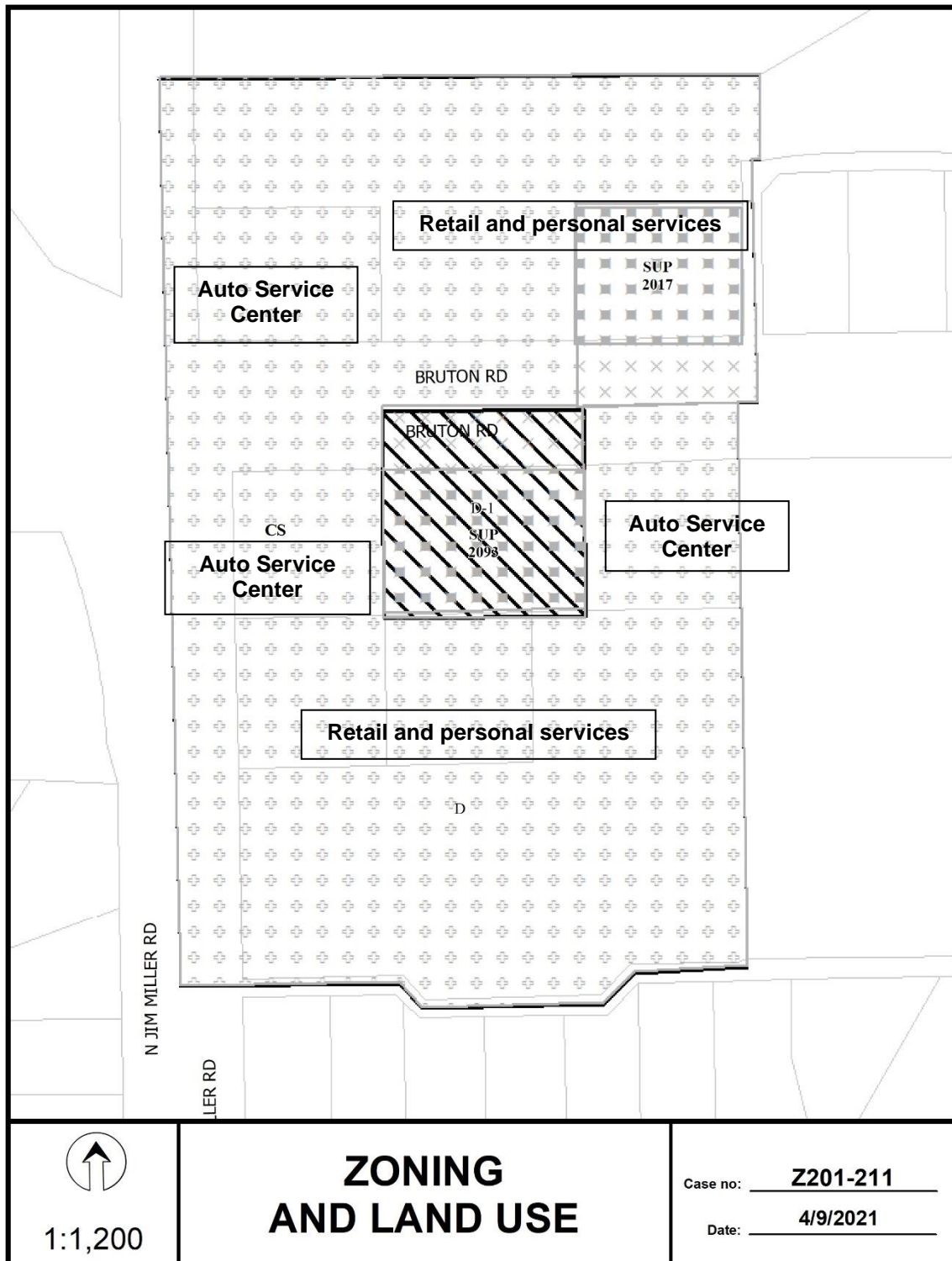
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~May 28, 2024~~ (five years 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.

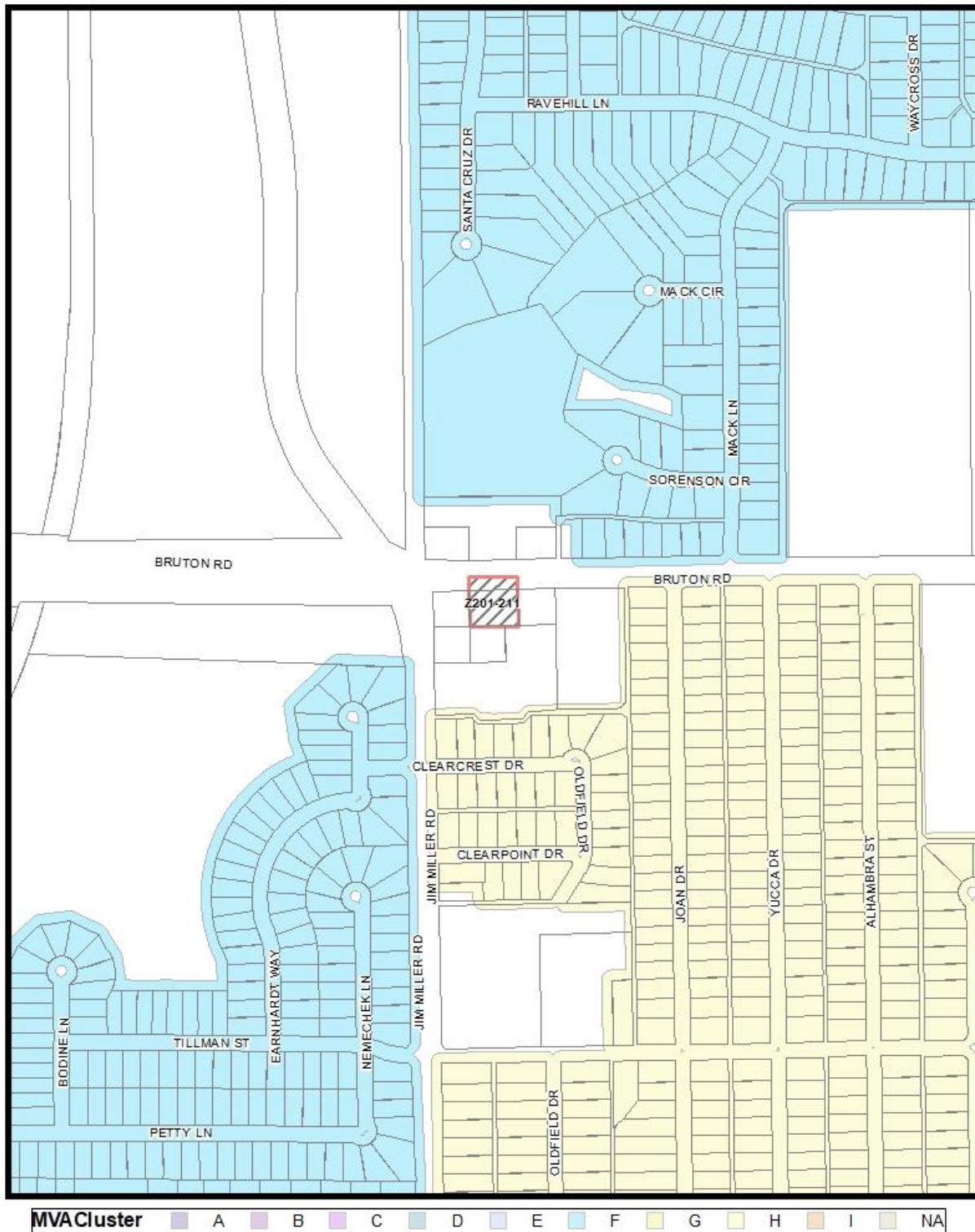
Existing Site Plan (No changes)











1:4,800

Market Value Analysis

Printed Date: 4/22/2021

CPC RESPONSES



05/05/2021

Reply List of Property Owners

Z201-211

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	7010	BRUTON RD	Taxpayer at
2	2090	N JIM MILLER RD	MOSER PROPERTIES INC
3	2084	N JIM MILLER RD	Taxpayer at
4	7007	BRUTON RD	YESTAFYEVA NATALYA
5	7023	BRUTON RD	ANDREWS HERSEL V & LADY ALICE
6	7047	BRUTON RD	ZADEH MASOUD REZAEI
7	7109	BRUTON RD	HERNANDEZ RICARDO & EVA
8	7022	BRUTON RD	REZAEIZADETH MEHDI
9	7000	BRUTON RD	SANTOS JUAN J
10	7110	BRUTON RD	CENTRO EVANGELISTICO