

FILE NUMBER: Z223-310(WK)

DATE FILED: June 26, 2023

LOCATION: Southwest corner of South Buckner Boulevard and Samuell Boulevard

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 7.91 acres

CENSUS TRACT: 48113012207

REPRESENTATIVE: Joe LaCroix, Baird, Hampton & Brown Inc

OWNER/APPLICANT: H-E-B, LP

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise of food store greater than 3,500 square feet on property zoned Planned Development District No. 605 with a D-1 Liquor Control Overlay

SUMMARY: The purpose of the request is to allow the sale of alcoholic beverages for off-premise consumption in conjunction with a grocery store on the site.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

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

BACKGROUND INFORMATION:

- The area of the request is within PD No. 605.
- The request is to permit the sale of alcohol in a D-1 overlay district, in conjunction with a general merchandise store greater than 3,500 square feet, which is allowed by right within PD No. 605.
- The lot has frontage on both South Buckner Boulevard and Samuell Boulevard.

Zoning History:

There has been one zoning case in the area in the past five years.

1. **Z201-230:** On May 3, 2021, City Council approved a renewal of SUP 2048 for the sale of alcohol in a general merchandise store greater than 3,500 sf on the property zoned RR Regional Retail District on the north line of Samuell Blvd.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Buckner Boulevard	Principal Arterial	107'
Samuell Boulevard	Community Collector	80'

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 will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:**Land Use:**

	Zoning	Land Use
Site	PD No. 605 with D-1 Liquor Control Overlay	Undeveloped
North	RR Regional Retail District	General merchandise or food Store less than 3,500 SF, surface parking
East	PD No. 549	Institutional Use
South	PD No. 605 & TH-3(A) Townhouse District	Undeveloped, Single family (attached)
West	R-7.5(A) Single Family District	Single family

Land Use Compatibility:

The request site is within PD No, 605 with a D-1 Liquor Control Overlay and is currently vacant. The PD allows general retail uses by right on the site but requires a specific use permit for the sale of alcohol.

Other uses surrounding the area of request, include single family residential to the west, a general merchandise store greater than 3,500 sf and a general merchandise store less than 3,500 sf to the north, a special institutional use [Buckner Missions Administration Offices] to the east, and a townhome development to the south. The proposed development of a general merchandise store greater than 3,500 square feet on the site is complimentary to the development that has previously occurred along Samuel Boulevard and South Buckner Boulevard.

Additionally, per PD 605 land use requirements, a masonry screening wall will be placed between the development and the adjacent R-7.5(A) uses.

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. A general merchandise store greater than 3,500 square feet is allowed by right in PD No. 605. Additionally, this development will complement the prior large-scale retail that has been developed along Samuell Boulevard.

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.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Per code, the parking for a general merchandise or food store at 55,000 square feet is one space per every 250 square feet of floor area. The site is required to provide 220 parking spaces. According to the site plan, the planned development will have 335 parking spaces.

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 currently in an “H” MVA cluster that extends to the north, south, and southwest. East of the request area across South Buckner Blvd are “I” MVA clusters.

CPC ACTION

January 18, 2024

Motion: It was moved to recommend **approval** of for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise of food store greater than 3,500 square feet for a five-year period, subject to a site plan and conditions on property zoned Planned Development District No. 605 with a D-1 Liquor Control Overlay, on the southwest corner of South Buckner Boulevard and Samuell Boulevard.

Maker: Wheeler-Reagan

Second: Herbert

Result: Carried: 13 to 0

For: 13 - Chernock, Hampton, Herbert, Shidid, Carpenter, Wheeler-Reagan, Blair*, Sleeper, Housewright, Treadway, Haqq, Hall, Kingston, Rubin

Against: 0

Absent: 0

Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 400

Mailed: 46

Replies: For: 2

Against: 0

Speakers: For: Joe LaCroix, 6300 Ridglea Pl., Fort Worth, TX, 76116
Against: None

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List of Officers

Baird, Hampton & Brown Inc

Joe LaCroix, Representative

**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 retail grocery store, general merchandise, or food store greater than 3,500 sf.

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).

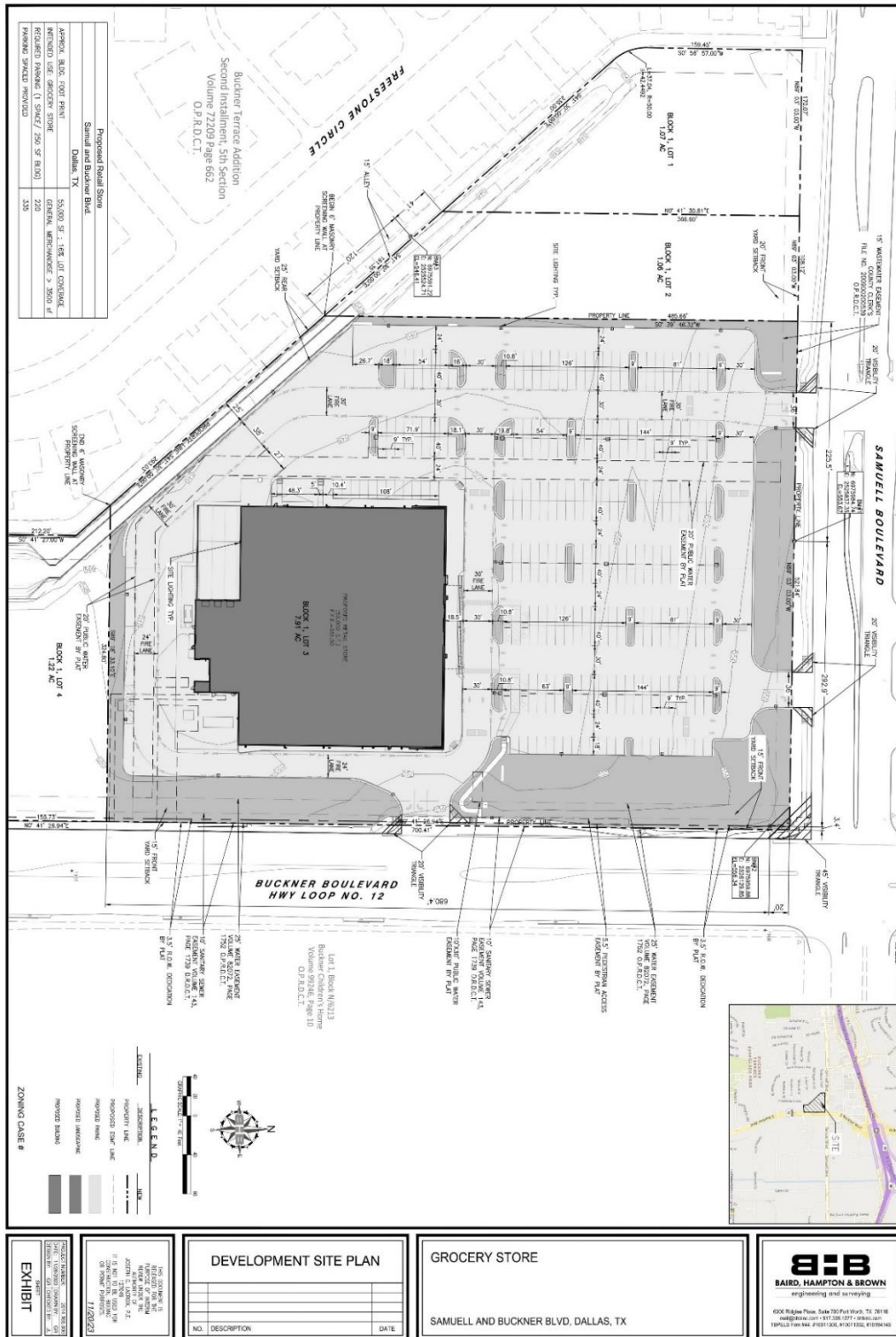
Staff Recommendation:

3. Time Limit: This specific use permit request is for 5 years with the eligibility for automatic renewals for additional (5) year periods pursuant to Section 51 A-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 with the director before the expiration date of the current period.

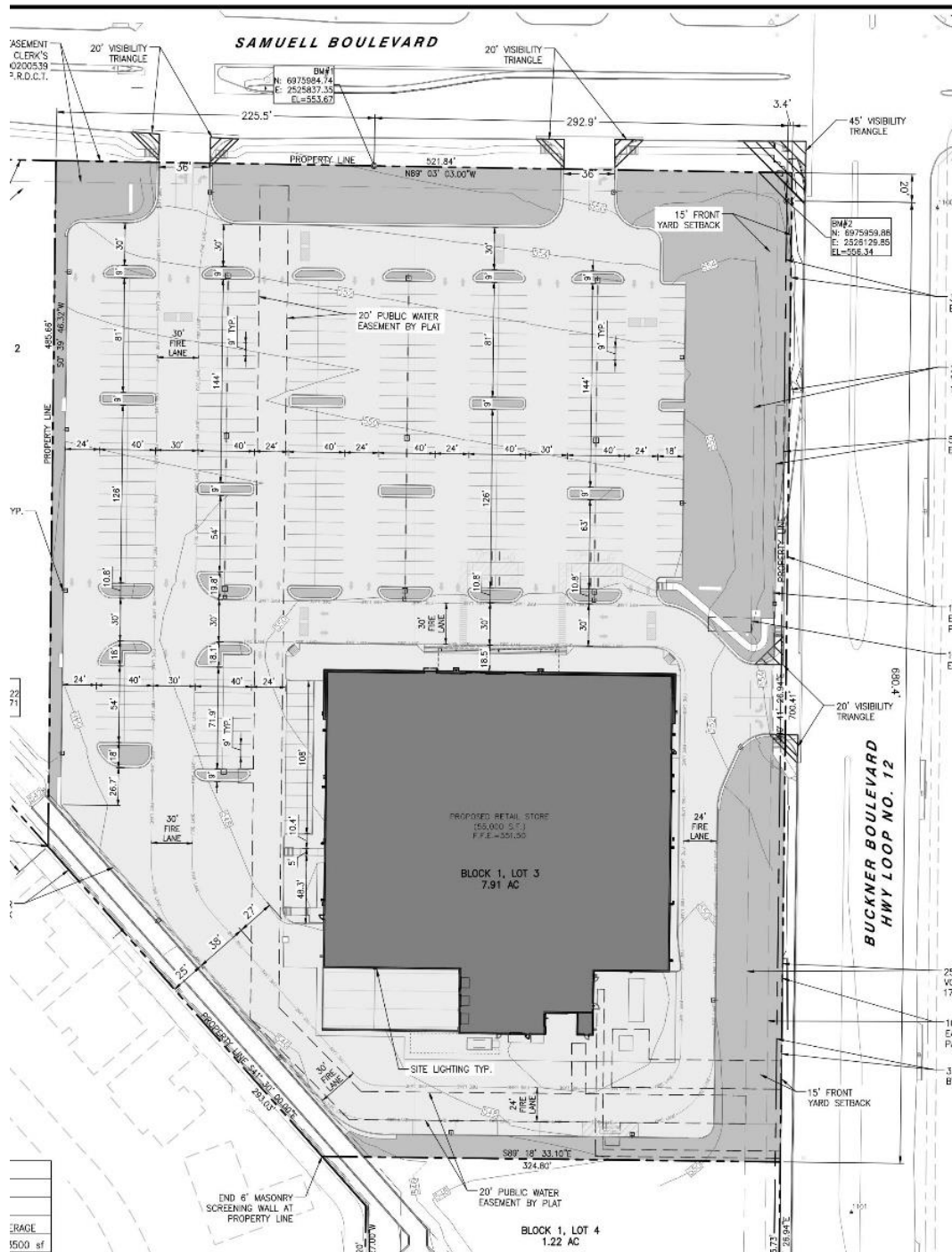
4. Maintenance: The property will be adequately maintained in good repair and neat appearance.

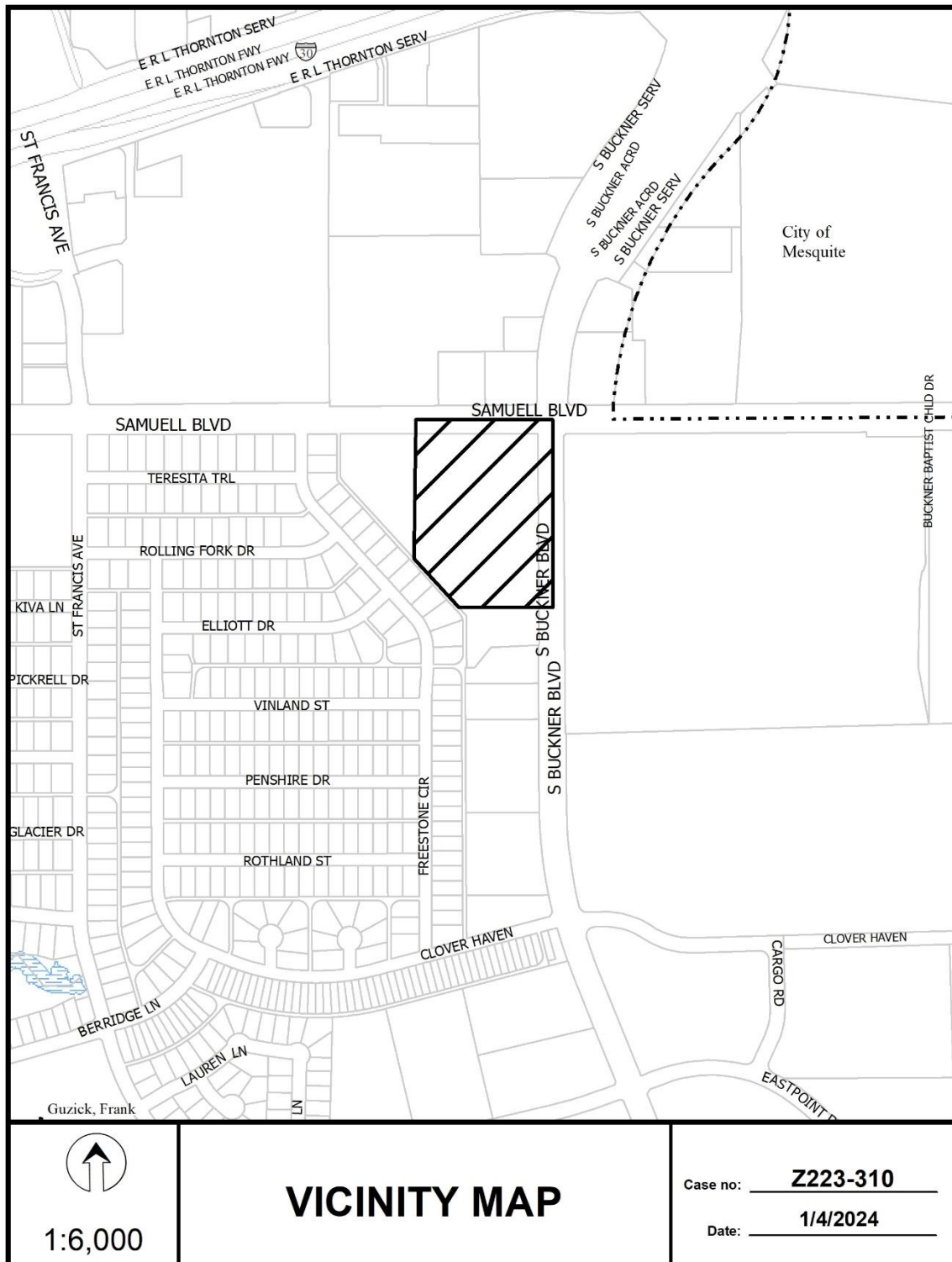
5. General Requirements: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

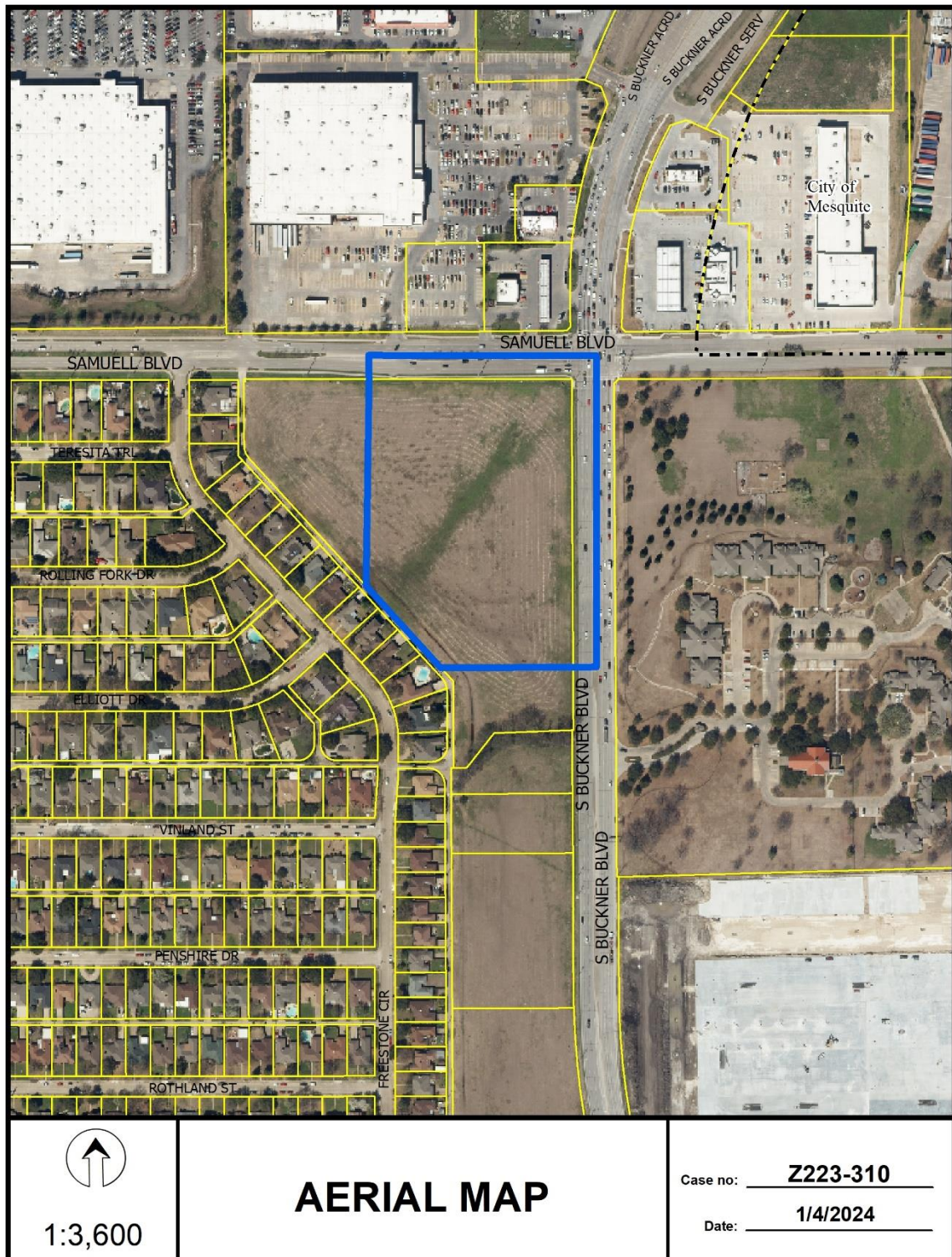
CPC RECOMMENDED SITE PLAN

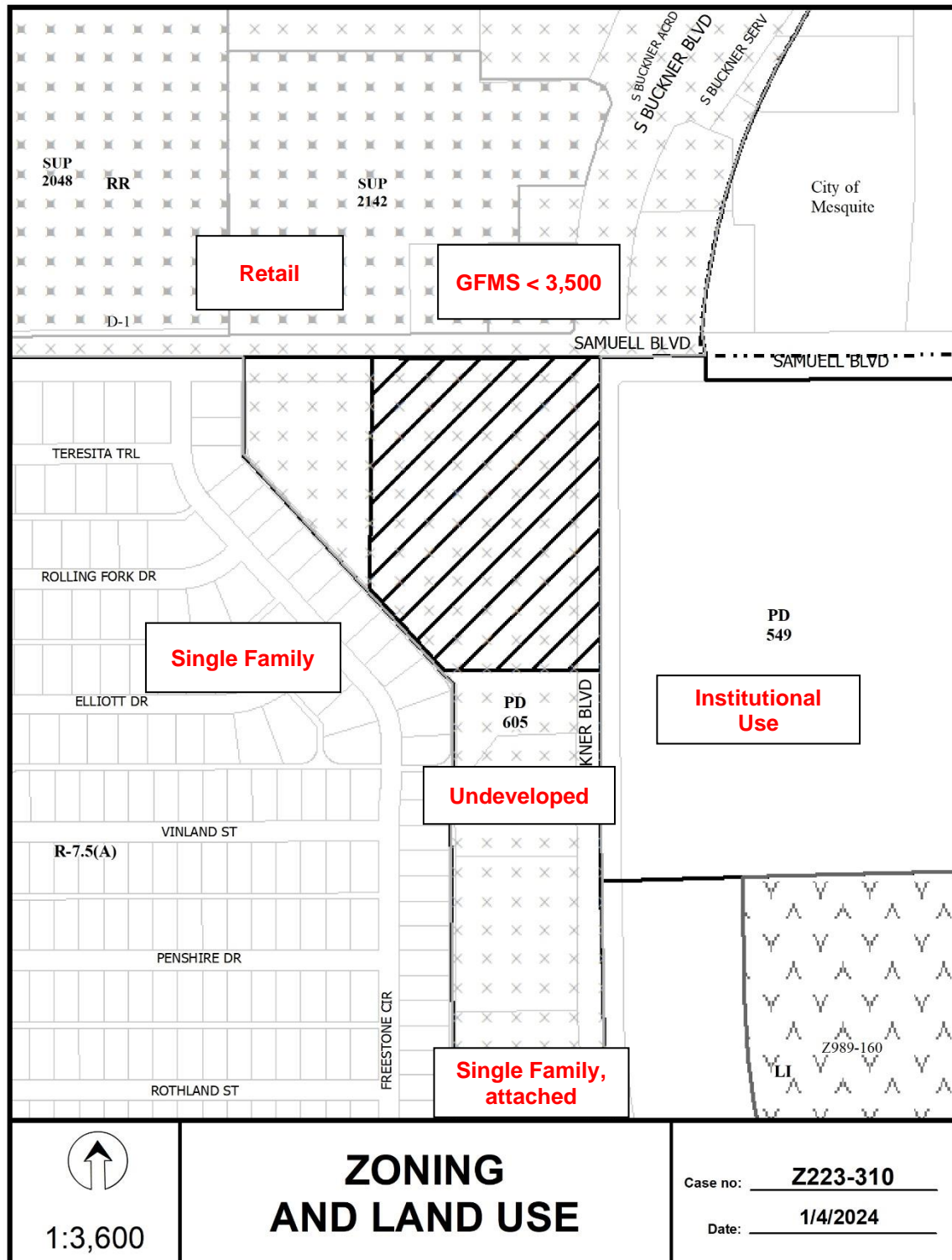


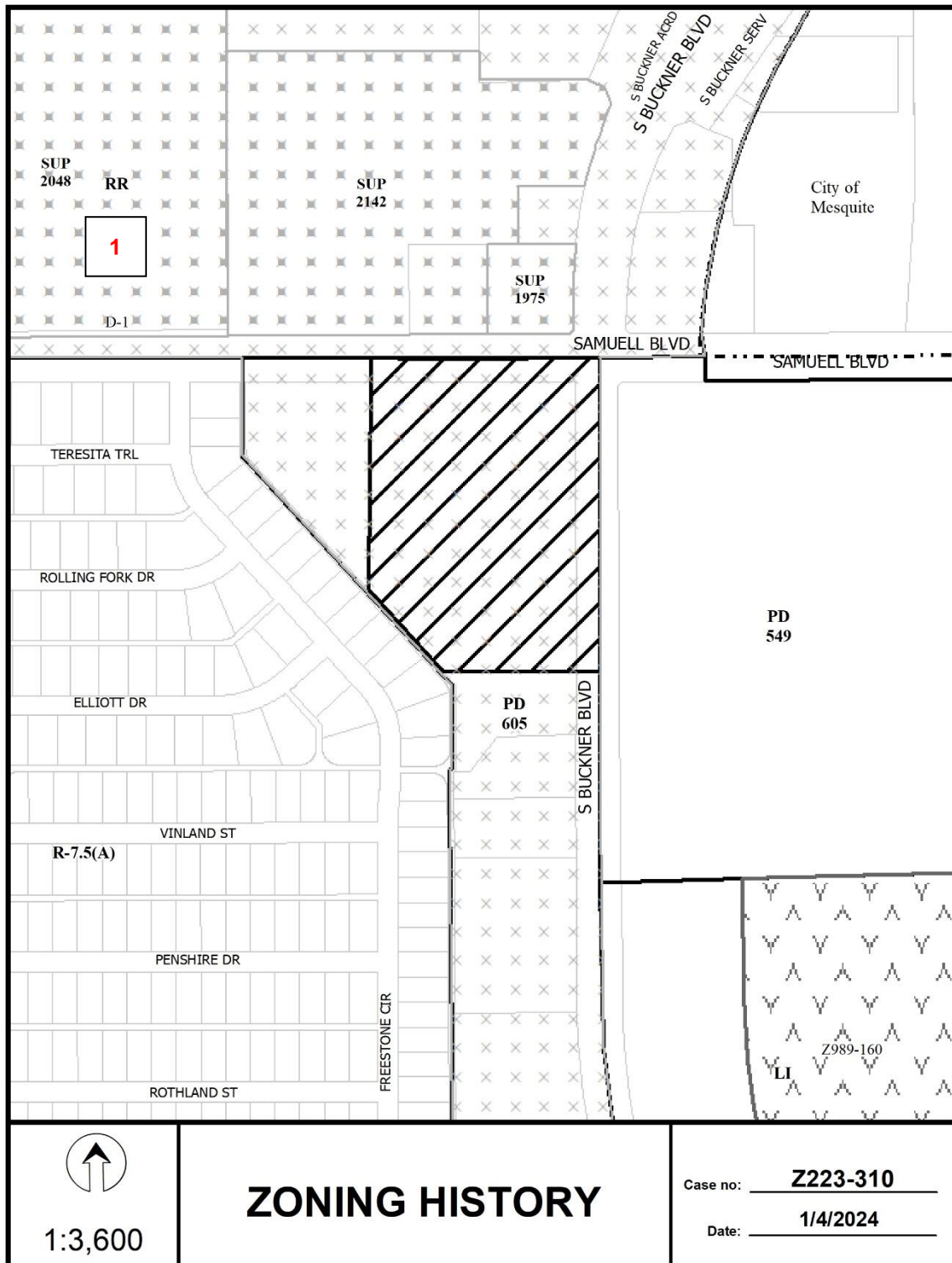
CPC RECOMMENDED Site Plan (Enlarged)

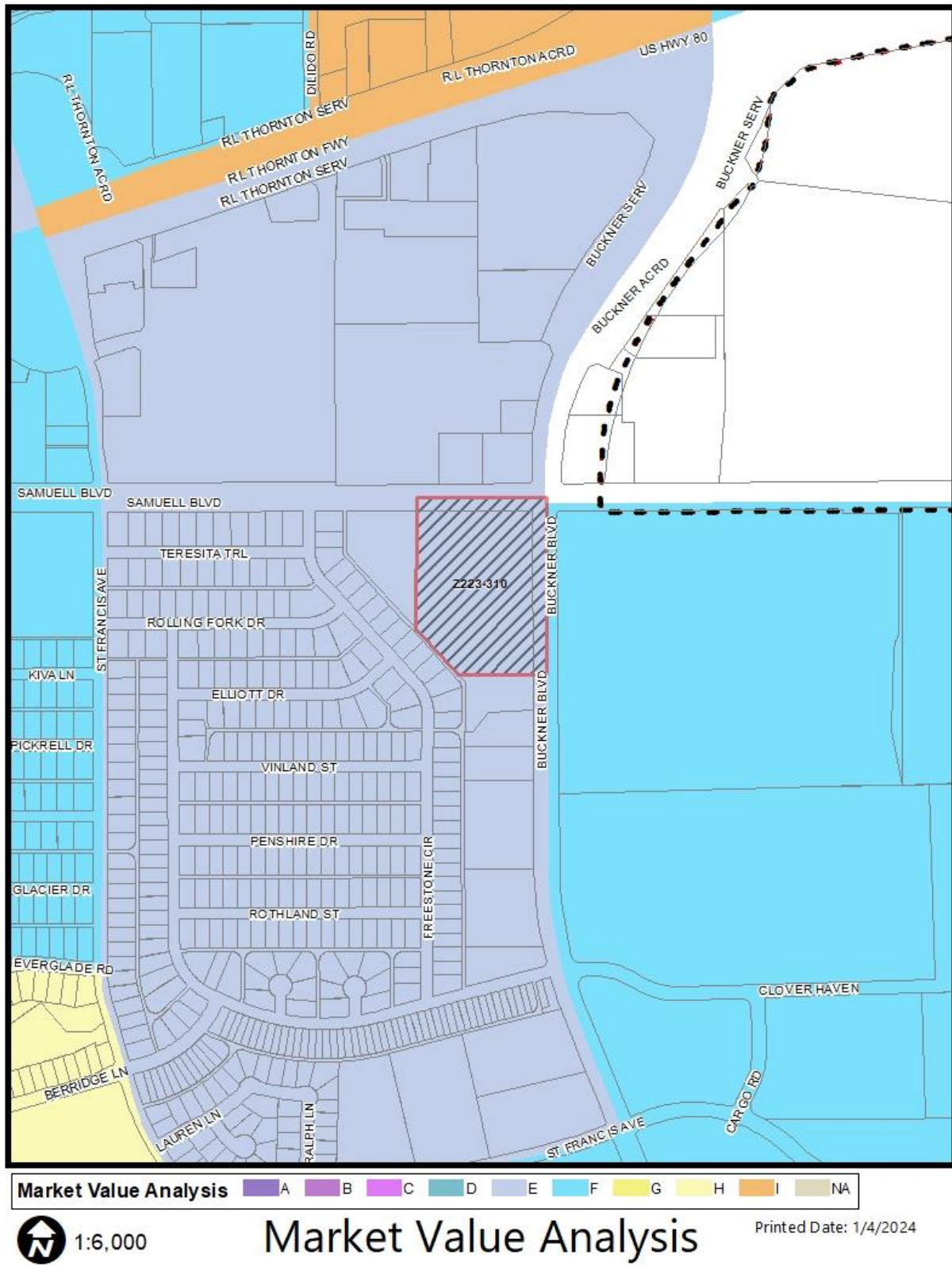


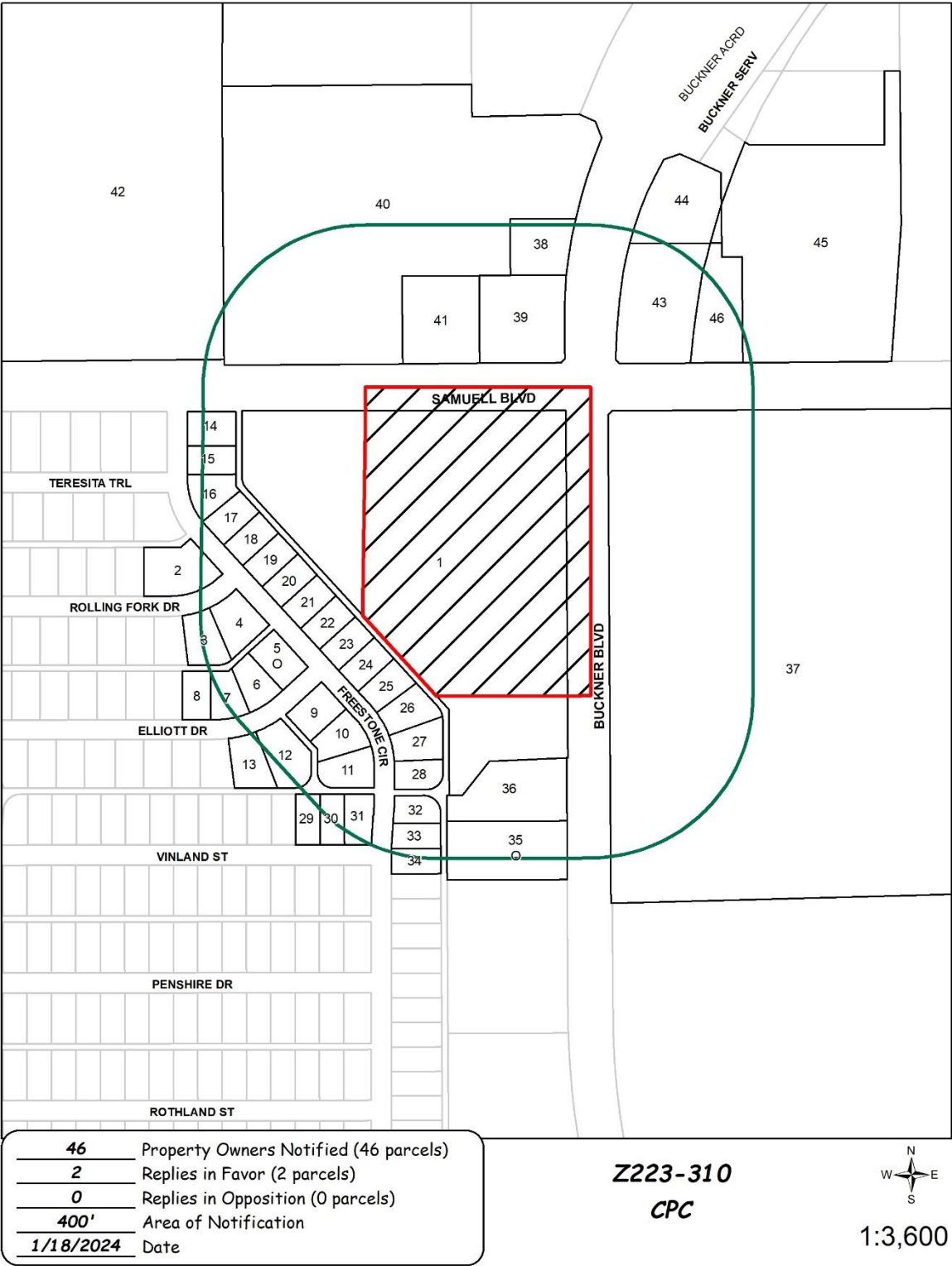












Reply List of Property Owners***Z223-310******46 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5204 S BUCKNER BLVD	HEB GROCERY COMPANY LP
	2	7177 ROLLING FORK DR	NEWMAN TERENCE T
	3	7178 ROLLING FORK DR	VIGIL ERIKA JULISSA
	4	7184 ROLLING FORK DR	MCDUGAL DONALD
O	5	7195 ELLIOTT DR	WEST DORIS M
	6	7189 ELLIOTT DR	OLIVA LUIS PADILLA &
	7	7183 ELLIOTT DR	CALLAHAN GERALDINE I LIFE EST
	8	7177 ELLIOTT DR	DYESS ROGER RHODES
	9	5275 FREESTONE CIR	REDDOOR CYNTHIA ANN
	10	5265 FREESTONE CIR	HAM DAVID & NANCY LIVING TRUST
	11	5255 FREESTONE CIR	CARBAJAL CARLOS & MARIA LETICIA
	12	7190 ELLIOTT DR	NAVARRETE ARMANDO
	13	7184 ELLIOTT DR	Taxpayer at
	14	5430 FREESTONE CIR	MARQUEZ MARTINA
	15	5424 FREESTONE CIR	PERRY ELLEN MARIE
	16	5418 FREESTONE CIR	COMBEST KENNETH ROYCE
	17	5412 FREESTONE CIR	ZERAI AZMERA
	18	5406 FREESTONE CIR	RENDON EDWARD & SUSANA
	19	5330 FREESTONE CIR	CARR MARGARET
	20	5324 FREESTONE CIR	MURPHYDANIELS CAROLYN
	21	5318 FREESTONE CIR	WHITE CLEOPHUS
	22	5312 FREESTONE CIR	JIMENEZ JOSE B SR &
	23	5306 FREESTONE CIR	SOTO ELISEO & BERTHA
	24	5274 FREESTONE CIR	JONES CARL & RONDA L
	25	5268 FREESTONE CIR	ESPINOZA MACARIO &
	26	5262 FREESTONE CIR	Taxpayer at

01/17/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5256 FREESTONE CIR	PENA JUANA
	28	5250 FREESTONE CIR	TASKER ESIRIOGHENE
	29	7155 VINLAND ST	VILLANUEVA MADELYN P &
	30	7159 VINLAND ST	PAGE CHARLES L JR &
	31	7163 VINLAND ST	NGUYEN THU NGOC
	32	5244 FREESTONE CIR	ROBERTSON PHYLISS G
	33	5238 FREESTONE CIR	BROWN ANITA K
	34	5232 FREESTONE CIR	JENKINS MARION CHARLES
O	35	5195 S BUCKNER BLVD	MORDECAI PROPERTY RECOVERY LLC
	36	5205 S BUCKNER BLVD	Taxpayer at
	37	5202 S BUCKNER BLVD	BUCKNER BAPTIST BENEVOLENCES
	38	5525 S BUCKNER BLVD	WHATABURGER OF MESQUITE
	39	5501 S BUCKNER BLVD	7-ELEVEN INC
	40	5555 S BUCKNER BLVD	NNN DALLAS TX OWNER LP
	41	5655 BUCKNER BLVD	NNN DALLAS TX OWNER LP
	42	7401 SAMUELL BLVD	WAL MART REAL EST BUS TR
	43	5500 S BUCKNER BLVD	UNITED STATES BEEF CORPORATION
	44	5580 S BUCKNER BLVD	Taxpayer at
	45	5550 S BUCKNER BLVD	NEC BUCKNER & SAMUEL LP
	46	5500 S BUCKNER BLVD	QUIKTRIP CORP