

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, FEBRUARY 26, 2020
ACM: Majed Al-Ghafry

FILE NUMBER: Z190-112(CT) **DATE FILED:** September 17, 2019
LOCATION: Northeast corner of South Buckner Boulevard and Forney Road
COUNCIL DISTRICT: 7 **MAPSCO:** 48 Q
SIZE OF REQUEST: Approx. .564 acres **CENSUS TRACT:** 122.07

REPRESENTATIVE: Santos Martinez, La Sierra Planning Group

OWNER/APPLICANT: Buckner Crossing L.P.

REQUEST: An application for the renewal of Specific Use Permit No. 2269 for the sale of alcoholic beverages in conjunction with a general merchandise of food store 3,500 square feet or less use on property zoned an LI-D-1 Light Industrial District with D-1 Liquor Control Overlay.

SUMMARY: The applicant seeks to continue the sale of alcohol beverages in conjunction with a general merchandise or food store use (7-Eleven) on the subject site.

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.

BACKGROUND INFORMATION:

- The ±0.564-acre request site is developed with a 3,010-square-foot general merchandise or food store (convenience store) and vehicle fueling station (gas pumps).
- On December 11, 2013, the City Council approved 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 two-year period on the request site.
- In April 2015, a letter was sent to the applicant advising them to submit an application to renew SUP No. 2054 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less. An application was not submitted and SUP No. 2054 expired on December 11, 2015.
- On March 28, 2018, the City Council approved 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 two-year period on the request site.
- The proposed request is to continue the sale of alcohol for off-premise consumption in conjunction with the general merchandise use on the property. No changes are proposed to the site plan.
- The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.

Zoning History: There has been one zoning change for the area of request in the past five years.

1. **Z189-217** On November 21, 2019, the City Plan Commission approved a new 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 LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
South Buckner Boulevard	Principal Arterial	107 feet
Forney Road	Community Collector	80 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction 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. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can 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:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

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

Land Use:

	Zoning	Land Use
Site	LI-D-1 Light Industrial with D-1 Liquor Control Overlay Specific Use Permit No. 2269	Fueling Station
North	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Church
East	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Warehouse
South	LI-D-1 Light Industrial with D-1 Liquor Control Overlay	Industrial (Inside)
West	MC-1-D-1 Multiple Commercial District with D-1 Liquor Control Overlay	Undeveloped

Land Use Compatibility:

The approximately 0.564-acre site is zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store and a motor vehicle fueling station. The request for a Specific Use Permit will allow the applicant to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise.

The general merchandise use is permitted by right. The sale of alcoholic beverages for off-premise consumption is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.

The adjacent land uses consist of a warehouse and church use to the north, warehouse uses to the east and an industrial (inside) use to the south. Properties west of the request site, across South Buckner Boulevard, are undeveloped. The proposed request complies with the alcoholic distance requirement of 300 feet from a church, which is measured front door to front door along the right-of-way lines.

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. The applicant is in compliance with Chapter 12B.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
LI Light Industrial	15'	30' adjacent to residential OTHER: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

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. Based on the 3,010 square feet of floor area, the development requires 17 spaces with 17 being provided per the attached site plan.

Dallas Police Department:

Calls (30):

Response Date	Response Time	Problem	Address
8/15/2017	3:24	12B - Business Alarm	4710 S Buckner Blvd
7/26/2017	9:41	11B - Burg of Bus	4710 S Buckner Blvd
7/26/2017	2:05	12B - Business Alarm	4710 S Buckner Blvd
7/22/2017	5:47	12B - Business Alarm	4710 S Buckner Blvd
7/22/2017	1:54	12B - Business Alarm	4710 S Buckner Blvd
5/26/2017	9:00	33 - Prostitution	4710 S Buckner Blvd
2/23/2017	16:26	6X - Major Dist (Violence)	4710 S Buckner Blvd
2/6/2017	16:36	40 - Other	4710 S Buckner Blvd

1/27/2017	20:04	6XA - Major Dist Ambulance	4710 S Buckner Blvd
1/24/2017	11:25	38 - Meet Complainant	4710 S Buckner Blvd
12/26/2016	18:42	7X - Major Accident	4710 S BUCKNER BLVD
10/10/2016	3:15	12B - Business Alarm	4710 S Buckner Blvd
9/5/2016	17:46	6X - Major Dist (Violence)	4710 S BUCKNER BLVD
8/19/2016	8:01	6X - Major Dist (Violence)	4710 S Buckner Blvd
8/1/2016	9:32	6X - Major Dist (Violence)	4710 S Buckner Blvd
7/9/2016	6:31	6X - Major Dist (Violence)	4710 S BUCKNER BLVD
1/11/2016	1:31	12B - Business Alarm	4710 S Buckner Blvd
1/8/2016	8:29	11B - Burg of Bus	4710 S Buckner Blvd
11/22/2015	2:42	12B - Business Alarm	4710 S Buckner Blvd
11/22/2015	4:07	12B - Business Alarm	4710 S Buckner Blvd
11/20/2015	5:57	12B - Business Alarm	4710 S Buckner Blvd
9/17/2015	6:08	11B/01 - Burg of Bus	4710 S Buckner Blvd
9/3/2015	6:11	11B - Burg of Bus	4710 S Buckner Blvd
8/13/2015	2:16	12B - Business Alarm	4710 S Buckner Blvd
7/5/2015	2:42	12B - Business Alarm	4710 S Buckner Blvd
4/16/2015	14:52	40 - Other	4710 S Buckner Blvd
3/20/2015	21:32	40 - Other	4710 S Buckner Blvd
11/3/2014	22:15	6X - Major Dist (Violence)	4710 S Buckner Blvd
10/6/2014	23:06	12B - Business Alarm	4710 S Buckner Blvd

Crimes (15):

Incident No.	Offense	Address
261881-2014	OTHER THEFTS	4710 S BUCKNER BLVD
216066-2015	BURGLARY-BUSINESS	4710 S BUCKNER BLVD
204705-2015	BURGLARY-BUSINESS	4710 S BUCKNER BLVD
187209-2015	BURGLARY-BUSINESS	4710 S BUCKNER BLVD
110709-2015	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD
153418-2015	ASSAULT	4710 S BUCKNER BLVD
134224-2015	LIQUOR OFFENSE	4710 S BUCKNER BLVD
110709-2015	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD
110709-2015	ROBBERY-INDIVIDUAL	4710 S BUCKNER BLVD
047101-2017	ASSAULT	4710 S BUCKNER BLVD
006007-2016	VANDALISM & CRIM MISCHIEF	4710 S BUCKNER BLVD
169407-2017	BURGLARY-BUSINESS	4710 S BUCKNER BLVD
140112-2017	AGG ASSAULT - FV	4710 S BUCKNER BLVD
021304-2017	AGG ASSAULT - NFV	4710 S BUCKNER BLVD
243296-2016	BURGLARY-BUSINESS	4710 S BUCKNER BLVD

Arrests: Zero (0)

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. The area of request Site is not within an identifiable MVA Category; however, it is in proximity to a “G” MVA Cluster to the west, and southeast of the subject site and an “E” MVA Cluster to the northwest.

Z190-112(CT)

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Mostafa Setayesh, President

CPC ACTION
January 9, 2020

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2269 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 with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned an LI-D-1 Light Industrial District with D-1 Liquor Control Overlay, on the northeast corner of South Buckner Boulevard and Forney Road.

Maker: MacGregor
Second: Murphy
Result: Carried: 14 to 0

For: 14 - MacGregor, Hampton, Johnson, Shidid,
Carpenter, Brinson, Blair, Jung, Housewright,
Schultz, Schwope, Murphy, Garcia, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

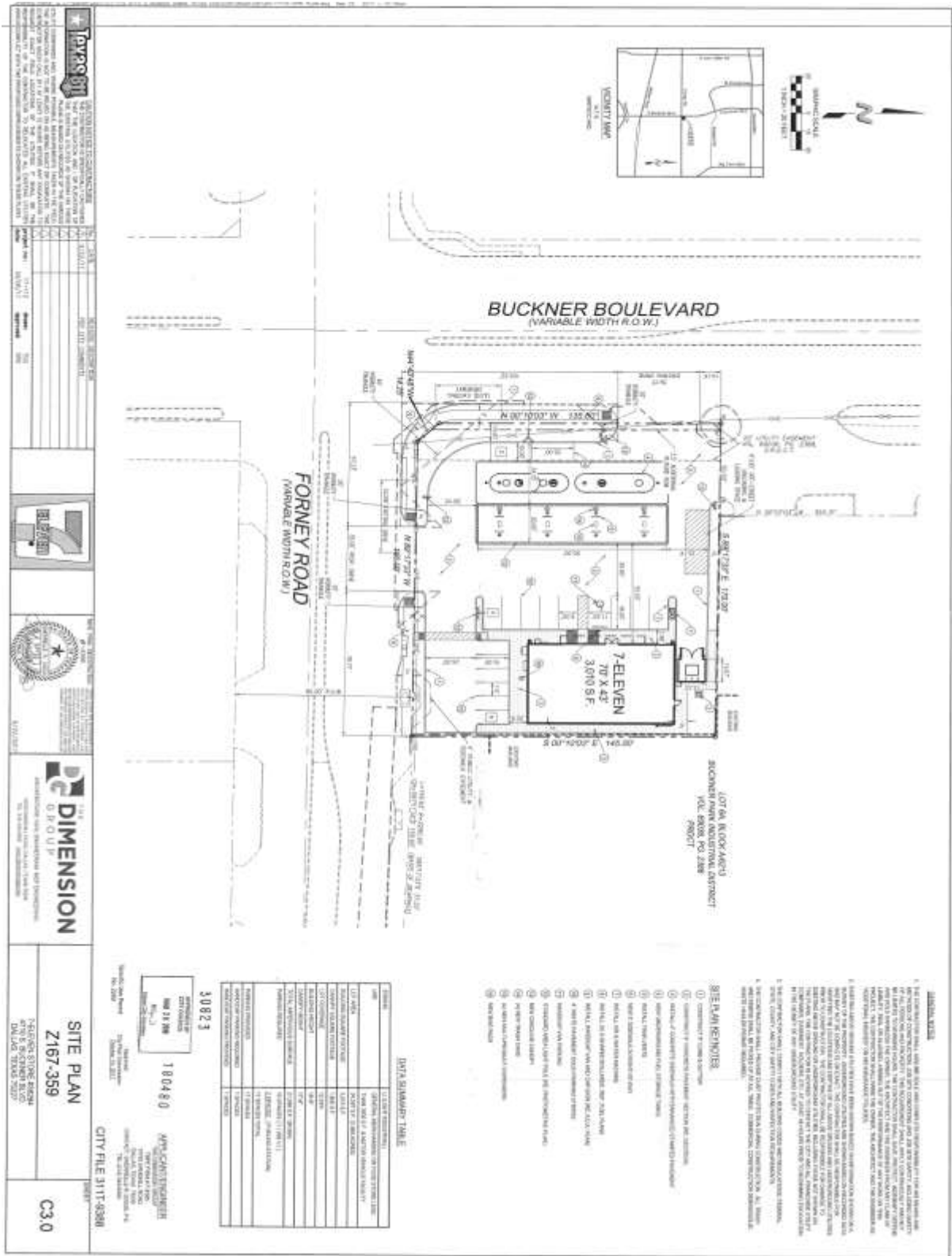
Notices: Area: 200 Mailed: 7
Replies: For: 0 Against: 0

Speakers: None

CPC RECOMMENDED SUP CONDITIONS

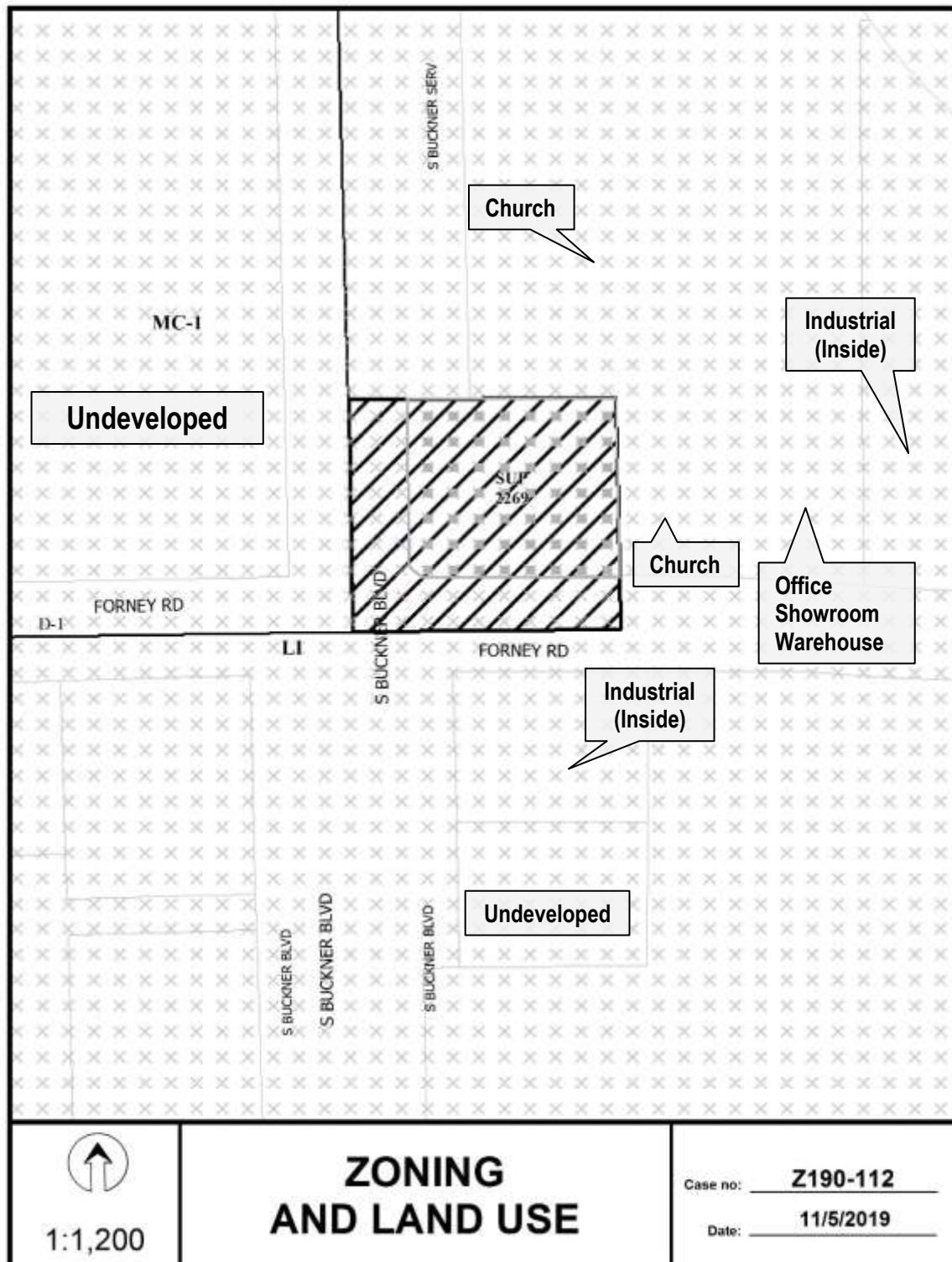
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~March 28, 2020~~ (two years), 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.

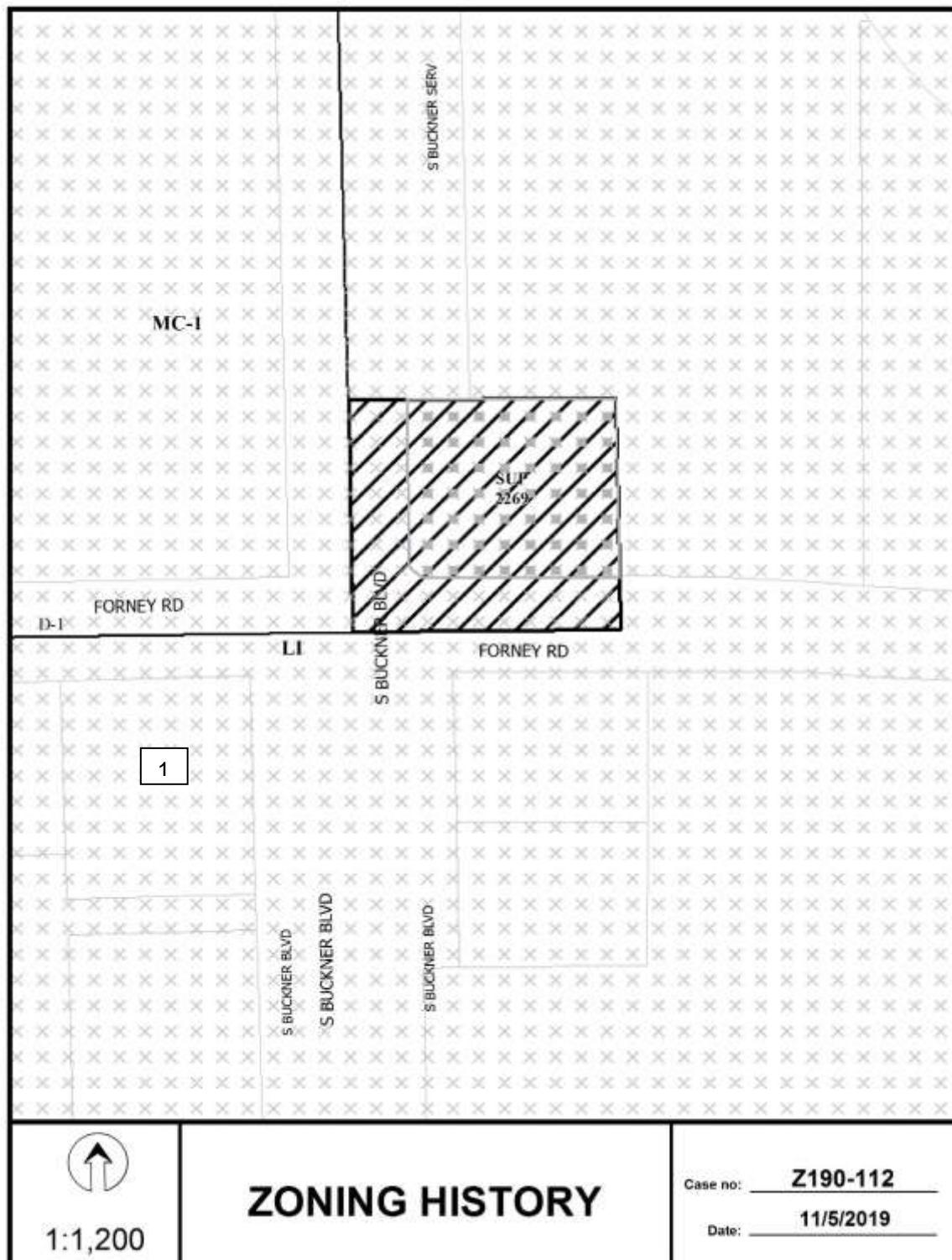
EXISTING SUP SITE PLAN (No Changes Proposed)

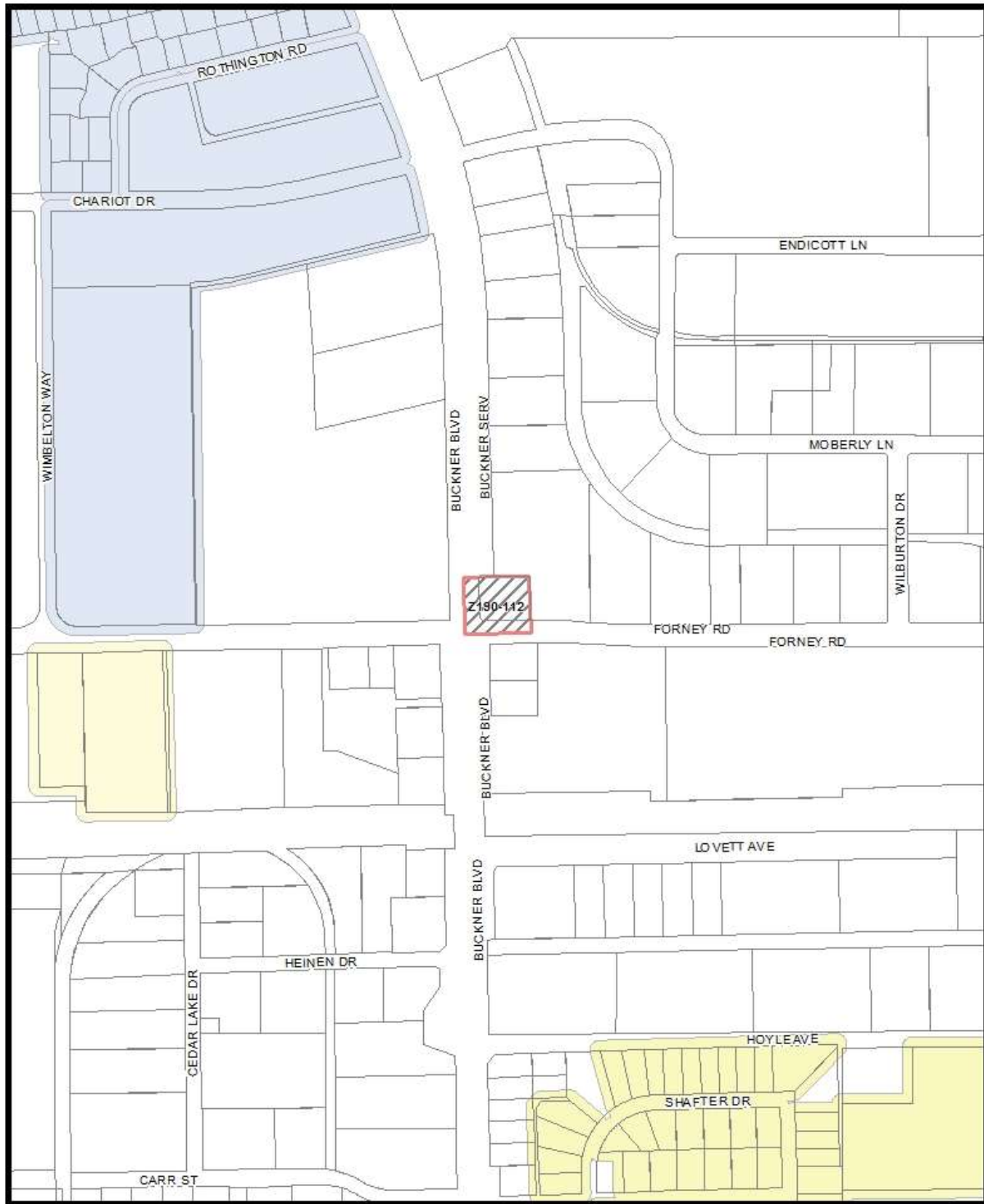












MVA Cluster A B C D E F G H I NA

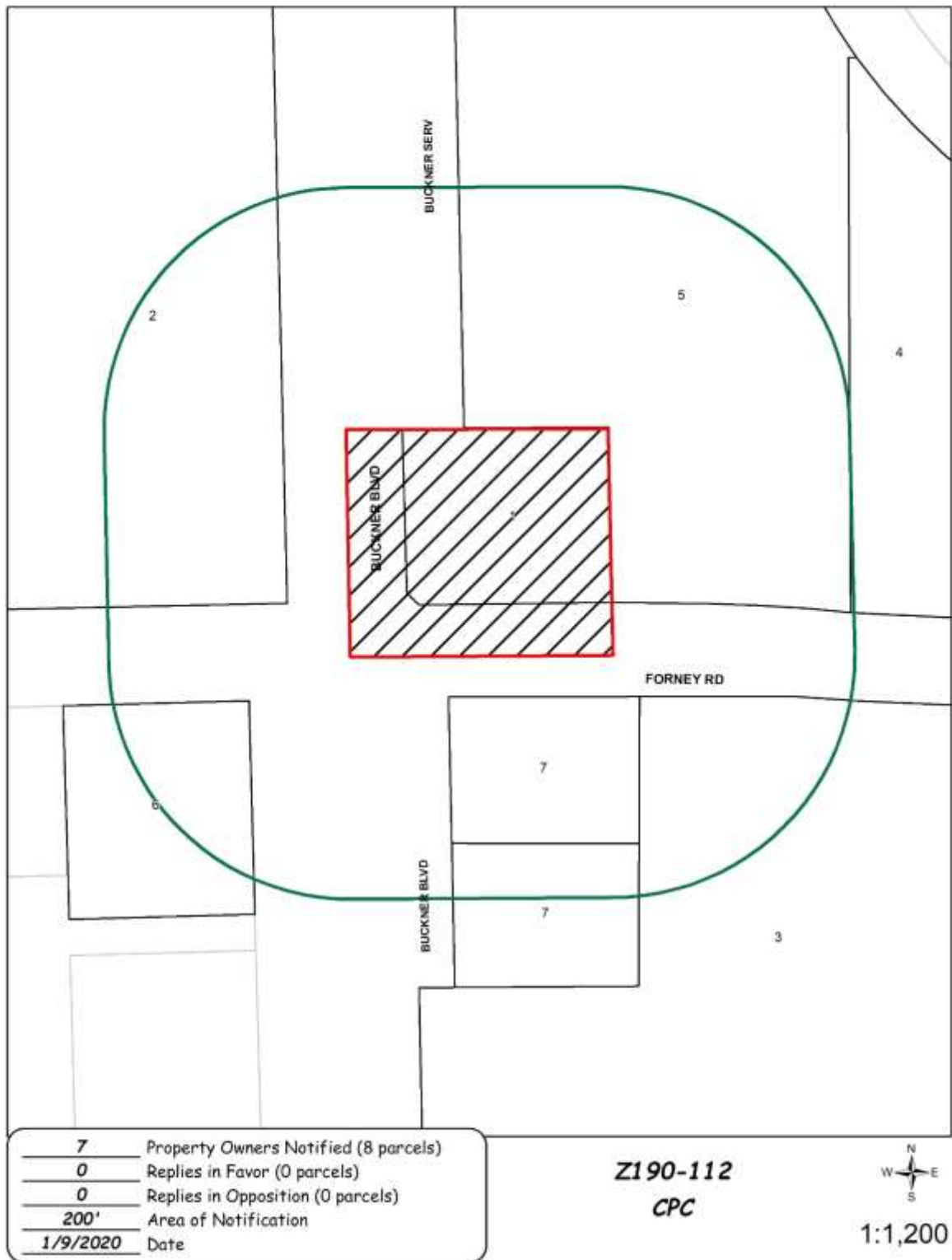


1:4,800

Market Value Analysis

Printed Date: 11/5/2019

CPC Responses



Z190-112(CT)

01/08/2020

Reply List of Property Owners

Z190-112

7 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	4710	S BUCKNER BLVD	BUCKNER CROSSING LP
2	4700	S BUCKNER BLVD	MDJ BUCKNER LLC
3	4520	S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE
4	8131	FORNEY RD	LANDSCAPE STRUCTURES INC
5	4740	S BUCKNER RD	INTERNATIONAL BIBLE ASSOC
6	4625	S BUCKNER BLVD	BUCKNER FOODS INC
7	4612	S BUCKNER BLVD	SOUTH BUCKNER 4520 LP THE