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|--------------------------|--|----------------------|----------------|
| FILE NUMBER: | Z201-231(CT) | DATE FILED: | April 12, 2021 |
| LOCATION: | Northeast corner of Bruton Road and North Prairie Creek Road | | |
| COUNCIL DISTRICT: | 7 | MAPSCO: | 59 A |
| SIZE OF REQUEST: | Approx. 0.35 acre | CENSUS TRACT: | 90 |

REPRESENTATIVE: Wes Hoblit, MASTERPLAN

APPLICANT: Yugesh Taksari

OWNER: Bruton Store, Inc.

REQUEST: An application for 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 on property zoned an CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

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

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

BACKGROUND INFORMATION:

- The subject site is developed with a fueling station and a 1,500-square-foot general merchandise and food store.
- The site is located within a D-1 Liquor Control Overlay which requires a Specific Use Permit for the sale of alcoholic beverages.
- The applicant is seeking the required Specific Use Permit to allow for the sale of alcoholic beverages.

Zoning History: There has been one recent zoning changes requested in the area within the last five years.

1. **Z178-224:** On November 28, 2018, City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 feet on the northwest corner of Bruton Road and North Prairie Creek Road.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing/Proposed ROW |
|--------------------------|--------------------|-----------------------|
| Bruton Road | Principal Arterial | 100 feet |
| North Prairie Creek Road | Principal Arterial | 100 feet |

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Comprehensive Plan:

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

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.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

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

STAFF ANALYSIS:

Surrounding Land Uses:

| | Zoning | Land Use |
|--------------|------------------------|-------------------------|
| Site | CR-D-1 | Fueling Station/GMFS |
| North | CR-D-1 | Office/Retail |
| East | MF-2(A) | Multifamily |
| South | CR-D-1 | Vacant Structure |
| West | CR-D-1 SUP No. 2059 | Retail/Personal Service |

Land Use Compatibility:

The area of request is currently developed with fueling station and a general merchandise or food service use. Surrounding uses includes vacant building to the south of the site across Bruton Road. A multifamily development is located east of the site, west across North Prairie Creek Road are retail and personal service uses; and office retail uses are located to the north.

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 Dallas Police has determined that the request site is in compliance with Chapter 12B.

The location is at the intersection of two principal arterials, Bruton Road and North Prairie Creek Road. The area is comprised of mainly retail uses including retail at each corner of the intersection, a large retail bazaar, and office and multifamily uses. In general, the applicant's request is consistent with the intent of the Dallas Development Code and use fits the retail nature of the neighborhood. Therefore, staff recommends the approval of 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 with eligibility for automatic renewal for a five-year period.

Landscaping:

Landscaping is installed in accordance with Article X of the Dallas Development Code.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for the one parking space per 200 square feet of floor area. The parking requirement for the proposed 1,500-square-foot general merchandise or food store is eight parking spaces. The parking requirement for a motor vehicle fueling station is two parking spaces. There are a total of 10 parking spaces required for the site. The site plan currently depicts eight parking spaces. Building Inspections has determined that the site has two delta credits. With that determination, the site meets the parking requirements for the uses on the site.

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. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. Although the area of request is not within an identifiable MVA cluster, it abuts an "F" MVA cluster to the south and "G" MVA clusters is located to the east and north.

LIST OF OFFICERS

Bruton Store, Inc.

Hussam Issa, President
Issam Saleh, President

Zulu Brothers, LLC

Yugesh Taksari, Managing Member
Sujan Shrestha, Managing Member

CPC ACTION

September 23, 2021

Motion: It was moved to recommend **approval** of 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 with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, at the northeast corner of Bruton Road and North Prairie Creek Road.

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

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

Against: 0
Absent: 0
Vacancy: 2 - District 4, District 10

*out of the room, shown voting in favor

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 200 | Mailed: 15 |
| Replies: | For: 0 | Against: 0 |

Speakers: For: Wes Hoblit, 2201 Main St., Dallas, TX, 75201
Against: None

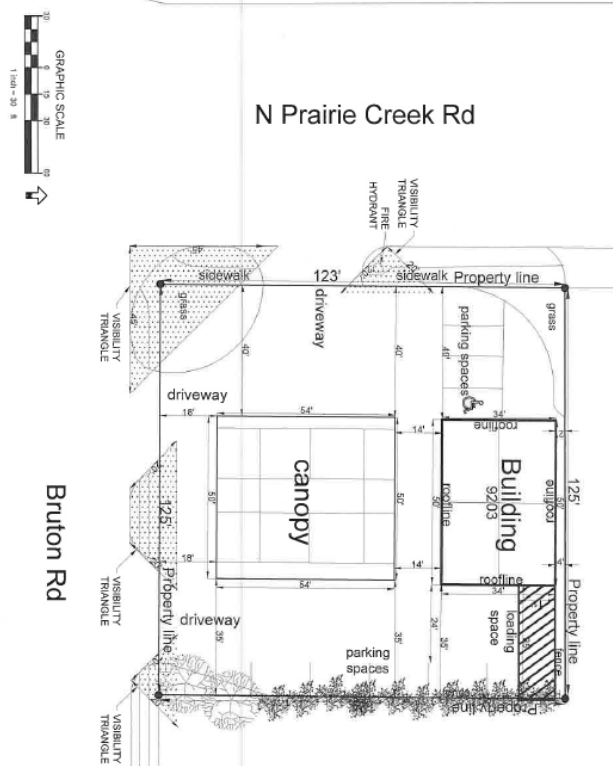
CPC Recommended SUP Conditions

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 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 TWO YEARS from the passage of this ordinance but is eligible for automatic renewal for additional FIVE-YEARS 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.

CPC Recommended Site Plan

SITE PLAN

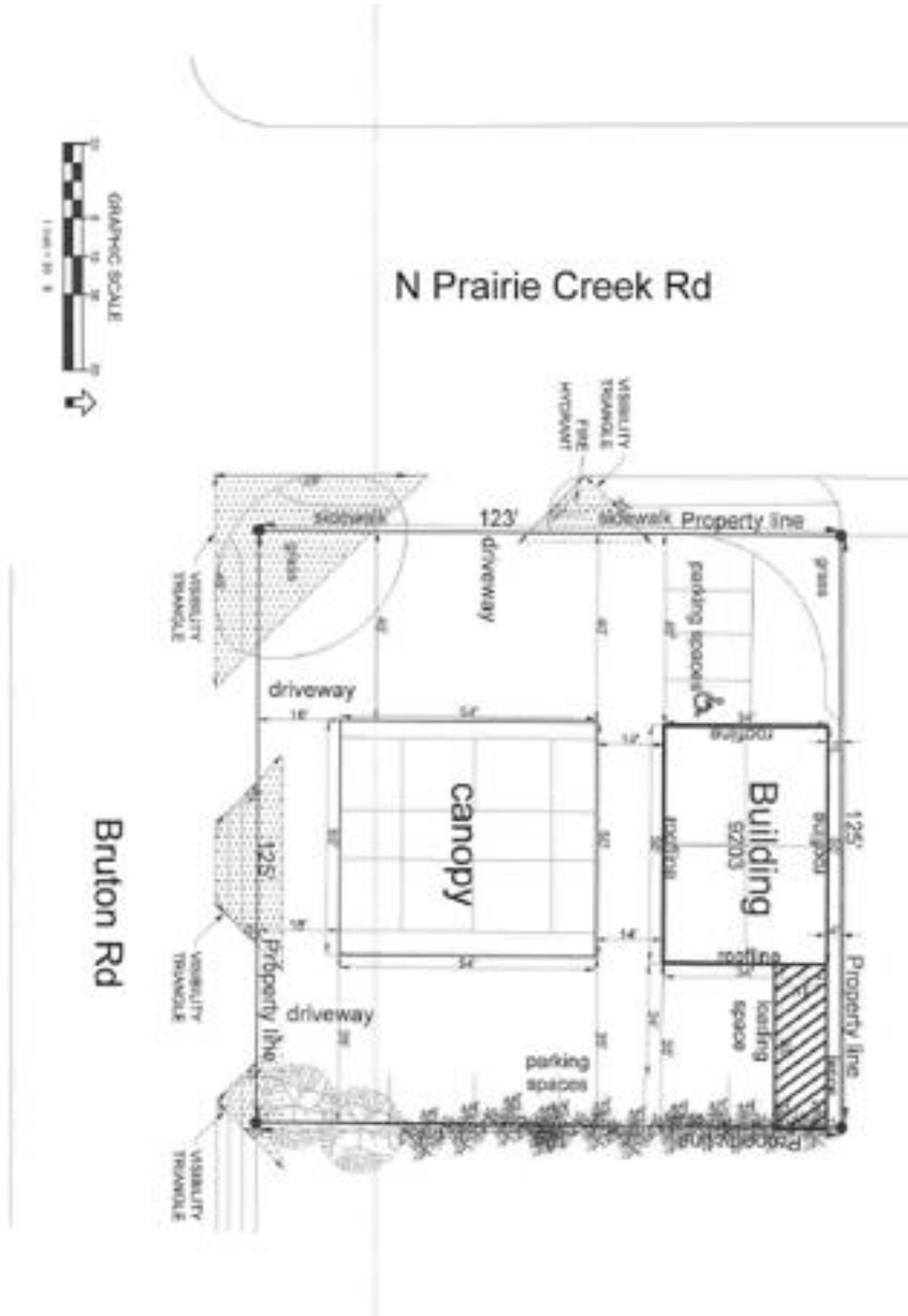
9203 Bruton Rd
Dallas, TX 75217
USA
Scale: 1":30'

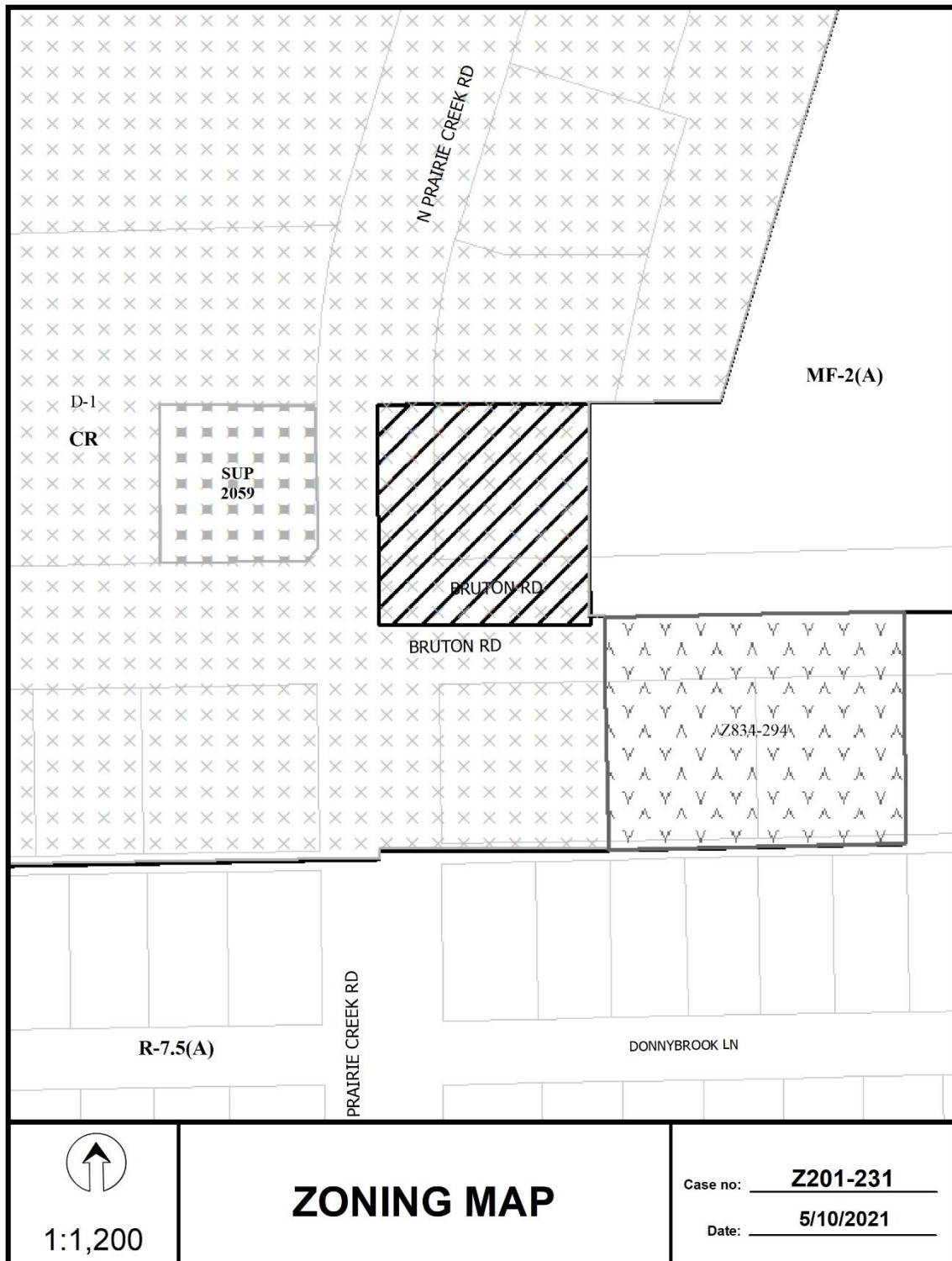


SITE PLAN INFORMATION:
ZONING DISTRICT: CD-D-1 COMMERCIAL
RETAIL
EXISTING STRUCTURE FLOOR AREA: ~1500SF
EXISTING COVERAGE: 27%
0.31 ACRES

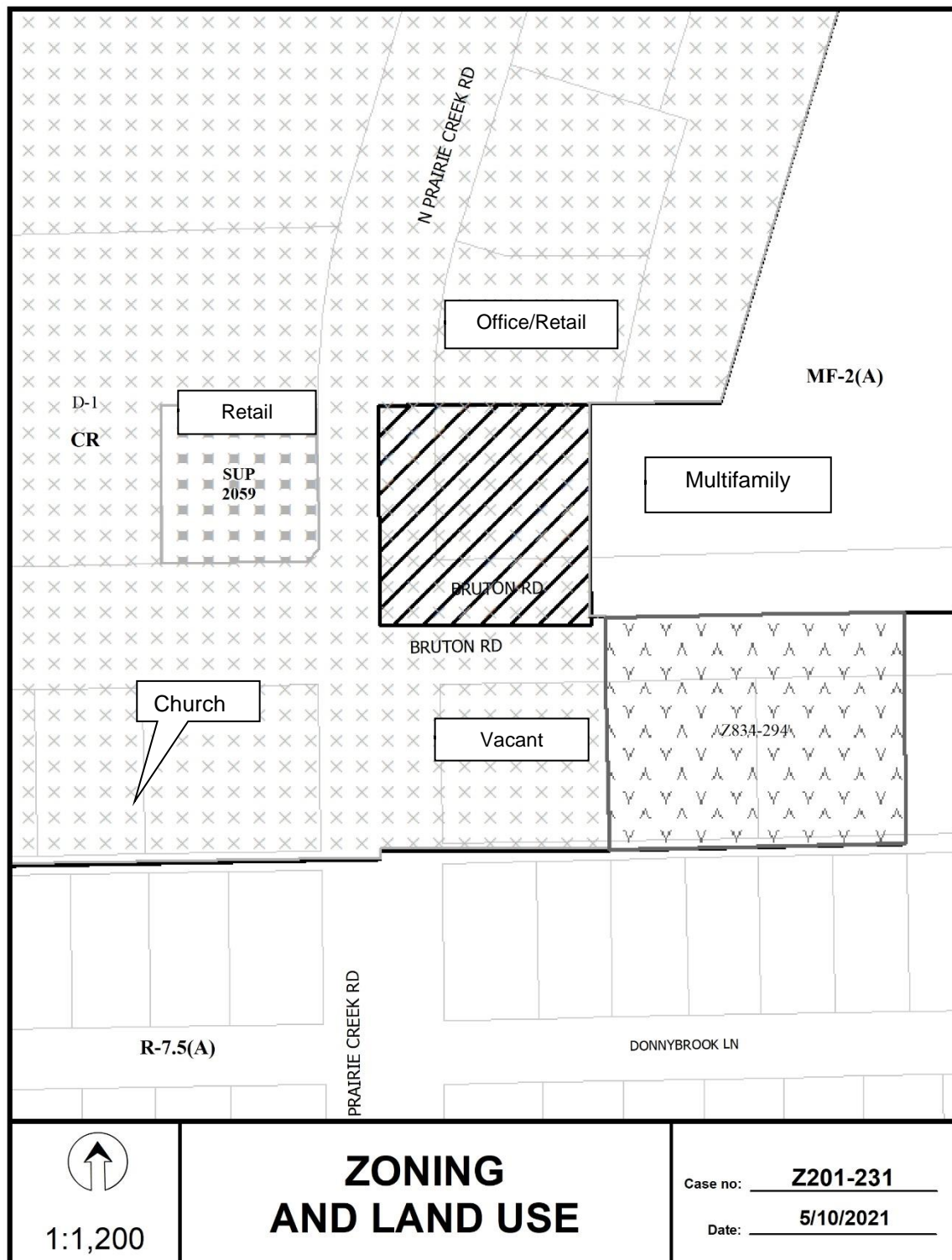
RESIDENTIAL BARRIER: NORTH AND WEST
PARKING LOT DATA:
SPACES REQUIRED: 8
SPACES PROVIDED: 8(INCLUDING 1 ADA)
LOADING ZONE REQUIRED: 1
LOADING ZONE PROVIDED: 1

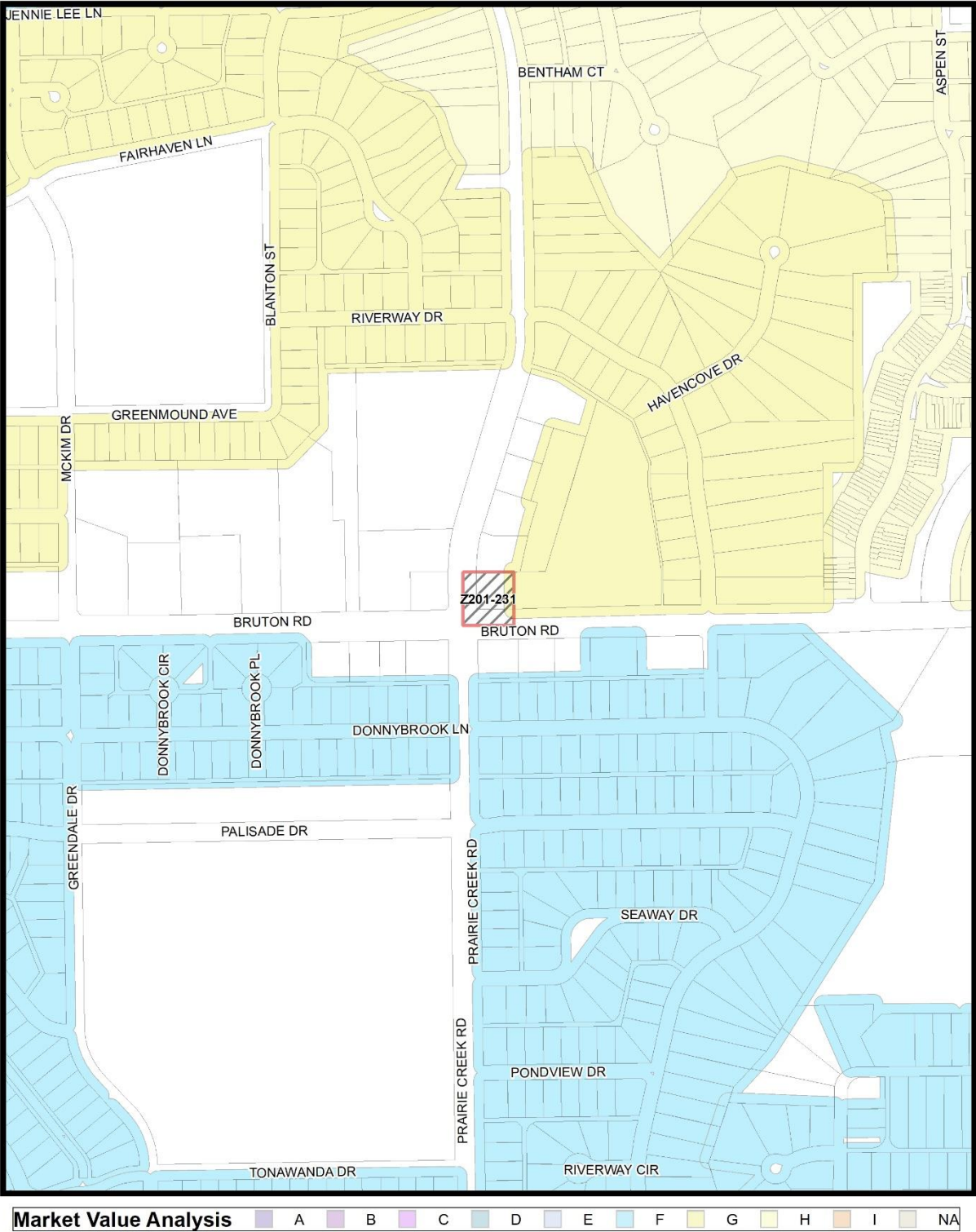
CPC Recommended Site Plan (Enlarged)



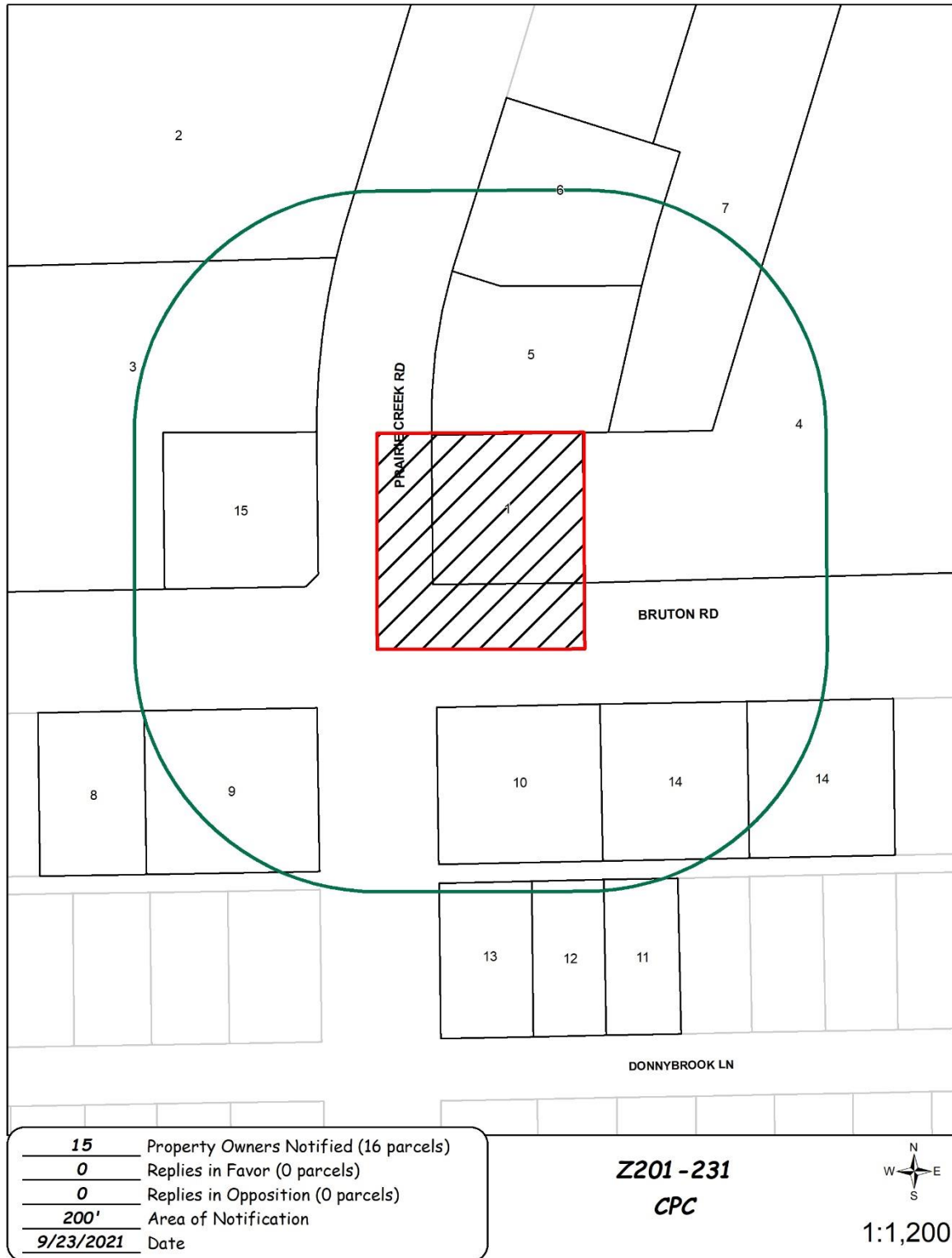








CPC RESPONSES



09/22/2021

Reply List of Property Owners***Z201-231******15 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 | 9203 | BRUTON RD | BRUTON STORE INC |
| 2 | 2233 | N PRAIRIE CREEK RD | PRAIRIE 2233 INVESTMENT LLC |
| 3 | 9179 | BRUTON RD | BRUTON ENTERPRISES LLC |
| 4 | 9215 | BRUTON RD | VOLUNTEERS OF AMERICA |
| 5 | 2112 | N PRAIRIE CREEK RD | ARCE JAVIER & |
| 6 | 2122 | N PRAIRIE CREEK RD | HENDERSON SHERANDA |
| 7 | 2150 | N PRAIRIE CREEK RD | Taxpayer at |
| 8 | 9180 | BRUTON RD | MONA & NADA CORPORATION |
| 9 | 9190 | BRUTON RD | MONA AND NADA CORPORATION |
| 10 | 9206 | BRUTON RD | KZK BUSINESS ENTERPRISE INC |
| 11 | 9215 | DONNYBROOK LN | ALBARRAN JORGE & |
| 12 | 9209 | DONNYBROOK LN | VILLALBA LIVIS M |
| 13 | 9205 | DONNYBROOK LN | BARRIENTOS JUAN GABRIEL M |
| 14 | 9222 | BRUTON RD | DELMAR PARTNERS LP |
| 15 | 9199 | BRUTON RD | BRUTTON STORE INC |