

FILE NUMBER: Z190-356(JK)

DATE FILED: September 18, 2020

LOCATION: Northeast side of East Ledbetter Drive, east of South R. L. Thornton Freeway

COUNCIL DISTRICT: 4

MAPSCO: 64 M

SIZE OF REQUEST: Approximately 1.92 Acres

CENSUS TRACT: 59.02

REPRESENTATIVE: Malik Law Firm

APPLICANT/OWNER: Legacy Food LLC.

REQUEST: An application for the renewal of Specific Use Permit No. 2316 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 RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to continue the sale of alcohol for off premise consumption in the existing general merchandise or food store use (Chevron).

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 request site is currently developed with a general merchandise or food store 3,500 square feet or less and motor vehicle fueling station
- A previous SUP (No. 1895) was approved on the subject site in 2011. The SUP was renewed in 2014 and expired in September 2017 as the applicant did not renew the SUP.
- On February 13, 2019, City Council approved Specific Use Permit No. 2316 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, subject to a site plan and conditions.
- According to Building Inspection's records, the last Certificate of Occupancy for the area of request was issued on November 2019 for a General Merchandise or Food Store 3,500 square feet or less with fueling station use.

Zoning History

There has been one zoning change request in the surrounding area in the past (5) five years.

1. **Z189-154:** On September 25, 2019 City Council denied a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service.

Thoroughfares/Streets

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
E. Ledbetter Road	Principal Aerial	Variable	107"

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.

Comprehensive Plan

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request does not support or obstruct the Plan’s goals or policies.

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.

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking.

STAFF ANALYSIS

Surrounding Land Uses

	Zoning	Land Use
Site	RR-D-1 Regional with D-1 Liquor Control Overlay	General Merchandise or Food Store/Fueling Station
North	RR-D Regional with D Liquor Control Overlay	Undeveloped
East	RR-D-1 Regional Retail with D-1 Liquor Control Overlay, RR-D Regional Retail with D Liquor Control Overlay	Auto Service Center, Personal Service, General Merchandise, Restaurant
South	RR-D Regional Retail with D Liquor Control Overlay	Commercial Amusement (Inside)
West	RR-D Regional Retail with D Liquor Control Overlay	General Merchandise, Hotel

Land Use Compatibility

The site is zoned an RR Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a one-story, approximately 3,298-square-foot building used as a general merchandise or food store and a fueling station.

The D-1 Liquor Control Overlay District, however, 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 premise. The applicant proposes to continue including alcoholic beverages in the items to be sold at the existing store.

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 system
- drop safes
- security signs
- height markers
- store visibility
- safety training programs and
- trespass affidavit

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 has provided updated certificate of registration that will expire September 16, 2021.

In general, the applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the

surrounding properties. Staff recommends approval for a two-year period, with eligibility for automatic renewals for additional five year-periods, subject to plan conditions.

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 east, and an "F" MVA Cluster to the southeast, across East Ledbetter Drive.

Parking

Off-street parking and loading requirements must comply with the Dallas Development Code as amended. A total of 19 off-street parking spaces are required for the general merchandise or food store with fueling station derived from calculating 17 spaces required for the convenience store at a ratio of 1 space for every 200 square feet of floor area ($3,298/200 = 16.49 \sim 17$), and two additional spaces required for the fueling station use. The existing site plan depicts 19 parking spaces, which are provided on site.

Landscaping

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

Dallas Police Department

Staff requested a report of site related crime statistics for the time period from the last Specific Use Permit No. 2316 to date. The list of reported crime obtained incidents, calls arrest from to date and is provided below.

INCIDENTS

Off/Incident	Premise	Address	MO	NIBRS_Crime
FORGERY GOVT/NATIONAL INST/MONEY/SECURITY	Convenience Store	303 E LEDBETTER DR	SUSP GAVE A FAKE \$20 TO BUY A PRODUCT	COUNTERFEITING / FORGERY
ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	Highway, Street, Alley ETC	303 E LEDBETTER DR	FV OFFENSIVE CONTACT	SIMPLE ASSAULT
THEFT OF PROP > OR EQUAL \$2,500 <\$30K (NOT SHOPLIFT) PC31.03(e4A)	Outdoor Area Public/Private	303 E LEDBETTER DR	UNKNOWN SUSPECT TOOK THE PROPERTY FROM THE LOCATION.	ALL OTHER LARCENY
THEFT OF PROP > OR EQUAL \$30K <\$150K (NOT SHOPLIFT) PC31.03(e5)	Outdoor Area Public/Private	303 E LEDBETTER DR	TAKING VEHICLE WITHOUT COSENT	ALL OTHER LARCENY
THEFT OF PROP > OR EQUAL \$100 <\$750 (SHOPLIFT-NOT EMP) PC31.03(e2A)	Gas or Service Station	303 E LEDBETTER DR	SUSPECT STOLE COMPS PROPERTY	SHOPLIFTING
THEFT OF PROP > OR EQUAL \$100 <\$750 (EMPLOYEE) PC31.03(e2A)	Convenience Store	303 E LEDBETTER DR	SUSP TOOK \$500 FROM COMP BUSINESS	EMBEZZELMENT
DEADLY CONDUCT	Highway, Street, Alley ETC	303 E LEDBETTER DR	UNK SUSP DISPLAYED A PISTOL ALARMING THE COMP	AGG ASSAULT - NFV
CREDIT CARD OR DEBIT CARD ABUSE	Gas or Service Station	303 E LEDBETTER DR	UNK SUSP USED COMP'S BANK CARD W/O CONSENT	CREDIT CARD/ ATM FRAUD
ROBBERY OF BUSINESS (AGS)	Convenience Store	303 E LEDBETTER DR	SUSP PULLED KNIFE JUMPED COUNTER ATTEMPTED TO CASH FROM REGISTER	ROBBERY-BUSINESS
ROBBERY OF INDIVIDUAL	Field/Woods	303 E LEDBETTER DR	UNK SUS ASSAULTED COMP TOOK PROPERTY	ROBBERY-INDIVIDUAL
ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	Apartment Residence	3035 E LEDBETTER DR	SUSP TUSSELED WITH COMP CAUSING HER TO BE OFFENDED.NFI	SIMPLE ASSAULT
ROBBERY OF BUSINESS	Gas or Service Station	303 E LEDBETTER DR	SUSP TOOK COMP'S PROPERTY W/O CONSENT & HIT R/P IN FACE	ROBBERY-BUSINESS
THEFT OF PROP <\$100 -SHOPLIFTING - (NOT BY EMPLOYEE)	Gas or Service Station	303 E LEDBETTER DR	UNK SUSP TOOK CIGARETTES WITHOUT PAYING	SHOPLIFTING
BURGLARY OF BUILDING - FORCED ENTRY	Convenience Store	303 E LEDBETTER DR	UNK SUSPS MADE FORCE ENTRY & ATTEMPTED TO STEAL ATM FROM BUSINESS	BURGLARY-BUSINESS
CRIM MISCHIEF >OR EQUAL \$750 < \$2,500	Retail Store	303 E LEDBETTER DR	ARRESTED PERSON DAMAGE WINDOW INSIDE GAS STATION	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY

ARRESTS

19-035986	4:11	303 E LEDBETTER DR	75216	PUBLIC INTOXICATION	PUBLIC INTOXICATION
20-027630	19:27	303 E LEDBETTER DR	75216	PUBLIC INTOXICATION	PUBLIC INTOXICATION
20-027630	19:27	303 E LEDBETTER DR	75216	DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY	CRIM MISCHIEF >OR EQUAL \$750 < \$2,500
20-031493	12:30	303 E LEDBETTER DR	75216	TRESPASS OF REAL PROPERTY	CRIMINAL TRESPASS

CALLS

Problem	Location_Name	Address
20 - Robbery	RACEWAY (ledbetter & s rtl)	303 E LEDBETTER DR
20 - Robbery	RACEWAY (ledbetter & s rtl)	303 E LEDBETTER DR
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
6X - Major Dist (Violence)	CHEVRON	303 E Ledbetter Dr
40 - Other	CHEVRON GAS STATION	303 E Ledbetter Dr
09 - Theft	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
40 - Other	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	CHEVRON (ledbetter & s rtl)	303 E Ledbetter Dr
6X - Major Dist (Violence)	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	YOSEF TIRE SHOP	303 E LEDBETTER DR
40 - Other	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
6X - Major Dist (Violence)	CHEVRON	303 E Ledbetter Dr
07 - Minor Accident	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
20 - Robbery	RACEWAY (ledbetter & s rtl)	303 E LEDBETTER DR
20 - Robbery	RACEWAY (ledbetter & s rtl)	303 E LEDBETTER DR
6X - Major Dist (Violence)	CHEVRON	303 E Ledbetter Dr
34 - Suicide	RANCHO VILLENCIA	3035 E Ledbetter Dr
6X - Major Dist (Violence)	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
40/01 - Other	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
7X - Major Accident	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
40 - Other	chevron	303 E Ledbetter Dr
09 - Theft	CONSTRUCTION SITE	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
6X - Major Dist (Violence)	chevron	303 E Ledbetter Dr
6X - Major Dist (Violence)	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rtl)	303 E Ledbetter Dr
40 - Other		303 E Ledbetter Dr
39 - Speeding/Racing	CHEVRON (ledbetter & s rtl)	303 E Ledbetter Dr

39 - Speeding/Racing	CHEVRON (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
07 - Minor Accident	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)		303 E LEDBETTER DR
7X - Major Accident	CHEVRON	303 E LEDBETTER DR
7X - Major Accident	CHEVRON	303 E LEDBETTER DR
40/01 - Other	CHEVRON	303 E Ledbetter Dr
7XF - Major Accident Freeway	RACEWAY (ledbetter & s rlt)	303 E LEDBETTER DR
7XF - Major Accident Freeway	RACEWAY (ledbetter & s rlt)	303 E LEDBETTER DR
46 - CIT	chevron	303 E Ledbetter Dr
7X - Major Accident	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
41/11B - Burg Busn in Progress	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
40 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
07 - Minor Accident	CHEVRON	303 E Ledbetter Dr
11B/01 - Burg of Bus	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
24 - Abandoned Property	CHEVRON	303 E LEDBETTER DR
6G - Random Gun Fire	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
04 - 911 Hang Up	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6XA - Major Dist Ambulance	CHEVRON (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
41/11V - BMV-In Progress	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
24 - Abandoned Property	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
40/01 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
6X - Major Dist (Violence)	Cheveron	303 E Ledbetter Dr
6X - Major Dist (Violence)	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
DASV-Dist Active Shooter Veh	CHEVRON	303 E Ledbetter Dr
09 - Theft	CHEVRON	303 E Ledbetter Dr
32 - Suspicious Person	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
40/01 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
40 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
09/01 - Theft	CHEVRON (ledbetter & s rlt)	303 E Ledbetter Dr
40 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
40 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
40 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr
20 - Robbery	RACEWAY/LEGACY FOOD	303 E Ledbetter Dr
07 - Minor Accident	CHEVRON	303 E Ledbetter Dr
07 - Minor Accident	CHEVRON	303 E Ledbetter Dr
6X - Major Dist (Violence)	LEGACY FOOD STORE	303 E Ledbetter Dr
40 - Other	RACEWAY (ledbetter & s rlt)	303 E Ledbetter Dr

Z190-356(JK)

List of Officers

Legacy Food LLC

Owner

Tegbahadur S. Gill

Manager

Ramandeep Gill

Manager

CPC ACTION

JANUARY 7, 2021

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2316 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 an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northeast side of East Ledbetter Drive, east of South R. L. Thornton Freeway.

Maker: Johnson
Second: Rubin
Result: Carried: 13 to 0

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

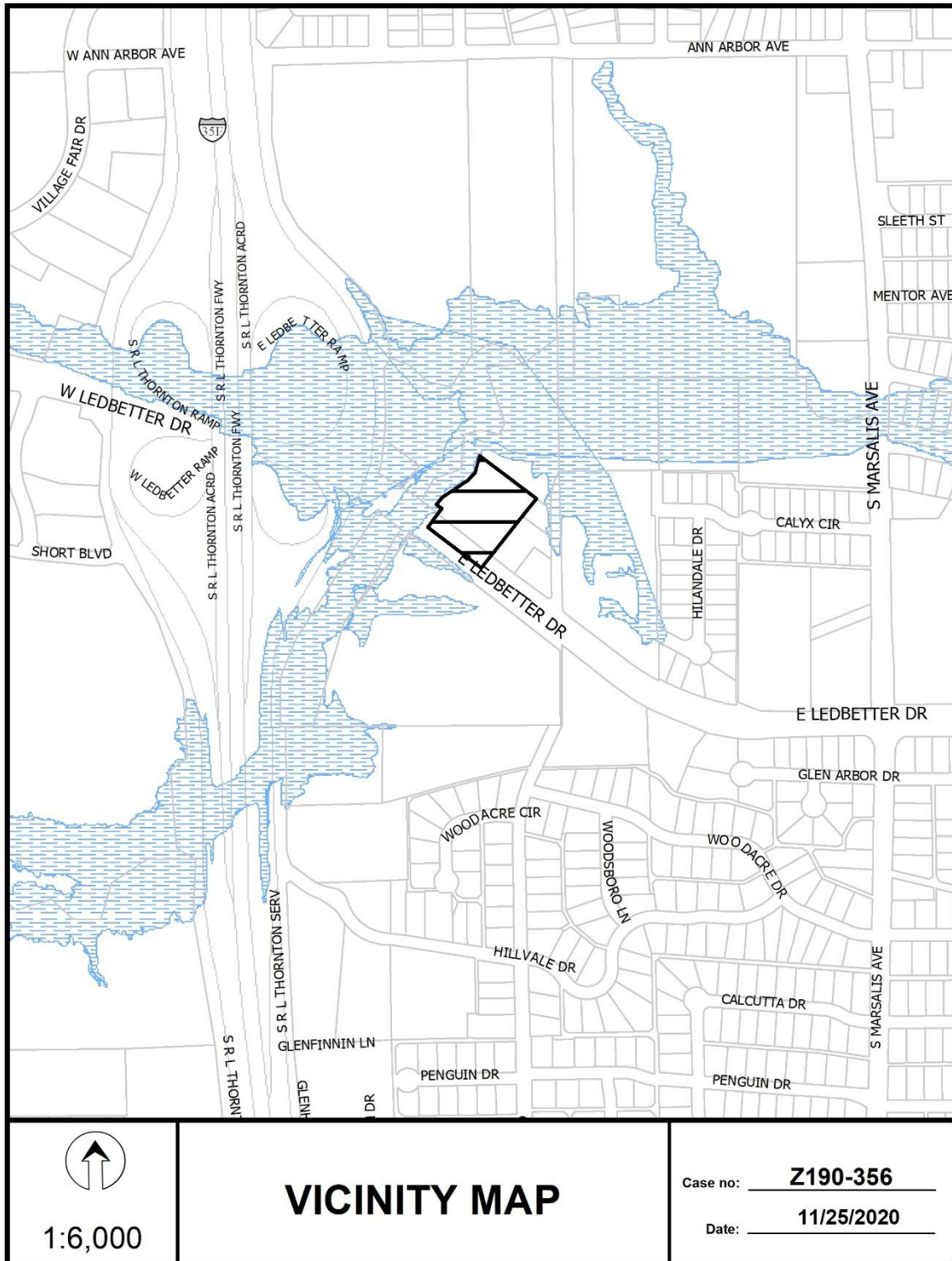
Against: 0
Absent: 2 - Jackson, Myers
Vacancy: 0

Notices: Area: 300 Mailed: 9
Replies: For: 0 Against: 0

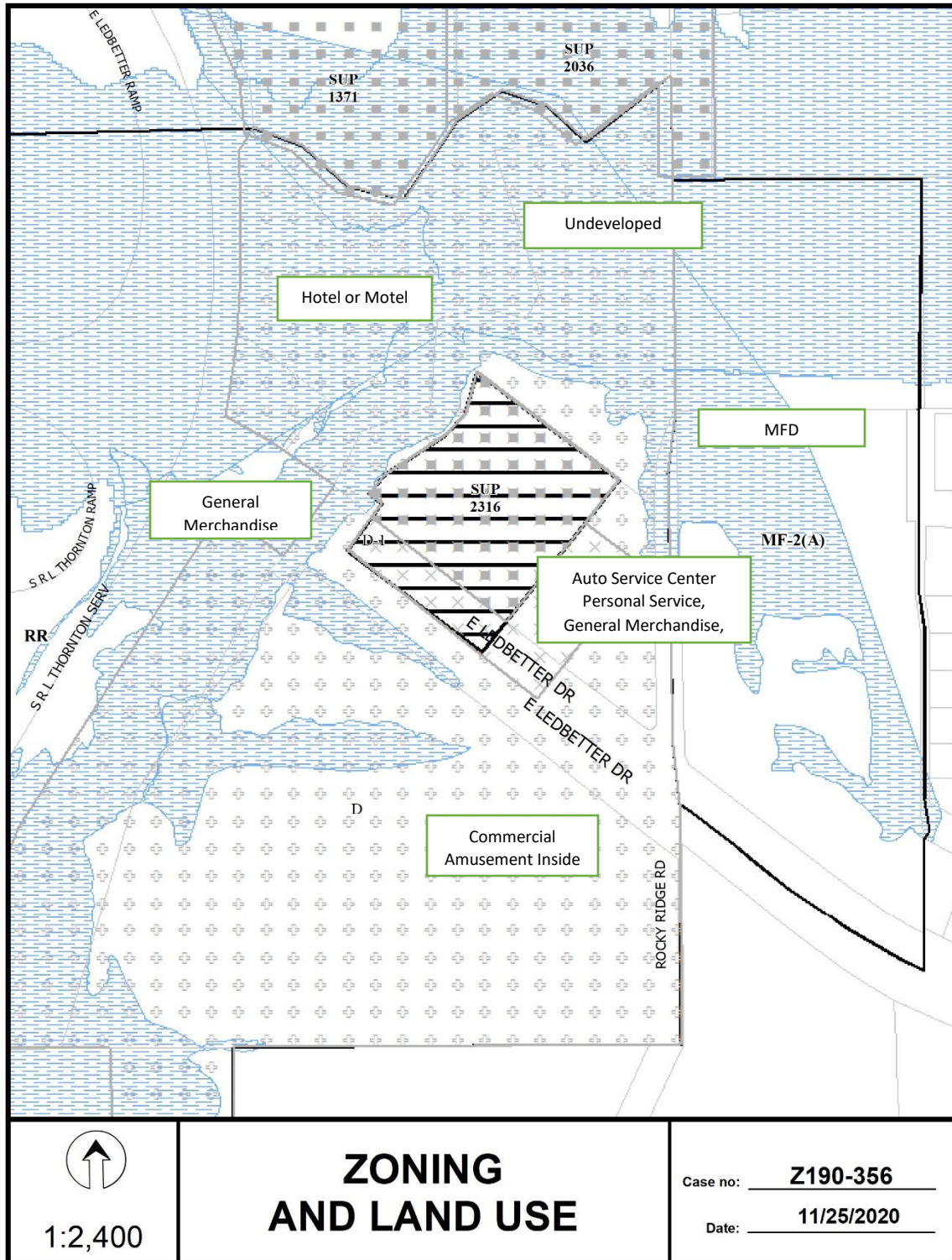
Speakers: For: None
For (Did not speak): Parvez Malik, 320 Decker Dr., Las Colinas, TX, 75062
Against: None

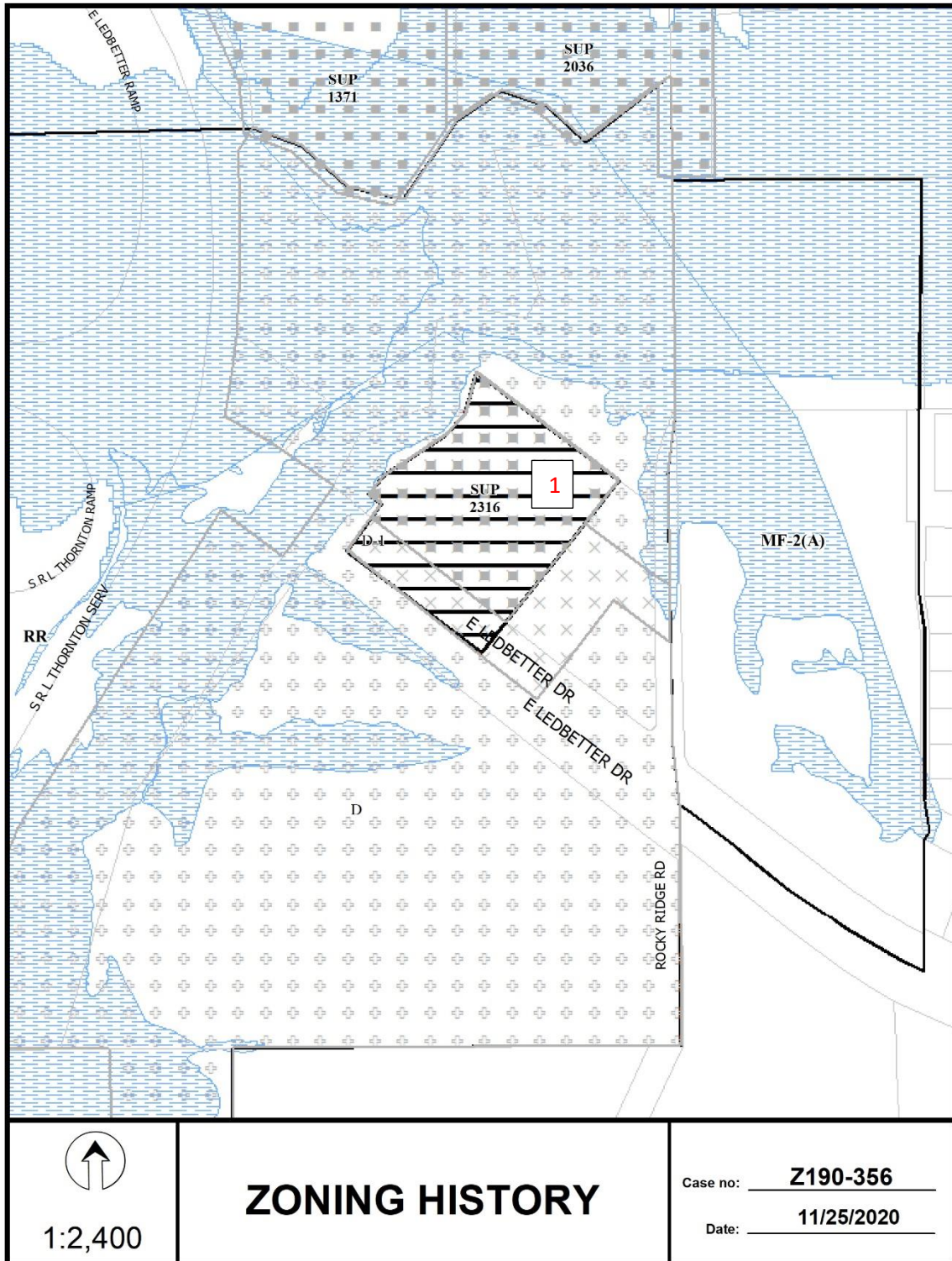
CPC RECOMMENDED SUP CONDITIONS

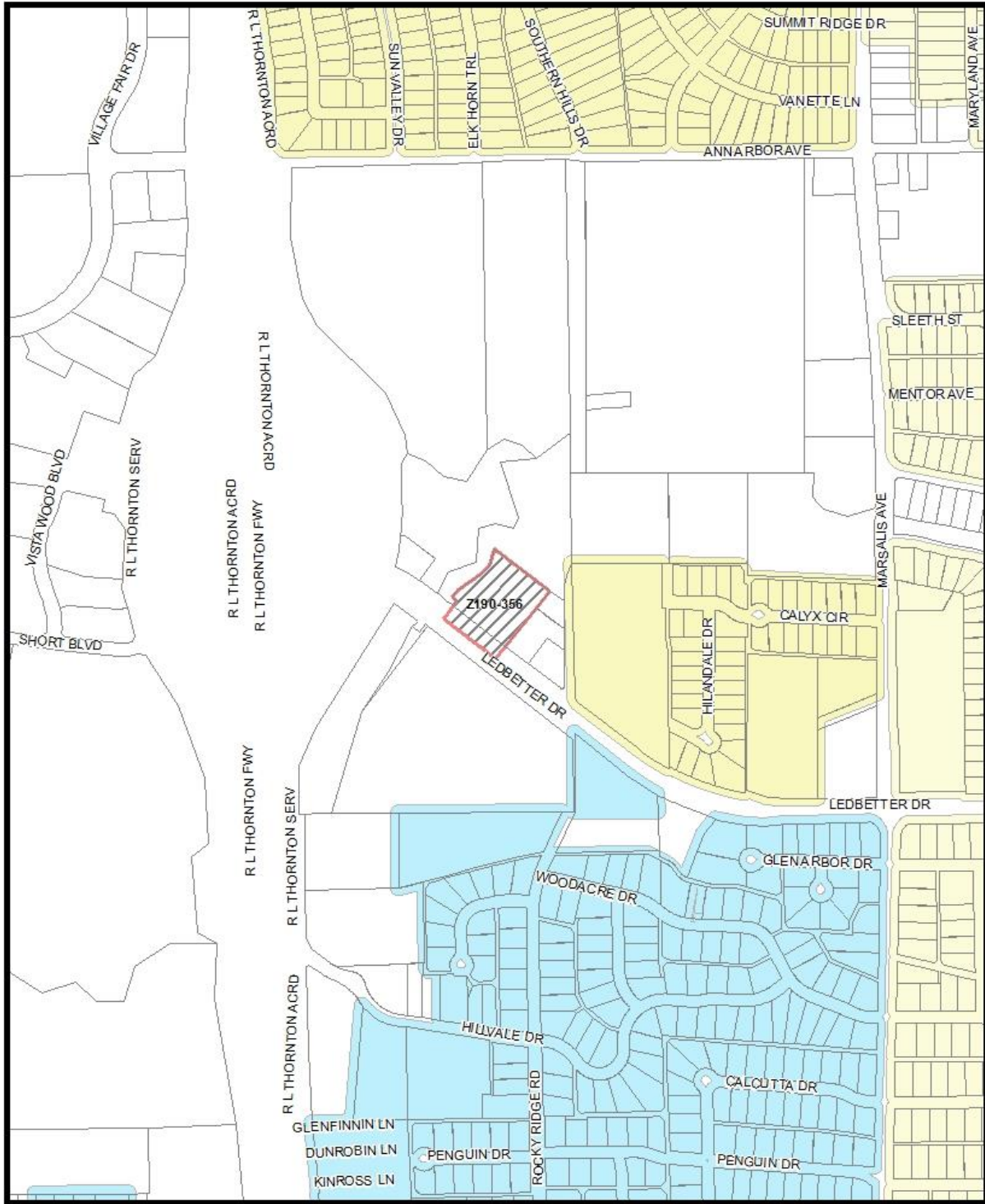
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~February 13, 2019~~ (two-year period 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.











Market Value Analysis



1:6,000

Market Value Analysis

Printed Date: 11/25/2020

CPC RESPONSES



<u>9</u>	Property Owners Notified (12 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>1/7/2021</u>	Date

Z190-356
CPC



1:2,400

01/06/2021

Reply List of Property Owners

Z190-356

9 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	303 E LEDBETTER DR	RF & SONS PROPERTIES LLC
	2	221 E LEDBETTER DR	DALLAS ALISHAH
	3	4610 S R L THORNTON FWY	OAK CLIFF HOSPITALITY LP
	4	337 E LEDBETTER DR	TUGBOAT PROPERTIES INC
	5	423 E LEDBETTER DR	SILO YOUSIF H &
	6	337 E LEDBETTER DR	RACETRAC PETROLEUM INC
	7	300 E LEDBETTER DR	BRIZZA INC
	8	200 E LEDBETTER DR	TLC PPTIES INC
	9	423 E LEDBETTER DR	FIVE MILE