

**FILE NUMBER:** Z234-346(CR) **DATE FILED:** September 17, 2024

**LOCATION:** North corner of Ramona Avenue and East Overton Road.

**COUNCIL DISTRICT:** 4

**SIZE OF REQUEST:** Approx. 4,200 sf **CENSUS TRACT:** 48113005700

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**OWNER:** Wawa Market

**APPLICANT:** Jay Y. Lee

**REQUEST:** An application for an amendment to Specific Use Permit No. 2107 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail 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 store greater than 3,500 square feet.

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

**BACKGROUND INFORMATION:**

- The area of the request is zoned CR Community Retail District
- SUP was created on October 8, 2014.
- On October 8, 2014, City Council granted the original SUP No. 2107 for a period of 5 years with eligibility for automatic renewals for additional five year periods. The SUP was then auto renewed in 2019 for a period of 5 years. The applicant missed their window for auto-renewal in 2024, but not the window for typical renewal.
- The applicant's request is for a permanent SUP.
- The lot has frontage on Ramona Avenue and East Overton Drive.
- No changes are proposed to the site plan or conditions aside from the time period.

**Zoning History:**

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

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing/Proposed ROW
East Overton Road	Community Collector	60'
Pleasant Drive	Local Street	-

**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	CR	General Merchandise
North	R-7.5(A)	Single Family

<b>East</b>	R-7.5(A)	Single Family
<b>South</b>	CR	Retail and Church
<b>West</b>	CR & R-7.5(A)	Auto Repair & Single Family

### **Comprehensive Plan**

## **URBAN DESIGN ELEMENT**

### **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 Compatibility:**

The applicant's property, on which a ±4,032-square foot building is constructed, is ±24,682 square feet in size. A D-1 Liquor Control Overlay covers ±5,016.83 square feet of the property and a portion of the existing building. The ±5,016.83 square-foot portion of the property with the D-1 Liquor Control Overlay is considered the request site.

The general merchandise or food store use is permitted by right on the entire property; the sale of alcoholic beverages is allowed on the portion of the property covered by the D-1 Liquor Control Overlay by SUP. The applicant proposes to sell beer and wine for off-premise consumption in conjunction with the existing convenience store and, therefore, requests an SUP for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on the request site.

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 request site is generally surrounded by single family residential to the north and east; retail (a general merchandise or food store which can sell alcoholic beverages by right) and a convenience and auto-related use to the south and an auto-related use the west.

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. As the surrounding is heavily developed with single family and a retail use is complimentary to the existing fabric of the area.

### **Landscaping:**

No new development is proposed. Therefore, no additional landscaping is required.

### **Parking:**

Per Dallas City Code, the off street parking requirement for a general merchandise store square feet is one (1) space per 200 square feet. The site requires 20 parking spaces.

### **Crime Statistics**

The Dallas Police Department provided crime statistics from January 2017 to the present. The information is provided in the subsequent charts. There were a total of 135 calls, 27, incidents, and 20 arrests over the time period.

### **Arrests**

<b>Offenses (Summary)</b>	<b>Count of Incidents</b>
ASSAULT -BODILY INJURY ONLY	1
ASSAULT -PUB SERV (PEACE OFFICER/JUDGE)	1
CRIMINAL TRESPASS	1
MAN DEL CONT SUB PEN GRP 1 > OR EQUAL 1G<4G	2
POSS CONT SUB PEN GRP 1 > OR EQUAL 1G<4G	1
POSS CONT SUB PEN GRP 1/1-B <1G	1
POSS MARIJUANA <2OZ	3
PUBLIC INTOXICATION	1
WARRANT-DALLAS PD (CAPIAS)	2
RESIST ARREST SEARCH OR TRANSPORT	1
WARRANT DALLAS PD (ALIAS/CAPIAS)	2
WARRANT HOLD (NOT A DPD WARRANT)	1

WARRANT HOLD (OUTSIDE AGENCY)	1
WARRANT-DALLAS PD (ALIAS)	1
<b>Total</b>	<b>20</b>

Calls

<b>Calls (Summary)</b>	<b>Count of Incidents</b>
1 – Emergency	3
2 – Urgent	76
3 - General Service	50
4 - Non Critical	6
<b>Total</b>	<b>135</b>

Incidents

<b>Incidents (Summary)</b>	<b>Count of Incidents</b>
ASSAULT -BODILY INJURY ONLY	4
ASSAULT -FAM VIOL OFFENSIVE CONTACT PC 22.01(A)(3)	2
ASSAULT -OFFENSIVE CONTACT	1
ASSAULT -PUB SERV (PEACE OFFICER/JUDGE)	1
CRIMINAL TRESPASS	1
DEADLY CONDUCT	1
DELIVERY MARIJUANA >1/4 OZ< OR EQUAL 5LBS	1
INJURY CHILD/ELDERLY/DISABLED-INTENT- BODILY INJURY	1
MAN DEL CONT SUB PEN GRP 1	2
POSS CONT SUB PEN GRP 1	3
POSS CONT SUB PEN GRP 3	2
POSS MARIJUANA	4
PUBLIC INTOXICATION	1
THEFT OF PROP > OR EQUAL \$100 <\$750 (SHOPLIFT-NOT EMP) PC31.03(e2A)	1
UNAUTHORIZED USE OF MOTOR VEH	2
<b>Total</b>	<b>27</b>

**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 and the areas to the north and west are currently in an “F” MVA area. The areas to the south and east are in an “H” MVA district.

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**List of Officers**

WaWa Market Inc  
Jae Yul Lee, President

### PROPOSED CONDITIONS

1. USE: The only use authorized by this specific use permit is 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. This specific use permit does not expire.

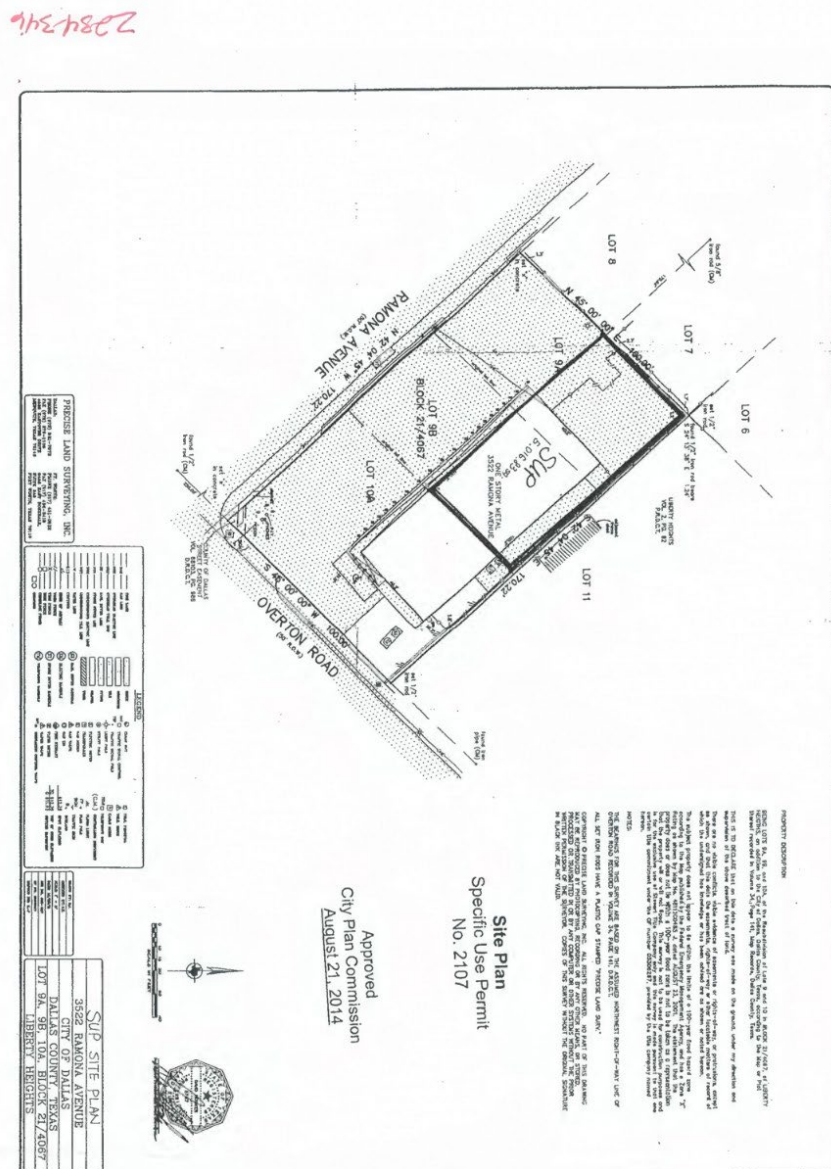
**Staff Recommendation:**

TIME LIMIT: This specific use permit expires on (FIVE 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 180<sup>th</sup> but before the 120<sup>th</sup> 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)

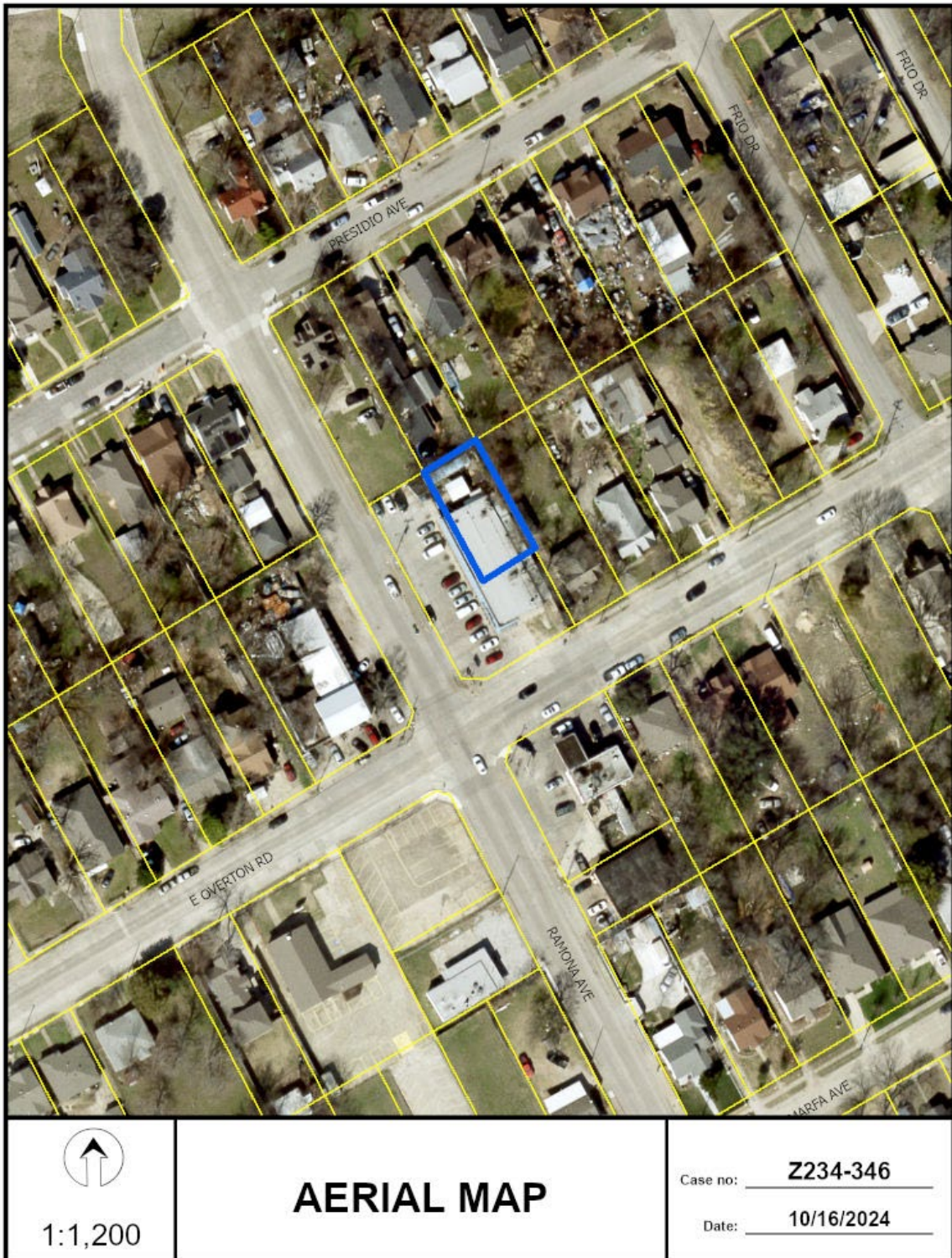


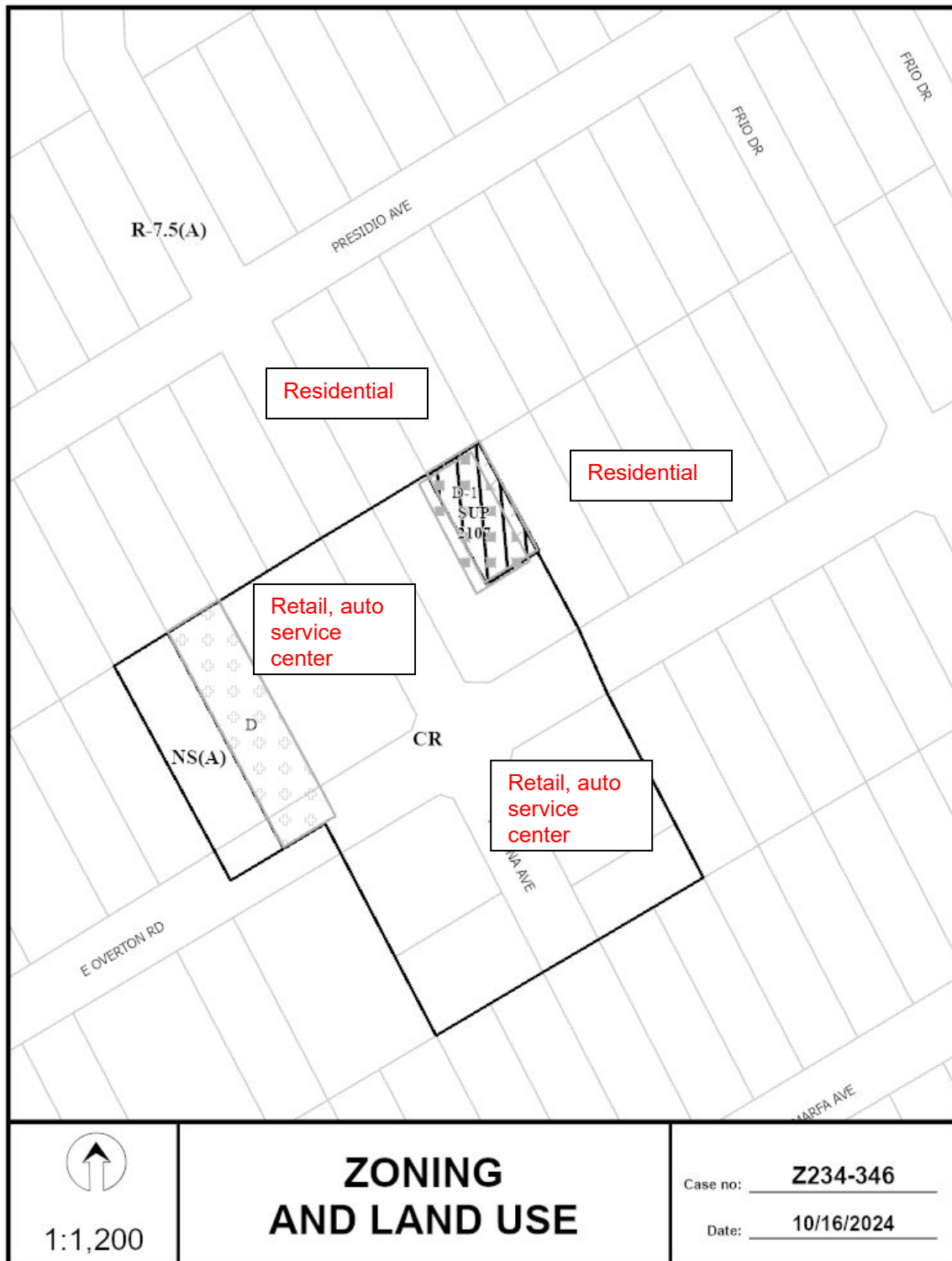
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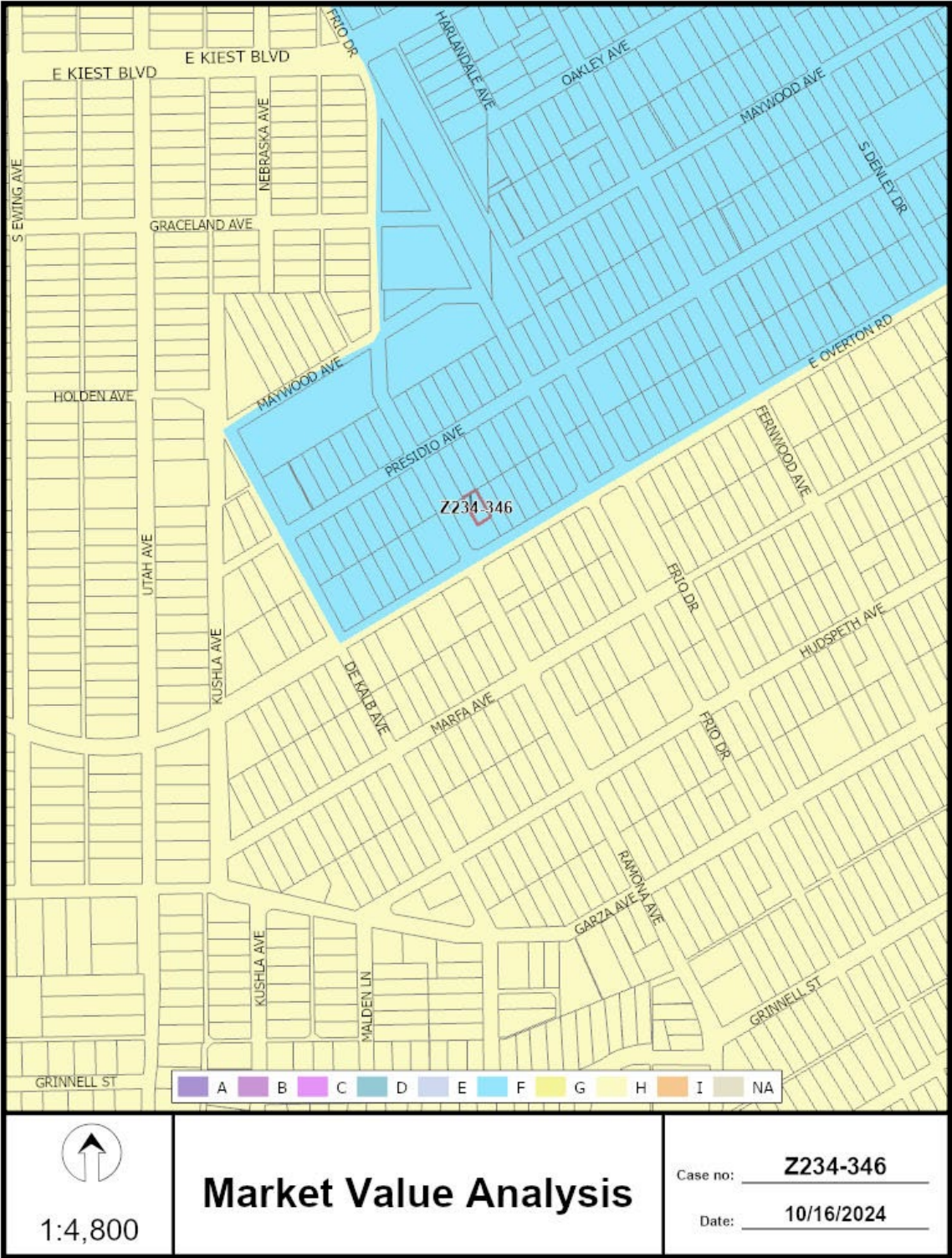














## ***Notification List of Property Owners***

***Z234-346***

### ***24 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3522 RAMONA AVE	WAWA MARKET INC
2	1422 PRESIDIO AVE	CUELLAR ISAREL
3	1418 PRESIDIO AVE	FRIAS JOSE G & MARTINEZ ABIGAIL
4	1414 PRESIDIO AVE	ERSKINE RUBY A
5	1410 PRESIDIO AVE	GARCIA DORA A
6	1406 PRESIDIO AVE	CASTILLO RUBEN & SANJUANITA
7	1402 PRESIDIO AVE	BELMAREZ CRESCENCIANO
8	1411 E OVERTON RD	JB III INVESTMENTS
9	1415 E OVERTON RD	FOLEY IDA L &
10	1419 E OVERTON RD	SCOTT ERIC D
11	1423 E OVERTON RD	MASA DESIGN BUILD LLC
12	1427 E OVERTON RD	GONZALEZ MARIA CARMELA C
13	1334 PRESIDIO AVE	CROOK DONALD W
14	1330 PRESIDIO AVE	AGUIRRE GUSTAVO & CARLA
15	1326 PRESIDIO AVE	JOHNSON JAMES & RANAE
16	1327 E OVERTON RD	KLEBURG VILLA PARTNERS LLC
17	1331 E OVERTON RD	KENNEDY JIMMY A
18	1330 E OVERTON RD	LAMB OF GOD MISSIONARY BAPTIST CHURCH
19	1422 E OVERTON RD	CAMPBELL EDWARD EARL JR
20	1418 E OVERTON RD	PIPKINS RANDOLPH
21	1414 E OVERTON RD	RESENDEZ JOSE
22	1410 E OVERTON RD	LEE CHARLENE THOMAS &
23	1406 E OVERTON RD	Taxpayer at
24	1428 PRESIDIO AVE	IBARRA J JESUS &