

FILE NUMBER: Z234-346(CC) **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

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 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.

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 renewals for additional five-year periods, subject to a site plan and 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, the City Council granted the original SUP No. 2107 for a period of five years with eligibility for automatic renewals for additional five-year periods. The SUP was then auto-renewed in 2019 for five years (October 8, 2025).
- 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.
- Due to a notification error, this item was remanded by the City Council on March 25, 2025, to rectify the advertisement and returned to the City Plan Commission on April 10, 2025.

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 Planning and Development Department, in coordination with the Transportation and Public Works Department, reviewed the request and determined that it will not significantly impact the surrounding roadway system pending commensurate improvements. The project will be responsible to mitigate development impact as determined through the engineering review process.

STAFF ANALYSIS:

The forwardDallas! Comprehensive Plan (1.0) was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request, since the application was filed prior to September 26, 2024.

The request complies with the following land use goals and policies of the Comprehensive Plan:

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:

| | Zoning | Land Use |
|--------------|---------------|-----------------------------|
| Site | CR | General Merchandise |
| North | R-7.5(A) | Single Family |
| East | R-7.5(A) | Single Family |
| South | CR | Retail and Church |
| West | CR & R-7.5(A) | Auto Repair & Single Family |

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 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 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 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. 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

| Offenses (Summary) | Count of Incidents |
|---|--------------------|
| 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 |
| Total | 20 |

Calls

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

Incidents

| Incidents (Summary) | Count of Incidents |
|--|--------------------|
| 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 |
| Total | 27 |

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.

CPC ACTON

APRIL 10, 2025 – DRAFT CITY PLAN COMMISSION MINUTES

Motion: It was moved to recommend **approval** of 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 for a five-year period, subject to a site plan and conditions, on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay, on the north corner of Ramona Avenue and East Overton Road.

Maker: Forsyth
Second: Carpenter
Result: Carried: 13 to 0

For: 13 - Chernock, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Franklin,
Sleeper, Housewright, Nightengale, Haqq,
Hall, Rubin

Against: 0
Absent: 2 - Hampton, Kingston
Vacancy: 0

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 200 | Mailed: 24 |
| Replies: | For: 4 | Against: 0 |

Speakers: For: Jay Y. Lee, 3522 Ramona Ave., Dallas, TX, 75216
Against: None

Z234-346(CC)

List of Officers

WaWa Market Inc
Jae Yul Lee, President

PROPOSED SUP No. 2107 AMENDED 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.

CPC Recommendation::

1. TIME LIMIT: This specific use permit expires on (five-years from the passage of this ordinance). [~~October 8, 2019, but is eligible for automatic renewal for additional five-year periods pursuant to Section 5 1A-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.)~~}]

Staff recommendation:

3. TIME LIMIT: This specific use permit expires (five years from the passage of this ordinance) [~~October 8, 2019~~], but is eligible for automatic renewal for additional five-year periods pursuant to Section 5 1A-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.).

Applicant request:

2. TIME LIMIT: This specific use permit does not expire. [~~expires on October 8, 2019, but is eligible for automatic renewal for additional five-year periods pursuant to Section 5 1A-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~~]

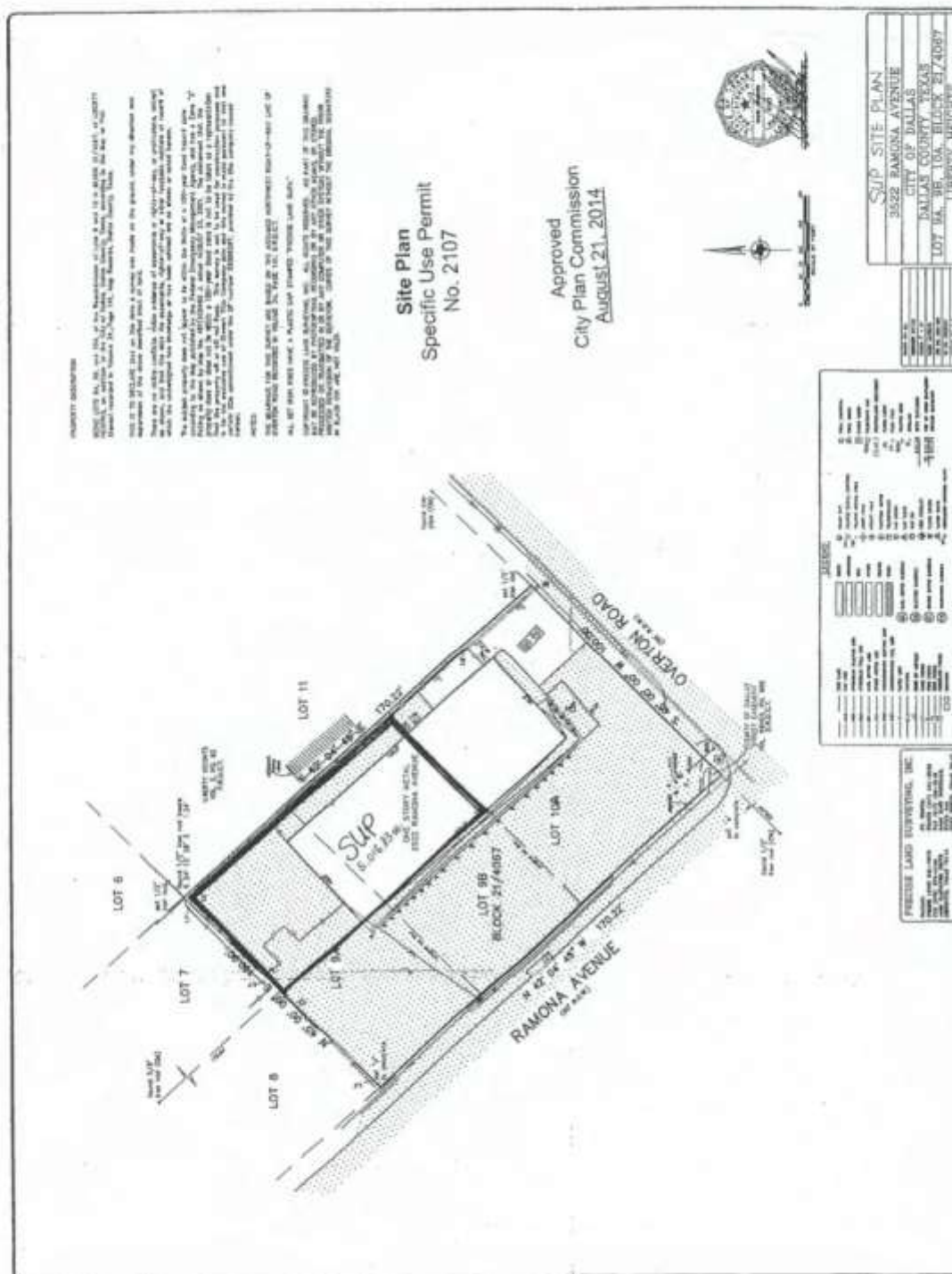
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4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations and with all ordinances, rules, and regulations of the City of Dallas.

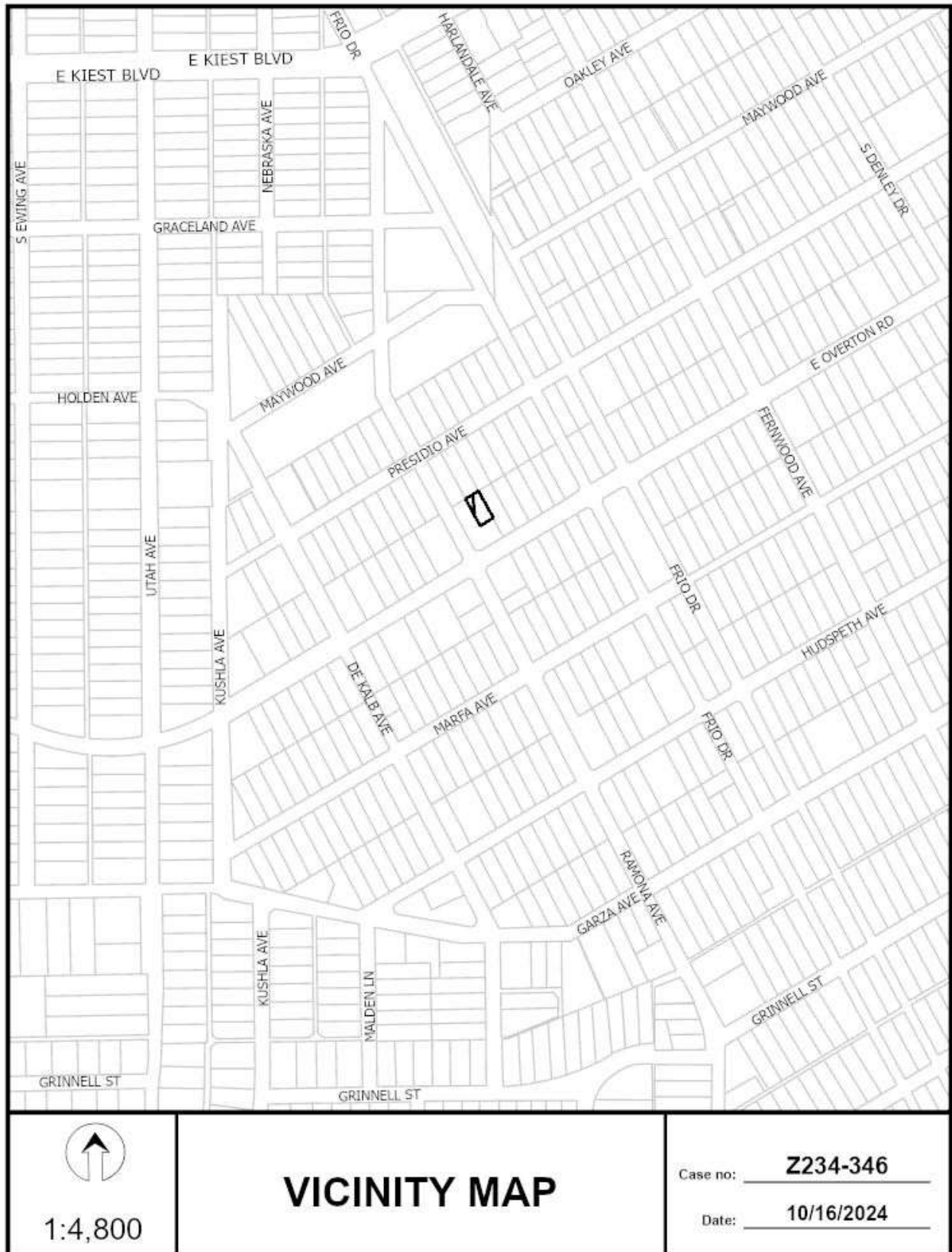
EXISTING SITE PLAN (No changes)

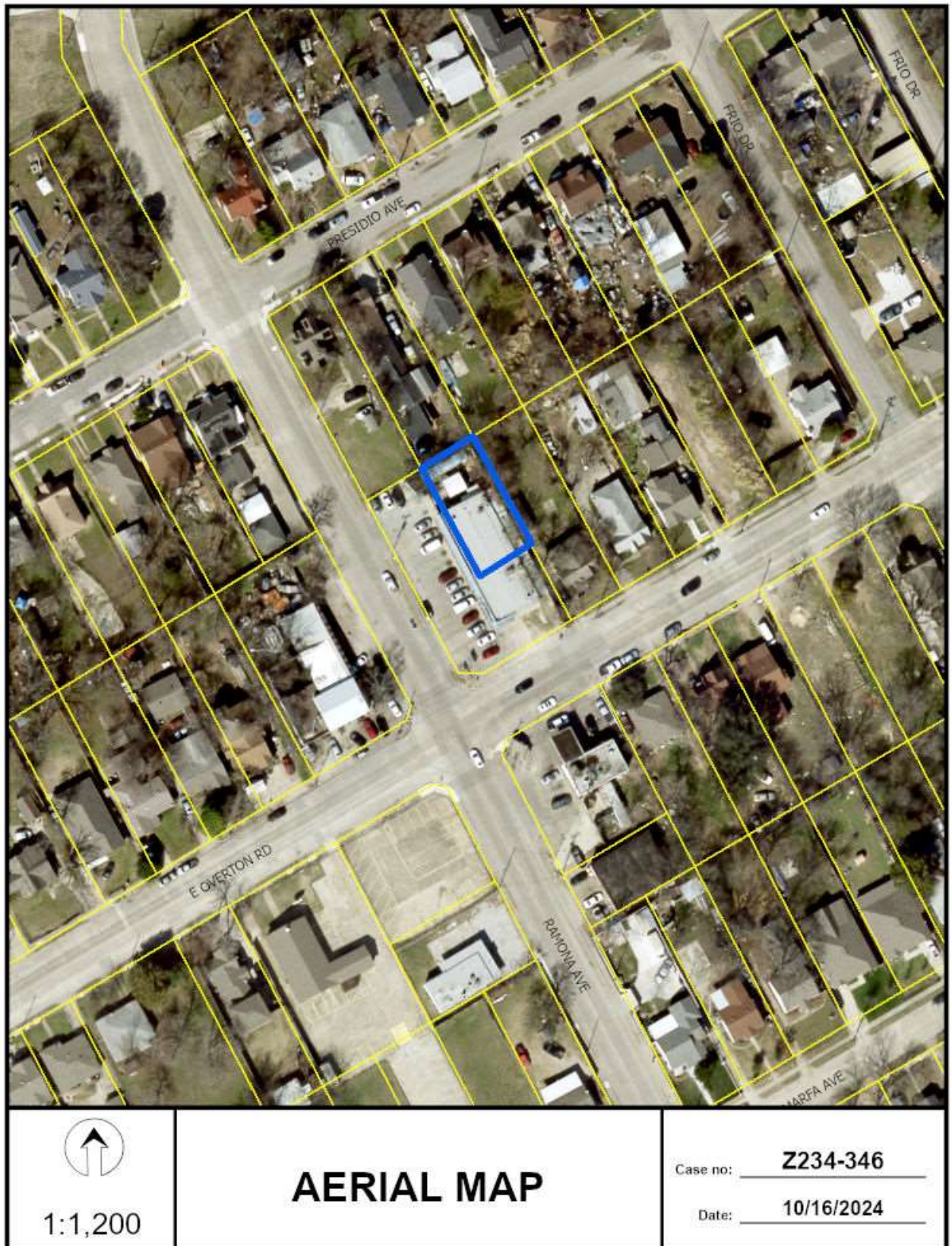
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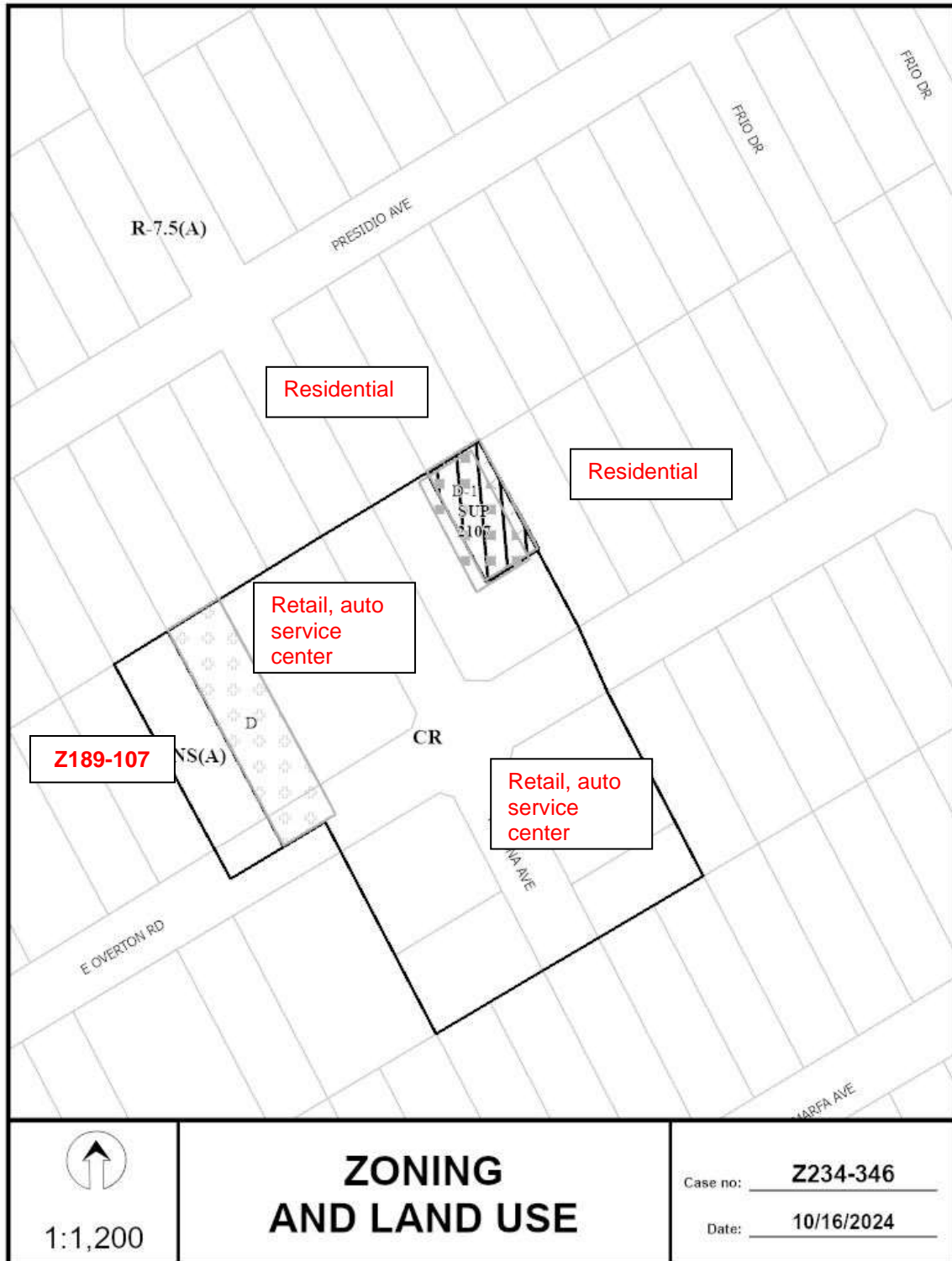
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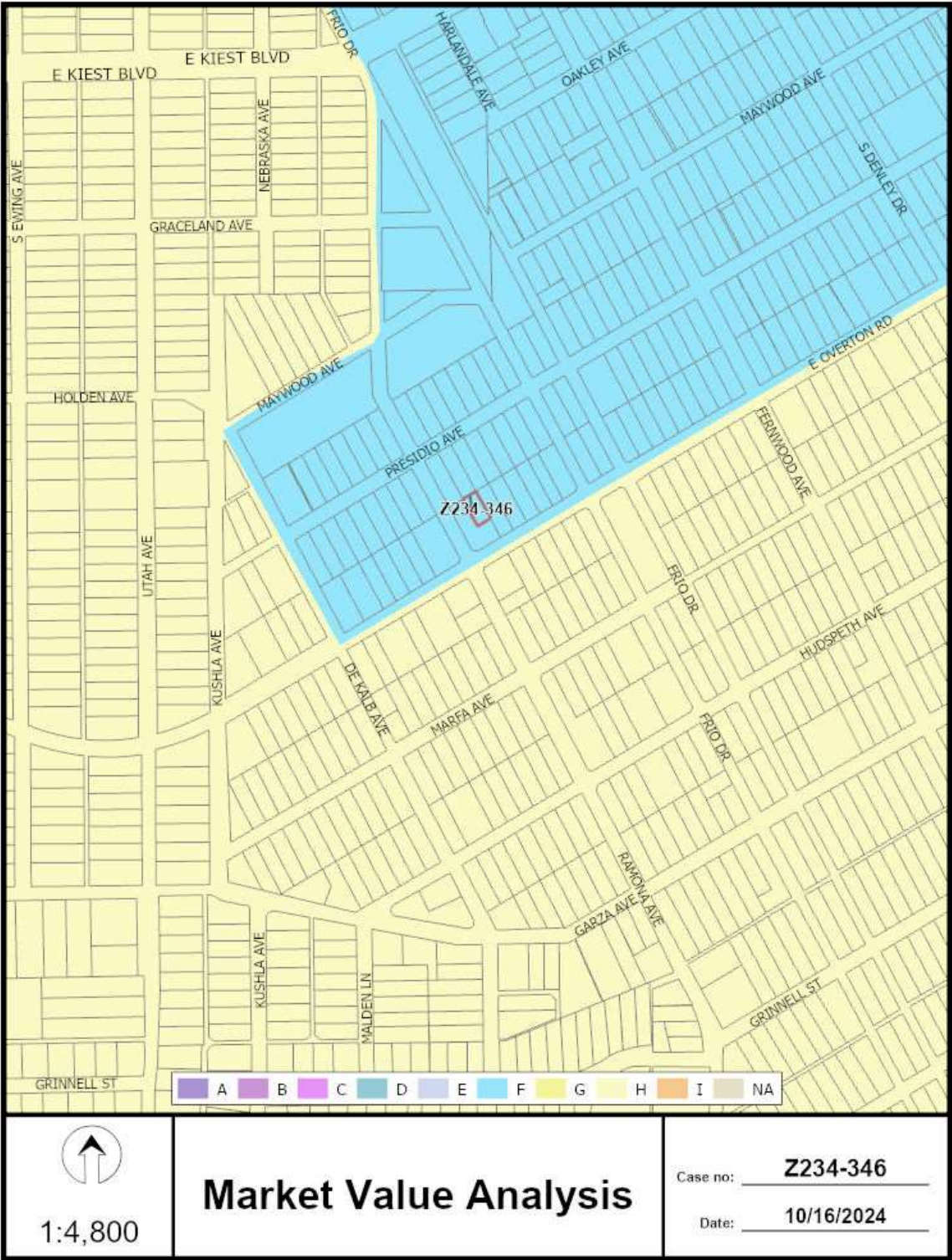


2284-346











04/09/2025

Reply List of Property Owners***Z234-346******24 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|---------------------------------------|
| O | 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 |
| O | 6 | 1406 PRESIDIO AVE | CASTILLO RUBEN & SANJUANITA |
| | 7 | 1402 PRESIDIO AVE | BELMAREZ CRESCENCIANO |
| | 8 | 1411 E OVERTON RD | JB III INVESTMENTS |
| O | 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 |
| O | 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 & |