

**FILE NUMBER:** Z212-283(JM)

**DATE FILED:** June 22, 2022

**LOCATION:** North corner of Kleberg Road and Carleta Street

**COUNCIL DISTRICT:** 8

**SIZE OF REQUEST:** Approx. 0.459 acres

**CENSUS TRACT:** 171.02

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**REPRESENTATIVE:** Elizabeth Alvarez Villaizan

**APPLICANT/OWNER:** SAI KBA LAXMI, Inc.

**REQUEST:** An application for a Specific Use Permit 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 applicant proposes to sell beer and wine in conjunction with an existing general merchandise or food store.

**CPC RECOMMENDATION:** Denial without prejudice.

**STAFF RECOMMENDATION:** Denial.

## **BACKGROUND INFORMATION:**

- The area of request is developed with a 4,060-square-foot general merchandise or food store with fueling station constructed in 1981, according to Dallas Central Appraisal District records.
- On May 13, 2015, Specific Use Permit No. 2146 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet was approved by City Council for a two-year period. The SUP was renewed on October 24, 2018, for three-year period.
- On March 30, 2021, Current Planning sent a letter notifying of the need to renew the SUP before it was expected to expire. However, no renewal application was submitted and the SUP expired on October 24, 2021. This new application was received June 22, 2022.
- At the time of the CPC meeting, the representative had not yet submitted the sign posting affidavit. Only one sign was posted at the site and it was not visible from the street. Additionally, a Chapter 12B C-Store inspection was conducted and failed on October 27<sup>th</sup>. During the inspection, the officer found the store is selling alcohol.
- At the time of this report, the representative had replaced the signs posted at the property and resubmitted the posting affidavit. According to the representative, the 12B C-Store inspection was performed again and passed.

**Zoning History:** There have been two zoning cases in the vicinity within the last five years.

1. **Z190-335:** On January 27, 2021 the City Council approved an amendment to SUP No. 2404 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use for a two-year period, located on the northwest line of South Beltline Road, southwest of Kleberg Road. [southwest of the subject site]
2. **Z167-299:** On October 24, 2018 the City Council approved the renewal of SUP No. 2146 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet use for a three-year period at the subject site, which has now expired.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Dimension	ROW
Kleberg Road	Minor Arterial	Standard-4 lane-undivided	80 feet
Carleta Street	Local	N/A	50 feet

**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.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006, outlining several goals and policies which 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:

**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.

**Surrounding Land Uses:**

	Zoning	Land Use
<b>Site</b>	CR-D-1 Community Retail w/a D-1 Liquor Control Overlay, SUP No. 2146	General merchandise or food store greater than 3,500 square feet with motor vehicle fueling
<b>Northeast</b>	R-7.5(A) Single Family District	Undeveloped and single family
<b>Southeast</b>	CR-D-1 Community Retail w/a D-1 Liquor Control Overlay	General merchandise or food store less than 3,500 square feet and church
<b>Southwest</b>	CR-D-1 Community Retail w/a D-1 Liquor Control Overlay	Undeveloped
<b>Northwest</b>	CR-D-1 Community Retail w/a D-1 Liquor Control Overlay and R-7.5(A) Single Family District	Personal service (laundry facility) and single-family

**Land Use Compatibility:**

The request site is developed with the general merchandise or food store (convenience store) and an existing fueling station. According to DCAD records, the site was developed in 1981 and the structure contains 4,000 square feet. The lot is about 20,000 square feet in area, or nearly half an acre.

The property is surrounded by undeveloped land and single-family uses to the northeast; and a small retail store and church to the southeast across Carletta Street. To the southwest on the other side of Kleberg Road, a large and divided roadway, there is a large undeveloped property that abuts a commercial use. Finally, a personal service (laundry facility) abuts the site to the northwest with additional single-family uses farther northwest, across Parkcliff Drive.

The current request is to reinstate the sale of alcoholic beverages at the site. Previously, the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet was authorized under SUP No. 2146 since 2015, which the applicant failed to renew in time last October 24, 2021. The sale of alcohol is ongoing at this time.

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. The applicant's CS registration expired

September 2020. The Dallas Police Department had last inspected the site in April 2021. The CS registration requirements were deficient and the CS registration failed/remained lapsed. DPD was able to complete a new inspection on October 27, 2022 and found some of the same deficiencies from the last inspection. The CS registration is still lapsed due to this failure.

The request to reinstate the sale of alcoholic beverages in conjunction with the existing general merchandise or food store and fueling station is compatible with the surrounding retail and other non-residential uses because it accesses a major thoroughfare. Additionally, the continued sale of alcoholic beverages in conjunction with the existing general merchandise or food store should not be a detriment to the adjacent properties because the Specific Use Permit requires periodic review. However, although staff could support the request, because the applicant has not met the minimum standards to renew the Convenience Store registration and due to the lack of posting signs on the property in accordance with [Sec. 51A-1.106](#), and staff recommends denial or delay of the request.

#### **Posting Notification Signs:**

(e) Failure to comply.

(1) If the city plan commission, landmark commission, or board of adjustment determines that the applicant has failed to comply with the provisions of this section, it shall take no action on the application other than to postpone the public hearing for at least four weeks or deny the applicant's request, with or without prejudice.

(2) If the hearing is postponed, the required notification signs must be posted within 24 hours after the case is postponed and comply with all other requirements of this section.

#### **Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area and a motor vehicle fueling station requires two spaces. Therefore, the approximately 4,060-square-foot general merchandise or food store requires 20 parking spaces and the site requires 22 spaces. According to the proposed and last approved site plan, 22 spaces are provided. Off-street and loading required parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

#### **Landscaping:**

With no new construction or paving being proposed with this SUP, no landscaping is triggered by the request.

**Market Value Analysis:**

Market Value Analysis (MVA) is a tool to aid residents and policymakers 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 target intervention strategies more precisely 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 subject site is not within MVA Category; however, Category “F” is surrounding the property.

**Police Report:**

Staff obtained the following lists of offenses and arrests from the Dallas Police Department for the period between October 2018 and October 2022. There were 61 calls, 10 offenses, and six arrests at the site from the last SUP renewal date to present.

Date1	Signal	Off Incident	Status	MO
12/14/2018	09V-01 UUMV JUST OCD	UNAUTHORIZED USE OF MOTOR VEH - TRUCK OR BUS	Suspended	UNK SUSPECT TOOK COMP'S VEHICLE WITHOUT CONSENT.
8/8/2022	6X - MAJOR DIST (VIOLENCE)	POSSESSION OF DRUG PARAPHERNALIA	Clear by Arrest	AP POSSESSED METH PIPE ON PERSON.
8/8/2022	6X - MAJOR DIST (VIOLENCE)	POSS CONT SUB PEN GRP 1 <1G	Clear by Arrest	AP POSSESSED CONTROLLED SUBSTANCE ON PERSON.
7/12/2019	09 - THEFT	BMV	Suspended	SUSP(S) TOOK COMP'S PROP FROM TRUCK BED W/O CONSENT
7/27/2021	6X - MAJOR DIST (VIOLENCE)	ASSAULT -VERBAL THREAT	Suspended	SUSP STATED CONDITIONAL THREAT TOWARDS COMP
6/12/2020	58 - ROUTINE INVESTIGATION	POSS CONT SUB PEN GRP 1 <1G	Clear by Arrest	AP WAS IN POSSESSION OF METH
6/2/2022	58 - ROUTINE INVESTIGATION	POSS CONT SUB PEN GRP 1 <1G	Clear by Arrest	A/P WAS IN POSS OF METH
6/2/2022	58 - ROUTINE INVESTIGATION	FAIL TO ID -GIVING FALSE/FICTITIOUS INFO PC 38.02(c)(2)	Clear by Arrest	A/P PROVIDED FALSE INFO
6/2/2022	58 - ROUTINE INVESTIGATION	FORGERY GOVT/NATIONAL INST/MONEY/SECURITY	Clear by Arrest	A/P FORGED GOVT DOCUMENT FLORIDA ID

	A	B	C	D	E	F
1	IncidentNum	ArrestYr	ArLAddress	ArArrestDate	NIBRS_Crime	ChargeDesc
2	103439-2020	2020	13317 KLEBERG RD	6/12/2020	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 1 <1G
3	103439-2020	2020	13317 KLEBERG RD	6/12/2020	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 3 < 28G
4	103439-2020	2020	13317 KLEBERG RD	6/12/2020	DRUG/ NARCOTIC VIOLATIONS	POSS MARIJUANA <20Z
5	098629-2022	2022	13317 KLEBERG RD	6/2/2022	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 1 <1G
6	143245-2022	2022	13317 KLEBERG RD	8/8/2022	DRUG EQUIPMENT VIOLATIONS	POSSESSION OF DRUG PARAPHERNALIA
7	143245-2022	2022	13317 KLEBERG RD	8/8/2022	DRUG/ NARCOTIC VIOLATIONS	POSS CONT SUB PEN GRP 1 <1G
8						

**List of Officers/Owners**

***Sai Kba Laxmi Inc.***

***13317 Kleberg***

***Label # Address***

***Owner's***

1 13317 Kleberg Rd

Anshul Shrestha

2 13317Kleberg Rd.

Bikram Pokhrel Chhetri



**NOVEMBER 3, 2022 – DRAFT CITY PLAN COMMISSION MINUTES**

**Z212-283(JM)**

Planner: Jennifer Muñoz

**Motion:** It was moved to recommend **denial without prejudice** of a Specific Use Permit 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, on the north corner of Kleberg Road and Carleta Street.

Maker: Blair  
Second: Carpenter  
Result: Carried: 11 to 0

For: 11 - Popken, Hampton, Gracey, Shidid, Carpenter,  
Blair, Jung, Housewright, Stanard, Kingston,  
Rubin

Against: 0  
Absent: 3 - Anderson, Vann, Haqq  
Vacancy: 1 - District 11

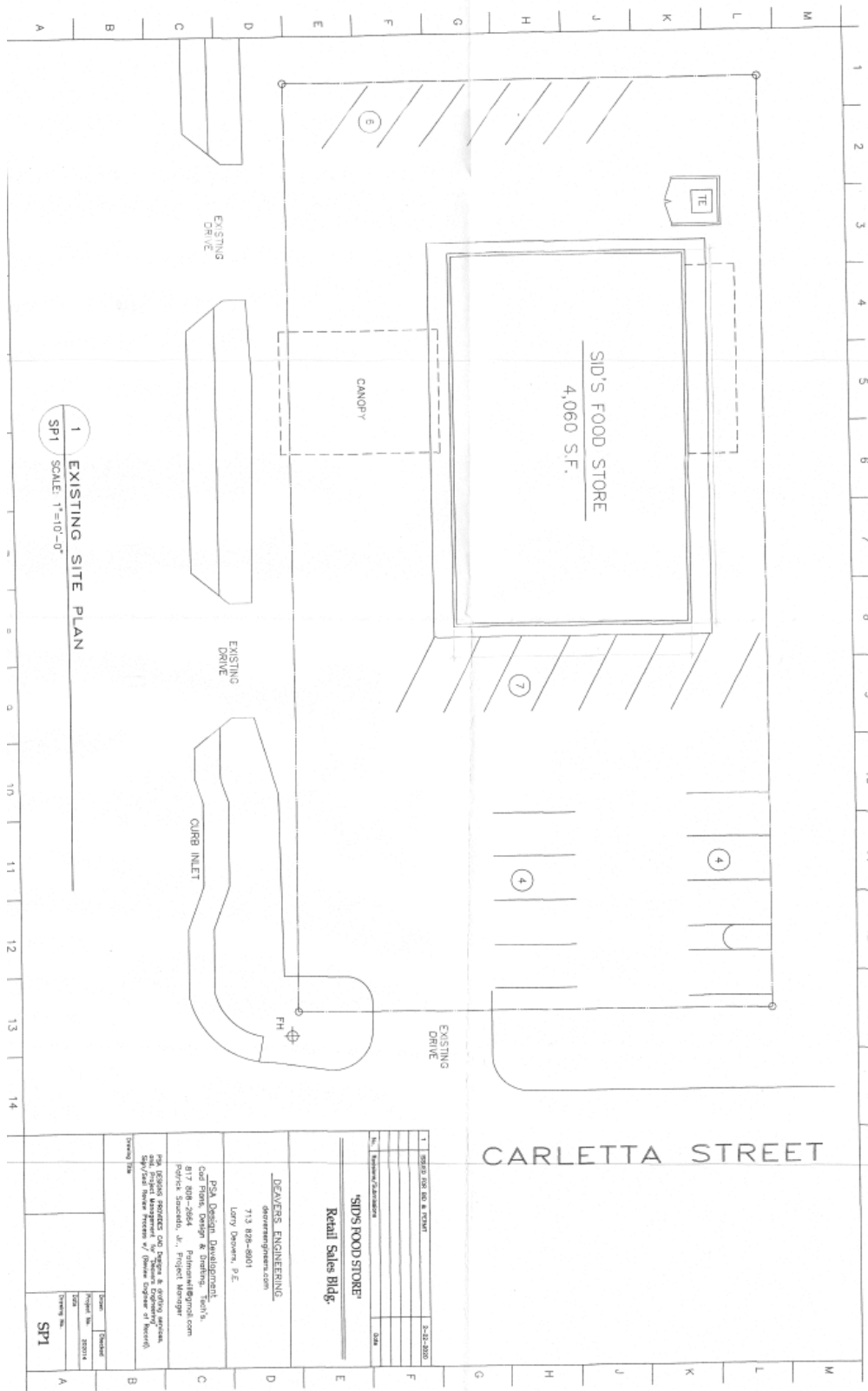
<b>Notices:</b>	Area:	200	Mailed:	20
<b>Replies:</b>	For:	0	Against:	1

**Speakers:** None

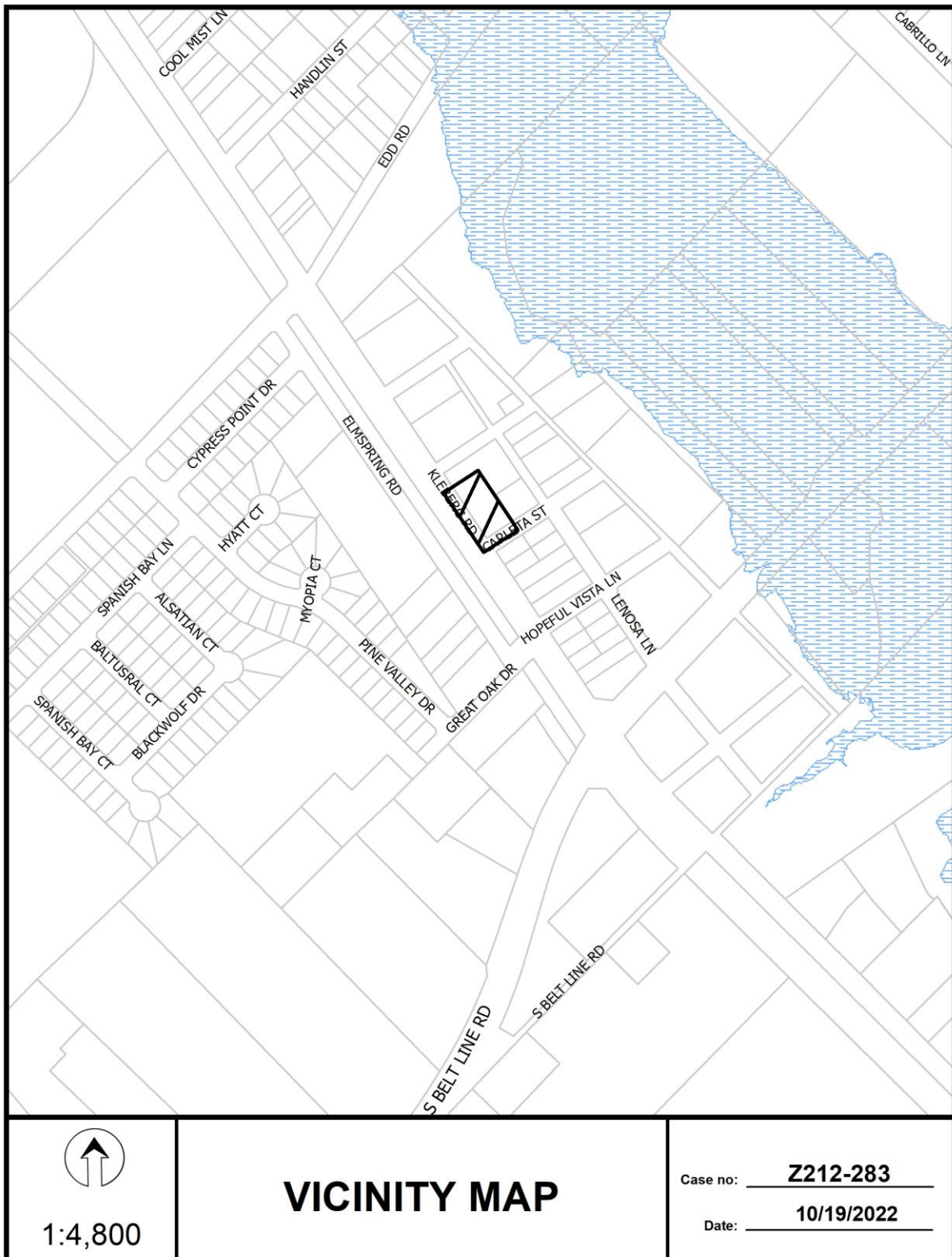
**Proposed SUP conditions**

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 [three years from the passage of this ordinance].
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.

# **Proposed Site Plan**











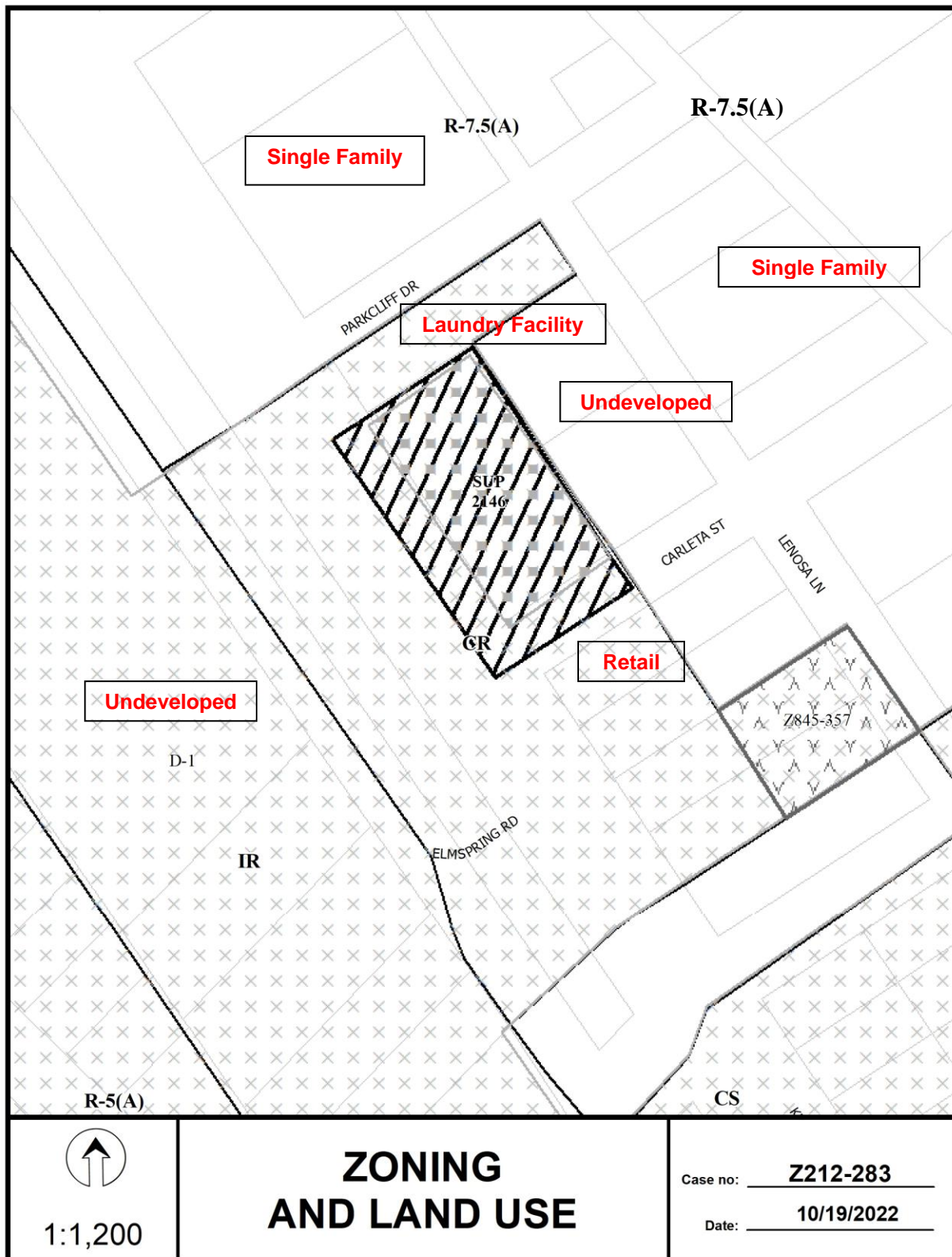
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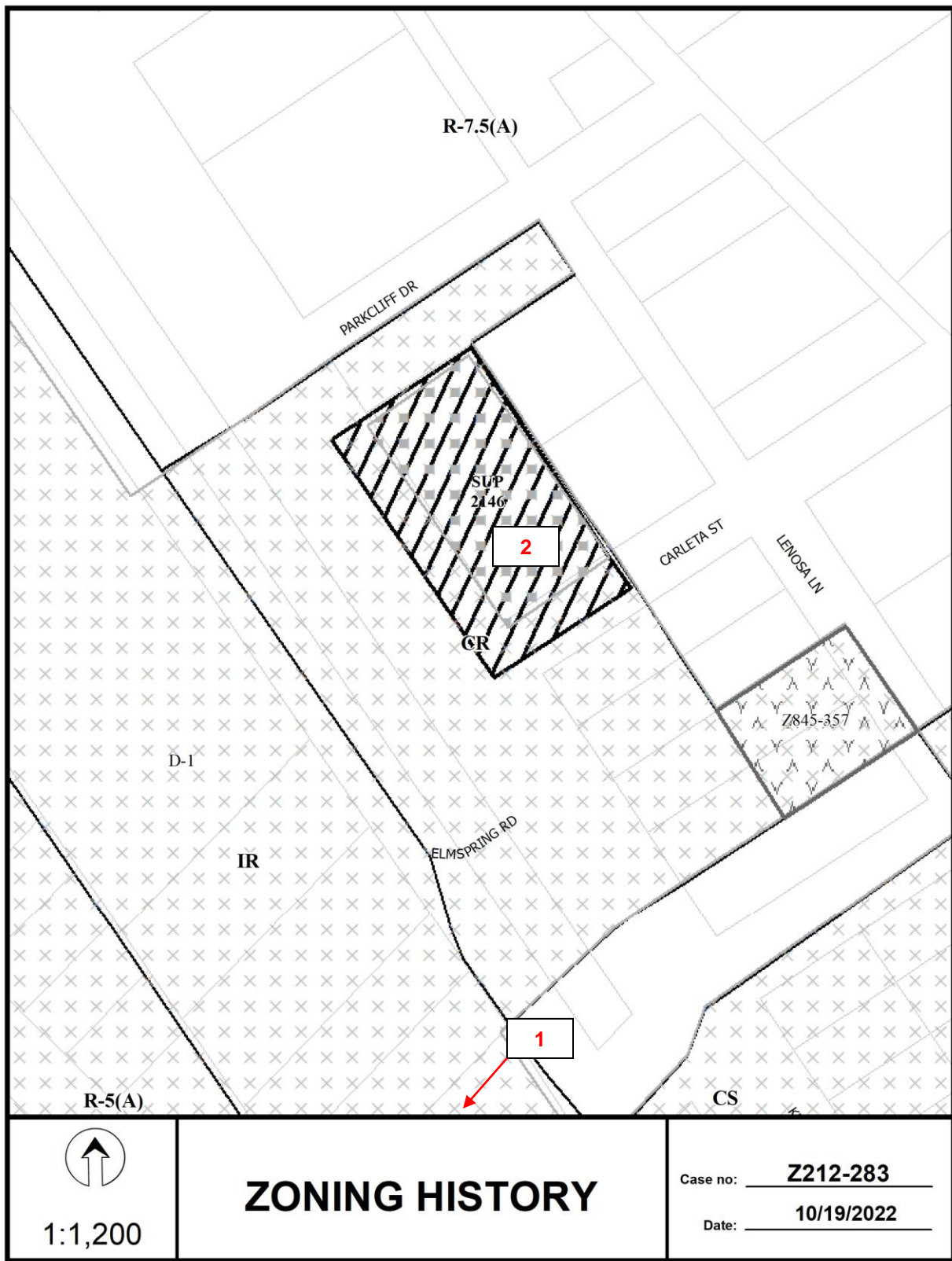
## AERIAL MAP

Case no: **Z212-283**

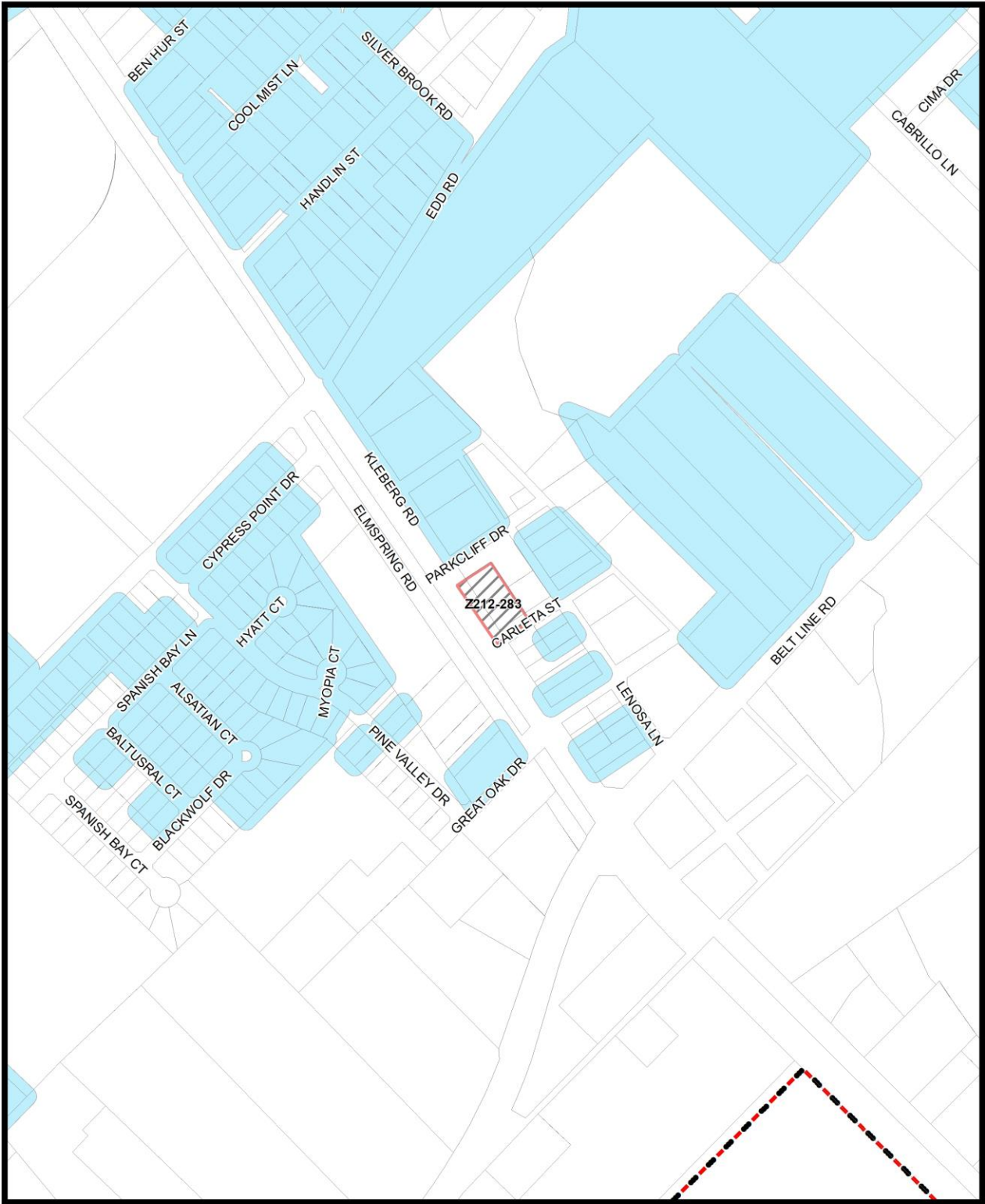
Date: **10/19/2022**











# Market Value Analysis

Printed Date: 10/19/2022

**CPC RESPONSES**



11/02/2022

***Reply List of Property Owners*****Z212-283****20 Property Owners Notified****0 Property Owners in Favor****1 Property Owners Opposed**

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	13317 KLEBERG RD	SAI KBA LAXMI INC
	2	13423 KLEBERG RD	MARTINEZ GUADALUPE &
	3	13422 LENOSA LN	BLANCO ROSA D
	4	2410 CARLETA ST	GOMEZ MARTIN CARRANZA
	5	13405 KLEBERG RD	FOREMAN ROBERT
	6	13500 LENOSA LN	DAVIS H E
	7	13429 LENOSA LN	IGLESIA DE CRISTO ON
	8	13328 LENOSA LN	FREEMAN C B
	9	13305 KLEBERG RD	DALLAS PETROLEUM LLC
	10	13329 LENOSA LN	FRITTS DAVID E & TERI C
	11	13323 LENOSA LN	CRUTCHER GEORGE W JR EST OF &
	12	13317 LENOSA LN	AGUILAR ERNESTO
	13	13311 LENOSA LN	EZQUIVEL MARIA GALLEGOS
	14	13137 KLEBERG RD	NEGRETE LEGARIO & ELVIRA
	15	2445 PARKCLIFF DR	LAMPHERE SHELLEY G
	16	2445 PARKCLIFF DR	NEGRETE OLEGARIO
	17	13424 ELMSPRING RD	SALAZAR ROGELIO
	18	13418 ELMSPRING RD	SALAZAR ROGELIO &
	19	13412 ELMSPRING RD	CASTANEDA ESTEBAN
X	20	13248 ELMSPRING RD	FIRST BAPTIST CHURCH OF