

**ACM: Majed Al-Ghafry**

**FILE NUMBER:** Z189-154(SM) **DATE FILED:** December 14, 2018

**LOCATION:** Northeast line of East Ledbetter Drive and the west line of Rocky Ridge Road

**COUNCIL DISTRICT:** 4 **MAPSCO:** 64 M

**SIZE OF REQUEST:** Approx. 0.7643 acres **CENSUS TRACT:** 90.00

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**APPLICANT:** Daiquiri Dash, LLC – Adrian Quezada, Sole Manager

**OWNER:** Tugboat Properties, Inc. – Jee Huyn Chung, President

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant requests to serve alcohol within a new restaurant within Suite E, which was previously occupied by Diva African Braids and Beauty Supply.

**CPC RECOMMENDATION:** **Approval** for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a two-year period, subject to a site plan and conditions.

**BACKGROUND INFORMATION:**

- The request site that is developed within a multi-tenant, one-story, retail building with approximately 8,975 square feet overall and is in a D-1 Liquor Control Overlay.
- On January 23, 2013, City Council approved 1) a D-1 Liquor Control Overlay and 2) Specific Use Permit No. 2015 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on the north side of East Ledbetter Drive, southeast of Interstate 35 for a two-year period, subject to a site plan and conditions. [Suite C within subject site.]
- The applicant proposes to use the 1,700-square-foot suite for a new restaurant without drive-in service. The suite was previously occupied by Diva African Braids and Beauty Supply (Suite E).
- The restaurant without drive-in service is permitted by right within the existing zoning district but the D-1 Liquor Control Overlay requires a Specific Use Permit to serve alcoholic beverages.

**Zoning History:** There has been one zoning change requested in the area during the past five years.

1. **Z178-353:** On February 13, 2019, the 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 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 for a two-year period, subject to a site plan and conditions.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	TP Dimension; ROW
East Ledbetter Drive	Principle Arterial	Standard-6 lane-divided; 107 feet

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

**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 distance of each other.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	RR-D-1	Retail
<b>Northeast</b>	RR-D	Undeveloped
<b>Southeast</b>	MF-2(A), RR-D	Multifamily, Undeveloped
<b>Southwest</b>	RR-D	Dance hall
<b>Northwest</b>	RR-D-1 with SUP No. 2316	Vacant gas station

**Land Use Compatibility:**

The site is developed with a one-story, multi-tenant retail development. The applicant requests to sell alcoholic beverages in a new restaurant. A Specific Use Permit is required to serve alcoholic beverages in the D-1 Liquor Control Overlay. The surrounding land uses consist of undeveloped land to the northeast, multifamily and undeveloped land to the southeast, a dance hall to the southwest, and a vacant gas station to the northwest.

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 sale of alcoholic beverages in conjunction with the existing restaurant should not be a detriment to the adjacent properties because the Specific Use Permit requires periodic review to ensure the site continues to comply with approved plans and other regulations; therefore, staff supports the request. However, due to the amount of police activity of the site, staff does not support automatic renewals at this time.

#### **Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for all uses within the existing shopping center is 56. There are 20 parking spaces provided on site and 36 spaces are available to be provided through a remote parking agreement in the adjacent properties to the northwest and southeast.

#### **Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed 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 (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it abuts a “G” MVA cluster to the east and an “F” MVA cluster is located south of East Ledbetter Drive.

### **Police Report:**

Staff obtained the following list of 11 arrests, 26 offenses, and 62 calls from the Dallas Police Department for the site between January 1, 2017 and February 6, 2019.

### **Arrests:**

Incident No.	Arrest No.	Arrest Date	Charge Description
062520-2017	17-011226	3/20/2017	Warrant-Dallas PD (alias)
172503-2017	17-031190	7/29/2017	Warrant hold (outside agency)
172503-2017	17-031190	7/29/2017	Warrant-Dallas PD (alias)
225405-2017	17-040382	10/2/2017	Poss marijuana <2oz
225405-2017	17-040382	10/2/2017	Traf vio -driv w/out lic inv w/prev conv/susp/w/o fin res
279279-2017	17-049261	12/9/2017	Burglary of building - forced entry
045420-2018	18-007071	3/3/2018	APOWW (social services referral)
040962-2018	18-010934	4/3/2018	Warrant hold (outside agency)
040962-2018	18-010934	4/3/2018	Warrant-Dallas PD (ALIAS)
069611-2018	18-010931	4/3/2018	Warrant-Dallas PD (ALIAS)
079164-2018	18-012539	4/15/2018	APOWW (social services referral)

### **Offenses:**

Incident No.	Signal	Offense Incident	Date	Day	Time
022518-2019	6x - Major Dist (Violence)	Mir (miscellaneous incident report no offense)	2/2/2019	Sat	3:25:00 PM
104402-2018	12b - Business Alarm	Alarm incident report (no offense)	5/16/2018	Wed	10:26:00 PM
079164-2018	46 - Cit	APOWW (social services referral)	4/15/2018	Sun	5:55:00 PM
069611-2018	58 - Routine Investigation	Warrant-Dallas pd (alias/capias)	4/3/2018	Tue	3:36:00 PM
045420-2018	40/01 - Other	APOWW (social services referral)	3/3/2018	Sat	12:10:00 PM
002095-2018	26/01- Missing Person-Critical	APOWW (social services referral)	1/3/2018	Wed	7:00:00 PM
287570-2017	20 - Robbery	Robbery of business (agg)	12/19/2017	Tue	7:36:00 PM
287570-2017	20 - Robbery	Robbery of business (agg)	12/19/2017	Tue	7:36:00 PM

Incident No.	Signal	Offense Incident	Date	Day	Time
286894-2017	12b - Business Alarm	Alarm incident report (no offense)	12/18/2017	Mon	10:27:00 PM
279279-2017	41/11b - Burg Busn In Progress	Burglary of building - forced entry	12/9/2017	Sat	1:41:00 AM
272870-2017	11b - Burg Of Bus	Burglary of building - forced entry	12/1/2017	Fri	3:25:00 AM
238081-2017	12b - Business Alarm	Alarm incident report (no offense)	10/17/2017	Tue	10:20:00 PM
227852-2017	07 - Minor Accident	Traf vio - duty on strike unattended (parked) vehicle >\$200 damage	10/5/2017	Thu	1:30:00 PM
214063-2017	6x - Major Dist (Violence)	Mir (miscellaneous incident report no offense)	9/18/2017	Mon	5:45:00 PM
206631-2017	32 - Suspicious Person	Mir (miscellaneous incident report no offense)	9/9/2017	Sat	12:00:00 PM
201776-2017	40/01 - Other	Open building (no offense)	9/3/2017	Sun	7:40:00 AM
198193-2017	40/01 - Other	Crim mischief >or equal \$750 but <\$2,500	8/30/2017	Wed	1:50:00 AM
178701-2017	12b - Business Alarm	Alarm incident report (no offense)	8/6/2017	Sun	9:40:00 AM
168971-2017	Oads - Open Air Drug Sales	Mir (miscellaneous incident report no offense)	7/25/2017	Tue	1:52:00 PM
131226-2017	6x - Major Dist (Violence)	Theft of prop > or equal \$100 but <\$750- not shoplift	6/10/2017	Sat	3:00:00 PM
065890-2017	20 - Robbery	Theft of prop > or equal \$750 but <\$2,500 -shoplift (not emp	3/24/2017	Fri	12:35:00 PM
062520-2017	6x - Major Dist (Violence)	Warrant-Dallas pd (alias)	3/20/2017	Mon	12:30:00 PM
069843-2017	09v - Uumv	Unauthorized use of motor veh - automobile	2/28/2017	Tue	4:00:00 PM
039311-2017	40/01 - Other	Public intoxication	2/18/2017	Sat	9:35:00 PM
042280-2017	Pse/40 - Other	Harassment -preliminary investigation	2/6/2017	Mon	12:00:00 PM
026717-2017	11v/01 - Burg Motor Veh	BMV	2/3/2017	Fri	1:30:00 PM

**Calls:**

<b>Master Incident No.</b>	<b>Date</b>	<b>Time</b>	<b>Problem</b>	<b>Location Name</b>
19-0195442	2/2/2019	4:05:00 PM	07 - Minor Accident	Jin's Mart
19-0195243	2/2/2019	3:25:00 PM	6X - Major Dist (Violence)	Jin's Mart
19-0022986	1/4/2019	3:56:00 PM	7X - Major Accident	Jin's Mart
19-0015658	1/3/2019	11:06:00 AM	40/01 - Other	Jin's Mart
18-2281248	12/18/2018	3:37:00 PM	24 - Abandoned Property	Jin's Mart
18-2028805	11/7/2018	12:54:00 PM	6X - Major Dist (Violence)	Henderson Chicken
18-1989350	11/1/2018	8:36:00 AM	12B - Business Alarm	Henderson's Chicken
18-1964621	10/28/2018	11:05:00 AM	12B - Business Alarm	Metro PCS Ledbetter
18-1812651	10/4/2018	5:51:00 PM	6X - Major Dist (Violence)	Henderson Chicken
18-1601168	9/2/2018	1:01:00 AM	07 - Minor Accident	Henderson Chicken
18-1572250	8/28/2018	5:17:00 PM	6X - Major Dist (Violence)	Henderson Chicken
18-1469793	8/13/2018	12:18:00 PM	24 - Abandoned Property	Henderson Chicken
18-1246409	7/10/2018	2:43:00 PM	04 - 911 Hang Up	Jin's Mart
18-1036989	6/10/2018	3:25:00 PM	6X - Major Dist (Violence)	Henderson
18-0950747	5/29/2018	10:38:00 AM	6X - Major Dist (Violence)	Henderson
18-0940950	5/27/2018	7:51:00 PM	6X - Major Dist (Violence)	Henderson Chicken
18-0865161	5/16/2018	10:25:00 PM	12B - Business Alarm	Henderson Chicken
18-0824238	5/10/2018	8:46:00 PM	6X - Major Dist (Violence)	Henderson Chicken
18-0811454	5/8/2018	10:09:00 PM	12B - Business Alarm	Jin's Mart
18-0766394	5/2/2018	9:42:00 AM	6X - Major Dist (Violence)	Yosif
18-0659387	4/15/2018	5:40:00 PM	46 - CIT	Jin's Mart
18-0410066	3/8/2018	12:27:00 PM	20 - Robbery	Metro PCS
18-0378496	3/3/2018	12:18:00 PM	40/01 - Other	Plaza De Las Americas
18-0378008	3/3/2018	10:49:00 AM	07 - Minor Accident	Hendersons Chicken
18-0221433	2/5/2018	5:07:00 PM	6X - Major Dist (Violence)	Henderson Chicken
18-0047120	1/8/2018	11:13:00 AM	24 - Abandoned Property	Henderson Chicken
18-0018413	1/3/2018	7:03:00 PM	26/01- Missing Person-Critical	Jin's Mart/Hendersons Chicken
17-2389406	12/19/2017	7:47:00 PM	20 - Robbery	Metro Pcs
17-2383523	12/18/2017	10:27:00 PM	12B - Business Alarm	Henderson Chicken
17-2321157	12/9/2017	1:39:00 AM	41/11B - Burg Busn in Progress	Metro PCS
17-2268780	12/1/2017	3:27:00 AM	11B - Burg of Bus	Metro PCS

Master Incident No.	Date	Time	Problem	Location Name
17-2166259	11/14/2017	8:39:00 PM	20 - Robbery	Henderson Chicken
17-2100254	11/4/2017	7:31:00 PM	6X - Major Dist (Violence)	Jin's Mart
17-1993133	10/19/2017	9:16:00 PM	7X - Major Accident	Henderson Chicken
17-1980138	10/17/2017	10:24:00 PM	12B - Business Alarm	Henderson's Chicken
17-1935726	10/11/2017	1:12:00 PM	DH - Drug House	Henderson Chicken
17-1894889	10/5/2017	1:20:00 PM	07 - Minor Accident	
17-1782567	9/18/2017	5:44:00 PM	6X - Major Dist (Violence)	Yosif Tires
17-1720425	9/9/2017	12:14:00 PM	32 - Suspicious Person	Jin's Mart
17-1687968	9/4/2017	12:49:00 PM	6X - Major Dist (Violence)	Diva African Braids
17-1680975	9/3/2017	8:55:00 AM	40/01 - Other	Closed Down Raceway
17-1651877	8/30/2017	1:53:00 AM	40/01 - Other	Henderson Chicken
17-1494339	8/6/2017	9:38:00 AM	12B - Business Alarm	Henderson Chicken
17-1414825	7/25/2017	1:47:00 PM	OADS - Open Air Drug Sales	Hendersons Chicken
17-1397261	7/22/2017	9:05:00 PM	41/20 - Robbery - In Progress	Hendersons Chicken
17-1354879	7/16/2017	5:23:00 PM	04 - 911 Hang Up	Henderson Chicken
17-1102319	6/10/2017	3:19:00 PM	6X - Major Dist (Violence)	African Braids
17-0878520	5/9/2017	10:20:00 PM	12B - Business Alarm	Quick Stop Food Mart
17-0813099	4/30/2017	12:39:00 PM	40 - Other	Henderson Chicken
17-0556920	3/24/2017	12:20:00 PM	20 - Robbery	Metro PCS
17-0529729	3/20/2017	12:33:00 PM	6X - Major Dist (Violence)	Metro PCS
17-0525438	3/19/2017	7:12:00 PM	12B - Business Alarm	Quick Stop Mart
17-0506311	3/16/2017	8:59:00 PM	58 - Routine Investigation	
17-0409573	3/2/2017	11:24:00 PM	6X - Major Dist (Violence)	Diva African Braids
17-0352384	2/22/2017	5:26:00 PM	PSE/40 - Other	Henderson Chicken
17-0326921	2/18/2017	9:34:00 PM	40/01 - Other	Hendersons Chicken
17-0227033	2/4/2017	6:58:00 PM	6X - Major Dist (Violence)	Henderson Chicken
17-0217459	2/3/2017	1:20:00 PM	11V/01 - Burg Motor Veh	Henderson's Chicken
17-0207269	2/1/2017	9:33:00 PM	6X - Major Dist (Violence)	Henderson; Chicken
17-0196867	1/31/2017	12:04:00 PM	46A - CIT w/Ambulance	Henderson's Chicken
17-0128981	1/20/2017	7:51:00 PM	6X - Major Dist (Violence)	Jin's Mart
17-0031312	1/5/2017	5:41:00 PM	40 - Other	Henderson Chicken



**CPC Action**  
**June 20, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service for a two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northeast line of east Ledbetter Drive and the west line of Rocky Ridge Road.

Maker: Schultz  
Second: Ridley  
Result: Carried: 12 to 0

For: 12 - MacGregor, Schulte, Criss, Shidid, Carpenter,  
Brinson, Lewis, Jung, Housewright, Schultz,  
Murphy, Ridley

Against: 0  
Absent: 2 - Johnson, Tarpley  
Vacancy: 1 - District 12

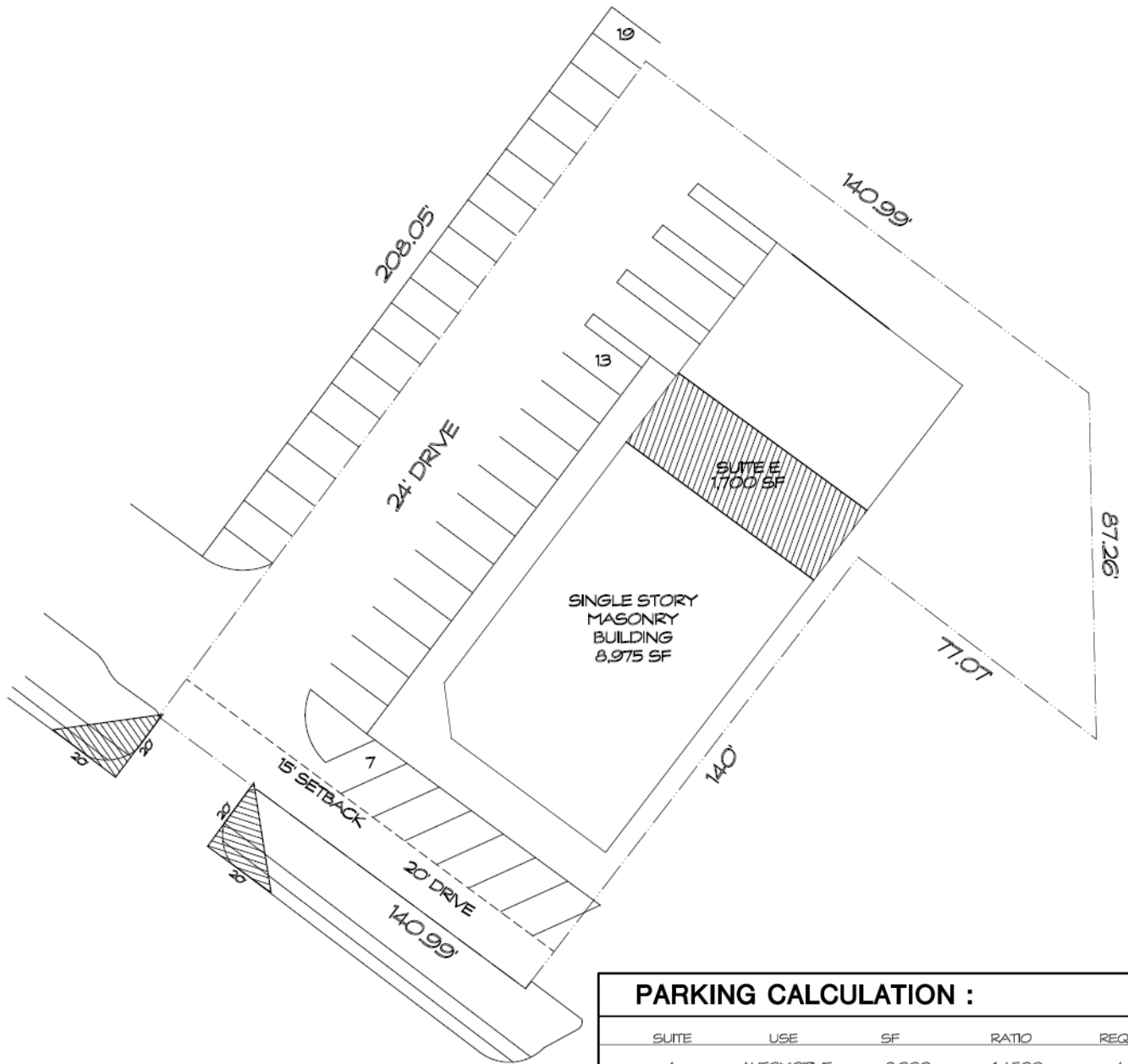
**Notices:** Area: 200 Mailed: 6  
**Replies:** For: 0 Against: 0

**Speakers:** None

**CPC Recommended SUP Conditions**

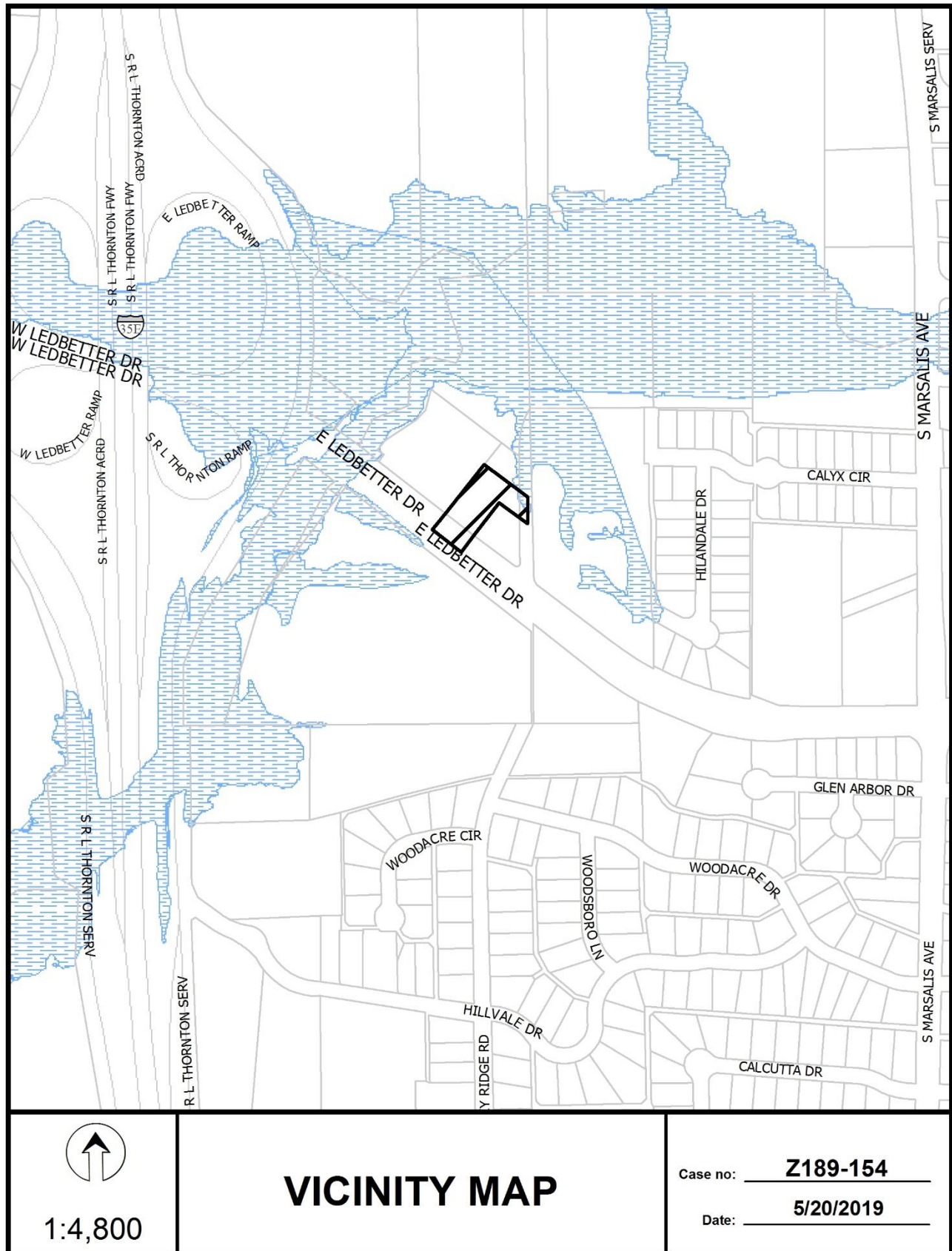
1. USE. The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [two years from the passage of this ordinance]
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



#### PARKING CALCULATION :

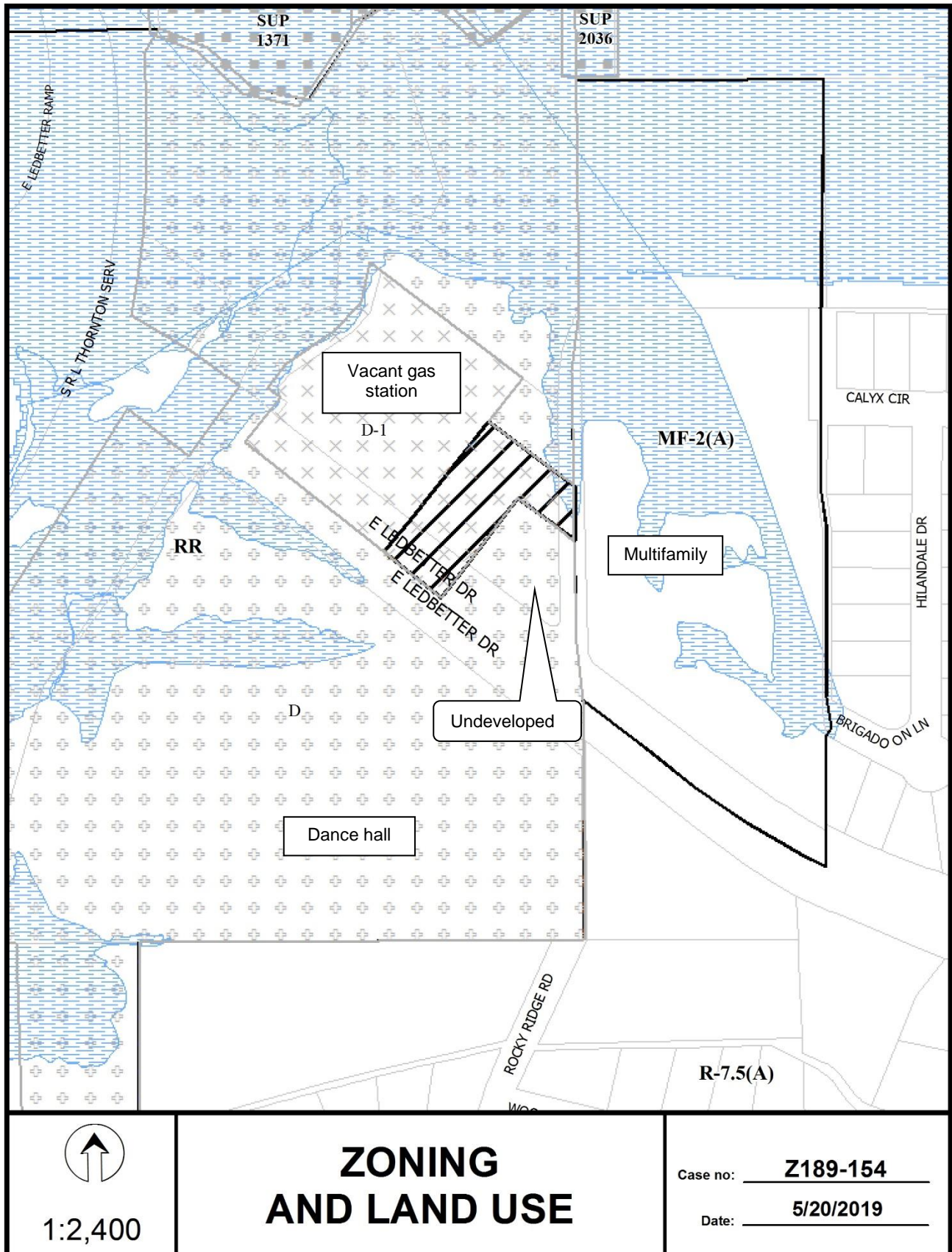
SUITE	USE	SF	RATIO	REQ'D
A	AUTOMOTIVE	2,000	1 / 500	4
E	RESTAURANT	1,700	1 / 100	17
B	GEN MERCH	400	1 / 200	2
C	RESTAURANT	1,700	1 / 100	17
	RETAIL	3,175	1 / 200	16
TOTAL SF		8,975		
TOTAL PARKING REQUIRED				56
PARKING PROVIDED ON-SITE				20
PARKING PROVIDED VIA REMOTE PARKING AGREEMENT				36
TOTAL PARKING PROVIDED				56
PARKING SPACE SIZE :				9' x 18'

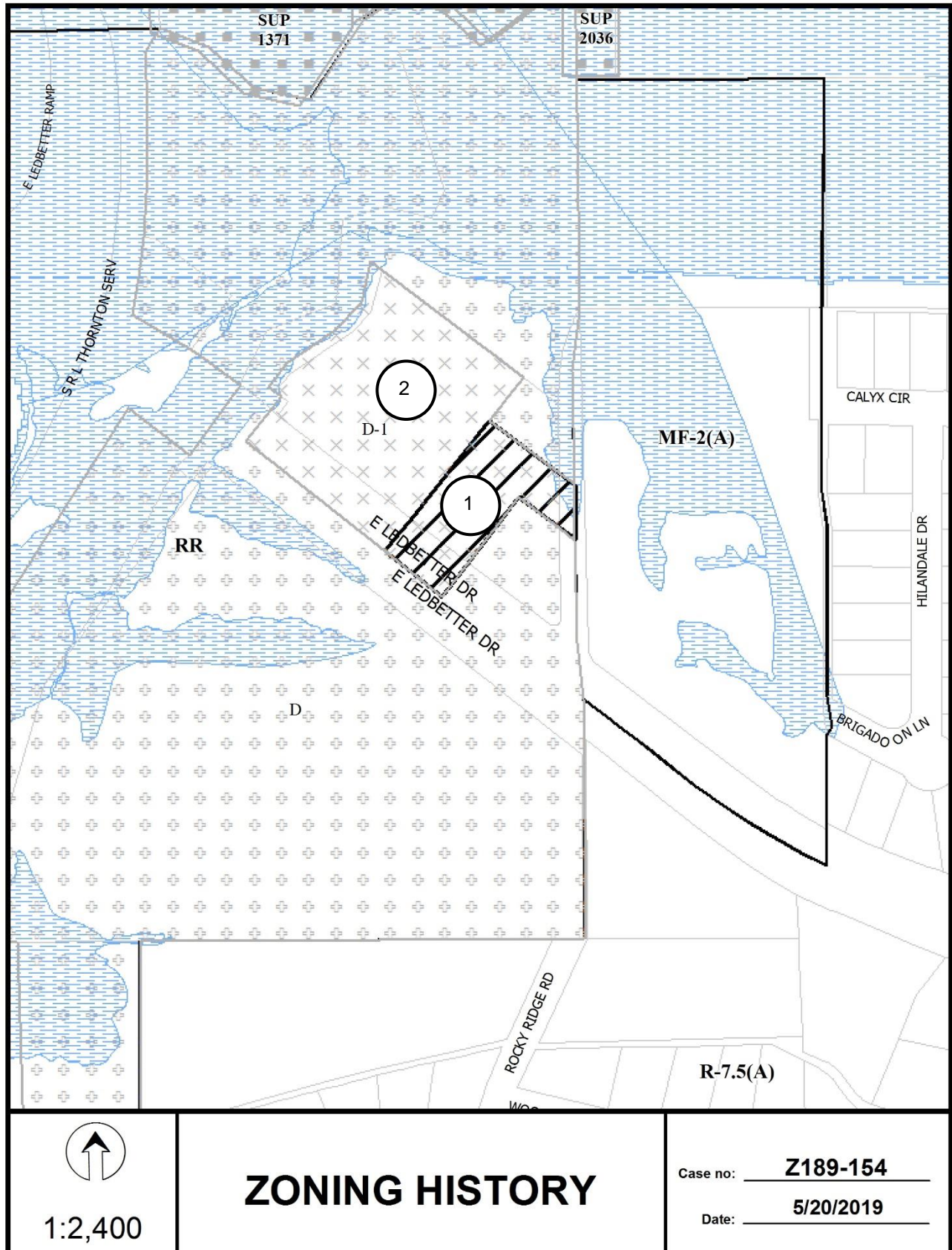












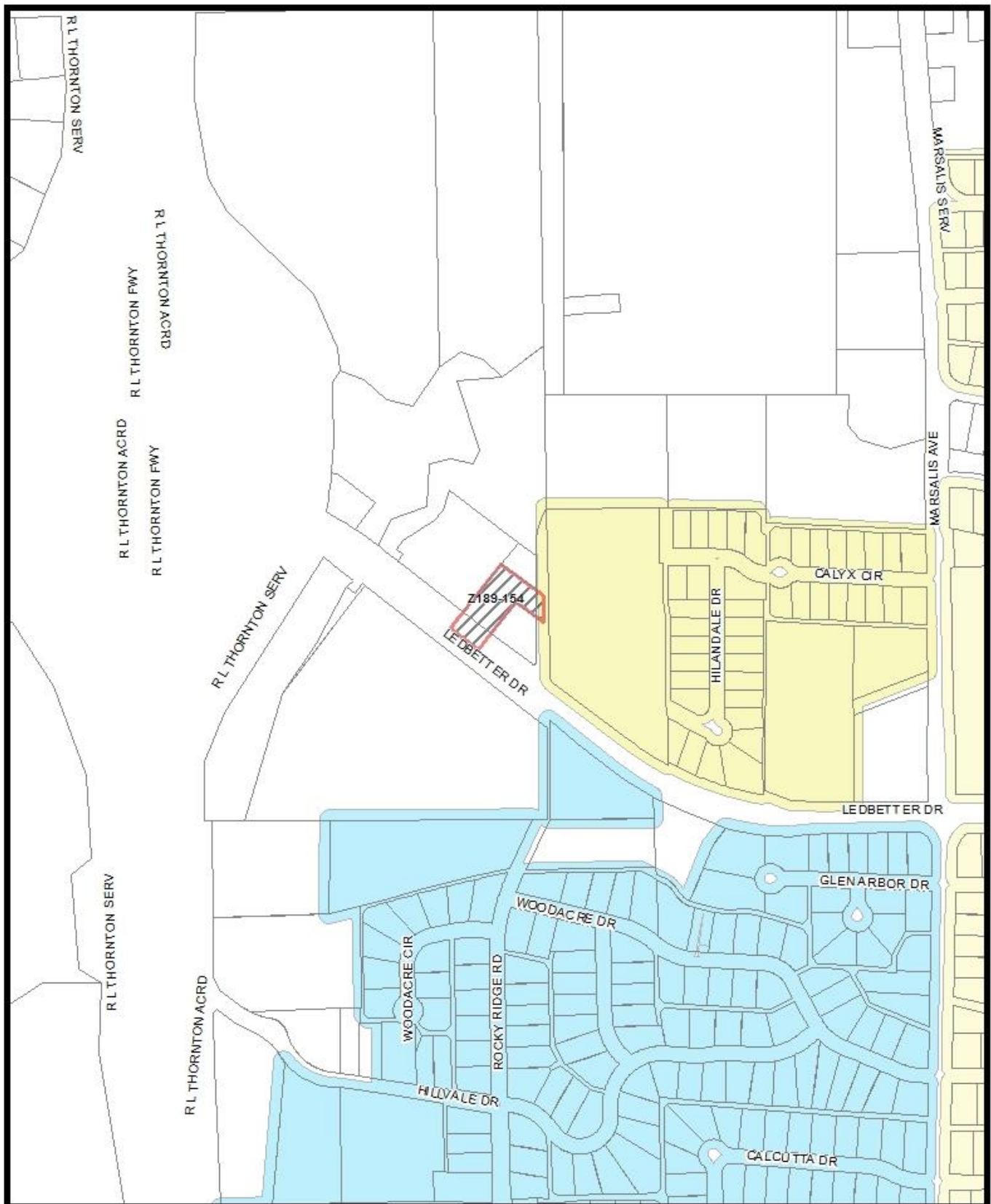
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## ZONING HISTORY

Case no: **Z189-154**

Date: **5/20/2019**





MVAC Cluster A B C D E F G H I NA

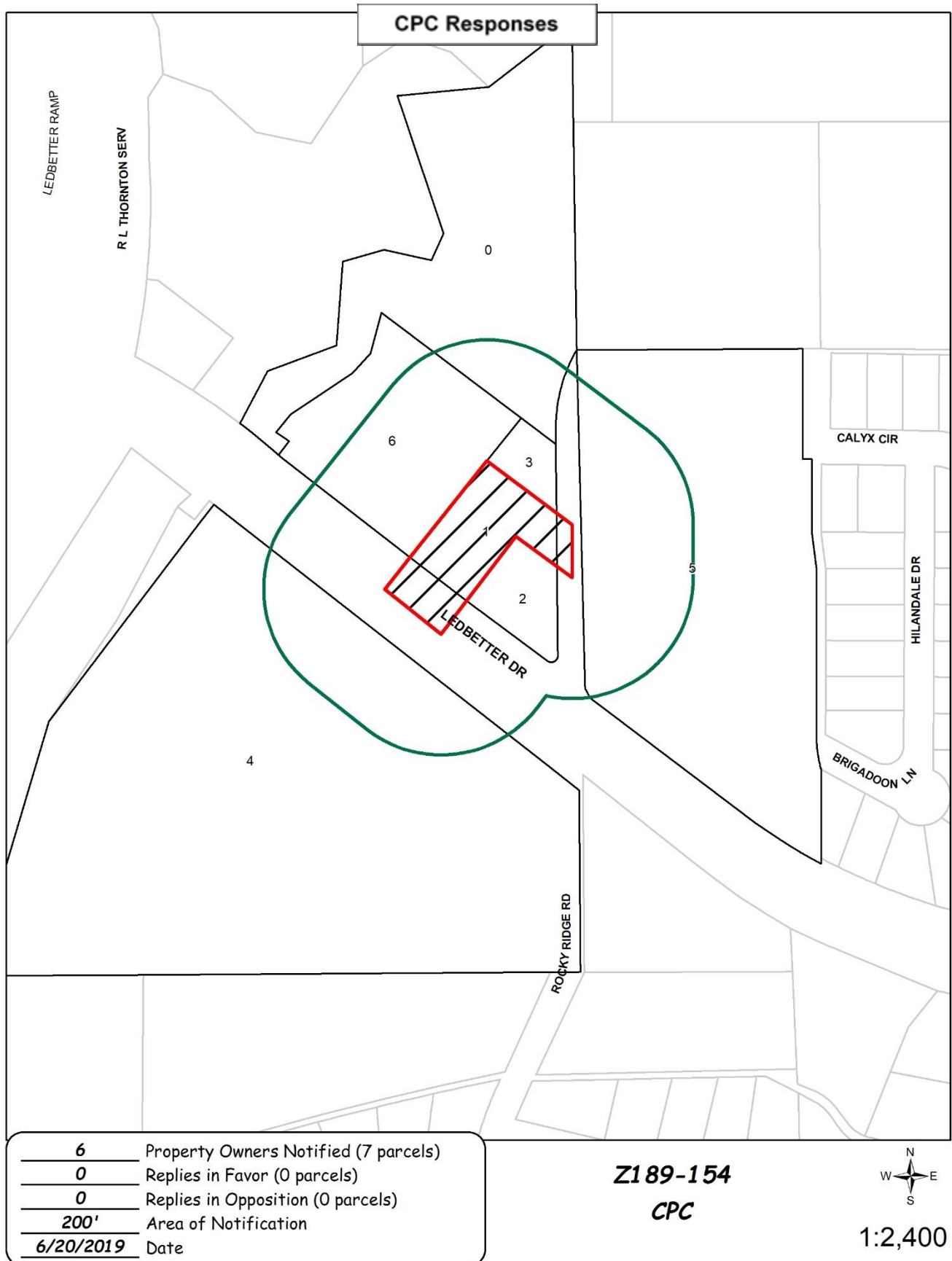


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# Market Value Analysis

Printed Date: 5/20/2019





Z189-154(SM)

06/19/2019

***Reply List of Property Owners***

***Z189-154***

***6 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	337	E LEDBETTER DR	TUGBOAT PROPERTIES INC
2	423	E LEDBETTER DR	TUGBOAT PROPERTIES INC
3	337	E LEDBETTER DR	RACETRAC PETROLEUM INC
4	300	E LEDBETTER DR	BRIZZA INC
5	433	E LEDBETTER DR	FIVE MILE FLATS LLC
6	303	E LEDBETTER DR	RACETRACK PETROLEUM INC