



MEETING DATE: July 28, 2025

PRESENTED BY: Xavier Cervantes, AICP, CPM – Director of Planning

AGENDA ITEM: Conduct a public hearing and consideration of a Conditional Use Permit Renewal for the Sale & On-Site Consumption of Alcoholic Beverages – Medelina's Restaurant in a (C-4) Heavy Commercial District, being 1.08 acres of land, out of a portion of Lot 204, John H. Shary Subdivision, located at 2224 E. Business Highway 83, Applicant: Medelinas Restaurant LLC, c/o Sandalio R. Garcia, Adoption of Ordinance #_____ - Cervantes

NATURE OF REQUEST:

Project Timeline:

- June 18, 2025 – Application for Conditional Use Permit (“CUP”) submitted to the City for processing.
- July 2, 2025 – In accordance with State and local law, notice of required public hearings was mailed to all property owners within 200 feet of the subject tract, and notice of public hearings was published in the Progress Times.
- July 16, 2025 – Public hearing and consideration of a Conditional Use Permit by the Planning and Zoning Commission. **The Planning and Zoning recommended approval to the conditional use permit request.**
- July 28, 2025 – Public hearing and consideration of a Conditional Use Permit by the City Council.

Summary:

- The subject site is located at the southwest corner of Glenwood Avenue and East Business Highway 83.
- Per Code of Ordinance, the sale and on-site consumption of alcoholic beverages requires the approval of a Conditional Use Permit by the City Council.
- The applicant has been operating a First-Class Family Oriented Mexican Restaurant with top quality food since February 2023. The applicant would like to incorporate a mobile unit that is set in the back of the restaurant during evening hours in which he will offer cooked meats. He is proposing to continue offering alcoholic beverages with their meals in the restaurant and in the mobile unit. Access to the site is from 2 – 24' driveways off of Business Highway 83.
- The proposed days and hours of operation are Monday–Sunday from 7:00 am to 12:00 am
- The restaurant will be open from 7:00 am to 3:00 pm and the Mobile Unit from 5:00 pm to 12:00 am
- Staff: 16 employees in different shifts
- Parking: There are a total of 84 seats in the restaurant, which require 28 parking spaces (84 seats/3= 28 parking spaces). It is noted that there are 36 parking spaces available that are shared with other businesses.
- Sale of Alcohol (Section 1.56-3): (3a) of the Zoning codes requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within the 300' radius, however P&Z and City Council have waived this requirement for similar businesses.
- Since the majority of the sales are food items, and there have been no police reports staff recommends approval of the permit renewal.

- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out (24) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Council may impose requirements and conditions of approval to ensure that a use requested by a Conditional Use Permit is compatible and complementary to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the following conditions:

1. 1 year permit approval to continue to assess this restaurant.
2. Compliance with Section 1.56-3a of the Zoning Ordinance.
3. Continued compliance with all City Codes (Building, Fire, Sign codes, etc.)
4. Waiver of the 300' separation requirement from the residential neighborhood.
5. Compliance with TABC requirements
6. CUP is not transferable to others
7. Hours of operation to be as follows: Monday – Sunday from 7:00 am to 12:00 am
8. No Noise from the establishment must not be heard by the homes to the south

Departmental Approval: N/A

Advisory Board Recommendation: Approval

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____