

Started: 5:49 p.m.

Ended: 5:54 p.m.

Item #1.7

Conditional Use Permit

Renewal:

Sale & On-Site Consumption of Alcoholic
Beverages – Extreme Pizza
608 N. Shary Road, Units 4 & 5
Lot 1, Alba Plaza Subdivision
C-3
Argos Foods, LLC

Ms. De Luna went over the write-up stating the subject site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of N. Shary Road. Extreme Pizza is a family-oriented restaurant that sells pizza, chicken wings, sandwiches, salads, and desserts. They would like to renew their conditional use permit to continue offering alcoholic beverages with their meals. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on October 11, 2021 for a period of 2 years. Staff notes that this would be the applicant's 2nd renewal.

- **Hours of operation:** Tuesday through Sunday from 10a.m. to 11p.m.
- **Employees:** 9 employees
- **Parking:** Parking is held in common and is meeting code at this commercial plaza.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within this radius; P&Z and City Council waived this separation requirement in the CUP's previous approval.

REVIEW COMMENTS: The restaurant has been in operation since 2019 with no complaints. The hours of operation are consistent with other family restaurant in the area. Staff mailed out 27 notices to property owners within a 200' radius, and staff has not received any calls in favor or against the CUP request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure. Since the pizzeria is not open after 12a.m., and the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval subject to:

- 1) CUP to be valid for a period of 4 years at which time the applicant will have to renew the TABC License and CUP,
- 2) Waiver of the 300' separation requirement from residential neighborhoods,
- 3) Continue Compliance with all City Codes (Building, Fire, Health, etc.), and
- 4) CUP not to be transferable to others.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to the approve the conditional use permit as per staff's recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.