

### **ITEM# 1.5**

**CONDITIONAL USE PERMIT:** Drive-Thru Service Windows  
Snowball Express #2  
3124 N. Mayberry Road  
Being a tract of land out of the Northwest  
1.0 acres of the West 5.18 acres of the North 11.03  
acres of Lot 28-9, West Addition to Sharyland  
C-2  
Elgin Xavier

### **REVIEW DATA**

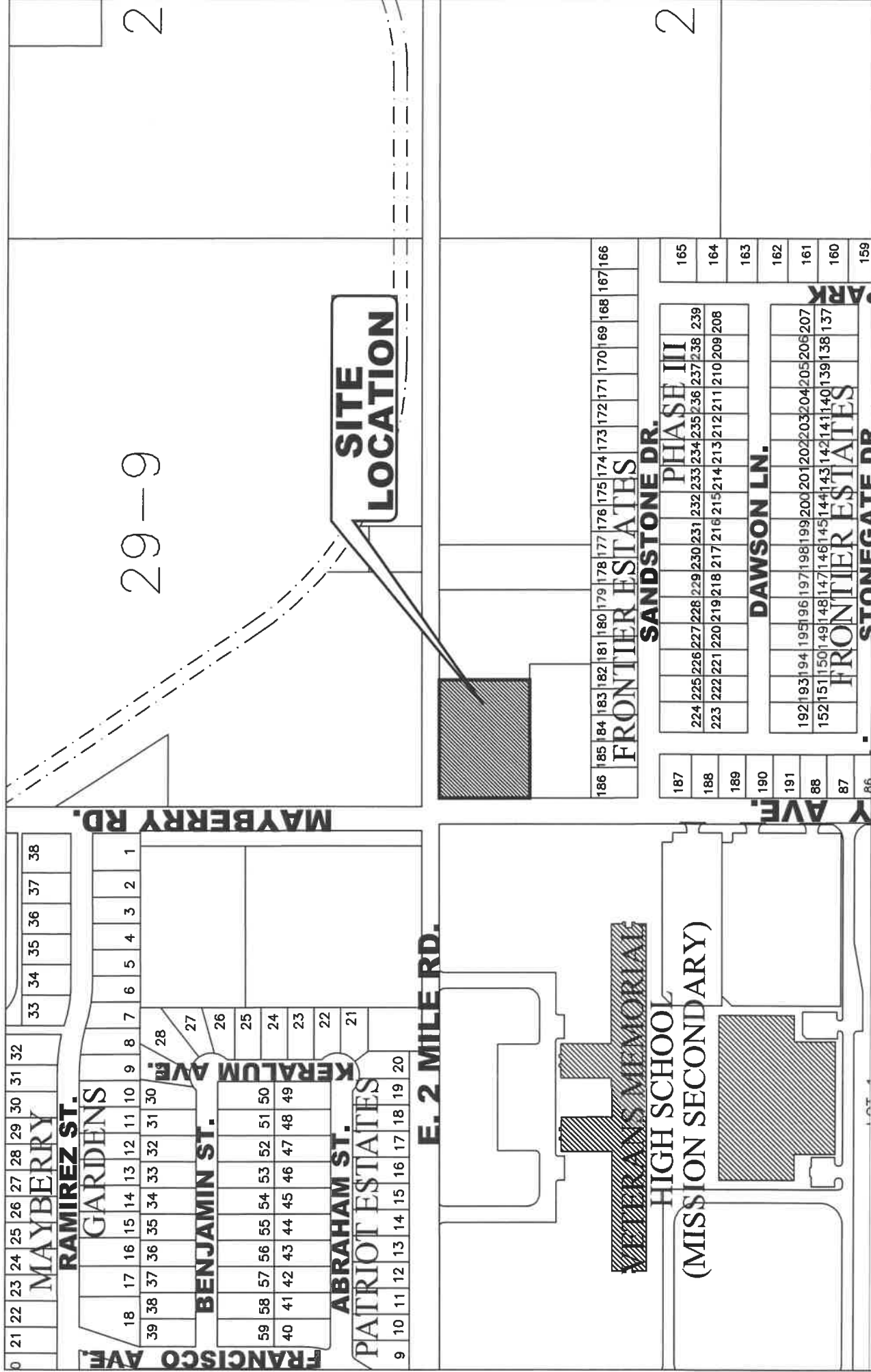
The subject site is located at the SE corner of Mayberry Road and E. Mile 2 Road. The applicant has a 1400 sq.ft. building for his snack shop and is requesting a conditional use permit for the use of the 4 drive-thru service windows at this location. The building has two windows on each side 2 to place an order and 2 to deliver the order. Entrance to the site is derived from a driveway cut along Mayberry Road. The drive-thru lane allows for stacking of approximately 9 vehicles.

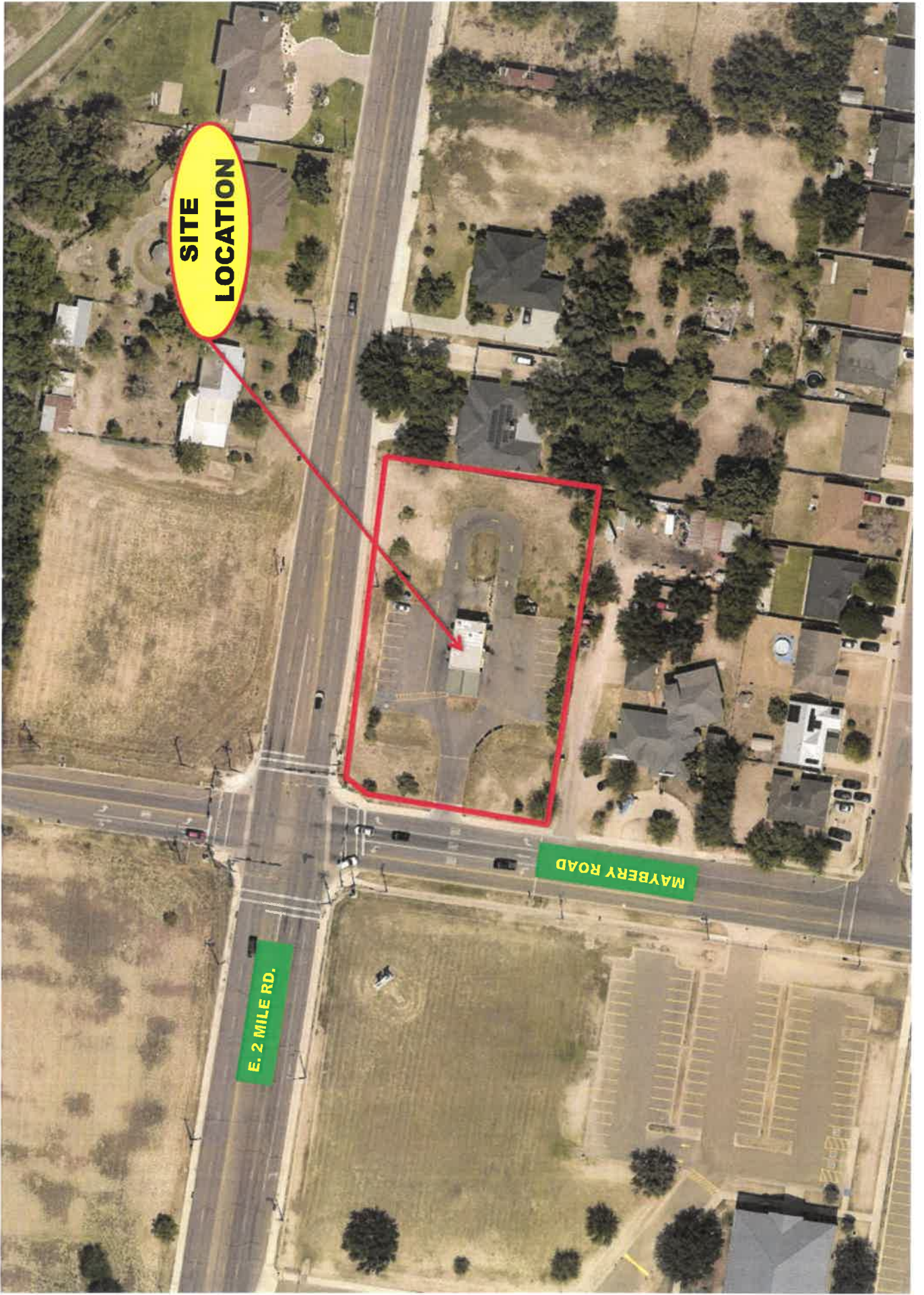
- **Days/Hours of Operation:** Everyday from 11:00 a.m. to 1:30 a.m.
- **Number of Employees:** 4
- **Parking:** There is a total of 34 seating spaces in the patio area, which would require 11 parking spaces (34 seats/3 = 11.3 spaces). Currently, there is a total of 20 striped parking spaces and a drive-thru lane that allows for the stacking of 9 vehicles for a total of 29 parking spaces.
- **Landscaping:** The landscaping requirement is meeting code, except it needs to be maintained.
- Must continue to comply with all City Codes. (Fenced must be repaired, and potholes on parking lot need to be fixed).

**REVIEW COMMENTS:** Staff notes that this business has been in operation since 2017. Staff has received several concerns regarding the hours of operations staying open until 2:00 a.m., customers using the drive-thru windows will idle waiting for their orders with load exhaust mufflers and loud music playing from their vehicles. Staff supports this local business and would like the applicant to continue his use of drive-thru windows. However, staff also recommends keeping the hours of the drive-thru windows until 10:00 p.m. on weekdays and until midnight on weekends. The long-established residential community directly south and residential lot just east of this business is being impacted by the noise being created by the late hour traffic. The city has a noise ordinance and an obligation to protect these citizens, who have been there long before the business.

Staff has suggested for them to hire off-duty police officers to address the noise and traffic concerns but suggestions have been ignored. Staff notes that the applicant had applied for a conditional use permit back in 2019 and was denied due to noncompliance. Staff mailed out 17 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

**RECOMMENDATION:** Staff recommends approval of the drive-thru service windows, with the exception of the extended hours subject to the following: 1) 6-month re-evaluation in order to assess compliance, 2) Must comply with all City Codes (repair fence, potholes within 30 days), and 3) hire off-duty police officers to help address the traffic and noise concerns.

























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