

Started: 5:37 p.m.

Ended: 5:41 p.m.

Item #1.1

Conditional Use Permit:

Sale & On-Site Consumption of Alcoholic Beverages – Medelina’s Restaurant

2224 E. Business Hwy. 83

Being a tract of land containing 1.08 acres of land, being part or portion of Lot 204,

John H. Shary Subdivision

C-4

Sandalio R. Garcia

Ms. De Luna went over the write-up stating the subject site is located on the SW corner of Glenwood Avenue and East Business Hwy 83. The applicant is leasing 2820 sq. ft. building to operate a First-Class family-oriented Mexican Restaurant with top quality food that provides a comfortable atmosphere resulting in a positive dining experience. The restaurant has been in operation since February 2023 but did not offer alcohol in their menu. The applicant would now like to offer alcoholic beverages with his meals. Access to the site is from 2 – 24’ driveways off of Business Highway 83.

- **Hours of operation:** Monday - Sunday from 7am to 7pm.
- **Staff:** 12 employees.
- **Parking & Landscaping:** In reviewing the floor plan, the applicant is proposing 84 seats, which require a total of 28 parking spaces (84 seats/3=28 parking spaces). It is noted that there are 36 existing parking spaces that are shared with the other businesses. The applicant would need to reduce the number of seats by 30 in order to comply with the parking requirements. Landscaping requirements are being met.
- Must comply with all City codes including Health, Fire Department and TABC requirements.
- **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 the 300’ radius, however P&Z and City Council have waived this requirement for similar businesses.

REVIEW COMMENTS: Since the sale of alcohol does not seem to be the primary intent and has worked before at this location, staff does not object to this proposal. Additionally, 24 notices were sent to property owners within a 200’ radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION:

Staff recommends approval subject to:

1. Approval for 2 years at which time the CUP and TABC permit will need to be renewed;
2. Waiver of the 300’ separation requirement from the residential home;
3. Must comply with all requirements from our City Codes (Noise, Fire, Health, etc.), and
4. Must obtain a business license prior to occupancy.

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

Mr. Sandalio R. Garcia was available for any questions the board had.

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

Chairwoman Izaguirre asked if the board had any questions.

Mr. J.D. Villarreal asked if the applicant was extending his hours of operation?

Mr. Sandalio R. Garcia stated "yes" that is correct.

Mr. J. D. Villarreal asked Mr. Garcia that if his business had been operating 7:00am – 7:00pm since his business opened?

Mr. Sandalio Garcia stated "No".

Mr. J. D. Villarreal asked that if alcohol was going to be served with meals or like a bar?

Mr. Sandalio Garcia stated that alcohol was going to be served as part of the meals only.

Mr. J.D Villarreal stated that if there was a provision that indicated that alcohol can only be served with meals. Mr. Villarreal added that if a couple or a family would be restricted to consume only a certain amount of alcohol.

Ms. Susana De Luna stated that the hours of operation are only until 7:00pm. She added that if Mr. Garcia would like to extend his hours he would have to reapply for his conditional use permit.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to the approve the conditional use permit. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.