



MEETING DATE: August 25, 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 a Drive-Thru Service Window – Dak's Snacks in a (C-2) Neighborhood Commercial District, being Lot 1, Sylvia Plaza Subdivision, located at 810 N. Schuerbach Road, Suite D, Applicant: Cristina Salazar, Adoption of Ordinance #_____ - Cervantes

NATURE OF REQUEST:

Project Timeline:

- July 30, 2025 – Application for Conditional Use Permit (“CUP”) submitted to the City for processing.
- August 8, 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.
- August 20, 2025 – Public hearing and consideration of a Conditional Use Permit by the Planning and Zoning Commission.
- August 25, 2025 – Public hearing and consideration of a Conditional Use Permit by the City Council.

Summary:

- The subject site is located at the southeast corner of Schuerbach Road and Business 83.
- Per Code of Ordinance, Drive-Thru Service Windows require the approval of a Conditional Use Permit by the City Council.
- There is an existing 24' x 35' (840 sq. ft.) snack shop with a drive-thru service window that has been in existence since July 2021. Access to the site is provided off Schuerbach Road with a 45' driveway. The service window is located approximately 15' from the corner of the building, which provides stacking for approximately two vehicles.
- The proposed days and hours of operation are Monday–Sunday from 11:00 am to 11:00 pm
- Staff: 2 employees
- Parking: the 840 sq. ft. site requires 5 parking spaces. It is noted that the parking area is held in common (35 existing parking spaces, inclusive of gas pump stalls) and is shared with other businesses.

- The last conditional use permit approved for the drive-thru service window for this location was on September 26, 2022 for a period of 2 years. Staff notes that this would be the 3rd renewal.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out (9) 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. Life of use with the understanding that the permit can be revoked due to noncompliance.
2. Continued compliance with all City Codes (Building, Fire, Health, Sign codes, etc.).
3. CUP is not transferable to others
4. Hours of operation to be as follows: Monday – Sunday from 11:00 am to 11:00 pm

Departmental Approval: Approval

Advisory Board Recommendation: Approval

City Manager's Recommendation: Approval *MRP*

RECORD OF VOTE:	APPROVED:	_____
	DISAPPROVED:	_____
	TABLED:	_____

_____ AYES

_____ NAYS

_____ DISSENTING _____