

Started: 5:36 p.m.

Ended: 5:38 p.m.

Item #1.2

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Muelle 37
801 N. Shary Road, Suites 150, 160 & 170
Lot 1A, Mirabelle Subdivision
C-4
Mariscos El Muelle, LLC**

Ms. De Luna went over the write-up stating the subject site was located approximately 600' south of E. Business Highway 83 along the west side of N. Shary Road. The applicant leased 3 suites totaling 5,686 sq. ft. within a commercial plaza for a seafood restaurant with a bar component. Access to the site is off a 25' driveway off of N. Shary Road and two 32' driveways off of Mirabelle Street.

- **Hours of Operation:** Monday – Thursday from 11:00 a.m. to 9:00 p.m., Friday, Saturday & Sunday from 11:00 a.m. to 10 p.m.
- **Staff:** 18 to 25 employees in different shifts.
- **Parking:** In viewing the floor plan, there is a total of 177 seating spaces, which require 59 parking spaces (177 seats/ 3 seats = 59 parking spaces). It is noted that the parking area is held in common (135 existing parking spaces) and are shared with other businesses.
- **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 other similar businesses.
- Compliance with all building, fire, health, noise, and sign codes.

REVIEW COMMENTS: Since this business will it will not be open after 10 p.m., and the sale of alcohol is not the primary item of purchase, staff does not object to this proposal. Staff mailed out 23 notices to residents within 200' radius and as of this writing we have not had any calls or letters in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, 2) Waiver of the 300' separation requirement from residential neighborhoods, 3) acquisition of a business license.

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the request as per staff recommendation. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.