

**NOTICE OF SPECIAL MEETING
MISSION CITY COUNCIL
SEPTEMBER 17, 2012 10:30 A.M.
MISSION CITY HALL**

PRESENT:

Norie Gonzalez Garza, Mayor Pro Tem
Ruben D. Plata, Councilman
Dr. Armando O'cana, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Julio Cerda, City Manager

ABSENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman

ALSO PRESENT:

STAFF PRESENT:

Aida Lerma, Deputy City Manager
Sonia Marroquin, Deputy City Manager
Bobby Salinas, Interim Planning Director
Alex Hernandez, Planning Dept.

1. Call to order

With a quorum being present, Mayor Pro Tem Norie Gonzalez Garza called the meeting to order at 10:42 a.m.

2. PUBLIC HEARING: Conditional Use Permit: Sale & On-site consumption of Alcoholic Beverages – Russo's New York Pizzeria, 201 S. Shary Rd., Ste. 100, Lot 6 Block A, Shary-Taylor Expressway Subdivision, C-4 Russo's New York Pizzeria

The restaurant is located within an existing commercial plaza located near the NE corner of U.S. Expressway 83 and Shary Road. The new pizzeria is located where the Blue Shell was once in operation. A CUP for the sale and on-site consumption of alcohol was approved for the Blue Shell on 7/11/07. Primary access to the site is provided through an existing driveway cut along Shary Road, however there are various existing access points to the restaurant. The applicant was proposing a "bar" component within the restaurant which requires the use of Sec. 1.56 (3a.) of the Zoning Code which states: *Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclub*: "the property line of the lot of any of the above mentioned businesses which have late hours (after 10:00 p.m.) must be at least 300 feet from the nearest residence, church, school or publicly owned property..." There are no such uses in the area.

In talking to the applicant, he stated that their restaurant only offers beer & wine, there will be no liquor or mixed drinks served. They mentioned that the bar area would be more similar to a diner, where one could sit and eat. Also, the latest they will be closing will be at 12:00 a.m. on Friday and Saturday (which is early when compared to other "bar and grill" concepts).

- **Days/Hours of Operation:** Monday – Thursday from 11 a.m. to 10 p.m., Friday and Saturday from 9 a.m. to 12 a.m. and Sundays from 9 a.m. to 9 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 40 employees

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- **Parking:** The applicant is proposing 131 total seating spaces, which require 44 parking spaces (131 seats/1 space for every 3 seats = 43.6 parking spaces). It is noted that a total of 129 parking spaces are held in common in this section of the development and is shared with other businesses.
- Since it will not be open after 12 a.m., and the sale of alcohol is not the primary item of purchase, staff does not object to this proposal.

There was no public opposition during the 9/12/12 P&Z hearing. P&Z unanimously recommended approval as shown below.

Staff Recommendation: Approval subject to a 1 year re-evaluation to assess this new operation and the acquisition of a business license.

City Manager recommended approval.

Mayor Pro Tem Garza asked if there were any comments for or against the cup request.

There were no comments.

Councilman Armando O'cana moved to approve the Conditional Use Permit: Sale & On-site consumption of Alcoholic Beverages – Russo's New York Pizzeria, 201 S. Shary Rd., Ste. 100, Lot 6 Block A, Shary-Taylor Expressway Subdivision, C-4 Russo's New York Pizzeria. Motion was seconded by Councilman Ruben Plata and approved unanimously 3-0.

3. Adoption of Ordinance # 3834 for CUP for the Sale & On-site Consumption of Alcoholic Beverages – Russo's New York Pizzeria, 201 S. Shary Road Suite 100, being Lot 6, Block A, Shary Taylor Expressway Subdivision

Staff and City Manager recommended ordinance approval.

Councilman Plata moved to adopt of Ordinance No. 3834 for CUP for the Sale & On-site Consumption of Alcoholic Beverages – Russo's New York Pizzeria, 201 S. Shary Road Suite 100, being Lot 6, Block A, Shary Taylor Expressway Subdivision. Motion was seconded by Councilman O'cana and approved unanimously 3-0.

ORDINANCE NO. 3834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION,
TEXAS GRANTING A CONDITIONAL USE PERMIT FOR THE SALE AND ON-SITE
CONSUMPTION OF ALCOHOLIC BEVERAGES – RUSSO'S NEW YORK PIZZERIA,
201 S. SHARY ROAD, SUITE 100, BEING LOT 6, BLOCK A,
SHARY-TAYLOR EXPRESSWAY SUBDIVISION

4. Adjournment

At 10:45 a.m., Councilman O'cana moved for adjournment. Motion was seconded by Councilman Plata and approved unanimously 3-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary