

**PLANNING AND ZONING COMMISSION
JULY 10, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Raquenel Austin
Debra Lee Alvarez
Hector Moreno
Jasen Hardison
Ruben Arcaute

STAFF PRESENT

Jaime Acevedo
Susie De Luna
Maribel Quintanilla
Joel Chapa

GUESTS PRESENT

Sharon Ellison
Flumencio Cepeda Jr
Luis Cepeda
Michael Aguilar

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:32 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR JUNE 26, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for June 26, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mrs. Debra Lee Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:36 p.m.

Item #1.1

Conditional Use Permit:

**Drive-Thru Service Window
708 N. Inspiration Road
Lot 1, Rivalsebas Subdivision
C-3
Veronica Cepeda**

Mr. Jaime Acevedo went over the write up stating the subject site is located 400' south of E. Expressway 83 Frontage Road along the east side of Inspiration Road. There is a commercial plaza currently under construction and the owner would like to offer one of the suites with the use of a drive thru service window. Mrs. Cepeda, owner/developer, would like to incorporate the drive-thru window into the construction while the commercial plaza is being built. If approved, this particular CUP would be for an 827

sq. ft. suite and it could be used for a convenience store style use. A restaurant would likely not work at this commercial location since the parking barely meets code for a commercial plaza of this size. Access to the site is from a 24' driveway from Inspiration Road. The commercial suite that is being proposed with a drive-thru service window is along the west end of the commercial plaza.

- **Hours of Operation:** To be determined
- **Staff:** To be determined
- **Parking:** Parking is held in common at this location and exceeds code.
- **Landscaping:** The commercial plaza is under construction but their landscaping plan is in compliance with code.

REVIEW COMMENTS: The drive-thru service window allows for 5 vehicles to be easily stacked. There has been no opposition voiced against the proposed drive-thru service window. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request.

RECOMMENDATION: Staff recommends approval but would still require that the future operating business apply for their own approval since CUP's are not transferable.

Chairwoman Izaguirre asked if there was anyone for or against Item #1.1.

There was none.

Chairwoman Izaguirre asked if the applicant was present.

Representative Mr. Flumencio Cepeda was present to answer any questions the board might have.

There being no further discussion Chairwoman Izaguirre called for a motion.

Mrs. Raquene Austin moved to approve the conditional use permit as per staff's recommendation. Mrs. Debra Lee Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:38 p.m.

Item #1.2

Conditional Use Permit:

Renewal:

Drive-Thru Service Window

Papa Taco Mexican Restaurant

2714 E. Griffin Parkway, Ste. B

Lot 3, Sparks & Townsend Plaza Subdivision

C-3

Susana Aguilar

Mr. Acevedo went over the write-up stating subject site is located at the SE corner of Taylor and F.M. 495. Mrs. Aguilar desires to renew her CUP for a drive-thru for a Mexican Restaurant at this location. The drive-thru window is on the west side of the building where driveway approach will be via a 35' alley driveway cut from Taylor Road. To exit one would either go out onto F.M. 495 or exit back onto Taylor. Viewing the site plan there is enough room to accommodate (1) vehicle at the service window and there is enough space for the stacking of (1) additional vehicle. The applicant has been at this location for 3 years now without any incidents.

- **Hours of Operation:** Monday - Sunday from 7 a.m. to 9:00 p.m.
- **Staff:** 8 Employees during different shifts
- **Parking:** The 1,600 sq. ft. building will have a total of 20 seating spaces for the restaurant. A total of 21 spaces are required for this site (1,600 sq. ft./75sq.ft.= 21 parking spaces). It is noted that parking is held in common with this development and exceeds code.
- Landscaping has been provided as a part of the overall commercial development.

REVIEW COMMENTS: Staff does not object to the proposed drive-thru service window.

RECOMMENDATION: Staff recommends approval for life of use subject to the CUP not being transferable to others.

Chairwoman Izaguirre asked if there was anyone for or against Item #1.2.

There was none.

Representative Mr. Michael Aguilar was available to answer any questions the board might have.

There being no further discussion Chairwoman Izaguirre called for a motion.

Mrs. Raquanel Austin made a motion to approve the conditional use permit as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:38 p.m.

Ended: 6:00 p.m.

Item #1.3

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Whistling Duck
1603 E. Griffin Parkway, Suite B
Lot 3, Sparks & Townsend Plaza Subdivision
C-3
Whistling Duck, Inc.**

Mr. Acevedo went over the write-up stating subject site is located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). The applicant has been in operation at this location for 2 years now and is requesting renewal of his Conditional Use Permit for the sale and on-site consumption of alcohol. The existing restaurant offers high end farm to table craft food and craft beer. The applicant has received approval from landlord and TABC to use a concrete pad located outside as an outdoor patio area. This area would be fenced in and gated and will be utilized from occasionally for special events and weather permitting.

- **Hours of Operation:** Monday through Thursday from 11:00 a.m. to 12:00 pm, Friday from 11:00 a.m. to 2:00 a.m., and Saturday & Sunday from 10:00 a.m. to 12:00 a.m.
- **Staff:** 38-40 employees during different shifts.
- **Parking:** The subject site has a total of 170 total seating spaces, which require 57 parking spaces (170 seats/1 space for every 3 seats = 56.7 parking spaces). It is noted that this location has 116 parking spaces plus 3 stacking spaces at a drive-thru service window for a total of 119 parking spaces, which exceeds code by 1.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius); thus a waiver of the separation requirement needs consideration.

RECOMMENDATION: Staff recommends approval subject to:

1. CUP to be valid for a period of 2 years from issuance of TABC License;
2. No objection to a waiver of 300' separation requirement from residential;
3. Must continue to comply with all Building, Fire, and Health Codes.

Chairwoman Izaguirre asked if there was anyone for or against Item #1.3.

Mrs. Sharon Ellison was there to express her concerns about the traffic, late hours, delivery trucks, and the DJ playing loud music. She stated that she was here at the meeting last year, without her knowing that there was a second meeting that had the final authority in decision making. She will keep showing up to all meetings pertaining to the Whistling Duck.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Alvarez asked Mr. Acevedo if they were approving two things because she is against the outside patio.

Mr. Acevedo respondent "no".

Mr. Hardison recommends sticking, to the Sale and Consumption of Alcohol.

Mr. Acevedo commented that they can act on it separately.

Chairwoman Izaguirre asked if the applicant was present.

Representative Mr. Jaime Morales was present to answer any questions the board might have.

Mr. Barrera asked the applicant if there were speakers outside Whistling Duck.

Applicant responded that there are only two small speakers.

Mrs. Ellison voiced that is not the problem, the problem is the inside loud music playing.

Applicant replied that she is the only citizen complaining, and that he had limited himself to play music from Thurs-Fri from 8-11 p.m. instead of 12 a.m., There's been no fights and only people age 30 and up go have dinner. Sunday is closed at 6 p.m., Mr. Montes is willing to obey the board recommendations and follow noise ordinance.

There being no further discussion Chairwoman Izaguirre called for a motion.

Motion was made by Mr. Ruben Arcaute to approve the conditional use permit as per staff's recommendation. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was no other business.

**ITEM #3.0
ADJOURMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mr. Hector Moreno seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:02 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission