



**MINUTES OF THE MEETING OF THE
LEON VALLEY ZONING COMMISSION**

June 4, 2014

The meeting of the Leon Valley Zoning Commission convened at 7:05 p.m. on Wednesday, June 4, 2014, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 2nd Vice-Chair Olen Yarnell, and Members Phyllis McMillan and Pedro Esquivel. Absent and properly excused were Members Hal Burnside, Nicole Monsibais and Carlos Fernandez. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

II. Approval of the Minutes – Thursday, May 29, 2014

Staff explained that the minutes were not presently completed and would be presented for consideration at the next Zoning meeting.

III. Specific Use Permit #2014-273 – A Request by Wing Daddy’s Sauce House, applicant, to operate a “Restaurant – Not Completely Enclosed,” in a B-2 (Retail) zoning district in the Sustainability Overlay, being Lot 39, Block 2, CB 4429A, generally located at 6430 Bandera Road.

Chairman Claude Guerra III opened the discussion at 7:07 p.m. Staff presented the case details noting that Specific Use Permit (SUP) Case #2014-273 was a request by Wing Daddy’s to operate a “Restaurant – Not Completely Enclosed,” in a B-2 (Retail) zoning district at 6430 Bandera Road. Staff noted that the use was allowed in a B-2 zoning district with an SUP. Staff noted the surrounding zoning and the site history which indicated that the shopping center was constructed in 1983. Staff stated that the 2009 Master Plan, Section 1bCC Bandera Road South Corridor addressed this area in general encouraging B-2 (Retail) development. Staff noted that operation of a “Restaurant – not completely enclosed,” appeared to be consistent and compatible with the area. Staff explained that the SUP was a zoning tool that could be utilized to further regulate noise and/or screening. Staff explained that the B-2 district is suitable for furnishing retail goods and services and limits outdoor storage. Staff stated that per Chapter 14, Section 14.02.551b, of the 2009 Leon Valley Code of Ordinances, the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use would generate less than 100 peak hour trips. Staff further stated that 22 letters were mailed to property owners within 200-feet and as of that evening one (1) letter was received opposed to the request and one (1) was returned undelivered. Staff concluded the presentation and remained available for questions.

Commissioner Pedro Esquivel asked staff if the City had a noise ordinance. Staff noted that the City did have an ordinance. Commissioner Pedro Esquivel noted that he had concerns with the terms stated in the applicant’s Design Statement which noted that music would be played at “tasteful levels.” He explained that there could be different interpretation into “tasteful levels.”

Sung Song, Wing Daddy’s Representative and Partner, addressed the Commission and noted that all Wing Daddy’s restaurants have patios with music. He explained that the tasteful level was their efforts at creating ambiance. He further explained that they did not do loud parties or juke boxes. He noted that at their existing locations they had not had complaints. He also noted that Wing Daddy’s was a family restaurant with children. He explained that they were a neighborhood restaurant first and foremost. He further explained that they strived for consistency with all of their restaurants.

2nd Vice-Chair Olen Yarnell asked about parking. Mr. Song indicated that they had parking available throughout the shopping center.

2nd Vice-Chair Olen Yarnell asked if there would be a fence around the patio. Mr. Song noted that there would be a fence as required by the Texas Alcoholic Beverage Commission.

2nd Vice-Chair Olen Yarnell asked about elevations or examples of other restaurants with patios. Mr. Song noted that there were two (2) in San Antonio. Mr. Song showed the Commission elevation renderings. It was noted that the patio was fenced and approximately 400 square feet.

Chairman Claude Guerra III noted concern with the hours of operation because of late hours noted in the Design Statement and the fact that they would have an open patio and music. Mr. Song noted that their locations were all consistent with hours of operation Sunday through Wednesday of 11 a.m. to midnight and Thursday through Saturday until 1 a.m. with food served until close. Chairman Guerra III asked if the music was until 1 a.m. Mr. Song noted that the music was concurrent with their hours but would not be audible to the houses. He noted that the noise from Bandera Road was probably more audible to residents.

Commissioner Phyllis McMillan asked if there were televisions on the patio. Mr. Song noted there would be 2 to 3 enclosed in a casing and the sound would be muted.

Commissioner Phyllis McMillan asked if this would be an area used for large groups which could potentially generate significant noise while watching high profile sports games. Mr. Song mentioned the occasional Spurs game and the example of a celebration for a soldier deploying, but further explained that they have not had an issue.

Jason Wightman, agent for Wing Daddy's, noted that the patio faces away from the neighborhood and is approximately 190-feet from residents. He also noted that the existing retaining wall and the 6-foot privacy fence limit light and noise. He further explained that the building was 20-feet tall and so for noise or light to get to residents would be difficult.

Chairman Claude Guerra III noted one letter in opposition and asked if staff had spoken to the opposed resident. Staff noted that she had not spoken to the opposed resident and was uncertain of the exact concern but estimated that it was what the Commission was already discussing.

Chairman Claude Guerra III opened the public hearing at 7:18p.m. Being no speakers, Chairman Claude Guerra III, closed the public hearing at 7:19 p.m.

2nd Vice-Chair Olen Yarnell noted that with the height of the building and the distance the restaurant was away from the neighborhood and it would be a challenge to hear noise from the restaurant.

2nd Vice-Chair Olen Yarnell made a motion recommending approval of Specific Use Permit (SUP) Case #2014-273, noting it was consistent and compatible and Commissioner Pedro Esquivel, seconded the motion, and the motion passed unanimously, by voice vote, 4-0.

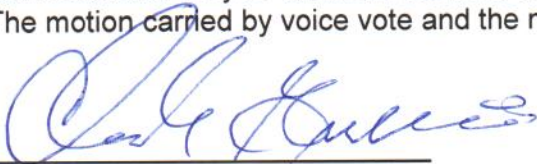
IN FAVOR OF THE MOTION
Chairman Claude Guerra II
2nd Vice-Chair Olen Yarnell
Commissioner Pedro Esquivel
Commissioner Phyllis McMillan

IV. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE

There was neither item, nor action necessary for this session.

VI. ADJOURN

Commissioner Phyllis McMillan made a motion to adjourn, seconded by 2nd Vice-Chair Olen Yarnell. The motion carried by voice vote and the meeting was adjourned at 7:23 p.m.



CHAIR



STAFF