

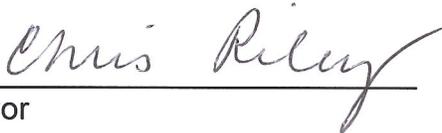
AN ORDINANCE

GRANTING A SPECIFIC USE PERMIT TO ALLOW CONSTRUCTION OF A "RESTAURANT WITH A DRIVE-THRU," IN A B-2 (RETAIL) ZONED PROPERTY, BEING LOT 7, 20, 30 AND 35, BLOCK A, CB 4446A, LINKWOOD ADDITION SUBDIVISION, LOCATED AT 7137 BANDERA ROAD, IN THE CITY OF LEON VALLEY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. A Specific Use Permit is granted allowing construction of a "Restaurant with a Drive-Thru," adjacent to residentially zoned property, being Lot 7, 20, 30 and 35, Block A, CB 4446A, Linkwood Addition Subdivision, a B-2 (Retail) zoned property, located at 7137 Bandera Road, particularly described in case file SUP 2010-266.
2. The City staff is hereby authorized to issue said Specific Use Permit when all conditions imposed by the City Council and as reflected in the Specific Use Permit Case No. 2010-266 have been complied with in full.

PASSED and APPROVED this the 17th day of August, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary



APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CASE WORKSHEET (Page 1 of 2)  
Specific Use Permit Case No. 2010-266

<b>Applicant:</b>	Deorald Finney, applicant and property owner ( <b>att.1&amp;2</b> ).
<b>Request:</b>	To allow construction of a "Restaurant with a Drive-Thru," in a B-2 (Retail) zoning district, adjacent to residentially zoned property. Per Chapter 14, "Zoning Ordinance," Sec. 14.02.662, "Exceptions," Part (a) where the proposed new construction of freestanding buildings, multi-tenant office buildings, shopping centers, trade centers, office/warehouses or industrial parks abuts any residential zoning district, a <b>specific use permit must be obtained</b> prior to the issuance of a building permit ( <b>att.3</b> ).
<b>Site:</b>	Lot 7, 20, 30 and 35, Block A, CB 4446A, Linkwood Addition Subdivision, located at 7137 Bandera Road ( <b>att.1&amp;2</b> ).
<b>Surrounding Zoning/Land Use:</b>	Surrounding zoning consists of: To the north, developed R-1 (Single-Family Dwellings); to south developed B-2 (Retail); to the east, developed R-4 (Townhomes), R-1 (Single-Family) and R-2 (Two-Family); and to the west developed B-2 (Retail) and R-1 (Single-Family) ( <b>att. 4</b> ).
<b>History:</b>	<ul style="list-style-type: none"> <li>➤ 1970- zoned B-2 (Retail) to a depth of 400-feet (city initiated)</li> </ul>
<b>Master Plan:</b>	<p>The 2009 Master Plan, Section 2N, Linkwood Addition Subdivision addresses development in this area noting that: (<b>att. 6</b>)</p> <ol style="list-style-type: none"> <li>1) Property consolidation is encouraged for B-2 (Retail) properties in Lots A and B</li> <li>2) All non-residential development in Block A and B should orient and be accessible only from Bandera Road</li> <li>3) Certain lots in Block A and B are difficult to develop due to shallow lot depth</li> <li>4) Lots fronting Linkcrest in Blocks A and B should remain B-2 (Retail), but may be considered for rezoning to R-1 or R-2</li> <li>5) Proper buffering is also encouraged between residential and retail/commercial developments.</li> </ol>
<b>Mission &amp; Vision Statements:</b>	See attachment ( <b>att. 7</b> ).
<b>Staff Comments:</b>	<ul style="list-style-type: none"> <li>➤ This use is allowed per Code in the Sustainability Overlay. The SUP is required due to the proximity of the proposed restaurant to the adjacent residential properties.</li> <li>➤ The applicant is aware of the Sustainability requirements and has indicated his intended compliance. Staff will insure all regulations are met at the Building Permit phase and prior to issuance of a building permit.</li> <li>➤ The 2009 Master Plan recommends against access to Linkcrest Drive. <b>As of the Zoning Meeting 8/10/10, the applicant noted that the Site Plan was being modified to completely close off access to Linkcrest Drive.</b></li> <li>➤ 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 less than 100 peak hour trips.</li> </ul>

<b>200-Foot Property Owner Notification</b>	<p>Letters Mailed: <u>20</u> Mailed <u>1</u> In Favor <u>9</u> Opposed <u>0</u> Returned, unable to deliver <u>0</u> Total responses received as of <b>August 11, 2010</b></p> <p><b>Property Owners <u>WITHIN</u> 200-ft OPPOSED: (10)</b> Balladares – 7301 Linklea McCoy – 7309 Linklea Pereyra – 7400 Linkwood Pompa – 7303 Linkmeadow Vallejo – 7300 Linkmeadow Urrutia – 7304 Linkmeadow Carlin – 7144 Linkcrest Umana – 7130 Linkcrest Hachar – 7122 Linkcrest Garcia – 7126 Linkcrest</p> <p><b>Property Owners <u>WITHIN</u> 200-ft IN FAVOR: (1)</b> Biegers – 7117 Bandera</p> <p><b><u>OUTSIDE</u> 200-ft OPPOSED: (19) this includes 2 duplicate and 4 letters without addresses specified as being in Linkwood Addition Subdivision</b></p>
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- Attachments:
- 1) Application
  - 2) Design Statement
  - 3) SUP Requirement
  - 4) Location Map
  - 5) Zoning Map
  - 6) Master Plan Section 2N Linkwood
  - 7) Mission & Vision Statement
  - 8) Site Plan
  - 9) Map of property owners OPPOSED & IN FAVOR
  - 10) Letters Received

**\*\*\*ZONING COMMISSION RECOMMENDATION\*\*\***

**ON AUGUST 10, 2010, THE ZONING COMMISSION RECOMMENDED APPROVAL OF SPECIFIC USE PERMIT #2010-266, FOR CONSTRUCTION OF A "RESTAURANT WITH A DRIVE-THRU," ON A B-2 (RETAIL) ZONED PROPERTY WHICH IS ADJACENT TO RESIDENTIALLY ZONED PROPERTY, WITH THE FOLLOWING CONDITIONS:**

- **CONCRETE BARRIER (MASONRY FENCE)**
- **PROPERTY LIGHTING**
- **CHANGES TO THE SITE PLAN FOR CITY COUNCIL TO REVIEW**
- **NOISE ABATEMENT CONSIDERATION (I.E. LIMIT THE WASTE MANAGEMENT TO PICK UP TRASH ONLY AT CERTAIN TIMES OF THE DAY)**

**THE VOTE WAS 5-1.**

CASE WORKSHEET (Page 1 of 2)  
Specific Use Permit Case No. 2010-266

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Specific Use Permit Case No. 2010-266

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