



MEETING DATE: January 27, 2026

PRESENTED BY: Xavier Cervantes, AICP, CPM – Director of Planning

AGENDA ITEM: Conduct a public hearing and consideration of a Conditional Use Permit for the Sale & On-Site Consumption of Alcoholic Beverages – Evera Bar & Grill in a (PUD) Planned Unit Development District, being all of Lot 1, Plantation Grove Tech-Center No. 2 Subdivision, located at 4001 S. Shary Road, Suite 100, Applicant: HTV Enterprise, LLC, c/o Hector Tamez, Adoption of Ordinance #_____ – Cervantes

NATURE OF REQUEST:

Project Timeline:

- December 11, 2025 – Application for Conditional Use Permit submitted to the City for processing.
- December 26, 2025 – In accordance with State and local law, notice of required public hearings was mailed to all property owners within 200 feet of the subject tract, and notice of public hearings was published in the Progress Times.
- January 7, 2026 – Public hearing and consideration of a Conditional Use Permit by the Planning and Zoning Commission.
- January 27, 2026 – Public hearing and consideration of a Conditional Use Permit by the City Council.

Summary:

- The subject site is located at the Southeast corner of San Mateo and Shary Roads. Access to the site can be from one primary driveway to Shary Road or from separate driveways from San Mateo or from San Gabriel streets.
- Per Code of Ordinance, the sale and on-site consumption of alcoholic beverages requires the approval of a Conditional Use Permit by the City Council.
- The applicant is leasing a 3,627 sq.ft. suite and proposes to operate a bar and grill at this location.
- Staff notes that the City Council recently approved a CUP for the sale & on-site consumption of alcoholic beverages for Malquerida Bar & Grill on December 9, 2025. Since the CUP is not transferable to others, a new conditional use permit is required due to the change in ownership.
- The suite has 38 tables with 4 chairs each, 3 VIP areas for 6, a stage for the band, a bar, a kitchen, and an office upstairs.
- The applicant is proposing to have live music or bands on Thursday, Fridays & Saturdays and a full menu until 12:00 am.
- **Days/Hours of Operation:** Monday – Sunday from 12:00 p.m. to 2:00 a.m.
- **Staff:** 10 employees
- In reviewing the floor plan, staff noticed that the applicant is proposing a total of 170 seating spaces for this establishment, which requires 57 parking spaces. The parking spaces are calculated based on the number of seats, 1 parking spaces for every 3 seats. (170 seats/3=56.6 parking spaces). However, the maximum capacity for this establishment is 120 people, which means the applicant would need to reduce the number of tables to comply with the Fire Department's requirement.

- **Parking:** It is noted that the parking spaces are held in common for this commercial plaza. There is a total of 180 existing parking spaces that are shared with other businesses.
- **Sale of Alcohol:** The proposed establishment includes a 'bar' component. Section 1.56(3a) of the Zoning Code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a single-family residential neighborhood located within 300' radius; however, P&Z and the City Council have waived this separation requirement in the previous CUP's approval.
- The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out (6) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Council may impose requirements and conditions of approval to ensure that a use requested by a Conditional Use Permit is compatible and complementary to adjacent properties.

STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the following conditions:

1. Permit for one (1) year to continue to assess this new business.
2. Continued compliance with all City Codes (Building, Fire, Health, Sign codes, etc.).
3. Waiver of the 300' separation requirement from the residential neighborhoods.
4. Continued compliance with TABC requirements.
5. CUP is not transferable to others.
6. Must have security cameras inside and outside with a minimum 30-day retention.
7. Must comply with noise ordinance.
8. Must have security officers.
9. Hours of operation to be as follows: Monday – Sunday from 12:00 pm to 2:00 am
10. Must have a minimum of one licensed security officer from 8:00 p.m. to 2:00 a.m.
11. Maximum occupancy is 120 people.

STAFF RECOMMENDATION:

Staff recommends approval to the rezoning request.

Departmental Approval: N/A

Advisory Board Recommendation: Approval

City Manager's Recommendation: Approval *JP7*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____