



MEETING DATE: December 9, 2025

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 – Malquerida 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: Lada 52, LLC, Adoption of Ordinance #_____ – Cervantes

NATURE OF REQUEST:

Project Timeline:

- October 17, 2025 – Application for Conditional Use Permit submitted to the City for processing.
- October 24, 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.
- November 5, 2025 – Public hearing and consideration of a Conditional Use Permit by the Planning and Zoning Commission.
- November 12, 2025 – 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 has been in operation in this 3,627 sq.ft. suite since 2018 under the name of Lada 52 Bar & Grill. Their last conditional use permit for the sale & on-site consumption of alcohol was approved on January 9, 2023 for a period of 4 years.
- The applicant would like to change the name of his business from Lada 52 Bar & Grill to Malquerida Bar & Grill. This requires a new conditional use permit due to the name change.
- The suite has 4 VIP areas, a stage for the band, a bar, a kitchen, and an office upstairs.
- The applicant has live music or bands on Fridays & Saturdays and a full menu until 12:00 am.
- **Days/Hours of Operation:** Tuesday – Sunday from 6:00 p.m. to 2:00 a.m.
- **Staff:** 12 employees, including a security officer
- In visiting the site, staff noticed that the applicant has a total of 212 seating spaces for this establishment, which requires 71 parking spaces. The parking spaces are calculated based on the number of seats, 1 parking spaces for every 3 seats. (212 seats/3=70.6 parking spaces).

- **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 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. Hours of operation to be as follows: Tuesday – Sunday from 6:00 pm to 2:00 am
9. Must have one licensed security officer Tuesday thru Saturday from 8 p.m. to 2 a.m.
10. Maximum occupancy is 120 people.

Departmental Approval: N/A

Advisory Board Recommendation: Approval

City Manager's Recommendation: Approval *JP7*

RECORD OF VOTE: **APPROVED:** _____

DISAPPROVED: _____

TABLED: _____

_____ AYES

_____ NAYS

_____ DISSENTING _____