NOTE: Notice is hereby given that there may be a quorum of The City of Balcones Heights City Council Members. There will be no formal action taken by city council members.

NOTICE OF MEETING OF THE
City of Balcones Heights
PLANNING AND ZONING COMMISSION

AGENDA

Notice is hereby given that a meeting of the Planning and Zoning Commission of the City of Balcones Heights, Bexar County, Texas will be held Tuesday, October 17, 2017 at 6:00 p.m., at the Justice Center, located at 3300 Hillcrest Drive, Balcones Heights, Texas, at which time the following subjects will be discussed, to-wit:

I. CALL TO ORDER AND RECORDING OF QUORUM:

II. BUSINESS ITEMS:

1. Approval of Minutes – September 19, 2017

2. Consideration and ACTION on the Special Use Permit application submitted by Mike’s Rookies, Inc./Michael Boulanger for a Neighborhood Bar at 4515 Fredericksburg Rd., CB 5894 BLK LOT E 290 OPN, 300 OF 4, 2 42 OF N 300 OF 3.

III. CITIZENS TO BE HEARD:

At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no action may take place and no discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.

IV. ADJOURNMENT:

City of Balcones Heights

DELIA R. SANCHEZ
City Secretary

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at the City of Balcones Heights, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: October 13, 2017 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

The Balcones Heights Planning and Zoning Commission reserves the right to adjourn into executive session at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.073 (Deliberations about Gifts and Donations) § 551.074 (Personnel Matters) § 551.076 (Deliberations about Security Devices), and § 551.086 (Economic Development)

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Balcones Heights Planning and Zoning Commission meeting is available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary’s office at 735-9148 ext. 236 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201.
NOTICE OF MEETING OF THE  
City of Balcones Heights  
PLANNING AND ZONING COMMISSION  
MINUTES  

Date: September 19, 2017                      Time: 6:05 p.m.  
MEMBERS PRESENT: George Monsive               Dr. Richard Adam  
                Ashley Leasing  
MEMBERS ABSENT: NONE  
SIGN IN SHEET: Rebecca Wang  Jason Link  Suzanne de Leon  
                Madeline Slay  Mike Boulanger  

I. CALL TO ORDER AND RECORDING OF QUORUM:  
Meeting was called to order and quorum was present.  

II. BUSINESS ITEMS:  
1. Approval of Minutes – June 20, 2017  
MOTION: I make a motion to approve the June minutes.  
Motion by: Dr. Adam  Second: George Monsive  3/0/0  PASSED  

2. Commission will hold a PUBLIC HEARING on a Special Use Permit application submitted by Mike’s Rookies, Inc./Michael Boulanger for a Neighborhood Bar at 4515 Fredericksburg Rd., CB 5894 BLK LOT E 290 OPN, 300 OF 4, 2 42 OF N 300 OF 3.  
Public Hearing opened at 6:07 p.m.  
Director of Community Development Rita Hoyl gave a power point presentation on the background information and staff recommendations on the Special Use Permit application submitted.  
There was a question and answer period.  
Public Hearing closed at 6:28 p.m.  

BUSINESS ITEMS:  
3. Consideration and ACTION on the Special Use Permit application submitted by Mike’s Rookies, Inc./Michael Boulanger for a Neighborhood Bar at 4515 Fredericksburg Rd., CB 5894 BLK LOT E 290 OPN, 300 OF 4, 2 42 OF N 300 OF 3.  
MOTION: I would like to make a motion to table this item and have the owner submit additional information before we take any consideration.
Mike Boulanger came up to speak on this item.

Motion by: George Monsive  Second: Dr. Adam  3/0/0  PASSED

4. Commission will consider and make recommendation on Site Plan Review Application submitted by Stantec Inc. – Jason Link, P.E. on property located at 4455 Fredericksburg Rd.

Director of Community Development Rita Hoyl came up and gave a power point presentation on the background and requirements regarding the Site Plan Review Application.

MOTION: I make a motion to make recommendation to City Council to approve site plan submitted by Jason Link with Stantec, Inc. with staff’s recommendations included.

Motion by: Dr. Adam  Second: George Monsive  2/1/0  PASSED

Nay Vote: George Monsive

III. CITIZENS TO BE HEARD:

Madeline Slay submitted a Citizens to be Heard Registration Form however she spoke during Item #2 and Item #4.

IV. ADJOURNMENT:

Motion to adjourn was made by Dr. Adam and seconded by George Monsive all were in favor and meeting adjourned at 7:09

Submitted by:

DELIA R. SANCHEZ
City Secretary
MEMO TO THE PLANNING & ZONING COMMISSION

DATE: OCTOBER 6, 2017
FROM: Rita Hoyl, Director of Community Development
SUBJECT: SPECIAL USE PERMIT – Bar-Indoor (Tavern)
4515 Fredericksburg Rd., Wonder Plaza, MXD Zoning
DATE AND TIME OF HEARING: October 17, 2017, 6 pm

BACKGROUND: On September 19, 2017, the Planning & Zoning Commission held a Public Hearing to consider an application from Mike’s Rookies, Inc. / Michael Boulanger. The applicant is requesting to operate a neighborhood bar in a vacant space in the Wonder Plaza property located at 4515 Fredericksburg Rd. The proposed space has been vacant since Bunratty’s Bar ceased operations in 2013.

At the conclusion of staff’s presentation, a number of comments and questions were asked of Mr. Boulanger relating to food service, alcohol deliveries, occupancy load, and parking.

Below are statements made by Mr. Boulanger in response to comments/questions.

- Looking at a way to bring in catered food and keep on warmers. Could also have a food truck on occasion.
- Delivery trucks will most likely be handled through the front door.
- There is plenty of parking on the lot. Most business in the center are closed during peak hours.
- Occupancy load will not exceed what he can put in the space; tables and chairs take up room which will reduce the occupancy load he will allow.
- Shuffleboard players come in from all over the county.
- Will have dart leagues.
- Runs a good neighborhood bar.
- Space is approximately 2500 sq. ft.
- Proposed patio will be totally enclosed w/awning cover. Size could be 10’x10’.
- Speakers may be piped to the patio and will be volume controlled. (If approving SUP please state in motion).
The Planning & Zoning Commission made a motion to table forwarding a recommendation to allow applicant to bring forth additional information.

Since the September 19th Planning & Zoning meeting, Wonder Plaza owner Steve Miller, reached out to City Administrator David Harris and submitted proposed elevations to upgrade the exterior of the multi-tenant building and also submitted an example of an elevation for the proposed patio (enclosed).

Section 3.5.5 Permitted Uses Matrix Table 3.5.-1 requires bar uses must be granted a Special Use Permit prior to operating such business in Balcones Heights. Mr. Boulanger has submitted a Special Use Permit application to be considered for a “Bar-Indoor Tavern” use.

Excerpt from Zoning Code Sec. 153.3.5.5. PERMITTED USES.

1) Generally. No use shall be permitted pursuant to this chapter, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or specific use permit (SUP) in this section and all applicable permits and approvals have been issued by the agency or official with final decision-making authority.

(2) Use categories and specific uses. The use categories listed in the first column of Table 3.5.-1 are defined in this Code.

<table>
<thead>
<tr>
<th>P</th>
<th>Indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this code. Additional development standards may be applicable (see supplemental use regulations, herein).</th>
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<tr>
<td>S</td>
<td>Indicates that the listed use is permitted within the respective zoning district only after review and approval of a special use permit, in accordance with this code. Specific use permits are subject to all other applicable standards of this code and those requirements that may reasonably be imposed by the city.</td>
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</table>

Table 3.5.-1 Use Matrix

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
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<th>R-6</th>
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<th>O-2</th>
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<td><strong>No outdoor sound systems or live music allowed without a special use permit.</strong></td>
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(Excerpt from Zoning Code)

Zoning Chapter 153, Section § 2.2.2. SPECIAL USE PERMITS.

(1) Purpose and use. The special use permit (SUP) is required to be used when a special use identified in the use matrix (Table 3.5.-1) listed under the zoning district is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property.

(2) Applicable zoning districts. The City Council may authorize the issuance of an SUP only for those uses that are enumerated as special uses in a zoning district, as set forth in the use matrix (Table 3.5.-1). An SUP is an amendment to the zoning map that authorizes the establishment of one or specified uses of particular property without changing the zoning and permitted uses of the property. An SUP may be issued when the City Council determines that the SUP:

(a) Shall not adversely affect the character of the area or neighborhood in which it is located.
(b) Shall not substantially reduce the value of the adjacent and nearby property.
(c) Shall be in keeping with the spirit and intent of the zoning code.
(d) Shall not adversely affect traffic, public health, public utilities, public safety or the general welfare of the city.

When considering your recommendation to the City Council, and keeping in mind the purpose and use of a Special Use Permit, the City’s Zoning Code, and Comprehensive Master Plan, please consider if the proposed bar use supports (a) through (d) above, and the proposed bar use will promote the health, safety, morals and the general welfare of the community.

Additionally, if forwarding a favorable recommendation, please include a condition to allow volume controlled outdoor music.

Also enclosed is the September 19th Planning & Zoning meeting packet.

Respectfully,

Rita Hoyl
MEMO TO THE PLANNING & ZONING COMMISSION

DATE: SEPTEMBER 8, 2017
FROM: Rita Hoyl, Director of Community Development
SUBJECT: SPECIAL USE PERMIT – Bar-Indoor (Tavern)
4515 Fredericksburg Rd., Wonder Plaza, MXD Zoning

DATE AND TIME OF HEARING: September 19, 2017, 6 pm

BACKGROUND: Applicant Mike's Rookies, Inc. / Michael Boulanger has expressed interest in opening a neighborhood bar in a vacant space in the Wonder Plaza property located at 4515 Fredericksburg Rd. The proposed space has been vacant since Bunratty's Bar ceased operations in 2013.

Section 3.5.5 Permitted Uses Matrix Table 3.5.-1 requires bar uses must be granted a Special Use Permit prior to operating such business in Balcones Heights. Mr. Boulanger has submitted a Special Use Permit application to be considered for a "Bar-Indoor Tavern" use.

Table 3.5.-1 Use Matrix

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Mr. Boulanger proposes to operate as a full-service neighborhood bar that serves beer, wine, and liquor. The concept will be a sports oriented bar with two shuffleboards, two dart boards,
multiple television sets, but will not include a pool table. Décor will be nostalgic in nature and similar to his other bar (pictures enclosed). No smoking will be allowed indoors. However, Mr. Boulanger plans to add an enclosed wrought iron deck/patio with a covered canopy on the south side of the building for smokers to use.

Food service will be limited to snacks such as popcorn, peanuts and pizza cooked in a small pizza oven.

Mr. Boulanger is the owner of Rookies Bar located at 6402 Callaghan, in addition to Rookies Too Bar and Grill located at 9200 Broadway.

Aside from the addition of an outdoor patio, no other changes are proposed to the site. Included in this packet are pictures of the outdoor patio at Rookies Too located at 9200 Broadway. The 2.285 acre site contains four individual buildings; (1) Advance Auto Parts; (2) Garibaldi’s Restaurant; (3) Speedy Cash; and (4) Multi-tenant strip center. The proposed bar space will utilize 2,000 sq. ft. of the southwest end of the strip center.

Included please find the Special Use Permit application, support documents to include site plan of the property indicating the location of the proposed bar use.

(Excerpt from Zoning Code)
Zoning Chapter 153, Section § 2.2.2. SPECIAL USE PERMITS.
(1) Purpose and use. The special use permit (SUP) is required to be used when a special use identified in the use matrix (Table 3.5.-1) listed under the zoning district is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property.
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When considering your recommendation to the City Council, and keeping in mind the purpose and use of a Special Use Permit, the City’s Zoning Code, and Comprehensive Master Plan, please consider if the proposed bar use supports (a) through (d) above, and the proposed bar use will promote the health, safety, morals and the general welfare of the community.

Respectfully,

Rita Hoyl

3300 Hillcrest Drive Balcones Heights, TX 78201 (210) 735-9148 phone (210) 735-4954 fax
Permit Information

Date 8/18/2017

Permit Number 3348

Type of Permit Planning & Zoning-Special Use Permit

Type of Business Neighborhood Bar

Project/Resident/Business Name Mike's Rookies, Inc.

Project/Resident/Business Address 4515 Fredericksburg Rd.

Business Phone #

Contractor's Company Name

Applicant's Last Name Boulanger

Applicant's First Name Michael

Applicant's Address 7831 Chops

City San Antonio

State TX

Zip Code 78227

Applicants Home Phone

Applicants Cell Phone

Job Valuation 0.00

Status Pending

Expiration Date 9/25/2017

Email

Tag #

Date of Pavilion Rental

Responsible Party

Type/Name of Event

Start Time

End Time

Assigned To Rita Hoyl

Fees

Fee Planning & Zoning-Special Use Permit Application

Description Notes Amount $500.00 Total $500.00

Payments

Date 8/22/2017

Paid By Mike's Rookies

Amount $500.00

Description SUP Application

Payment Type Check #5700

Accepted By Rita Hoyl

http://www.iworq.net/iworq/PermitpopupPermitEditPrint.asp?sid=QDHBOHKHARMAP... 8/22/2017
<table>
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<td>8/22/2017</td>
<td>SUP Application for Bar Use</td>
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</tbody>
</table>

Notes:
- Date: 8/22/2017
- Note: SUP Application for Bar Use

Total: $500.00
Amount Outstanding: $0.00
Balcones Heights
3300 Hillcrest Drive
Balcones Heights, Texas 78201
210-735-9148

Application for Special Use Permit

Street Address: 4515 FREDERICKSBURG RD., BALCONES HEIGHTS, TX 78201
Legal Description: CB 5894 BLK LOT E 290 OF N 300 OF 4, W 42 OF N 300 OF 3' & NE 8X 300 OF 48
Applicant: Mike's Rookies, Inc. / Michael Boulanger
Property Owner: Miller Steve C Properties
Current Zoning: GEC MVX Current Use: VACANT
Provide Detailed Proposed Use of Property: NEIGHBORHOOD BAR

Zoning Ordinance Requirements (see Zoning Ordinance Section 2.2.4 for all information)

SPECIAL USE PERMIT application shall be submitted to the City Secretary with the proposed site plan and the same fees required for zoning changes. The proposed site plan shall be drawn to scale and include the following:

A. Detailed explanation of the proposed use requiring the SUP

B. Location of the buildings and proposed uses of each

C. Ingress and egress to all public streets

D. Visual screening and/or fencing if applicable

E. Landscape and irrigation designs

F. Listing of all uses and property ownership with 200 feet of the property upon which the SUP is requested

G. Impact of on-site and off-site drainage

H. Off-street parking and loading facilities as applicable

I. Existing zoning district classifications within 200 feet (may be shown on separate plan)

Revised 9/15
J. Location and uses of existing buildings within 200 feet (may be shown on separate plan/aerial photography.)  see attached

K. The 100-year floodplain, if present on the property  N/A

The SUP Review Procedure

Special Use permits shall be processed in the same manner as zoning applications. The Planning and Zoning Commission shall conduct a public hearing on the SUP application and make its recommendation to the City Council. Notices of the Planning and Zoning Commission public hearing and City Council public hearing shall be furnished as required by this Zoning Code for zoning applications. The sole decision to grant, deny or amend the SUP shall be by the City Council.

After approval by the City Council, an applicant shall agree in writing, in such form as may be approved by the City Attorney, to be bound by and comply with terms of the permit. Any conditions imposed upon the applicant must be complied with prior to issuance of the certificate of occupancy, based upon the SUP.

If no building permit has been applied for and the designated work not begun within 180 days after the date of approval by the City Council, the SUP shall automatically expire. The City Council may extend the termination date as long as the designated work shall not exceed 365 days after the date of approval for the SUP.

Any changes to a special use, or development of a site for the special use, shall be treated as an amendment to the SUP and shall be subject to the same application, fee and review process as a new application.

[Signature]
Property Owner Signature
P.O. Box 782448 S.A. 78278
Mailing Address

[Signature]
Applicant Signature and Title
1831 Chops San Antonio 78227
Mailing Address

8-18-17
Date Signed
210-281-1900
Phone

8/18/17
Date Signed
210-413-8662
Phone

[Signature]

Office Use Only

Received by: Michael Bonlander Date: 8-22-17
Fee: $500.00 Payment Method: check #5700
Staff Notes:

Revised 9/15
The proposed use of this property will be a full service neighborhood bar that serves beer, wine, and liquor. The concept will be a sports oriented bar with two shuffleboards, two dart boards, multiple television sets, and no pool table. The décor will be nostalgic in nature and similar to my other bar (please see attached pictures). The bar itself will be non-smoking indoors. However, I plan to have an enclosed wrought iron deck/patio with a canopy top attached to the building for smokers to use (please see attached pictures of the one at my current bar; I plan to have a similar one built here). In terms of food, we will serve snacks such as popcorn and peanuts, and we also plan to sell pizzas out of a small pizza oven.
4515 Fredericksburg Road – Wonder Plaza owned by Steve C. Miller Properties 358080

- Advance Auto Parts owned by Straus Frank Enterprises LLC – automotive retail store
- Salon JV's owned by Katjani Inc. - hair, skin, and nail salon
- Commerce Finance owned by Commerce Finance #4 – consumer loan facility
- James Brann Insurance owned by Raven Insurance Agency & Financial LLC – insurance agency
- J. Champions Dance Studio & Staffing owned by J Champions Dance Studios Inc. - Principal Manuela Craven – dance studio
- JB Electronics And Wireless owned by Romero Electronics – electronic & cell phone retailer
- Speedy Cash owned by Money Store LP #243 The Accounting – short-term loans & financial services
- Garibaldi's Mexican Restaurant owned by Garibaldi’s Mexican Restaurant – restaurant
FIELD NOTES FOR:

2.287 ACRES OF LAND OUT OF LOTS 3 AND 4, COUNTY BLOCK 5894, COUNTRY GENTLEMAN ESTATES, CITY OF BALCONES HEIGHTS, BEXAR COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1625, PAGE 341 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: At a found 1/2" rebar on the southwest right-of-way line of Fredericksburg Road, (100' wide public right-of-way), the east corner of Lot 4-A, Country Gentleman Estates as recorded in Volume 5700, Page 182 of the Bexar County Deed and Plat Records, the north corner of Lot 4 and of this tract;

THENCE: With the southwest right-of-way line of Fredericksburg Road, South 39°44'00" East (bearings are based on the recorded Deed) 332.00' to a set "A" scribed on concrete, the northeast corner of Lot 4-B as recorded in Volume 5700, Page 166 of the Bexar County Deed and Plat Records, the east corner of this tract;

THENCE: South 50°16'00" West 300.00' to a set nail in concrete on the northeast line of said Lot 4-B, the south corner of this tract;

THENCE: North 39°44'00" West 332.00' with the northeast line of Lot 4-B to a set 1/2" rebar, the south corner of said Lot 4-A, the west corner of this tract;

THENCE: North 50°16'00" East 300.00' to the POINT OF BEGINNING, containing 2.287 acres of land in Bexar County, Texas.

These field notes, together with a survey map, were prepared from an actual survey made on the ground by employees of Gibbons Surveying and Mapping, Inc. who were working under my supervision and direction.

GIBBONS SURVEYING & MAPPING, INC.
Gary A. Gibbons
Registered Professional Land Surveyor No. 4716

Date: April 28, 1997
Job No.: 97-2151-01
GAG/ps
PROPERTY ID #, OWNER, CLASSIFICATION, DBA/USE

358083 ARC CAFEHL001 LLC MXD/R-6 WENDY'S RESTAURANT
358085 POINTNORTH HWY LLC MXD/R-6 RETAIL & RESTAURANT
358086 BOSTON WOODS LLC R-6 VILLA MADRID APARTMENTS
358084 BOSTON WOODS LLC R-6 CUMBERLAND APARTMENTS
1126193 CITY OF BALCONES HEIGHTS PP UNDEVELOPED
345135 CHURCH'S FRIED CHICKEN INC. MXD RESTAURANT
345181 CROSSROADS MALL PARTNERS LTD MXD WHATABURGER RESTAURANT
1181034 CROSSROADS MALL PARTNERS LTD MXD Denny's RESTAURANT
1181031 CROSSROADS MALL PARTNERS LTD MXD RETAIL; - WONDERLAND OF THE AMERICA'S (FKA CROSSROADS MALL)
342168 MOORE DAN J JR MXD RETAIL SPRINT
358067 BIG WOOD CAY LLC R-6 CURRENTLY UNDEVELOPED; DBA:TRAVIS MOTEML 20 ROOMS
358081 JACK IN THE BOX EASTERN MXD ACE CHECKS CASHED
358066 SIESTA LANE LLC R-5 LENNOX APARTMENTS
358082 WIRTH WAYNE C R-5 GARDEN COURTS APARTMENTS
358249 GONZALEZ ANGELINA D L/E R-1 SINGLE FAMILY
358348 BURTON JACK E & MARIE E R-1 SINGLE FAMILY
358231 GUERRERO EVELYN H R-1 SINGLE FAMILY
358232 CASTILLO ANTONIO R-1 SINGLE FAMILY
358226 LABENS DAVID D R-1 SINGLE FAMILY
358225 CUELLAR JESUS A JR R-1 SINGLE FAMILY
358215 WAHRHEIT LOUISE M R-1 SINGLE FAMILY
345120 UNKNOWN MXD RETAIL