

ITEM# 1.6

Discussion and Action to consider whether or not to revoke the Conditional Use Permit for a Social Club/Night Club - Blackout Private Social Club, 1512 E. Expressway 83, Suite 109, Lot 109, Re-Plat of Lots 3 & 4, Stewart Plaza Subdivision, C-3, Yair Cruz

On April 24, 2023, the City of Mission held public hearings wherein the conditional use permit for a Social Club/Night Club – Blackout Private Social Club would be allowed or not. It was conditionally approved based on the information provided, the testimony given at the hearings, and as predominately shown on Ordinance No. 5304.

Since that time, Staff, Management, and the Police Departments have received several complaints of the business being operating past 2:00 a.m. We have called this to the attention of Mr. Yair via mail and in person and evidently, the violation still continued.

Staff has consulted with Management and our City Attorney on this item since it isn't Planning's objective to 'shut down businesses' but to follow the City Ordinance approved by the City Council.

With that in mind, it is hoped that Mr. Yair will provide whatever measures are required to comply.

RECOMMENDATION: Hold hearing to readdress conditional use permit.

ITEM# 1.6

CONDITIONAL USE PERMIT: For a Social Club/Night Club
Blackout Private Social Club
1512 E. Expressway 83, Suite 109,
Lot 109, Re-Plat of Lots 3 & 4, Stewart Plaza Subdivision
C-3
Yair Cruz

REVIEW DATA

The subject site is located on the SW corner of Stewart Road and Expressway 83. Access to the site is provided from a 38' driveway off of Expressway 83 Frontage Road. The applicant leased a 1,400 sq.ft. suite within a commercial plaza to be used for a private social club only members can attend. They propose to host different types of social gatherings such as members birthday parties, school's locking for fundraisers, quinceaneras, private concerts, and after concert meet and greets, etc. It is noted that a social club/nightclub is an allowable use under the General Business Zone (C-3), as long as they apply for a conditional use permit. The last conditional use permit for this location was approved on February 24, 2020 for a period of 4 years for Sr. Mostacho.

- **Days/Hours of Operation:** 24 hours a day, 7 days a week (depending on the event)
- **Number of Employees:** 10
- **Parking:** In reviewing the floor plan, there are a total of 147 seating spaces between tables and sofas, which require 49 parking spaces ($147 \text{ seats} / 3 = 49 \text{ spaces}$). It is noted that the parking area is held in common (219 existing parking spaces) that are shared with the other businesses in this commercial plaza.
- **Landscaping:** The landscaping requirement is meeting code.
- Must continue to comply with all City Codes.

REVIEW COMMENTS: The social club/nightclub includes a 'bar' component and a stage. Although no alcohol will be sold only the setups. This will be a BYOB business. 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 are no churches, schools, publicly owned property or residences within the 300'. The applicant has 8 securities on-site to monitor the overall operation of the business. Staff mailed out 11 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Noise, Building, Fire, etc.), and
- 3) Must acquire a business license prior to occupancy.

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U.S. EXPRESSWAY 83

SITE LOCATION

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STEWART PLAZA PH. II

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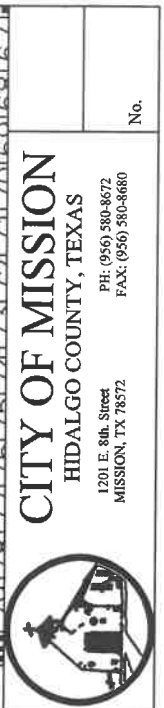
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AUDREY DR.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th Street
 MISSION, TX 78572



**SITE
LOCATION**

U.S. EXPRESSWAY 83 (IH 2)

STEWART RD.

Incident Search Result Results

Agency: MPD

Date: March 2023-Present Date

Agency #: TX1081000

Incident #	Call Date/Time	Type	Officers	Location	Common Name	Dispositions	Subjects	Sealed	Agency
2023-00026338	6/24/2023 11:42:28 AM	Domestic	697 - Reyna, Eleocadio *, 740 - Svedberg, Sarah *, 790 - Guerrer	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	COOK, ERICKA - Caller, SOLIZ, ABEL III - Other	False	TX1081000
2023-00026157	6/23/2023 1:46:47 AM	City Ordinance Violation	461 - Ybarra, Pedro *, 741 - Passamentt, Virginia *	1512 E IH 2, TX	Sr Mostacho	No Report - 2		False	TX1081000
2023-00026027	6/22/2023 1:05:57 AM	Incident Report	685 - Gutierrez, Adrian *, 713 - Cano, Raul *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2		False	TX1081000
2023-00025926	6/21/2023 4:42:12 AM	Disturbance	417 - Villarreal, Juan *, 778 - Sloss, Jacobo *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1, Unfounded - 1	GONZALEZ, GERARDO - Caller	False	TX1081000
2023-00025497	6/18/2023 5:14:27 AM	Accident Hit & Run	652 - Garcia, Orlando *, 786 - Peña, Jose *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2	HERRERA, ALEXA - Other, LOPEZ, MIGUEL	False	TX1081000
2023-00025492	6/18/2023 4:21:42 AM	Assault	652 - Garcia, Orlando *, 685 - Gutierrez, Adrian *, 726 - Valdez	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2	CRUZ, YAIR - Caller	False	TX1081000
2023-00025195	6/16/2023 3:49:05 AM	Theft	461 - Ybarra, Pedro *, 786 - Peña, Jose *, 716 - Saucedo, Alexan	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	CRUZ, YAIR - Caller, CRUZ, CESAR YAIR - Caller, DE LUNA, JONES, KARINA - Caller	False	TX1081000
2023-00024979	6/14/2023 1:41:38 PM	Assault	738 - Guerrero, Gerardo *, 742 - Da Costa, Guilherme *	1512 E IH 2, TX	Sr Mostacho			False	TX1081000
2023-00024520	6/11/2023 3:10:27 AM	Assist Agency	396 - Garces, Tomas *, 661 - Anderson, Anthony *, 718 - Farias,	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2		False	TX1081000
2023-00024510	6/11/2023 1:33:26 AM	Incident Report	713 - Cano, Raul *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1		False	TX1081000

Login Id:

Incident Search Result

Results

Agency: MPD

Date: March 2023-Present Date

Agency #: TX1081000

2023-00023305	6/2/2023 1:32:49 AM	City Ordinance Violation	417 - Villarreal, Juan * , 461 - Ybarra, Pedro * , 614 - Solis, Ja	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2	Dimas, Irasema - Other	False	TX1081000
2023-00022679	5/28/2023 4:48:12 AM	Fight	417 - Villarreal, Juan * , 449 - Leal, Alexandria * , 560 - Gonzal	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2	MARTINEZ SANCHEZ, JORGE - Caller	False	TX1081000
2023-00022673	5/28/2023 3:38:25 AM	Wave Down	560 - Gonzalez, Jesus *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	GARZA, ALEJANDRO -	False	TX1081000
2023-00022662	5/28/2023 2:35:37 AM	Public Intoxication	303 - Gaytan, Ruben * , 304 - Flores, Arturo * , 396 - Garces, Tom	1512 E IH 2, TX	Sr Mostacho	Arrest - 1, Settled by Officer - 1	AVILA, EDGAR OMAR - Other, LOPEZ, ANTONIO J - Other	False	TX1081000
2023-00023388	5/26/2023 3:41:00 AM	Incident Report	345 - Jara, Esteban * , 613 - Jimenez, Joshua * , 741 - Passament	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	GEORGE, BLESSON - Caller	False	TX1081000
2023-00022380	5/26/2023 2:15:58 AM	Suspicious Circumstances	345 - Jara, Esteban * , 675 - Martinez, Sergio * , 713 - Cano, Rau	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	CRUZ, YARID - Caller, Blesson, George babu - Complainant, Cruz,	False	TX1081000
2023-00022101	5/24/2023 4:35:31 AM	Evading	345 - Jara, Esteban * , 417 - Villarreal, Juan * , 614 - Solis, Ja	1512 E IH 2, TX	Sr Mostacho			False	TX1081000
2023-00020867	5/15/2023 4:30:57 AM	Surveillance	715 - Zamora, Osvaldo * , 779 - Perez, Josue *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2		False	TX1081000
2023-00020532	5/12/2023 9:26:58 AM	Loud Noise	713 - Cano, Raul *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1		False	TX1081000
2023-00019908	5/8/2023 3:07:01 AM	Loud Noise	779 - Perez, Josue *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	MALE CC - Caller	False	TX1081000
2023-00019818	5/7/2023 5:49:23 AM	Assault	786 - Peña, Jose * , 718 - Farias, Fabian	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	Unknown, ROBERTO - Caller	False	TX1081000

Login Id:

Incident Search Result

Results

Agency: MPD

Date: March 2023-Present Date

Agency #: TX1081000

Agency #	Date	Time	Incident Type	Offender Name	Address	Officer	Settled by Officer	CC	MALE	Caller	TX
2023-00019816	5/7/2023	4:15:38 AM	Harassment	449 - Leal, Alexandria *, 542 - Rosales, Michael *, 753 - Perez,	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 1	CC, MALE	False	False	TX1081000
2023-00019487	5/5/2023	4:26:47 AM	Surveillance	728 - Garcia, Santee *, 766 - Saenz, Angel *	1512 E IH 2, TX	Sr Mostacho	Settled by Officer - 2		False	False	TX1081000
2023-00019153	5/3/2023	6:02:14 AM	Theft		1512 E IH 2, TX	Sr Mostacho			False	False	TX1081000
2023-00019152	5/3/2023	5:45:06 AM	Assault	724 - Gonzalez, Mario *, 763 - Lopez, Victor *	1512 E IH 2, TX	Sr Mostacho		VASQUEZ, NOE - Suspect,	False	False	TX1081000
2023-00019151	5/3/2023	5:38:13 AM	Public Intoxication	704 - Zuniga, Abel *, 724 - Gonzalez, Mario *, 763 - Lopez, Vict	1512 E IH 2, TX	Sr Mostacho	Arrest - 1	VASQUEZ, NOE JR	False	False	TX1081000
Total Records											26

ORDINANCE NO. 5304

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
GRANTING A CONDITIONAL USE PERMIT FOR A SOCIAL CLUB/NIGHT CLUB –
BLACKOUT PRIVATE SOCIAL CLUB AT 1512 E. EXPRESSWAY 83, SUITE 109,
BEING LOT 109, RE-PLAT OF LOTS 3 & 4, STEWART PLAZA SUBDIVISION**

WHEREAS, the City Council of the City of Mission finds that during consideration of the conditional use permit request of April 12, 2023, the Planning and Zoning Commission of the City of Mission upon duly recognized motion and second, voted to recommend to the City Council that the conditional use permit shown below be granted.

WHEREAS, The City Council of the City of Mission, held a public hearing at 4:30 p.m. Monday, April 24, 2023, in the Council Chambers of the City Hall to consider the following conditional use permit:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, THAT THE FOLLOWING CONDITIONAL USE PERMIT BE GRANTED:

Legal Description	Type	Conditions of Approval
1512 E. Expressway 83, Suite 109, Being Lot 109, Re-Plat of Lots 3 & 4, Stewart Plaza Subdivision	Social Club/Night Club – Blackout Private Social Club	1) 1 yr. re-evaluation in order to assess this new operation 2) Must continue comply with all City Codes (Noise, Building, Fire, etc.) 3) Must acquire a Business License 4) Must close at 2am

READ, CONSIDERED AND PASSED, this the 24th day of April, 2023.


Norie Gonzalez Garza, Mayor

ATTEST:


Anna Carrillo, City Secretary

