

**Started: 5:34 p.m.**

**Ended: 5:35 p.m.**

**Item #1.9**

**Conditional Use Permit:**

**Sale & On-Site Consumption of  
Alcoholic Beverages – Taboo Bar & Grill  
608 N. Shary Road, Suites 9 & 10  
Lot 1, Alba Plaza  
C-3  
BGD Investments, LLC**

Ms. De Luna went over write-up stating the subject site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of Shary Road. Access to the site is via a 34' driveway off of Shary Road. The applicant originally applied for a family-oriented Bar & Grill restaurant with a large dining area and a bar. It was later discovered that this was more of a nightclub concept rather than their original Bar & Grill proposal. It is noted that a nightclub is an allowable use under the General Business Zone (C-3), but the sale & on-site consumption still requires a conditional use permit. This nightclub concept offers food, VIP areas, live music and concerts, etc. The last CUP for this location was approved on June 28, 2021 for a period of 1 year.

- **Days/Hours of Operation:** Thursday – Sunday from 6:00 p.m. to 2 a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 15 employees
- **Parking:** It is noted that parking is held in common and there is a total of 138 total parking spaces shared with the various businesses within the commercial plaza.
- Section 1.56-3 of the Zoning Code cites that Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, or nightclubs: must be 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within 300' (see aerial); however, P&Z and the Council have waived this separation requirement in previous CUP's.

**REVIEW COMMENTS:** Staff mailed out 20 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. In conferring with Mission PD for incidents at this location, reports indicate 20 complaints regarding noise, fights, use of weapons, public intoxication, disturbance from December to present. Staff & PD have met twice with the applicant to address these concerns. In an effort to comply with City requirements and address these concerns the applicant has installed his own decibel reader and has restricted the entrance to patrons that have caused problems in the past.

**RECOMMENDATION:** Staff recommends approval subject to:

1. 6-month re-evaluation to continue to assess this operation.
2. Waiver of the 300' separation requirement from the residential homes.
3. Continued compliance with the Building, Fire, Health, Noise and Sign Codes,
4. Continued compliance with TABC requirements, and
5. Must have at least 2 securities at all times.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mrs. Austin asked if staff had a period of time between complaints?

Ms. De Luna stated from January to October of this year.

Ms. De Luna stated that the complaints received recently are for public intoxication.

Chairwoman Izaguirre stated that she thought the complaints received are for loud music.

Ms. De Luna stated that the complaints received were for both loud music and public intoxication.

Mrs. Austin asked how many complaints about the use of weapons.

Ms. De Luna stated complaints on the use of weapons twice.

Ms. De Luna stated that the main concern was the base and it is hard to enforce.

Mrs. Garza asked the assistant police chief what kind of calls are received for this business?

Assistant police chief stated that the complaints received for this business are two-gun incidents, physical altercations inside and out of the establishment, and loud music. He added that a resident that lives behind the establishment called law enforcement complaining on the loud music and based on the decibel reading from inside the house the business was complying to the noise ordinance.

Mr. Arcaute stated that his main concern is the safety for the citizens and tenants within the plaza.

Assistant police chief stated that the establishment had two off duty police officers as security guards during the incidents.

Mr. Diego Ortado stated that he was the marketing director for Taboo Bar & Grill. He added that several incidents have occurred but were resolved. Mr. Ortado mentioned that 6 security guards and 2 police officers are on duty during business hours.

Mr. Barrera asked when was the last time Mission Police Department was called to the establishment?

Mr. Ortado stated a month ago. He added that when customers or employees open the doors the music sounds louder.

Mr. George Blesson the owner of Taboo Bar & Grill stated that the establishment has three exit doors in the back. He added that the third one is a riser room that can't be locked.

Mr. Ortado stated that two Palmview Police Officers are on duty during events. He added that the officers have been there for the past 9 months during business hours.

Chairwoman Izaguirre asked that if fights still occurred after having police officers.

Mr. Blesson stated "No".

Chairwoman Izaguirre asked if he was willing to fix the loud music?

Mr. Blesson stated that he removed three speakers from the second floor. He added that he was going to perforate the doors to help with the loud music.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the conditional use permit as per staff's recommendation. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.