

Started: 5:45 p.m.

Ended: 6:00 p.m.

Item #1.3

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 the 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 is currently operating a nightclub. It is noted that a nightclub and the sale & on-site consumption of alcoholic beverages are an allowable use under the General Business Zone (C-3), but require a conditional use permit and the City Council's approval. This nightclub concept offers food, VIP areas, live music and concerts, etc. The last CUP for this location was considered by the City Council on January 9, 2023 and it was denied. Staff notes that after the City Council meeting a petition from the residents of Shary Crossing reflecting 41% in opposition to the request was submitted. The concerns voiced in the petition were in regards to the following: loud music, shot fired, speeding, burning tire, and the use of foul language in the back of the alley. Staff notes that the applicant has been trying to renew his conditional use permit but has been denied.

- **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 27 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 6 complaints regarding noise, fights, public intoxication, and suspicious circumstances from November to present. 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.

Mr. Diego Huerta representing the owner stated that all the problems they had were when the business first opened. He added that all those issues have been solved.

Mr. Blesson George owner of the business stated that he resides at 1001 Travis street. He stated that the customers that caused him problems are not allowed to go back.

Mrs. Connie Garza asked that if the business had been opened for the past 6 months?

Mr. Blesson George stated "yes" that the business was open Friday, Saturday's, and Sundays.

Mrs. Connie Gaza asked that if he would sell alcoholic beverages?

Mr. Blesson George stated "yes" we have food and alcohol. He added that his TABC license expires in December.

Ms. Susana De Luna stated that he had an active TABC license. She added that the business had been cited for operating without a conditional use permit. Ms. De Luna mentioned that Mr. George had to wait 6 months to reapply for the conditional use permit.

Chairwoman Izaguirre stated that once he renewed his Conditional Use Permit and was approved he would comply with city requirements. She added that he had to wait 6 months to reapply.

Chairwoman Izaguirre entertained a motion to close the public hearing. Ms. Garza moved to close the hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez asked that what was the amount of the fine?

Ms. De Luna stated that the judge sets the fee.

Mrs. Connie Garza asked that if multiple citations had been issued?

Ms. De Luna stated that multiple citations had been issued.

Chairwoman Izaguirre asked that why didn't we wave the 6-months?

Ms. De Luna stated that Mr. George did apply for the waiver but it was denied.

Mr. Sanchez asked why was the waiver denied by city council.

Ms. De Luna stated that he had opposition.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to the approve the conditional use permit for a period of 6 months, Friday-Sunday only. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.