

### **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

### **REVIEW DATA**

The subject site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of Shary Road —see vicinity map. 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.



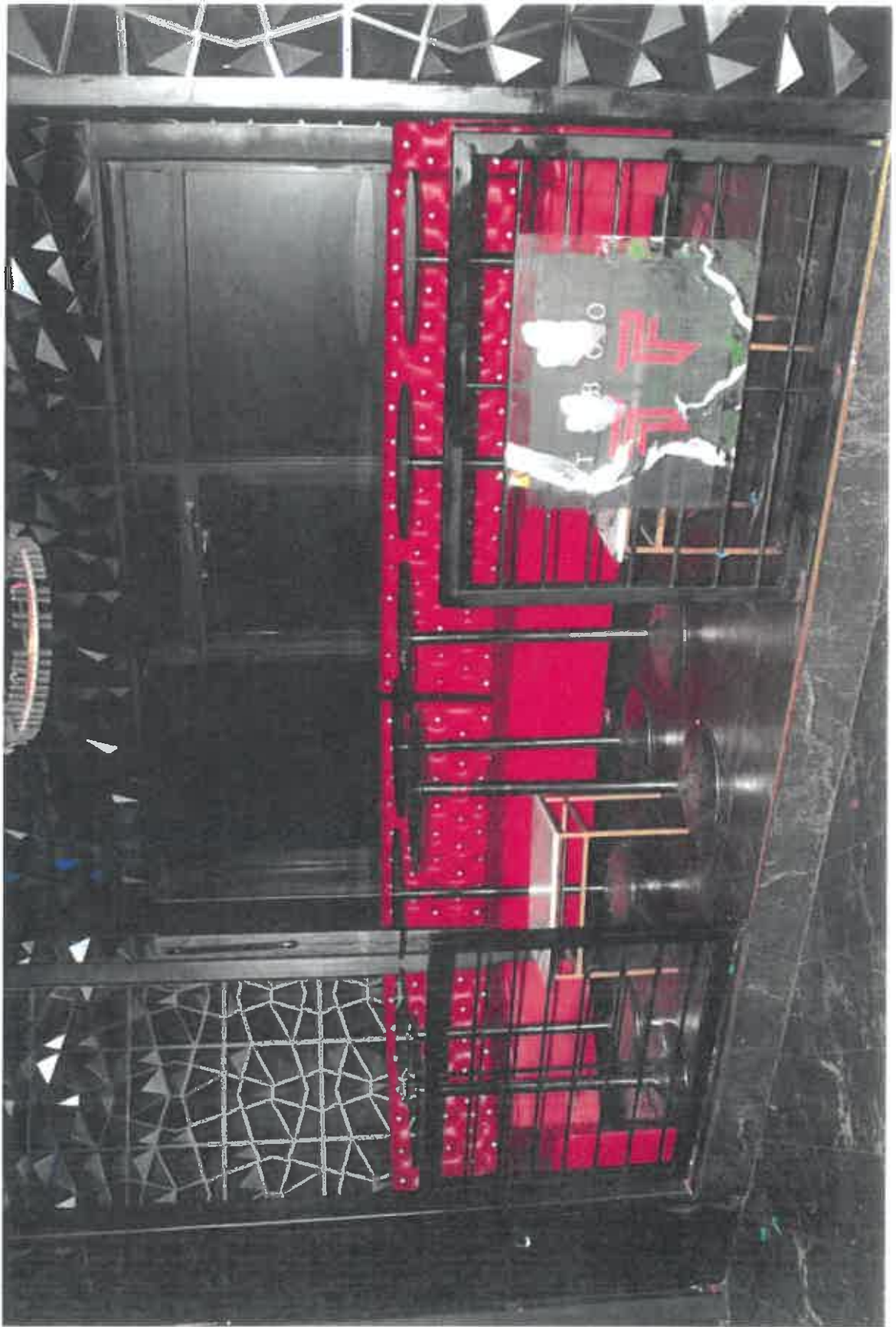


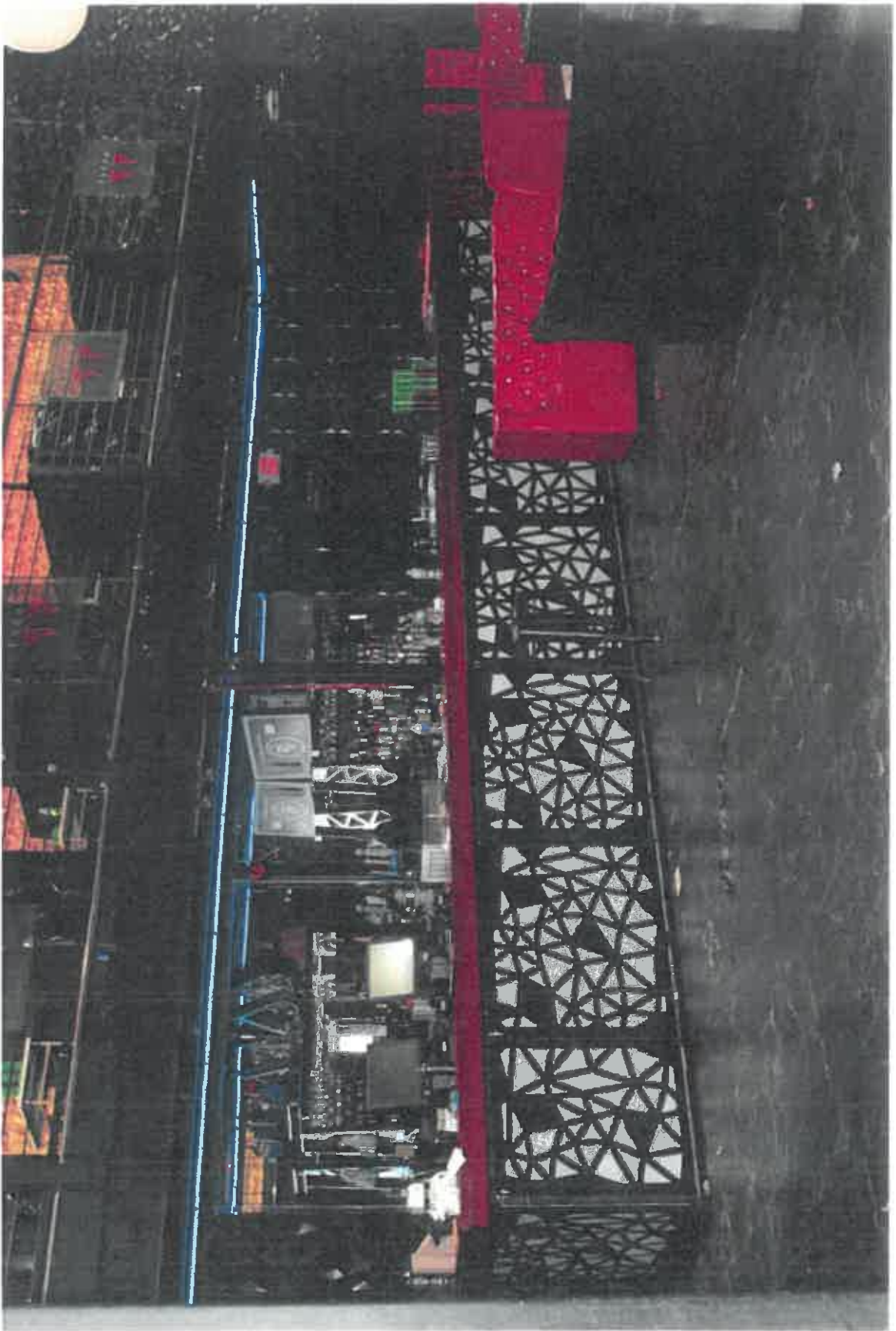
**SITE  
LOCATION**

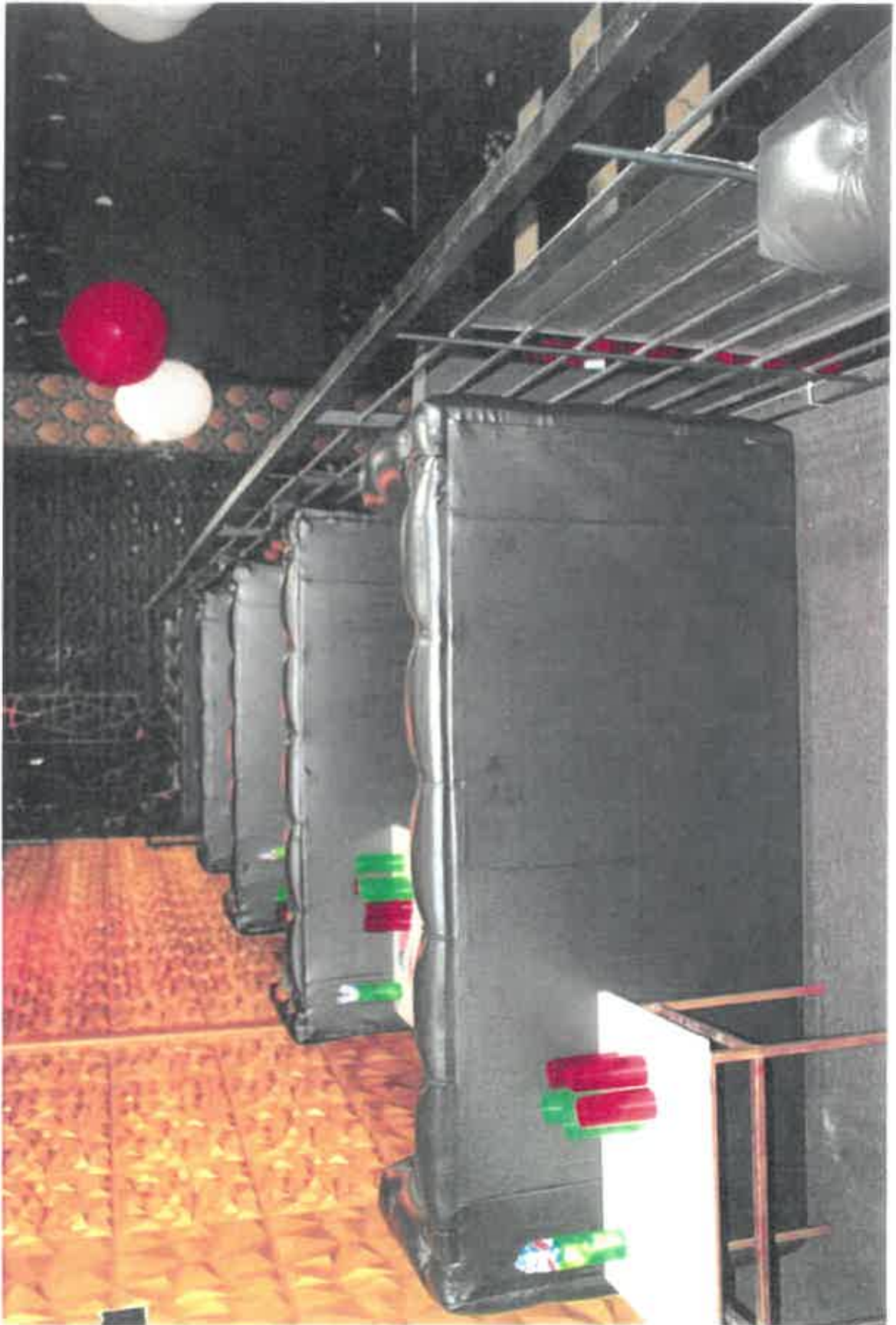
**SHARY RD. (P.M. 494)**

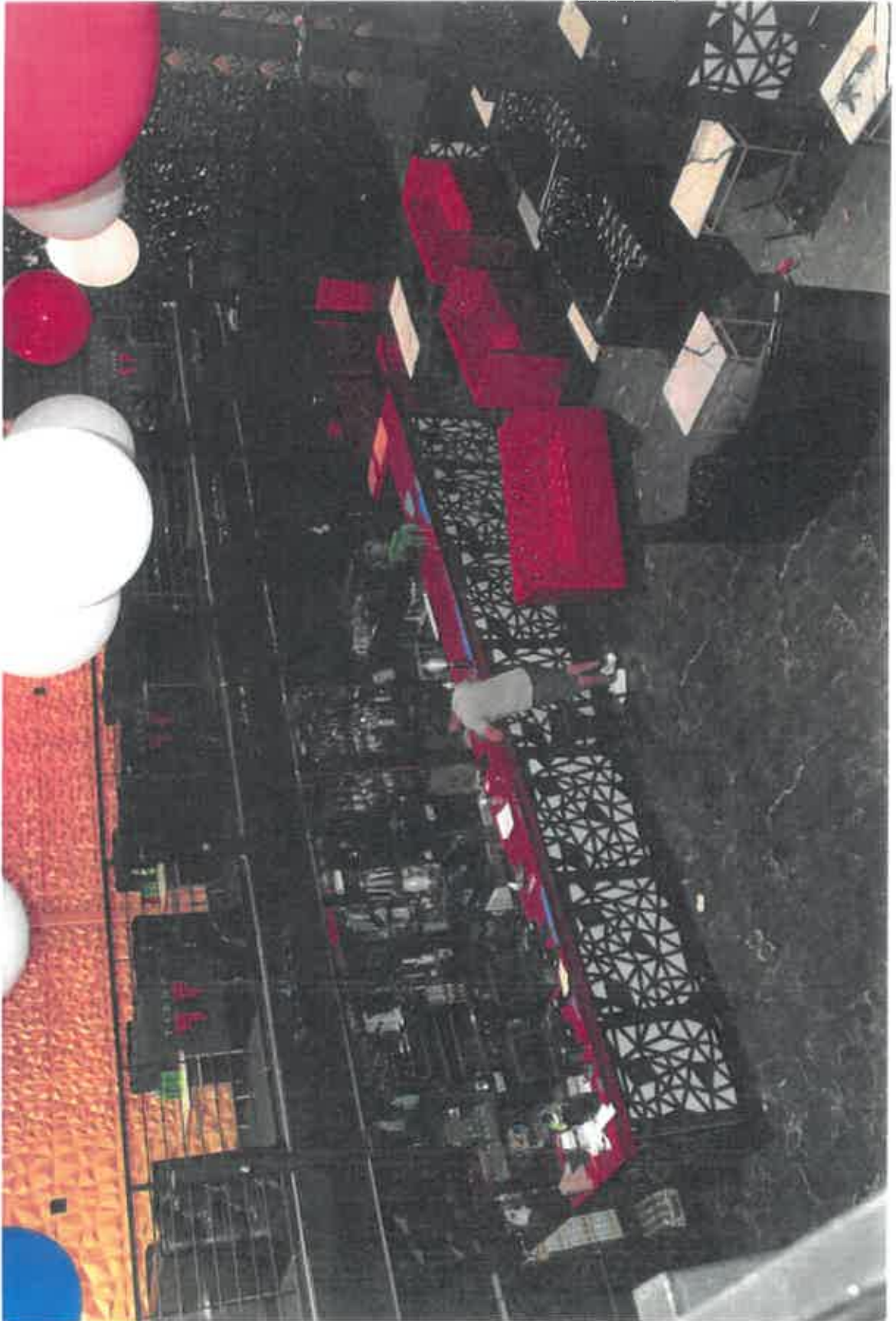
**MIRABELLE ST.**

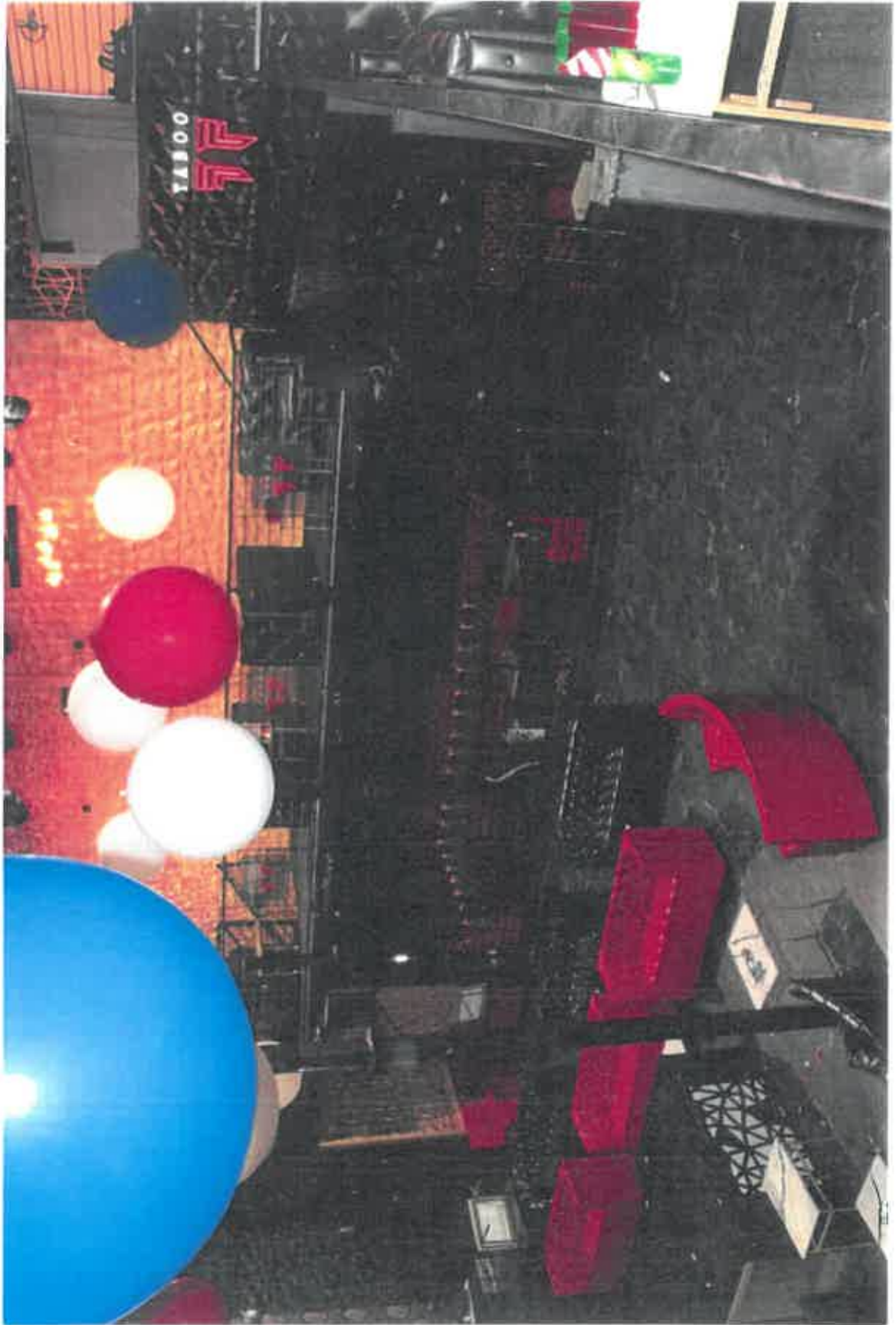


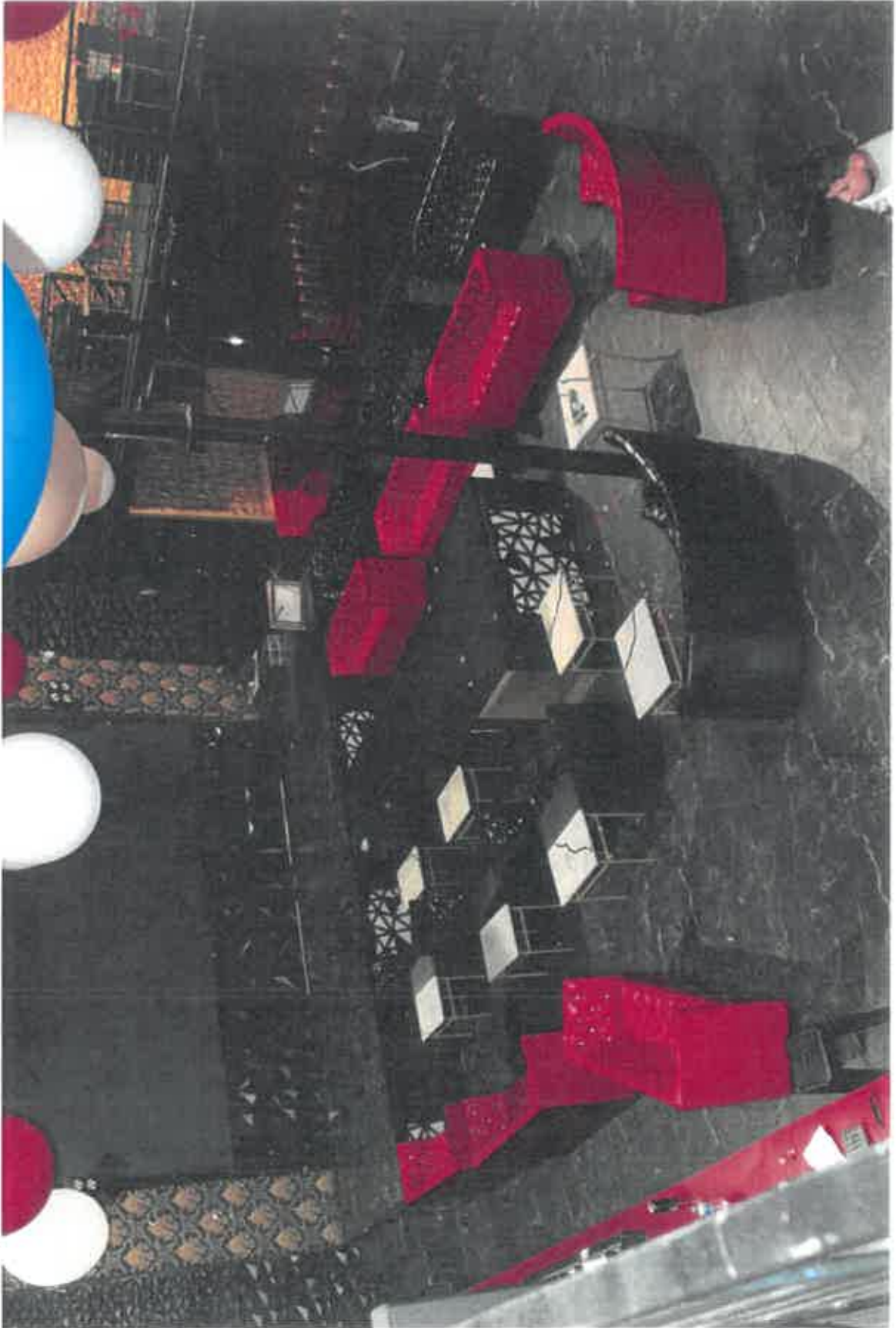












S2950-00-000-0205-09 ( 625924)  
STATE OF TEXAS  
PO BOX 1717  
PHARR TX 78577

S2755-02-000-0088-00 ( 684504)  
MARTINEZ ENRIQUE C & VERONICA M  
601 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0089-00 ( 684505)  
RODRIGUEZ ILEANA  
603 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0090-00 ( 684506)  
MARTINEZ ANNETTE  
605 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0091-00 ( 684507)  
GUERRERO NANCY GONZALEZ  
607 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0092-00 ( 684508)  
GONZALEZ ARMANDO F JR  
1702 JONATHON DR  
MISSION TX 78572

S2755-02-000-0093-00 ( 684509)  
ESTRADA OMAR A  
611 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0094-00 ( 684510)  
WHLL LLC  
STE 5-216  
808 N SHARY RD  
MISSION TX 78572

S2755-02-000-0095-00 ( 684511)  
PALACIOS CARLOS AVILA  
615 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0096-00 ( 684512)  
AVILA CARLOS & SANDRA  
701 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0097-00 ( 684513)  
GUERRERO SELENE  
703 SYCAMORE AVE  
MISSION TX 78572-1984

S2755-02-000-0098-00 ( 684514)  
ZORILLA JORGE J REVILLA GUTIERRE  
705 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0099-00 ( 684515)  
CASTILLO FRANCISCO JAVIER ALVARADO  
707 SYCAMORE AVE  
MISSION TX 78572

S2755-02-000-0139-00 ( 684555)  
CISNEROS KRYSTAL NALLELY  
2421 E 6TH AVE  
MISSION TX 78572

S2755-02-000-0158-00 ( 684574)  
CASTELLANOS SILVIA LUCERO LAM  
2420 LEANNA DENAE AVE  
MISSION TX 78572

S2755-02-000-0159-00 ( 684575)  
NUNEZ JOSE ANTONIO OVIEDO  
2421 LEANNE DENAE AVE  
MISSION TX 78572

S2755-02-000-0178-00 ( 684594)  
PENA ALEJANDRO TREVINO  
REINA A LOPEZ-BAZAN  
2420 E 7TH AVE  
MISSION TX 78572

S2755-02-000-0179-00 ( 684595)  
ZHENG DA MEI  
2421 E 7TH AVE  
MISSION TX 78572

S2950-00-000-0204-45 ( 685429)  
LERMA MIGUEL & LOURDES  
2426 E 21ST  
MISSION TX 78572

F1520-00-000-0001-00 (20827570)  
NEW MILLENNIUM L INVESTMENTS INC  
711 W NOLANA 104-A  
MCALLEN TX 78504

E6840-00-000-0001-00 ( 960387)  
YAMELS LLC  
2000 WESTMINSTER CIR  
BROWNSVILLE TX 78521

S7682-00-000-0001-00 ( 818962)  
J & M VALLEY INVESTMENT LLC  
710 N SHARY RD  
MISSION TX 78572

P8328-00-000-0001-00 ( 1070342)  
FLORES NORMA YOLANDA  
4410 SIERRA DRIVE  
PALMHURST TX 78573

S2950-00-000-0205-26 ( 1166603)  
BRADEN & TREYTON HOLDINGS LTD  
605 W JAVELINA DR  
PHARR, TX 78577

A2360-00-000-0001-00 ( 1238655)  
PRO HOME INVESTMENTS LLC  
200 S 10TH ST STE 1601A  
MCALLEN TX 78501

M4725-00-000-001A-00 ( 1308162)  
AURIEL INVESTMENTS LLC  
100 E NOLANA STE 130  
MCALLEN TX 78504-2670

A2360-00-000-0001-05 ( 1471062)  
ALBA HOMES LLC  
200 S 10TH ST STE 1601A  
MCALLEN TX 78501-4859