ITEM# 2.0

CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic

Beverages – Bar-B-Cutie Smokehouse 2211 E. Griffin Parkway, Suite 100 Elizondo 495 Plaza Subdivision

C-3

Orlando Ochoa

REVIEW DATA

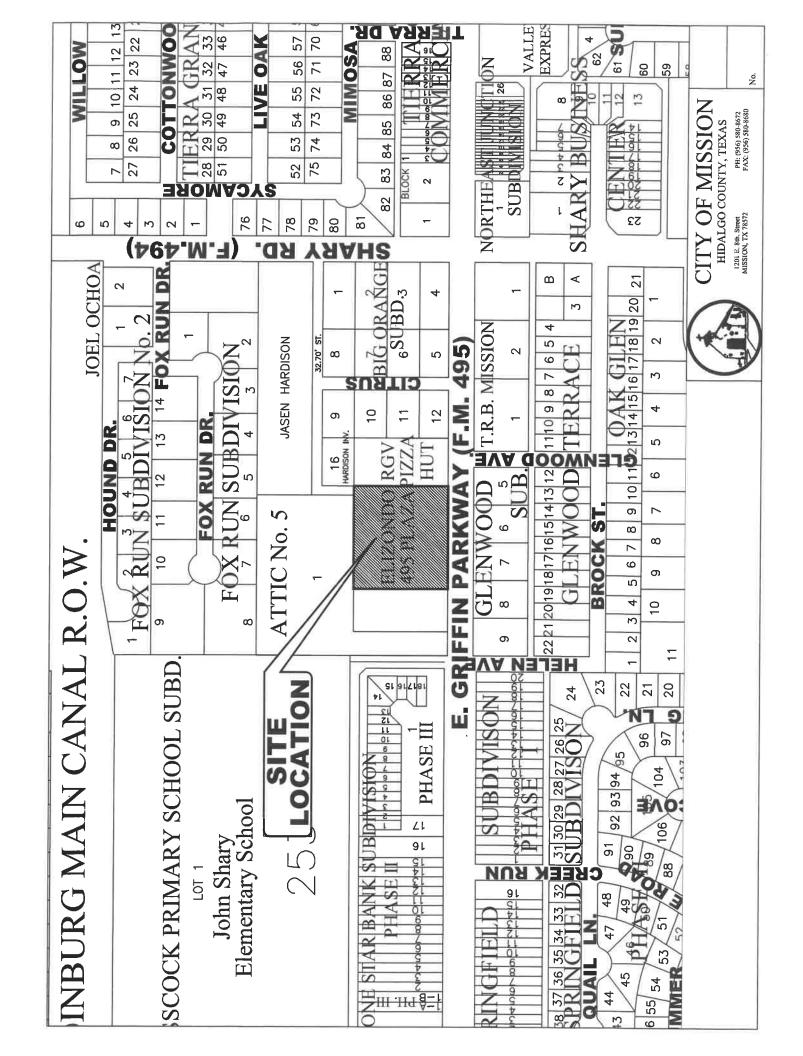
The subject site is located 300' west of Citrus along the north side of Griffin Parkway (F.M. 495). The applicant has been operating this BBQ business since 2020. The restaurant is located at the west end of the existing commercial plaza. This business previously had a Conditional Use Permit for the sale of alcoholic beverages but their TABC license recently expired, therefore the need to reapply. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on April 11, 2022 for a period of 2 years. Access to the site is from a 35' driveway from Griffin Parkway. The drive-thru service window allows for 3 vehicles to be easily stacked.

- Hours of Operation: Monday Sunday from 11am to 9pm
- Staff: 16 Employees in total (2 shifts)
- Parking & Landscaping: Based on the 21,705 sq.ft. of the building, there is a total of 58 parking spaces required. There are 139 parking spaces held in common at this location and exceeds the City's requirements for a commercial development of this size.
- Landscaping: has been provided as a part of the overall commercial plaza and is meeting code.
- Sale of Alcohol: Such uses need to be 300' from residential uses. There are some residences within this radius; thus, a waiver of the separation requirement would need to be considered.

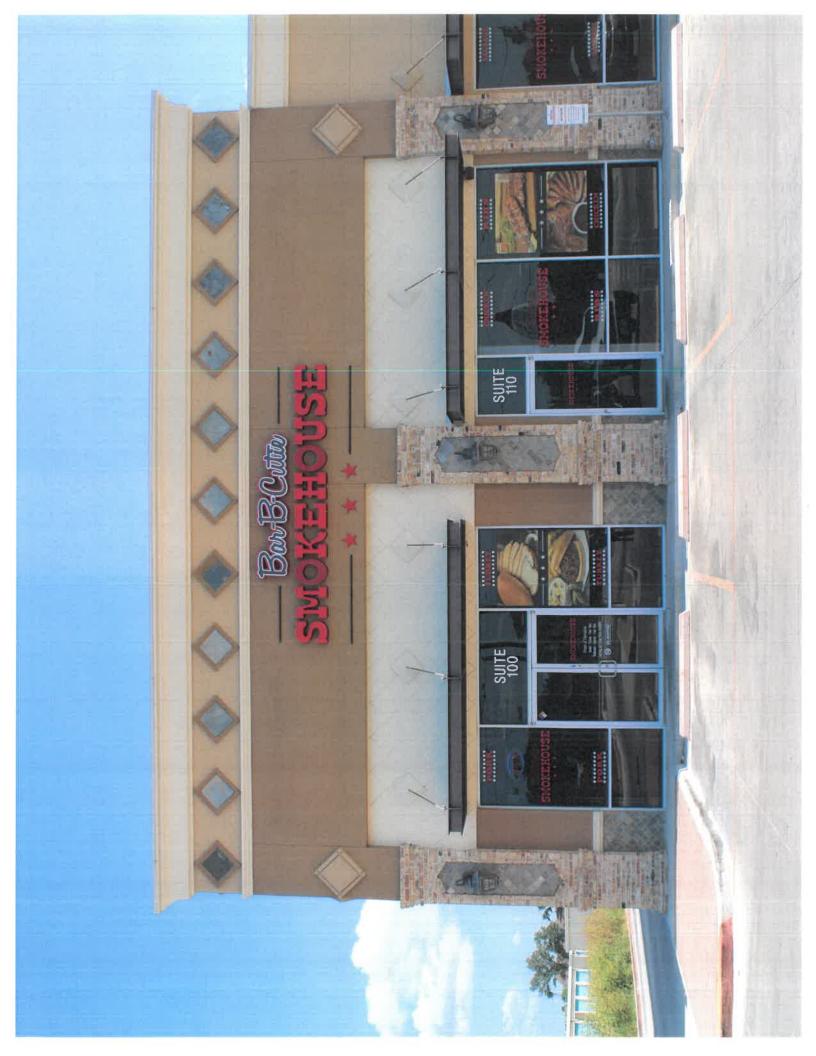
REVIEW COMMENTS: Staff mailed out 12 notices to property owners within 200' radius and has not received any comments in favor or against this request. Staff has asked PD for any reports regarding alcohol for this establishment as of this date there has been none. Since the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

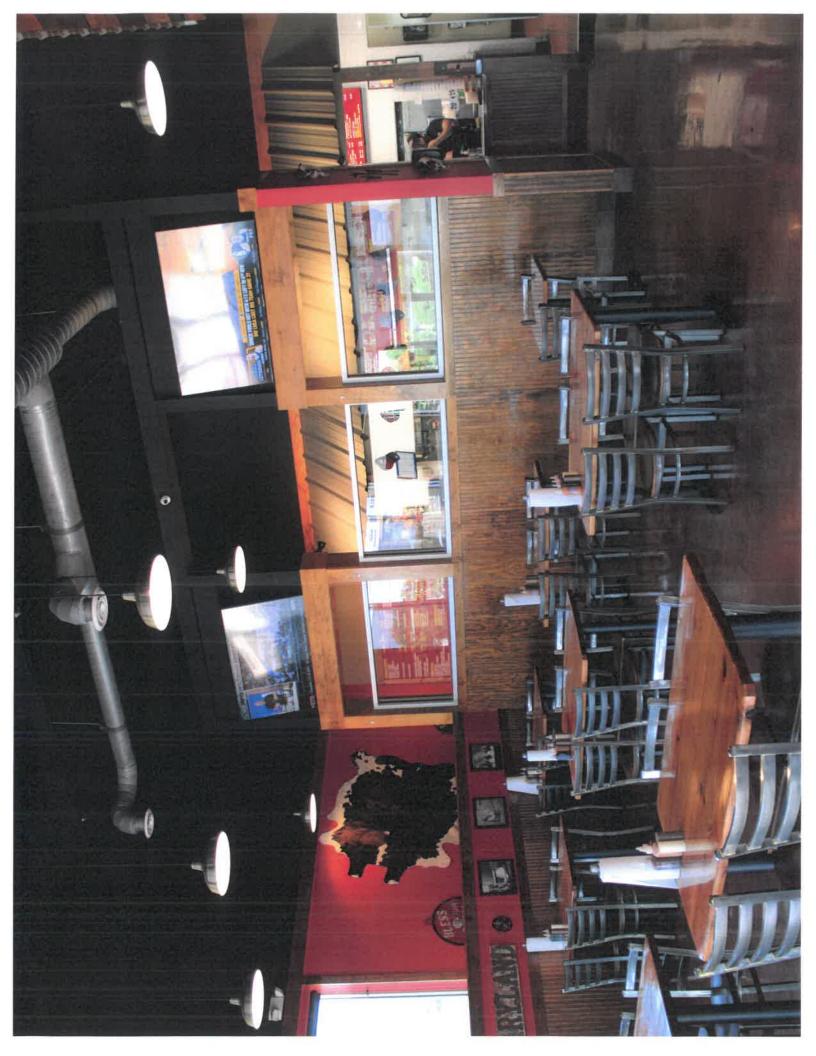
RECOMMENDATION: Staff recommends approval for life of use subject to:

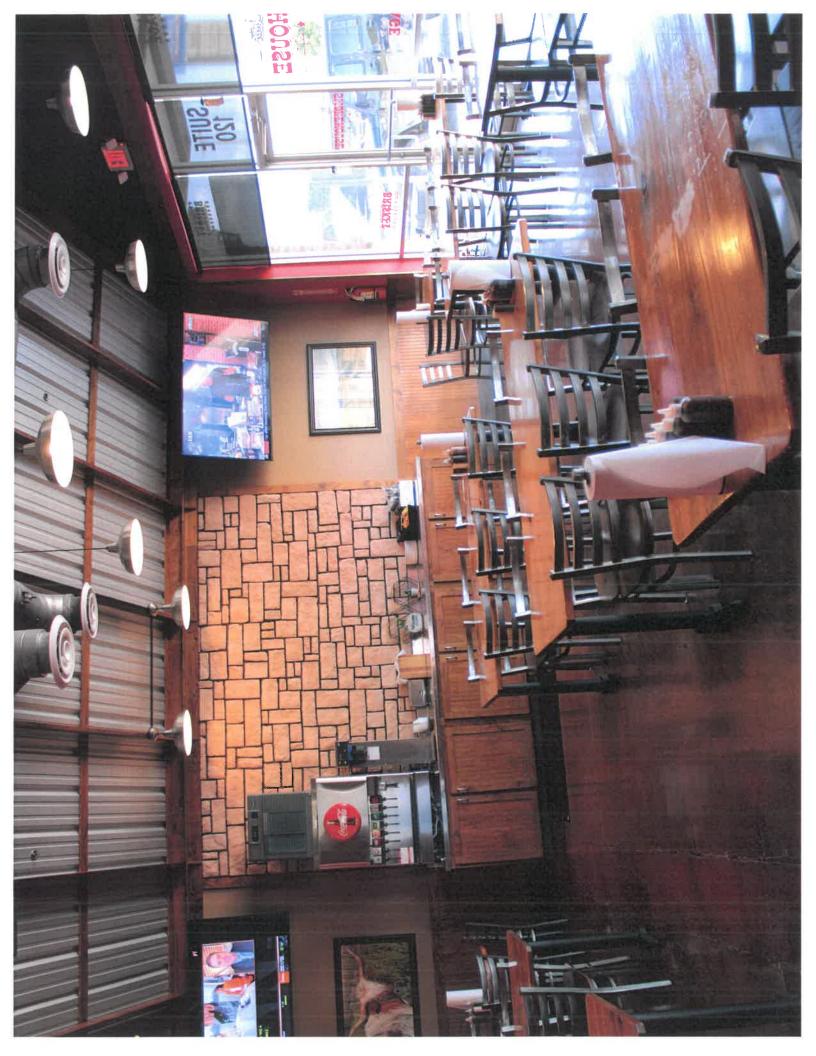
- 1. Waiver of the 300's separation requirement from residential neighborhoods,
- 2. Must continue to comply with all City Codes (Building, Fire, Health, etc.), and
- 3. CUP not to be transferable to others

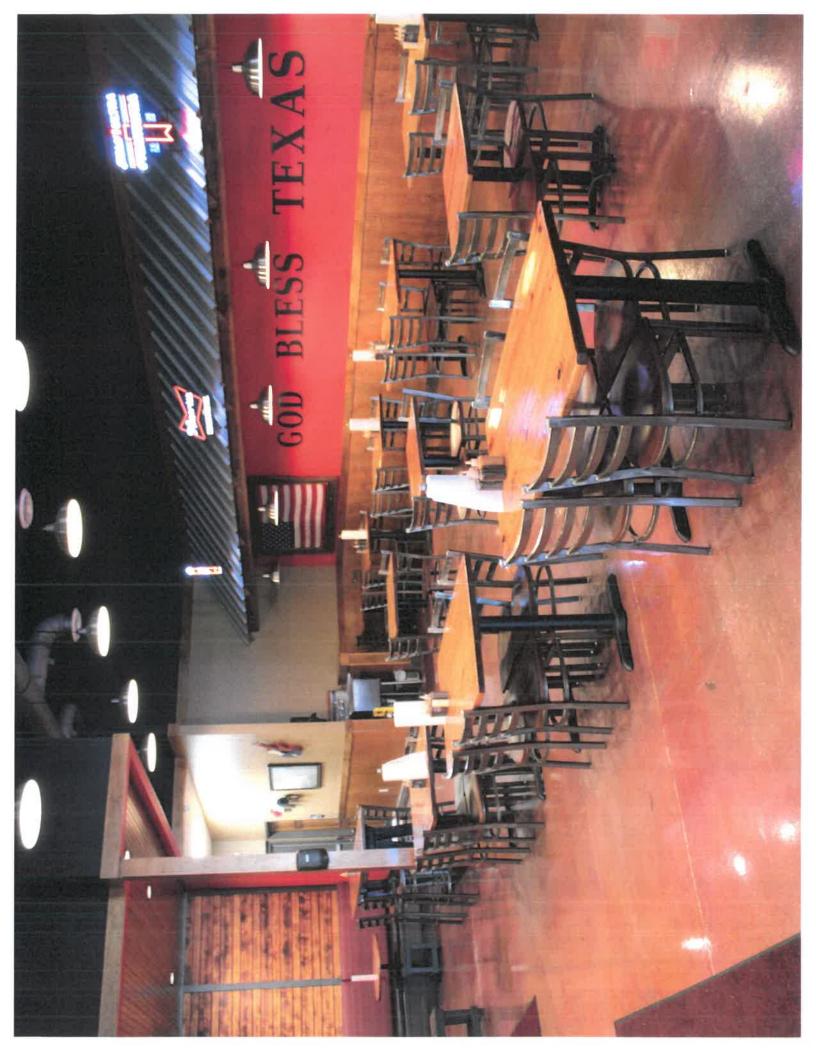












VALUE PACKS

Value Packs include any combination of Brisket, Turkey, Pork, Sausage plus Sliced Pickles, Onions, Jalapeños, Chicken \$1 extra per person. Ribs not included in value packs. Bread & a Choice of Sides (listed inside)*



2-4 SERVINGS | 44.95

2 Lbs. Meat, 2 Pints of Sides



6-8 SERVINGS | 79.95

4 Lbs. Meat, 4 Pints of Sides



8-12 SERVINGS | 114.95

6 Lbs. Meat, 6 Pints of Sides

KID'S MENU

3.99 CHICKEN NUGGETS GRILLED CHEESE CORN DOG

3.99

3.99

SESERIES

add Vanilla Ice Cream - .99

3.29	3.29	3.29	2.75
ER		DING	
COBBLER	PIE	NA PUDDING	NE
PEACH	PECAN	BANANA	BROWNIE

WE PROUDLY SERVE ICED TEA & COCA-COLA PRODUCTS

- TEXAS LOCATIONS -

SAN ANTONIO | 210.201,1201 | 5603 Presidio Pkwy. PHARR | 956.782.1335 | 1933 W Interstate 2 MCALLEN | 956.682.2066 | 7517 N 10th St.

BARBCUTIE, COM .

SERIOUSLY SMOKED MEATS

BARBCUTIESMOKEHOUSE.COM



1933 W. INTERSTATE 2 956.782.1335 PHARR, TX

MCALLEN, TX 7517 N.10TH STREET 956.682.2066

BARBCUTIERGY BARBCUTIE BARBCUTIEPHARRTX

For Franchise Opportunities, please visit us at: BBCUTIEFRANCHISE.COM

ESH SIDE ITEM

Small 2.49

Bar-B-Q Beans Mac & Cheese Potato Salad Cole Slaw

Mashed Potatoes Cream Corn

Homemade Rice Charro Beans

Corn on the Cobb -Potato Chips -

1.05 1.79

FRYER FROM THE

FRESH CUT FRIES CORN NUCCETS FRIED PICKLES CHEESE FRIES ONION RINGS FRIED OKRA

4.09 6.59

4.89 3.99

3.99

SMOKED POTATOES

POTATO STUFFED W/ MEAT Loaded w/Sour Cream, Butter, Cheese & Meat REGULAR POTATO

8.49

5.69

SALADS

80 **TOSSED SALAD**

FOSSED SALAD W/ MEAT

Beef, Pork, Chicken, Sausage or Turkey PANCHOS

686

SMOKED MEATS

1/2 BIRD 6.95 7.99 6.75 7.99 8.10 8.10 6.99 1/2 DOZ 6.99 7.10 7.10 BEEF BRISKET (chopped) **BEEF BRISKET** (moist) **BEEF BRISKET** (lean) SMOKED CHICKEN SMOKED TURKEY PULLED PORK

REG. SMOKED SAUSAGE JALAPENO & CHEESI SMOKED SAUSAGE SMOKED WINGS

ST. LOUIS SPARE RIBS **BABY BACK RIBS**

DOZEN

WHOLELINE 4.99 12.99 2.49 66.9 1/2 LINK

2.49 4.99

1/2 RACK FULL RACK

9.7519.50 9.9519.90

SANDWICHES

5.99 5.49 5.89 5.95 JALAPEÑO & CHEESE SMOKED SAUSAGE 5.49 REGULAR SMOKED SAUSAGE SMOKED CHICKEN BREAST CHOPPED BEEF BRISKET MOIST BEEF BRISKET SMOKED TURKEY PULLED PORK

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ON-PREMISE PREQUALIFICATION PACKET

L-ON (9/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13 Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit. All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website. www.tabc.texas.gov/laws/code_and_rules.asp LOCATION INFORMATION Add Late Hours Only License/Permit Number 1. Application for: Original License/Permit Number Reinstatement Reinstatement and Change of Trade Name ☐ Change of Location ☐ Change of Location and Trade Name License/Permit Number 2. Type of On-Premise License/Permit BG Wine and Beer Retailer's Permit LB Mixed Beverage Late Hours Permit Minibar Permit BE Beer Retail Dealer's On-Premise License MI CB Caterer's Permit Retail Dealer's On-Premise Late Hours License RI FΒ Food and Beverage Certificate BP Brewpub License Wine & Beer Retailer's Permit for Excursion Boats PE Beverage Cartage Permit Mixed Beverage Restaurant Permit with FB MB Mixed Beverage Permit Local Cartage Permit - Wine/Beer retailers (BG) Only Private Carrier's Permit -Brewpubs (BP) with a BG only 3. Indicate Primary Business at this Location Sporting Arena, Civic Center, Hotel ☐ Bar ☐ Miscellaneous Restaurant Sexually Oriented 4. Trade Name of Location (Name of restaurant, bar, store, etc.) Bar-B-Cutie-Smokehouse 5. Location Address 2211 E Griffin Parkway. Suite 100 County State Zip Code City TX 78573 Hidalgo Mission Zip Code 6. Mailing Address City State McAllen TX 78504 7517 N 10th Street E-mail Address Business Phone No. Alternate Phone No. orlie@bar-b-cutie.com 956-682-2066 956-467-2921 OWNER INFORMATION 8. Type of Owner ☐ City/County/University Individual Corporation ■ Limited Liability Company Other ☐ Partnership Limited Partnership ☐ Joint Venture Limited Liability Partnership ☐ Trust 9. Owner of Business/Applicant (Name of Corporation, LLC, etc.) O & C Bar B Cue, LLC PRIMARY CONTACT PERSON The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your license/permit. Contact Person: Orlando Ochoa Relation to Business: Manager Email (mandatory): orlie@bar-b-cutie.com 956-467-2921 Phone (mandatory): TABC DATESTAMP

11. Are you, the applicant a veteran-owned business?			🗌 Yes 🔳 No		
12. Are you, the applicant a Historically Underutilized Business (HUB)?			☐ Yes ■ No		
13. As indicated on the chart, enter the (For additional space, use Form L-OIC)			pe:		
Individual/Individual Owner Limited Liability Company/All Officers or Managers				Managers	
Partnership/All Partners		Joint Venture/Venturers			
Limited Partnership/All General Partners		Trust/Trustee(s)			
Corporation/All Officers		City, County, University/Official	Company of the second s		
	First Name		MI	Title	
Last Name Ochoa	Orlando			Manager	
Last Name McFarland	First Name James		MI B	Title Member	
Last Name	First Name		MI	Title	
McFarland	James		R	Member	
ME		NT INFORMATION 109.31 et seq.			
14. Will your business be located within 300 fee	2.1.1.1			☐ Yes ■No	
NOTE: For churches or public hospitals measure direct line across intersections.			es of the		
15. Will your business be located within 300 fee 15.a If "YES," are the facilities located on differen			e facility	? ☐ Yes ■ No ☐ Yes ☐ No	
NOTE: For private/public schools, day care cel	nters and child	care facilities measure in a direct li	ne from	the nearest property line of	
the school, day care center or child co across intersections.					
NOTE: For multistory building: businesses may are located on different floors of the building.		feet of a day care center or child	care fac	ility as long as the facilities	
NOTE: If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.					
16. Will your business be located within 1,000 fee	et of a private se	chool?		☐Yes ■ No	
17. Will your business be located within 1,000 fee	et of a public sc	hool?		☐Yes ■ No	
		AY SIGN	7.7.4		
18. If required under Section 11.391 and 61.381, at your location.			Exact N/A	Date (MM/DD/YYYY)	
	ALL AF	PPLICANTS	19		
19. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE I, the applicant, have confirmed I am not located in the city limits of any city, therefore, city certifications are not					
required. COMPLETE THE FOLLOWING CHECKLIST BEFORE SUBMITTING YOUR APPLICATION					
Per Sec. 102.01, a tied house is defined as any overlapping ownership between those engaged in the alcoholic beverage					
industry at different levels of the three-tier system. No person having an interest in a permit issued by TABC may secure or					
hold, directly or indirectly, an ownership intere	st in a busine	ss on a different level.			
All required forms have been completed.					
I have reviewed all forms to ensure they are complete.			(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)		
I have obtained all required local and sta		ns (pages 3-5).		■ Yes □ No	
All application packets have been notarize				Yes No	
Phone numbers and email address for C				Yes No	
All additional documentation as required				Yes No	
				Yes No No N/A	
			Yes No No N/A		
A copy of the newspaper publication is attached (page 5).					

WA	RNI	NG	AN	D
SI	GNA	TU	RE	

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	Officer/Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

	ENIED AND/OR CRIMINAL CHARGES FILED AGAINST	ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE CO	MMISSION
PRINT	do Ochoa	SIGN UND UND UND UND UND UND UND UND UND UN	
	3	TITLE Manager	
the foregoing applica	tion personally appeared and, duly sworn all the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts therein set forth are true and control of the facts the facts therein set forth are true and control of the facts therein set forth are true and control of the facts the f	RAUL C SANTIAGO Notary Public, State of Texas My Commission Expires January 13, 2027 NOTARY ID 12849350-2	ed to e said
	CERTIFICATE OF CITY SECR Section 1	11.37	
I hereby certify o license/permit is sough prohibited by charter	n this day of ght is inside the boundaries of this city or to or ordinance in reference to the sale of su	, 20, that the location for which the own, in a "wet" area for such license/permit, and no ch alcoholic beverages.	ot
SIGN HERE			TEXAS
SEAL	City Secretary/Clerk	City	
	CERTIFICATE OF CITY SEC Section 11.33		
license/permit is sour prohibited by charter Election for given legal sale of all a legal sale of all a legal sale of bee legal sale of bee OR IF ABC Be advised the location and wine off-premise alegal sale of bee AND EITHEI legal sale of mixe OR	ght is inside the boundaries of this city or to or ordinance in reference to the sale of sur location was held for: alcoholic beverages alcoholic beverages except mixed beverage alcoholic beverages including mixed beverage fivine (17%) on-premise AFTER Sept. 1, fivine (14%) on-premise BEFORE Sept. 1 DVE DOES NOT APPLY: In must have had two election passages per Second one for mixed beverage. It and wine for off-premise consumption on R:	es ages 1999 I, 1999 ection 25.14 or Section 69.17 of the TABC Code. One for	
RICH			
SIGN HERE	City Secretary/Clerk	City	ΓEXAS



CERTIFICATE OF CITY SECRETARY FOR: (MB, BG & BE)

Section 11.37 & 61.37

Not later than the 30th day after the date a prospective applicant for a license or permit requests certification, the city secretary or clerk shall certify whether the location or address given in the request is in a wet area and whether the sale of alcoholic beverages for which the license or permit is sought is prohibited by arrigance.

whethe	r the sale of alcoholi	c beverages for which the licen	se or permit is sought	is prohibited by ordinance.
which the	certify on this license/permit is s rmit, and not prohibi	day of cought is inside the boundarited by charter or ordinance in	es of this city or to	, that the location for wn, in a "wet" area for such of such alcoholic beverages.
MB	Mixed Beverage Permit			
MB/FB	Mixed Beverage Restaurant Permit with Food and Beverage Certificate (MB must also hold a Food and Beverage Certificate)			
BG/FB	Wine and Beer Retailer's Permit with Food and Beverage Certificate (BG must also hold a Food and Beverage Certificate)			
BG	Wine and Beer Retailer's Permit - Election for given location was held for: legal sale of beer/wine (17%) on-premise AFTER Sept. 1, 1999 legal sale of beer/wine (14%) on-premise BEFORE Sept. 1, 1999			
BE	Beer Retail Dealer's On-Premise License			
BE/FB	Retail Dealer's On-	Premise License with require	d Food and Beverage	Certificate
<u>OR</u>				
I hereby location.	refuse on this	day of	, 20	to certify this
SIGN HERE	Ē			
:	City Secretary/Cleri	K		
	City	,TEXAS		

B2950-00-000-0009-00 (125591) B2950-00-000-0010-00 (125592) G4300-00-000-0005-00 (179616) LERMA MIGUEL ANGEL JHR INVESTMENTS LP DANI G LLC 2426 E 21ST ST PO BOX 1078 1608 N 8TH ST MISSION TX 78572 EDINBURG TX 78540 MCALLEN TX 78501 G4300-00-000-0007-00 (179618) G4300-00-000-0009-00 (179620) S2950-00-000-0254-35 (281288) GARCIA DOLORES NANY LEE LUGO JOSE E & ARCELIA T CO-TRUSTEES HARDISON JASEN PO BOX 1116 **LUGO LIVING TRUST** 322 W NOLANA AVE MCALLEN TX 78504 MISSION TX 78573 7301 N 5TH ST MCALLEN TX 78504 A6321-05-000-0001-00 (654762) R2434-00-000-0001-00 (654576) S2950-00-000-0254-40 (960877) GREATER MISSION STAR STORAGE LIMITEDWORLD GREGORY F TRUSTEE ORNELAS INVESTMENTS LLC 322 W NOLANA AVE LISA L WORLD TRUSTEE 3308 SAN ANGELO MCALLEN TX 78504 PO BOX 77469 MISSION TX 78572 SAN FRANCISCO CA 94107 T6801-00-000-0001-00 (959043) E5175-00-000-0000-00 (1238510) B2950-00-000-0016-00 (1464900) **TEXAS REGIONAL BANK** CAGE I PLAZA LLC HARDISON INVESTMENTS LLC PO BOX 5555 2208 LAWNDALE RD 322 W NOLANA AVE

MCALLEN TX 78504

MISSION TX 78572

MCALLEN TX 78502