

ITEM# 2.0

CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic Beverages – Ice House, LLC
815 N. Francisco Avenue
Being the South 109.5’ of Lot 2, Block 137,
Mission Original Townsite & all of Lot 52,
John H. Shary Industrial Subdivision
C-3
Robert Galligan

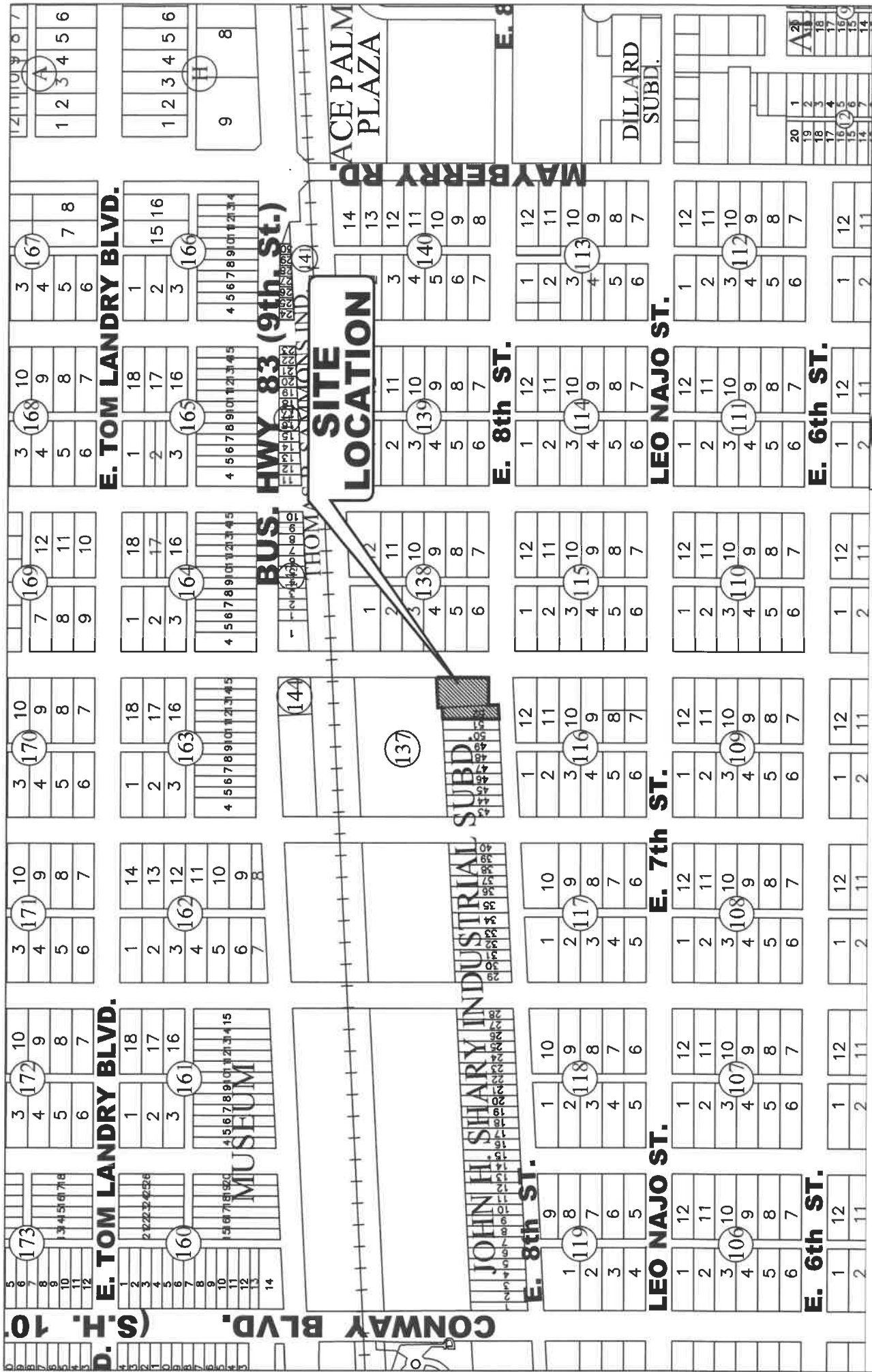
REVIEW DATA

The subject site is located at the NW corner of Francisco and 8th Street. This bar has been in existence at this location since 1960 as per appraisal district records. The new applicant recently remodeled the building. There are tables and chairs located inside and outside the building, and some bar stools around the bar area too (total of 124 seating spaces). This is a longstanding business frequented by different Mission residents and Winter Texans. The applicant will offer finger foods like chips, frozen pizza and fries.

- **Hours of Operation:** Monday – Sunday from 10 am to 10 pm. Although beverages will only be served during the allowable State selling hours.
- **Staff:** 2 employees including the owner.
- **Parking:** As can be seen in the aerial, there are over 12 off-street parking spaces that were constructed in the 60’s, thus some of the parking spaces need to be re-striped. The parking requirements for a restaurant, nightclub, café or similar recreation or amusement establishment: One space for each 75 square feet of floor area or one space for each three seats, whichever is greater. Based on the code, 41 parking spaces are required. However, this property is located within the Mission’s Central Business District; thus, exempt from parking requirements for existing structures.
- **Alcoholic Beverages:** Such uses require that no alcoholic beverage be sold within 300’ to a residence, church, public school, private school or public hospital. There are some residences within this radius; thus, a waiver of the separation requirement would need to be considered.

REVIEW COMMENTS: Notices were sent out to property owners within 200’ radius of this business, as of this writing staff has not received any comments in favor or against this request. In the past, staff has received several concerns in regards to noise for this establishment, therefore the new applicant will need to comply with the noise ordinance.

RECOMMENDATION: Staff recommends approval subject to: 1) 2-year approval at which time the applicant will have to renew their CUP and TABC License, 2) waiver of the 300’ separation requirement from residential areas, 3) re-stripe parking area and add landscaping, 4) compliance with building, fire, and health codes, 5) obtain a business license, and 6) compliance with noise ordinance.



CITY OF MISSION
 HIDALGO COUNTY, TEXAS
 1201 E. 8th. Street
 MISSION, TX 78572
 PH: (956) 580-8672
 FAX: (956) 580-8680

No.



**SITE
LOCATION**

FRANCISCO AVE.

E. 8TH STREET









BY THE BOTTLE

WE I.D.



TEXAS ALCOHOLIC BEVERAGE COMMISSION
Texans Helping Businesses & Protecting Communities

Required Certifications

Join TABC in the fight against human trafficking

L-CERT (7/2022)

Submit this form to the proper officials to obtain certification for the type of license/permit for which you are applying as required by TX Alc. Bev. Code, Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13. This Required Certifications form must be submitted with your Initial Application form.
 Contact your local TABC office for assistance.

LOCATION INFORMATION

1. Trade Name of Location (Name of restaurant, bar, store, etc.) <i>The Icehouse</i>			
2. Owner of Business/Applicant (Name of Corporation, LLC, etc.) <i>The Icehouse LLC</i>			
3. Type of Owner <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Other: _____			
4. Location Address <i>815 N. Francisco</i>			
City <i>Mission</i>	County <i>Hidalgo</i>	State <i>TX</i>	Zip Code <i>78572</i>
5. Mailing Address <i>1201 W. Songuit</i>			
City <i>McAllen</i>	County <i>Hidalgo</i>	State <i>TX</i>	Zip Code <i>78501</i>
6. Business Telephone Number <i>956-598-5563</i>	Alternate Telephone Number <i>956-313-8022</i>	E-mail Address <i>rgalligan1@hotmail.com</i>	
7. Application for:			
<input checked="" type="checkbox"/> Original	<input type="checkbox"/> Reinstatement	License/Permit Number	<input type="checkbox"/> Reinstatement and Change of Trade Name
	<input type="checkbox"/> Change of Location	License/Permit Number	<input type="checkbox"/> Change of Location and Trade Name
8A. Type of Off-Premise Retailer License/Permit:			
<input type="checkbox"/> BF Retail Dealer's Off-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> P Package Store Permit	
<input type="checkbox"/> BQ Wine and Malt Beverage Retail Dealer's Off-Premise Permit	<input type="checkbox"/> ET Third-Party Local Cartage Permit	<input type="checkbox"/> Q Wine Only Package Store	
<input type="checkbox"/> LP Local Distributor's Permit			
8B. Type of On-Premise Retailer License/Permit			
<input type="checkbox"/> BE Retail Dealer's On-Premise License	<input type="checkbox"/> E Local Cartage Permit	<input type="checkbox"/> MB Mixed Beverage	
<input checked="" type="checkbox"/> BG Wine and Malt Beverage Retail Dealer's On-Premise Permit	<input type="checkbox"/> FB Food and Beverage Certificate	<input type="checkbox"/> WP Waterpark Permit	
<input type="checkbox"/> BP Brewpub License	<input type="checkbox"/> LH Late Hours Certificate		
8C. Type of Wholesaler's, Distributor's, or Manufacturer's License/Permit			
<input type="checkbox"/> BB General Distributor's License	<input type="checkbox"/> D Distillers and Rectifiers Permit - allows on-premise consumption	<input type="checkbox"/> S Nonresident Seller's Permit	
<input type="checkbox"/> BC Branch Distributor's License	<input type="checkbox"/> DS Out-of-State Winery Direct Shipper's Permit	<input type="checkbox"/> SD Brewer's Self-Distribution License	
<input type="checkbox"/> BN Nonresident Brewer's License	<input type="checkbox"/> G Winery - allows on-premise consumption	<input type="checkbox"/> W Wholesaler's Permit	
<input type="checkbox"/> BW Brewer's License	<input type="checkbox"/> J Bonded Warehouse	<input type="checkbox"/> X General Class B Wholesaler Permit	
<input type="checkbox"/> JD Bonded Warehouse (Dry Area)			
9. For On or OFF-Premise Applicants, Indicate Primary Business Type at this Location			
<input type="checkbox"/> Bar	<input type="checkbox"/> Grocery/Market	<input type="checkbox"/> Package Store	<input type="checkbox"/> Sexually Oriented
<input type="checkbox"/> Civic Center	<input type="checkbox"/> Hotel	<input type="checkbox"/> Public Entertainment Fac. (PEF as defined in Sec. 108.73)	<input type="checkbox"/> Sporting Arena
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Motel	<input type="checkbox"/> Racetrack	
<input type="checkbox"/> Delivery Company	<input type="checkbox"/> Movie Theater	<input type="checkbox"/> Restaurant	

Trade Name: _____

Location Address: _____

City: _____

County: _____

Off-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the city secretary...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 permit is sought is prohibited by charter or ordinance.

Certificate of City Secretary: P, Q, BF, BQ

TX Alc. Bev. Code, Section 11.37 & 61.37

CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought as the place of business is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
<input type="checkbox"/> BF	The legal sale of malt beverages for off-premise consumption only <input type="checkbox"/> greater than 5% alcohol by volume OR <input type="checkbox"/> 5% or less alcohol by volume
<input type="checkbox"/> BF, BQ, Q	The legal sale of malt beverages and wine for off-premise consumption only
<input type="checkbox"/> BF, BQ, Q, P	The legal sale of all alcoholic beverages for off-premise consumption only

OR

I hereby refuse on this _____ day of _____, 20____ to certify this location.

SIGN

HERE _____, TEXAS
City Secretary/Clerk _____ City _____

SEAL

On-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the city secretary...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 permit is sought is prohibited by charter or ordinance.

Certificate of City Secretary (FOR MB, MB/FB, BG, BG/FB, BE, & BE/FB)

TX Alc. Bev. Code, Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

Permits/Licenses Wet For	Based on most recent local option election, area is wet for:
<input type="checkbox"/> MB	Mixed Beverage Permit
<input type="checkbox"/> MB/FB	Mixed Beverage Restaurant Permit with required Food and Beverage Certificate
<input type="checkbox"/> BG*	Wine and Malt Beverage Retail Dealer's On-Premise Permit
<input type="checkbox"/> BG/FB*	Wine and Malt Beverage Retail Dealer's On-Premise Permit with required Food and Beverage Certificate
<input type="checkbox"/> BE*	Retail Dealer's On-Premise License
<input type="checkbox"/> BE/FB*	Retail Dealer's On-Premise License with required Food and Beverage Certificate
*Mark box on right for BE and/or BE/FB	<input type="checkbox"/> greater than 5% alcohol by volume OR <input type="checkbox"/> 5% or less alcohol by volume
*Mark box on right for any of the following license or permit types BG, BG/FB BE, BE/FB	Election for given location was held for: <input type="checkbox"/> legal sale of malt beverage/wine (17%) on-premise AFTER Sept. 1, 1999 OR <input type="checkbox"/> legal sale of malt beverage/wine (14%) on-premise BEFORE Sept. 1, 1999

SIGN

HERE _____, TEXAS
City Secretary/Clerk _____ City _____

SEAL

Certification for Late Hours Certificate (LH)

TX Alc. Bev. Code, Chapters 29 & 70 et seq.

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

<input type="checkbox"/>	The governing body of this city or county has by ordinance or order authorized the sale of mixed beverages between midnight and 2:00 A.M.;
OR	
<input type="checkbox"/>	The governing body of this city or county has by ordinance or order authorized the sale of malt beverage between midnight and _____ A.M.;
OR	
<input type="checkbox"/>	The population of the city or county where premises are located was 500,000 or more according to the 24 th Decennial Census of the United States as released by the Bureau of the Census on April 1, 2020;
OR	
<input type="checkbox"/>	The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2020).

SIGN

HERE _____, TEXAS
City Secretary/Clerk _____ City _____

SEAL

Trade Name: _____

Location Address: _____ City: _____ County: _____

Wholesaler, Distributor or Manufacturer Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit... requests certification, the city secretary... 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 permit is sought is prohibited by charter or ordinance.

Certificate of City Secretary for: J

CHECK HERE IF NOT IN CITY LIMITS

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SIGN
HERE _____, _____ TEXAS
City Secretary/Clerk City

SEAL

Certificate of City Secretary for Winery (G) Applicants

Per Sec. 16.011, "A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election..."

I hereby certify on this ____ day of _____, 20__, that this location address is is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR
 I hereby refuse on this ____ day of _____, 20__ to certify this location.
SIGN
HERE _____, _____ TEXAS
City Secretary/Clerk City

SEAL

Certificate of City Secretary for: BW & D

I hereby certify on this ____ day of _____, 20__, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages, and

does does not allow for on-premise consumption and
 does does not allow for off-premise consumption in accordance with 501.035 of the Election Code.

OR
 I hereby refuse on this ____ day of _____, 20__ to certify this location.
SIGN
HERE _____, _____ TEXAS
City Secretary/Clerk City

SEAL

Certificate of City Secretary for: BB, BC, W & X

Applicants Per Sec. 251.79 "a wholesaler's permit, general class B wholesaler's permit, or a general or branch distributor's license may be issued and licensed premises maintained *in any area where the sale of any alcoholic beverage is legal.*"

I hereby certify on this ____ day of _____, 20__, that this location address is is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR
I hereby refuse on this ____ day of _____, 20__ to certify this location.
SIGN
HERE _____, _____ TEXAS
City Secretary/Clerk City

SEAL

Trade Name: _____

Location Address: _____ City: _____ County: _____

Off-Premise Certifications

Per Sec. 11.37, not later than the 30th day after the date a prospective applicant for a permit...requests certification, the county 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 permit is sought is prohibited by any valid order....

Certificate of County Clerk: P, Q, BF, BQ

TX Alc. Bev. Code, Section 11.37 & 61.37

CHECK HERE IF NOT IN CITY LIMITS

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OR

I hereby refuse on this _____ day of _____, 20____ to certify this location.

SIGN
HERE _____ County Clerk _____ County

SEAL

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Certificate of County Clerk (FOR MB, MB/FB, BG, BG/FB, BE, & BE/FB)

TX Alc. Bev. Code, Section 11.37 & 61.37

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SIGN
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SEAL

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OR	
<input type="checkbox"/>	The governing body of this city or county has by ordinance or order authorized the sale of <i>malt beverage</i> between midnight and _____ A.M.;
OR	
<input type="checkbox"/>	The population of the city or county where premises are located was 500,000 or more according to the 24 th Decennial Census of the United States as released by the Bureau of the Census on April 1, 2020;
OR	
<input type="checkbox"/>	The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2020).

SIGN
HERE _____ County Clerk _____ County

SEAL

Trade Name: _____

Location Address: _____ City: _____ County: _____

Wholesaler, Distributor or Manufacturer Certifications

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Certificate of County Clerk for: J

CHECK HERE IF NOT IN CITY LIMITS

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SIGN
HERE _____, _____ County
County Clerk

SEAL

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I hereby certify on this ____ day of _____, 20__, that this location address is is not in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages.

OR

I hereby refuse on this ____ day of _____, 20__ to certify this location.

SIGN
HERE _____, _____ County
County Clerk

SEAL

Certificate of County Clerk for: BW & D

I hereby certify on this ____ day of _____, 20__, that this location address is in a "wet" area for this type of license or permit and inside the boundaries of this jurisdiction, where it is legal to sell such alcoholic beverages, **and**

does does not allow for on-premise consumption **and**
 does does not allow for off-premise consumption in accordance with 501.035 of the Election Code.

OR

I hereby refuse on this ____ day of _____, 20__ to certify this location.

SIGN
HERE _____, _____ County
County Clerk

SEAL

Certificate of County Clerk for: BB & BC, W & X

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OR

I hereby refuse on this ____ day of _____, 20__ to certify this location.

SIGN
HERE _____, _____ County
County Clerk

SEAL

Trade Name: _____

Location Address: _____

City: _____

County: _____

**Publisher's Affidavit for All Applicants Except BN, DS, S
TX Alc. Bev. Code, Section 11.39 and 61.38**

Name of newspaper	
City, County	
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)	
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown.</i>	
Signature of publisher or designee Sworn to and subscribed before me on this date (MM/DD/YYYY)	
Signature of Notary Public	
SEAL	

ATTACH PRINTED
COPY OF THE
NOTICE HERE
[Click here to see example of newspaper publication](#)

Comptroller of Public Accounts Certificate for All Applicants

TX Alc. Bev. Code, Section 11.46 (b) & 61.42 (b)

This is to certify on this _____ day of _____, 20_____, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit and that none of the persons making this application are indebted to the State of Texas.

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

SIGN HERE _____

FIELD OFFICE _____

SEAL

M5200-00-115-0001-00 (239491)
VILLARREAL HERMILA
724 N FRANCISCO AVE
MISSION TX 78572

M5200-00-115-0003-00 (239492)
VILLARREAL HERMILA M
724 N FRANCISCO AVE
MISSION TX 78572

M5200-00-116-0001-00 (239500)
HERNANDEZ ABEL
412 E 8TH ST
MISSION TX 78572

M5200-00-116-0003-00 (239503)
GONZALEZ RUBEN
D/B/A GONZALEZ CONSTRUCTION
601 SOLAR DR
MISSION TX 78574

M5200-00-116-0004-00 (239504)
COOLEY LETICIA & MAC M
710 OBLATE AVE
MISSION TX 78572

M5200-00-116-0009-00 (239509)
GONZALEZ JOSE JESUS JR & THELMA
4608 COUNTRY ST
EDINBURG TX 78541

M5200-00-116-0010-00 (239510)
VILLARREAL HERMILA
724 N FRANCISCO ST
MISSION TX 78572

M5200-00-116-0010-10 (239511)
REYNA JUANITA
518 MILLER AVE
MISSION TX 78572

M5200-00-116-0011-00 (239512)
MELENDEZ ARELY
719 N FRANCISCO AVE
MISSION TX 78572

M5200-00-116-0012-00 (239513)
OVIEDO ROGELIO & ARMANDINA
420 E 8TH ST
MISSION TX 78572

M5200-00-137-0001-00 (239604)
PENA FERNANDO ET AL
PO BOX 1015
MISSION TX 78573

M5200-00-137-0002-00 (239605)
HANKINS AIMEE
300 S BRYAN RD UNIT 07
MISSION TX 78572

M5200-00-138-0001-00 (239606)
MATA RICARDO & LETICIA
1802 VICTORIA ST
MISSION TX 78572

M5200-00-138-0004-00 (239607)
TAUBER OSCAR & SILVIA
DEA INVESTMENTS LP
PO BOX 654
PHARR TX 78577

M5200-00-138-0005-00 (239608)
TAUBER OSCAR & SILVIA
DEA INVESTMENTS LP
PO BOX 654
PHARR TX 78577

S2900-00-000-0043-00 (280703)
MARTINEZ HUMBERTO ETAL
1500 LARK AVE
MCALLEN TX 78504

S2900-00-000-0047-00 (280707)
CRUZ JESUS
1200 W I ST
MISSION TX 78572

S2900-00-000-0049-00 (280709)
GONZALEZ IRMA
PO BOX 1506
MCALLEN TX 78505-1506

S2900-00-000-0052-00 (280710)
HANKINS AIMEE
300 S BRYAN RD UNIT 07
MISSION TX 78572

M5200-00-116-0002-05 (607704)
REYES VALERO
FRANCISCA HERNANDEZ
720 OBLATE AVE
MISSION TX 78572

M5200-00-138-0001-05 (637065)
CROWN COMM INC
4017 WASHINGTON RD PMB 353-
CANONSBURG PA 15317

M5200-00-138-0006-05 (719426)
PENA ROBERT DAVID
3109 HERON AVE
MCALLEN TX 78504