



CITY OF DALLAS

# APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant

Mockingbird Terrace Opco

(Must match the business name on TABC application)

Contact person, title

Jon Alexis, President

(Land owner, business owner, representative)

Property owner's name

STACP-RC Commercial

Contact person's phone

214-724-8247

Address of request site

6221 E Mockingbird 75214

Contact person's address

6025 Royal Lane

Protected use's address

3741 Abrams St#110 Dallas 752306255 E Mockingbird 75214Type of protected use:

- ☐ Church
- ☐ Public school / open-enrollment charter school
- ☐ Private school
- ☐ Public hospital
- ☐ Daycare/child-care facility

Type of business seeking to sell alcohol:

- ☐ Alcoholic beverage manufacturing
- ☐ General merchandise or food store with 10,000 square feet or more floor area
- ☐ Microbrewery, microdistillery, or winery
- ☒ Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- ☐ Brewer's permit, "B" / Manufacturer's license, "BA"
- ☐ Distiller's and rectifier's permit, "D"
- ☒ Food and beverage certificate, "FB"
- ☒ Mixed beverage permit, "MB"
- ☐ Wine and beer retailer's off-premise permit, "BQ"
- ☐ Wine and beer retailer's permit, "BG"
- ☐ Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

**REQUIRED ATTACHMENTS:**

- ☐ Statement of request
- ☐ Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)
- ☐ List of officers for alcohol business and property owner

96891 sq. ft. - area**AUTHORIZATION BY PROPERTY OWNER(S)**

I, Fr. John Libone, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Fr. John Libone  
Owner's Printed Name

[Signature]  
Owner's Signature

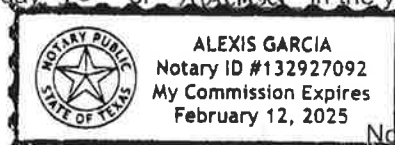
**APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT**

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

Jon Alexis  
Applicant's Printed Name

[Signature]  
Applicant Signature

Sworn to and subscribed before me by on this day 30 of September in the year 2021, to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas

Date received: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

Case number: \_\_\_\_\_



October 21, 2021

City of Dallas  
1500 Marilla, 5BN  
Dallas, TX 75201

RE: Alcohol Variance for restaurant without drive thru service at 6221 E. Mockingbird

Dear Ms. Udrea,

The property listed above was developed with a restaurant (Luby's). The former operator has ceased operations and a new restaurant seeks to open on the property. As a restaurant, they seek to sell alcoholic beverages. They will apply for an FB and MB license with TABC.

The property abuts a private school and does not maintain the required three hundred foot buffer between properties. The private school is St. Thomas Aquinas Catholic School located at 6255 Mockingbird. This request is to secure a variance to the spacing requirements for this restaurant to serve alcoholic beverages for on premise consumption on this property.

Although this restaurant sits on property that shares a common property line with a private school, a door to door measurement along the walking distance between the two buildings is almost 1200 feet (1182.8 feet). A church is located across from this site on the south side of Mockingbird. The restaurant maintains the required buffer spacing between it and the church (514 feet).

This application includes a list of officers for both entities, TABC survey, completed application and a letter of support for this request from St. Thomas Aquinas Catholic School.

Please let me know if you may need any other information regarding this request.

Sincerely,

Santos T. Martinez

