



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 CELESTIAL BREWING, LLC dba CELESTIAL BEERWORKS
(Must match the business name on TABC application)

Contact person, title MATTHEW REYNOLDS, BUSINESS OWNER Property owner's name CGI PROPERTIES LLC
(Land owner, business owner, representative)

Contact person's phone 832 493 3110 Address of request site 2137 BUTLER ST. DALLAS, TX 75235

Contact person's address 2530 BUTLER ST. DALLAS, TX 75235 Protected use's address 2131 BUTLER ST. DALLAS, TX 75235

Type 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"

→ "BP" Brew Pub

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

AUTHORIZATION BY PROPERTY OWNER(S)

I, CGI PROPERTIES LLC, 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.

Grant P. Ireland
Owner's Printed Name

[Signature]
Owner's Signature

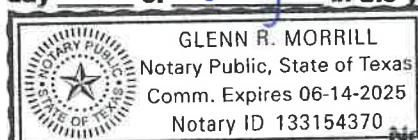
APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

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).

Matthew Reynolds
Applicant's Printed Name

[Signature]
Applicant Signature

Sworn to and subscribed before me by on this day 29 of July in the year 2022, to certify which witness my hand and seal of office.



Date received: 7/29/2022

Receipt No.: 10689

Case number: AV212-004

\$1,200.00 + 10.00 (sign) = \$1,210.00

CC 9/14

July 29th, 2022

Donna Moorman
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

Alcohol Distance Variance Application:
2137 Butler St.
Dallas, TX 75235

This is an application by Celestial Beerworks for a variance under City of Dallas Code of Ordinances Section 6-4. Below is the information that justifies the variance. Also please find enclosed a check for the application fee in the amount of \$1200.00.

Owner of Premises: CGI Properties LLC. Mailing address is 407 Marshall Rd. Southlake, TX 76092. Email contact: grant.p.ireland@outlook.com

TABC Applicant: Celestial Brewing, LLC dba Celestial Beerworks ("Permittee"). Permittee's mailing address is 2530 Butler St. Dallas, TX 75235. Email: Matt@celestialbeerworks.com

TABC Permit: The Permittee will be applying for a Wine and Malt Beverage Retailer's On-Premise Permit ("BGPermit") with a Brewpub Permit ("BP Permit"). (the "Permit") Celestial Beerworks already holds this same license at 2530 Butler St. Dallas, TX 75235. The TABC application requires signatures from the Dallas County Clerk, Texas Comptroller of Public Accounts, and the City of Dallas Building Inspection Office before it can be submitted to the TABC. The Permittee currently has signatures from the Dallas County Clerk and the Texas Comptroller of Public Accounts. The final signature required is from the City of Dallas and once obtained the permit will be submitted to the local TABC office.

Protected Use: The protected use is the business Annie's Place, a child-care facility located at 2131 Butler St. Dallas, TX 75235 (the "Daycare")

Survey: Enclosed is a Survey prepared by AmeriSurveyors showing the distance from the front door of the Premises to the front door of the Daycare. The Survey shows the distances between the front doors to be 95 feet. The Survey also states the pedestrian walking distance between the front doors is 139 feet.

Statement of Why the Variance Meets the Standard of Approval: The following justifications for a variance apply to the Premises.

A. The Permittee is applying for a Wine and Malt Beverage Retailer's On-Premise Permit (BG) with Brewpub (BP) under Chapter 26 of the TABC Code.

B. The Premises are proposed to be used as a manufacturing brewing facility with anticipated size of 9310 sq. ft.

C. In this instance, the application of the spacing requirements under Section 6-4 of the City Code (i) is not in the best interests of the public, (ii) would constitute waste or inefficient use of the Premises, (iii) creates an undue hardship for the Permittee and the Landlord, (iv) does not serve its intended purpose and/or (v) is not necessary. Please note that under Section 6.4(g)(5)(E), only one of the above reasons is required to satisfy the condition. In this instance we believe all of the potential ways to satisfy this condition are satisfied - even though only one is required.

(i) Public Interest - Dallas would be greatly served by having another business in Dallas expand its operations, bringing more jobs and revenue to our growing city. Celestial Beerworks already has a facility located at 2530 Butler St. and this additional location would enable growth of the business to be able to sell its products more widely. There is demand for more of Celestial Beerworks' high-quality product: Celestial Beerworks won best brewery in Dallas in 2021. See enclosed article by D Magazine. This new facility will enable Celestial Beerworks to expand, and make more efficient, its production of beverages, such as beer and sparkling water.

(ii) Waste - Enforcement of the spacing requirements would constitute a waste or inefficient use of the Premises. The Premises reside in an area zoned for Industrial Research (IR). Per Section 51A-4.203 of Dallas City Code, breweries have the right to operate in an industrial zoned district. While the Permittee is applying for a beer and wine retailer on premise permit, the facility will operate primarily as a production brewery facility, with retail sales occurring at the existing Celestial Beerworks taproom nearby (2530 Butler St. Dallas). The TABC requires 2137 Butler St. and 2530 Butler St to hold a BG Permit with BP Permit. TABC code requires the permit holder of a BG permit with BP Permit to hold the same permit for each additional licensed location. Sales of products manufactured here will be distributed to off premise retailers (restaurants, bars, grocery stores, and Celestial Beerworks' separate taproom).

(iii) Undue Hardship - For the reasons described in paragraph (ii) above, the application of the spacing requirement would cause undue hardship on the Landlord related to the marketability of the Premises and would cause undue hardship on Celestial Beerworks by prohibiting it from manufacturing beer as is now commonplace in the city of Dallas. Celestial Beerworks has already invested a significant amount of time, energy, and money into renovating his facility to be able to produce its products. Without a variance, there would be waste of this investment and an undue hardship.

(iv) Does Not Serve Intended Purpose - The Permittee's main focus at the Premises is the manufacturing and packaging of beer. Since the Permittee has an existing retail location down the street at 2530 Butler St. The use of the Premises would be very different: focusing on manufacturing and packaging. Application of Section 6-4 to the Premises is not necessary to

serve its intended purpose of limiting the sale of alcoholic beverages within a close proximity to a daycare facility.

(v) Not Effective or Necessary - Application of the spacing requirements here would not be effective or necessary to preclude the manufacturing and sale of alcoholic beverages in close proximity to the Daycare because there already is a separate facility within the same proximity that serves alcohol: a Restaurant and Bar (Redfield's Neighborhood Tavern 2213 Butler St. Dallas, TX 75235), which shares the parking lot with this location seeking a variance. Redfield's Tavern is within 300 ft of the Daycare, yet since it has a kitchen it is excluded from the spacing requirements. Yet one of its focuses is the sale of alcoholic beverages. That will not be the focus of the Celestial Beerworks facility, which instead will focus on manufacturing and packaging alcoholic beverages on site for sale outside the proximity of the Daycare. For this reason and the other reasons stated above, the application of the spacing requirement is not effective or necessary, and Celestial Beerworks respectfully requests a variance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matt Reynolds', is positioned above the typed name.

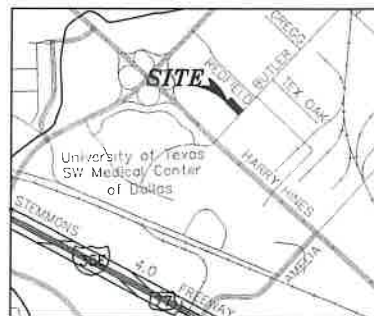
Matt Reynolds
Co-Founder
Celestial Beerworks
Cell Phone: 832-493-3110
Email: matt@celestialbeerworks.com

SURVEYOR'S NOTE

THIS SURVEY MAP IS PREPARED FOR TEXAS ALCOHOLIC BEVERAGE COMMISSION (TABC) PERMIT PURPOSES ONLY. THIS DOES NOT REPRESENT A LAND SURVEY AND DOES NOT MEET ANY STANDARDS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

I HAVE CONDUCTED (OR CAUSED TO BE CONDUCTED) A PHYSICAL INSPECTION OF THE AREA AND A DILLIGENT SEARCH OF PUBLIC RECORDS TO DETERMINE IF THE PLACE OF BUSINESS IS LOCATED NEAR ANY PROTECTED USES. THIS SURVEY MAP SHOWS THAT THE PLACE OF BUSINESS WHERE ALCOHOLIC BEVERAGES WILL BE SOLD MEETS THE LOCATION REQUIREMENTS IN DALLAS CITY CODE SECTION 6-4.

DOOR TO DOOR TOTAL PEDESTRIAN WALKING DISTANCE TO DAYCARE = 139 FEET



LOCATION MAP

N.T.S.

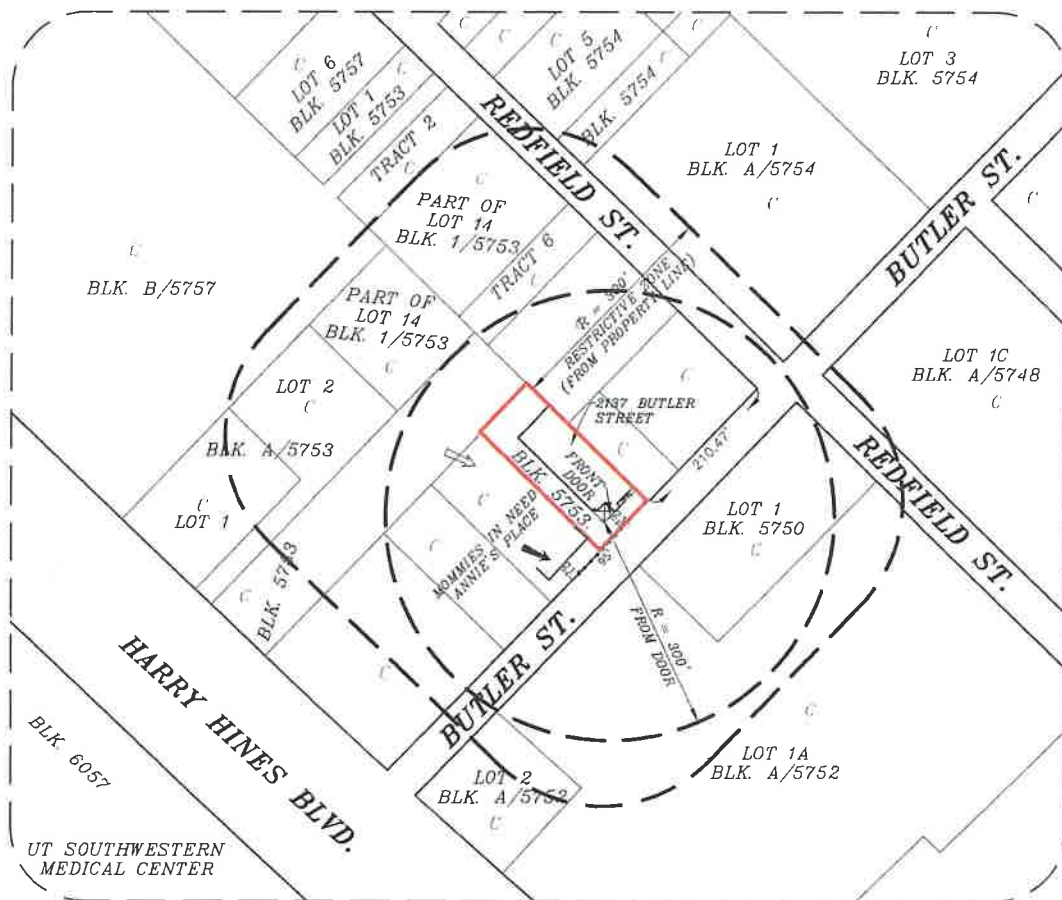
LEGEND

These standard symbols will be found in the drawing.

- BOUNDARY LINE
- 300' BUFFER LINE
- DOOR TO DOOR PATH
- PROPERTY LINES
- COMMERCIAL PROPERTY

GRAPHIC SCALE

1 Inch = 200 Feet



I, DONALD EDWARD SMITH SR., a Registered Professional Land Surveyor in the State of Texas, do hereby certify to CITY OF DALLAS

Borrower/Owner: CGI PROPERTIES LLC

Address: 2137 BUTLER ST., DALLAS, TX 75235

That the subject place of business is located WITHIN of the 300 feet buffer area in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections, Per Texas Alcoholic Beverage Code Section §109.33 (b) Sales near School, Church, or Hospital.

I, further certify that the measurement of the distance between the place of business front door to front door of the church or public hospital is LESS than 300 feet measured along street lines and directly across intersections from the property line.

LEGAL DESCRIPTION OF THE LAND:

Being 20,205 square feet or 0.464 acre tract of land located in the CRAWFORD GRIGSBY SURVEY, Abstract No. 532, Block 5753, City of Dallas, Dallas County, Texas, and being the same Tract 1, described in deed to Majors Scientific Books, Inc., recorded in Instrument No. 2010000260626, Official Public Records, Dallas County, Texas.

PROPERTY PHOTOGRAPH:



FINAL "TABC" MEASUREMENT MAP

JOB NO.:	2206090347	NO.	REVISION	DATE
DATE:	07/28/22			
DRAWN BY:	MN/IC/RD			
APPROVED BY:	DES			



DONALD EDWARD SMITH SR. R.P.L.S.
Registered Professional Land Surveyor
Registration No. 2465



P.O. BOX 160369
SAN ANTONIO, TEXAS 78280
PHONE: (210) 572-3995
WEB: WWW.AMERISURVEYORS.COM

Officers for Celestial Brewing, LLC dba Celestial Beerworks
Molly Reynolds, Member Manager
Matthew Reynolds, Member Manager

Officers for CGI Properties, LLC
Grant Ireland, Member