

STATE OF TEXAS §

COUNTY OF FORT BEND §

**RESOLUTION AND ORDER GRANTING A VARIANCE TO THE FORT BEND
COUNTY LOCAL ALCOHOL DISTANCE REGULATIONS
ON BEHALF OF LAZARINE ENTERPRISES, LLC**

On this the 12 day of June 2018, at a regular meeting of Commissioners Court of Fort Bend County, Texas (the "County") upon motion of Commissioner Patterson, seconded by Commissioner Meyers, duly put and carried:

WHEREAS, the Commissioners Court of Fort Bend County enacted LOCAL ALCOHOL DISTANCE REGULATIONS which were effective as of July 22, 2014, as allowed by Section 109.33 Texas Alcoholic Beverage Code, which regulates the sale of alcoholic beverage outside of an incorporated city or town by a dealer whose place of business is within 300 feet a church, public or private school, or public hospital; and

WHEREAS, the Commissioners Court of a County that has enacted a regulation under Section 109.33 of the Texas Alcoholic Beverage Code may also allow variances to the regulation if the Commissioners Court determines that enforcement of the regulation in a particular instance is not in the best interest of the public; and

WHEREAS, LAZARINE ENTERPRISES, LLC has applied for a Wine and Beer Retailer's Permit for the location address: 11020 Harlem Road, Suite 100, which is within 300 feet of a private school, public school, daycare center and/or childcare facility; and

WHEREAS, the Commissioners Court of Fort Bend County does wish to GRANT a variance to **LAZARINE ENTERPRISES, LLC** for the reason that a denial of this Permit would constitute waste or inefficient use of land or resources, creates an undue hardship on an applicant for a license, does not serve its intended purpose and is not in the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners Court of Fort Bend County, Texas hereby grants a variance to the LOCAL ALCOHOL DISTANCE REGULATIONS to **LAZARINE ENTERPRISES, LLC** located at 11020 Harlem Road, Suite 100, as authorized under Section 109.33 (e) of the Texas Alcoholic Beverage Code.

FORT BEND COUNTY, TEXAS

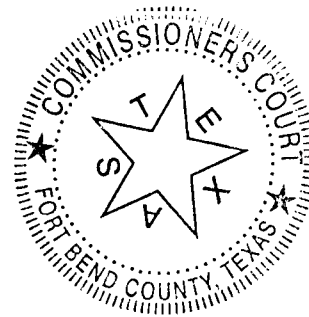


Grady Prestage, Commissioner, Precinct 2
Presiding Officer of Commissioners Court, June 12, 2018

ATTEST:


Laura Richard, County Clerk

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FORT BEND COUNTY CLERK

301 Jackson Street, Richmond, Texas 77469-3108

LAURA RICHARD
COUNTY CLERK

PHONE (281) 341-8652
VITALS FAX (281) 341-8669
RECORDING FAX (281) 238-2290

OFFICIAL PUBLIC RECORDS REJECTION SLIP

VIRGIE MARTINEZ
GERALD FRANKLIN AGENCY
2525 NORTH LOOP WEST STE 275
HOUSTON, TX 77008

May 16, 2018

The enclosed is being returned to you for the following reason(s):

Names not typed/printed under signature(s). (Code LGC 191.007) Add typed/printed name or pay an additional fee of:

Document is not signed.

Lacks clearly identifying heading on top of first page. (Code LGC 191.007) Add heading or pay an additional fee of \$5.00

Contains illegible or poor quality pages that will not produce legible copies. (Code LGC 191.007) Need better quality pages or pay an additional fee of:

Lacks grantee's mailing address. (Code PC 11.003) Add address or pay a total filing fee of \$25 plus:

Notary acknowledgment is incomplete. Notary Public signature is missing.

Notary acknowledgment is incomplete. (Civ. Prac. & Rem. Code Sec. 121.007, Sec. 121.008) Notary seal is missing/incomplete/not legible Reseal:

Real Estate concerned is not Fort Bend County.

Check is not signed.

Document(s) not accompanied by a fee of ----- \$5.00 first page, \$4.00 for each additional page that has any visible markings - PER DOCUMENT; plus a Records Management/Preservation fee of \$5.00 - PER DOCUMENT; plus Courthouse Security fee of \$1.00 - PER DOCUMENT. Over 5 additional names add \$.25 per name. (Codes: LCG 118.0216, 291.088(d), 118.013, 118.011(a)(2))

Not a recordable document under Texas Statutes. (Property Code 11.004, Local Government 118.012, Government Code Chapter 51)

Lacks plaintiff/judgement creditor's mailing address. (Code PC 52.0041) Add address or pay a total filing fee of \$25.00 plus:

Check is not made payable to "Fort Bend County Clerk".

✓ Other

PLEASE SEND US A COPY OF THE VARIANCE THAT HAS GONE THROUGH THE COMMISSIONERS COURT.

Checks dated more than 45 days old WILL NOT be accepted as payment.

By: ER

**PLEASE RETURN THIS REJECTION
FORM WITH YOUR DOCUMENTS
WHEN RESUBMITTED.**

PREMISE PREQUALIFICATION PACKETL-ON
(12/2017)

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

1. Application for: ☒ Original ☐ Add Late Hours Only License/Permit Number

☐ Reinstatement License/Permit Number

☐ Change of Licensed Location License/Permit Number

2. Type of On-Premise License/Permit

☒ BG Wine and Beer Retailer's Permit

☐ LB Mixed Beverage Late Hours Permit

☐ BE Beer Retail Dealer's On-Premise License

☐ MI Minibar Permit

☐ BL Retail Dealer's On-Premise Late Hours License

☐ CB Caterer's Permit

☐ BP Brewpub License

☒ FB Food and Beverage Certificate

☐ V Wine & Beer Retailer's Permit for Excursion Boats

☐ PE Beverage Cartage Permit

☐ Y Wine & Beer Retailer's Permit for Railway Dining Car

☐ RM Mixed Beverage Restaurant Permit with FB

☐ MB Mixed Beverage Permit

☐ O Private Carrier's Permit - For Brewpubs (BP) with a BG only

3. Indicate Primary Business at this Location

☒ Restaurant

☐ Sporting Arena, Civic Center, Hotel

☐ Bar

☐ Grocery/Market

☐ Sexually Oriented

☐ Miscellaneous

4. Trade Name of Location

Burgerim

5. Location Address

11020 Harlem Road, Suite 100

City

Richmond (outside CLK)

County

Fort Bend

State

TX

Zip Code

77406

6. Mailing Address

3527 River Ranch N. Drive

City

Rosenberg

State

TX

Zip Code

77471

7. Business Phone No.

PENDING

Alternate Phone No.

832-274-4147

E-mail Address

zachlazarine@swbell.net

OWNER INFORMATION

8. Type of Owner

☐ Individual

☐ Corporation

☐ City/County/University

☐ Partnership

☒ Limited Liability Company

☐ Other

☐ Limited Partnership

☐ Joint Venture

☐ Limited Liability Partnership

☐ Trust

9. Business Owner/Applicant

Lazarine Enterprises, LLC

10. Are you, the applicant a veteran-owned business? ☐ Yes ☒ No

11. Are you, the applicant a Historically Underutilized Business (HUB)? ☐ Yes ☒ No

12. As indicated on the chart, enter the individuals that pertain to your business type:

(For additional space, use Form L-OIC)

Individual/Individual Owner	Limited Liability Company/All Officers or Managers
Partnership/All Partners	Joint Venture/Venturers
Limited Partnership/All General Partners	Trust/Trustee(s)
Corporation/All Officers	City, County, University/Official

Last Name Lazarine	First Name John	MI D	Title Manager
Last Name Lazarine	First Name Zachary	MI J	Title Manager
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.31 et seq.

13. Will your business be located within 300 feet of a church or public hospital? ☐ Yes ☒ No

NOTE: For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

14. Will your business be located within 300 feet of any private/public school, day care center or child care facility? ☒ Yes ☐ No

If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☒ No

NOTE: For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

NOTE: For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

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.

15. Will your business be located within 1,000 feet of a private school? ☐ Yes ☒ No

16. Will your business be located within 1,000 feet of a public school? ☒ Yes ☐ No

60-DAY SIGN

17. As required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location.

Exact Date (MM/DD/YYYY)

05/09/2018

ALL APPLICANTS

18. 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 and therefore all city certificates are not required.

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:

Proprietorship
Partnership
Corporation
Limited Partnership
Limited Liability Partnership
Limited Liability Company

WHO MUST SIGN:

Individual Owner
Partner
Officer
General Partner
General Partner
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.

PRINT
NAME

JOHN D. LAZARINE

SIGN
HERE

TITLE

MANAGER

Before me, the undersigned authority, on this 9th day of May, 2018, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN
HERE

NOTARY PUBLIC

SEAL



CERTIFICATE OF CITY SECRETARY (FOR MB, RM, V & Y)

Section 11.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN
HERE

City Secretary/Clerk

City

TEXAS

SEAL

CERTIFICATE OF CITY SECRETARY (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

Election for given location was held for:

- ☐ legal sale of all alcoholic beverages
- ☐ legal sale of all alcoholic beverages except mixed beverages
- ☐ legal sale of all alcoholic beverages including mixed beverages
- ☐ legal sale of beer/wine (17%) on-premise **AFTER** Sept. 1, 1999
- ☐ legal sale of beer/wine (14%) on-premise **BEFORE** Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.

- ☐ legal sale of beer and wine for off-premise consumption only

AND EITHER:

- ☐ legal sale of mixed beverages

OR

- ☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN
HERE

City Secretary/Clerk

City

TEXAS

SEAL

**CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT
(LB & BL)**

Chapters 29 & 70 et seq.

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

- ☐ The governing body of this city has by ordinance authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- ☐ The governing body of this city has by ordinance authorized the sale of *beer* between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE _____, TEXAS

City Secretary/Clerk

City

S E A L

CERTIFICATE OF COUNTY CLERK (FOR MB, RM, V & Y)

Section 11.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN

HERE _____ COUNTY

County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court.

Election for given location was held for:

- ☐ legal sale of all alcoholic beverages
- ☐ legal sale of all alcoholic beverages except mixed beverages
- ☐ legal sale of all alcoholic beverages including mixed beverages
- ☐ legal sale of beer/wine (17%) on-premise *AFTER* Sept. 1, 1999
- ☐ legal sale of beer/wine (14%) on-premise *BEFORE* Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

- ☐ legal sale of beer and wine for off-premise consumption only

AND EITHER:

- ☐ legal sale of mixed beverages

OR

- ☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders
(applicant must apply for FB with BG or BE)

SIGN

HERE _____ COUNTY

County Clerk

S E A L

CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT (LB & BL)

Chapters 29 & 70 et seq

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

- ☐ The Commissioner's Court of the county has by order authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order authorized the sale of **beer** between midnight and _____ A.M.; or
- ☐ The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- ☐ The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE _____

County Clerk

_____ COUNTY

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this 11 day of May, 2018, 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.

Sales Tax Permit Number 32064922019 Outlet Number 00001Print Name of Comptroller Employee Cassandra ClarkPrint Title of Comptroller Employee Tax Comp Officer

SIGN

HERE _____

FIELD OFFICE 2H31

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL, V & Y)

Section 11.39 and 61.38

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

**Lazarine Enterprises, LLC
Burgerim
11020 Harlem Rd., Suite 100
Richmond, TX 77406**

**CERTIFIED MAIL RECEIPT
7015 1520 0002 2984 9265**

**Principal or Superintendent
William B. Travis High School
11111 Harlem Road
Richmond, TX 77406**

Re: Wine and Beer Retailer's Permit

To be issued by the Texas Alcoholic Beverage Commission

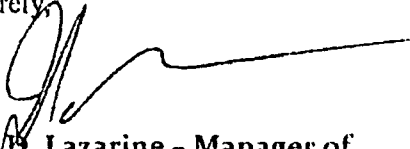
Dear School Official:

This letter is to serve as notification to you of our intent to sell alcoholic beverages within 1,000 feet of the school property.

We have acquired the above location, and have applied for the above permit(s). We are required by the Texas Alcoholic Beverage Commission, Code Section 109.33 (c) to notify you this location falls within 300 feet of your school.

If you should have any questions, please do not hesitate to contact us at

Sincerely,



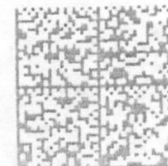
**John B. Lazarine - Manager of
Lazarine Enterprises, LLC**

GERALD FRANKLIN INC.
2525 North Loop West, Suite 275
Houston, Texas 77008

CERTIFIED MAIL



7015 1520 0002 2984 9265



US POSTAGE
\$ 08.95
First Class
Mailed From: 77008
05/10/2018
1354 000 10310

WILLIAM B. TRAVIS HIGH SCHOOL
ATTN: PRINCIPAL OR SUPERINTENDENT
11111 HARLEM ROAD
RICHMOND, TX 77406