

TOWN OF LITTLE ELM

ORDINANCE NO. 1734

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AMENDING AN EXISTING SPECIFIC USE PERMIT ORDINANCE NO. 1667 FOR A LIQUOR STORE USE, IN ORDER TO ALLOW FOR THE SALE OF SMOKING PRODUCTS, FOR OFF PREMISES CONSUMPTION ONLY, ON PROPERTY LOCATED AT 1951 FM 423; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Little Elm ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on May 1, 2001; and

WHEREAS, the Town possesses all the rights, powers, and authorities possessed by all home rule municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code; and

WHEREAS, Chapter 106 (Zoning) of the Little Elm Code of Ordinances, requires a Specific Use Permit be granted by Town Council in order to legally operate and occupy the subject property with a liquor store use while it is zoned Light Commercial (LC); and

WHEREAS, a request for a Specific Use Permit for the sale of smoking products, for off premise consumption only, has been submitted by Mihir Varia, Liquor King DFW, on property located at 1951 FM 423; and

WHEREAS, Section 106.02.17 of the Little Elm Code of Ordinances provides that Town Council may impose such additional development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, odor, gas, explosion, glare, offensive view, or other undesirable or hazardous conditions; and

WHEREAS, Town Council and the Planning & Zoning Commission of the Town of Little Elm, in compliance with the laws of the State of Texas and the ordinances of the Town of Little Elm, have given the required notices and held the required public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof regarding the requested planned development amendment described herein; and

WHEREAS, at its regular meeting held on September 7, 2023 the Planning & Zoning Commission considered and made recommendations on a request to amend the existing Specific Use Permit within end-cap suite on the north side of Building 2 of the subject property, totaling 3,916 square-feet (Case No. SUP-23-03292); and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning & Zoning Commission and any other information and materials received at the public hearing, the Town Council of the Town of Little Elm, Texas, has determined that the request would be in the interest of public health, safety and welfare of the citizens of the Town of Little Elm.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. That Ordinance No. 226 of the Town of Little Elm, Texas, the same being the Comprehensive Zoning Ordinance of the Town, as amended, is hereby amended by the following:

- A. Granting a Specific Use Permit authorizing a liquor store, with allowance for the sale of smoking products for off premises consumption only, on the property located at 1951 FM 423, subject to the following conditions:
 - 1. Prior to the issuance of a Certificate of Occupancy, said Property shall be improved in accordance with the site plan and floor plan, which are attached hereto as Exhibit A and made a part hereof for all purposes.
 - 2. Sale of smoking products is restricted to the humidor area shown on the floor plan in Exhibit A.
 - 3. The Specific Use Permit granted herein for a liquor store shall be limited to that particular area designated on the approved site plan, end-cap suite on the north side of Building 2, as encompassing a total area not to exceed 3,916 square feet.
 - 4. Prior to issuance of a certificate of occupancy, the business owner shall provide the town with a copy of its state permit to operate as a liquor store.
 - 5. All alcohol-related activities must meet all standards found in Chapter 10, Alcoholic Beverages, of the Little Elm Code of Ordinances.
 - 6. No shelving shall be located in front of the storefront glazing and there shall only be limited window sign coverage, or none at all.
 - 7. Obtain Fire Marshall approval on humidor location, size, and fire suppression capability.

SECTION 3. SAVINGS. This Ordinance (which includes the New Zoning Ordinance) shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those

ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 4. PENALTY. Any person, firm, or corporation violating any of the provision of this Ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the New Zoning Ordinance of the Town of Little Elm, Texas, and the Town Council hereby declares that it would have adopted the valid portions and applications of this Ordinance (which includes the New Zoning Ordinance) without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. REPEALER. That all ordinances of the Town of Little Elm in conflict with the provisions of this Ordinance are hereby repealed to the extent of that conflict.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the 17th day of October, 2023.

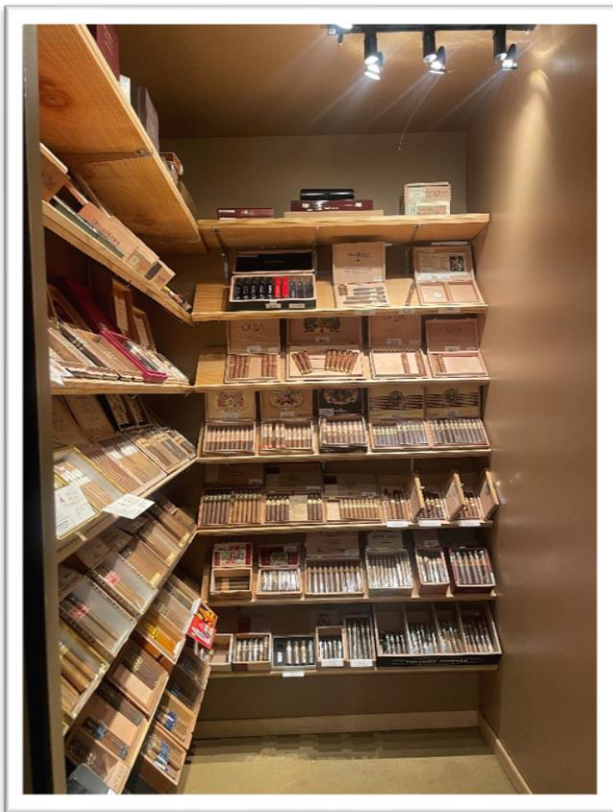
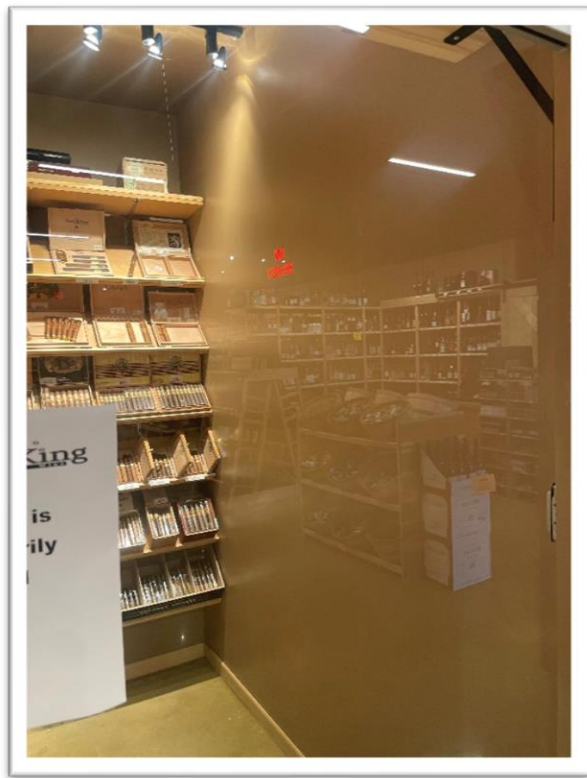
The Town of Little Elm, Texas

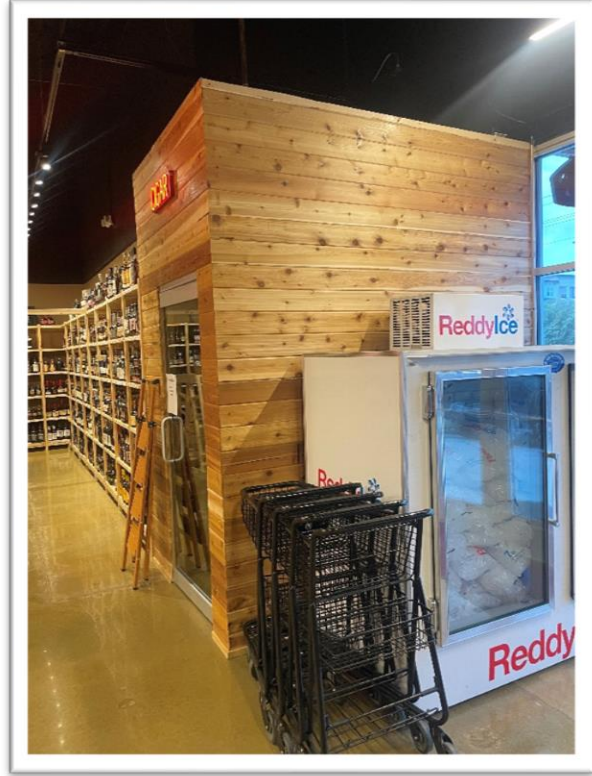
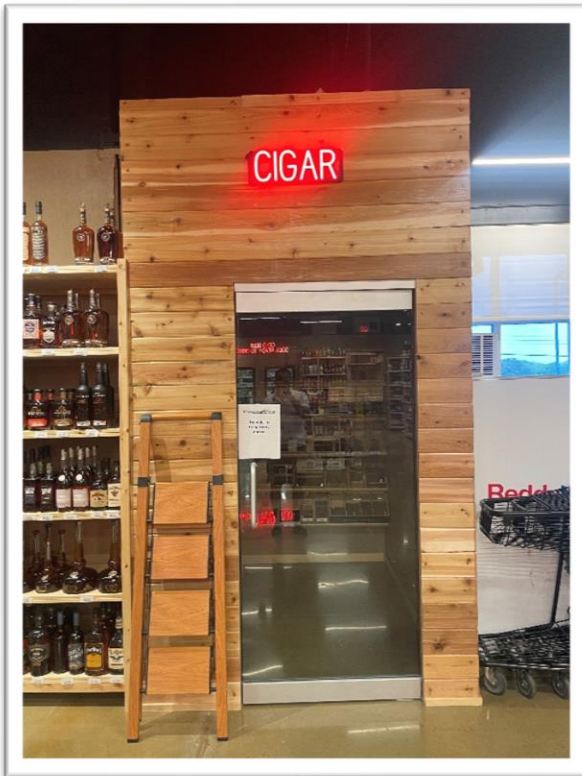
Curtis J. Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

ATTACHMENT – EXHIBIT A







“The best liquor connoisseurs in the metroplex.”

Dt: 01/31/2022

Liquor King will be a neighborhood liquor store that will be located in centralized area between a residential neighborhood and a busy business district in little elm, Texas at 1931 F.M. 423

We are in the liquor store business to make profits at the same to give our customers value for their money and time; we want to give people who patronize our liquor store the opportunity to choose not only from a wide range of both locally and imported liquors but also from a wide range of beers and other alcoholic drinks that are manufactured in the United States of America. We know that our customers are the reason why we are in business which is why we will go the extra mile to get them satisfied when they visit our liquor store and also to become our loyal customers and ambassadors. Liquor King will ensure that all our customers are given first class treatment whenever they visit our store.

Liquor King is owned by Mr. Mihir Varia who has successfully managed and owned 4 locations within the DFW metroplex. It is a family business that will be managed alongside his immediate family member.

Liquor King is going to operate a standard and licensed neighborhood liquor store that will retail a wide range of liquors, beers and fine wines just like any other licensed and standard liquor store in the state of Texas.

Liquor King does not intend to start a liquor retailing business like the usual mom and pop business around the street corner; our intention of starting a liquor retail business is to build a high end finish liquor store that will be a one – stop shop for liquors, craft beers and fine wines which is why we will ensure that we put the right structure in place that will support the kind of growth that we have in mind while setting up the business.

Sincerely,

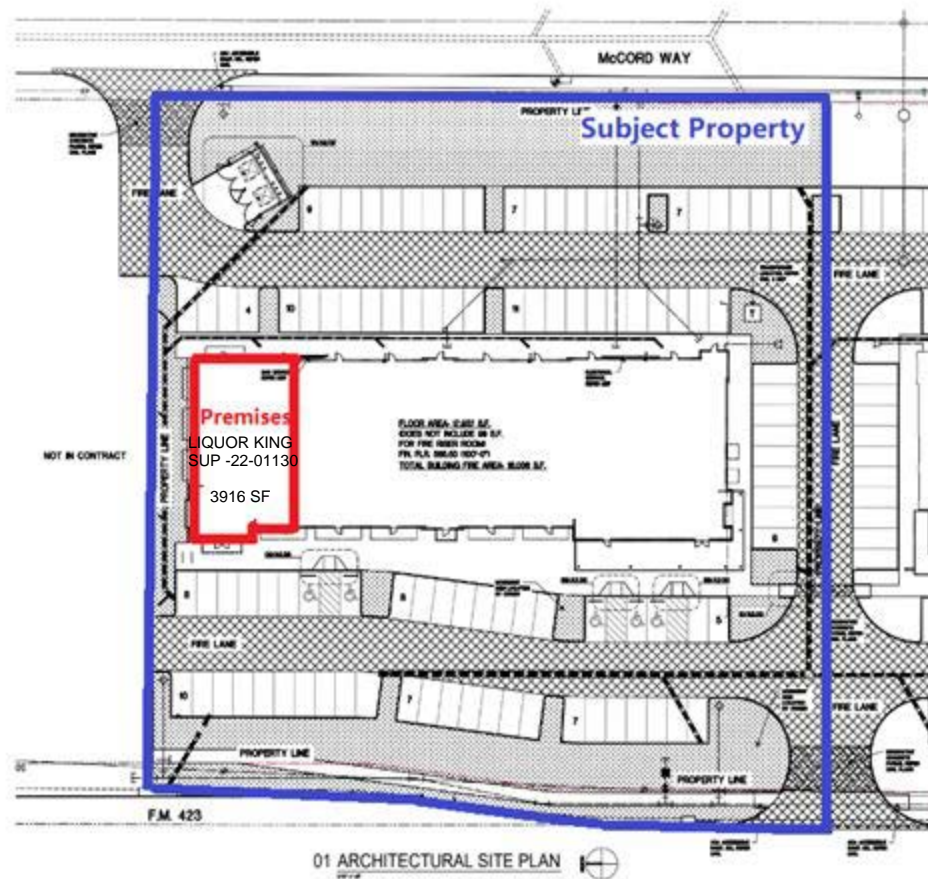
Mihir Varia

Mihir Varia

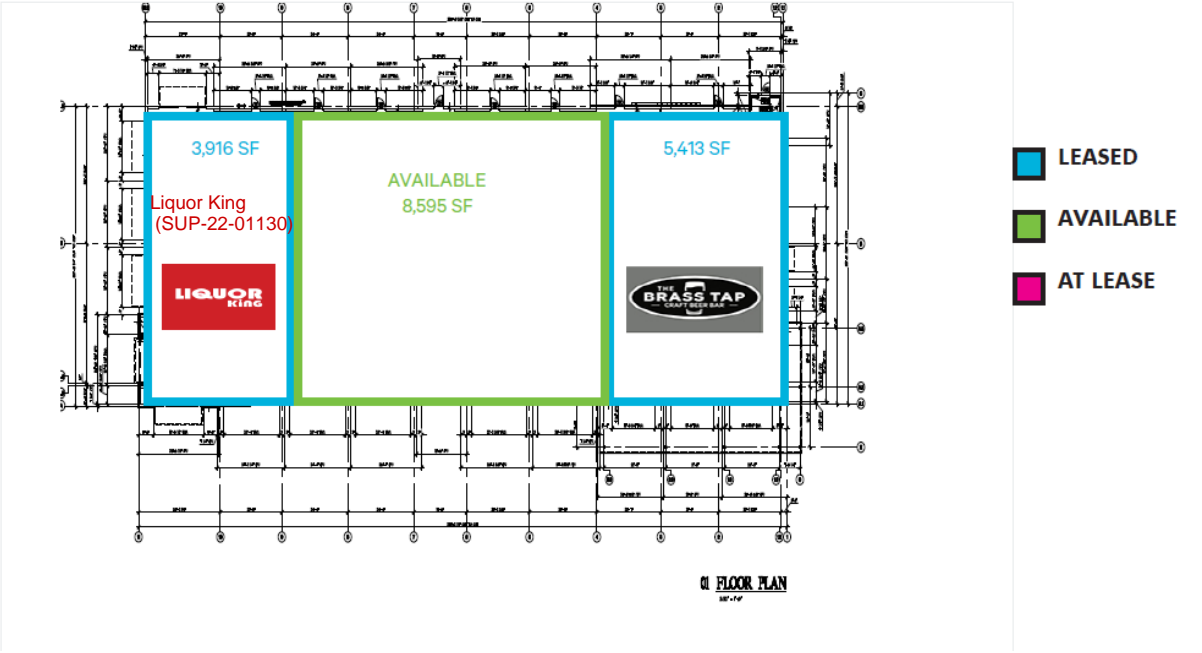
EXHIBIT A

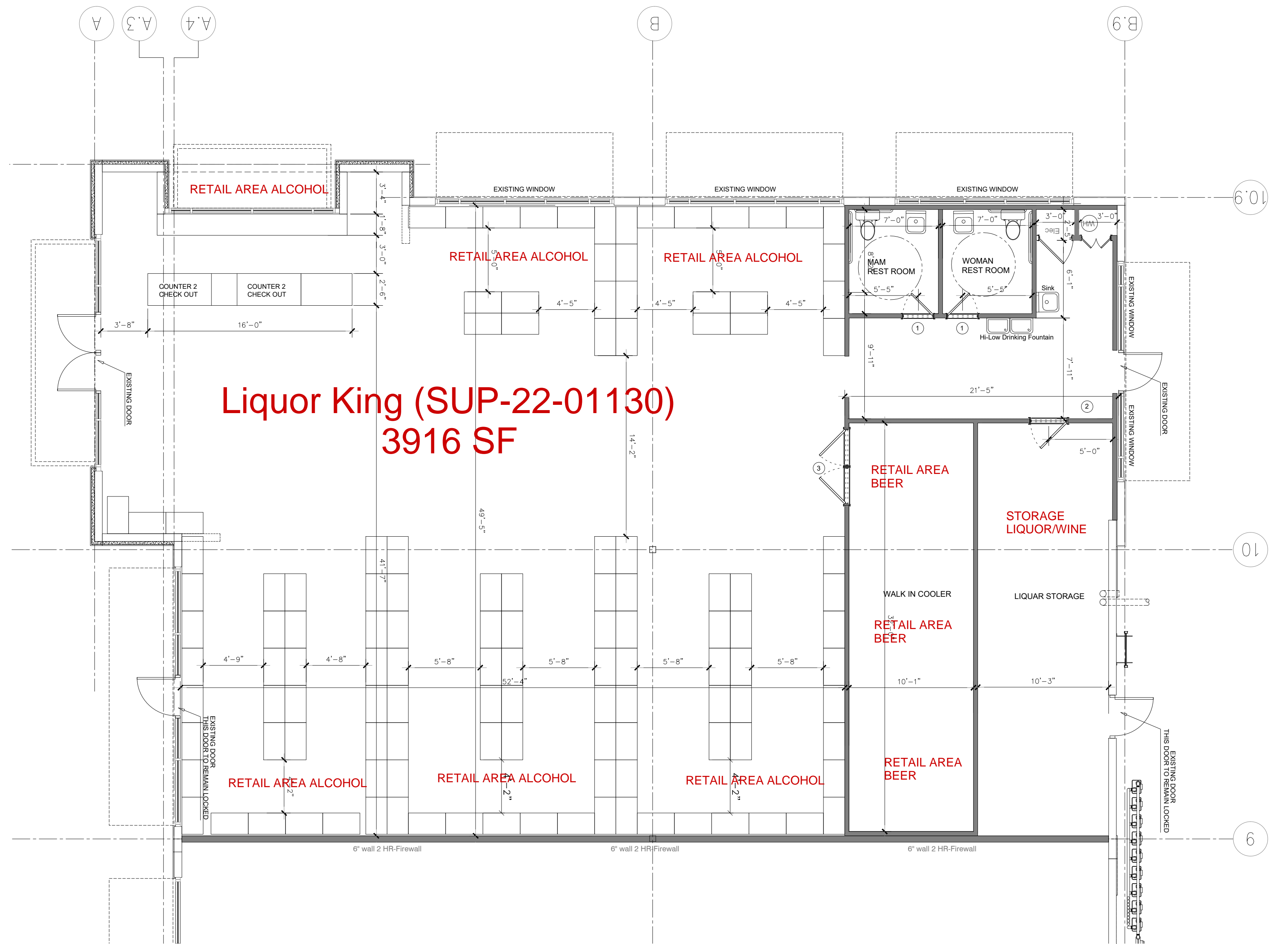
OUTLINE OF PREMISES

This Exhibit is attached to this Lease solely for the purpose of locating the Premises within the Center and depicting the general layout of the Center and shall not be deemed to be a representation, warranty or agreement by Landlord as to any information shown hereon or that the Center or stores be exactly as indicated hereon.



PREMISES





Liquor King (SUP-22-01130)
3916 SF

PROPOSED FLOOR PLAN

SCALE : 3/16"=1'-0"

DDR CONSULTING ENGINEERING
952 Windy Meadow Dr.
Plano TX 75023-4953
Registration Number F-13518

1931 FM 423, Little Elm,
TX 75078

Project Number:
Drawn By:SN
Checked By:RK
Date Issued:03/11/22

SHEET NUMBER
A1.0



01 (FRONT) WEST ELEVATION



02 (SIDE) NORTH ELEVATION

1/16" = 1'-0"



03 (SIDE) SOUTH ELEVATION

1/16" = 1'-0"



04 (REAR) EAST ELEVATION

1/16" = 1'-0"

COTTONWOOD CROSSING 2

LITTLE ELM, TEXAS
TEXAS PROPERTIES



THESE DRAWINGS, OR PARTS THEREOF, MAY NOT BE REPRODUCED IN ANY FORM, BY ANY METHOD, FOR ANY PURPOSE, WITHOUT PRIOR WRITTEN CONSENT FROM GSO ARCHITECTS, INC.

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

EL01

JOB NO: ---
ISSUE DATE: ---
SCALE: AS NOTED



