

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AN ALCOHOL SPACING VARIANCE THEREBY REDUCING THE SEPARATION REQUIREMENT FROM 300 FEET TO 115 FEET BETWEEN LA MICHOACANA MEAT MARKET AND LARRY G. SMITH ELEMENTARY SCHOOL TO ALLOW LA MICHOACANA MEAT MARKET TO SELL BEER AND WINE FOR OFF-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 5200 GUS THOMASSON ROAD, SUITE 100.

WHEREAS, Section 8-841 of the Mesquite City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Section 8-840 of the Mesquite City Code; and

WHEREAS, an application was submitted for a wine and beer retailer's off-premise permit to authorize La Michoacana Meat Market, an existing grocery store, to sell beer and wine for off-premise consumption pursuant to Chapter 26 of the Texas Alcoholic Beverage Code and is requesting a variance to the alcohol spacing requirements for property located at 5200 Gus Thomasson Road, Suite 100; and

WHEREAS, the City Council, after consideration of the health, safety and welfare of the public and the equities of the situation, finds that enforcement of the alcohol 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; and
- (5) Is not effective or necessary; and

WHEREAS, after giving the required notices and affording citizens an opportunity to express their voices at a public hearing, the City Council desires to grant the alcohol spacing variance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the variance to the alcohol spacing requirements for La Michoacana Meat Market on property located at 5200 Gus Thomasson Road, Suite 100 and located approximately 640 feet from Larry G. Smith Elementary School, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to the Texas Alcoholic Beverage Code in the location shown on the location map attached hereto as Exhibit A.

- (2) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (3) The alcohol spacing variance may not be transferred to another location or to another permit holder.

SECTION 2. That this resolution shall take effect immediately from and after is passage in accordance with the Charter of the City of Mesquite.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of June 2021.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

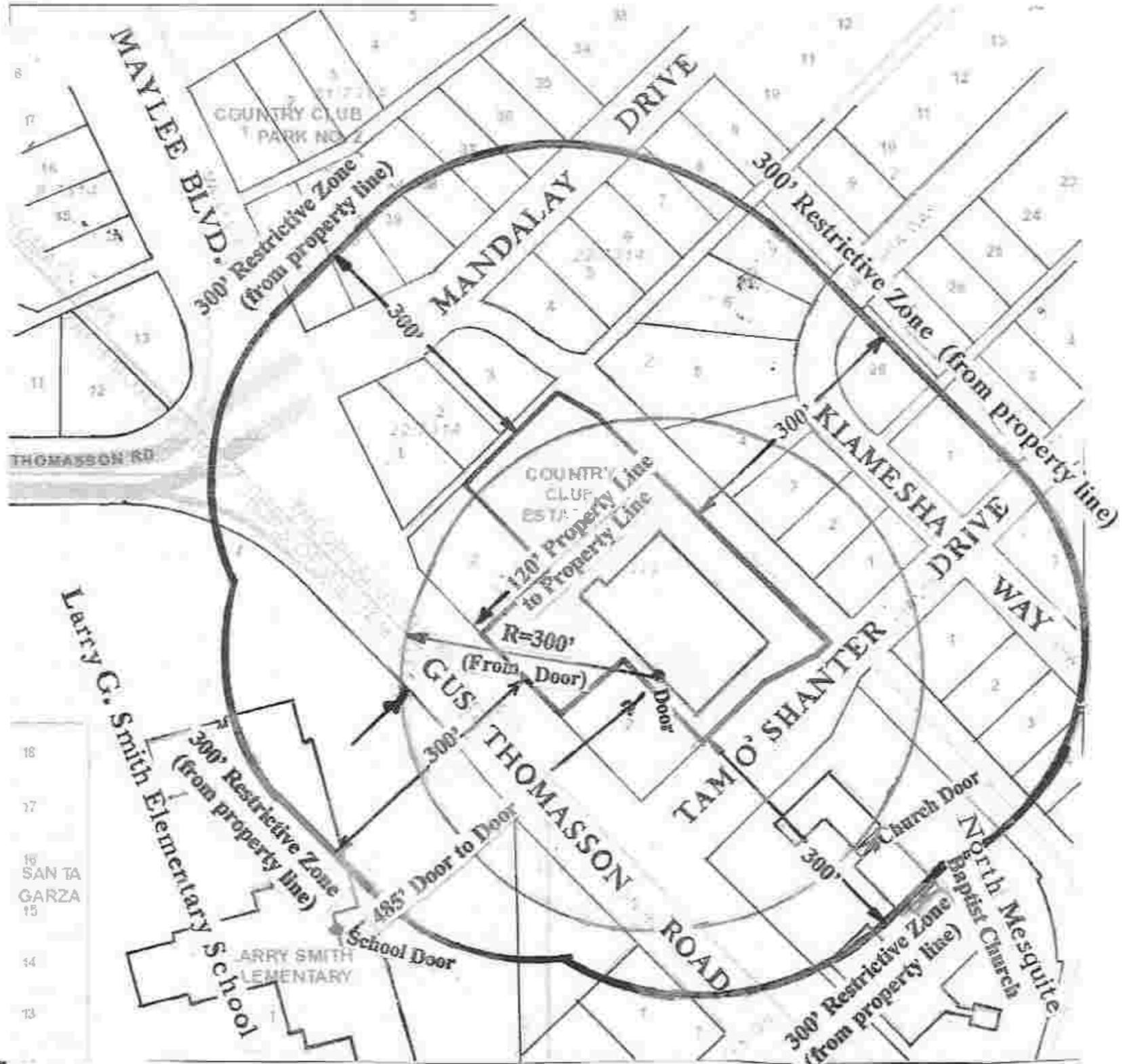


David L. Paschall
City Attorney

ALCOHOL MEASUREMENT FLAT

EXHIBIT A

LA MICHOCACANA SUPERMARKET #12
 5200 Gus Thomasson Road Suite 100
 Mesquite, Tx 75150
 Mapsco Page 39-K
 LMMM Dallas #12, LTD



I have conducted (or caused to be conducted) a physical inspection of the area and a diligent 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 Code of the City of Mesquite, Texas, Article XI, Sec. 8-840.

The LA MICHOCACANA SUPERMARKET #12, located at 5200 Gus Thomasson Road, Suite 100, in the City of Mesquite, is within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Code of the City of Mesquite, Texas, Article XI, Sec. 8-840.

- C = Commercial
- R = Residential
- V = Vacant

Date: 5/10/2021
 Job: 21-283

This survey was performed for an alcohol-measurement certification. All improvements may not be shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.



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