

Legislation Text

File #: 21-5456, **Version:** 1

Conduct a public hearing and consider a resolution approving a variance reducing the separation requirement from 300 feet to 115 feet between La Michoacana Meat Market; an existing grocery store, and Larry G. Smith Elementary School; a public school within the Dallas Independent School District serving children grades Pre-K through 5th grade, to allow La Michoacana Meat Market to sell beer and wine for off-premise consumption, located at 5200 Gus Thomasson Road, Suite 100.

(One response in favor and one response in opposition to the application have been received from property owners within the required notification area.)

The City of Mesquite requires businesses selling beer and wine for off-premise consumption to be a minimum of 300 feet from a public or private school. The measurement of the distance shall be in a direct line from the property line of the school to the property line of the place of business. Based on the survey submitted by the applicant, La Michoacana's property line is approximately 115 feet from Larry G. Smith Elementary School's property line.

In December 2018, the City Council passed an ordinance establishing a variance process that could allow businesses that sell beer and wine for off-premise consumption to be less than 300 feet from churches and schools. The ordinance gives Council the authority to approve such variances on a case-by-case basis when a request is found to be "...not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or for any other reason the City Council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community."

The closest business to the subject property that holds a license to sell beer and wine for off-premise consumption is located at 4929 Gus Thomasson Rd. and is approximately 640 feet from Larry G. Smith Elementary School.

Recommended/Desired Action

Following the public hearing, staff recommends denial of the resolution.

Attachment(s)

Letter of Request
Survey
Notification Map and Comment Cards
Resolution

Drafter

Jeff Armstrong

Head of Department

Jeff Armstrong