

City of Mesquite, Texas

Legislation Details (With Text)

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|----------------------|--|----------------------|--------------|--------------|---|
| File #: | 19-3937 | Version: | 1 | Name: | Beer Wine Separation Variance Grocery Store |
| Type: | Agenda Item | Status: | Passed | | |
| File created: | 12/26/2018 | In control: | City Council | | |
| On agenda: | 1/22/2019 | Final action: | 1/22/2019 | | |
| Title: | <p>Conduct a public hearing and consider a resolution approving a variance reducing the separation requirement from 300 feet to 295 feet between a proposed grocery store and Poteet High School to allow the grocery store to sell beer and wine for off-premise consumption. The proposed grocery store would be located at 1220 North Town East Boulevard.</p> <p>(Two responses in favor and none in opposition to the application have been received from property owners within the required notification area.)</p> | | | | |

Sponsors:

Indexes:

Code sections:

Attachments: 1. Letter of Request, 2. Notification Map, 3. Property Owner Responses, 4. Resolution - Variance

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 1/22/2019 | 1 | City Council | Approved | |

Conduct a public hearing and consider a resolution approving a variance reducing the separation requirement from 300 feet to 295 feet between a proposed grocery store and Poteet High School to allow the grocery store to sell beer and wine for off-premise consumption. The proposed grocery store would be located at 1220 North Town East Boulevard.

(Two responses in favor and none in opposition to the application have been received from property owners within the required notification area.)

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 interests of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or that a previous permit was issued for the premises in error and enforcement of the regulation would be inequitable, 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."

It is staff's opinion that the subject variance request is in the best interest of the public. A large vacant building would be occupied by a national grocer, which will help maintain the viability of a shopping center and provide a new option for groceries in Mesquite. In addition, the variance request would be a minimal amount, reducing the required separation from 300 feet to 295 feet. Staff suggests that a 295-foot separation would have no greater impact on the school than a 300-foot separation.

Recommended/Desired Action

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

Attachment(s)

Letter of Request
Notification Map
Property Owner Responses
Resolution

Drafter

Jeff Armstrong

Head of Department

Jeff Armstrong