

Legislation Text

File #: 20-4637, **Version:** 1

Conduct a public hearing and consider a resolution approving a variance reducing the separation requirements from 300 feet to 157 feet between One Stop Food Store, an existing gas station and convenience store, and Meadow Oaks Academy, a private school, to allow One Stop Food Store to sell beer and wine for off-premise consumption on property located at 1433 South Belt Line Road, Suite 110.

(No responses in favor or 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."

The City of Mesquite requires businesses selling alcoholic beverages for off-site 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, Meadow Oaks Academy's property line is approximately 157 feet from One Stop Food Store's property line. However, the entrance to One Stop Food Store is nearly 450 feet from Meadow Oaks Academy's property.

There are three existing businesses at the intersection of Belt Line Road and Cartwright Road that sell beer and wine for off-site consumption. These businesses are all further from the private school than the subject convenience store and were eligible for beer and wine, off-premise consumption permits.

Recommended/Desired Action

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

Attachment(s)

Letter of Request
Survey
Notification Map
Resolution

Drafter

Jeff Armstrong

Head of Department

Jeff Armstrong