

ORDINANCE NO. 5078

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A VARIANCE REDUCING THE SEPARATION REQUIREMENTS FROM 300 FEET TO 157 FEET BETWEEN A CONVENIENCE STORE LOCATED AT 1433 SOUTH BELTLINE ROAD, SUITE 110, AND PTAA/MESQUITE ELEMENTARY, A CHARTER SCHOOL SERVING CHILDREN GRADES PRE-K THROUGH 4TH GRADE LOCATED AT 1412 SOUTH BELTLINE ROAD, TO ALLOW THE CONVENIENCE STORE TO SELL BEER AND WINE FOR OFF-PREMISE CONSUMPTION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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 a convenience store to sell beer and wine for off-premise consumption pursuant to Chapter 26 of the Texas Alcoholic Beverage Code and the applicant is requesting a variance to the alcohol spacing requirements for property located at 1433 South Beltline Road, Suite 110 to reduce the spacing requirement from 300 feet to 157 feet from the PTAA/Mesquite Elementary, a charter school serving grades pre-K through 4th grade, located at 1412 South Beltline Road; 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.

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, which is in the best interest of the community.

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

SECTION 1. The variance to the alcohol spacing requirements for a convenience store located at 1433 South Beltline Road, Suite 110, being southwest of PTAA/Mesquite Elementary, located at 1412 South Beltline Road, is granted and the spacing separation requirement from PTAA/Mesquite Elementary is reduced from 300 feet to 157 feet, subject to the following conditions:

Planning & Dev / Alcohol Spacing Variance for Wine and Beer Off-Premise Consumption

November 6, 2023

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- (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 variance shall apply only to the suite housing the existing convenience store and its existing square footage on the date the variance was approved; any relocation or expansion automatically voids the variance.

SECTION 2. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 3. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. That this ordinance shall take effect immediately from and after its passage in accordance with the Charter of the City of Mesquite.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of November 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

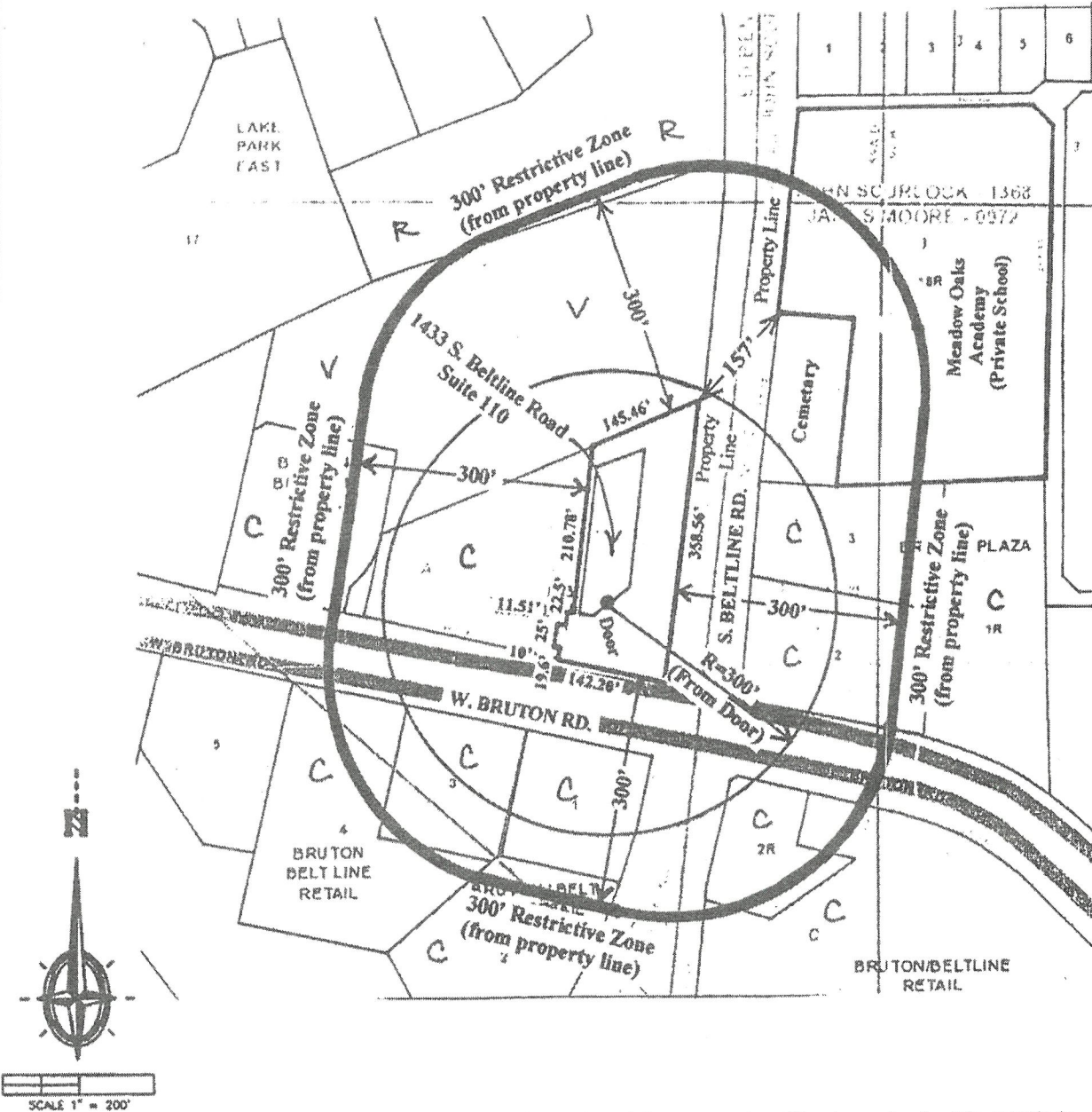
David Paschall

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David L. Paschall
City Attorney

ONE STOP FOOD STORE
1433 S. Beltline Road
Suite 110
Mesquite, Tx. 75149
Mapsco Page 59A-D
Mike Mahmoud

ALCOHOL MEASUREMENT PLAT



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 ONE STOP FOOD STORE, located at 1433 S. Beltline Road, Suite 110, 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 12/26/2019
Job 19-718

This survey was performed for an alcohol-measurement certification. All improvements may not been 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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