

RESOLUTION NO. 08-2019

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 295 FEET BETWEEN A PROPOSED GROCERY STORE AND POTEET HIGH SCHOOL THEREBY ALLOWING THE GROCERY STORE TO SELL BEER AND WINE FOR OFF-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 1220 NORTH TOWN EAST BOULEVARD, SUITE 650.

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 has been submitted for a wine and beer retailer's off-premise permit to authorize a 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 1220 North Town East Boulevard, Suite 650; 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:

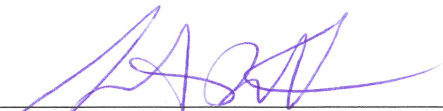
SECTION 1. That the variance to the alcohol spacing requirements for a grocery store on property located at 1220 North Town East Boulevard, Suite 650 and located north of Poteet High School, is granted, subject to the following conditions:

- (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.

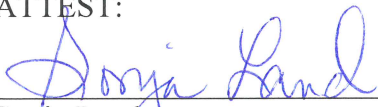
SECTION 2. That this resolution shall take effect immediately from and after is passage in accordance with the Charter of the City of Mesquite.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 22nd day of January 2019.



Stan Pickett
Mayor

ATTEST:



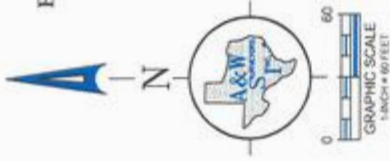
Sonja Land
City Secretary

APPROVED:



David L. Paschall
City Attorney

EXHIBIT "A"



NOTES

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.

Dated: November 16, 2018
Job No. 18-2324

John S. Turner
JOHN S. TURNER
RPLS 5310



SURVEY MAP FOR
ALCOHOLIC BEVERAGE SALES
APPLICATION

1220 NORTH TOWN EAST BOULEVARD

BEING LOT 3-R-1, BLOCK 1

MALL EAST ADDITION, LOTS 3-R-1 & 4-R.

RECORDED IN VOLUME 99170, PAGE 1039

MAP RECORDS, DALLAS COUNTY, TEXAS.

OWNER: INDEPENDENCE PLAZA CENTER, LP,

1201 CHERRY RIDGE, SUITE B-209,

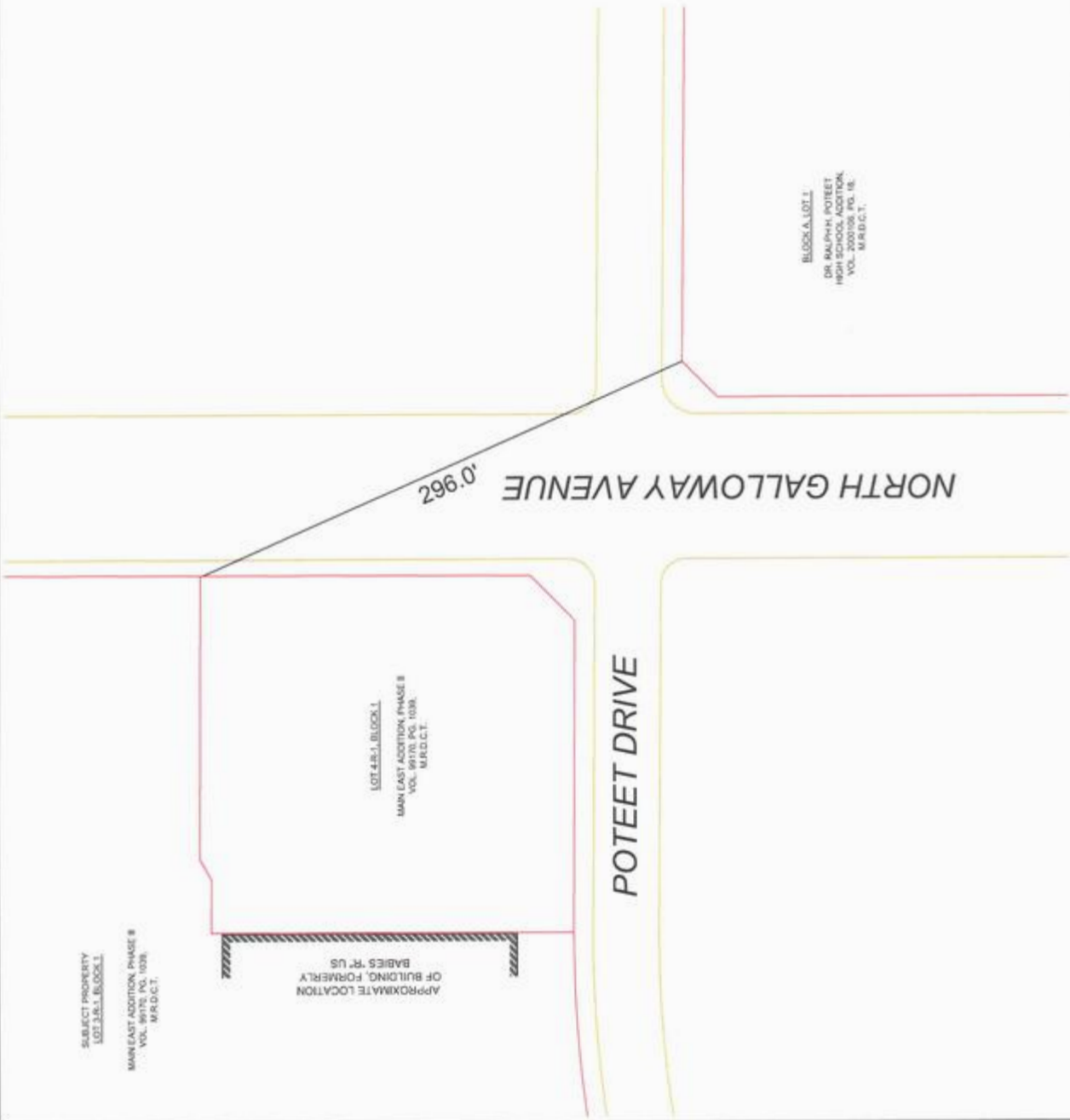
SAN ANTONIO, TEXAS 78230

A & W SURVEYORS, INC.

P.O. BOX 870029, MESQUITE, TX, 75187

PHONE: (972) 681-4975 FAX: (972) 681-4954

WWW.AWSURVEY.COM



SUBJECT PROPERTY
102-FULL BLOCK

MAIN EAST ADDITION PHASE B
VOL. 99170, PG. 1039
M.R.D.C.T.

APPROXIMATE LOCATION
OF BUILDING FORMERLY
OF BABIES R US

LOT 4-B-1, BLOCK 1
MAIN EAST ADDITION PHASE B
VOL. 99170, PG. 1039
M.R.D.C.T.

NORTH GALLOWAY AVENUE
,0.962

POTEET DRIVE

BLOCK A LOT 1
DR. RALPH H. POTEET
HIGH SCHOOL, ADDITION
VOL. 200706, PG. 18,
M.R.D.C.T.