

RESOLUTION NO. 06-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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.

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 an existing gas station and convenience 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 1433 South Belt Line Road, Suite 110; 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

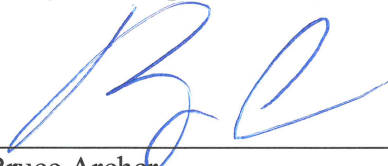
SECTION 1. That the variance to the alcohol spacing requirements for One Stop Food Store, an existing gas station and convenience store on property located at 1433 South Belt Line Road, Suite 110 and located southwest of Meadow Oaks Academy, is granted, subject to the following conditions:

- (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.
- (4) 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.

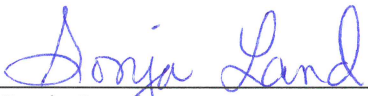
SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Mesquite.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February 2020.




Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

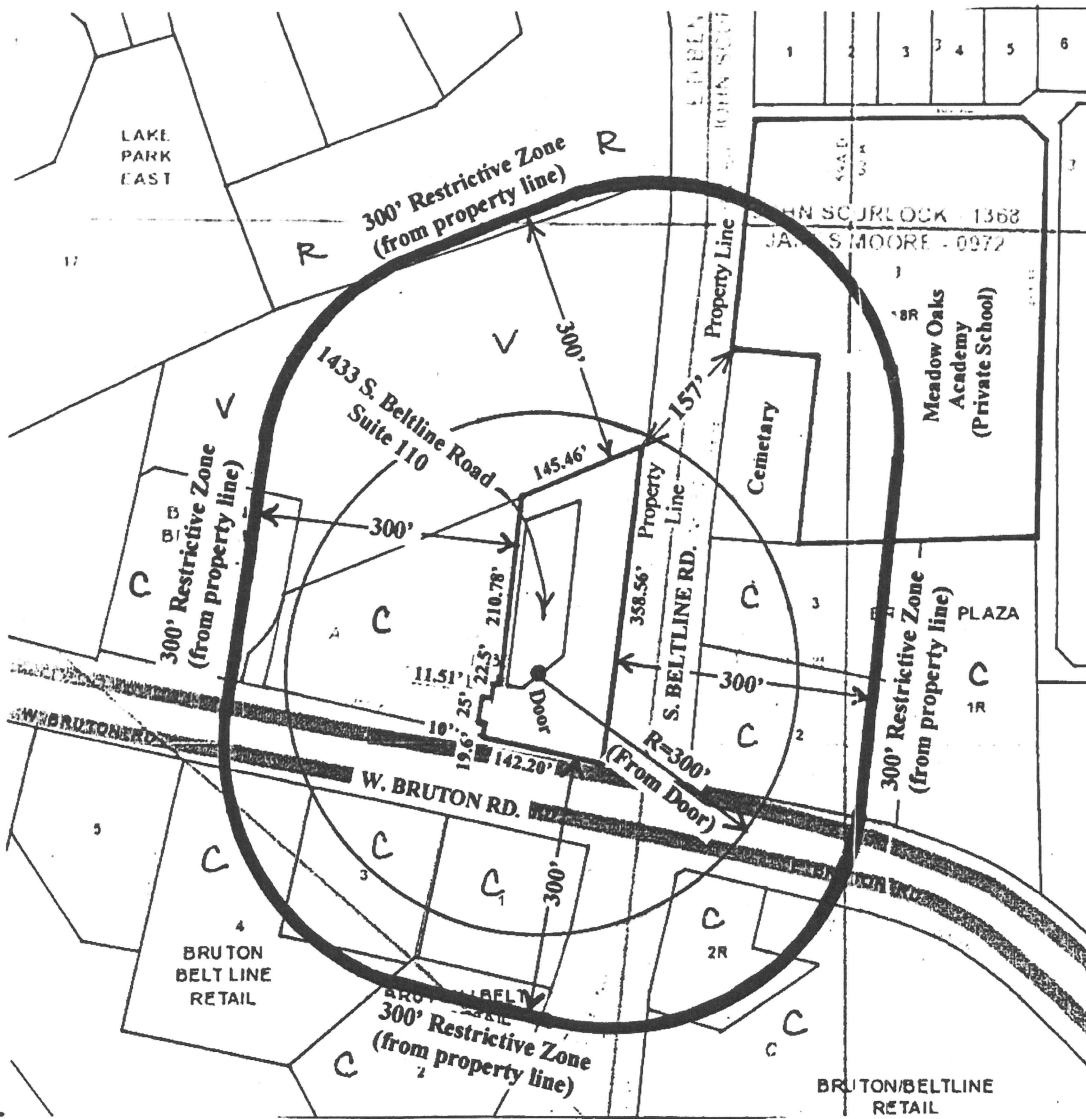


David L. Paschall
City Attorney

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

ALCOHOL MEASUREMENT PLAT

EXHIBIT "A"



SCALE 1" = 200'

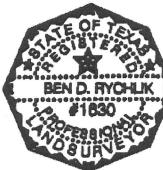
I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements 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

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

Date 12/26/2019
 Job 19-718



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