



Legislation Details (With Text)

**File #:** 17-2243      **Version:** 1      **Name:** Public Hearing and Reconsideration of a Request for Variance to Allow the Sale of Alcoholic Beverages for Off-Premise Consumption by Carnicera Carmelita Meat Market Located at 1275 N. Main Street, Within 300 Feet of the Property Line of Legacy High School

**Type:** Consideration Item      **Status:** Public Hearing

**File created:** 3/17/2017      **In control:** City Council

**On agenda:** 3/27/2017      **Final action:** 3/27/2017

**Title:** Public Hearing and Reconsideration of a Request for Variance to Allow the Sale of Alcoholic Beverages for Off-Premise Consumption by Carnicera Carmelita Meat Market Located at 1275 N. Main Street, Within 300 Feet of the Property Line of Legacy High School

**Sponsors:** Joe Smolinski, Felix Wong

**Indexes:**

**Code sections:**

**Attachments:** 1. Section 109.33\_Alcoholic Beverage Code, 2. Letter of request for variance & exhibits

Date	Ver.	Action By	Action	Result
3/27/2017	1	City Council	Denied	Pass

Public Hearing and Reconsideration of a Request for Variance to Allow the Sale of Alcoholic Beverages for Off-Premise Consumption by Carnicera Carmelita Meat Market Located at 1275 N. Main Street, Within 300 Feet of the Property Line of Legacy High School

To reconsider the subject variance request.

The City Council placed this item on the agenda for reconsideration at your last meeting.

Pursuant to the provisions of Sec. 109.33 of the Alcoholic Beverage Code, the City has adopted regulations to prohibit the sale of alcoholic beverages within 300 feet of a public or private school. The distance is measured in a direct line from the property line of the school to the property line of the business selling alcoholic beverages.

Section 109.33 permits the governing board of a city or town to: "allow variances to the regulations if the.....governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the.....governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community."

Felix Wong, Director of Planning  
817-276-4228