



Legislation Text

File #: 19-3159, **Version:** 1

Public Hearing and Consideration of a Request for a Variance to Allow the Sale of Alcoholic Beverages for On-Premise Consumption at Chipotle, Fuddrucker's, Blaze Pizza, and a National Breakfast Chain to be Located at 3000 E Broad St, Within 300 Feet of the Property Lines of Mansfield High School and Mary Orr Intermediate School; Smit Shah of Village at Broad Street

To consider the subject variance request.

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."

The applicant is proposing to building a commercial development at 3000 E. Broad St. called The Village at Broad Street and has included a Site Plan identifying some of the proposed users and the orientation of the buildings, parking, and landscaping. Four of these users (Chipotle, Fuddrucker's, Blaze Pizza, and a national breakfast chain) are requesting to allow the sale of alcoholic beverages for on-premise consumption. However, these businesses will be located within 300 feet of the property lines of Mansfield High School and Mary Orr Intermediate School, necessitating the variance request. The applicant has provided a letter explaining the request. It should be noted that the applicant's Separation Exhibit illustrates the distances from door to door (from the entrances of the commercial users to the entrances of the school buildings), whereas the measurement is actually from property line to property line, and both school properties are within 300 feet of the properties these businesses will be located on.

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