



## Legislation Text

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**File #:** 21-4285, **Version:** 1

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Public Hearing - Public Hearing and Consideration of a Request for a Variance to Allow the Sale of Alcoholic Beverages for Off-Premise Consumption at a Proposed 7-Eleven to be Located at 1195 W. Debbie Ln., Within 300 feet of the Property Line of Frontier STEM Academy and Ben Barber Innovation Academy; Brad White of Vaquero Ventures

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 develop a 7-Eleven convenience store with gas station at 1195 W. Debbie Ln. The development will require a Specific Use Permit in order to allow the gas station use. The applicant is requesting a variance to Section B.21.c of Chapter 155.099 of the City's Code of Ordinances to allow the sale of alcoholic beverages for off-premise consumption within 300 feet of a school. The requirement is based on the closest distance between property lines. The proposed development requiring the variance to allow the sale of alcohol is within 115 feet of the property line of the schools. The applicant has provided a letter explaining their request, as well as a site plan of the proposed development and a separation exhibit indicating the distance between property lines.

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