

2014 DEC 18 PM 3:08

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning and Inspections Department/Planning Division

**AGENDA DATE:** Regular Agenda  
Public Hearing: January 6, 2015

**CONTACT PERSON/PHONE:** Carlos Gallinar, (915) 212-1559, gallinarrc@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Discussion and action on a request from Viva-Chaparral Properties, LTD, LLC, Rick Holdridge, General Partner, for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a day care for the property located at 3140 Lee Trevino Drive, and legally described as Tract 1-C-8, Block 80, Section 38, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas pursuant to Title 20 Zoning, Section 20.10.060B of the El Paso City Code.

**BACKGROUND / DISCUSSION:**

Memo is attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

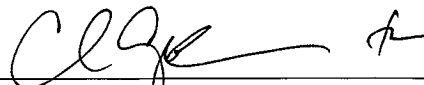
N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

  
Mathew S. McElroy, Director, Planning and Inspections Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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**MOTION**

Motion made, seconded, and carried by City Council to grant an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital requested from Rick Holdrige, Viva-Chaparral Properties, Ltd, LLC, General Partner, on behalf of Mark Huerta, Kokomo's Restaurant, for the property located at 3140 Lee Trevino Drive and legally described as Tract 1-C-8, Block 80, Section 38, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas.

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the healthy, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

**PASSED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**THE CITY OF EL PASO:**

\_\_\_\_\_  
Oscar Leeser, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Karla M. Niemi  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
David A. Corns  
Mathew S. McElroy, Director  
Planning and Inspections Department

## MEMORANDUM

**DATE:** December 17, 2014

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Carlos Gallinar, Deputy Director Planning

**SUBJECT:** Exception from the Prohibition of Sale of Alcoholic Beverages

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The applicant is requesting an exception from City Council to permit alcohol sales and storage for a property located 3140 Lee Trevino, and legally described as Tract 1-C-8, Block 80, Section 38, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas

Based on an inspection by Sonya Cahalan, Code Enforcement

- The subject property located at 3140 Lee Trevino Drive and is directly adjacent to Tiny Tikes Day Care.
- The location does not qualify for the license under any Legal Non-Conforming "grandfathering" provisions in the El Paso City Code.

The applicant is aware that an exception may be granted by City Council from the prohibition of the sale of alcoholic beverages within 300 feet of a day care after making certain determinations listed in Title 20, Zoning, Supplemental Use Regulations, Alcoholic beverages, Section 20.10.060 B.7.:

*The city council may grant an exception from prohibition of the sale of alcoholic beverages within three hundred feet of a church, school, commercial day care or public hospital after notice and public hearing if the council determines that the enforcement of the prohibition in a particular instance:*

- a. Is not in the best interest of the public;*
- b. Constitutes waste or the inefficient use of land or other resources;*
- c. Creates an undue hardship on an applicant;*
- d. Does not serve its intended purpose;*
- e. Is not effective or necessary; or*
- f. For any other reason the city council, 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 subject property is directly adjacent to Tiny Tikes Day Care there are no other commercial day cares, schools, churches, or public hospitals within 300 feet of the subject property.

### Attachments

Exhibit A, pages 1: Request letter from property owner

**Viva-Chaparral Properties, Ltd, LLC**  
**c/o EpTex Real Estate Partners, Inc.**

214 Baltimore Drive  
El Paso, TX 79902  
(915) 544-8131 - Office  
(915) 544-8135 - Fax  
(915) 494-9900 - Cell  
[clinton@eptexrealestate.com](mailto:clinton@eptexrealestate.com) - Email

**TO:** City of El Paso  
To whom it may concern

**FROM:** Rick Holdridge  
Viva-Chaparral Properties, Ltd, LLC  
Manager

**DATE:** November 20, 2014

**RE:** 3140 Lee Trevino-  
El Paso, TX 79936

Dear Sir/Madam,

Please accept this letter as a request to allow Mr. Mark Huerta, to allow him to open a restaurant serving alcohol within/on the Lease Premises located at 3140 Lee Trevino Dr., El Paso, TX 79936.

**Legal:** 80 TSP 2 Sec 38 T&P-Survey TR 1-C-8, 21087 sq. ft.

Should you have any questions and/or concerns, please feel free to contact me at 915/494-9900.

Thanks you in advance for your consideration in my request.

*Rick Holdridge* General Partner  
Viva Chaparral Properties  
STATE OF NEW MEXICO )  
: ss  
COUNTY OF LUNA )

The foregoing instrument was acknowledged before me this  
25 day of November, 2014  
Rick Holdridge

My Commission Expires: 11-6-2015

*Isla Cabrera*  
Notary Public

