

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

DEPARTMENT: Planning and Inspections, Planning Division

AGENDA DATE: Regular Agenda; Public Hearing: 4/30/2019

CONTACT PERSON/PHONE: Philip Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov
Raul Garcia, (915)212-1643, Garciar1@elpasotexas.gov

DISTRICT(S) AFFECTED: 5

SUBJECT:

Discussion and action on a request from Las Palmas Tierra Este LLC for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a public school for a proposed restaurant requesting to sell mixed beverages non-late hours, for the property located at 2260 Zaragoza, Suite 121 to 123, and legally described as a portion Lot 1, Block 1, Zaraeste, City of El Paso, El Paso County, Texas. (District 5).

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

There is no prior City Council action on this proposed amendment.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

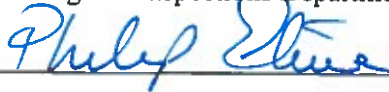
N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Philip F. Etiwe
Planning and Inspections Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

MOTION

Motion made and second by City Council to grant an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a public school requested from Las Palmas Tierra Este LLC, for the property located at 2260 Zaragoza, Suite 121-123, and legally described as a Portion of Lot 1, Block 1, Zaraeste Amending, 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.

APPROVED on this _____ day of _____, 2019.


THE CITY OF EL PASO:

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:

Phillip F. Etiwe, Director
Planning & Inspections Department



Planning & Inspections Department

Mayor
Dee Margo

City Council

District 1
Peter Svarzbein

District 2
Alexsandra Anello

District 3
Cassandra Hernandez

District 4
Dr. Sam Morgan

District 5
Isabel Salcido

District 6
Claudia Ordaz Perez

District 7
Henry Rivera

District 8
Cissy Lizarraga

City Manager
Tommy Gonzalez

MEMORANDUM

DATE: April 23, 2019

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

FROM: Raul Garcia, Planning Program Manager

SUBJECT: Appeal of Prohibition of Sale of Alcoholic Beverages –
2260 Zaragoza, Suite 121 to 123

Las Palmas Tierra Este LLC, owners of Las Palmas Mexican restaurant, applied to the City for an alcoholic beverage license (LALC19-00031) and were denied because the proposed location at 2260 Zaragoza, Suites 121 - 123 is within 300 feet of Sun Ridge Middle School

The Planning Division determined that:

- The subject property located at 2260 Zaragoza, Suite 121 to 123 is within 300 feet of a public school (Sun Ridge Middle School); and,
- The location does not qualify for the license under any "grandfathering" provisions in the El Paso City Code.

The applicant was informed the Code prohibits the sale, storage or handling of alcoholic beverages for the purpose of sale in any zoning district where the place of business is located within three hundred feet of a church, public or private school, public hospital, day-care center or child-care facility, however, this section shall not apply where the applicant has approval in writing from the affected church, public or private school, public hospital, day-care center or child-care facility. The applicant was unable to obtain approval in writing from the school.

The applicant was informed the Code allows an exception to be granted by City Council from the prohibition of the sale of alcoholic beverages within 300 feet of a church, school, commercial day care or public hospital after making certain determinations listed in Title 20, Zoning, Supplemental Use Regulations, Alcoholic beverages, Section 20.10.060.B.7:

Planning & Inspections Department
Philip F. Etiwe, Director
City 3 | 801 Texas Ave | El Paso, Texas 79901

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Mayor
Dee Margo

City Council

District 1
Peter Svarzbein

District 2
Alexandra Anello

District 3
Cassandra Hernandez

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Dr. Sam Morgan

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Isabel Salcido

District 6
Claudia Ordaz Perez

District 7
Henry Rivera

District 8
Cissy Lizarraga

City Manager
Tommy Gonzalez

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 car 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.*

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