

**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: May 31, 2016

**CONTACT PERSON/PHONE:** Larry Nichols, (915) 212-1550, [nicholslf@elpasotexas.gov](mailto:nicholslf@elpasotexas.gov)  
Raul Garcia, (915) 212-1643, [garciar1@elpasotexas.gov](mailto:garciar1@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

Discussion and action on a request from Los Colegas, Inc., on behalf of River Oaks Properties, LTD for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school for the property located at 12430 Edgemere Boulevard, Suites 205-207 and legally described as Lot 4, Block 11, El Dorado #11 Replat A, 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 motion.

**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:**

Larry F. Nichols  
Director, Planning and Inspection Department

  
\_\_\_\_\_

**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_



## Planning & Inspections Department

**Mayor**  
Oscar Leeser

**City Council**

*District 1*  
Peter Svarzbein

*District 2*  
Jim Tolbert

*District 3*  
Emma Acosta

*District 4*  
Carl L. Robinson

*District 5*  
Dr. Michiel R. Noe

*District 6*  
Claudia Ordaz

*District 7*  
Lily Limón

*District 8*  
Cortney C. Niland

**City Manager**  
Tommy Gonzalez

### MEMORANDUM

**DATE:** May 17, 2016

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

**FROM:** Raul Garcia, Lead Planner

**SUBJECT:** **Appeal of Prohibition of Sale of Alcoholic Beverages –  
12430 Edgemere**

Los Colegas, Inc. applied to the City for an alcoholic beverage license (LALC16-00054) and was denied because the proposed location at 12430 Edgemere is within 300 feet of a school, El Dorado High School.

The Planning Division determined that:

- The subject property located at 12430 Edgemere is within 300 feet of a 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, or public hospital; however, this section shall not apply where the applicant has approval from the affected church, public or private school, or public hospital in writing.

The applicant was unable to obtain approval in writing from the school district.

The applicant was informed that 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 school 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 car or public hospital after notice and public hearing if the council determines that the enforcement of the prohibition in a particular instance:*

- Is not in the best interest of the public;*
- Constitutes waste or the inefficient use of land or other resources;*
- Creates an undue hardship on an applicant;*
- Does not serve its intended purpose;*

Larry F. Nichols – Director for Planning & Inspections  
City 3 | 801 Texas Ave | El Paso, Texas 79901 | (915) 212-0083



## Planning & Inspections Department

---

- 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 across the street, 110 feet from El Dorado High School (measurement is property line to property line); there are no other schools and no churches, commercial daycares or public hospitals within 300 feet of the subject property.

### **Attachments**

Exhibit A, Appeal letter from appellant



April 29, 2016

Los Colegas, Inc.  
14230 Edgemere Boulevard  
Suites 205-207  
El Paso, Texas 79938

**Re: Standard Shopping Center Lease dated March 24, 2016, including any renewals and amendments thereto (the "Lease"), by and between River Oaks-HD2, LLC ("Landlord") and Los Colegas, Inc. ("Tenant"), for the property located at 12430 Edgemere Boulevard, Suites 205-207, El Paso, Texas (the "Premises").**

Dear Tenant:

Provided there is no obligation or liability whatsoever to Landlord from Tenant, the City or County of El Paso, Texas or any third party, without representation or warranty of any kind, and to the extent permitted by applicable law, Landlord is not opposed to Tenant appealing the decision by the El Paso City Council for an alcoholic beverage certification.

Sincerely,

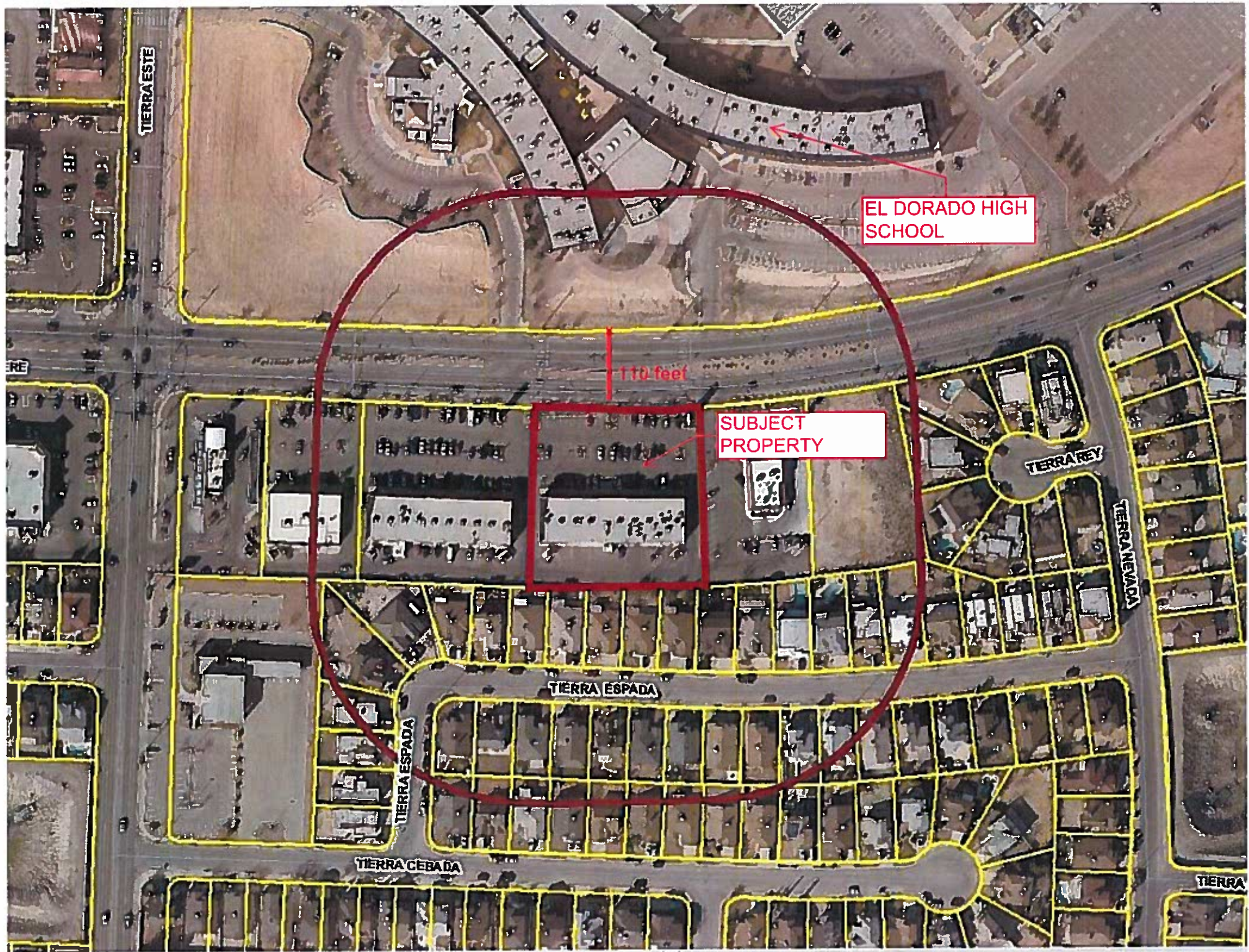
**RIVER OAKS-HD2, LLC**

By: River Oaks Asset Management, Inc.  
Its: Sole Manager

By: 

Adam Z. Frank, President





EL DORADO HIGH  
SCHOOL

110 feet

SUBJECT  
PROPERTY

TIERRA ESTE

TIERRA REY

TIERRA NEVADA

TIERRA ESPADA

TIERRA ESPADA

TIERRA CEBADA

TIERRA

