

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Building Permits & Inspections

AGENDA DATE: December 28, 2004

CONTACT PERSON/PHONE: R. Alan Shubert, P.E.

DISTRICT(S) AFFECTED: 7

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Liquor License appeal, business located right next to a day care at:
1815 Trawood, Suite A

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

Liquor License appeal, business located right next to a day care at:
1815 Trawood, Suite A

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E.
DIRECTOR



December 16, 2004

**BUILDING PERMITS &
INSPECTIONS DEPARTMENT**

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council

FROM: R. Alan Shubert, P.E. 
Director for Building Permits and Inspections

SUBJECT: City Council Agenda – December 28, 2004
Liquor License Exception Request – 1815 Trawood, Suite A

On the Council Agenda is a request from the above property owner for an exception to permit the issuance of a new Alcoholic Beverage License. An inspection by BP&I staff has determined that the location of this facility, 1815 Trawood, Suite A is not eligible for a license to sell alcoholic beverages because suite "A" is abutting suite "B" (a day care). Because of the proximity to the day care the Department is recommending denial of this request.

City Ordinance grants authority to the City Council to approve such a request and to recommend that the City and State issue the requested liquor licenses, subject to the City Council making certain findings of fact. The specific findings are found in Section 20.08.090.B.4:

"4. The City Council may grant an exception from prohibition of the sale of alcoholic beverages within three hundred feet of a church, school, commercial daycare or public hospital after notice and public hearing if the City Council determines that enforcement of the prohibition in a particular instance:

- a. is not in the best interest of the public;
- b. constitutes waste of 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.

Let me know if you have any comments regarding this issue.

Cc: Lisa Hayes, Assistant City Attorney
R. Alan Shubert, P.E.

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, P.E.
DIRECTOR



December 14, 2004

**BUILDING PERMITS &
INSPECTIONS DEPARTMENT**

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

Dear Property Owner:

The City of El Paso has recently received an application requesting the establishment of a liquor license at 1815 Trawood Ste. A.

The applicant Micheal Hyneman of "Steakpedos and Spirits," proposes to sell alcoholic beverages for on-premise consumption.

If you are interested in this matter, address a letter to the City of El Paso, Building Permits and Inspections Department, stating your opinion or you may telephone our office at 541-4795. Please address all your inquiries to:

Raymond Bonilla
Building Permits and Inspections Department
#2 Civic Center Plaza-5th Floor
El Paso, Texas 79901-1196

If you know of any interested property owner who for any reason has not received a copy of this letter, it will be greatly appreciated if you would inform him/her of this request.

Cordially yours,

Raymond Bonilla
Plan Reviewer I

C-1
Pg 50



**CITY OF EL PASO
LICENSE ZONING APPROVAL
Sales of Alcoholic Beverages**

Applicant

Name MICHAEL HYNEMAN, Home Address _____
Home Phone: (_____) Business Phone: (915) 845 1555

Location of Proposed Sales

Business Address 1815 INAWOOD Ste A Suite / Space A
Legal Description Restaurant 119 EASTWOOD Height EAST 3344 of two
Business Name Steakpedos

This application needs to have the TABC application attached.

Michael Bynell 10/23/04
Applicant's Signature / Date

DEPARTMENTAL USE

Office Review

Zoning district of proposed business _____, Are retail sales permitted? _____

Total parking spaces required. _____ H/C Spaces _____ Van Accessible _____

Field Investigation

Is on-premise / off-street parking adequate? Yes () No ()

Is parking for the physically challenged adequate? Yes () No () Properly marked? Yes () No ()

Is there a school, church, hospital and/or commercial day care center within 300 feet of the proposed use? If so, give distance, use, and name of the facility: LITTLE KINGS AND QUEENS DAY CARE IN SUITE B.

DOES 6 FT PART

Inspector: MARTINEZ Date issued 11/23/04 Date completed 11/24/04

Right next to day care.



APPLICATION FOR RETAILER'S PERMIT OR LICENSE

TABC USE ONLY

ISSUE DATE	FEE	SURCHARGE	LATE FEE (RENEWAL ONLY)

1A. APPLICATION FILED FOR:

- BG** WINE AND BEER RETAILER'S PERMIT
- BE** BEER RETAIL DEALER'S ON-PREMISE LICENSE
- BQ** WINE AND BEER RETAILER'S OFF-PREMISE PERMIT
- BF** BEER RETAIL DEALER'S OFF-PREMISE LICENSE
- BL** RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE
- BP** BREWPUB LICENSE
- V** WINE & BEER RETAILER'S PERMIT FOR EXCURSION BOATS
- Y** WINE & BEER RETAILER'S PERMIT FOR RAILWAY DINING CAR
- P** PACKAGE STORE PERMIT
- Q** WINE-ONLY PACKAGE STORE PERMIT
- LP** LOCAL DISTRIBUTOR'S PERMIT
- E** LOCAL CARTAGE PERMIT
- ET** LOCAL CARTAGE TRANSFER PERMIT

Registry No. _____

- PS** PACKAGE STORE TASTING PERMIT
- N** PRIVATE CLUB REGISTRATION PERMIT
- NB** PRIVATE CLUB BEER AND WINE PERMIT
- NE** PRIVATE CLUB EXEMPTION CERTIFICATE PERMIT
- NL** PRIVATE CLUB LATE HOURS PERMIT
- PE** BEVERAGE CARTAGE PERMIT
- MB** MIXED BEVERAGE PERMIT
- LB** MIXED BEVERAGE LATE HOURS PERMIT
- MI** MINIBAR PERMIT
- CB** CATERER'S PERMIT
- FB** FOOD AND BEVERAGE CERTIFICATE
- RM** MIXED BEVERAGE RESTAURANT PERMIT WITH FB

B. Application is for: Original Renewal Renewal Change Change of _____

C. If renewal or change, enter license/permit no(s). _____

D. If applying for subordinate only, enter primary license/permit no. _____

TABC USE ONLY

2A. Applicant is:

- Individual
- Partnership
- Limited Partnership
- Limited Liability Partnership
- Corporation
- Limited Liability Company
- Other _____
- Unincorporated Association of Persons (Private Clubs Only)

B. Indicate primary business at this location:

- 01**-Restaurant
- 02**-Bar
- 03**-Sexually Oriented
- 04**-Sporting Arena, Civic Center, Hotel
- 05**-Miscellaneous _____
- 06**-Grocery/Market
- 07**-Liquor Store
- 08**-Gas Station
- 10**-Pari-mutuel Wagering
- 11**-Convenience Store with Gas
- 12**-Convenience Store without Gas

C. Does applicant require employees to attend an agency-approved seller training course? 2 C. Yes No

D. Is live music featured two or more times per week? D. Yes No

E. Has the proposed licensed location been reviewed for compliance with Title III of the Americans with Disabilities Act of 1990? E. Yes No

F. Does the applicant own the land **and** building at the proposed licensed location? F. Yes No

G. If location has not been licensed within the last 24 months for on-premise consumption of alcoholic beverages, indicate date sign was posted..... G. N/A

FUNC. CODE

BUS. TYPE

TRADE CODE

WINE % FOR BG/BQ

3. Trade Name of Business

Steakpedas & Spirits

4. Address or Location

1815 Trawood Suite A

City <u>EL PASO</u>	County <u>El Paso</u>	State <u>TX</u>	ZIP Code (9 Digits) <u>79925</u>
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5. Mailing Address <u>SAME AS ABOVE</u>	City	State	ZIP Code (9 Digits)
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6. Area Code + Business Phone No. <u>(915) 598-0123</u>	Area Code + Alternate Phone No. <u>(915) 846-1555</u>	Applicant's E-Mail Address (optional)
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7A. Full Legal Name of Individual (Last, First, Middle) <u>HYEMAN, MICHAEL, GERARD</u>	YY <u>J</u>
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City <u>EL PASO</u>	State <u>TX</u>	ZIP Code (9 Digits) <u>79934</u>
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B. Has the person named in 7A above been a legal resident of Texas for one year immediately preceding the filing of this application?

CITY CODE

COUNTY CODE

PIC CODE

PIC CODE

RETAILERS

AL

FOR IN

