

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

DEPARTMENT: City Development Department

AGENDA DATE: Regular Agenda
Public Hearing: May 28, 2013

CONTACT PERSON/PHONE: David A. Coronado, (915) 541-4632

DISTRICT(S) AFFECTED: 3

SUBJECT:

Discussion and action on a request from Manuel Carrillo and Angelica Medina Carrillo for City Council to grant an exception from the prohibition of the sale of alcoholic beverages within three hundred feet of a school and commercial daycare centers for the property located at 3512 North Yarbrough.

BACKGROUND / DISCUSSION:

See 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 McElroy, Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

MEMORANDUM

DATE: May 13, 2013

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: David A. Coronado, City Development Program Manager

SUBJECT: **Appeal of Prohibition of Sale of Alcoholic Beverages – 3512 North Yarbrough**

Manuel Carrillo and Angelica Medina Carrillo applied to the City for an alcoholic beverage license, on April 18, 2013, and were denied because the proposed location of a new bar/nightclub at 3512 N. Yarbrough is immediately abutting a school, Montessori Day School, and within 300 feet of two other commercial day care centers.

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 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 located south of Montana Avenue and it is immediately adjacent to Montessori Day School to the south. Additionally, there are two other commercial daycare centers within 300 feet of the subject property. Seventh-Day Adventist Church, 10560 Shannon PL, is approximately 413 feet from the subject property to the west.

Attachment: Application to City Council for exception

AAMC PROPERTIES DBA V CLUB

Manuel and Angelica M. Carrillo
3512 N. Yarbrough
El Paso, Tx. 79925

CITY CLERK DEPT.
2013 MAY -6 AM 10:34

May 3, 2013

Reference:
(City Council pursuant to El Paso City Code 5.02.070L)
Filed with the City Clerk within 10 days of receipt

To Whom It May Concern:

This letter is to request to be placed on the City Council Agenda for the May 14, 2013 Tuesday, Agenda for the purpose of appealing this decision.

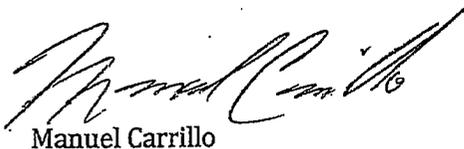
The City of El Paso has denied certifying AAMC PROPERTIES dba V CLUB's application, #LALC13-00277 Sales of Alcoholic Beverages License.

The denial is based on El Paso Code Sections:

- 5.02.010
- 5.02.070
- 20.10.160
- 20.10.160B
- 20.22.030(B) (1) (b)

We Thank you for your attention.

Sincerely,



Manuel Carrillo



Angelica Medina Carrillo