

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

**DEPARTMENT:** City Development Department  
**AGENDA DATE:** Regular Agenda  
Public Hearing: October 15, 2013  
**CONTACT PERSON/PHONE:** David A. Coronado, (915) 541-4632  
**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

Discussion and action on a request from Richard Telles-Goins 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 7350 Gateway East Blvd.

**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:** October 8, 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 – 7350 Gateway East Blvd.**

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Richard Telles-Goins applied to the City for an alcoholic beverage license on August 27, 2013 and was denied because the proposed location of a new liquor store at 7350 Gateway East Blvd is within 300 feet of a school.

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 Gateway East and east of Winslow Rd. and approximately 200 feet of Del Norte Heights Elementary located at 1800 Winslow Rd.

Attachment: Application to City Council for exception



**FOR DEPARTMENT USE ONLY**

Zoning District \_\_\_\_\_ Liquor sales permitted? Yes \_\_\_ No \_\_\_ Representative District No. \_\_\_\_\_

Does Special Condition/Contract Prohibit the sale of Alcoholic Beverages? Yes \_\_\_ No \_\_\_

**FIELD INVESTIGATION**

Distance from School: <u>240'</u>	Distance from Church: <u>7300'</u>
Distance from Hospital: <u>7300'</u>	Distance from Commercial Day Care: <u>7300'</u>
Other Alcoholic Beverage Sales in Area:	

Inspector: Sony Cahalan

Date completed: 9/30/13

Comments: \_\_\_\_\_

APPROVED

DENIED

Reason(s) for denial (per the El Paso Municipal Code):

20.10.060 B1 and B4 - business is located within 300' of a public school

Applicant requests appeal to city council to set for after October 10<sup>th</sup> 2013.  
**NOTICE TO APPLICANTS**

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.

(IF YOUR APPLICATION IS DENIED AND YOU BELIEVE YOU MEET AT LEAST ONE OF THE CRITERIA LISTED ABOVE, WOULD YOU LIKE TO REQUEST AN APPEAL FOR AN EXCEPTION OF YOUR DENIAL TO THE EL PASO CITY COUNCIL? IF SO, PLEASE CHECK THE BOX BELOW, ALONG WITH YOUR SIGNATURE AND DATE.)

Richard T. elles-boim  
Applicant Signature

9/27/2013  
Date