

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: May 9, 2023

PUBLIC HEARING DATE: May 9, 2023

CONTACT PERSON NAME AND PHONE NUMBER:

Philip Etiwe, (915) 212-1553, etiwepf@elpasotexas.gov

Raul Garcia, (915) 212-1643, garciar1@elpasotexas.gov

DISTRICT(S) AFFECTED: District 7

STRATEGIC GOAL: #3 Promote the Visual Image of El Paso

SUBGOAL: 3.1 Provide business friendly permitting and inspection processes
3.2 Improve the visual impression of the community

SUBJECT:

Discussion and action on a request from Union Montwood LLC for City Council to grant an exception from the prohibition of the sale of alcohol beverages within three hundred feet of a public or private school for a restaurant bar requesting to sell mixed beverages, for the property located at 9640 Montwood, and legally described as a Portion of Lot A, Block 20, Montclair #3, City of El Paso, El Paso County, Texas. **(District 7)**

BACKGROUND / DISCUSSION:

This item is a direct request to City Council.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Philip Etiwe

Philip F. Etiwe, Director
Planning and Inspection Department

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 or private school requested from Union Montwood LLC, owner of Union Draft House, for the property located at 9640 Montwood Drive, and legally described as a Portion of Lot A, Block 20, Montclair #3, 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 _____, 2023.


THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell Abeln
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department



Planning and Inspections Department

MAYOR
Oscar Leoser

MEMORANDUM

CITY COUNCIL

District 1
Brian Kennedy

District 2
Alexsandra Anello

District 3
Cassandra Hernandez

District 4
Joe Molinar

District 5
Isabel Salcido

District 6
Art Fierro

District 7
Henry Rivera

District 8
Chris Canales

CITY MANAGER
Tommy Gonzalez

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

FROM: Raul Garcia, Planning Program Manager

DATE: May 1, 2023

RE: **Appeal of Prohibition of Sale of Alcoholic Beverages –
9640 Montwood**

Union Montwood LLC, owner of Union Draft House, applied to the City for an alcoholic beverage license and was denied because the proposed location at 9640 Montwood is within 300 feet of Eastwood High School—actual distance is 150 feet property line to property line.

The Planning Division determined that:

- The subject property is located within 300 feet of a public or private 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 El Paso City 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 El Paso City 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

Philip F. Etiwe, Director

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Planning and Inspections Department

MAYOR

Oscar Leoser

CITY COUNCIL

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Brian Kennedy

District 2

Alexsandra Anello

District 3

Cassandra Hernandez

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Henry Rivera

District 8

Chris Canales

CITY MANAGER

Tommy Gonzalez

determinations listed in Title 20, *Zoning*; Section 20.10 *Supplemental Use Regulations*; Subsection 20.10.060.B.7 *Alcoholic beverages*:

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.*

The subject property is within 300 feet of a public or private school; there are no other day-care centers, child-care facilities, churches, public or private schools, or public hospitals within 300 feet of the subject property.

The distance between the place of business where alcoholic beverages are sold and a school shall be measured in direct line from the property line of the school to the property line of the place of business, and in a direct line across intersections.

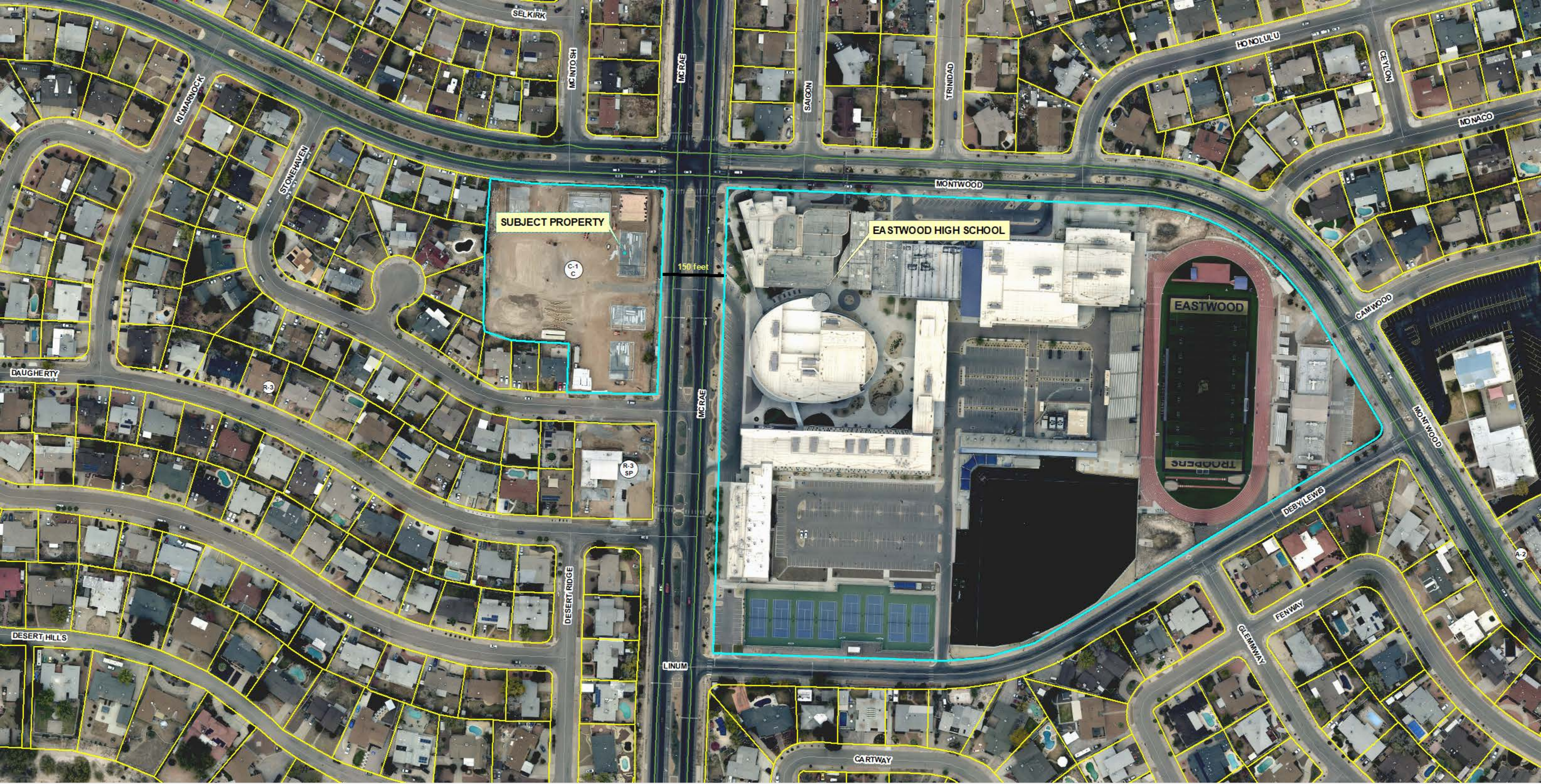
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DELIVERING EXCEPTIONAL SERVICES



SUBJECT PROPERTY

EASTWOOD HIGH SCHOOL

150 feet

R-3

R-3 SP

EASTWOOD

TROOPERS

MCIMARNOCK

STONEHAVEN

SELKIRK

MCINTOSH

MCRAE

SAIGON

TRINIDAD

HONOLULU

CEYTON

MONACO

MONTWOOD

CAMWOOD

MONTWOOD

DEBYLEWS

GLEMWAY

FENWAY

DESERT RIDGE

LINUM

CARTWAY

DAUGHERTY

R-3

DESERT HILLS