

# Mayor and Council Communication

**DATE:** 08/04/20

**M&C FILE NUMBER:** M&C 20-0475

**LOG NAME:** 06AA-20-002, 3601 WILLIAMS ROAD

## **SUBJECT**

(CD 3) Conduct Public Hearing to Consider Variance from Section 4-4 of the City Code to Allow Beer and Wine Sales for On-Premise Consumption at Corky's Corner Located at 3601 Williams Road (Continued from a Previous Meeting)

**(PUBLIC HEARING** - a. Report of City Staff: Arty Wheaton-Rodriguez; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

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## **RECOMMENDATION:**

It is recommended that the City Council consider a request from Carlton Ozmer, lessee of Corky's Corner, located at 3601 Williams Road for a variance from Section 4-4 of the City Code prohibiting the sale of alcoholic beverages within 300 feet of Western Hills High School baseball fields located at 3501 Boston Avenue and within 300 feet of The Church by Christ Jesus of the Sabbath Day located at 3502 Williams Road.

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## **DISCUSSION:**

Carlton Ozmer, lessee of Corky's Corner, is requesting a variance to sell beer and wine for on-premise consumption in a bar located at 3601 Williams Road. The bar is located approximately 282 feet from the property line of Western Hills High School baseball fields, located at 3501 Boston Avenue, and is located approximately 261 feet from the property line of The Church by Christ Jesus of the Sabbath Day, located at 3502 Williams Road, as depicted on the attached map.

Section 4-4(a) of the City's Alcoholic Beverages Code, Chapter 4 of the City Code, provides that it is unlawful to sell alcoholic beverages at a place of business that is located within 300 feet of any church, public school, or public hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and a public school shall be a straight line where alcohol sales are proposed to the closest property line of the school. The distance measured between place of business where alcoholic beverages are sold and a church shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections

Section 4-4(f) of the City Code provides that the City Council may grant a variance from the 300-foot regulation as follows: The City Council may allow a variance to this section if it determines that the enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or that a previous permit was issued for the premises in error and enforcement of the regulation would be inequitable, or for any other reason the City Council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community. Mr. Ozmer requests that the City Council grant a variance from the 300-foot distance regulation.

Notice of the hearing has been sent to owners of property within 300 feet and to registered neighborhood organizations within 1/2 mile of 3601 Williams Road as required by Section 4-4(f) of the City Code. A letter from Fort Worth Independent School District and from The Church by Christ Jesus of the Sabbath Day has been requested.

This M&C does require a public hearing to get input from the applicant and surrounding property owners.

This property is located in COUNCIL DISTRICT 3.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

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## **FISCAL INFORMATION / CERTIFICATION:**

The Director of Finance certifies that this action will have no material effect on City Funds.

**Submitted for City Manager's Office by:** Dana Burghdoff 8018

**Originating Business Unit Head:** DJ Harrell 8032

**Additional Information Contact:** Beth Knight 8190

