

THE CITY OF AMARILLO, TEXAS

INTERDEPARTMENTAL OFFICE COMMUNICATION

September 12, 2014

TO: Final Distribution

FROM: Planning Department

SUBJECT: M-14-04 Consideration of two variance requests from Section 14-3-5 of the City of Amarillo Municipal Code that prohibits sales of alcoholic beverages within 300ft. of a private school and day care center. (Vicinity: SW 48th Ave & Georgia St, and Arden Rd & Coulter St)

The Amarillo City Council, at its meeting of September 9, 2014, approved the two variance requests. The ordinance affecting this change is No. 7483. Please post your records accordingly.



Kelley Shaw, Planning Director

COPY

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS PROVIDING FOR A VARIANCE ON DISTANCE REQUIREMENTS FOR AN ALCOHOL LICENSE; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, the Texas Alcohol Beverage Code specifies minimum distances that generally apply to the distance between a school, church, or hospital and a premises licensed for alcohol sales; and,

WHEREAS, the law allows for the governing body of a municipality to grant a variance on compliance with such distance in appropriate situations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That the City Council, as the governing board of the City of Amarillo, Texas and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, after all legally required notices, and consideration of the health, safety, and welfare of the public and the equities of the situation, finds and determines that it is in the best interest of the community to approve and grant a variance, and accordingly hereby grants a variance, from the applicable provisions of Section 14-3-5 of the City of Amarillo Municipal Code and Section 109.33 for off-premise consumption at the following location/s:

Lots 12 and 13, Block 3, South Side Acres Unit No. 12 Amended and Lot 57, Block 6, Westover Park Unit No. 25, Amarillo, Texas.

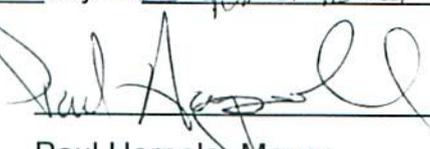
SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 3. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance repealed by this ordinance.

SECTION 5. Effective Date. This ordinance shall be effective upon final adoption.

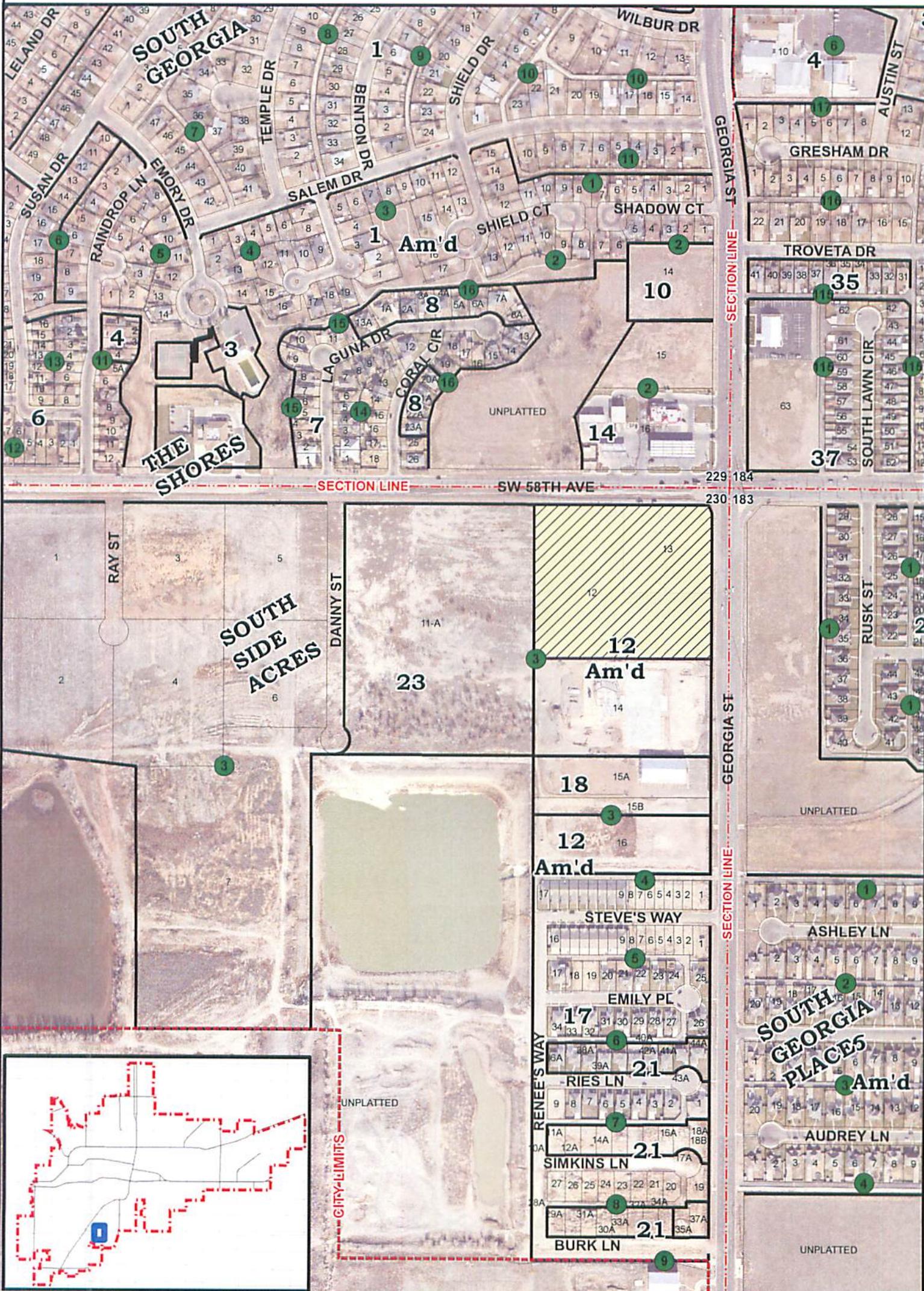
INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 2 day of September, 2014; and PASSED on Second and Final Reading the 9 day of September, 2014.


Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

M-14-04 VARIANCE "A"



**CITY OF AMARILLO
PLANNING DEPARTMENT**

Scale: 1" = 400'
Date: 8-21-14
Case No: M-14-04 A



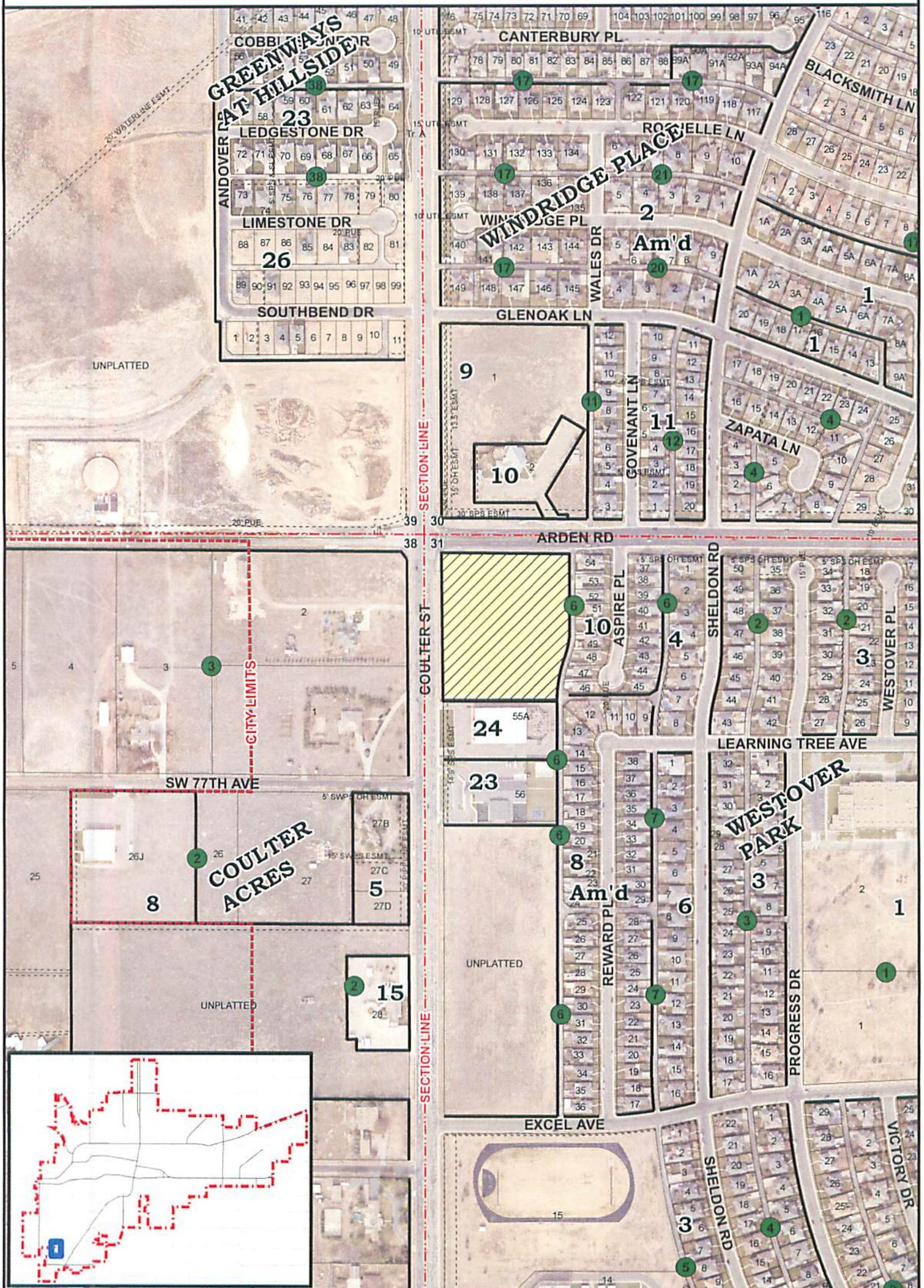
M-14-04 Consideration of two variance requests from Section 14-3-5 of the City of Amarillo Municipal Code that prohibits sales of alcoholic beverages within 300ft. of a private school and day care center

Applicant: Kimley-Horn and Associates, Inc.

Vicinity: SW 58th Ave. & Georgia St.

AP: L-16

M-14-04 VARIANCE "B"



**CITY OF AMARILLO
PLANNING DEPARTMENT**

Scale: 1" = 400'
Date: 8-20-14
Case No: M-14-04 B



M-14-04 Consideration of two variance requests from Section 14-3-5 of the City of Amarillo Municipal Code that prohibits sales of alcoholic beverages within 300ft. of a private school and day care center.

Applicant: Kimley-Horn and Associates, Inc.

Vicinity: Arden Rd. and Coulter St.

AP: J-17