

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS, GRANTING A DISTANCE VARIANCE OF TWENTY (20') FEET FROM THE 300-FOOT PROHIBITED REQUIREMENT OF A CHURCH; AND A VARIANCE FOR ONE HUNDRED AND TWENTY (120') FEET FROM THE 300-FOOT PROHIBITED REQUIREMENT FOR A PUBLIC OR PRIVATE SCHOOL OR DAY CARE CENTER; IN ACCORDANCE TO STATE LAWS; FOR THE SALE OF ALCOHOLIC BEVERAGES WITH ON-PREMISE CONSUMPTION AT OLE'S TEX-MEX RESTAURANT, LOCATED AT 600 E. SANDY LAKE ROAD, SUITE 106, COPPELL, TEXAS, AS PROVIDED IN SECTION 6-16-2(H) OF THE CODE OF ORDINANCES OF THE CITY OF COPPELL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article 6-16 of the Code of Ordinances places certain distance prohibitions from churches, schools, and day cares to businesses that sell or offer to sell alcoholic beverages; and

**WHEREAS**, the City Council may grant a variance to such business upon proof that the best interest of the public is not served by strict compliance with the regulations; and

**WHEREAS**, Ole's Tex-Mex Restaurant (hereinafter, "Applicant") is located within 300 feet of a church, school or day care; and

**WHEREAS**, the Applicant has provided sufficient proof that such regulation constitutes waste or inefficient use of land, or create an undue hardship and is otherwise not effective or necessary after consideration of the health, safety and welfare of the public; and,

**WHEREAS**, the City Council has determined that the best interest of the community will be served by a grant of such variance.

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

**SECTION 1.** That a variance of twenty (20') feet from the 300-foot prohibited requirement of a church; and a variance for one hundred and twenty (120') feet from the 300-foot prohibited requirement for a public or private school or day care center; for the sale of alcoholic beverages with on-premise consumption, shall be granted to Ole's Tex-

Mex Restaurant, located at 600 E. Sandy Lake Road, Suite 106, Coppell, Dallas County, Texas, as provided in Section 6-16-2 (H) of the Code of Ordinances of the City of Coppell.

**SECTION 2.** That the variance granted herein is *in personam* to the above-named Applicant and shall expire upon relinquishment of any permit authorized by the TEXAS ALCOHOLIC BEVERAGE COMMISSION or its successor.

**SECTION 3.** That this Resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the 28<sup>th</sup> day of January 2020.

**APPROVED:**

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KAREN SELBO HUNT, MAYOR

**ATTEST:**

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CHRISTEL PETTINOS, CITY SECRETARY

**APPROVED AS TO FORM:**

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ROBERT E. HAGER, CITY ATTORNEY