

WHEREAS, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

WHEREAS, Fiesta Mart, Inc. has submitted an application for a wine and beer retailer's off-premise permit, pursuant to Chapter 26 of the Texas Alcoholic Beverage Code, and is requesting a variance to the alcohol spacing requirements for property on the east side of Lancaster Road, northwest of Kiest Boulevard, northwest from The Knowledge is Power Charter School; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the variance to the alcohol spacing requirements for property on the property on the east side of Lancaster Road, northwest of Kiest Boulevard, northwest from The Knowledge is Power Charter School is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a general merchandise or food store use, as defined in Section 51A-4.210 of the Dallas Development Code, with 10,000 square feet or more of floor area.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

