

**RESOLUTION NO. R-2019-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A VARIANCE TO BASTROP CODE OF ORDINANCES ARTICLE 4.02.005 SALE OF ALCOHOLIC BEVERAGES, SEPARATION REQUIREMENTS FROM CHURCH, PUBLIC OR PRIVATE SCHOOL, OR PUBLIC HOSPITAL, ON PROPERTY LOCATED AT 1507 CHESTNUT STREET, WITHIN THE CITY LIMITS OF BASTROP, TEXAS, AS SHOWN IN EXHIBIT A; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Linda Cheatham, representing Third Down & Three LLC, is the Applicant representing Stem and Stone, located at 1507 Chestnut Street, acknowledges that the property located within three hundred (300) feet of a church, public or private school, or public hospital, as defined by and as the measurement of applicable distances are set forth by the State of Texas in the Alcoholic Beverage Code; and

**WHEREAS**, Emile Elementary School's property line is within three hundred (300) of the property on which Stem and Stone will be located; and

**WHEREAS**, this property has not been occupied in more than six months; and

**WHEREAS**, the Applicant has applied for a variance pursuant to the Bastrop Code of Ordinances, Article 4.02.005; and

**WHEREAS**, authority is granted to City Council to allow variances in the Texas Alcoholic Beverage Code, Chapter 107.33; and

**WHEREAS**, public notice was sent in accordance with the Bastrop Code of Ordinances 4.02.007; and

**WHEREAS**, after consideration of public input received at the hearing and all other information presented, City Council finds by a majority vote of all members that it is in the public interest to grant a variance to the separation requirements of the premises to a public school.

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


**Section 1:** That a variance to the distance separation requirements established in the Bastrop Code of Ordinances Article 4.02.005 is hereby granted for the property located at 1507 Chestnut Street, within the Bastrop city limits, as shown in Exhibit A.

**Section 2:** All orders, ordinances, and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

**Section 3:** That this Resolution shall take effect immediately from and after its passage, and it is duly resolved.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Bastrop, Texas this 12<sup>th</sup> day of February 2019.


**APPROVED:**

  
\_\_\_\_\_  
Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Traci Chavez, Deputy City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alan Bojorquez, City Attorney