

Resolution granting a variance under Corpus Christ Code Section 4-5 to allow Voodoo Promotions, LLC to operate an alcohol beverage establishment with on-premise consumption on the property located at 1911 South Staples Street within 300 feet of a school

WHEREAS, Adam Stern of Voodoo Promotions, LLC (Petitioner), is the owner of property located at 1911 South Staples Street (Property), identified as Lots 13 through 16 of Block 1305 of the Merchants Addition, Number 6, and further identified as Nueces County Appraisal District Geographic ID number 5096-1305-0130;

WHEREAS, Petitioner seeks to operate a membership club on the property that will sell alcoholic beverages for on-premise consumption exclusively to its members;

WHEREAS, the property is zoned "CN-1," Neighborhood Commercial Zoning District, and membership clubs and lodges are a permitted use in this Zoning District;

WHEREAS, the property is within 300 feet of the Metropolitan Elementary School of Design, a public school operated by the Corpus Christi Independent School District;

WHEREAS, as allowed under §109.33(a)(1) of the Texas Alcohol and Beverage Code (TABC), the City enacted §4-5(a) of the Code of Ordinances (Code) to prohibit any person from maintaining and operating a business for the dispensing and sale of alcoholic beverages for on-premise consumption within the corporate limits of the City within 300 feet of a public or private school;

WHEREAS, §109.33(e), TABC and §4-5(f) of the Code allow the City Council (Council), upon the application by a business that is regulated by §4-5 of the Code, to grant a variance to the alcohol regulations contained therein if the Council determines that 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 an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community;

WHEREAS, Petitioner has formally applied to the City for relief by variance, as allowed under §4-5(f) of the Code and prays that the Council will find in favor of the Petitioner and grant the variance; and

WHEREAS, with proper notice to the public, a public hearing was held during a meeting of the City Council, during which all interested persons were allowed to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. After consideration of the health, safety, and welfare of the public and the equities of the situation, the City Council has determined that the enforcement of §4-5 of the Corpus Christi Code in this 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 Petitioner, does not serve its intended purpose, is neither effective nor necessary, and/or a variance is in the best interest of the community.

SECTION 2. The City Council hereby grants Petitioner, Voodoo Promotions, LLC, a variance to §4-5 of the Corpus Christi Code to operate an alcoholic beverage establishment with on-premise consumption on the property located at 1911 South Staples Street (Nueces County Appraisal District Geographic ID number 5096-1305-0130), being Lots 13 through 16 of Block 1305 of the Merchants Addition, Number 6. Such variance only applies to Corpus Christi Code §4-5 and does not waive or exempt the property from any other City Codes or regulations.

PASSED AND APPROVED on the _____ day of _____, 2021:

Paulette M. Guajardo _____
Roland Barrera _____
Gil Hernandez _____
Michael Hunter _____
Billy Lerma _____
John Martinez _____
Ben Molina _____
Mike Pusley _____
Greg Smith _____

ATTEST:

CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor