



## City Council Agenda Item Summary Report

Meeting Date: April 5, 2022			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing X	Action/Discussion
Item Title: Hold a public hearing and discuss and consider approval of an Ordinance for a variance to the location restrictions for the sale and consumption of alcoholic beverages at the property where Bellagio Lagoon will be located. The property is located east of Forney High School and south of F.M. 741.			
Attachments: Ordinance Application Materials			

**Item Summary:**

Bellagio Laguna Azure, L.L.C., requests approval of a variance to the location restrictions for the sale and consumption of alcoholic beverages at the property where Bellagio Lagoon will be located. The Bellagio Lagoon property is located directly adjacent to Forney High School.

**Image 1: Location Map**



**Current Status:**

The site plan for the Bellagio Laguna was approved on December 21, 2021. The site plan parking lot shares a property line with Forney High School.

A variance is required due to the property's proximity to Forney High School, located at 1800 College Avenue. City of Forney Code of Ordinances Section 4.02 provides regulations for the sale and consumption of alcoholic beverages in the City of Forney. Section 4.02.004(b) states that the sale of alcoholic beverages for on-premises consumption is not permitted within three hundred feet (300') of a church, **public school**, or public hospital.

Section 4.02.004(e) states that the measurement of distance from a school is calculated by measuring a direct line from property line to property line. Using that measurement directive, the Bellagio Lagoon is located without any separation to Forney High School.

**Variance Considerations:**

City of Forney Code of Ordinances Section 4.02.004(g) provides the following language concerning variances for alcoholic beverages:

“The city council may allow a variance to this section if it determines that the enforcement of the regulation in a particular instance is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary; if it determines that a previous permit was issued for the premises in error and enforcement of the regulation would be inequitable; or for any other reason, if it determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community.”

**Notification:**

Notification was provided in the newspaper and to property owners within three-hundred feet (300') of the property. As of this writing, staff has not received any public response.