

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 28-2021**

**A RESOLUTION ALLOWING A VARIANCE TO A DISTANCE
REQUIREMENT AS BETWEEN THE RESTAURANT LOCATED
AT 208 CULLY DRIVE AND A CHILD-CARE FACILITY
LOCATED WITHIN 300 FEET OF SAID RESTAURANT**

WHEREAS, the owner of the China Bowl restaurant, located at 208 Cully Dr. and within the City of Kerrville, Texas, has applied for a new permit from the Texas Alcoholic Beverage Commission ("TABC") to sell beer and wine for on premise consumption; and

WHEREAS, the owner, including its predecessors, have previously held and currently hold licenses to sell alcohol from the TABC; and

WHEREAS, pursuant to City Code of Ordinances Section 10-3 ("Section 10-3"), and as authorized by the Texas Alcoholic Beverage Code, the sale of any alcohol at this location must be at least 300 feet from a child-care facility; and

WHEREAS, under Section 10-3, a property owner may apply to City Council for a variance from the distance limitations, which Council may allow depending upon the particular circumstances; and

WHEREAS, City Council in accordance with Section 10-3 and in particular, its holding of a public hearing, providing the requisite public notices, and thereafter determining that a particular circumstance is found, finds it be in the public interest to allow the variance as provided below;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

City Council, as the governing board of the City of Kerrville, Texas, and pursuant to the Texas Alcoholic Beverage Code and Section 10-3 of the City's Code of Ordinances, and after consideration of the circumstances found within subsection (g) of Section 10-3, hereby allows a variance from the applicable provisions of Section 10-3 at the following location:

**China Bowl, 208 Cully Dr., Kerrville, Texas. Said
location is depicted on the map found at Exhibit A.**

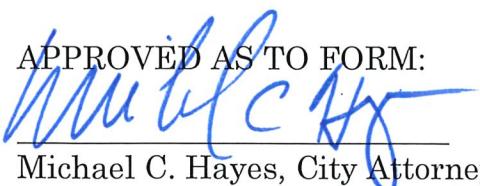
This variance shall remain in effect for so long as a Wine and Beer Retailer's Permit and subsequent like use, if any, are in effect at the above-referenced location.

PASSED AND APPROVED ON this the 08 day of June, A.D.,
2021.



Bill Blackburn, Mayor

APPROVED AS TO FORM:

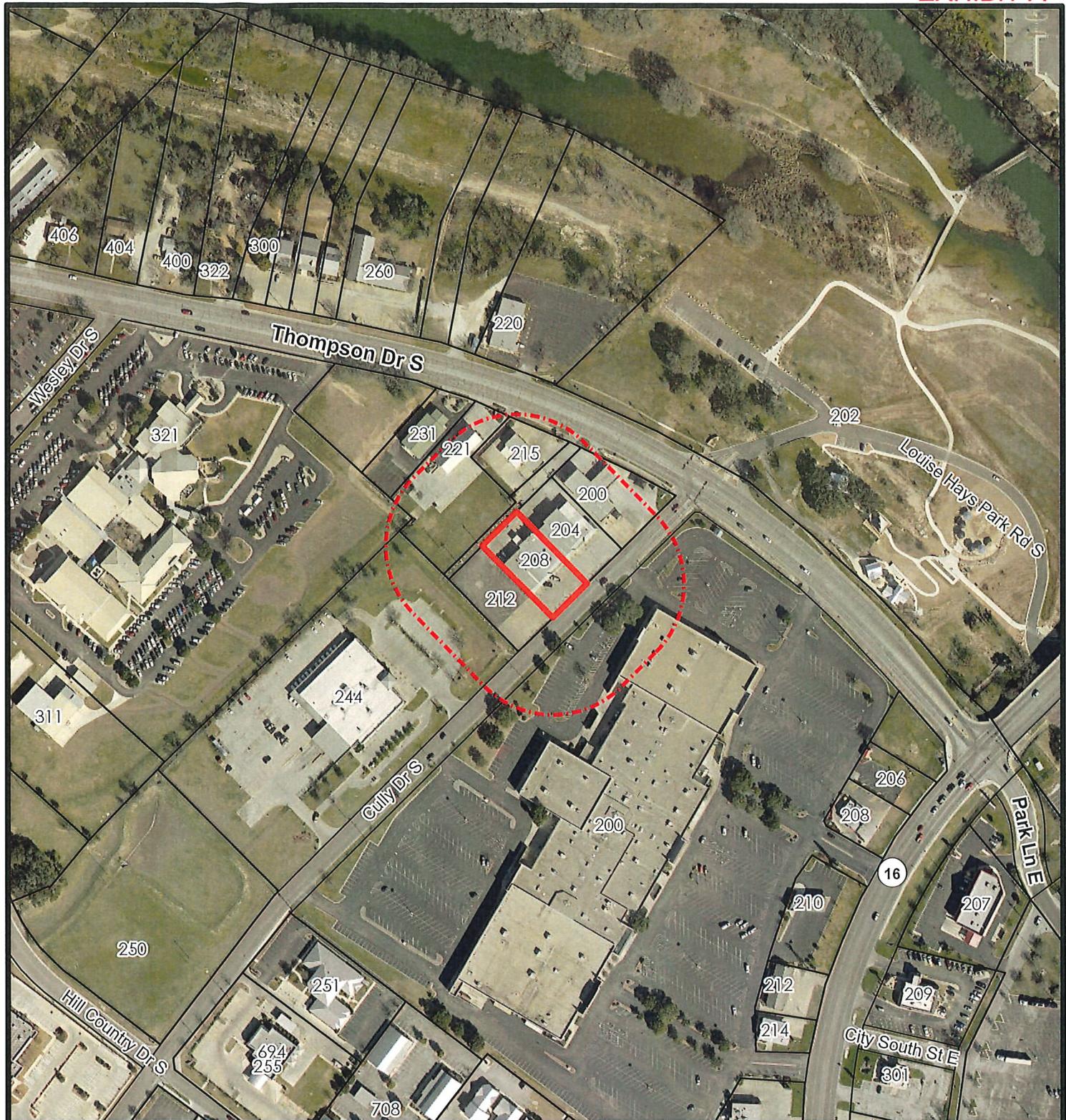


Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon, City Secretary



Location Map

Case # 2021-028

Location:
208 Cully Dr STE 218

Legend

200' Notification Area Subject Properties



0 100 200 400

Scale In Feet