

RESOLUTION NO. 2026-

A RESOLUTION AUTHORIZING A VARIANCE FROM THE ALCOHOL DISTANCE REQUIREMENTS OF CHAPTER 10 OF THE CITY OF LEAGUE CITY CODE OF ORDINANCES FOR TOKYCO BAO LOCATED AT 3729 EAST LEAGUE CITY PARKWAY, SUITE 110, LEAGUE CITY, TEXAS; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the City Council of the City of League City, Texas (the “City”), is authorized under Chapter 109 of the Texas Alcoholic Beverage Code to regulate the location of establishments selling alcoholic beverages within the City; and

WHEREAS, Section 10-1 of the City of League City Code of Ordinances (the “Code”) makes it unlawful to sell or engage in the business of selling alcoholic beverages within 300 feet of a church, public school, public hospital, or daycare center; and

WHEREAS, Section 10-5 of the Code authorizes the City Council to grant variances to the distance requirements set forth in Chapter 10 when, after consideration of the health, safety, and welfare of the public and the equities of the situation, the City Council determines that strict enforcement is not in the best interest of the community; and

WHEREAS, Tokyco Bao, a restaurant located at 3729 East League City Parkway, Suite 110, League City, Texas (the “Applicant”), has applied for a Wine and Malt Beverage Retail Dealer’s On-Premise Permit (BG) from the Texas Alcoholic Beverage Commission; and

WHEREAS, the Applicant’s place of business is located in a leased suite within a multi-tenant commercial building, and the City has historically treated the boundary of the leased suite as the “place of business” for purposes of distance measurement under Chapter 10 of the Code; and

WHEREAS, City staff, using Geographic Information System (“GIS”) mapping, have determined that the distance from the boundary of the Applicant’s leased suite to the property line of a nearby daycare center is approximately 195 feet, which does not comply with the 300-foot separation requirement of Section 10-1 of the Code; and

WHEREAS, the Applicant has provided written correspondence from the owner of the nearby daycare center, The Learning Experience – Academy of Early Education, indicating that the daycare center does not oppose the requested variance; and

WHEREAS, the City Council has considered the Applicant’s location, City staff distance measurements, the variance request and the Applicant’s written representations of no exterior alcohol signage, no outdoor consumption, seated dining service only, strict identification checks, and TABC-certified servers, the daycare’s written non-opposition, and Chapter 10 of the City Code, and has determined that enforcement of the distance requirement would not materially advance the purpose of Section 10-1 of the Code; and

WHEREAS, the City Council finds that granting the requested variance will not be detrimental to the public health, safety, or welfare, will not create adverse secondary effects, and is consistent with the best interest of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

LEAGUE CITY, TEXAS, as follows:

Section 1. Pursuant to Section 10-5 of the City of League City Code of Ordinances, the City Council hereby grants a variance from the 300-foot distance requirement set forth in Section 10-1 of the Code to allow Tokyco Bao, located at 3729 East League City Parkway, Suite 110, League City, Texas, to sell and serve alcoholic beverages under a Wine and Malt Beverage Retail Dealer's On-Premise Permit (BG), notwithstanding the proximity of the premises to a daycare center.

Section 2. This variance is granted solely for "Tokyco Bao" at the location described in this resolution. The variance does not run with the land, is not transferable or assignable, and shall automatically terminate upon any change in ownership, operator, business name, or primary use of the premises, or upon discontinuation of alcoholic beverage service.

Section 3. The City Secretary is hereby authorized and directed to issue certification to the Texas Alcoholic Beverage Commission confirming that, as a result of the variance granted herein, the Applicant's location is not prohibited by City ordinance from selling alcoholic beverages.

Section 4. All resolutions and agreements and parts of resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

Section 5. It is hereby found and determined that the meeting at which this resolution was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED the _____ day of _____, 2026.

NICK LONG
Mayor

ATTEST:

DIANA STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney (mv)