

ORDINANCE

2022-10-20-0803

**WAIVING THE REQUIREMENTS OF SECTIONS 4-6(c)(1-4), 4-6(d)(1), 4-6(d)(6) AND 4-6(e)(1) OF THE CITY CODE AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES ON LOTS 14, AND 15, BLOCK 7, NCB 2051, LOCATED AT 1822 N ZARZAMORA STREET, FOR OFF-PREMISE CONSUMPTION WITHIN THREE-HUNDRED (300) FEET OF LITTLE FLOWER CATHOLIC SCHOOL, A PRIVATE EDUCATION INSTITUTION LOCATED IN THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, COUNCIL DISTRICT 1.**

\* \* \* \* \*

**WHEREAS**, Section 109.33 of the Texas Alcoholic Beverage Code authorizes the governing board of an incorporated city to enact regulations prohibiting the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public or private school or public hospital as measured in a direct line from the property line of the public or private school to the property line of the place of business; and

**WHEREAS**, Section 109.33 of the Texas Alcoholic Beverage Code authorizes the governing body of an incorporated city to allow variances to the regulation if the governing body 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 governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines it is in the best interest of the community; and

**WHEREAS**, pursuant to Section 109.33 (a)(1) of the Texas Alcoholic Beverage Code, Chapter 4 of the City Code of the City of San Antonio prohibits the sale of alcoholic beverages if the place of business is within three hundred feet of any church, public or private school or public hospital; and

**WHEREAS**, the subject property is situated within three hundred (300) feet of the nearest property line of Little Flower Catholic School, a private education institution located in the San Antonio Independent School District; and

**WHEREAS**, Ordinance No. 88724, passed and approved on October 22, 1998, amended the City Code of the City of San Antonio adopting this distance requirement in Chapter 4, Article I, Sec. 4-6, and established a procedure for the granting of a variance to the prohibition; **NOW THEREFORE**,

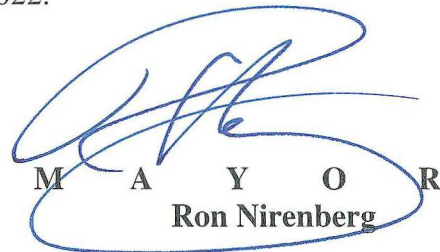
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The requirements of Chapter 4, Sections 4-6(c)(1-4), 4-6(d)(1), 4-6(d)(6) and 4-6(e)(1), prohibiting sales of alcohol for off-premise consumption pursuant to the City Code of

San Antonio, Texas, are waived and the variance request of HYM Properties, applicant, on behalf of Hector Valadez, owner, for a convenience store, "Cuteman Corner Store", to sell alcoholic beverages for off-premise consumption, on Lots 14, and 15, Block 7, NCB 2051, located at 1822 N Zarzamora Street, within three hundred (300) feet of the Little Flower Catholic School, is hereby granted. This variance to sell alcoholic beverages for off-premise consumption is based on the following conditions: (a) authorization shall be limited to a convenience store; (b) alcohol sales will be for beer and wine for off-premise consumption only; (c) authorization shall not transfer to different owners or different land uses; (d) authorization shall terminate in the event of non-operation or non-use for a period of twelve or more successive calendar months; (e) alcohol will be sold between the hours of 7:00 a.m. to 12:00 a.m. (midnight), Monday through Saturday; and Sunday 10:00 a.m. to 12:00 a.m. (midnight).

**SECTION 2.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.


**PASSED AND APPROVED** this 20<sup>th</sup> day of October, 2022.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

  
Debbie Racca-Sittre, City Clerk

  
Andrew Segovia, City Attorney



## City of San Antonio

### City Council Meeting October 20, 2022

1.

**2022-10-20-0803**

ALCOHOL VARIANCE AV-2022-003 (Council District 1): Ordinance waiving the application requirements of City Code 4-6 and granting a variance authorizing the sale of alcoholic beverages by HYM Properties LLC, Hector Valadez, owner, on Lots 14-15, Block 7, NCB 2051, located at 1822 North Zarzamora Street for off-premise consumption within three-hundred (300) feet of Little Flower Catholic School, a private school institution. (Continued from September 15, 2022)

Councilmember Viagran moved to Approve on Zoning Consent. Councilmember Castillo seconded the motion. The motion carried by the following vote:

<b>Aye:</b>	Nirenberg, Bravo, Viagran, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage
<b>Absent:</b>	McKee-Rodriguez, Rocha Garcia, Perry