

ORDINANCE

2022-09-15-0696

AMENDING ORDINANCE 2017-09-07-0641 AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES ON LOT 2, BLOCK 110, NCB 16386, GENERALLY LOCATED AT 23534, 23610, 23702, 23718 AND 23814 U.S. INTERSTATE 10, FOR ON-PREMISE AND OFF-PREMISE CONSUMPTION WITHIN THREE-HUNDRED (300) FEET OF LEON SPRINGS ELEMENTARY SCHOOL, A PUBLIC EDUCATION INSTITUTION LOCATED IN THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT, COUNCIL DISTRICT 8.

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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 Leon Springs Elementary School, a public education institution located in the Northside Independent School District; and


WHEREAS, Ordinance No. 2017-09-07-0641, passed and approved on September 7, 2017 authorized the sale of alcoholic beverages on Lot 2 Block 110, NCB 16386, generally located at 23534, 23610, 23702, 23718, and 23814 U.S. Interstate 10, for on-premise and off-premise consumption within three hundred (300) feet of Leon Springs Elementary School, a public education institution located in Council District 8; **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), 4-6(c)(3), 4-6(c)(4), 4-6(d)(1), 4-6(d)(6) and 4-6(e)(1), prohibiting sales of alcohol for on-premise and off-premise consumption pursuant to the City Code of San Antonio, Texas, are waived and the variance request of Leon Creek Ltd., applicant, to sell alcoholic beverages for on-premise and off-premise consumption, on Lot 2, Block 110, NCB 16386, generally located at 23534, 23610, 23702, 23718 and 23814 U.S. Interstate 10, within three hundred (300) feet of the Leon Springs Elementary School, is hereby granted. This variance to sell alcoholic beverages for on-premise and off-premise consumption is based on the following conditions: (a) authorization shall be limited to up to eight (8) "restaurants"; (b) that alcohol sales will be authorized for on-premise and off-premise consumption; (c) that this authorization shall not transfer to different owners or different land uses; (d) that such 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 12:00 p.m. (noon) to 12:00 a.m. (midnight), Monday through Sunday; (f) sales of alcohol shall not exceed thirty (30) percent of total revenue.

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 15th day of September, 2022.


M A Y O R
Ron Nirenberg

ATTEST:


Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:


For Andrew Segovia, City Attorney



City of San Antonio

City Council Meeting September 15, 2022

2.

2022-09-15-0696

ALCOHOL VARIANCE AV-2022-004 (Council District 8): Ordinance waiving the application requirements of City Code 4-6 and granting a variance authorizing the sale of alcoholic beverages by Leon Creek LTD (dba Dominion Springs Shopping Center), John Peveto Jr., owner, on Lot 2, Block 110, NCB 16386, located at 23534, 23610, 23702, 23718, and 23814 US IH-10 West for on-premise and off-premise consumption within three-hundred (300) feet of Leon Springs Elementary, a public education institution located within the Northside Independent School District.

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

Aye: Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Pelaez, Courage, Perry

Absent: Sandoval