

AN ORDINANCE 2017-12-07-0940

WAIVING THE REQUIREMENTS OF SECTIONS 4-6(c)(1), 4-6(c)(3), AND 4-6(d)(6) OF THE CITY CODE AND AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES ON LOT 45, NCB A52, GENERALLY LOCATED AT 4301 BROADWAY STREET, FOR ON-PREMISE CONSUMPTION WITHIN THREE-HUNDRED (300) FEET OF UNIVERSITY OF THE INCARNATE WORD, A PRIVATE HIGHER EDUCATION INSTITUTION LOCATED IN COUNCIL DISTRICT 2.

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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 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 is in the best interest of the community; and

WHEREAS, the subject property is situated within three hundred (300) feet of the nearest property line of the University of the Incarnate Word, a private higher education institution; 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 Sections 4-6(c)(1), 4-6(c)(3), and 4-6(d)(6), prohibiting sale of alcohol for on-premise consumption pursuant to the City Code of San Antonio, Texas, Chapter 4 are waived and the variance request of Salvatore Centofanti for Luciano on Campus Inc., applicant, to sell alcoholic beverages for on-premise consumption, on Lot 45, NCB A52, generally located at 4301 Broadway Street, as shown on the accompanying map labeled "**Attachment 1**," within three hundred (300) feet of the University of the Incarnate Word, a private higher education institution, is hereby granted.

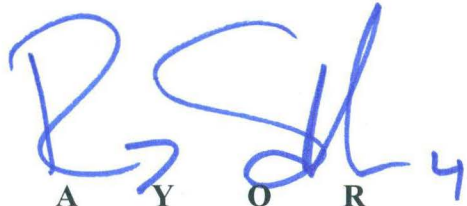
SG:lj
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SECTION 2. This variance to sell alcoholic beverages for on-premise consumption is based on the following conditions:

- (a) this authorization shall be limited to a "food service establishment";
- (b) alcohol sales will be for beer, wine, and liquor for on-premise consumption only;
- (c) this authorization shall not transfer to different owners or different land uses;
- (d) 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 sales shall only be permitted between the hours of 11:00 a.m. and 12:00 a.m.(midnight); and
- (f) sales of alcohol shall not exceed thirty (30) percent of total revenue;

SECTION 3. 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 7th day of December, 2017.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

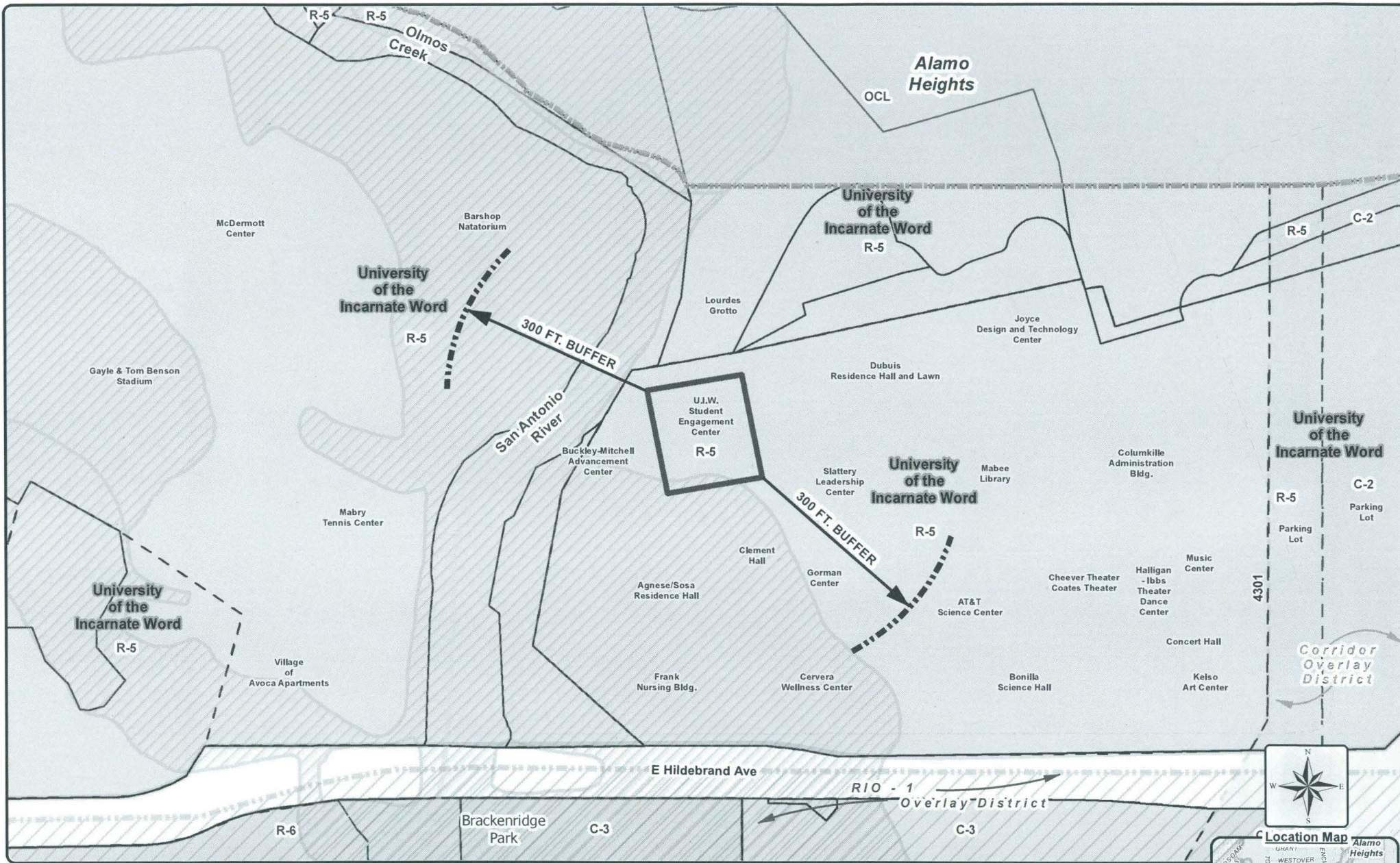
APPROVED AS TO FORM:


for Andrew Segovia, City Attorney

Agenda Item:	19 (in consent vote: 19, Z-1, Z-2, Z-6, P-4, Z-7, Z-8, Z-10, Z-11, P-5, Z-12, P-6, Z-13, P-7, Z-15, Z-16, Z-17, P-8, Z-18, Z-19, P-9, Z-20, Z-24, Z-25, Z-26, Z-27, Z-28, P-10, Z-29, Z-31, P-11, Z-32, Z-33, Z-35, P-13, Z-39)						
Date:	12/07/2017						
Time:	04:12:59 PM						
Vote Type:	Motion to Approve						
Description:	ALCOHOL VARIANCE # AV2018001 (Council District 2): An Ordinance granting a Variance to City Code 4-6(c)(1 and 3) and 4-6(d)(6) of the City Code and authorizing the sale of alcoholic beverages, located at 4301 Broadway for on-premise consumption within three-hundred (300) feet of Incarnate Word University, a Private education institution.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor	x					
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				x

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Attachment “1”



Variance Request V2018-001
4301 Broadway St.

Attachment 1

Council District: 2
 School District: San Antonio I.S.D.
 Scale: 1" approx. = 200 Feet
 Subject Property Legal Description(s): NCB A52 - LOT S IRR 752.12 ft of Lot 045 "TRACT I"

- Legend**
- Subject Property(ies) (0.532 Acres)
 - 200 Ft. Buffer
 - Current Zoning (TEXT)
 - Requested Zoning Change (TEXT)
 - MLOD Region
 - AHOD Region
 - Single Family Residential 1R
 - Current Land Use Description (TEXT)
 - 100-Year DFIRM Floodplain
 - City Limits
 - Corridor Overlay
 - ERZD Region



City of San Antonio - Development Services Dept.
 GIS Data Senior Analyst: Rudolph R. Martinez
 Case Manager: Nyliah Acosta-Davis
 Date: 11/16/2017

Note: All Current and Requested Zoning includes Partial Airport Hazard Overlay District (AHOD).