

AN ORDINANCE 2013 - 09 - 19 - 0662

WAIVING THE REQUIREMENTS OF SECTIONS 4-6 (C)(1), 4-6(C)(2) AND 4-6(C)(3) OF THE CITY CODE AND AUTHORIZING A VARIANCE REQUEST TO SELL ALCOHOLIC BEVERAGES ON LOT 51, NCB A-20, CURRENTLY ADDRESSED AS 1135 MISSION ROAD, FOR ON-PREMISE CONSUMPTION WITHIN THREE-HUNDRED (300) FEET OF POR VIDA ACADEMY, A CHARTER HIGH SCHOOL LOCATED IN COUNCIL DISTRICT 3.

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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; 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, pursuant to Section 109.33 (a) 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 school or public hospital; and

WHEREAS, the subject property is situated within three hundred (300) feet of the nearest property line of Por Vida Academy, a charter high school within the Por Vida Independent School District, thus, making the sale of alcoholic beverages a violation; and

WHEREAS, Ordinance No. 88724, passed and approved on October 22, 1998, amended the City Code of the City of San Antonio, Part 2, 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) (2) and 4-6 (c) (3) of the City Code of the City of San Antonio are waived and the variance request of Anna Blair for the property located on Lot 51, NCB A-20, currently addressed as 1135 Mission Road, for on-premise consumption is hereby granted. This variance to sell alcoholic beverages for on-premise consumption is based on the following conditions: (a) that this authorization shall not transfer to a different land use other than a bingo parlor; (b) that such authorization shall terminate in the

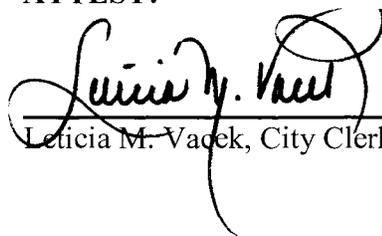
event of non-operation or non-use for a period of twelve or more successive calendar months; (c) that such authorization shall apply only to 0.138 of an acre out of NCB A-20, where the proposed bingo parlor will be developed.

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 19th day of September, 2013.


M A Y O R
Julián Castro

ATTEST:

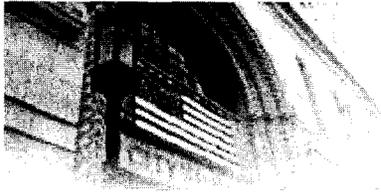


Leticia M. Vadek, City Clerk

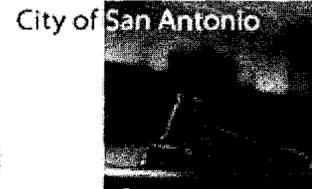
APPROVED AS TO FORM:



for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION



Agenda Voting Results - 26

Name:	26						
Date:	09/19/2013						
Time:	02:16:57 PM						
Vote Type:	Motion to Appr w Cond						
Description:	An Ordinance waiving the requirements of Sections 4-6(C) (1), 4-6(C) (2) and 4-6(C) (3) of the City Code and authorizing a variance request to sell alcoholic beverages on Lot 51, NCB A20, currently addressed as 1135 Mission Road, for on-premise consumption within three-hundred feet of Por Vida Academy, a Charter High School located in Council District 3.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				x
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4	x					
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10	x					