

AN ORDINANCE 2011-03-03-0185

**AUTHORIZING A VARIANCE TO SELL ALCOHOLIC BEVERAGES  
WITHIN 300 FEET OF A CHURCH, SCHOOL, OR PUBLIC HOSPITAL  
AND WAIVING THE REQUIREMENTS OF SECTION 4-6 (C) OF THE  
CITY CODE.**

\* \* \* \* \*

**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**, 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**, 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**, Southtown, is a vibrant mixed-use urban area comprised of the King William, Lavaca, and Blue Star neighborhoods and the revitalizing commercial corridors of South Alamo, South St. Mary's, and South Presa Streets; and

**WHEREAS**, the public school Bonham Academy is located in Southtown within three-hundred (300) feet of businesses where the sale of alcohol is essential to the continued viability and economic well-being of the area, and such businesses contribute to Southtown's overall appeal as a historically mixed-use, pedestrian friendly urban community; **NOW THEREFORE**,

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

**SECTION 1.** In accordance with Section 109.33 of the Texas Alcoholic Beverage Code a variance to sell alcoholic beverages within 300 feet of a school is hereby granted to Hundred Hours, Inc. D/B/A Madhatters Tea House & Cafe at 320 Beauregard. This variance is granted with the condition that the authorization for the sale of alcoholic beverages shall not transfer to future proprietors or to different uses and that such authorization shall terminate in the event of nonoperation or non-use of the identified use for a period of twelve (12) or more successive calendar months.

**SECTION 2.** To the extent they are applicable, the requirements of Section 4-6 (c) of the City Code of the City of San Antonio are waived.

**SECTION 3.** The Director of Development Services is hereby directed to take all necessary action in order to insure compliance with the determination made herein.

**SECTION 4.** 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 3<sup>rd</sup> day of March, 2011.

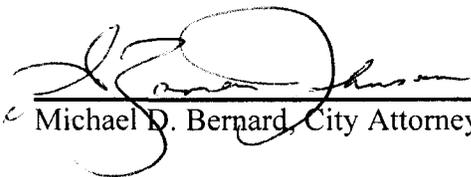


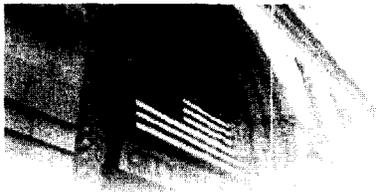
M A Y O R  
Julián Castro

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

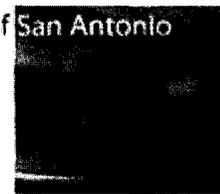
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Michael D. Bernard, City Attorney



Request for  
**COUNCIL**  
**ACTION**

City of San Antonio



## Agenda Voting Results - 35E

<b>Name:</b>	35A, 35B, 35C, 35D, 35E, 35F						
<b>Date:</b>	03/03/2011						
<b>Time:</b>	03:04:20 PM						
<b>Vote Type:</b>	Motion to Appr w Cond						
<b>Description:</b>	Hundred Hours, Inc. D/B/A Madhatters Tea House & Cafe at 320 Beaugard						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				x
John G. Clamp	District 10		x				