



Alcoholic Beverage Waiver  
Application

PUBLIC HEARING SCHEDULED  
FOR THURS 09/25/2025

DevelopmentATX.com | Phone: 311 (or 512 974 2000 outside Austin)  
For submittal and fee information, see [austintexas.gov/digitaldevelopment](http://austintexas.gov/digitaldevelopment)

For Office Use Only

Development Review Type: ALCOHOLIC BEVERAGE WAIVER  
Application Accepted By: BRYAN WALKER (512) 974-2686  
Case Manager: BRYAN WALKER // BRIAN BLOCK (SUPERVISOR)

Download application before entering information.

Section 1: Project Information

Project Name: HEB Food Store #825  
Project Street Address: ~~7208 McKinney Falls Parkway~~ 7016 E WILLIAM CANNON DR  
Zip: 78744

Provide either Legal Description or Subdivision Reference:

☐ Legal Description:

☒ Subdivision Reference

Name: Springfield Commercial North AMD LTS 1-6  
Block(s): S Lot(s): 5 Outlot: \_\_\_\_\_  
Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_  
Document Number: 2019205004 Case Number: \_\_\_\_\_  
Tax Parcel Number(s): Prop ID: 934869 Geo ID: 0332080105

Section 2: Ownership Information

Type of Ownership: ☐ Sole ☐ Community Property ☐ Trust ☒ Partnership  
☐ Corporation ☐ City of Austin Department

If ownership is other than sole or community property, list individuals, partners, principals, etc., below or attach a separate sheet.

### Section 3: Owner Information

Signature: [Signature] Name: H-E-B, LP  
 Firm: Gen Partner - HEBCO GP, LLC Phone: \_\_\_\_\_  
 Street Address: PO Box 839999  
 City: San Antonio State: TX Zip: 78283 Contact: \_\_\_\_\_

### Section 4: Agent/Principal Contact – if applicable

☐ Same as Owner ☐ Not Applicable

Signature: \_\_\_\_\_ Name: Marcus F Schwartz Jr.  
 Firm: BrackinSchwartz PLLC Phone: (512) 549-8904  
 Street Address: 511 W 7th St.  
 City: Austin State: TX Zip: 78701 Contact: marcus@txliquorlaw.com

### Section 5: Holder of Alcoholic Beverage License

☐ Same as Owner

Signature: Jennifer Heath Name: HEB Beverage Company, LLC  
 Firm: H-E-B Phone: \_\_\_\_\_  
 Street Address: 646 S. Flores  
 City: San Antonio State: TX Zip: 78204 Contact: heath.jennifer@heb.com

### Section 6: Submittal Verification

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

Please type or print Name below Signature, and indicate Firm represented, if applicable:

Signature: [Signature] Select Aug Select 11 Select 2025  
 Month Day Year

Marcus F. Schwartz Jr.  
 Name (Typed or Printed)

BrackinSchwartz PLLC  
 Firm



## Section 7: Inspection Authorization

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

Please type or print Name below Signature, and indicate Firm represented, if applicable:

Signature  Aug 11 2025  
Select Select Select  
Month Day Year

Marcus F. Schwartz Jr.

Name (Typed or Printed)

BrackinSchwartz PLLC

Firm

## Exhibit I: Site Plan Requirements

### A. COVER SHEET - Show the following:

- Date of submittal
- Project title, Project name and street address
- Property owner, address, telephone number
- Legal description of property by lot, block and subdivision name, or by metes and bounds, if recorded, indicate the book and page numbers
- Site location map that clearly indicates the precise location of the tract

### B. BASE INFORMATION

The following information shall be included on each plan sheet:

- North arrow
- Engineering scale shall be 1"=10', 1"=20', 1"=30', or 1"=40'; if the project is too large, 1"=50', with detail at 1"=20'
- Line showing the distance from the subject property to the affected church, public school, public hospital, and each day-care center or child-care facility

#### NOTE:

- Refer to 109.33 of the Texas Alcoholic Beverage Code for distance requirements and how to measure for churches, public schools, and public hospitals.
- Refer to 109.331 of the Texas Alcoholic Beverage Code for distance requirements and how to measure for day-care centers and child-care facilities.



City of Austin  
Austin City Council/Austin Development Services Department

***Re: Request by H-E-B, LP & H-E-B Beverage Company, LLC for alcoholic beverage waiver under Section 8-3-4 for future H-E-B location at 7208 McKinney Falls Parkway***

Dear Council Members:

H-E-B, LP and H-E-B Beverage Company, LLC (hereinafter cumulatively "H-E-B") hereby respectfully submit a request for an alcohol beverage distance waiver (hereinafter a "variance") pursuant to City Ordinance 4-9-5 from the City of Austin to allow for the sale of beer and wine at an H-E-B store (and contemplated H-E-B True Texas BBQ location directly adjacent) which will be located at ~~7208 McKinney Falls Parkway~~ 7016 E William Cannon Parkway, Austin, TX 78744 (the "Location"). This letter should accompany the variance application attached hereto and is meant to act as the variance statement for the request as well as authorization for an agent/principal contact of H-E-B related to this request.

**Authority for Agent/Principal Contact**

Please let it be known that Marcus F. Schwartz, Jr., of BrackinSchwartz PLLC, is hereby authorized by H-E-B to represent its interests in relation to this request and perform any and all actions necessary in relation to the same before the City of Austin.

**Statement of Variance Request**

H-E-B seeks to allow for the operation of a grocery store and restaurant at the Location. Note it is envisioned that the Location itself may seek two Texas Alcoholic Beverage Commission (hereinafter "TABC") permits. The first would be a wine-only package store permit to allow for the sale of wine and malt beverages for off-premise consumption from the traditional grocery store. It is also contemplated that a second TABC permit may be sought for a True Texas BBQ (an H-E-B barbeque location), a beer and malt beverage retailer's permit to allow for on-premises sales of beer and wine, which will be directly next door to the Store at the Location. This request is meant to entail both of these proposed businesses.

This request is sought because the Location is directly across the street Springfield Dr. from Hillcrest Elementary School, a Del Valley ISD school and will be within 300 feet of the school's property line. Yet, Del Valle ISD supports H-E-B's variance request herein. As noted by the attached May 28, 2025 letter from Matthew Gutierrez, Del Valley's Superintendent of Schools, "[w]e believe that granting a variance [to H-E-B] is in the best interest of the community and aligns with our shared goal of

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**H-E-B, LP**

646 South Flores Street· San Antonio, Texas 78204  
(210) 938-8000

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Austin Variance Statement of Request  
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enhancing the quality of life for our residents” and that such letter is written to “... express support for a variance [by H-E-B] to the City of Austin’s distance requirements for alcohol sales in proximity to public schools...”.

The Location is currently undergoing development but will be primarily utilized for a traditional H-E-B grocery store and is envisioned to be of approximately 106,000 square feet in size.

This variance request for beer and wine sales is meant to provide customers of this future H-E-B with products additional to the wide variety it will seek offer to its customers. H-E-B already sells beer and wine (and, in select restaurants, spirits) via over 400 TABC permits in Texas with over 30 TABC permits within the City of Austin alone. Thus, H-E-B is a very experienced operator of alcoholic beverages with a proven track record.

H-E-B trains employees to identify potential symptoms or signs of intoxication so that such sales can be avoided as well as to comply with all requirements of the Texas Alcoholic Beverage Code and the rules promulgated thereunder. Further, its stores utilize various technologies to ensure the legal sale of alcoholic beverages including check-out systems which require cashiers to enter a birth date when alcohol is sold to ensure customers are of legal age. H-E-B considers it a privilege to sell restricted products, such as beer and wine, and it will ensure that they are sold in a legal and responsible manner should this variance be granted.

As noted by Del Valle ISD in its support letter, there are minimal full-service grocery options within Del Valle ISD’s boundaries. The Location would benefit the ISD, the surrounding community, and the City of Austin by helping reduce food insecurity in the area, adding the availability of fresh groceries, and bring positive economic benefits to the community of the Location. H-E-B therefore believes that the criteria to allow a variance pursuant to City Ordinance 4-9-5 for the Location is met.

### **Should the Variance be Granted**

Should this variance request be granted, the introduction of beer and wine sales will not change the actual use of the premises. The Location will still primarily be a neighborhood grocery store. Alcohol sales will not substantially increase traffic congestion or create overcrowding in the establishment or in the immediately surrounding areas. H-E-B designs its stores to be customer friendly, and customers would still be able to select their desired products, whether this includes wine and beer or not, pay for these products, and quickly exit the Store and/or enjoy the same at possible adjoining BBQ location.

H-E-B strives to provide a safe and welcoming environment to its customers and its community. The Location will be run in a safe, sanitary, and welcoming manner for the citizens of Austin if the requested variance is granted. The Location will not produce



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excessive noise, dirt, litter or odors in the Store or the surrounding area. The introduction of beer and wine sales will not change how H-E-B will operate this location. As such, no disturbance to Hillcrest Elementary School, surrounding property owners, or the community at large should occur and compliance with all city ordinance and state laws will be followed.

\* \* \*

For these reasons, H-E-B respectfully requests approval of a variance for the Store.

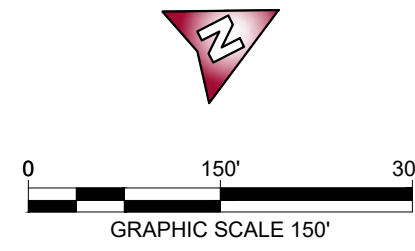
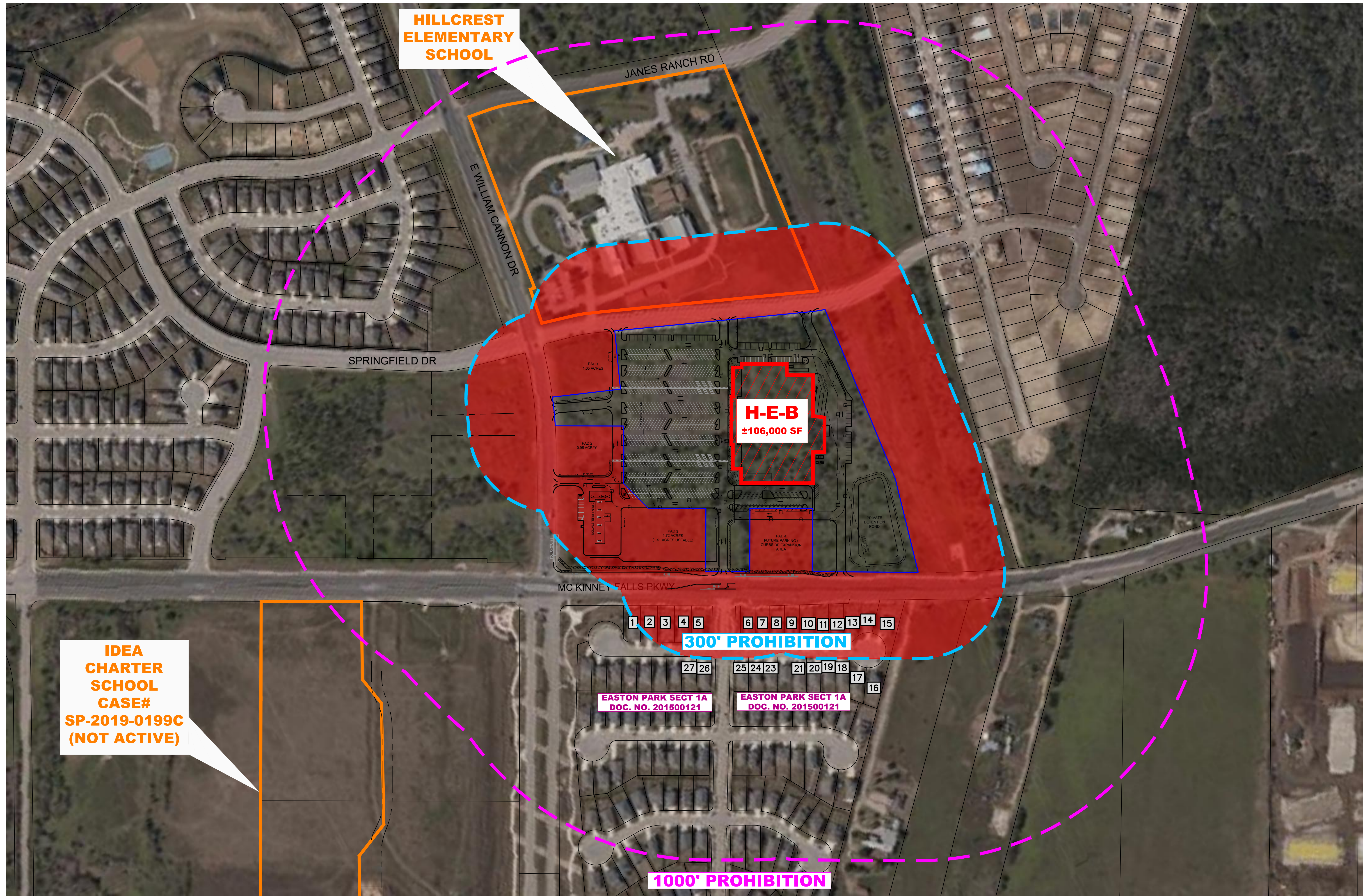
Sincerely,



Ben Scott

*BS* Group Vice President of Real Estate and  
Shopping Center Development





BASED ON OUR RESEARCH THERE ARE NO HOSPITALS OR CHURCHES LOCATED WITHIN THE PROTECTED DISTANCES. THE PUBLIC SCHOOL TO THE SOUTH OF THE SITE IS NOT LOCATED WITHIN THE 300 FOOT PROTECTED AREA.

THE PUBLIC SCHOOL LOT TO THE WEST OF THE SITE APPEARS TO BE WITHIN THE 300 FOOT PROTECTED DISTANCE (THE PART OF THE LOT WITHIN 300 FEET IS SHOWN IN RED). WE RECOMMEND EITHER SUBDIVIDING THE LOT OR REQUESTING SPECIAL PERMISSION FROM THE CITY OF AUSTIN.

ALL RESIDENTIAL PROPERTIES WITHIN 300 FEET FROM THE SUBJECT TRACT ARE LISTED IN **APPENDIX A**.

**IDEA  
CHARTER  
SCHOOL  
CASE#  
SP-2019-0199C  
(NOT ACTIVE)**

**HILLCREST  
ELEMENTARY  
SCHOOL**

**300' PROHIBITION**

**1000' PROHIBITION**

**EASTON PARK SECT 1A  
DOC. NO. 201500121**

**EASTON PARK SECT 1A  
DOC. NO. 201500121**



