

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2025-0288-AW

COUNCIL HEARING DATE: Sept 25, 2025

NAME AND LOCATION OF BUSINESS: H-E-B 7016 E WILLIAM CANNON DR (District 2)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF BUSINESS PROPOSING THE SALE OF ALCOHOLIC BEVERAGES: Hillcrest Elementary School at 6901 E William Cannon Dr

ZONING: GR-MU-CO

NEIGHBORHOOD PLAN: N/A

EXISTING USE: Vacant Land

PROPOSED USE: Commercial Food Sales / Restaurant (General)

APPLICANT: Marcus Schwartz, Jr., of BrackinSchwartz & Associates PLLC, agent for H-E-B LP.

REQUEST: The applicant requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because the business intends to sell alcoholic beverages at this location, which is within 300 feet of Hillcrest Elementary, a public school.

Subsections (A) and (B) of 4-9-5 allows the City Council to waive the 300-foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:

(A)

- (1) is not in the best interest of the public;
- (2) constitutes waste or the inefficient use of land or other resources;
- (3) creates an undue hardship on the applicant;
- (4) does not serve its intended purpose;
- (5) is not effective or necessary; or
- (6) for any other reason the council, 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.

(B) The council may consider the written consent to a waiver under this section from each church, public school, public hospital, day-care center or child-care facility within 300 feet from the applicant's proposed place of business filed by the applicant with the director of the Development Services Department to be a sufficient justification for a waiver.

ADDITIONAL INFORMATION: The applicant has provided a letter of support for the waiver request from the Superintendent of Del Valle Independent School District.

CASE MANAGER: Bryan Walker, Planner II, (512) 974-2686, bryan.walker@austintexas.gov. Brian Block, Nightlife and Entertainment Services Manager, (512) 974-7966, brian.block@austintexas.gov.

September 9, 2025

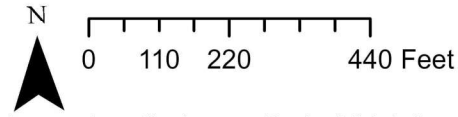


Place of Business seeking Alcoholic Beverage Waiver

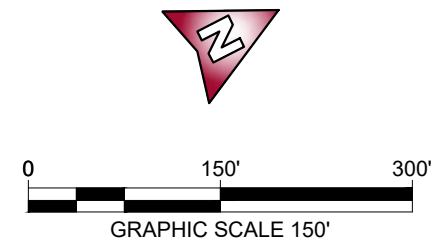
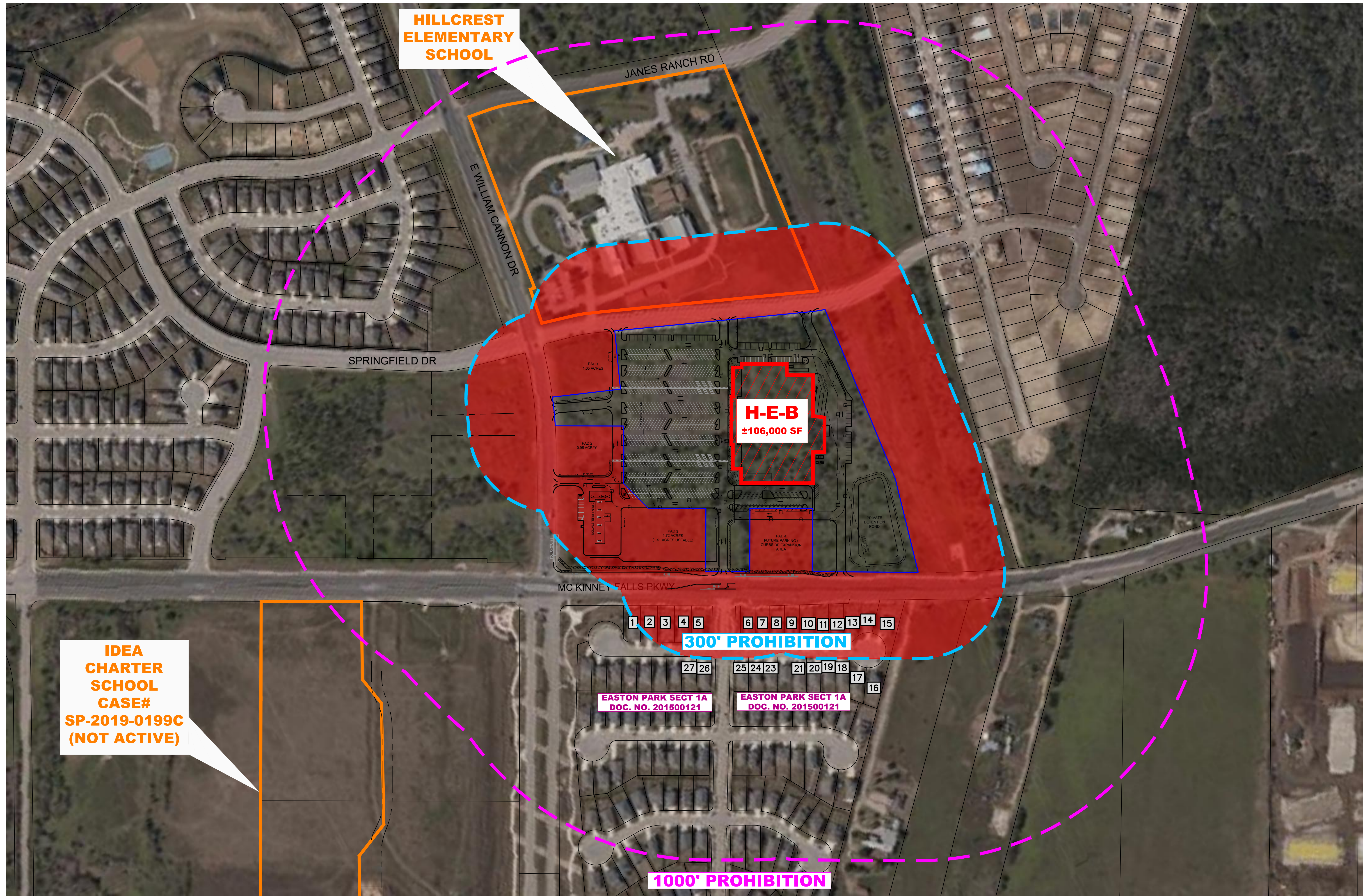
Project Name: H-E-B
Address: 7016 E WILLIAM CANNON DR
Case No: SPC-2025-0288AW

CITY OF AUSTIN
ARTS CULTURE MUSIC & ENTERTAINMENT DEPT

-  Travis County Appraisal District Parcels
-  Subject Site
-  Public School Property Line



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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**.