



# City of Austin

## Recommendation for Action

**File #:** 25-1921, **Agenda Item #:** 61.

9/25/2025

### **Posting Language**

Conduct a public hearing and consider a request by H-E-B, located at 7016 East William Cannon Drive, for a waiver of the distance requirement of City Code Section 4-9-4(A), which requires a minimum 300-foot separation distance between a business selling alcoholic beverages and a school. Funding: This item has no fiscal impact.

### **Lead Department**

Austin Arts, Culture, Music, and Entertainment.

### **Fiscal Note**

This item has not fiscal impact.

### **For More Information:**

Brian Block, Music Program Manager, Austin Arts, Culture, Music, and Entertainment, (512) 974-7966; Bryan Walker, Planner II, Austin Arts, Culture, Music, and Entertainment, (512) 974-2686.

### **Additional Backup Information:**

Pursuant to City Code Chapter 4-9, Section 5, the agent for H-E-B, Marcus Schwartz, Jr., of Brackin Schwartz & Associates PLLC, requests a waiver from the minimum separation distance requirement of 300 feet because the business is seeking to sell alcoholic beverages at its premises, which is within 300 feet of the Hillcrest Elementary School at 6901 E William Cannon Dr.

City Code Chapter 4-9, Section 5, states that:

- A) The City Council may waive the 300-foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:
  - 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 the public school 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.