



## Legislation Details (With Text)

<b>File #:</b>	22-1939	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	MISCELLANEOUS HEARINGS	<b>Status:</b>	Hearing Closed; Approved		
<b>File created:</b>	8/19/2022	<b>In control:</b>	Department of Planning and Urban Design		
<b>On agenda:</b>	9/14/2022	<b>Final action:</b>			
<b>Title:</b>	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a child-care facility, Annie's Place, as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code, for an alcoholic beverage manufacturing use [Celestial Brewing, LLC dba Celestial Beerworks] on the west side of Butler Street between Redfield Street and Harry Hines Boulevard - AV212-004 - Financing: No cost consideration to the City				
<b>Sponsors:</b>					
<b>Indexes:</b>	2				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Map, 2. Resolution, 3. Survey, 4. Application				

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Economic Development

**AGENDA DATE:** September 14, 2022

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Planning and Urban Design

**EXECUTIVE:** Majed Al-Ghafry

### SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a child-care facility, Annie's Place, as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code, for an alcoholic beverage manufacturing use [Celestial Brewing, LLC dba Celestial Beerworks] on the west side of Butler Street between Redfield Street and Harry Hines Boulevard - AV212-004 - Financing: No cost consideration to the City

### BACKGROUND

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the child-care facility to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

- (i) a brewer's permit, Chapter 12;
- (ii) a distiller's and rectifier's permit, Chapter 14;
- (iii) a winery permit, Chapter 16;
- (iv) a wine and beer retailer's permit, Chapter 25;
- (v) a wine and beer retailer's off-premise permit, Chapter 26;
- (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28; or
- (vii) a manufacturer's license, Chapter 62.

B. the application is for one of the following land uses:

- (i) general merchandise or food store use with 10,000 square feet or more of floor area
- (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
- (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
- (iv) alcoholic beverage manufacturing.

C. alcoholic beverages will not be sold by drive-in or drive-through service; and

D. enforcement of the spacing requirements in this particular instance:

- (i) is not in the best interest of the public;
- (ii) constitutes waste or inefficient use of land or other resources;
- (iii) creates an undue hardship on an applicant for an alcohol permit;
- (iv) does not serve its intended purpose;
- (v) is not effective or necessary; or
- (vi) for any other reason that the City 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.

An application for a waiver of the spacing requirements was submitted on July 29, 2022, by Celestial Brewing, LLC dba Celestial Beerworks. The child-care facility, Annie's Place, located to the south of the request site, creates the need for the variance.

The ±9,310 square feet request site is zoned IR Industrial Research. While the applicant is applying for a wine and beer retailer's permit he is also applying for a brewpub license in order to operate this facility primarily as a production brewery to manufacture and package beer with retail sales occurring off-premise. The sale of the products manufactured at this facility will be distributed to off-premise retailers; restaurants, bars, grocery stores, and Celestial Beerworks taproom located at 2530 Butler Street.

While the required spacing from a child-care facility is measured property line to property line and the door-to-door walking distance is 139 feet, this facility will be for manufacture, production, and packaging only. Therefore, with retail sales occurring off-premise, staff has no objection to this request.

This item requires two seconds to pass

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 9, 2009, City Council approved an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code, establishing authority and procedures for City Council to grant an application for a variance to the spacing requirements for an alcohol business from a public or private school pursuant to Texas Alcoholic Beverage Code Section 109.33(e), by Resolution No. 09-2831 and Ordinance No 27747.

On October 26, 2011, September 26, 2012, and January 22, 2014, City Council authorized an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code to amend the standards for approval of applications for variances from the spacing requirements for alcohol permits by Ordinance Nos. 28444, 28799, and 29261.

#### **FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached