

Mayor and Council Communication

DATE: 03/31/26

M&C FILE NUMBER: M&C 26-0205

LOG NAME: 06AA26-00013 3501 DECATUR AVE

SUBJECT

(CD 2) Conduct Public Hearing to Consider Variance from Section 4-4 of the City Code to Allow Sales of Alcoholic Beverages for Off-Premise Consumption within 300 Feet of a Church at Mica's Carniceria Tortilleria Located at 3501 and 3509 Decatur Avenue

(PUBLIC HEARING - a. Staff Available for Questions: Donnicha London; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council consider a request from All Tex Permits LLC, Gena Cannon, applicant representing Juana Chavez, lessee of Mica's Carniceria Tortilleria, located at 3501 and 3509 Decatur Avenue for a variance from Section 4-4 of the City Code prohibiting the sale of alcoholic beverages within 300 feet of the Iglesia Casa De Restauracion Levantando Al Caído, a church located at 3460 Decatur Avenue.

DISCUSSION:

On September 23, 2025, the applicant applied for an Alcohol Distance Check to sell alcoholic beverages for off-premise consumption at a grocery store/meat market at Mica's Carniceria Tortilleria at 3501 and 3509 Decatur Avenue. The City conducted an alcoholic distance check on September 26, 2026 and determined that a church is located within 300 feet of the store.

Section 4-4(a) of the City's Alcoholic Beverages Code, Chapter 4 of the City Code, provides that it is unlawful to sell alcoholic beverages at a place of business that is located within 300 feet of any church, public school, or public hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and a church shall be from the property line of the street fronts and from front door to front door, and in direct line across intersections.

Section 4-4(f) (1) provides that the City Council may grant a variance to the 300-foot regulation if it determines that the enforcement of the regulation in a particular instance is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or that a previous permit was issued for the premises in error and enforcement of the regulation would be inequitable, or for any other reason the City Council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community.

All Tex Permits LLC, Gena Cannon, applicant representing Juana Chavez, lessee of Mica's Carniceria Tortilleria requests that the City Council grant a variance from the 300-foot distance regulation. The grocery store/meat market is located 220 feet from Iglesia Casa De Restauracion Levantando Al Caído church located at 3460 Decatur Avenue, as depicted on the attached map.

This Mayor and Council Communication (M&C) requires a public hearing to get input from the applicant and surrounding property owners. Notice of the public hearing was sent to owners of property within 300 feet of 3501 and 3509 Decatur Avenue and to registered neighborhood organizations within 1/2 mile of the location as required by Section 4-4(f) of the City Code.

This property is located in COUNCIL DISTRICT 2.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

Submitted for City Manager's Office by: Jessica McEachern 5804

Originating Business Unit Head: D.J. Harrell 8032

Additional Information Contact: Stephanie Scott-Sims 2412

