



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** August 10, 2026

SUBJECT: Ordinance No. 3971, Consideration of a request from George Gomiashvili for a variance to the distance requirements for the sale of alcohol for on-premise consumption at 6305 Precinct Line Road, being 1.232 acres described as Lot 1R, Block 2, Thompson Park Estates.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

Citizens NRH Joint Venture is the owner of a 1.232 acre commercial property located at the southwest corner of Precinct Line Road and Mid-Cities Boulevard. An existing tenant in the building, Burattino Brick Oven Pizza, is seeking approval of a variance to [Section 6-31 \(Alcoholic Beverages Establishments\)](#) of the Code of Ordinances regarding the distance requirements from schools, churches, and hospitals for the sale of alcohol for on-premise consumption.

GENERAL DESCRIPTION:

The subject property is a multitenant retail building located at southwest corner of Precinct Line Road and Mid-Cities Boulevard. The site is immediately east of the parking lot for Birdville High School and northeast of the BISD Fine Arts and Athletics Complex.

Burattino Brick Oven Pizza is a restaurant tenant in the building and located in suite 303. The owner applied with the Texas Alcoholic Beverage Commission for a Wine and Malt Beverage Retailer's Permit (BG) to authorize the sale of wine and beer at the restaurant. However, the application cannot be certified by the City since the property is located within 300 feet of a public school. The site and Birdville High School share a common property line.

Section 6-31 of the Code of Ordinances prohibits the sale of alcoholic beverages within 300 feet of any church, public or private school, or public hospital. The distance between businesses and public schools is measured from property line to property line. While the school building is located over 900 feet from the restaurant building, the properties are located within 300 feet of each other and the restaurant building is adjacent to the school parking lot.

The restaurant owner is requesting a variance to the distance standard, and a letter is attached detailing the reasoning for the request. As authorized by Section 6-31 of the NRH Code of Ordinances and Section 109.33(e) of the Texas Alcoholic Beverage Code, City Council may allow variances to the regulations if it is determined that enforcement of the regulation in a particular instance is not in best interest of the public, constitutes waste



or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason, after consideration of the health, safety, and welfare of the public and the equities of the situation, City Council determines is in the best interest of the community.

Pursuant to Section 6-31(c) of the NRH Code of Ordinances, notice of the application was provided to officials of Birdville ISD prior to official filing with the City. A copy of the notice is attached. In September 2020, similar variances were approved for the Berry Creek Village development located on the north side of Mid-Cities Boulevard across from Birdville High School.

The attached ordinance for consideration includes the following conditions associated with the variance to the alcohol distance requirements.

1. The property is authorized to be permitted for the sale of alcoholic beverages within three hundred (300) of a public school for on-premise consumption and off-premise consumption in sealed containers sold with food orders. The sale of alcohol for other off-premise consumption, such as convenience stores, beer and wine stores, or similar businesses, is not authorized.
2. The variance to the alcohol distance requirements is valid only for a Wine and Malt Beverage Retailer's Permit (BG) permit type issued by the Texas Alcoholic Beverage Commission.
3. The variance to the alcohol distance standards specifically excludes the Mixed Beverage Permit (MB) and Mixed Beverage Late Hours Permit (LB) permit types issued by the Texas Alcoholic Beverage Commission.
4. The variance to the alcohol distance requirements is valid for subsequent renewals of alcohol permits on the property.
5. The variance to the alcohol distance requirements is not transferable to another location or otherwise transferable to another entity that will have ownership interest in the property without prior approval of City Council, which such approval may be withheld in the City's sole discretion.

RECOMMENDATION:

Consider Ordinance 3971.