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**To:** Mayor and Town Council

**From:** Matt Cox, Director of Community Development

**CC:** Wade Carroll, Town Manager  
Anita Otterson, Town Secretary

**Re:** Case SUP-23-001  
Town Council Meeting, February 14, 2023

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**Agenda Item:**

**Case SUP-23-001 (Rosati's Restaurant Alcohol)**

- a. Conduct a Public Hearing regarding a request made by Rosati's Restaurant for a Specific Use Permit for alcoholic beverage sales for on-premises consumption in conjunction with a restaurant use, generally located southeast of Trophy Club Drive and approximately 300 feet north of SH 114.
- b. Consider and take appropriate action regarding a request made by Rosati's Restaurant for a Specific Use Permit for alcoholic beverage sales for on-premises consumption in conjunction with a restaurant use, generally located southeast of Trophy Club Drive and approximately 300 feet north of SH 114.

**Strategic Link:**

Infrastructure & Development – Foster a business-friendly environment.

**Background and Explanation:**

Rosati's Restaurant is requesting approval of a Specific Use Permit (SUP) for alcoholic beverage sales for on-premises consumption in conjunction with a restaurant use according to Section 14.02.252 of the Town's Code of Ordinances. The property's zoning of Planned Development No. 30 (PD-30) does not restrict the sales of alcoholic beverages beyond the regulations of Town Code and State Law.

As shown in Exhibit C, ACRIK, Inc is applying to the Texas Alcoholic Beverage Commission (TABC) to obtain a Mixed Beverage Restaurant Permit (RM) and a Mixed Beverage Late Hours Permit (LB) which will allow for the sale and consumption of wine, beer, and liquor on the premises and during late hours (12 midnight – 2 AM). Town Code does not restrict hours of operation beyond TABC's regulations.

Section 14.02.252(b) of the Code of Ordinances states that no alcoholic beverages may be sold within 300 feet of a church, public school or private school, or public hospital. Subsection (g)

describes the methods of measurement as front door to front door and along street front property lines when measuring to churches and public hospitals, and in a direct line from nearest property line to property line when measuring to public schools and private schools. Rosati's Restaurant complies with Town and State requirements, as the closest church (Fellowship United Methodist Church) is approximately 1,205 feet away, the closest public school (Lakeview Elementary School) is approximately 1.25 miles away, the closest private school (Primrose School of Westlake at Entrada) is approximately 3,400 feet away, and the closest public hospital (Methodist Southlake Hospital) is approximately 4.25 miles away. The nearby Baylor Scott & White Medical Center – Trophy Club is a private hospital so there are no separation requirements.

Parking needs have been addressed by the required on-site parking spaces.

The Chief of Police has reviewed this application, as required by Code, and does not have any objections.

Public notice was published in the newspaper and sent to those who own property within 200 feet of the subject property, as required by State law. To date, one adjacent property owner has contacted staff and extended his support for the request.

**Financial Considerations:**

Not applicable.

**Legal Review:**

The Town Attorney has reviewed this item and concurs with the Staff recommendation.

**Planning & Zoning Commission Recommendation:**

The P&Z Commission considered this item on January 5, 2023. P&Z and unanimously recommended approval.

**Staff Recommendation:**

Staff recommends approval of the Specific Use Permit.

**Attachments:**

- Exhibit A – Location Map
- Exhibit B – TABC Application
- Exhibit C – TABC License and Permit Descriptions
- Exhibit D – Ordinance 2023-02