



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2020-675 **Name:**

**Type:** Resolution **Status:** Withdrawn

**File created:** 12/2/2020 **In control:** Metropolitan Council

**On agenda:** 12/15/2020 **Final action:** 12/15/2020

**Title:** A resolution exempting Publix #1732 located at 1111 Gallatin Avenue from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

**Sponsors:** Brett Withers

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/15/2020	1	Metropolitan Council	withdrawn	
12/15/2020	1	Public Safety, Beer, and Regulated Beverages Committee	approved	
12/8/2020	1	Metropolitan Council	filed	

A resolution exempting Publix #1732 located at 1111 Gallatin Avenue, from the minimum distance requirements for obtaining a beer permit pursuant to Section 7.08.090.E of the Metropolitan Code.

WHEREAS, Section 7.08.090.E of the Metropolitan Code provides that any restaurant or retail food store as defined therein shall be exempt from the minimum distance requirements set forth in subsection 7.08.090.A upon the adoption of a resolution, after a public hearing, by the Metropolitan Council receiving twenty-one (21) affirmative votes approving the exemption of the restaurant or retail food store from said minimum distance requirements; and

WHEREAS, Mr. Will Cheek has filed an application with the Metropolitan Beer Board for an on-sale beer permit for Publix #1732 located 1111 Gallatin Avenue, and has requested a waiver of the minimum distance requirements pursuant to Section 7.08.090.E of the Metropolitan Code; and

WHEREAS, in accordance with Section 7.08.090.E of the Metropolitan Code, a public hearing was held at the December 15, 2020 meeting of the Metropolitan Council regarding the exemption of Publix #1732 from the minimum distance requirements to obtain a beer permit.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Pursuant to Section 7.08.090.E of the Metropolitan Code, the Metropolitan Council hereby approves the exemption of Publix #1732, located at 1111 Gallatin Avenue from the minimum distance requirements for obtaining a beer permit.

Section 2. The Metropolitan Clerk is directed to send a copy of this Resolution to the Executive Director of the Metropolitan Beer Board.

Section 3. This Resolution shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This resolution approves an exemption from the minimum distance requirements for obtaining a beer permit for Publix #1732, located at 1111 Gallatin Avenue.

The Metro Code of Laws (MCL) prevents a beer permit from being issued to any establishment located within 100 feet of a religious institution, school, park, daycare, or one- or two-family residence. However, several exceptions exist to the distance requirements. For example, facilities within the USD separated from these protected establishments by state or federal four-lane highways are exempt, as are retailer on-sale beer permit holders in MUL districts and events catered by holders of caterers' permits. (See, Code section 7.08.090(A)).

Additionally, the Code provides a mechanism to exempt (a) restaurants or (b) any retail food store from Metro's minimum distance requirements, allowing such facilities to obtain beer permits upon the adoption of a resolution by the Council. (See, Code section 7.08.090(E)). Restaurants are no longer required to have state on-premises liquor consumption licenses in order to obtain such exemption.

A public hearing must be held by the Council prior to voting on resolutions brought under Section 7.08.090(E).

The sponsor intends to withdraw this resolution, as the Metro Beer Board has determined that the building distance measurements are greater than 100 feet from a religious institution, school, park, daycare, or one- or two-family residence and the location is therefore not subject to the applicable Metro Code provision.