

## WALMART PACKAGE STORE – VAR-2026-01

### DISTANCE VARIANCE / WAIVER JUSTIFICATION

City of Westlake, Florida  
Chapter 4 – Alcoholic Beverages

#### I. REQUEST

Pursuant to Chapter 4 Alcoholic Beverages, Section 4.10 (City Council Distance Exception) of the City of Westlake Code of Ordinances, the Applicant respectfully requests approval of a variance/waiver to the 1,000-foot distance requirements to allow operation of a package store (off-premises consumption only) at the north end of the Walmart building within the Downtown Mixed-Use zoning district.

#### II. APPLICABLE CODE PROVISIONS

Section 4.8 establishes a 1,000-foot separation between licensed retail alcoholic beverage vendors, measured as the airline distance from the center of the main entrance of the proposed business to the center of the main entrance of the existing licensed business.

Section 4.10 authorizes the City Council to grant a variance/waiver to the distance requirements, provided the following findings are made:

- The 1,000-foot distance from an established public or private elementary, middle, or secondary school is not violated.
- Granting the modification will not materially impair the safety, health, morals, or general welfare of the citizens of the city, as follows:

**Sec. 4-10. - City council distance exception.**

*The city council, and it alone, may upon written application for a miscellaneous petition by the vendors of alcoholic beverages, including malt and wine beverages, as defined in this chapter, by resolution, granting a variance to the distance requirements of the application shall be accompanied by appropriate survey material, maps, and site plan.*

- (1) *No variance to the distance requirements shall be made until after a public hearing there on is held, and a notice of the public hearing shall be published in a newspaper of general circulation in the city on a date no less than fifteen (15) days prior to the date set for the hearing.*
- (2) *Further, no variance to the distance requirements shall be granted unless the city council finds the following requirements are met:*
  - a. *The established distance requirement of one thousand (1,000) feet from an established public or private elementary school, middle school, or secondary school is not violated.*  
*The distance shall be the airline measurement taken from the center of the main*

*entrance of the school grounds.*

***The 1,000-foot distance from an established public or private elementary, middle, or secondary school is not violated.***

- b. *In the opinion of the city council, the granting of the modification will not materially impair the safety, health, morals, or general welfare of the citizens of the city which this chapter is intended to promote.*

***Granting the modification will not materially impair the safety, health, morals, or general welfare of the citizens of the City.***

### III. DISTANCE CONDITIONS

As depicted on the attached distance exhibit:

- The airline distance from the proposed Walmart package store entrance to the Xcel Padel entrance is approximately 812 feet.
- The pedestrian route measurement totals approximately 1,387 feet.
- The distance from the Walmart package store entrance to the Publix package store within the Publix at Westlake Shopping Center exceeds 1,000 feet.
- There are no schools or places of worship within 1,000 feet of the proposed location.

### IV. NATURE OF THE PROPOSED USE

The proposed Walmart package store is approximately 4,816 square feet in size and is located at the north end of the Walmart building. The package store operates as a separate retail space with an independent exterior entrance. Alcohol sales are strictly for off-premises consumption. No on-site consumption, bar service, or entertainment is permitted.

### V. COMPATIBILITY AND PUBLIC WELFARE

The subject property is located within the Downtown Mixed-Use zoning district, a planned commercial area. Surrounding uses include large-format retail, grocery, warehouse, and undeveloped commercial property.

The proposed use is consistent with commercial retail activity and does not introduce on-premises consumption or entertainment components that would elevate intensity or impact.

### VI. CONCLUSION

The proposed package store meets the criteria of Section 4.10 for approval of a distance variance. The school separation requirement is satisfied, and the granting of this request will not materially impair the safety, health, morals, or general welfare of the City. The request is consistent with the intent of Chapter 19 and appropriate within this commercial

corridor.

## DISTANCE EXHIBIT

