STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SP-07-0037AW

NAME AND LOCATION OF Business: Hong Duc Supermarket, 11220 N. Lamar Blvd.

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: McBee Elementary School, 1001 W. Braker Lane

ZONING: CS NEIGHBORHOOD PLAN: N/A

APPLICANT: Minh Duc Lu

REQUEST: The owner of Hong Duc Supermarket, Minh Duc Lu, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because he intends to sell alcoholic beverages at his business which is located 234' from a public school, McBee Elementary, at 1001 West Braker Lane.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if they determine that the enforcement of the distance requirement in a particular instance:

*(1) is not in the best interest of the public;*
*(2) constitutes waste or the inefficient use of land or other resources;*
*(3) creates an undue hardship on the applicant;*
*(4) does not serve its intended purpose;*
*(5) is not effective or necessary; or*
*(6) for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.*

Written objections to the granting of the waiver have been received from Curtis E. Shaw, Director of Construction Management and McBee Elementary School.

Staff recommends denial of the waiver request.