

## AGENDA



Thursday, April 5, 2007

**Public Hearings and Possible Actions  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 53**

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**Subject:** Conduct a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) requiring 300 feet between a business that proposes to sell alcoholic beverages at 11220 North Lamar Blvd. ("Hong Duc Supermarket") and a public school, McBee Elementary School, at 1001 West Braker Lane.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**For More Information:** Steve Wilkinson, 974-2657; Erica Eichert, 974-2720

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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 supermarket which is located 234 feet from a public school, McBee Elementary, at 1001 West Braker Lane.

Section 4-9-5(A) 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.