

# Hong Duc Supermarket

Alcoholic Beverage Waiver  
Request

# Applicant Request

The owner of Hong Duc Supermarket, located at 11220 N. Lamar Blvd., requests a waiver from Section 4-9-5 (A) of the Austin City Code for the sale of alcohol within 300 feet of a public school.

# Evaluation Criteria

**Section 4-9-5(A):** City Council may consider the waiver of the 300 foot distance requirement if it is determined that the enforcement in a particular instance:

- Is not in the best interest of the public
- Constitutes waste or inefficient use of land or other resources
- Creates undue hardship on the applicant
- Does not serve its intended purpose
- Is not effective or necessary
- After consideration to the health, safety, and welfare of the public and the equities of the situation, council, for any other reason, determines the waiver to be in the best interest of the community

## Evaluation Criteria (cont'd)

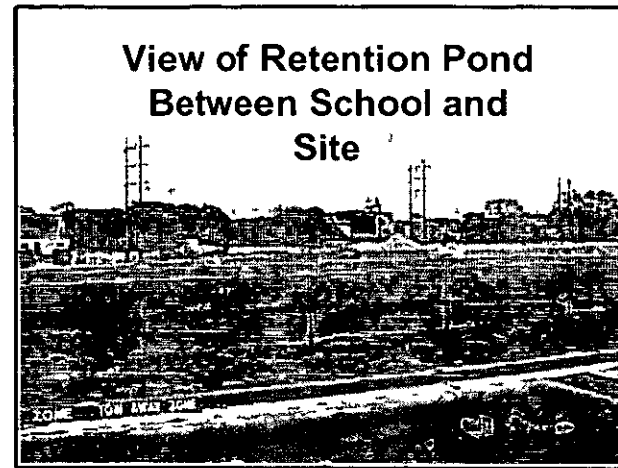
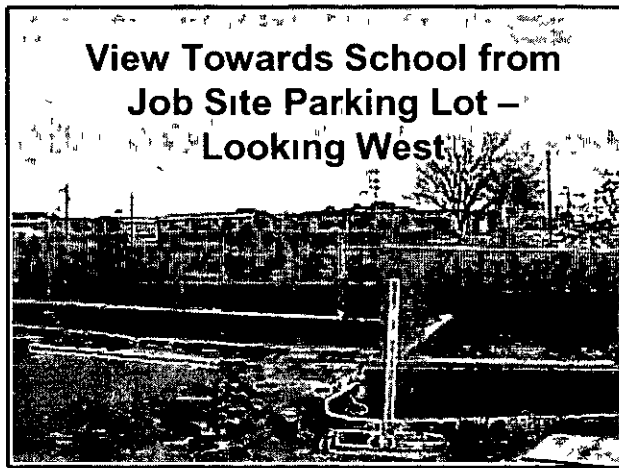
- **Section 4-9-5(B)**
  - Council may consider the written consent to a waiver under this section from each church, public school, public hospital, day-care center, or child-care facility within 300 feet from the applicant's proposed place of business

# GIS Mapping Location

- Hong Duc Supermarket Property Line Represented on Map Outlined in Yellow, Construction Area as "A" (In Red)
- Site Currently Under Construction
- School is Located to the Left of Site (West)



# Pictures



## Basis for Staff Recommendation

Based upon Subsection A and B of the Code and letters of opposition received from the school district objecting to the waiver request, staff recommends denial of the waiver.

# State Process

- The Texas Alcoholic Beverage Commission (TABC) measures distances between entities (i.e. School and Business) from property line to property line
- The State requires written notification be sent to schools within 1000' of the proposed business
- If the school presents no objection & COA approves the waiver, the state will issue the permit
- If there is objection, the case is sent for an administrative hearing
- The objection of AISD will trigger a state hearing, and it is the recommendation of staff that the city uphold the objection of the school district