

AGENDA



Thursday, June 7, 2007

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 99**

Subject: Conduct a public hearing and consider a request for a waiver from the minimum distance requirement of City Code Section 4-9-4(A), which requires 300 feet between a business that proposes to sell alcoholic beverages at 800 Brazos Street ("Brazos Place") and a church, Central Presbyterian, at 200 E. 8th Street.

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

For More Information: Julie Lipton, 974-2693; Darren Cain, 974-9113

The owner of Brazos Place, Pomeroy Investment Corporation, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at 800 Brazos Street, which is located 265 feet from a church, Central Presbyterian, at 200 E. 8th Street.

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 agreement in favor of granting this waiver, provided that any business(es) at this location obtain a Food and Beverage permit in addition to any alcohol permit, has been received from the Central Presbyterian Church located at 200 E. 8th Street.

A Staff Report recommending approval of the waiver is attached as backup.