STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SP-07-0291AW

NAME AND LOCATION OF BUSINESS: Brazos Place, 800 Brazos Street

NAME AND LOCATION OF CHURCH WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Central Presbyterian Church, 200 E. 8th Street

ZONING: CBD NEIGHBORHOOD PLAN: N/A

APPLICANT: Pomeroy Investment Corporation

REQUEST: The owner of 800 Brazos, 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 he intends to sell alcoholic beverages at his business which is located 265 from a church, Central Presbyterian, at 200 E. 8th Street.

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 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 have been received from the Central Presbyterian Church located at 200 E. 8th Street.

Staff recommends approval of this waiver contingent on the stipulations provided above by Central Presbyterian Church.