

Item # 123 PH

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Re Agenda Item #123 for November 8, 2007 (5001 Airport Boulevard, Permit 2007-152687)

Dear Council Members

I am writing to urge you to follow the city staff recommendation to **deny** the waiver application to allow a beer and wine permit to be granted to the business located at 5001 Airport Boulevard, which is within the Ridgetop neighborhood

As staff has informed you, 5001 Airport Boulevard is within 300 feet of Ridgetop Elementary, and is thus prevented by the Texas Alcoholic Beverage Code from selling alcoholic beverages unless a waiver is granted by the local jurisdiction. I urge you to deny the waiver, I believe that the Austin Independent School District has also voiced its opposition

Aside from being a resident of Ridgetop, I am also a former prosecutor for the Texas Alcoholic Beverage Commission. I can tell you emphatically that the particular statute that allows for waivers of the 300 foot restriction was enacted to deal with only the most extraordinary circumstances. There is nothing extraordinary about this waiver request.

Additionally, this stretch of Airport Boulevard (from I-35 to FM 2222) has a long history of alcohol-related problems with the four convenience stores that already have off-premise beer and wine permits. Adding one more will only make matters worse. The neighborhood does not need another drunk magnet, especially one so close to an elementary school and a dangerously congested intersection.

I ask you again to follow staff's recommendation and deny this waiver application.

Sincerely,

Christopher Burnett

cc: Darren Cain