

## AGENDA



Thursday, February 28, 2008

**Public Hearings and Possible Actions  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 117**

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**Subject:** Conduct a public hearing and consider a resolution regarding a request by Scott Talkington, the owner of property located at 5111 Airport Boulevard, for a waiver from the distance requirement of City Code, Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

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

**For More Information:** Darren Cain, 974-9113; Jessica King, 974-2728

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The owner of House Pizzeria, Scott Talkington, 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 restaurant which is located 293 feet from a public school, Ridgetop Elementary, at 5005 Caswell Ave.

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.

Section 4-9-5(B) provides that the City Council may consider a written consent to the waiver of the 300 foot distance requirement provided by each church, public school, public hospital, day-care center or child-care facility within 300 feet of the proposed place of business to be sufficient justification for the waiver. Joaquin Gloria III, Principal of Ridgetop Elementary, has provided a letter indicating she is in support of the waiver request.