

RESOLUTION NO.

WHEREAS, Doug Marcella, on behalf of MARTEX-BBQ, owner of Taqueria Guadalajara, has filed an application for a waiver of Section 4-9-4(A) of the City Code which prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital; and

WHEREAS, Taqueria Guadalajara, located at 9207 North Lamar Boulevard, Austin, Texas, is within 300 feet of Barrington Elementary School, located at 400 Cooper Drive; and

WHEREAS, notice of the application and hearing for the waiver was provided in accordance with Section 4-9-5 of the City Code; and

WHEREAS, a public hearing concerning this proposed waiver was held by the City Council on February 26, 2009, in accordance with the provisions of Section 25-1-132 of the City Code; and

WHEREAS, written objections to the granting of the waiver have been received from Joe Silver, Assistant Director of Planning, Austin Independent School District; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, has determined that the waiver request is in the best interest of the community; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Taqueria Guadalajara is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 9207 North Lamar Boulevard, Austin, Texas; and the waiver shall expire on the sale or transfer of the business to any other individual or entity, whether by lease or any other arrangement, on cessation of the business, or on revocation of the alcoholic beverage permits granted to Taqueria Guadalajara for this site.

ADOPTED: _____, 2009 **ATTEST:** _____
Shirley A. Gentry
City Clerk