

## AGENDA



Thursday, July 23, 2009

**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION****Item No. 106**

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**Subject:** Set a public hearing to consider a request by David Allison, owner of the property located at 12223 RR 620 N, Suite 105, 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 church. (Suggested date and time: August 6, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.)

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

**For More Information:** Darren Cain, 974-9113; John McDonald, 974-2728

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The owner of VIVO Restaurant, David Allison, 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 above North Hills Community Church, 12223 RR 620 North, Suite 301.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if it determines 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.

A written confirmation was received from Thayne Coffman, Administrative Team Leader, North Hills Community Church, stating this Alcoholic Beverage Waiver Request will not be opposed (see attached document).