STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2011-0259AW

NAME AND LOCATION OF Business: The Market on Collier; 1700 South Lamar Blvd., Suite 230

NAME AND LOCATION OF CHURCH WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Siddha Yoga Meditation Center; 1700 South Lamar Blvd., Suite 203

ZONING: CS-V NEIGHBORHOOD PLAN: N/A

APPLICANT: Sergio Lozano, Agent for LOC Consultants representing Owner Collier Properties LLC (Scott Trainer)

REQUEST: The agent representing the owners of The Market on Collier, Sergio Lozano, of LOC Consultants, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at this location which is next to a church, located at 1700 South Lamar Blvd, Suite 203.

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.

No written support or letter of opposition has been received from Siddha Yoga meditation center as of this posting.

Staff recommends approval of waiver contingent upon any conditions set by neighboring church.