

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	14521	Agenda Number	138.
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Meeting Date:	4/26/2012	Department:	Planning and Development Review
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## Subject

Conduct a public hearing and consider a resolution regarding a request by The Market on Collier, located at 1700 South Lamar Blvd., Suite 230 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 (Siddha Yoga Meditation Center).

## Amount and Source of Funding

## Fiscal Note

Purchasing Language:

Prior Council Action: December 8, 2011: Considered by Council, but, due to an oversight by City staff, notice of this waiver request had not been distributed as set out in City Code Section 4-9-6.

For More Information: Susan Walker; 512-974-2202

Boards and Commission Action:

MBE / WBE:

Related Items:

## Additional Backup Information

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 (Siddha Yoga Meditation Center) located at 1700 South Lamar Blvd, Suite 203.

Section 4-9-5(A) 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.

This item was previously considered by Council on December 8, 2011, but, due to an oversight by City staff, notice of this waiver request was not distributed at that time as set out in City Code Section 4-9-6. Proper notice has since been distributed in anticipation of this public hearing and consideration by Council.