

A G E N D A



Recommendation for Council Action

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| Austin City Council | Item ID | 16280 | Agenda Number | 113. |
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| Meeting Date: | 8/2/2012 | Department: | Planning and Development Review |
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Subject

Conduct a public hearing and consider a resolution regarding a request by Speedy Shop Food Store # 407, located at 1320 E Oltorf St., for a waiver from the distance requirement of City Code Section 4-9-4 which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

Amount and Source of Funding

Fiscal Note

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| Purchasing Language: | |
| Prior Council Action: | April 26, 2012: Council set a public hearing for May 24, 2012. |
| For More Information: | Susan Walker, 974-2202. |
| Boards and Commission Action: | |
| MBE / WBE: | |
| Related Items: | |

Additional Backup Information

The agent representing the owners of Speedy Shop Food Stores # 407, Richard Suttle, of Armbrust and Brown, PLLC, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4 of the Austin City Code because they intend to sell alcoholic beverages at this location which is across the street from a public school, Travis High School.

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.

No written support or letter of opposition has been received from Austin Independent School District as of this posting.