

## STAFF REPORT

### ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2012-0068AW

NAME AND LOCATION OF Business: Speedy Stop Food Store #407, 1320 E Oltorf ST

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Travis High School; 1211 E Oltorf ST

ZONING: LR-NP

NEIGHBORHOOD PLAN: N/A

APPLICANT: Richard Suttle, Agent for Armbrust and Brown representing owner Speedy Stop Food Stores LLC (Carlton LaBeff)

REQUEST: The agent representing the owners of Speedy Stop Food Stores #407, Richard Suttle, of Ambrust and Brown, PLLC, 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 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 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 letter of opposition has been received from Beth Wilson, Assistant Director of Planning, Austin Independent School District. Additionally, a letter of opposition was received from a neighboring church which did not meet the 300 foot door-to-door requirement.

Staff recommends denial of waiver based on letter of opposition from Austin Independent School District