

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	19828	Agenda Number	75.
Meeting Date:	12/6/2012	Department:	Planning and Development Review	
Subject				
Set a public hearing to consider a resolution granting a waiver to Wheatsville Food Co-op, located at 4001 South Lamar Blvd., 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 public school. (Suggested date and time: December 13, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).				
Amount and Source of Funding				
Fiscal Note				
Purchasing Language:				
Prior Council Action:				
For More Information:	Susan Walker; 512-974-2202.			
Boards and Commission Action:				
MBE / WBE:				
Related Items:				
Additional Backup Information				
<p>The owner of Wheatsville Food Co-op, 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 school, Ann Richards School located at 2206 Prather Lane.</p> <p>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:</p> <ol style="list-style-type: none"> <li>(1) is not in the best interest of the public;</li> <li>(2) constitutes waste or the inefficient use of land or other resources;</li> <li>(3) creates an undue hardship on the applicant;</li> <li>(4) does not serve its intended purpose;</li> <li>(5) is not effective or necessary; or</li> <li>(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.</li> </ol>				