

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2012-0334AW

NAME AND LOCATION OF BUSINESS: Wheatsville Food Co-Op, 4001 S Lamar Blvd

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Ann Richards School for Young Women Leaders, 2206 Prather Ln

ZONING: CS-V

NEIGHBORHOOD PLAN: N/A

EXISTING USE: Financial Services

PROPOSED USE: Food Sales

APPLICANT: Wheatsville Food Co-Op (Dan Gillotte)

REQUEST: The applicant 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, The Ann Richards School for Young Women Leaders. The property line to property line distance is 99.68 feet.

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.

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