

RESOLUTION NO.

WHEREAS, Wheatsville Food Co-op has filed an application for a waiver of Section 4-9-4(A) of the City Code which prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital; and

WHEREAS, Wheatsville Food Co-op, located at 4001 South Lamar Boulevard, Austin, Texas, is within 300 feet of the Ann Richards School, located at 2206 Prather Lane; and

WHEREAS, notice of the application and hearing for the waiver was provided in accordance with Section 4-9-5 of the City Code; and

WHEREAS, a public hearing concerning this proposed waiver was held by the City Council on December 13, 2012, in accordance with the provisions of Section 25-1-132 of the City Code; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, has determined that the waiver request is in the best interest of the community; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Wheatsville Food Co-op is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 4001 South Lamar Boulevard, Austin, Texas; and the waiver shall expire on the sale or transfer of the business to any other individual or entity, whether by lease or

any other arrangement, on cessation of the business, or on revocation of the alcoholic beverage permits granted to Wheatsville Food Co-op at this site.

ADOPTED: _____, 2012 **ATTEST:** _____

Shirley A. Gentry
City Clerk

DRAFT