

STAFF REPORT
ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2018-0503AW

NAME AND LOCATION OF BUSINESS: Hotel Magdalena at 110 Academy Dr
(District 9)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF BUSINESS
PROPOSING TO SALE ALCOHOLIC BEVERAGES: Texas School for the Deaf at
1102 S Congress Ave (District 9)

ZONING: CS-NCCD-NP and CS-1-NCCD-NP

NEIGHBORHOOD PLAN: South River City

EXISTING USE: Vacant

PROPOSED USE: Hotel

APPLICANT: Metcalfe, Wolff, Stuart & Williams, LLP (Michele Lynch) agent for
Hotel Magdalena

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 the business intends to sell alcoholic beverages at this location, which is within 300 feet of the Texas School for the Deaf, a public 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.

No written letter of support or opposition has been received from the Texas School for the Deaf as of this posting. Staff recommends approval of this waiver unless the school objects otherwise.

CASE MANAGER: Bryan Walker, (512) 974-2686, bryan.walker@austintexas.gov.