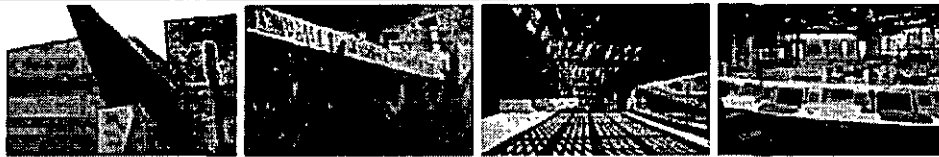


A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, September 28, 2006

+ Back Print

Item(s) to Set Public Hearing(s)
RECOMMENDATION FOR COUNCIL ACTION
ITEM No. 76

Subject: Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code, Section 4-9-4(A) which requires 300 feet between a business that proposes to sell alcoholic beverages at 1000 West Lynn Street ("Galaxy Cafe") and a public school, Mathews Elementary School, at 1111 West 6th Street. (Suggested date and time: October 5, 2006 at 6:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, TX.)

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

Additional Backup Material

(click to open)

No Attachments Available

For More Information: Steve Wilkinson, 974-2657; Erica Eichert, 974-2720; Joan Esquivel, 974-3371

The owner of Galaxy Café, Kelly Chappell, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because she intends to sell alcoholic beverages at her restaurant which is located 278' from a public school, Mathews Elementary, at 1111 West 6th Street.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if they determine 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.

Written objections to the granting of the waiver have been received from Curtis E. Shaw, Director of Construction Management, Mathews Elementary School and Dan Robertson, Associate Director, Austin Independent School District.