

**RESOLUTION NO. 20061005-053**

**WHEREAS,** Kelly Chappell, owner of Galaxy Café, 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,** Galaxy Café, located at 1000 West Lynn Street, Austin, Texas, is within 300 feet of Mathews Elementary School, located at 1111 West 6<sup>th</sup> Street; 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 September 28, 2006, in accordance with the provisions of Section 25-1-132 of the City Code; and

**WHEREAS,** 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; and

**WHEREAS,** the old West Austin Neighborhood Association has submitted a letter stating no objection to the granting of the waiver; and

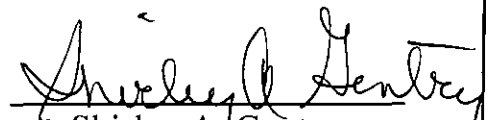
**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, has determined that the waiver request is in the best interest of the community; **NOW, THEREFORE**,

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

Kelly Chappell, owner of Galaxy Café, is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 1000 West Lynn Street, 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 Galaxy Café for this site.

**ADOPTED:** October 5, 2006

**ATTEST:**

  
Shirley A. Gentry  
City Clerk