

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2010-0128AW

NAME AND LOCATION OF Business: Great Gatti's Pizza Inc. 3720 Far West Blvd,
Austin, TX 78731

NAME AND LOCATION OF SCHOOLS WITHIN 300 FEET OF PROPOSED SALE
OF ALCOHOLIC BEVERAGES: Murchison Middle School 3700 North Hills Dr,
Austin, TX 78731

ZONING: GR

NEIGHBORHOOD PLAN: N/A

APPLICANT: Kyle Hill (Agent of Jack Martin and Associates)

REQUEST: The agent for Mr. Gatti's Pizza, Kyle Hill, of Jack Martin and Associates, 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 adjoins the property line of a public school, Murchison Middle School, located at 3700 North Hills Dr.

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 support to the granting of the waiver has been received from Kimiko Cartwright, Principal, Murchison Middle School.

Staff recommends approval of the waiver request.