

AGENDA



Thursday, July 29, 2010

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 151**

Subject: Conduct a public hearing and consider a resolution regarding a request by Mr. Gatti's Pizza, located at 3720 Far West Blvd, for a waiver from Section 4-9-4(A) of the Austin City Code that requires a minimum 300' distance between a business that sells alcoholic beverages and a school.

For More Information: Darren Cain, 974-9113; John McDonald, 974-2728; Sylvia Arzola, 974-6448.

Prior Council Action: June 24, 2010 - Council set a public hearing for July 29, 2010.

Mr. Gatti's Pizza requests a waiver from Section 4-9-4(A) of the Austin City Code that requires a minimum 300 foot distance between a business that sells alcoholic beverages and a school. Mr. Gatti's Pizza intends to sell alcoholic beverages at this location. The site 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 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.

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