



Planning and Development Review Department

Late Backup

Alcohol Beverage Waiver Request

Great Gatti's Pizza Inc.



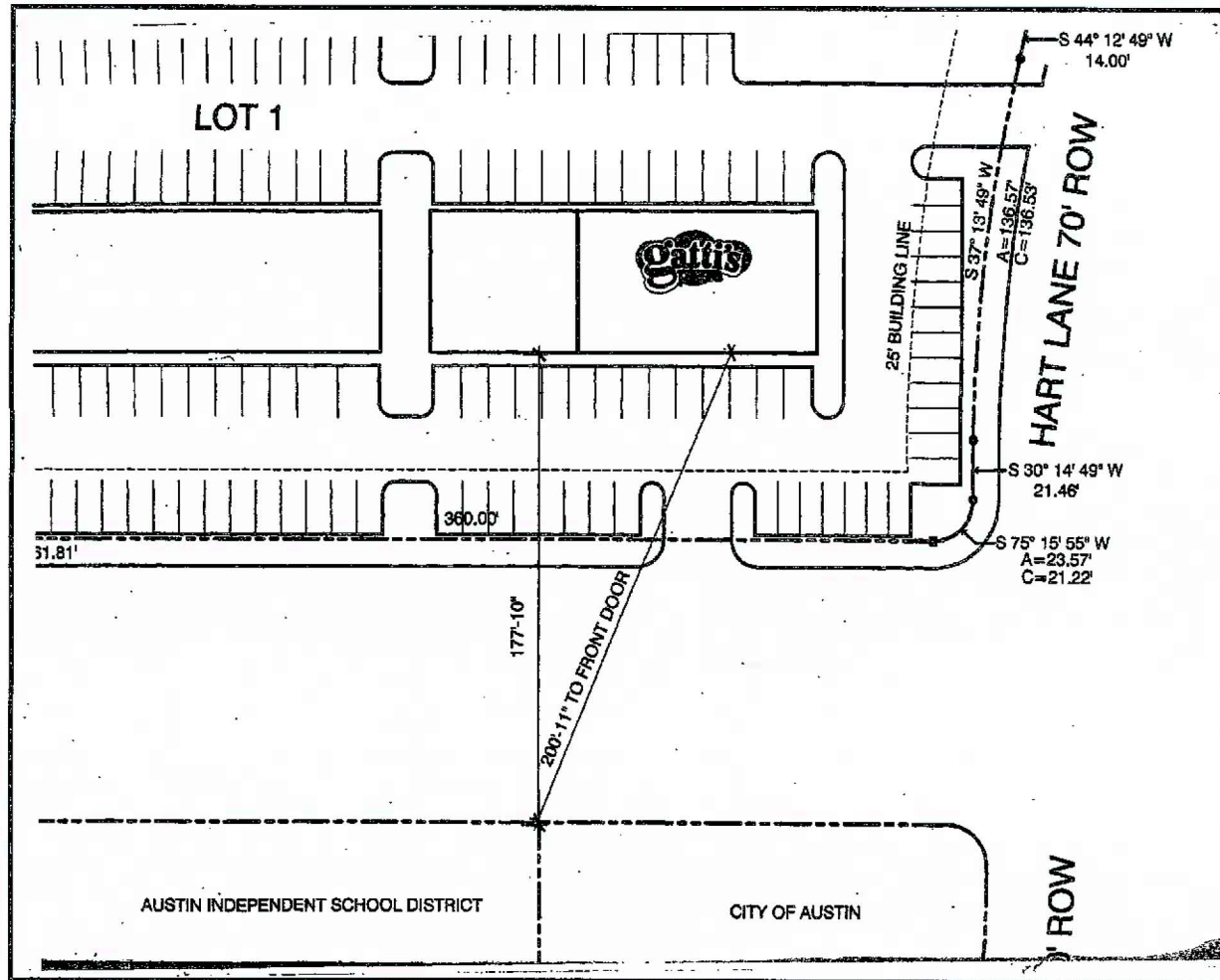


Applicant Request

- Great Gatti's Pizza, Inc. proposes to sell alcoholic beverages at 3720 Far West Blvd., unit 101, across the street (200') from Murchison Middle School, located at 3700 North Hills Dr.
- The owner requests a waiver of the prohibition under Section 4-9-5 (A).

Site Location

- Front Door of Business Is Approximately 200' 11" from Property Line of School



Site Photos

View of Gatti's Relative to Subject School

Front Parking Lot Facing
Murchison Middle School



Line of Sight
Represented on
Location Map (Front
Door to Property
Line)





LDC §4-9-5 Waiver Requirements

§4-9-5(A) states: City Council may consider the waiver of the 300 foot distance requirement if it is determined that the enforcement in a particular instance:

- 1) is not in the best interest of the public;
- 2) constitutes waste or inefficient use of land or other resources;
- 3) creates 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.”



LDC §4-9-5 Waiver Requirements (cont.)

- **Under §4-9-5(B), the City Council may consider the written consent to a waiver from a school located within 300 feet from the applicant's proposed place of business to be sufficient justification for waiver approval**

Letter Received from Neighboring School – Murchison Elementary



MURCHISON MIDDLE SCHOOL
Inspiration Within, Excellence Throughout

April 12, 2010

To whom it may concern:

I have received your letter regarding TABC application for Mr. Gatti's Pizza restaurant located at 3720 Far West Blvd, in Austin. Murchison Middle School will not file an objection to the requested permit.

Sincerely,

Ms. Kimiko Cartwright
Principal, Murchison Middle School

SCANNED

3700 North Hills Drive, Austin, Texas 78731-9092 (512) 414-3254 Fax (512) 343-1710



Staff Recommendation

- Based upon Subsection A and B of the Code and written letter received from the school district, staff recommends approval of the waiver.