

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2014-0277AW

NAME AND LOCATION OF BUSINESS: Torchy's Tacos at 1822 S Congress Ave

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Fulmore Middle School, 201 E Mary St

ZONING: CS-V-CO-NP

NEIGHBORHOOD PLAN: Bouldin Creek

EXISTING USE: Restaurant (General)

PROPOSED USE: Restaurant (General)

APPLICANT: Texas Alcohol Consulting (Andy Oliver,) Agent for Success Foods Management Group LLC DBA Torchy's Tacos (Jim Cotton)

REQUEST: The applicant 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 is across the intersection of S Congress Ave and Mary St from Fulmore Middle School, a public school. The property line to property line distance is 138.11 feet.

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.

A letter of opposition has been received from Beth Wilson, Assistant Director of Planning, Austin Independent School District.

Staff recommends denial of waiver based on letter of opposition from Austin Independent School Districts.