

## A G E N D A



## Recommendation for Council Action

Austin City Council

Item ID

56960

Agenda Number

47.

Meeting Date:

5/5/2016

Department:

Development Services

## Subject

Conduct a public hearing and consider a request by Morris Hoover, agent for Tacala Austin LLC dba Taco Bell Cantina, located at 2000 Guadalupe Street, for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a church. (District 9).

## Amount and Source of Funding

## Fiscal Note

Purchasing  
Language:Prior Council  
Action:For More  
Information:

Viktor Auzenne, (512) 974-2941; Christopher Johnson, (512) 974-2769

Council  
Committee,  
Boards and  
Commission  
Action:

MBE / WBE:

Related Items:

## Additional Backup Information

The owner of Taco Bell Cantina at 2000 Guadalupe Street, 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 103.5 feet to the south of a church, St. Austin Catholic Parish, located at 2026 Guadalupe Street.

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.