

**AGENDA**



**Recommendation for Council Action**

Austin City Council	<b>Item ID</b>	57833	<b>Agenda Number</b>	56.
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<b>Meeting Date:</b>	5/19/2016	<b>Department:</b>	Development Services
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**Subject**

Conduct a public hearing and consider a request by Thrower Design (Ron Thrower), agent for Lone Star Pizza Garden Inc. (dba Austin Pizza Garden), located at 6266 W. U.S. Hwy. 290, 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 public school. (District 8).

**Amount and Source of Funding**

**Fiscal Note**

<b>Purchasing Language:</b>	
<b>Prior Council Action:</b>	
<b>For More Information:</b>	Viktor Auzenne, 512-974-2941; Christopher Johnson 512-974-2769.
<b>Council Committee, Boards and Commission Action:</b>	
<b>MBE / WBE:</b>	
<b>Related Items:</b>	

**Additional Backup Information**

The owner of Austin Pizza Garden at 6266 W. U.S. Hwy. 290, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because he intends to sell alcoholic beverages at this location which is 0 feet to the south of a public school, Oak Hill Elementary School located at 6101 Patton Ranch Rd. 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 it is in the best interest of the community.