

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2015-0355AW

NAME AND LOCATION OF BUSINESS: Austin Pizza Garden at 6266 W US 290
Hwy (District 8)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Oak Hill Elementary School at 6101 Patton Ranch Rd (District 8)

ZONING: GR-H-NP

NEIGHBORHOOD PLAN: Oak Hill Combined

EXISTING USE: Restaurant (General)

PROPOSED USE: Restaurant (General)

APPLICANT: Thrower Design (Ron Thrower,) agent for Lone Star Pizza Garden Inc (Ken Halten)

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 adjacent to Oak Hill Elementary School, a public school. The property line to property line distance is 0 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.

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