

## AGENDA

**Recommendation for Council Action****AUSTIN CITY COUNCIL****Regular Meeting : February 1, 2018****Item Number: 070**

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**Item(s) to Set Public Hearing(s)**

Set a public hearing to consider a request by Kyle Hill, agent for Tasty Spoon, located at 1413 South 1st Street, to waive 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. (Suggested date and time: March 1, 2018, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

**District(s) Affected:** District 9

<b>Lead Department</b>	Development Services Department
<b>Fiscal Note</b>	There is no fiscal impact for this item
<b>For More Information</b>	Bryan Walker, (512) 974-2686; Christopher Johnson, (512) 974-2769; Amber Mitchell, (512) 974-3428

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**Additional Backup Information:**

The agent for Tasty Spoon, Kyle Hill, of Martin Frost & Hill, requests a waiver from the minimum separation distance requirement of 300 feet in City Code Section 4-9-4(A) because the business intends to sell alcoholic beverages at its premises which shares a property line with the Texas School for the Deaf located at 1102 S Congress Ave.

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.