

## A G E N D A

**Recommendation for Council Action****AUSTIN CITY COUNCIL****Regular Meeting: November 15, 2018**Item Number: **049****Item(s) to Set Public Hearing(s)**

Set a public hearing to consider a request for a waiver from the minimum separation distance requirement of City Code, Section 4-9-4(A), which prohibits a business from selling alcoholic beverages within 300 feet of a public school. Hotel Magdalena, a proposed hotel at 110 Academy Dr., is situated on property that is within 300 feet of the Texas School for the Deaf, a public school located at 1102 S. Congress Ave. (Suggested date and time: December, 13, 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>	This item has no fiscal impact.
<b>For More Information</b>	Bryan Walker, (512) 974-2686; Christopher Johnson, (512) 974-2769; Amber Mitchell, (512) 974-3428

**Additional Backup Information:**

Pursuant to Section 4-9-5 of City Code, the agent for Hotel Magdalena, Michele Lynch, of Metcalfe, Wolff, Stuart & Williams, LLP, requests a waiver from the minimum separation distance requirement of 300 feet because the business intends to sell alcoholic beverages at its premises which is within 300 feet of the Texas School for the Deaf 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.