



## Recommendation for Action

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**File #:** 19-1134, **Agenda Item #:** 30.

2/21/2019

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### **Posting Language**

Set a public hearing to consider a request by the agent for the owner of Charles Schwab Austin, located at 2309 Gracy Farms Lane, 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 28, 2019, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

### **Lead Department**

Development Services Department

### **Fiscal Note**

There is no financial impact.

### **For More Information:**

Bryan Walker, (512) 974-2686; Amber Mitchell, (512) 974-3428; Christopher Johnson, (512) 974-2769.

### **Additional Backup Information:**

Pursuant to Section 4-9-5 of City Code, the agent for the owner of the Charles Schwab Austin Corporate Campus, Katie Van Dyk, of Norton Rose Fulbright US LLP, requests a waiver from the minimum separation distance requirement of 300 feet because their client intends to sell alcoholic beverages at its premises which adjoins the Harmony School, a public school at 11800 Stonehollow Drive.

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.