

## STAFF REPORT

### ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2020-0210-AW

COUNCIL HEARING DATE: July 30, 2020

NAME AND LOCATION OF BUSINESS: Two Hands at 1011 S Congress Ave Bldg 2 Unit 170  
(District 9)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF BUSINESS PROPOSING TO SALE  
ALCOHOLIC BEVERAGES: Texas School for the Deaf at 1102 S Congress Ave (District 9)

ZONING: CS-MU-V-NP

NEIGHBORHOOD PLAN: South River City

EXISTING USE: 4-story commercial mixed use development under construction.

PROPOSED USE: Restaurant on ground floor within the overall redevelopment project.

APPLICANT: Metcalfe, Wolff, Stuart & Williams, LLP (Michele Lynch) agent for Two Hands.

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 the business intends to sell alcoholic beverages at this location, which is within 300 feet of the Texas School for the Deaf, a public school.

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.

The applicant pursued written consent from the Texas School for The Deaf, however, no written letter of support or opposition has been received from the Texas School for the Deaf as of this posting. Staff recommends approval of this waiver unless the school objects otherwise.

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