

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2022-0156-AW

COUNCIL HEARING DATE: May 19, 2022

NAME AND LOCATION OF BUSINESS: Foxtrot Market at 4818 Burnet Rd (District 7)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF BUSINESS PROPOSING TO SALE ALCOHOLIC BEVERAGES: Rosedale School at 2117 W 49<sup>TH</sup> ST (District 7)

ZONING: CS-V

NEIGHBORHOOD PLAN: N/A

EXISTING USE: Commercial

PROPOSED USE: Food Sales

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

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 Rosedale School, a public school.

Subsections (A) and (B) of 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:

(A)

- (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.

(B) The council may consider the written consent to a waiver under this section from each church, public school, public hospital, day-care center or child-care facility within 300 feet from the applicant's proposed place of business filed by the applicant with the director of the Development Services Department to be a sufficient justification for a waiver.

ADDITIONAL INFORMATION: The applicant pursued written consent from the Rosedale School, however, no formal written letter of support or opposition has been received from the Rosedale School or Austin Independent School District as of this posting. Staff recommends approval of this waiver unless the school objects otherwise.

CASE MANAGER: Bryan Walker, Planner II, (512) 974-2686, [bryan.walker@austintexas.gov](mailto:bryan.walker@austintexas.gov). Viktor Auzenne, Development Services Division Manager, (512) 974-2941, [Viktor.Auzenne@austintexas.gov](mailto:Viktor.Auzenne@austintexas.gov).