

**AGENDA**



**Recommendation for Council Action**

Austin City Council	<b>Item ID</b>	37988	<b>Agenda Number</b>	193.
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<b>Meeting Date:</b>	12/11/2014	<b>Department:</b>	Planning and Development Review
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**Subject**

Conduct a public hearing and consider a request by Success Foods Management Group LLC d/b/a Torchy's Tacos, located at 1822 South Congress Avenue, Austin, Texas, 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 school.

**Amount and Source of Funding**

**Fiscal Note**

**Purchasing Language:**

**Prior Council Action:**

**For More Information:**

Viktor Auzenne, (512) 974-2941.

**Boards and Commission Action:**

**MBE / WBE:**

**Related Items:**

**Additional Backup Information**

Success Foods Management Group LLC d/b/a Torchy's Tacos, requests a waiver from the minimum distance requirement of 300 feet in City Code Section 4-9-4(A) because it intends to sell alcoholic beverages at 201 E. Mary St. which is within 300 feet of Fulmore Middle School.

City Code Section 4-9-5 allows 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 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.