

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	46959	Agenda Number	109.
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Meeting Date:	6/18/2015	Department:	Development Services
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Subject

Conduct a public hearing and consider a request by Tiny Boxwoods LLC d/b/a Tiny Boxwoods, located at 1503 W. 35th Street, for a waiver of 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 (District 10).

Amount and Source of Funding

Fiscal Note

Purchasing Language:	
Prior Council Action:	
For More Information:	Viktor Auzenne, Development Services Department, (512) 974-2941
Council Committee, Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

The owner of Tiny Boxwoods at 1503 W. 35th St., requests a waiver of the minimum distance requirement of 300 feet in City Code Section 4-9-4(A) because it intends to sell alcoholic beverages at this location, which is 211 feet to the north of Bryker Woods Elementary School at 3309 Kerbey Ln.

City Code 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.