

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2015-0197AW

NAME AND LOCATION OF BUSINESS: Tiny Boxwoods at 1503 W 35th St (District 10)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Bryker Woods Elementary School at 3309 Kerbey Ln (District 10)

ZONING: LR-NP

NEIGHBORHOOD PLAN: Windsor Road

EXISTING USE: Restaurant (General)

PROPOSED USE: Restaurant (General)

APPLICANT: Metcalfe, Wolff, Stuart & Williams, LLP (Michelle Rogerson Lynch,) Agent for Tiny Boxwoods LLC (Lance Thompson)

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 they intend to sell alcoholic beverages at this location which is a block away from Bryker Woods Elementary School, a public school. The property line to property line distance is 211 feet.

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.

A letter of opposition has been received from Beth Wilson, Assistant Director of Planning, Austin Independent School District.

Staff recommends denial of waiver based on letter of opposition from Austin Independent School Districts.

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