

**AGENDA**



**Recommendation for Council Action**

|                     |                |       |                      |     |
|---------------------|----------------|-------|----------------------|-----|
| Austin City Council | <b>Item ID</b> | 49322 | <b>Agenda Number</b> | 75. |
|---------------------|----------------|-------|----------------------|-----|

|                      |           |                    |                      |
|----------------------|-----------|--------------------|----------------------|
| <b>Meeting Date:</b> | 9/17/2015 | <b>Department:</b> | Development Services |
|----------------------|-----------|--------------------|----------------------|

**Subject**

Set a public hearing to consider a request by Jim Bennett, agent for Two Hands Brew LLC (dba Two Hands Brew), located at 1007 South Congress Avenue, 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. (Suggested date and time: October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

**Amount and Source of Funding**

**Fiscal Note**

|   |  |
|---|--|
| <b>Purchasing Language:</b>                             |  |
| <b>Prior Council Action:</b>                            |  |
| <b>For More Information:</b>                            | Viktor Auzenne, (512) 974-2941; Christopher Johnson, (512) 974-2769. |
| <b>Council Committee, Boards and Commission Action:</b> |  |
| <b>MBE / WBE:</b>                                       |  |
| <b>Related Items:</b>                                   |  |

**Additional Backup Information**

The owner of Two Hands Brew at 1007 South Congress Avenue 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 120 feet to the east of a public school, Texas School for the Deaf, at 1102 South Congress Avenue.

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.