

# AGENDA



## Recommendation for Council Action

Austin City Council	Item ID	55704	Agenda Number	55.
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Meeting Date:	3/31/2016	Department:	Development Services
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### Subject

Set a public hearing to consider a request by Morris Hoover, agent for Tacala Austin LLC (dba Taco Bell Cantina,) located at 2000 Guadalupe St for a waiver from 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 church. (Suggested date and time: May 5, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

### Amount and Source of Funding

### Fiscal Note

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

### Additional Backup Information

The owner of Taco Bell Cantina at 2000 Guadalupe St, 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 103.5 feet to the south of a church, St. Austin Catholic Parish, at 2026 Guadalupe St.

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.