

## STAFF REPORT

### ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2016-0072AW

NAME AND LOCATION OF BUSINESS: Taco Bell Cantina at 2000 Guadalupe St  
(District 9)

NAME AND LOCATION OF CHURCH WITHIN 300 FEET OF PROPOSED SALE  
OF ALCOHOLIC BEVERAGES: St Austin Catholic Parish (District 9)

ZONING: CS- NP

NEIGHBORHOOD PLAN: West University

EXISTING USE: Restaurant (General)

PROPOSED USE: Restaurant (General)

APPLICANT: Hoover & Associates (Morris Hoover,) agent for Tacala LLC (Dwayne Kostiha)

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 to the south of St Austin Catholic Parish, a church. The measurement of distance between the place of business where alcoholic beverages are sold and a church is along the property lines of the street fronts and from door to front door and in direct line across intersections. This distance is 103.5 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 support has been received from Rev Charles Kullmann, CSP, the pastor of St Austin Catholic Parish. Staff recommends approval of this waiver request based upon this letter of support from the church

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