

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	57832	Agenda Number	55.
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Meeting Date:	5/19/2016	Department:	Development Services
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## Subject

Conduct a public hearing and consider a request by Andy Oliver, agent for Torchy's Tacos, located at 1822 S. Congress Ave., 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 public school. (District 9).

## Amount and Source of Funding

## Fiscal Note

Purchasing Language:	
Prior Council Action:	October 23, 2014: Postponed at the request of staff. November 6, 2014: Postponed at the request of the applicant. December 11, 2014: Indefinitely postponed at the request of the applicant.
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 Torchy's Tacos requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because he intends to sell alcoholic beverages at this location which is across the street (138 feet) from a school, Fulmore Middle School at 201 E. Mary 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 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.