

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2016-0383AW

NAME AND LOCATION OF BUSINESS: Snarf's Sandwiches at 1400 South 1st Street
(District 9)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Texas School for the Deaf at 1102 S Congress Ave
(District 9)

ZONING: CS-MU-V-CO-NP

NEIGHBORHOOD PLAN: Bouldin Creek

EXISTING USE: Laundry Services

PROPOSED USE: Restaurant (General)

APPLICANT: Martin, Frost & Hill (Kyle Hill), agent for Snarf's South First LLC.

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 west of the Texas School for the Deaf, a public school. The property line to property line distance is 220 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.

No written letter of support or opposition has been received from the Texas School for the Deaf as of this posting. The business is not visible from school property and is located more than 760-ft from the nearest school entrance, by legal pedestrian route. Staff recommends approval of this waiver.

CASE MANAGER: Bryan Walker, (512) 974-2686, bryan.walker@austintexas.gov