

**AGENDA**



**Recommendation for Council Action**

**AUSTIN CITY COUNCIL**

**Regular Meeting: December 13, 2018**

**Item Number: 098**

**Public Hearing and Possible Action**

Conduct a public hearing and consider a request by Hotel Magdalena, located at 110 Academy Drive, 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 public school.

**District(s) Affected:** District 9

|                             |   |
|-----------------------------|---|
| <b>Lead Department</b>      | Development Services Department   |
| <b>Fiscal Note</b>          | This item has no fiscal impact.   |
| <b>For More Information</b> | Bryan Walker, (512) 974-2686; Christopher Johnson, (512) 974-2769; Amber Mitchell, (512) 974-3428 |

**Additional Backup Information:**

Pursuant to Section 4-9-5 of City Code, the agent for Hotel Magdalena, Michele Lynch, of Metcalfe, Wolff, Stuart & Williams, LLP, requests a waiver from the minimum separation distance requirement of 300 feet because the business intends to sell alcoholic beverages at its premises which is within 300 feet of the Texas School for the Deaf at 1102 S Congress Ave.

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.