



Recommendation for Action

File #: 19-1379, **Agenda Item #:** 82.

3/28/2019

Posting Language

Conduct a public hearing and consider a request by the agent for the owner of Charles Schwab Austin, located at 2309 Gracy Farms Lane, 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.

Lead Department

Development Services Department

Fiscal Note

There is no financial impact.

For More Information:

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Additional Backup Information:

Pursuant to Section 4-9-5 of City Code, the agent for the owner of the Charles Schwab Austin Corporate Campus, Katie Van Dyk, of Norton Rose Fulbright US LLP, requests a waiver from the minimum separation distance requirement of 300 feet because their client intends to sell alcoholic beverages at its premises which adjoins the Harmony School, a public school at 11800 Stonehollow Drive.

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.