



Recommendation for Action

File #: 20-1527, **Agenda Item #:** 44.

3/12/2020

Posting Language

Set a public hearing to consider a request for a waiver from the 300 foot minimum separation distance between a business selling alcoholic beverages and a public school from Neighborhood Goods, a proposed retail store with accessory restaurant use at 1007 S. Congress Avenue, situated on property that is within 300 feet of the Texas School for the Deaf, a public school located at 1102 S Congress Ave. (Suggested date: April 9, 2020, at Austin City Hall, 301 W. Second Street, Austin, TX).

Lead Department

Development Services Department

Fiscal Note

This item has no fiscal impact.

For More Information:

Bryan Walker, (512) 974-2686; Viktor Auzenne, (512) 974-2941; Christopher Johnson, (512) 974-2769

Additional Backup Information:

Pursuant to City Code Chapter 4-9, Section 5, the agent for Neighborhood Goods, 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.