



## Recommendation for Action

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**File #:** 22-1731, **Agenda Item #:** 26.

4/21/2022

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### **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 Foxtrot Market, a proposed food sales use at 4818 Burnet Road, situated on property that is within 300 feet of Rosedale School, a public school located at 2117 W. 49th Street (Suggested date: May 19, 2022, 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, Planner II (512) 974-2686; Viktor Auzenne, Development Services Division Manager, (512) 974-2941.

### **Additional Backup Information:**

Pursuant to City Code Chapter 4-9, Section 5, the agent for Foxtrot Market, 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 Rosedale School at 2117 W. 49th St.

City Code Chapter 4-9, Section 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

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.

### **Strategic Outcome(s):**

Safety, Government that Works for All.