



Recommendation for Action

File #: 22-1933, Agenda Item #: 58.

5/19/2022

Posting Language

Conduct a public hearing and consider a request by Foxtrot Market, located at 4818 Burnet Road, for a waiver of the distance requirement of City Code Section 4-9-4(A) which requires a minimum 300-foot separation distance between a business selling alcoholic beverages and a school.

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 Street.

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
- 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.

Additionally, City Code Chapter 4-9, Section 5, subsection B states:

The council may consider the written consent to a waiver under this section from the public school within 300 feet from the applicant's proposed place of business filed by the applicant with the director of the Development Services Department to be a sufficient justification for a waiver.

Strategic Outcome(s):

Safety, Government that Works for All.