STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2026-0271AW

NAME AND LOCATION OF BUSINESS: Arena Hall, 108 W Gibson St (District 9)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Texas School for the Deaf, 1102 S Congress Ave (District 1)

ZONING: CS-MU-V-CO-ETOD-DBETOD-NP

NEIGHBORHOOD PLAN: Bouldin Creek

EXISTING USE: Religious Assembly

PROPOSED USE: Restaurant (General)

APPLICANT: Martin, Frost & Hill PC (Kyle V Hill)

REQUEST: The applicant requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at 108 W Gibson St which is within 300ft of the Texas School for the Deaf, a public school. The property line to property line distance is approximately 200 feet.

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.

The applicant has notified the Texas School for the Deaf and the School has not taken a position on this case.

Staff recommends approval of waiver unless a formal communication from the Texas for the Deaf is received in the future.

CASE MANAGER: Viktor Auzenne, (512) 974-2941, viktor.auzenne@austintexas.gov