



City of Austin

Recommendation for Action

File #: 24-5529, **Agenda Item #:** 73.

9/12/2024

Posting Language

Conduct a public hearing and consider a request by Wheatsville Food Co-op, located at 4001 S. Lamar Blvd. Unit E, 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.

Prior Council Action:

December 13, 2012 - City Council approved Resolution No. 20121213-094 granting a waiver to sell alcoholic beverages for off-premise consumption on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

For More Information:

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Additional Backup Information:

Pursuant to City Code Chapter 4-9, Section 5, the agent for Wheatsville Food Co-op, Nate Smith, requests a waiver from the minimum separation distance requirement of 300 feet because the business is seeking to sell alcoholic beverages at its premises, which is within 300 feet of the Ann Richards School for Young Women Leaders located at 2309 Panther Trail. The business currently holds a license with the Texas Alcoholic Beverage Commission to sell alcohol for off-premise consumption. This waiver, if granted, would allow the business to obtain a license to sell alcohol for both on- and off-premise consumption.

City Code Chapter 4-9, Section 5, states that:

- A) The City Council may 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.
- B) 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.