



City of Austin

Recommendation for Action

File #: 25-1373, **Agenda Item #:** 136.

7/24/2025

Posting Language

Conduct a public hearing and consider a request by Flourish Plant Shop & Wine Bar, located at 5003 Airport Boulevard, 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. Funding: This item has no fiscal impact.

Lead Department

Office of Arts, Culture, Music & Entertainment.

Fiscal Note

This item has no fiscal impact.

For More Information:

Brian Block, Music Program Manager, Office of Arts, Culture, Music & Entertainment, 512-974-7966; Bryan Walker, Planner II, Office of Arts, Culture, Music & Entertainment, 512-974-2686.

Additional Backup Information:

Pursuant to City Code Chapter 4-9, Section 5, the business owner of Flourish Plant Shop, Rachel Roberts, 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 Ridgetop Elementary School at 5005 Caswell Avenue.

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.