

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SPC-2024-0297-AW

COUNCIL HEARING DATE: September 12, 2024

NAME AND LOCATION OF BUSINESS: Torchy's Tacos 1822 S CONGRESS AVE (District 9)

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF BUSINESS PROPOSING THE SALE OF ALCOHOLIC BEVERAGES: Lively School at 201 E MARY ST (District 9)

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

NEIGHBORHOOD PLAN: Bouldin Creek

EXISTING USE: Commercial Restaurant (Limited)

PROPOSED USE: Commercial Restaurant (General)

APPLICANT: Success Foods Management Group LLC (Jessica Kirker) agent for Torchy's Tacos.

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 the business intends to sell alcoholic beverages at this location, which is within 300 feet of the Lively School, a public school.

Subsections (A) and (B) of 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:

(A)

- (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 each church, public school, public hospital, day-care center or child-care facility 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.

ADDITIONAL INFORMATION: The applicant met with the Principal of Lively Middle School and an Austin Independent School District Trustee. It is AISD policy to oppose waiver requests. A letter of opposition has been received from Beth Wilson, Executive Director of Planning and Asset Management, Austin Independent School District.

CASE MANAGER: Bryan Walker, Planner II, (512) 974-2686, [bryan.walker@austintexas.gov](mailto:bryan.walker@austintexas.gov). Brian Block, Nightlife and Entertainment Services Manager, (512) 974-7966, [brian.block@austintexas.gov](mailto:brian.block@austintexas.gov).

August 26, 2024