

AGENDA



Thursday, September 24, 2009

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 105**

Subject: Conduct a public hearing and consider an appeal by Elda Bruciaga of a decision to approve the renewal of an Outdoor Music Venue Permit for ATX Sports Bar located at 1504 East 6th Street. Related to Item #80.

For More Information: Kathy Haight, 974-2724/ J. B. Meier, 974-2355; Clara Hilling, 974-2686

Prior Council Action: August 27, 2009: Council postponed action to September 24, 2009.

On June 26, 2009, the Watershed Protection and Development Review Department approved an application for the renewal of an existing Outdoor Music Venue permit for a 1,140 sq. ft. cocktail lounge locally known as ATX Sports Bar, located at 1504 East 6th Street. The original permit was issued on September 15, 2006.

On March 12, 2009, the City Council approved an Outdoor Music Venue Ordinance (Ord. 20090312-017). Chapter 9-2-25(B) of the Outdoor Music Venue Ordinance provides the opportunity for an interested party to appeal a decision to approve the renewal of an Outdoor Music Venue permit if they are:

- 1) the applicant,
- 2) the notice owner of a single-family use located within 600 feet of the proposed outdoor music venue; or
- 3) a registered neighborhood organization whose declared boundaries are within 600 feet of the proposed outdoor music venue.

Ms. Elda Bruciaga, owner of a single-family use within 600 feet of the outdoor music venue, is appealing the decision to approve the renewal of an outdoor music permit. In her appeal (attached), Ms. Bruciaga states that the sound disrupts the use and enjoyment of her property; the sound requires expensive modifications of windows and insulation; and the sound drastically reduces the use and fair market value of her property either at its present use or any future use.

Staff recommends denial of the appeal due to a lack of previous noise complaints or noise violation convictions with the Austin Police Department or Code Enforcement. Attached is a map that depicts the location of the ATX Club and the appellant's property, the Outdoor Music Venue Ordinance (Ord. 20090312-017), an aerial map, and a letter in opposition from the neighborhood.