

## PUBLIC HEARING INFORMATION

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A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
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A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: <http://www.austintexas.gov/development>.

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**Case Number: SPC-2014-0277AW**

**Contact: Viktor Auzenne, 512-974-2941**

**Public Hearing: Oct 23, 2014, City Council**

Your Name (please print)

James Stockbauer  
1811 Newton St

Your address(es) affected by this application

Austin, TX 76704

Daytime Telephone:

Signature  
512 565 1199

Date

Comments:

I am against this project  
there will be added parking  
congestion on many streets  
and noise in a historically  
peaceful neighborhood  
Also why off? he needs  
a retaining pond for parking  
lot to avoid runoff

If you use this form to comment, it may be returned to:

City of Austin  
Planning and Development Review - 1st floor  
**Viktor Auzenne**  
P. O. Box 1088  
Austin, TX 78767-8810

from  
all 5

☐ I am in favor  
☒ I object

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Your Name (please print) \_\_\_\_\_

☐ I am in favor  
☒ I object

Your address(es) affected by this application \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

Project for variance  
fire to school area good  
from made area \$ over  
the years selling work-  
A school for some neighbors  
+ kids. Large #s of  
Folmer students will be  
customers - I will be  
customer only if no school is

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Viktor Auzenne

P. O. Box 1088

Austin, TX 78767-8810

I love  
Torchys!

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**Case Number:** SPC-2014-0277AW  
**Contact:** Viktor Auzenne, 512-974-2941  
**Public Hearing:** Oct 23, 2014, City Council

*Tammy Green*  
 Your Name (please print)

*1809 Eca St, Austin TX*  
 Your address(es) affected by this application

☐ I am in favor  
☒ I object

*[Signature]*  
 Signature

*10-10-14*  
 Date

Daytime Telephone: *512-394-5342*

Comments: *I don't think this should be a full day - been in the city. I question the safety of the road as close to a school - should have been - I also don't want a bar in my backyard.*

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**Case Number:** SPC-2014-0277AW

**Contact:** Viktor Auzenne, 512-974-2941

**Public Hearing:** Oct 23, 2014, City Council

**HARRY + ELLEN CABLUCK**

*Your Name (please print)*

**1808 EVA ST.**

*Your address(es) affected by this application*

*Don Cabluck*

*Signature*

*10/25/14*

*Date*

**Daytime Telephone:** 512-707-1295

*Comments: We believe that the law requiring no alcohol within 300 ft of a school is good. While I do not feel this business would add to minors, their customers are harder to control. We have enough bars & businesses selling alcohol nearby already.*

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Case Number: SPC-2014-0277AW

Contact: Viktor Auzenne, 512-974-2941

Public Hearing: City Council, October 2, 2014

Your Name (please print)

1611 Newton

Your address(es) affected by this application

3125651199

Daytime Telephone

Signature

Comments:

NO BOOZE, live

and drinks sleepers

on my back deck.

It will only set

back

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Viktor Auzenne

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object

3/10/15  
Date

3-18-15 pmkd 3-14-15

Law Office of

**DYLAN O. DRUMMOND**

3510 Native Dancer Cv.  
Austin, TX 78746

(512) 789-2939  
[dodrummond@gmail.com](mailto:dodrummond@gmail.com)

December 10, 2014

Viktor Auzenne  
City of Austin  
Department of Planning & Development Review  
3006 East 4th Street  
Austin, Texas 78702

*VIA EMAIL: [viktor.auzenne@austintexas.gov](mailto:viktor.auzenne@austintexas.gov)*

**Re: Item No. 37988; Agenda No. 193; Case No. SPC-2014-0277AW.**

**Letter in Support of the waiver from AUSTIN CITY CODE § 4-9-4(A)  
requested by Success Foods Management Group LLC d/b/a  
Torchy's Tacos, located at 1822 South Congress Ave., Austin, Texas.**

Dear Mr. Auzenne:

As one of the seemingly vanishing breed of native Austinite and an itinerant taco addict, I write to you in enthusiastic and fervent support of the waiver from AUSTIN CITY CODE § 4-9-4(A) requested by Success Foods Management Group LLC d/b/a Torchy's Tacos ("Torchy's").

As you are aware, Section 4-9-4(A) prohibits the sale of alcoholic beverages within 300 feet of a school. AUSTIN CITY CODE § 4-9-4(A). Here, Torchy's new flagship store is located at 1822 South Congress Ave., some 138 feet from Fulmore Middle School, located at 201 East Mary St.

However, Section 4-9-5 lists six (6) exceptions under which alcohol sales may be conducted within the 300-foot zone created by Section 4-9-4(A) if the City Council determines that the enforcement of the distance requirement meets *any* of the following criteria:

- (1) It is not in the best interest of the public;
- (2) It constitutes waste or the inefficient use of land or other resources;
- (3) It creates an undue hardship on the applicant;
- (4) It does not serve its intended purpose;
- (5) It is not effective or necessary; or
- (6) For any other reason 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.

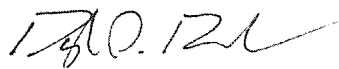
Fulmore middleschoolers, their families, and school staff) than allowing Torchy's to serve its delectable fare to all patrons along South Congress, as well as alcoholic refreshments to its parched or singed customers 21 years of age or older. *See id.* § 4-9-5(6). Indeed, there is nothing more equitable than the natural complement of a cold beer or a frosty margarita with a spicy taco. No doubt the health, safety, and welfare of the Austin public will be imperiled if no cooling alcoholic beverages are available for purchase to the public at Torchy's after consuming a searing jalapeno- or Diablo-sauce-laden taco. Consequently, the City Council should determine that the Austin public's health, safety, welfare, and equitable interests are best served by allowing alcoholic beverages to be sold at Torchy's South Congress flagship location.

In all seriousness, the incredibly hard-working folks at Torchy's have worked their tails off over the last many years to not only serve this community, but bring outstanding and unique fare to some of the most far-flung parts of the state—all of which enhances Austin's image, brand, and allure. Because the risk of Fulmore middleschoolers illegally obtaining alcoholic drinks from Torchy's is less than nil and completely unsupported both by fact and the record before the Council, I do not believe that the general concerns AISD expresses in its Letter (and upon which city staff expressly base their recommendation to deny Torchy's waiver request) form a reasonable or justifiable basis upon which to deny the waiver Torchy's seeks.

Thank you for your time and consideration of this Letter in Support of Torchy's requested waiver, as well as for your service to this city that we all love so dearly.

Keep Austin Weird!

Very truly yours,



Dylan O. Drummond

Hon. Lee Leffingwell, Mayor, *via email: [lee.leffingwell@austintexas.gov](mailto:lee.leffingwell@austintexas.gov)*  
Hon. Sheryl Cole, Mayor Pro Tem, *via email: [sheryl.cole@austintexas.gov](mailto:sheryl.cole@austintexas.gov)*  
Hon. Chris Riley, Council Member Pl. 1, *via email: [chris.riley@austintexas.gov](mailto:chris.riley@austintexas.gov)*  
Hon. Mike Martinez, Council Member Pl. 2, *via email: [mike.martinez@austintexas.gov](mailto:mike.martinez@austintexas.gov)*  
Hon. Kathie Tovo, Council Member Pl. 3, *via email: [kathie.tovo@austintexas.gov](mailto:kathie.tovo@austintexas.gov)*  
Hon. Laura Morrison, Council Member Pl. 4; *via email: [laura.morrison@austintexas.gov](mailto:laura.morrison@austintexas.gov)*  
Hon. Bill Spellman, Council Member Pl. 5; *via email: [bill.spellman@austintexas.gov](mailto:bill.spellman@austintexas.gov)*