



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 22  
**AGENDA DATE:** Thu 01/08/2004  
**PAGE:** 1 of 1

**SUBJECT:** Set a public hearing to consider a request for a waiver from the minimum distance requirement of City Code Section 8-3-4(A) between a proposed bar at 121 East 5th Street and a school located at 216 East 4th Street. (Suggested date and time: January 29, 2004 at 6:00 p.m., Lower Colorado River Authority, Hancock Building)

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review      **AUTHORIZATION:** Joe Pantalione

**FOR MORE INFORMATION CONTACT:** Luci Gallahan, 974-2669; Martha Vincent, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

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The applicant, Luis Jimenez, owner of Truman's Bar, requests a waiver from the minimum distance requirement of 300 feet in Section 8-3-4(A) of the Austin City Code because his bar is located 120 feet from a public school, American Youthworks, at 216 East 4th Street, which is within the 300 feet minimum distance requirement.

Section 8-3-4(D)(1) allows the City Council to waive the 300 feet distance requirement if they determine that enforcement of the distance requirement in a particular instance:

- (a) is not in the best interest of the public;*
- (b) constitutes waste or the inefficient use of land or other resources;*
- (c) creates an undue hardship on an applicant*
- (d) does not serve its intended purpose*
- (e) is not effective or necessary; or*
- (f) for any other reason the City 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.*

Section 8-3-4(D)(2) provides that the City Council may consider a written consent to the waiver of the 300 feet distance requirement provided by each church, public school, public hospital, day-care center or child-care facility within 300 feet of the proposed place of business to be sufficient justification for the waiver. Written consent to allow the waiver has been received from Richard H. Halpin, Founder/CEO of American Youthworks.

## **STAFF REPORT**

### **ALCOHOLIC BEVERAGE WAIVER REQUEST**

**CASE NUMBER:** SP-03-0459 AW

**NAME AND LOCATION OF BAR:** Truman's Bar, 121 E. 5<sup>th</sup> Street

**NAME AND LOCATION OF PUBLIC SCHOOL WITHIN 300 FEET OF BAR:**  
American Youthworks, 216 E. 4<sup>th</sup> Street

**ZONING:** CBD

**NEIGHBORHOOD PLAN:** N/A

**APPLICANT:** Luis Jimenez, owner

**REQUEST:**

The applicant, Luis Jimenez, requests a waiver from the minimum distance requirement of 300 feet in Section 8-3-4(A) of the Austin City Code. Mr. Jimenez' bar, Truman's Bar, is located 120 feet from an existing public school located at 216 East 4<sup>th</sup> Street.

Section 8-3-4(D)(1) allows the City Council to waive the 300 foot distance requirement if they determine that enforcement of the distance requirement in a particular instance:

- (a) is not in the best interest of the public;*
- (b) constitutes waste or the inefficient use of land or other resources;*
- (c) creates an undue hardship on an applicant*
- (d) does not serve its intended purpose*
- (e) is not effective or necessary; or*
- (f) for any other reason the City 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.*

Section 8-3-4(D)(2) provides that the City Council may consider a written consent to the waiver of the 300 foot distance requirement provided by each church, public school, public hospital, day-care center or child-care facility within 300 feet of the proposed place of business to be sufficient justification for the waiver. Mr. Richard H. Halpin, Founder/CEO of American Youthworks, has provided written consent for the waiver.



A M E R I C A N  
YOUTHWORKS  
Building Tomorrow's Citizens

May 19, 2003

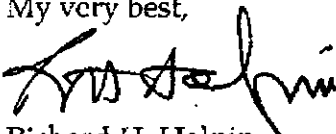
Ms. Lucy Gallahan  
Watershed Protection and Development Review Department  
Building Zone Review  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

Dear Ms. Gallahan,

American YouthWorks has received a request for consent to a waiver that would allow the owners of Truman's Bar at 121 East 5<sup>th</sup> Street to engage in the sale of alcoholic beverages. This letter is meant to advise that American YouthWorks does not wish to contest the liquor license of Truman's Bar, knowing full well that Truman's Bar lies within the 300 foot property to property regulation. Truman's Bar hours of operation will not conflict with that of American YouthWorks, and therefore, we have no vested interest in keeping Truman's Bar from conducting business as usual.

If you have any questions, you may reach me at 512 236-6155 or email [rhalpin@aifl.org](mailto:rhalpin@aifl.org).

My very best,



Richard H. Halpin  
Founder/CEO

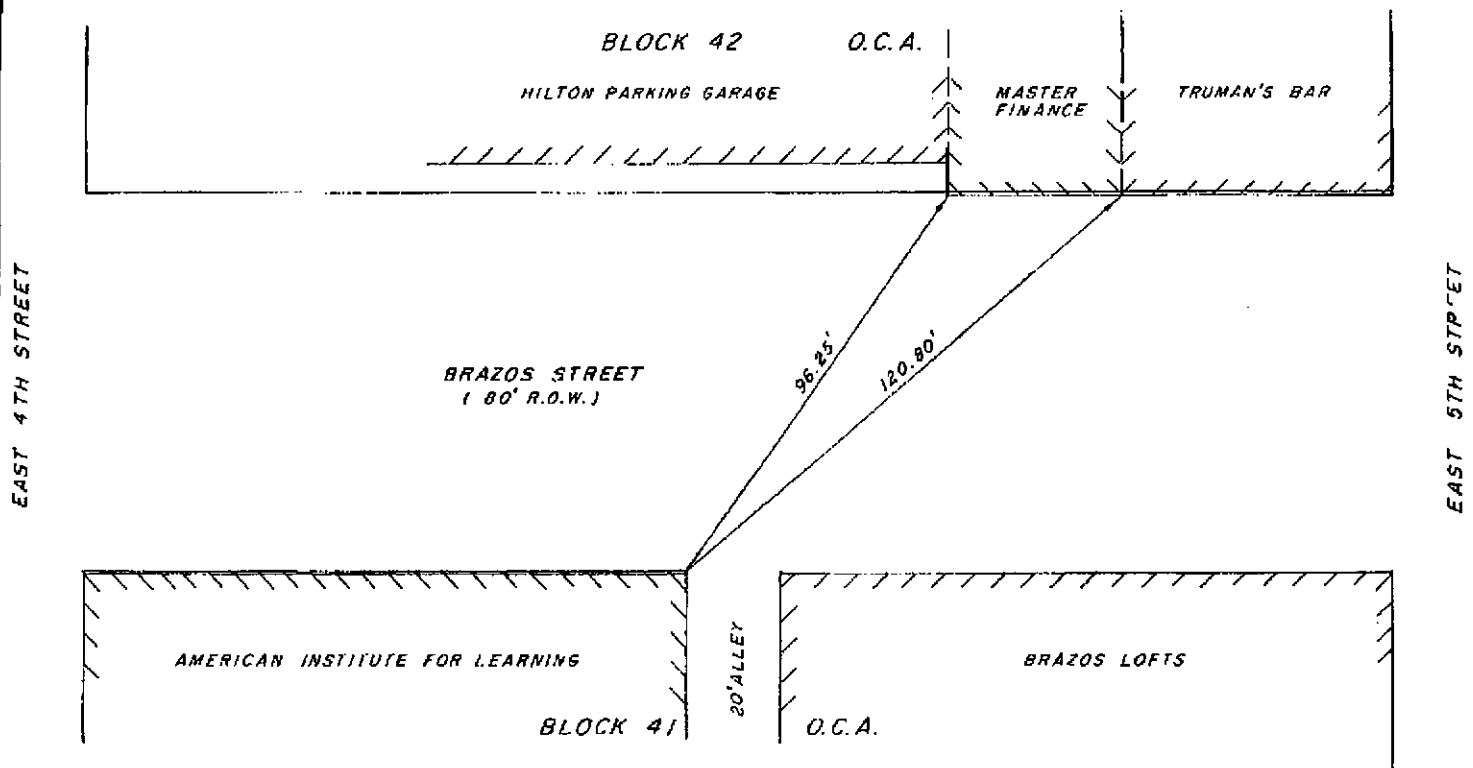
RHH/mls



Page: 512.472.8220 Fax: 512.472.1189

218 East 4th Street Austin, Texas 78701

EXHIBIT FOR DISTANCE TIES BETWEEN BUILDINGS



SURVEYED BY  
ROY D. SMITH SURVEYORS, P.C.

*Roy D. Smith*  
ROY D. SMITH  
Registered Professional Surveyor  
1214 West 5th Street Suite 200  
Austin, Texas 78703  
Ph. (512) 478-9821  
Duty: 25, 2003

