



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

**AGENDA ITEM NO.:** 59  
**AGENDA DATE:** Thu 05/27/2004  
**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 4-9-4(A) which requires 300 feet between a business, Baja Fresh, that proposes to sell alcoholic beverages at 2100 Guadalupe and a church, St. Austin's Catholic Parish, located at 2026 Guadalupe. (Suggested date and time: June 10, 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, Baja Fresh, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because they intend to sell alcoholic beverages at a restaurant which is located 213 feet from a church, St. Austin's Catholic Parish at 2026 Guadalupe.

Section 4-9-5 allows the City Council to waive the 300-foot distance requirement if they determine that 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 an 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.

Section 4-9-5(B) 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. Written consent to allow the waiver has been received from Rick Gerber, Office Manager for the church.

STAFF REPORT  
ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SP-04-01152AW

LOCATION OF PROPOSED BUSINESS: 2100 Guadalupe

NAME AND LOCATION OF CHURCH WITHIN 300 FEET OF PROPOSED RESTAURANT: St. Austin's Catholic Parish, 2026 Guadalupe Street

ZONING: CS

USE: Restaurant (General)

APPLICANT: Jim Bennett, agent

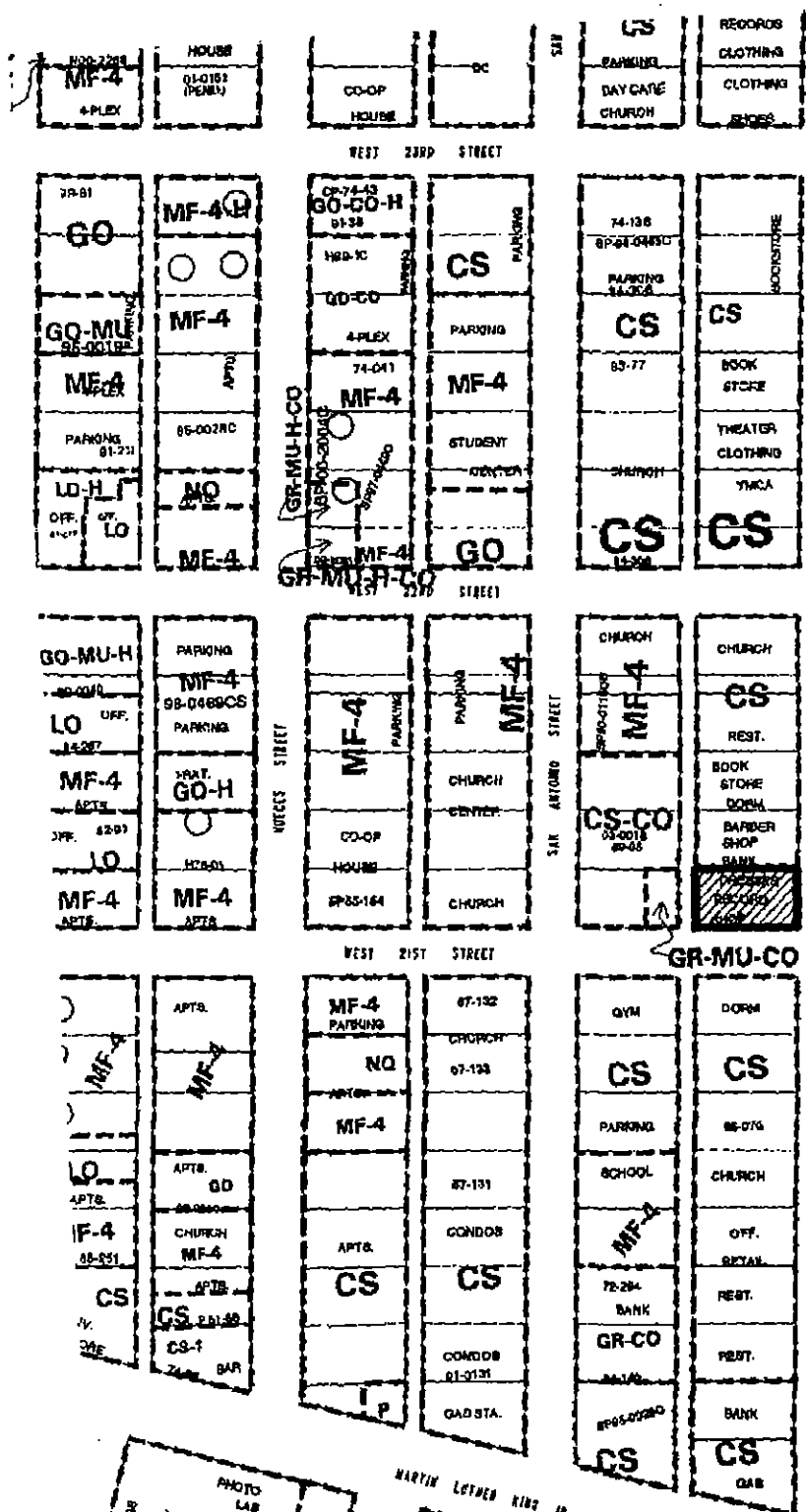
REQUEST:

The applicant's agent, Jim Bennett, requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code in order to sell beer and wine at a proposed restaurant. The restaurant is located at 2026 Guadalupe, which is 213 feet from an existing church, St. Austin's Catholic Parish, located at 2026 Guadalupe Street.

Section 4-9-5(A) allows the City Council to waive the 300-foot distance requirement if they determine that 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 an applicant*
- (4) does not serve its intended purpose*
- (5) is not effective or necessary; or*
- (6) 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 4-9-5(B) 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 business to be sufficient justification for the waiver. Rick Gerber, Office Manager for the church, has provided written consent for the waiver.



UNIVERSITY OF TEXAS  
**UNZ**

UNIVERSITY

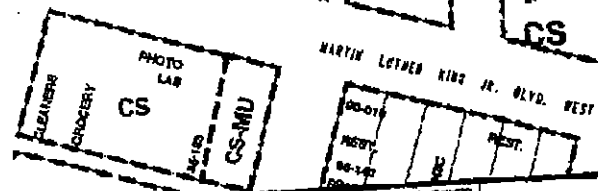
GUADALUPE STREET

SP-04-0000

GUADALUPE STREET

WHITE AVENUE

WEST 20TH STREET



**SITE PLAN**

CASE #: SP-04-0152(AW)  
ADDRESS: 2100-A GUADALUPE ST  
SUBJECT AREA (acres): N/A

DATE: 04-04  
INTLS: SM

CITY GRID  
REFERENCE  
NUMBER  
J23

BOB STEWART@BAJAFRESH 016/288147  
Sent BY: TEXAS RESTAURANT GROUP; 817 810 0802;  
To: BOB HOME At: 8213187, .128

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November 13, 2003

Bob Stewart  
Texas Restaurant Group, Inc.  
DBA Baja Fresh Mexican Grill  
550 Bailey Ave. #230  
Ft. Worth TX 76107

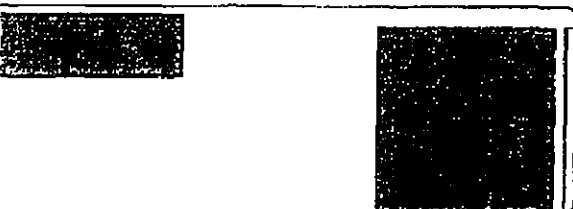
Dear Mr. Stewart,

St. Austin Catholic Parish located at 2026 Guadalupe in Austin TX has no objections to  
Baja Fresh Mexican Grill selling beer/wine in its restaurant at 2100 Guadalupe Street.

Sincerely,



Rick Gerber  
St. Austin Catholic Parish



601 200-2000  
 601 200-2000  
 601 200-2000

156-5" (APPROX.)  
SECONDARY ENTRY

216-5" (APPROX.)  
MAIN ENTRY

1	SCOUT	1
2	SCOUT	1

534TH

GUADALUPE

**BATA FRESH**  
**HERSHEY'S**

உயிரினங்கள்

**Appendix 1**

● CARRELL  
■ POOLE  
▼ & YOST  
architects

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**STATE PUN**

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