

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2012-0114 – Monaco II

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2440 Wickersham Lane (Country Club East Creek Watershed) from multi-family residence-low density (MF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. The conditional overlay prohibits a number of otherwise permitted commercial uses, limits residential to MF-3 density standards, and prohibits drive-through services. The Restrictive Covenant is for conditions of the Traffic Impact Analysis and limits the hours of operation of commercial uses.

DEPARTMENT COMMENTS:

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed by the City Council at First Reading.

A valid petition (representing 21.93% of the eligible area) was submitted by Copper Tree Ltd. on January 30, 2013. Consideration of Second and Third Reading was postponed January 31, 2013 at the request of PODER with the applicant's consent. The Copper Tree Ltd. petition was withdrawn on February 1, 2013.

A petition (representing 16.34% of the eligible area) was submitted by the Board of the Chamonix Condominiums on February 5, 2013. This does not meet the 20% area threshold to be considered a valid petition.

OWNER: Joycevus, Inc., (Marc Knudsen).

AGENT: Vaughn & Associates (Rick Vaughn).

DATE OF FIRST READING: January 17, 2013, approved GR-MU-CO combining district zoning with conditions, on First Reading (6-0, Leffingwell was absent).

CITY COUNCIL DATE: February 14, 2013

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Lee Heckman  
e-mail: lee.heckman@austintexas.gov

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0114  
Monaco II

**P.C. DATE:** 10/23/2012

**ADDRESS:** 2440 Wickersham Lane

**AREA:** 1.960 acres

**OWNER:** PDQ Austin Overlook, Inc.  
(T. Mark Knutsen, President)

**AGENT:** Vaughn & Associates  
(Rick Vaughn)

**ZONING FROM:** MF-2; Multifamily Residence Low Density

**ZONING TO:** GR-MU; Community Commercial-Mixed Use Combining District

**NEIGHBORHOOD PLAN AREA:** East Riverside/Oltorf Combined  
(although not included in FLUM or NP rezoning)

**SUMMARY STAFF RECOMMENDATION**

Staff recommendation was to grant Neighborhood Commercial – Mixed Use – Conditional Overlay, (LR-MU-CO) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day until a TIA was approved and prohibit liquor sales as an accessory use.

**PLANNING COMMISSION RECOMMENDATION:**

October 23, 2012 To Grant Community Commercial-Mixed Use – Conditional Overlay (GR-MU-CO) Combining District with Conditions [Motion by Commissioner Nortey; Seconded by Commission Hernandez; Vote 8-0].

**CONDITIONS OF PLANNING COMMISSION RECOMMENDATION:**

1) Prohibit the following uses:

Automotive Repair Services  
Automotive Sales  
Commercial Off-Street Parking  
Community Recreation-Public  
Congregate Living  
Drop-Off Recycling Collection Facility  
Exterminating Services  
Hospital Services-General  
Hotel-Motel

Indoor Sports and Recreation  
Off-site Accessory Parking  
Outdoor Entertainment  
Pawn Shop Services  
Private Primary Educational Services  
Private Secondary Educational Services  
Residential Treatment  
Service Station  
Theater

- 2) Residential uses shall be limited to MF-3 density standards;
- 3) Hours of operation for commercial uses shall be limited to Sunday through Thursday, 6 AM to 10 PM and Friday through Saturday 6 AM to 12 AM;
- 4) Prohibit liquor sales as a principal and accessory use; and
- 5) Limit vehicle trips per day to 2,000 unless a traffic impact analysis has been approved prior to City Council adoption of a rezoning ordinance.

**UPDATE:**

**Alcohol Sales / Condition #4:** The prohibition against liquor sales as an accessory use was removed as a condition to approval by the Council on January 17, 2013. There was discussion about whether neighborhood representatives, especially the Monaco Homeowners Association (HOA) and the East Riverside/Oltorf Neighborhood Plan Contact Team (NPCT), supported liquor sales associated with restaurant use, beer and wine sales associated with a convenience/grocery store use, or both. There was also discussion about the specifics of the Planning Commission recommendation.

As evidenced by a letters of support from the NPCT and Monaco HOA (see Exhibit B), both the NPCT and the Monaco, which is the immediately abutting property owner, support beer and wine sales with the grocery/convenience store and support liquor sales as part of a restaurant operation. Nevertheless, documents have been submitted to staff and the Council previously regarding alcohol sales, as well as other opposition (see Exhibit C).

**Limited Trips Per Day / TIA / Condition #5:** The Traffic Impact Analysis was approved on January 11, 2013 and a memo to that effect was provided in previous backup materials for the January 17, 2013 meeting. No additional improvements are required as part of the rezoning request (see Exhibit D).

**New Council Condition:** The Council added a prohibition against drive-through uses at its January 17, 2013 meeting. This prohibition has been added as a CO to the current rezoning ordinance.

**ISSUES:**

A petition was submitted on January 30, 2013 by the owner of the Copper Tree Apartments, the ownership of which comprises 21.93% of the eligible petition area; on February 1, 2013, a letter of support for the rezoning application was received from the same property owner (see Exhibit H1 & H2), thus nullifying their petition.

Staff received a petition from the Chamonix Condominiums homeowners' association on February 5, 2013 (see Exhibit H3). The area represented by the Condominiums petition comprises 16.34% of the eligible petition area. Staff also received a number of petitions from individual property owners at the Chamonix in February (see Exhibit H4-H6). Prior correspondence in opposition from Chamonix board members and/or residents has been provided previously (included in Exhibit C).

In summary, with the withdrawal of the Copper Tree petition, the Chamonix Condominium's petition alone constitutes less than the 20% threshold required for a valid petition.

A postponement was requested for the January Council meeting, prior to second and third readings, by PODER; the applicant initially did not concur with the request (see Exhibits I). At the time of Council consideration on January 31, the applicant concurred with the postponement request. This was the second postponement request by stakeholders representing neighborhood interests.

**DEPARTMENT COMMENTS:**

The subject tract is an approximate 1.96 acre tract of undeveloped land at the northwest corner of the intersection of E Oltorf Street and Wickersham Lane. It is surrounded by apartments and condominiums, all of which are zoned MF-2 (see Exhibit A and A-1). The

parcel is a combination of remnant portions of previously subdivided and replatted lots (the perceived overlap of the subject tract boundaries with existing GIS data for zoning, parcel, and subdivision boundaries will be reviewed with the expected replat of the property).

This tract, several of the tracts surrounding it, and more in the immediate vicinity, were not included in the East Riverside/Oltorf Neighborhood Plan's Future Land Use Map, or FLUM (see Exhibit A-2); other properties were included in the FLUM with land use designations, but were not rezoned as part of the zoning ordinance that accompanied adoption of that Plan (see Exhibit A-3). Excluded properties along Pleasant Valley Road to the west were designated withdrawn on the FLUM – but with the possibility to be reconsidered as part of a future core transit corridor. Other properties, such as this one, were simply designated withdrawn for future consideration. Of note, the draft East Riverside Corridor Plan does not encompass this tract. Consequently, a neighborhood plan amendment is not required, and the tract will not be designated (differently) on the FLUM as a result of a rezoning.

The request for the rezoning is driven by the desire to construct a multiple story, mixed use building. Specifically, a project with first floor retail, two floors of residential, and subsurface parking is envisioned. A site plan has not been submitted to the City, and the variety and mix of retail tenants proposed for the project have not been established.

Staff initially received limited correspondence opposing the rezoning request (see Exhibits E), although an associated public restrictive covenant limiting hours of operation have addressed some of the neighborhood contact team's concerns (see Exhibit F).

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-2	Undeveloped (concrete pads from prior temporary use)
<i>North-Northwest</i>	MF-2-NP	Monaco Condominiums; The Heights in Austin
<i>North-Northeast</i>	MF-2	High Point Village Apartments; Wickersham Green Apartments
<i>East-Southeast</i>	MF-2-NP	Coppertree Apartments
<i>South</i>	MF-2-NP	Woodmeade Apartments
<i>West-Southwest</i>	MF-2	Chamonix Condominiums; Chevy Chase Downs Apartments

**TIA:** In the absence of an approved TIA, staff recommended the standard condition of no more than 2,000 vehicle trips per day. The applicant has submitted a Traffic Impact Analysis. Since the TIA has been approved and no additional improvements are required as part of the proposed rezoning, this condition is no longer warranted.

**WATERSHED:** Country Club East Creek  
**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes  
**HILL COUNTRY ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

Southeast Austin Neighborhood Alliance	189
Crossing Garden Home Owners Association	299
Sunridge Homeowners Association	481

Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
East Riverside/Oltorf Neighborhood Plan Contact Team	763
Del Valle Independent School District	774
Home Builders Association of Greater Austin	786
Riverside Farms Road Neighborhood Association	934
PODER	972
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Austin Heritage Tree Foundation	1340
SEL Texas	1363

**SCHOOLS:**

Del Valle Independent School District:

Baty Elementary	John P. Ojeda Middle School	Del Valle High School
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**CASE HISTORIES:**

The subject tract was annexed as part of an approximate 177-acre tract annexed in August 1969. In November 1970, 176 of those acres were zoned "BB"; this zoning included not only the subject tract, but essentially everything between the already existing Riverside Farms development to the east and future Pleasant Valley Road to the west, and from Riverside Drive to the north, to approximately 1,000 feet south of the current Oltorf/Wickersham intersection.

Although the first multifamily development in the area appears to be the Hills of Chevy Chase Apartments in 1973, there wasn't pronounced development of multifamily projects until the mid-1980s and again in the late 1990s. In 1984 the Council adopted the Zoning Conversion Ordinance, which converted BB zoning to MF-2 through MF-5, depending on the units per acre and height and area specifications of the BB tract. Many of the site plans for these multifamily projects were approved as a special use site plan, and required Commission approval.

NUMBER	REQUEST	PLANNING COMMISSION
<i>(North-Northwest)</i>		
C14P-85-017 (Monaco) (plan included subject tract)	56 Condominium Units	Approved; 05/14/1985

SP-99-0018C (Heights of Austin, formerly Oltorf Apartments) (North-Northeast)	192 Apartment Units	Approved; 07/22/1999
C14P-73-006 (Wickersham Greens, formerly Hills of Chevy Chase)	190 Apartment Units	Approved; 04/18/1973
C14P-79-019 (Highpoint Village, formerly The High Point) (East-Southeast)	168 Apartment Units	Approved; 07/31/1979
C14P-84-065 (Coppertree Apartments)	Two Phase Apartment Complex; Ph. I – 252 Units, Ph. II – 264 Units	Approved: 09/18/1984
C14P-84-057 (Woodmeade Apartments)  SP-97-0427C (Mission Hills) (West-Southwest)	297 Apartment Units  Multi-phased Apartment Complex: 344 Units	Approved; 08/14/1984  Approved; 04/27/1998
C14P-84-044 (Chamonix)  C14P-84-038 (Chevy Chase Downs)	200 Condominium Units  240 Unit Apartment	Approved; 06/12/1984  Approved; 06/12/1984

**RELATED CASES:**

In early 2007 a site plan (case # SP-07-0095C) was submitted on the property for a proposed 32-unit condo project known as Austin Overlook Condominiums; the permit was issued on January 29, 2008. With a pending expiration on January 29, 2011, a one year extension was sought and granted (case # SP-07-0095C(XT)). Since that extension expired on January 29, 2012, a new site plan has not been submitted.

As noted above, the site was not rezoned as part of the neighborhood planning process.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-69-235	From "A" Residence to "BB" Residence	(date unavailable at time of this staff report)	Approved; 11/12/1970

**ABUTTING STREETS:**

Street Name	Right of-	Pavement Width	Classification	Daily Traffic	Bicycle Plan	Bus Service	Side-walks
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	Way						
Oltorf Street	104 to 107 feet	60 feet	Major Arterial	20,952	Yes	Yes	Yes
Wickersham Lane	65 to 82 feet	42 feet	Collector	9,150	Yes	Yes	Yes

**CITY COUNCIL DATE:**

January 31, 2013

Postponed per the request of PODER, with concurrence by the applicant, until February 14, 2013. Motion by Council Member Morrison, with a second from Council Member Spelman. Passed on a 7-2 vote.

January 17, 2013

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, with the following friendly amendment, was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent. The amendment was to delete the prohibition of liquor sales.

There was a friendly amendment made by Council Member Spelman to prohibit drive through uses. The amendment was accepted by the maker of the motion.

There was a friendly amendment made by Council Member Morrison to pass the Planning Commission recommendation as is with direction to staff to work with the applicant and neighborhood and come back with a proposal on how to impose suggested restrictions. The amendment was not accepted by the maker of the motion.

December 6, 2012

Postponed to January 17, 2013 at the request of neighborhood interests. [Motion by Council Member Tovo; Seconded by Council Member Morrison; Passed 7-0].

**ORDINANCE READINGS:**1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman

e-mail address: lee.heckman@austintexas.gov

**PHONE:** 974-7604

**STAFF RECOMMENDATION****C14-2012-0067****BACKGROUND**

The property has been zoned with an multifamily base district since 1970 (BB, then MF-2). Although tracts around it have been developed with apartments and condominiums, this tract remains undeveloped. A site plan submitted in 2007 for multifamily development has expired. The adopted neighborhood plan for this community does not designate a future land use for this property.

**SUMMARY STAFF RECOMMENDATION**

Staff recommendation was to grant Neighborhood Commercial – Mixed Use – Conditional Overlay, (LR-MU-CO) combining district zoning. The conditional overlay would limit the vehicle trips to less than 2,000 per day until a TIA was approved and prohibit liquor sales as an accessory use.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The existing multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single family neighborhoods or in an area for which low density multifamily use is desired.

The requested community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. Additionally, the proposed mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The GR-MU combining district would allow development of a 3-story mixed-use building as envisioned by the applicant.

Staff recommends neighborhood commercial (LR) district, which is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

This tract is fully surrounded by developed MF-2 property, with adjacent apartments and condos ranging from 2 to 3 stories. The nearest commercially zoned property is an LR tract at the corner of Pleasant Valley and Oltorf, a service station with a convenience store just over 700 feet away. While the relative lack of commercial in this area helps justify the need for additional commercial options, staff thinks neighborhood commercial, LR, is more appropriate than GR for a base commercial district at this location.

As noted above, this application is being driven by the desire to construct a 3-story mixed use building with first floor retail, two floors of residential and subsurface parking. The applicant is amenable to significantly limiting the uses proposed with a GR base district (see Exhibit G). However, these uses are already prohibited in the LR base district. The



applicant is also amenable to a private restrictive covenant prohibiting the sale of liquor for offsite consumption.

The proposal for a mixed-use development notwithstanding, staff must also consider the potential development of the site as either retail or multifamily, without the mixed-use component. In that case, staff thinks GR is simply too intense a use at this location and that LR is more compatible with surrounding development at this time. Similarly, GR-MU, if developed only as residential, approximates MF-4 standards. That is thought to be too incompatible with the existing MF-2 zoned surroundings. In contrast, LR-MU would allow development of multifamily that approximates MF-2 or MF-3 standards, which staff thinks is more compatible with the area.

If and when the surrounding multifamily properties are redeveloped, perhaps to a higher level of density or intensity, then a GR base zoning district may be appropriate, as might a less restrictive multifamily allowance; at this time, staff does not think the site is ripe for GR zoning, despite our support for commercial at the site. Despite the less intense nature of the abutting MF-2 zoned properties, compatibility standards would not apply – for either GR or LR. Commercial design standards will apply, even if the property is developed solely as residential.

2. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Staff recommends LR-MU because the intersection of Oltorf or Wickersham is not that of major roadways as noted in the GR district's purpose statement above – despite the relatively heavy traffic volume noted on each. They are classified currently as a major arterial and collector, respectively. Consequently, staff can support neighborhood commercial but cannot support community commercial zoning.

3. *Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning; and*
4. *Zoning should allow for a reasonable use of the property.*

The justification for a commercial endeavor at this location seems self-evident when considering the property's surroundings, which consist solely of residential development. Rezoning the property to commercial mixed-use can be justified because there is existing LR at the corner of Oltorf and Pleasant Valley. Additionally, and in the broader context, approximately 1,800 feet east are two GR-based tracts (both undeveloped) and a couple of GO-based tracts (one occupied by the General Services Commission of Texas). The GR-based tracts abut LI-zoned Spansion tracts south of Oltorf, while Sematech's MI-zoned property follows on the north. Commercial can also be found north on Pleasant Valley at its intersection with Sheringham Drive (CS district) and west on Oltorf near its intersection with Willow Creek Drive (GR and CS based districts). Both of these intersections are also about 1,800 feet away. Hence, it appears there could be a real need for commercial development at this location, and given that there is other commercial in the area, staff does not think this is spot zoning.

At the same time, staff thinks LR is the appropriate commercial base for the proposed mixed-use zoning. Should the residential component not be developed, straight LR is

thought to allow for a reasonable use of the site. Similarly, if the project is developed solely to MF-2 or MF-3 standards, that is consistent with the surrounding development and consistent with a previously approved site plan. Staff thinks the approved site plan, though expired, demonstrates that additional condominium development was considered a reasonable use of the property by that applicant, as well as staff.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is undeveloped and relatively bare, with the exception of some trees on the western boundary and far southern edge. It is unknown whether these are protected trees. It is a gently-sloped tract, with the southern point being the highest point. It slopes gently downward to the north and slightly to the west. There appear to be no significant topographical constraints or environmental features on the site.

### **Site Plan and Compatibility Standards**

1. There is an existing site plan for the site, SP-07-0114C , Austin Overlook Condominiums; for the construction of 3 buildings, which will include 36 condo units, and associated parking and improvements.
2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
3. Parkland dedication fees will be required to be paid during the site plan process; \$650 per unit.

### **Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps there is no flood plain within or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this

time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
  - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

1. No additional ROW is required in accordance with the AMATP at this time.
2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].
3. There are existing sidewalks along both sides of Oltorf ST and Wickersham LN for the subject parcel.
4. Following table shows 2009 Bicycle Plan recommendations for the boundary streets for this parcel:

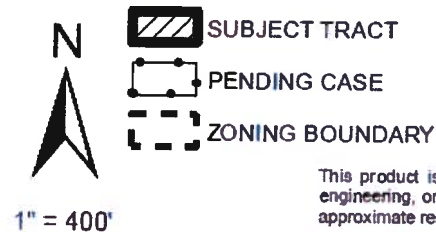
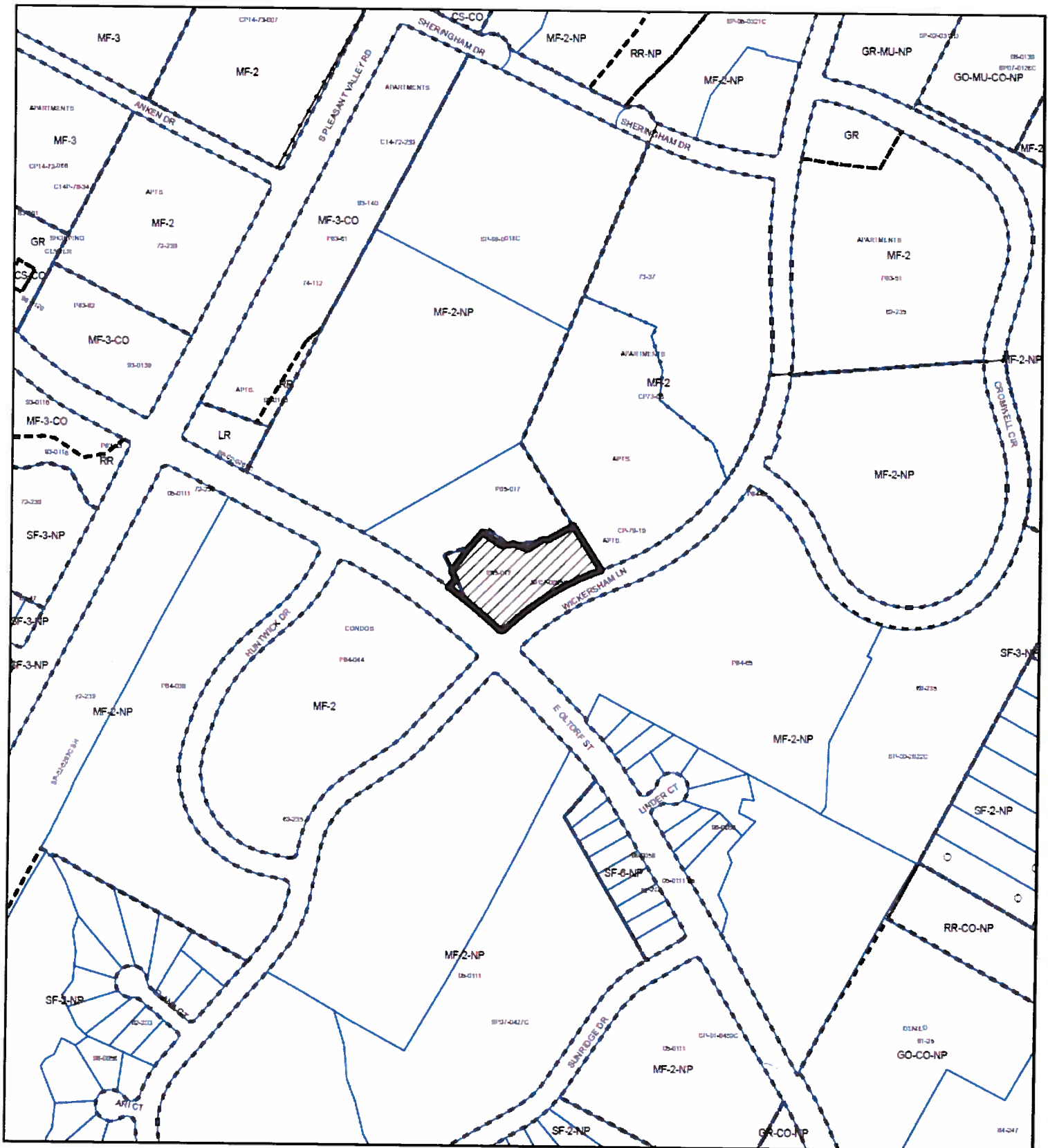
<b>Street Name</b>	<b>Existing Bicycle Facility</b>	<b>Recommended Bicycle Facility</b>
Oltorf ST	Bike Lane	Bike Lane
Wickersham LN	None	Multi Use Path

5. Following Capital Metro bus service routes are available in this zoning district:

**331** – Oltorf  
**20** – Manor RD/LBJ high  
**411** – E Bus Riverside  
**685** – WL/CP Wickersham LN Crossing Place  
**675** – Wickersham LN/UT

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



## ZONING

### ZONING CASE#: C14-2012-0114

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





# C14-2012-0114 / Monaco II



Image Data: 2009

**Aerial Image  
Exhibit A - 1**

0 200 400 800 Feet

1 inch = 400 feet



# C14-2012-0114 / Monaco II

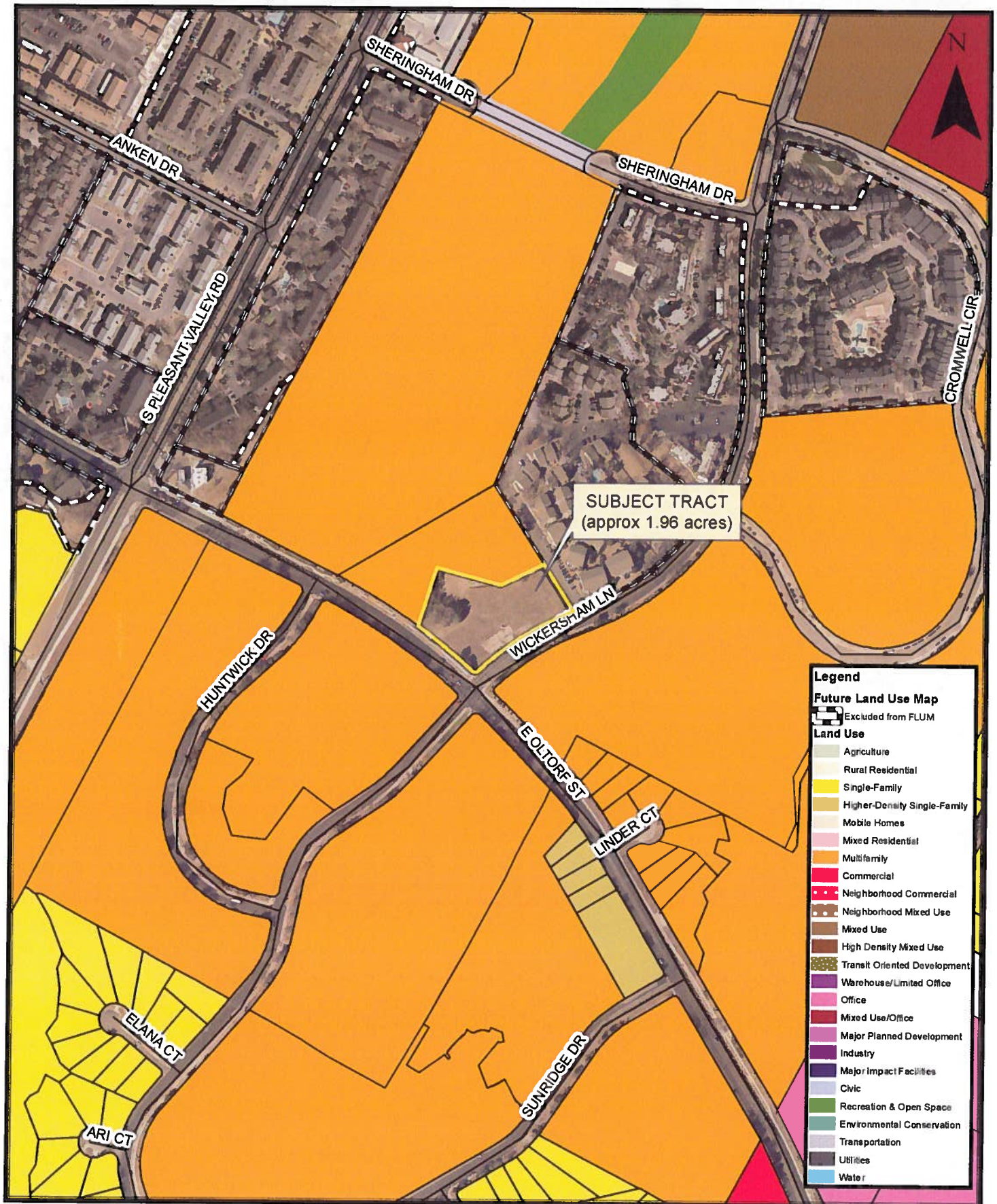


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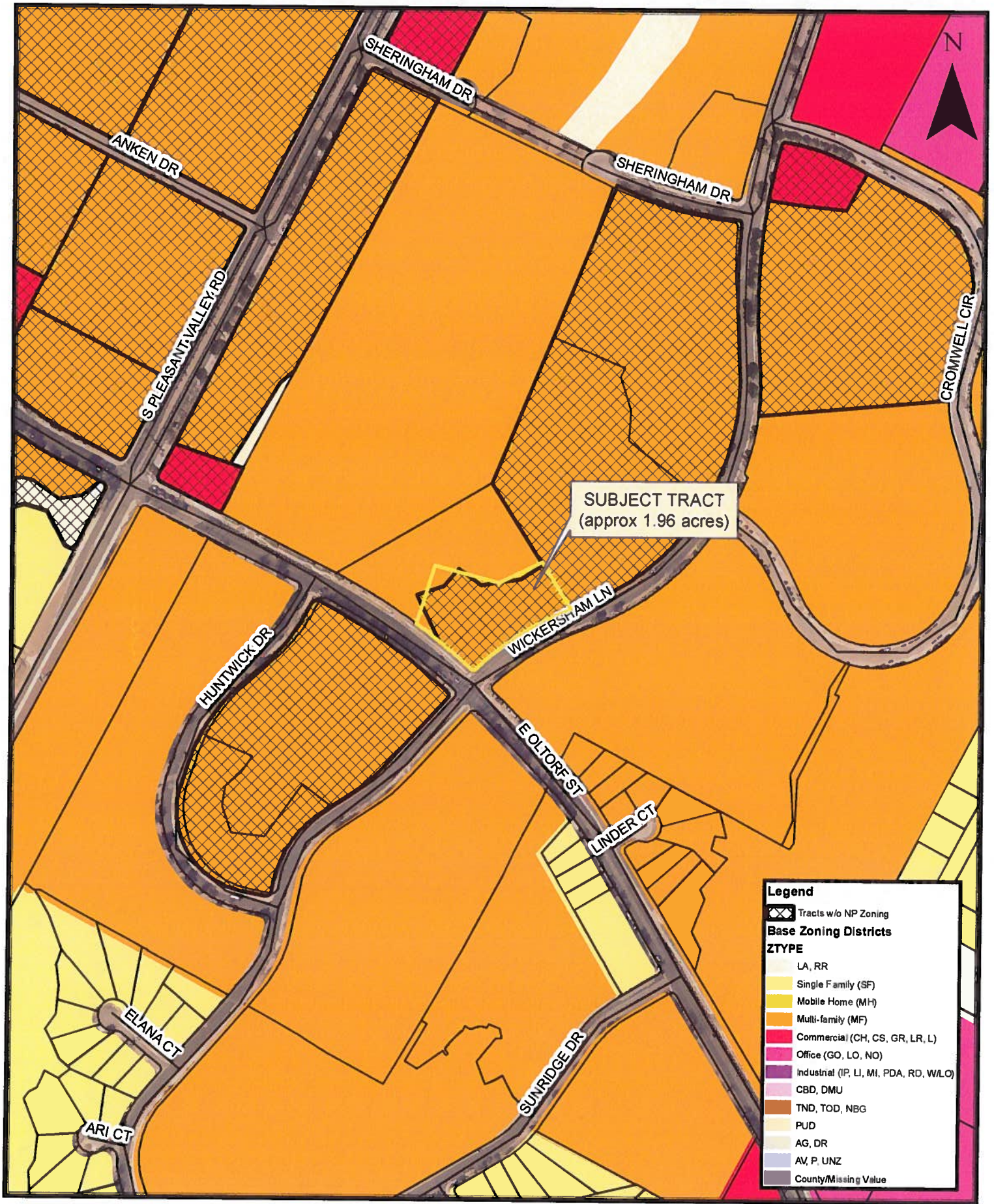
**Future Land Use Map**  
**Exhibit A - 2**

0 200 400 800 Feet

1 inch = 400 feet



# C14-2012-0114 / Monaco II



**Zoning & Tracts w/o NP Zoning**  
**Exhibit A - 3**

0 200 400 800 Feet

1 inch = 400 feet



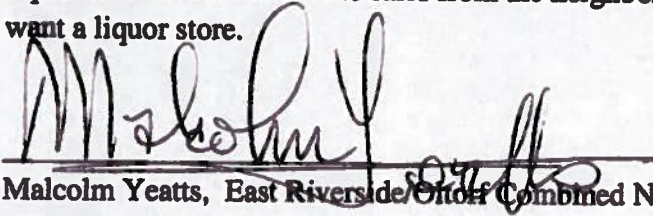
**January 18, 2013**

**From: East Riverside/Oltorf Combined Neighborhood Plan Contact Team  
c/o: Mr. Malcolm Yeatts**

**To: Austin City Council  
c/o: Mr. Lee Heckman, Case Manager  
Case #: C14-2012-0114  
Monaco II**

**Dear Council:**

**We watched the City Council proceedings for the above case and are responding to the council's request for clarification on the beer wine sales. We have no objection to restaurant liquor sales or beer and wine sales from the neighborhood grocery. The neighborhoods do not want a liquor store.**

A handwritten signature in black ink, appearing to read "Malcolm Yeatts", is written over a horizontal line. The signature is fluid and cursive.

**Malcolm Yeatts, East Riverside/Oltorf Combined Neighborhood Plan Contact Team  
4811 Allison Cove  
385-1958**



January 28, 2013

From: Monaco Homeowners Association

c/o: Mr. Rick Thompson, President

To: Austin City Council

c/o: Mr. Lee Heckman, Case Manager

Case #: C14-2012-0114, Monaco II

Dear Council:

In response to the City Council request for further clarification of our original support letter "We do support beer and wine sales for the planned neighborhood convenience grocery store and mixed drinks at the new restaurant/s during the agreed operating hours shown in the new Public Restrictive Covenant." I have had the attached neighborhood benefits package put together for them and for you so that they and you would understand how beneficial this project will be to our neighborhood.

Please continue the Council actions started on January 17th, 2013 and

PLEASE DO NOT POSTPONE THE 2ND AND 3RD READINGS  
ON JANUARY 31, 2013



Rick Thompson, Monaco Homeowners Association, Board President

Attachments:

The Fully Executed new Public Restrictive Covenant restricting hours of operation.

Original Support letter with map showing the location of our HOA.

Monaco / Neighborhood Benefits Package

RECIEVED

JAN 16 2013

Planning & Development Review

FROM: Mr. Jesse Lona

REGARDING: Agenda Item #83 on January 17, 2013

Dear Sirs and Madam, I am writing to respectfully ask you to please follow the Austin Planning Commission recommendation on Item #83, the zoning case at 2440 Wickersham (Wickersham and East Oltorf), and **please do NOT allow alcohol sales at this location.**

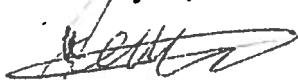
I am a longtime resident of this area. The corner of Wickersham and East Oltorf has residential apartments on all four corners, and beer / alcohol sales will negatively impact our neighborhood's quality of life. We ALREADY have serious problems with crime and vagrancy and DUI in our area! Zoning this property for liquor sales will hurt our neighborhood.

I have collected the attached petition signatures from my concerned neighbors in this area who are opposed to alcohol sales at this location. I have received many phone calls and emails from others.

The party requesting this rezoning originally AGREED to prohibit beer / alcohol sales. They received the support of the Austin Planning Commission based on this promise. Now it seems the developer is going back on their word at the last minute and asking the City Council for permission to sell alcohol after all. This is not right, and bad for our neighborhood.

**Please ask the developer to keep their word and support the recommendation of the Austin Planning Commission to NOT allow alcohol sales at 2440 Wickersham.**

Thank you,



Mr. Jesse Lona  
2201 Willowcreek Drive, Apt. 238  
Austin, TX 78741  
Phone: 512-803-5400  
Email: SaveOltorf@gmail.com

Exhibit C - 1



Pacific Institute  
FOR RESEARCH AND EVALUATION

# PIRE

*Translating Science into Practice*

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## How Alcohol Outlets Affect Neighborhood Violence

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Kathryn Stewart



Prevention Research Center  
PACIFIC INSTITUTE FOR RESEARCH AND EVALUATION

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*Pacific Institute for Research and Evaluation is one of the nation's preeminent independent, nonprofit organizations merging scientific knowledge and proven practice to create solutions that improve the health, safety and well-being of individuals, communities, nations, and the world.*

Exhibit C - 2

## Introduction

Neighborhoods where bars, restaurants and liquor and other stores that sell alcohol are close together suffer more frequent incidences of violence and other alcohol-related problems, according to recent research by the Prevention Research Center and others. The strong connection between alcohol and violence has been clear for a long time – but now we know that this connection also relates to the location of places that sell alcohol.

Government agencies with authority over land-use and/or liquor licenses can help fight crime and blight and improve quality of life by controlling licenses to sell alcohol and the location of licensees. Governments can make rules that set minimum distances between alcohol outlets; they can limit new licenses for areas that already have outlets too close together; they can stop issuing licenses when a particular location goes out of business; and they can permanently close outlets that repeatedly violate liquor laws.

This paper presents some of the questions and answers about alcohol sales outlets and alcohol problems – especially the relationship between outlet location and violence.

## What is the relationship between outlet density and violence?

A number of studies have found that in and near neighborhoods where there is a high density of places that sell alcohol, there is a higher rate of violence. That is, when bars, liquor stores, and other businesses that sell alcohol are close together, more assaults and other violent crimes occur.

Some of the important findings about outlet density and violence are described below.

- In a study of Camden, New Jersey, neighborhoods with alcohol outlet density had more violent crime (including homicide, rape, assault, and robbery). This association was strong even when other neighborhood characteristics such as poverty and age of residents were taken into account.<sup>1</sup>
- In a study of 74 cities in Los Angeles County, California, a higher density of alcohol outlets was associated with more violence, even when levels of unemployment, age, ethnic and racial characteristics and other community characteristics were taken into account.<sup>2</sup>
- In a six-year study of changes in numbers of alcohol outlets in 551 urban and rural zip code areas in California, an increase in the number of bars and off-premise places (e.g., liquor, convenience

and grocery stores) was related to an increase in the rate of violence. These effects were largest in poor, minority areas of the state, those areas already saturated with the greatest numbers of outlets.<sup>3</sup>

- Violence committed by youth was more common in minority neighborhoods where there are many outlets that sell alcohol for consumption off the premises (such as liquor and convenience stores).<sup>4</sup> This finding makes sense because underage drinkers are more likely to purchase alcohol in a store than in a bar or restaurant.
- In neighborhoods where there are many outlets that sell high-alcohol beer and spirits, more violent assaults occur.<sup>5</sup>
- Large taverns and nightclubs and similar establishments that are primarily devoted to drinking have higher rates of assaults among customers.<sup>6</sup>

A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, even when levels of poverty and the age and the ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood's economic, ethnic or age status.

All of the characteristics of alcohol outlet location can be important. It is easy to see that a town with many bars, restaurants, and stores that sell alcohol could be different from one that has fewer outlets. It is also easy to see that a neighborhood that has a bar on each corner and a liquor store on each block has a completely different environment than one that has few outlets or none at all. Other characteristics of the environment make a difference, too. For example, a strip of bars near a college campus presents a different environment from a similar density of bars in an upscale city center and also different from a similar density in a poor neighborhood. But in each case, some form of increased violence would be expected as compared to comparable areas with fewer alcohol outlets. A study of changes in outlet density over time as related to violence in California found that regardless of other neighborhood characteristics, an increase in outlets increased violence. In neighborhoods with a high minority population and low incomes, the effect was more than four times greater than for the statewide sample of communities.

### **What accounts for the relationship between outlet density and violence?**

The research that has been done so far cannot pinpoint exactly why having more outlets in a small area seems to result in more violence. Various explanations have been proposed. One is that alcohol outlets can be a source of social disorder. A liquor store parking lot full of people drinking in their cars or on the curb and broken bottles littering the area outside a bar may send a message that this is a neighborhood in which normal rules about orderly behavior are not enforced. Another possible explanation is that a neighborhood with a large number of outlets acts as a magnet for people who are more inclined to be violent or more vulnerable to being assaulted. It is also possible that a high number of outlets results in a large number of people under the influence of alcohol – which makes them both more likely to be violent and less able to defend themselves.<sup>7</sup> It is most probable that all of these factors come into play.

### **What is the relationship of outlet density to other alcohol problems?**

The density of alcohol outlets has also been found to be related to other alcohol problems such as drinking and driving, higher rates of motor vehicle-related pedestrian injuries, and child abuse and neglect.<sup>89</sup>

### **How do governments regulate outlet density?**

States and communities can regulate the number of bars, restaurants, and stores that sell alcohol in a given area. Sometimes the number and location of alcohol outlets is not limited at all. In some jurisdictions, the number of alcohol outlets is limited based on the population of the area – only so many outlets per thousand residents, for example. In other cases, the location of outlets is regulated – for example, some states or communities set minimum distances from schools or churches. Research increasingly finds, however, that geographic density is the key aspect of outlet location – that is, the distance between outlets. Where over-concentrations of outlets occur, greater problems arise.

Governments can use their regulatory powers to reduce violence by:

- Making rules that set minimum distances between alcohol outlets;
- Limiting new licenses for areas that already have outlets too close together;
- Not issuing a new license when a particular location goes out of business;
- Permanently closing outlets that repeatedly violate liquor laws (such as by selling alcohol to minors or to intoxicated persons or allowing illicit drug sales or prostitution on the premises).

### **What implications do these findings have for state and local licensing policies?**

The research strongly suggests that limits on outlet density may be an effective means of reducing alcohol problems, especially violence. States and communities can use controls on the number and location of alcohol outlets as a tool for reducing violence, creating a safer and healthier alcohol environment, and improving the quality of life of a community.

### **What other alcohol policies are important?**

Alcohol is a legal and widely consumed commodity; but it is also a commodity that can create a variety of serious health and social problems. Alcohol policies are an important tool for preventing these problems. Every day, states and communities make decisions about the sale of alcohol: who can sell it, when and where it can be sold, who it can be sold to. State and local laws and policies control many aspects of the system by which alcohol is manufactured, marketed, sold, purchased, and consumed.

Regulations serve a variety of purposes, for example, they help ensure that tax revenues are collected. But the regulation of the business of selling alcohol goes beyond economic concerns. Each element of the regulatory system provides opportunities for creating a healthier social environment with respect to alcohol. For example, regulations can prevent unsafe sales practices – such as prohibiting all-you-can-drink specials that encourage intoxication. Regulations can control advertising and promotion that appeals to minors and establish the minimum age and training qualifications for people who sell and serve alcohol. Each type of regulation has the potential to ensure that alcohol is consumed in a safe and healthy manner.

### **What aspects of alcohol availability can be regulated?**

The regulation of alcohol sales can have an impact on the availability of alcohol – that is, how easy and convenient it is to buy. Some states and communities try to make alcohol less available by selling it only in limited places – for example, state liquor stores. Other communities sell it more freely – making it available in grocery stores, convenience stores, gas stations, laundromats, drive-through windows, and so forth. States and communities can also limit the hours and days of sale, and other aspects of the conditions of sale. The regulation of availability is important because research generally shows that when alcohol is more easily available, people drink more and more alcohol problems occur.

## References

- <sup>1</sup> Gorman, D., Speer, P., Gruenewald, P., and Labouvie, E. (2001) *Journal of Studies on Alcohol*, 62: 628-636.
- <sup>2</sup> Scribner, R. et al. (1995) The risk of assaultive violence and alcohol availability in LA County, *American Journal of Public Health*, 85:335-340.
- <sup>3</sup> Gruenewald, P.J. and Remer, L. Changes in outlet densities affect violence rates. In review, Alcoholism: Clinical and Experimental Research, 2004.
- <sup>4</sup> Alaniz, M., Cartmill, R., and Parker, R. (1998) Immigrants and violence, *Hispanic Journal of Behavioral Sciences*, 20, 155-174.
- <sup>5</sup> Stevenson, R., Lind., B. and Weatherburn, D. (1999). The relationship between alcohol sales and assault in New South Wales, Australia, *Addiction*, 94(3):397-410.
- <sup>6</sup> Stockwell, T. et al. (1992) Levels of drunkenness of customers leaving licensed premises in Perth, Western Australia: a comparison of high and low "risk" premises. *British Journal of Addiction*, 87: 873-881.
- <sup>7</sup> Gorman, et al. (2001).
- <sup>8</sup> Freisthler, B., Midanik, L.T. and Gruenewald, P.J. Alcohol outlets and child physical abuse and neglect: Applying routine activities theory to the study of child maltreatment. *Journal of Studies on Alcohol*, 65, 586-592, 2004.
- <sup>9</sup> Stockwell, T. and Gruenewald, P. (2001) Controls on Physical Availability of Alcohol, in Heather, N., Peters, T., and Stockwell, T. (eds.), *International Handbook of Alcohol Dependence and Problems*, John Wiley and Sons, Ltd.





**Tanna Allen**<XXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXX>

To: "saveoltorf@gmail.com" <saveoltorf@gmail.com>

**Sent from my iPad**

Gmail - Please prevent sale of liquor at Oltorf and Wickersham development



Save Oltorf < saveoltorf@gmail.com >

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**Please prevent sale of liquor at Oltorf and Wickersham development**

1 message

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Linda Yeatts <XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX>  
Reply-To: Linda Yeatts <XXXXXXXXXXXXXXXXXXXXXXXXXXXXX>  
To: "saveoltorf@gmail.com" <saveoltorf@gmail.com>

Wed, Jan 16, 2013 at 10:34 AM

Dear Mayor and City Council members -

Thank you for all of your hard work and endeavors to make Austin a better city.

I am asking you to please prevent the sale of liquor at the proposed development at Oltorf and Wickersham as liquor is a enabler of more crime in an already high crime area. This area is part of the APD Henry Sector that is historically plagued with the highest or second highest levels of serious and miscellaneous crime in the City of Austin. Historical data studies prove this truth. We do not need to add more fire to the crime flame as this location is in the middle of leased apartments and dwellings of homeowners. Adding additional liquor sales to this area significantly increases the chance of increase in life threatening crime. I will gladly pull statistics and present to council again soon. Statistics show that severity one crimes (homicide and assault ) are committed usually as a result of passion, drug or substance abuse (comment from Chief Acevedo). We already have clubs in this area that we have had to repeatedly write/call TABC to make them stop selling liquor as there were murders in their parking lots and sales to minors. Please do not move this potential deeper into the highly poputlated areas of personal homeowners and renters. Wickersham and Oltorf still have a high density of student renters so please consider this fact that you are also endangering students by allowing the sale of liquor at this location. There are several stores in the business areas on Riverside and Oltorf already that sell alcohol. It should not be on every block and it is not available in most neighborhoods across the city. APD is already severely understaffed and does a good job with the limited staff they have, but let's stop adding increased availabilty of liquor that can lead to more crimes in an already understaffed police force and demonstrated high crime area.

This WAS NOT part of the builders plan in negotiation with the neighborhood representatives. Please make him honor his original plan that does not include liquor or alcohol sales. It will be refreshing for you will support the neighborhood as we continue to try to fix our sector via parks, crime fighting initiativtes, etc.- or side with the business man who is not concerned about the neighborhood. The EROC population density is the highest in the city so it would be a great market - but also makes it a great threat for catastrophic rise in crime due to increase in liquor availability.

Thank you for your consideration and time,  
Linda Yeatts - very concerned home owner

Exhibit C - 9



Save Oltorf< saveoltorf@gmail.com>

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## Stop liquor sales on Oltorf and Wickersham.

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KC Beck<[REDACTED]>

Tue, Jan 15, 2013 at 10:07 PM

To: saveoltorf@gmail.com

Kenneth Beck  
2450 Wickersham Lane, Austin TX  
512 422 2623

I am opposing liquor sales at the corner of Oltorf and Wickersham. This is the only quiet, peaceful section of this entire neighborhood. Myself and other residents of the area would like to keep it this way.

Thank you.

Exhibit C - 10



Save Oltorf< saveoltorf@gmail.com>

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## opposition to alcohol sales

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misha bendavid<[REDACTED]>

Wed, Jan 16, 2013 at  
6:41 AM

To: Saveoltorf@gmail.com

Phone: 577-3834

Address: 4806 Allison Cove 78741

I oppose alcohol sales at 2440 Wickersham Lane because it promotes crime, exploits lower socio-economic groups, lowers property values and generally is detrimental to the neighborhood.

shalom alechiem

Rabbi Misha ben-David

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**Rabbi Misha L. ben-David B.A./ L.C.D.C./ C.I.S.M.**

**Pastoral Counselor \* Chaplain \* Officiant \***

**Addictions Counselor And Consultant**

*\*E-mail communications are not guaranteed to be secure\**



Tue, Jan 15, 2013 at  
9:29 PM

**Daniel Pacheco**  
**2450 Wickersham Lane, Unit 1319**  
**Austin, TX 78741**  
**512-422-6995**

**Reason for opposing liquor sales: Neighborhoods where bars, restaurants and liquor and other stores that sell alcohol are close together suffer more frequent incidences of violence and other alcohol-related problems, according to recent research by the Prevention Research Center and others. The strong connection between alcohol and violence has been clear for a long time – but now we know that this connection also relates to the location of places that sell alcohol.**

<http://resources.prev.org/documents/AlcoholViolenceGruenewald.pdf>

# PETITION OPPOSING

ZONING CASE # C14-2012-0114

We do not want another convenience store or any other use that would permit the sale of alcoholic beverages for off premise consumption in our neighborhood! We ask the City Council to make the Developer live up to the agreement he made with Planning Commission and prohibit the off-premise sale of alcoholic beverages recommendation for case # C14-2012-0114 for the property located at 2440 Wickersham Drive.

NAME

ADDRESS

Anna Brion S 1521 Oltorf 512-746-7235

Antonia Torres 3100 Collins Creek Dr #15 945 2171 78745

Manssa Vasquez 2900 Sunridge Dr #404 78741

Leticia Flores 2400 Wickersham Ln #275 78741 512 5522833

Ben (Kane) 3502 E Oltorf

Deborah Benton 2504 HUNTWICK DR # 78741

Ronald C Vasey 4704 SUNRIDGE CT, 78741

[Signature] 2503 E Oltorf Apt 1110 512 44307

\_\_\_\_\_  
\_\_\_\_\_

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

Your Name (please print)

*Victor Genta*  
*2504 Huntwick Dr.*

☐ I am in favor  
☒ I object

Your address(es) affected by this application

*1-14-12*

Signature

Date

Daytime Telephone: *512-552-7265*

Comments:

*Would be crime in the area. Need to clean up area and keep it safe for our neighbors & kids.*

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

City of Austin  
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission  
Dec 6, 2012, City Council

Lee Heckman  
Your Name (please print)

2900

SWENDY DE APT 215  
Your address(es) affected by this application

☐ I am in favor  
☒ I object

18741

Jan Cole  
Signature

1/2/13

Date

Daytime Telephone: 832 6774747

Comments: No way!

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

City of Austin  
Planning & Development Review Department  
Lee Heckman  
P. O. Box 1088  
Austin, TX 78767-8810



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Case Number: C14-2012-0114  
 Contact: Lee Heckman, 512-974-7604  
 Public Hearing: Oct 23, 2012, Planning Commission  
 Dec 6, 2012, City Council

*Timothy Castanight*  
 Your Name (please print)  
 6404 E. Oltorf Apt. 802  
 Your address(es) affected by this application  
 [Signature]  
 Signature  
 1-14-13  
 Date  
 Austin TX 78741

☐ I am in favor  
☒ I object

Daytime Telephone: 831 265 6745  
 Comments:  
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If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning & Development Review Department  
 Lee Heckman  
 P. O. Box 1088  
 Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission  
Dec 6, 2012, City Council

Your Name (please print)

Teresa Jones

Your address(es) affected by this application

2501 Hupsteyck Dr.

☐ I am in favor  
☒ I object

Teresa Jones

Signature

Daytime Telephone:

1-14-2013  
Date

Comments:

No more negativity,  
Alcohol cause bad temper  
And bad judgment.

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

City of Austin  
Planning & Development Review Department  
Lee Heckman  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

Pedro Mercado Jr.

Your Name (please print)

4404 E Olcott

Your address(es) affected by this application

Bl. March 4

Signature

Daytime Telephone: 731-695-4189

Date

14 JAN 2013

☐ I am in favor  
☒ I object

Comments: Because I don't want more

problems on Olcott.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

*Lee Heckman*  
Your Name (please print)

4404 E. Oltorf

Your address(es) affected by this application

*2304 E. Oltorf*

Signature

Daytime Telephone: 512-906-7245

01/14/13  
Date

☐ I am in favor  
☒ I object

Comments:

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

*Abraham Garcia*  
Your Name (please print)

☐ I am in favor  
☒ I object

*2425 Compton Circle*  
Your address(es) affected by this application

*Abraham Garcia*  
Signature

*1-913-13*  
Date

Daytime Telephone: *1512-731-3962*

Comments:

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

City of Austin  
Planning & Development Review Department  
Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

Heston Thomas

Your Name (please print)

9404 E. Ulster St. APT 9302

Your address(es) affected by this application

Heston Thomas III

Signature

1-14-13

Date

Daytime Telephone:

Comments:

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

Joc Gracie

Your Name (please print)

2504 HULAWICK #1002

Your address(es) affected by this application

Joe Gracie

Signature

Date

11 JAN 13

Daytime Telephone: 512-389-6762

Comments:

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

City of Austin  
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-2012-0114  
Contact: Lee Heckman, 512-974-7604  
Public Hearing: Oct 23, 2012, Planning Commission  
Dec 6, 2012, City Council

Your Name (please print)  
Jose Dello

☐ I am in favor  
☒ I object

Your address(es) affected by this application  
5200 WILKINSON RD #400

Signature  
Jose Dello

Date  
1-13-13

Daytime Telephone: 512 211-9338

Comments: I'm a real nice everybody out here sell drugs all over for drug or now to get to drugs

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

City of Austin  
Planning & Development Review Department  
Lee Heckman  
P. O. Box 1088  
Austin, TX 78767-8810



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Case Number: C14-2012-0114  
Contact: Lee Heckman, 512-974-7604  
Public Hearing: Oct 23, 2012, Planning Commission  
Dec 6, 2012, City Council

Your Name (please print) Lee Heckman  
Your address(es) affected by this application 1402 L. L. C. / 1402 L. L. C. / 1402 L. L. C.

☐ I am in favor  
☒ I object

Daytime Telephone: 512-974-7604 Signature Lee Heckman Date 10/23/12

Comments:

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

City of Austin  
Planning & Development Review Department  
Lee Heckman  
P. O. Box 1088  
Austin, TX 78767-8810

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

9 NAME: Alberto Zamorano V.  
ADDRESS: 2400 Wickersham  
PHONE: 512 902 94 86  
SIGNATURE: ~~Alberto Zamorano V.~~

4 NAME: Tony Balleantas  
ADDRESS: 2211 Santa Rianks  
PHONE: 512-701-9056  
SIGNATURE: tony

5 NAME: Norma  
ADDRESS: 2315 Wickersham  
PHONE: 512  
SIGNATURE: \_\_\_\_\_

2 NAME: Rosalio Zamora  
ADDRESS: 2504 Huntwick Drive  
PHONE: \_\_\_\_\_  
SIGNATURE: Rosalio Zamora

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

✓ NAME: Maurice Kiser

ADDRESS: 2425 Cornwell Cir

PHONE: (512) 529-2960

SIGNATURE: Maurice Kiser

✓ NAME: Manuel Delgado

ADDRESS: 2400 Wickersham Ln

PHONE: (512) 848 0086

SIGNATURE: Manuel Delgado

✓ NAME: Alfredo Ramirez

ADDRESS: 2317 PLEASANT VALLEY

PHONE: 512 628 9764

SIGNATURE: Alfredo Ramirez

NAME: MATT BATTLE

ADDRESS: 2900 SUNRIDGE DR

PHONE: 512 574 3648

SIGNATURE: Matt Battle

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

9/ NAME: Francisco Alcaio

ADDRESS: Wickersham

PHONE: 512-609-9326

SIGNATURE: Frank Alcaio

NAME: Alfredo Frias

ADDRESS: 130 Deep Wood LOT 29c Cedar Creek

PHONE: 512 999 2244

SIGNATURE: Alfredo Frias

9/ NAME: Armando Verquez

ADDRESS: 512 768 2371

PHONE: \_\_\_\_\_

SIGNATURE: Armando Verquez

f NAME: Juan Zavala

ADDRESS: 7506 Wickersham Ln. 114

PHONE: (512) 386-7344

SIGNATURE: J. Zavala

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

7/ NAME:

ADDRESS:

PHONE:

SIGNATURE:

4/ NAME:

ADDRESS:

PHONE:

SIGNATURE:

NAME:

ADDRESS:

PHONE:

SIGNATURE:

9/ NAME:

ADDRESS:

PHONE:

SIGNATURE:

**NEIGHBORHOOD PETITION OPPOSING**  
**LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME:

ADDRESS:

PHONE:

SIGNATURE:

NAME:

ADDRESS:

PHONE:

SIGNATURE:

NAME:

ADDRESS:

PHONE:

SIGNATURE:

NAME:

ADDRESS:

PHONE:

SIGNATURE:

# **NEIGHBORHOOD PETITION OPPOSING** **LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Doris Blakey  
ADDRESS: 2314 WICKERSHAM RD #105  
PHONE: 512-773-7866  
SIGNATURE: Doris Blakey

NAME: ANDREW MYERS  
ADDRESS: 5203 1137 GUNTER  
PHONE: (512) 743-2289  
SIGNATURE: Andrew Myers

NAME: TOM ROGERS  
ADDRESS: 4402 EDITH ST. Apt. 1102-13  
PHONE: 865-719-6573  
SIGNATURE: Tom Rogers

NAME: JOSE LARRIZO  
ADDRESS: 2002 FREQUICKS LN.  
PHONE: (512) 367-0780  
SIGNATURE: Jose Larrizo

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Lee Dean

ADDRESS: 2317 #416<sup>51</sup> Pleasant Valley Rd.

PHONE: 512-701-1269

SIGNATURE: Lee Dean

NAME: Isoria Rodriguez

ADDRESS: Gessner dr

PHONE: 662 72 48

SIGNATURE: Isoria

NAME: John MTZ

ADDRESS: 2201 Willow Creek

PHONE: 512-608-3065

SIGNATURE: John MTZ

NAME: James Rasmussen

ADDRESS: 2900 Sunridge Dr Apt. 701

PHONE: 214 488-3973

SIGNATURE: JR



# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Peter Armendariz

ADDRESS: 2425 Cromwell Circle Apt. 202 Austin, TX 78741

PHONE: 325-718-9247

SIGNATURE: Peter Armendariz

NAME: Lidia Monscal

ADDRESS: 2425 Cromwell Cir. #201 Austin, TX 78741

PHONE: 228-7224

SIGNATURE: Lidia Monscal

NAME: Julio Gutierrez #201 Austin, TX 78741

ADDRESS: 2425 Cromwell Cir

PHONE: 264-4264

SIGNATURE: Julio

NAME: Gloria Padilla

ADDRESS: 2425 Cromwell Circle #204 Austin, TX 78741

PHONE: \_\_\_\_\_

SIGNATURE: Gloria Padilla

## **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Leandro Celurga

ADDRESS: Oxford 4# 308

PHONE: 696-8861

SIGNATURE: Leandro Celurga

NAME: JUAN. TOBIAS

ADDRESS: OXFORD A.P. 24

PHONE: 512-394-2096

SIGNATURE: JUAN TOBIAS

NAME: WILLIAM SANCHEZ

ADDRESS: \_\_\_\_\_

PHONE: 512-775-4006

SIGNATURE: WILLIAM SANCHEZ

NAME: Jose Villala Briones

ADDRESS: \_\_\_\_\_

PHONE: 512 305 4181

SIGNATURE: Jose Villala Briones

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

✓ NAME: Luis Mata

ADDRESS: 2304 Wilson Street #104

PHONE: 512-516-1241

SIGNATURE: Luis Mata

✓ NAME: Josh Daniel

ADDRESS: 4120 Wickersham Ln

PHONE: (512) 494-5330

SIGNATURE: Josh Daniel

✓ NAME: Brandon Young

ADDRESS: 2601 S Balconville Rd. Austin Tx 78741

PHONE: 504-228-8855

SIGNATURE: Brandon Young

✓ NAME: B. Vasquez

ADDRESS: City View 3134 78741

PHONE: 512 462-8040

SIGNATURE: B. Vasquez

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

✓ NAME: William Dietz  
ADDRESS: 10704 Arken River Dr  
PHONE: (512) 743-1652  
SIGNATURE: [Signature]

✓ NAME: Henry Meininger  
ADDRESS: 4810 E Oltorf Dr  
PHONE: 513-368-6776  
SIGNATURE: hdm2109@columbia.edu

✓ NAME: Cej McLean  
ADDRESS: 2501 Wickersham #2133  
PHONE: (903) 617-3253  
SIGNATURE: [Signature]

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

✓ NAME: Jose Osorio

ADDRESS: 2400 Wickersham Ln 1131

PHONE: 512-80-5289

SIGNATURE: [Signature]

✓ NAME: Sandra Guerra

ADDRESS: 1633 Royal Crest

PHONE: 512-815-1667

SIGNATURE: [Signature]

✓ NAME: Stephen Johnson

ADDRESS: 2501 Huntwick Dr Austin TX

PHONE: \_\_\_\_\_

SIGNATURE: [Signature]

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Tyron Harmon

ADDRESS: 2501 Wickersham Ln

PHONE: 828-292-1030

SIGNATURE: T Harmon

NAME: Iris Cantu

ADDRESS: 2501 Anken Dr # 606

PHONE: 512 902-3475

SIGNATURE: Iris Cantu

NAME: Jose Angel Rodriguez

ADDRESS: 2501 ANKEN DR #606

PHONE: (512) 696-9794

SIGNATURE: Jose Angel Rodriguez

NAME: Elida M Colunga

ADDRESS: 2501 anken Dr

PHONE: 512 696-8861

SIGNATURE: Elida M Colunga

# **NEIGHBORHOOD PETITION OPPOSING** **LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Maria Garcia

ADDRESS: 2925 Cromwell cr

17 PHONE: 512 289-3659

SIGNATURE: [Signature]

NAME: Jana White

ADDRESS: 2925 Cromwell cr

18 PHONE: 612 599-1789

SIGNATURE: [Signature]

NAME: Jose Powers

ADDRESS: 2925 Cromwell cr

19 PHONE: 512-209-5624

SIGNATURE: [Signature]

NAME: Nina Rodriguez

ADDRESS: 2925 Cromwell cr

20 PHONE: 612 209-5462

SIGNATURE: [Signature]

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Logan Mathies

ADDRESS: 4900 E. Olcott St.

PHONE: (817) 300-8539

SIGNATURE: [Signature]

NAME: John Duke

ADDRESS: 1615 Sunnyvale St.

PHONE: (512) 459-3652

SIGNATURE: [Signature]

NAME: IGNACIO SANCHEZ

ADDRESS: 2620 S. PLEASANT VALLEY

PHONE: (512) 369-5859

SIGNATURE: [Signature]

NAME: Brandon Turner

ADDRESS: 4404 E. Olcott

PHONE: (903) 563-4003

SIGNATURE: [Signature]



# **NEIGHBORHOOD PETITION OPPOSING** **LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Jordan Ayers

ADDRESS: \_\_\_\_\_

PHONE: 512-828-9042

SIGNATURE: Jordan Ayers

NAME: Suan Cella

ADDRESS: 317 4515

PHONE: \_\_\_\_\_

SIGNATURE: [Signature]

NAME: Diana Turner

ADDRESS: 23141 Wickersham

PHONE: 512-994-0123

SIGNATURE: Diana Turner

NAME: Wayne Donaldson

ADDRESS: P.O. Box 651 LA Grange TX

PHONE: \_\_\_\_\_

SIGNATURE: Wayne [Signature]

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Jeanne Thornton

1 ADDRESS: 2425 Cromwell Cir #1111

PHONE: 512 507-6191

SIGNATURE: [Signature]

NAME: Lucia Allen

2 ADDRESS: 1108 Cromwell Cir #111

PHONE: \_\_\_\_\_

SIGNATURE: [Signature]

NAME: Chase Harvin

3 ADDRESS: 2425 Cromwell Cir Apt. 605

PHONE: \_\_\_\_\_

SIGNATURE: [Signature]

NAME: Armando Martinez

4 ADDRESS: 2425 Cromwell Circle

PHONE: \_\_\_\_\_

SIGNATURE: [Signature]

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Forace Ricardo

ADDRESS: 2425 Cromwell Circle # 1112 Austin, TX 78741

PHONE: 512 307 9579

SIGNATURE: [Signature]

NAME: Shannon Barbie

ADDRESS: 2425 Cromwell Circle # 1110 Austin, TX 78741

PHONE: \_\_\_\_\_

SIGNATURE: Shannon Barbie

NAME: Charles Isaiah Tedder

ADDRESS: 1515 Wickersham Apt # 6021

PHONE: ~~915-422-5446~~ 915-422-5446

SIGNATURE: [Signature]

NAME: Tom Radke

ADDRESS: 2425 Cromwell # 1009 Austin TX 78741

PHONE: 254-716-1387

SIGNATURE: [Signature]

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Shelly Robinson

ADDRESS: 2425 Cromwell #616 78741

PHONE: 512-299-3281

SIGNATURE: Shelly Robinson

NAME: [Signature]

ADDRESS: 2425 Cromwell Cr. #907 Austin, TX 78741

PHONE: \_\_\_\_\_

SIGNATURE: MARCO VILLAFRANCA

NAME: Jorge A. Ortiz

ADDRESS: 2425 CROMWELL Austin, TX 78741

PHONE: (512) 579-6210

SIGNATURE: [Signature]

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Stacey Engler

21 ADDRESS: 2425 Cromwell Apt 623

PHONE: \_\_\_\_\_

SIGNATURE: [Signature]

NAME: Christine M Mancias

22 ADDRESS: 2425 Cromwell Circle

PHONE: (512) 494-1550

SIGNATURE: Christine M. Mancias

NAME: ERRI KING

ADDRESS: 2025 Cromwell C.

PHONE: [Signature]

SIGNATURE: [Signature]

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Louis Clary

ADDRESS: 1327 Pleasant Hill

PHONE: [Signature]

SIGNATURE: [Signature]

NAME: Dyan Berler

ADDRESS: 2239 Cromwell ATX 78741

PHONE: [Signature]

SIGNATURE: [Signature]

NAME: Josua Poupard

ADDRESS: 2425 CROMWELL CIR APT 207 Austin, TX 78741

PHONE: (512) 489 5277

SIGNATURE: [Signature]

NAME: Erick Monelos

ADDRESS: 2425 Cromwell Cir. Austin, TX 78741

PHONE: 504 237 5984

SIGNATURE: [Signature]



# **NEIGHBORHOOD PETITION OPPOSING LIQUOR SALES AT 2440 WICKERSHAM**

Please ask developers to keep their word and protect our neighborhood!

NAME: Isabel Gonzalez

ADDRESS: 2425 Cromwell cir. Austin TX 78741

PHONE: \_\_\_\_\_

SIGNATURE: Isabel Gonzalez

NAME: Gary Morgan

ADDRESS: 2425 Cromwell Circle #206 Austin, TX 78741

PHONE: \_\_\_\_\_

SIGNATURE: Gary Morgan

NAME: German Rosenberg

ADDRESS: 2425 Cromwell Circle #507 Austin, TX 78741

PHONE: (512) 841 5578

SIGNATURE: German Rosenberg

NAME: ZACK PETERSON

ADDRESS: 2425 CROMWELL CIR #519

PHONE: (214) 533-6615 Austin, TX 78741

SIGNATURE: Zack Peterson

January 16, 2013

From: Monaco Homeowners Association

c/o: Mr. Rick Thompson, President

Ms. Corri Mava, Board Member

To: Austin City Council

c/o: Mr. Lee Heckman, Case Manager

Case #: C14-2012-0114

Monaco II

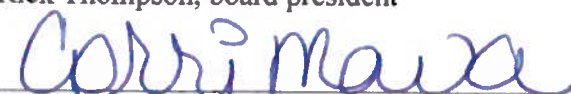
Dear Council:

Our HOA has had the opportunity to meet with the developer of the Monaco II, as well as the engineer Mr. Tom Winkley and Mr. Rick Vaughn at the offices of Winkley engineering. We support this zoning request and are unaware of any homeowners within our community that do not support it.

Our HOA has also been in contact with Mr. Malcolm Yeatts who represents the East Oltorf Combined Neighborhood Plan and have communicate our support to him as well.

However, Mr. Jim Whitliff has been opposing this project. He previously represented Abdul Patel when Mr. Patel was trying to buy the land from the current owner. Mr. Patel is one of Mr. Whitliff's long time clients. Mr. Whitliff does not live anywhere near our neighborhood has nothing to do with our neighborhood and yet to get around not being registered as a lobbyist for the city, simply claims that he represents himself. We do not support any of Mr. Whitliff's claims. There was the mistaken impression communicated to staff at planning commission that we do not support beer and wine sales within the neighborhood convenience grocery store planned for that site. Staff is now aware of that mistake and is correcting it. We do support beer and wine sales for the planned neighborhood convenience grocery store during the agreed operating hours shown in the new restrictive covenant. The Monaco II will serve the entire neighborhood and allow us to walk next door for a large majority of things for which we currently have to get into our cars and drive.

PLEASE APPROVE THIS ZONING REQUEST

  
\_\_\_\_\_  
Rick Thompson, board president  
\_\_\_\_\_  
Corri Mava, board member

**From:** James Beasley  
**Sent:** Wednesday, January 16, 2013 8:16 AM  
**To:** Heckman, Lee  
**Subject:** Zoning change and development at 2440 Wickersham Lane / C14-2012-0114

Dr. Mr. Heckman,

I am a homeowner in the Sunridge Neighborhood, and I am writing to inform you that I fully support the proposed zoning changes and development at 2440 Wickersham Lane

I believe having some retail and food services within walking distance of the neighborhood will be the beginning of significant improvements for the area. Do nothing and it stays the same - no-one comes out at night because there's nowhere to go! Responsible development is how neighborhoods and cities develop.

The development as presented will have a positive effect on the environment and traffic by reducing the need for many people to drive out of the neighborhood to go shopping or get a good meal. Walkability is a significant value factor in today's real estate market.

Additionally, I support liquor service at the development, in a cafe or restaurant setting, as this will attract responsible tenants and clientele. Other restaurants on Oltorf and Riverside responsibly serve liquor, and I don't see how this is any different.

Unfortunately I cannot attend the hearing on this issue. Please feel free to enter my comments into the record.

Please feel free to call me if you have any questions, and thank you for your service to the city.

James Beasley  
4505 Elana Ct.  
[REDACTED]

**From:** Charlie  
**Sent:** Wednesday, January 16, 2013 5:19 AM  
**To:** Heckman, Lee  
**Subject:** PROHIBIT ALCOHOL / LIQUOR SALES ON 2440 WICKERSHAM LN

Please prohibit the sale of alcohol at 2440 Wickersham Lane. We already have a place to purchase alcohol at the intersection of Pleasant Valley and Oltorff. We don't need another location.

Thank you

Charles Diggs  
2905 Allison Dr  
385-3756

**From:** Save Oltorf

**Sent:** Thursday, January 17, 2013 12:41 AM

**To:** Heckman, Lee

**Subject:** Fwd: Agenda Item #83, January 17, 2013. (Case # C14-2012-0114 Monaco II) Alcohol Sales on Proposed New Development

Mr.Heckman

Please add the email below to Agenda Item #83 for Thursday, January 17, 2013. (Case # C14-2012-0114 Monaco II).

----- Forwarded message -----

From:

Date: Wed, Jan 16, 2013 at 2:28 PM

Subject: Alcohol Sales on Proposed New Development

To:

Dear Sirs:

As a property owner in this neighborhood for over 20 years, I have watched the steady encroachment of apartments in the area. And I actually have no beef with development of apartments and condos, although they tend to bring crime and litter with them. Still, people need housing and maybe an upscale condo would be a good fit for this area.

I understand the aim of COA is to encourage business to cohabitate with new condo developments in a mixed use format. But there are a lot of vagrants and homeless loose in our neighborhood, causing quite a bit of trouble. It seems to me that easy access to alcoholic beverages is just going to make the problems worse.

So please, no alcohol sales in the area (unless as part of a licensed food establishment.)

Regards,

M.T.Valescu

4803 Allison Cove

(512) 385-8268

**From:** Bryan Dimery  
**Sent:** Thursday, January 17, 2013 4:21 AM  
**To:** Heckman, Lee  
**Subject:** Resident Opposition to C14-2012-0114

Dear Mr. Heckman,

As a resident of Monaco Condominiums for the past six years, I would like to express reservations to the proposed rezoning as-is. While I admit an unused lot is a blight, my concerns stem from these three items

1. The abolition of Condition #4.

Since 2009, through substantive talks, the residents of Monaco have expressed their concern with the rezoning effort leading to liquor storefronts and/or drunk loiterers. Citizens we have had multiple police calls against.

While TABC provides some chance of relief in an window of protest for a license to open such an establishment, we felt more secure with the assurances originally made to us by the owners agent.

2. Lack of a buffer in proposed plan

The current plan appears to offer little to no protection from noise and odor/trash.

3. Drainage

This plan does not address any measure to deal with topsoil runoff, pooling, and or flooding that will result if all vegetation is removed with no further action taken. While this is ideal for the developer, it will lead to long term costs on our end.

My sincere desire is to see the adjacent lot developed in a fashion as described in this plan, however my obvious concerns are that the plan will come with unseen consequences and that the final design will vary greatly from the proposal. I have faith that the Zoning Commission and City Council will work in the best interests of the citizenry and thank you for taking the time to hear my concerns.

Sincerely,  
Bryan Dimery  
Resident, Monaco Condominiums  
4500 E. Oltorf unit 412  
(512) 297-8460



**From:** Carol Hirsh

**Sent:** Wednesday, January 16, 2013 7:18 PM

**To:** Saveoltorf@gmail.com; Heckman, Lee

**Subject:** Oppose Alcohol Sales at Oltorf and Wickersham new construction

We don't need more alcohol to fuel the fire of crime and problems in the 78741 neighborhood. We really don't need more apartment/condo style living either. We are jammed in here as it is with low income and increasing traffic, and fast food, and poor shopping choices. Things won't improve unless there is more attention spreading out the apartments in Austin. Putting all low income in one area is a BAD idea and allowing the opening of more alcohol sales is not what we need!

Carol Hirsh

4808 Allison Cove

Austin, TX 78741 5123854938

I have lived in a home for 23 years in this neighborhood and have seen nothing but more apartments, over crowding of traffic, crime, and deterioration of structures. We have an increase of tagging too, all the problems that go with putting all the apartments in one area. Shame on Austin! Read the stats below:

THERE ARE SO MANY STORES AROUND OLTORF AND BURTON THAT SELL ALCOHOL AND AS A RESULT IT GENERATES LOTS OF CRIME , DRUG ACTIVITY AND LOITERING

IT WILL LOWER PROPERTY VALUES IN THE AREA

LAST YEAR THERE WERE 459 ALCOHOL / DWI RELATED POLICE CASES IN OUR NEIGHBORHOOD. ( BY COMPARISON TO 78745 ZIP CODE THERE WERE ONLY 115 ALCOHOL RELATED INCIDENT)

OVERALL NUMBER OF INCIDENTS REPORTED LAST YEAR WERE CLOSE TO 7000 IN OUR AREA

-----Original Message-----

From: Teresa Morris

Sent: Wednesday, January 16, 2013 4:56 PM

To: Heckman, Lee

Subject: Rezoning case #C14-2012-0114

Mr. Heckman:

My husband and I own a unit at the Monaco condominiums complex. We live in Austin part-time and only just arrived after having been away for a few weeks. We found some disturbing information about the proposed zoning change in a packet left on our door. We strongly oppose this zoning change. I see from our info packet and see that we have to let you know by 5 pm today if we object to the change. I have not time to list all our reasons if I am to get this email to you by the 5 pm deadline. One reason I can list now is that if the change goes through, we will have a dumpster only 40 feet from our unit. We just spent \$35,000 dollars renovating our unit, and we never expected to have any such unpleasant businesses as a drive-through with its accompanying noise, pollution, and trash near our second home.

We do not support this change in any way. We will attend tomorrow's meeting concerning this change.

Thank you,

Teresa and Phillip Morris

4500 Oltorf, #401 78741

Sent from my iPhone

**From: On Behalf Of**

**Sent:** Tuesday, January 29, 2013 10:12 PM

**To:** Heckman, Lee

**Cc:**

**Subject:** Opposition to zoning request: 2440 Wickersham - File/Case No. C14-2012-0114

To: Austin City Counsel

As a resident of Chamonix Condos at 2450 Wickersham Lane and as a board member of Chamonix Condos, I wish to include my name in opposition to the sales of alcohol. **By this e-mail to the other two board members (Patrick Everling and Ray Flores), I ask them to add their names and addresses to this petition and forward to you by January 30, 2013.**

I protest against any change of Land Development Code which would zone the property to any classification other than GR-MU-CO with the following uses prohibited:

Automotive Repair Sales	Automotive Sales	Commercial Off-Street Parking
Community Recreation-Public	Congregate Living	Drive-Thru Services
Drop-Off Recycling Collection Facility	Exterminating Services	Hospital Services -General
Hotel-Motel	Indoor Sports & Recreation	Off-Site Recreation Parking
Outdoor Entertainment	Pawn Shop Services	Private Primary Educational Svcs.
Private Secondary Educational Svcs.	Residential Treatment	Services Station
Theater		

- \* Residential uses shall be limited to MF-3 density standards;
- \* Hours of Operation shall be limited to Sun. through Thurs., 6 AM to 10 PM and Fri. through Sat. 6 AM to 12 AM; and
- \* Prohibit Liquor and Alcohol sales as a principal and accessory use; (including beer/wine sales as a principal and accessory uses).

I believe that allowing alcohol sales at the site will have a negative effect on the surrounding area and our property. Allowing alcohol sales will increase crime, violence, loitering, and it will create more problems in an already high crime area, as alcohol is an enabler of crime. All alcohol sales should be prohibited at the proposed development including alcohol sales at a Grocery Store, Convenience Store, Bar and Restaurant.

Sylvia Gomez  
2450 Wickersham Lane, Unit 718  
Austin, TX 78741  
Ph.: 512/784-7152

**From:** Ray Flores  
**Sent:** Wednesday, January 30, 2013 5:53 AM  
**To:** Heckman, Lee  
**Cc:**  
**Subject:** RE: Opposition to zoning request: 2440 Wickersham - File/Case No. C14-2012 -0114

To: Austin City Counsel

As a resident of Chamonix Condos at 2450 Wickersham Lane and as a board member of Chamonix Condos, I wish to include my name in opposition to the sales of alcohol. **By this e-mail to the other two board members (Patrick Everling and Ray Flores), I ask them to add their names and addresses to this petition and forward to you by January 30, 2013.**

I protest against any change of Land Development Code which would zone the property to any classification other than GR-MU-CO with the following uses prohibited:

Automotive Repair Sales	Automotive Sales	Commercial Off-Street Parking
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Private Secondary Educational Svcs.	Residential Treatment	Services Station
Theater		

- \* Residential uses shall be limited to MF-3 density standards;
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- \* Prohibit Liquor and Alcohol sales as a principal and accessory use; (including beer/wine sales as a principal and accessory uses).

I believe that allowing alcohol sales at the site will have a negative effect on the surrounding area and our property. Allowing alcohol sales will increase crime, violence, loitering, and it will create more problems in an already high crime area, as alcohol is an enabler of crime. All alcohol sales should be prohibited at the proposed development including alcohol sales at a Grocery Store, Convenience Store, Bar and Restaurant.

Sylvia Gomez  
2450 Wickersham Lane, Unit 718  
Austin, TX 78741  
Ph.: 512/784-7152

Ray Flores  
2450 Wickersham Lane #1316  
Austin Texas, 78741  
512 689  
512 689 7325

-----Original Message-----

From: John Hartzler

Sent: Sunday, January 27, 2013 11:51 AM

To: Heckman, Lee

Subject: Zoning 2440 Wickersham Lane-Opposed to Rezoning

Dear Mr. Heckman:

My name is John Hartzler at 2901 Allison Dr., Austin, Texas 78741 and phone number 512-385-3173. I am opposed to the rezoning of the property located at 2440 Wickersham Lane because it will have a detrimental affect on our neighborhood. We want to keep our neighborhood safe for families and to protect our neighborhood. The sale of alcohol in our neighborhood does not make sense since there are several establishments located on Oltorf, Burton, and on Riverside that are available for patrons purchasing alcohol. These kind of establishments generate lots of crime, drug activity and loitering. I believe it will lower our property values in the area and will cause a unwanted level of alert for us to protect our homes from unwanted and potentially unsavory people.

Last year there were 459 alcohol/DWI related police cases in our neighborhood and 7000 incidents were reported in our area as well. We believe providing the public with more availability of alcohol would increase this number and cause undue damage to our neighborhood. We have many different families living in our neighborhood and they have a right to live in a place and area that is free of crime, drug activity and loitering that this kind of establishment would bring to our neighborhood. Therefore, I oppose the rezoning of 2440 Wickersham Lane and request that you prohibit alcohol/liquor sales at this location. Thanks.

John Hartzler  
2901 Allison Dr.  
Austin, Texas 78741

**From:** Allen Stephens

**Sent:** Thursday, January 17, 2013 2:09 PM

**To:** Heckman, Lee

**Subject:** Monaco rezoning

Mr. Beckham my name is Allen Stephens and i am a condo owner at Monaco 4500 E. OLTORF ST. #420 AUSTIN TX 78741 I live here full time this is my permanent residence my bedroom and living room sliding glass doors go out to my patio that face that field and wicker sham I can hear noise from wicker sham and at the bus stop in my bedroom, I have spent 30,000 dollars renovating my condo over the last 5 years I do not want to convenience store a fast food place or check cashing place steps from my bedroom door I feel like you're taking advantage of the fact that this is a low income area if this were a high in area this would not be going on!! this is our home this is where we live this is where we go for our sanctuaries!!! if this place is allowed to be rezoned for commercial place this is going to ruin our home lives!!!!!! I never got the information on my door like other residents my neighbor just came and share this information with me and I'm very upset for the fact that the meeting is in the middle of the day of the week and for the the fact that I never did get any of this information about this meeting and it

Exhibit C - 56

said we had a deadline a 5 o'clock yesterday to email you, but I didn't get that information!! as a homeowner I am 100 percent against this happening it will ruin our home lives it will lower our property values and it will bring more drugs pollution and crime in our area, someone's gotta stand up for us to not allow this to happen this is just ridiculous!! Thank you, Allen Stephens  
Sent from Yahoo! Mail on Android

-----Original Message-----

From: Kerry Kittrell  
Sent: Thursday, January 17, 2013 1:12 PM  
To: Heckman, Lee  
Subject: 2440 Wickersham Lane -- NO ALCOHOL SALES  
Importance: High

Dear Mr. Heckman,

I am ADAMANTLY opposed to permitting alcohol sales at the new development at 2440 Wickersham Lane in order to protect our lovely neighborhood from more crime. There is already too much crime in our area without encouraging more.

I live at 2806 Allison Drive, Austin, 78741 and have done so since 1999. During the time I have live there, my housing area has experienced lots of break-ins and robberies. We have had our home broken into TWICE. Not fun.

Please do the responsible thing and don't give in to the unscrupulous, greedy developer. Have them keep their word.

Keep our neighborhoods safe!

Thank you in advance for your support.

Kerry Kittrell  
512 632 7858





## MEMORANDUM

**TO:** Lee Heckman, PRDR-Current Planning  
**CC:** Kathy Smith, P.E., HDR Engineering, Inc.  
**FROM:** Joe Almazan, PDRD-Land Use Review  
**DATE:** January 11, 2013  
**SUBJECT:** Monaco II  
Zoning Case No: C14-2012-0114

The Transportation Review Section has reviewed the Traffic Impact Analysis (TIA) dated December 31, 2012 for the Monaco II rezoning application, prepared by Kathy Smith, P.E. with HDR Engineering, Inc. and provides the following summary and recommendations.

### Trip Generation

Monaco II development is a 1.9-acre tract proposed for mixed-use development in east Austin, at the northeast corner of Wickersham Lane and East Oltorf Street. This proposed development will consist of 27,625 sq.ft. of shopping center use, 3,000 sq.ft. of convenience market (24-hour), and 64 dwelling units of condominiums/townhomes. The property is currently undeveloped and zoned multifamily residential (MF-2). The applicant is requesting a zoning change to general retail with mixed-use (GR-MU). Completion of the project is planned for 2014. The development will have access to Wickersham Lane via one (1) driveway.

The table below shows the unadjusted trip generation by land use for the proposed development based on ITE's *Trip Generation Report*, 8<sup>th</sup> ed.

Table 1. Unadjusted Trip Generation				
Land Use	Size in Sq.Ft.	ADT	AM	PM
Shopping Center	27,625	2,943	72	269
Convenience Market (24-Hour)	3,000	2,214	202	157
Residential Condo/Townhouse	64 units	436	36	42
<b>Total</b>		<b>5,593</b>	<b>310</b>	<b>428</b>

\*The "shopping center" rate is applied to any use typically found in shopping centers, such as nail salons, cellular service providers, sandwich/coffee shops, flower shops, etc. This does not include large restaurants or restaurants with drive-through service.

Based on the land uses assumed for this mixed-use development, reductions for pass-by traffic were only applied to the peak hour evening trips. Reductions were also assumed for internal capture and bus transit usage for both the a.m. and p.m. peak hour travel periods. Results of the adjusted trip generation by land use are shown in Table 2.

**Exhibit D**

<b>Table 2. Adjusted Trip Generation</b>				
<b>Land Use</b>	<b>Size in Sq.Ft.</b>	<b>ADT</b>	<b>AM</b>	<b>PM</b>
Shopping Center	27,625	2,076	61	151
Convenience Market (24-Hour)	3,000	1,562	172	88
Residential Condo/Townhouse	64 units	414	35	40
<b>Total</b>		<b>4,052</b>	<b>268</b>	<b>279</b>

### **Transportation System**

E. Oltorf Street – The Austin Metropolitan Area Transportation Plan (AMATP) classifies E. Oltorf Street as a four-lane, divided arterial, with a center left-turn lane, from IH-35 to Montopolis Drive. In 2010, the traffic volume on E. Oltorf Street, east of S. Pleasant Road, was 16,300 vehicles per day (vpd). There are no improvements currently recommended in the AMATP. The 2009 Bicycle Plan does not recommend any upgrade to the bike lanes that are currently provided for Route 68, between Willow Creek Drive and Montopolis Drive.

S. Pleasant Valley Road – The AMATP classifies S. Pleasant Valley Road as a four-lane, divided major arterial from Riverside Drive to E. Oltorf Street. South of E. Oltorf Street, S. Pleasant Valley Road narrows to a two-lane undivided roadway and terminates approximately one-half mile south of E. Oltorf Street. In 2010, the traffic volume on S. Pleasant Valley Road, north of E. Oltorf Street, was 11,800 vpd. The AMATP recommends S. Pleasant Valley Road be extended from its current terminus, south of E. Oltorf Street, to SH 71 (E) as a four-lane, divided major arterial by 2025. This improvement was not assumed to be completed within the scope of this traffic study. Bike lanes and shared lanes are currently provided for Route 61 on S. Pleasant Valley Road, north and south of E. Oltorf Street. The 2009 Bicycle Plan recommends upgrading to bike lanes for Route 61, south of E. Oltorf Street.

Wickersham Lane – Wickersham Lane is a four-lane, undivided collector roadway north of E. Oltorf Street and a two-lane, undivided collector roadway south of E. Oltorf Street. In 2010, the traffic volume on Wickersham Lane, south of Riverside Drive, was 9,200 vpd. There are no improvements scheduled by the City of Austin for Wickersham Lane in the vicinity of the project site. No bicycle route or bicycle facilities are currently provided or recommended in the 2009 Bicycle Plan on Wickersham Lane.

### **Assumptions**

1. Background traffic volumes for 2014 included actual traffic counts and a two (2) percent annual growth rate for this project.
2. A thirty-four (34) percent reduction was assumed for pass-by for the shopping center and convenience market (24-hour) land uses for the p.m. peak hour period only.
3. A ten (10) percent reduction was assumed for internal capture for the shopping center and convenience market (24-hour) land uses for both the a.m. and p.m. peak hour period.
4. A five (5) percent reduction was assumed for bus transit use for both the a.m. and p.m. peak hour period based on the proximity to Capital Metro bus stops and bicycle routes.

### Intersection Level of Service (LOS)

The TIA analyzed two (2) intersections plus the site driveway. Existing and projected levels of service are as follows, assuming that any roadway and intersection improvements recommended in a TIA are constructed. However, no improvements are recommended at these intersections.

Table 3. Level of Service				
Intersection	2012 Existing		2014 Site Forecasted	
	AM	PM	AM	PM
S. Pleasant Valley Road and E. Oltorf Street*	C	C	C	C
Wickersham Lane and E. Oltorf Street*	B	B	C	C
Wickersham Lane and site driveway	N/A	N/A	A	A

\*Signalized Intersection

Based on the analysis, all the intersections will continue to operate at an acceptable level of service C or better. Existing and projected traffic volumes using the roadway system without the proposed project (or "site") are generally referred to as **background** traffic volumes. For the analysis, background traffic includes traffic counts collected in October 2012 and a two (2) percent growth rate for forecasted traffic conditions in 2014.

### Recommendations/Conclusions

No additional roadway and/or traffic improvements are recommended.

Development of this property should be limited to uses and intensities which do not exceed or vary from the from the projected traffic conditions assumed in the TIA, including peak hour trip generation, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2674.



Joe R. Almazan  
Land Use Review Division/Transportation Review Section  
Planning and Development Review Department

**From:** Malcolm Yeatts  
**Sent:** Sunday, October 21, 2012 8:50 PM  
**To:** Heckman, Lee  
**Subject:** Case # C14-2012-0114

I am opposed to the zoning change from MF-2 to GR-MU. There is not enough area on this property to adequately buffer the adjacent condominium complex from what will become an all-night convenience store.

Malcolm Yeatts EROC Contact Team member

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

EVA GONZALES

Your Name (please print)

2450 WICKERSHAM LN #1504

Your address(es) affected by this application AUSTIN TX

*Eva Gonzales*

Signature

10/15/2012

Date

Daytime Telephone: (512) 293 9642

Comments:

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

Jason Breitschopf

Your Name (please print)

4500 East Oltorf Unit #102

Your address(es) affected by this application

Jason Breitschopf

Signature

Date

Daytime Telephone: 830-540-4467

10-18-12

Comments: I believe that by allowing more business to enter the neighborhood versus just housing, it will cause more crime/littering and become more like the area closer to I35. We had lots of problems with people walking through parking lot to get to the gas station nearby. I would like this to remain a quiet nice area to live in.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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Case Number: C14-2012-0114

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 23, 2012, Planning Commission

Dec 6, 2012, City Council

Your Name (please print) Dale & Sandy Steichen

☐ I am in favor  
☒ I object

Your address(es) affected by this application 2450 Wickersham 902

Signature [Signature] Date 11/4/2012

Daytime Telephone: 203 482 2034

Comments: We don't object to having commercial development if it fits the neighborhood. Restaurants, food stores etc. would be fine but not check cashing services etc that do not serve the immediate neighborhood.

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

City of Austin  
Planning & Development Review Department  
Lee Heckman  
P. O. Box 1088  
Austin, TX 78767-8810



**From:** Malcolm Yeatts  
**Sent:** Monday, January 07, 2013 8:49 PM  
**To:** Heckman, Lee  
**Subject:** RE: Zoning Case - Monaco II - Oltorf & Wickersham

If I can be assured that the City of Austin is responsible for enforcing the public restrictive covenant limiting business hours, my concerns will have been addressed.

---

**From:** Heckman, Lee [<mailto:Lee.Heckman@austintexas.gov>]  
**Sent:** Monday, January 07, 2013 1:01 PM  
**To:** Malcolm Yeatts  
**Subject:** Zoning Case - Monaco II - Oltorf & Wickersham

Mr. Yeatts:

I'm updating the staff report for this case, scheduled to be considered next Thursday at City Council, and wanted to check in with you to see if the draft public restrictive covenant (RC) addressed your concerns regarding the hours of operation. Does this satisfactorily address your concerns?

As I think we have discussed, a signed RC is required prior to Council's final action on a zoning request. In this case, that might be January 31, if the TIA question has been resolved. That also presumes the prohibition against liquor sales is removed by the Council. Please contact me should you have any questions.

Lee Heckman, AICP  
City of Austin  
Planning & Development Review Dept.  
One Texas Center  
505 Barton Springs Road, 5th Fl  
Austin, Texas 78704

Tel: 512 – 974 – 7604  
Fax: 512 – 974 – 6054  
Email: [lee.heckman@austintexas.gov](mailto:lee.heckman@austintexas.gov)

October 16, 2012

Mr. Lee Heckman, AICP  
Planning and Development Review Dept.  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

Re: Monaco II, Zoning Restricted Land Uses

Dear Mr. Heckman,

As representative of the owner of the above property located at 2400 Wickersham, I would respectfully request the following uses be restricted from the "GR-MU" zoning request submitted for your review. The property is currently zoned for MF-2 and has had multi family site plans prepared for that use. The economy has prohibited these plans from moving to completion. Furthermore, the MF-2 zoning requires a 25 ft. front building line for the site. My client wishes to design a Subchapter E compliant site plan for a mixed use development.

**RESTRICTED USES:**

- Family Home
- Group Home Class I-General
- Group Home Class I- Limited
- Group Home Class II
- Hospital Services-General
- Private Primary Educational Services
- Private Secondary Educational Services
- Automotive Repair Services
- Automotive Sales
- Commercial Off-Street Parking
- Drop-Off Recycling Collection Facility
- Exterminating Services
- Hotel-Motel
- Indoor Sports and Recreation
- Off-site Accessory Parking

- Outdoor Entertainment
- Pawn Shop Services
- Service Station
- Theater
- Community Recreation-Public
- Congregate Living
- Residential Treatment

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

Richard W. Vaughn, CET

**NEIGHBORHOOD PETITION SUPPORTING THE PROPOSED**  
**DEVELOPMENT AT 2440 WICKERSHAM INCLUDING**  
**A NEIGHBORHOOD GROCERY WITH BEER AND WINE SALES**  
**AND**  
**RESTAURANTS THAT CAN SERVE A MARGARITA.**

NAME: ISRAEL WEINBERG

ADDRESS: 1912 N. BROADWAY, SANTA ANA, CA 92706 OWNER

PHONE: 714 565 0654 COPPERTREE  
HILLS.

SIGNATURE: 

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

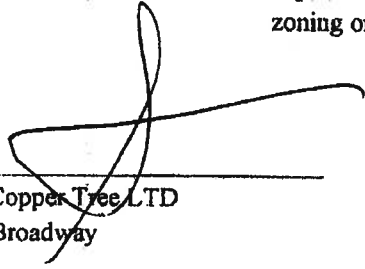
PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

FOR INFORMATION CONTACT RICK VAUGHN 512-328-3242

**Opposition to Rezoning Case  
C14-2012-0114  
2440 Wickersham**

We, the undersigned, hereby oppose any zoning of the referenced property to GR-MU-CO-NP. Until the property owner can demonstrate compliance with all applicable City Code regulations, we request that the zoning on this site remain MF-2-NP



\_\_\_\_\_  
Partner, Copper Tree LTD  
1912 N. Broadway  
Suite 300  
Santa Ana, CA 92706

1/30/13  
Date

**Protesting Tract Address:**

**2425 Cromwell Circle  
Austin, TX. 78741  
(12.995 acre of Lot 1, Chevy Chase South, Phase 4,  
Section B, Block C)**

Exhibit H - 2  
(received January 30, 2013)

# **PETITION**

Date: February 4, 2013

File/Case Number: **C14-2012-0114**

Address of Rezoning Request: **2440 Wickersham Lane**

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of Land Development Code which would zone the property to any classification other than GR-MU-CO with the following uses prohibited:

Automotive Repair Services  
Automotive Sales  
Commercial Off-Street Parking  
Community Recreation-Public  
Congregate Living  
Drive-Thru Services  
Drop-Off Recycling Collection Facility  
Exterminating Services  
Hospital Services-General  
Hotel-Motel

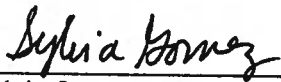
Indoor Sports and Recreation  
Off-site Accessory Parking  
Outdoor Entertainment  
Pawn Shop Services  
Private Primary Educational Services  
Private Secondary Educational Services  
Residential Treatment  
Service Station  
Theater

- Residential uses shall be limited to MF-3 density standards;
- Hours of Operation shall be limited to Sunday through Thursday, 6 AM to 10 PM and Friday through Saturday 6 AM to 12 AM;
- Prohibit Liquor and Alcohol sales as a principal and accessory use; (including beer/wine sales as a principal and accessory use)

We believe that by allowing alcohol sales at the site will have a negative effect on the surrounding area and our property. Allowing alcohol sales will increase crime, violence, loitering, and it will create more problems in an already high crime area, as alcohol is an enabler of crime. **All alcohol sales should be prohibited at the proposed development including alcohol sales at a Grocery Store and Convenience Store.**

**Signature:**

CHAMONIX HOA, BOARD of DIRECTORS

  
\_\_\_\_\_  
Sylvia Gomez, Director, Chamonix HOA

\_\_\_\_\_  
Ray Flores, Director, Chamonix HOA

\_\_\_\_\_  
Patrick Everling, Director, Chamonix HOA

**Protesting Tract Address:**

**Chamonix Condominiums**

**2450 Wickersham Lane, Austin, Texas 78741**

**Contact Number:** \_\_\_\_\_

# PETITION

Date: 2-2-2013

File/Case Number: C14-2012-0114

Address of Rezoning Request: 2440 Wickersham Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of Land Development Code which would zone the property to any classification other than GR-MU-CO with the following uses prohibited:

Automotive Repair Services  
Automotive Sales  
Commercial Off-Street Parking  
Community Recreation-Public  
Congregate Living  
Drive-Thru Services  
Drop-Off Recycling Collection Facility  
Exterminating Services  
Hospital Services-General  
Hotel-Motel

Indoor Sports and Recreation  
Off-site Accessory Parking  
Outdoor Entertainment  
Pawn Shop Services  
Private Primary Educational Services  
Private Secondary Educational Services  
Residential Treatment  
Service Station  
Theater

- Residential uses shall be limited to MF-3 density standards;
- Hours of Operation shall be limited to Sunday through Thursday, 6 AM to 10 PM and Friday through Saturday 6 AM to 12 AM;
- Prohibit Liquor and Alcohol sales as a principal and accessory use; (including beer/wine sales as a principal and accessory use)

We believe that by allowing alcohol sales at the site will have a negative effect on the surrounding area and our property. Allowing alcohol sales will increase crime, violence, loitering, and it will create more problems in an already high crime area, as alcohol is an enabler of crime. All alcohol sales should be prohibited at the proposed development including alcohol sales at a Grocery Store, Convenience Store, Bar and Restaurant.

I, PETER ENGLEFIELD, am authorized to execute this petition on behalf of MYSELF.

Signature: P. Englefield

Address: 2450 WICKERSHAM  
UNIT 308

Austin, Texas 78741

Printed Name: P. ENGLEFIELD

Phone Number: (210) 912-1775



# PETITION

Date: 2-2-2013

File/Case Number: C14-2012-0114

Address of Rezoning Request: 2440 Wickersham Lane

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of Land Development Code which would zone the property to any classification other than GR-MU-CO with the following uses prohibited:

Automotive Repair Services  
Automotive Sales  
Commercial Off-Street Parking  
Community Recreation-Public  
Congregate Living  
Drive-Thru Services  
Drop-Off Recycling Collection Facility  
Exterminating Services  
Hospital Services-General  
Hotel-Motel

Indoor Sports and Recreation  
Off-site Accessory Parking  
Outdoor Entertainment  
Pawn Shop Services  
Private Primary Educational Services  
Private Secondary Educational Services  
Residential Treatment  
Service Station  
Theater

- Residential uses shall be limited to MF-3 density standards;
- Hours of Operation shall be limited to Sunday through Thursday, 6 AM to 10 PM and Friday through Saturday 6 AM to 12 AM;
- Prohibit Liquor and Alcohol sales as a principal and accessory use; (including beer/wine sales as a principal and accessory use)

We believe that by allowing alcohol sales at the site will have a negative effect on the surrounding area and our property. Allowing alcohol sales will increase crime, violence, loitering, and it will create more problems in an already high crime area, as alcohol is an enabler of crime. All alcohol sales should be prohibited at the proposed development including alcohol sales at a Grocery Store, Convenience Store, Bar and Restaurant.

I, PETER ENGLEFIELD, am authorized to execute this petition on behalf of ANDREW ENGLEFIELD

Signature: P. Englefield  
AS. POWER OF ATTORNEY

Address: 2450 WICKERSHAM  
UNIT 104

Austin, Texas 78741

Printed Name: P. ENGLEFIELD

Phone Number: (210) 912-1775

# PETITION

Date: February 6, 2013

File/Case Number: **C14-2012-0114**

Address of Rezoning Request: **2440 Wickersham Lane**

To: Austin City Council

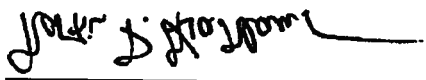
We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of Land Development Code which would zone the property to any classification other than **GR-MU-CO with the prohibition of alcohol sales.**

We believe that by allowing alcohol sales at the site will have a negative effect on the surrounding area and our property. Allowing alcohol sales will increase crime, violence, loitering, and it will create more problems in an already high crime area, as alcohol is an enabler of crime. **All alcohol sales should be prohibited at the proposed development including alcohol sales at a Neighborhood Grocery Store, and Convenience Store.**

Protesting Tract Address:

2425 Cromwell Circle  
Austin, Texas 78741  
(12.995 Acres of Lot 1, Chevy Chase South, Phase 4, Section B, Block C)

Signature:



Address:

**2450 Wickersham Lane #720**  
**Austin, TX 78741**

Printed Name: Martin P. Kracklauer

Phone Number: **512-338-9306**



*People Organized in Defense of Earth and her Resources*

Please see the applicant response in blue below.

January 24, 2013

Mayor Lee Leffingwell  
Mayor Pro Tem Cole  
City Council Member Martinez, Morrison,  
Tovo, Spelman, and Riley

Re: **Postponement Request** for Case C14-2012-0114  
2440 Wickersham Lane

Dear Mayor Leffingwell, Mayor Pro Tem Cole and City Council Members:

PODER is requesting a postponement for Case#C14-2013-0114 until February 14<sup>th</sup>, 2013. PODER members who live in the East Riverside/Oltorf Combined Neighborhood Plan area were not notified and/or informed by the East Riverside/Oltorf Combined Neighborhood Contact Team that a decision was being made regarding the above case. PODER's members are renters in the East Riverside/Oltorf Combined Neighborhood Planning area, therefore do not receive notices.

- Written notice was sent to 394 persons around this project including renters and PODER.
- This mailing was sent out TWICE (9-21-2012) and (10-12-2012) confirmed COA records.
- Large Visible Signs were posted on both East Oltorf and Wickersham. COA photo records.

PODER would like the opportunity to set a meeting with the agent to discuss residents' concerns and to possibly work on a compromise.

- At seeing the letter from PODER, the property owner immediately set up a meeting with PODER (Ms. Almanza). Ms. Almanza brought Jesse Lona. Mr. Lona had previously provided Council a letter packet against the project and spoke to the Council against the project two weeks ago but was relatively silent at this meeting.
- PODER (Ms. Almanza) and Jesse Lona were shown the project. No objection was voiced by them at the meeting.

PODER understands that the above case was approved on first reading at the City Council meeting on January 17<sup>th</sup>, 2013 without conditions.

The GR-MU-CO approval included a

- Public Restrictive Covenant, addressing hours of operation and the TIA, and
- Conditional Overlay.

PODER also endorses the recommendation that was made by the Planning Commission on October 23, 2012 which approved staff recommendation to grant Neighborhood Commercial – Mixed Use – Conditional Overlay, (LR-MU-CO) combining district zoning.

- The Planning Commission approved GR-MU-CO not LR-MU-CO

This conditional overlay would limit the vehicle trips to less than 2,000 per day and prohibit liquor sales as an accessory use.

- The vehicle trip limitations are per the approved TIA and made a part of the Approved Public Restrictive Covenant.

Again, we request a postponement on the case that would allow residents who are renters the opportunity to discuss their concerns with the agent of this project.

- All notices to all persons have been sent out timely. Large visible signage was also posted.
- Considering the time PODER (Ms. Almanza) has had to respond to all of the notices and postings sent to her and her total absence in all of the successful neighborhood meetings with both the East Riverside/Oltorf Neighborhood Contact Team (EROC) and the Monaco Homeowners Association, her late request is unwarranted.
- Actual neighborhood meetings have resulted in Support Letters from both the neighboring Monaco Homeowners Association and the EROC Team.  
PODER (Ms. Almanza) is ignoring this Neighborhood and EROC Team support.
- The City Council has already voted unanimously to approve this zoning request. There is no new information not previously presented to the City Council prior to the City Council unanimous action on January 17, 2013. The 2nd and 3rd readings should not be postponed.
- The Monaco Homeowners Association also disagrees with any postponement of the 2nd and 3rd readings. (Their letter is attached)

Sincerely,

*Susana Almanza*

Susana Almanza, Director  
PODER

*PODER P.O. Box 6237 Austin, TX 78762 512/428-6990 email: [poder.austin@gmail.com](mailto:poder.austin@gmail.com)*



*People Organized in Defense of Earth and her Resources*

January 24, 2013

Mayor Lee Leffingwell  
Mayor Pro Tem Cole  
City Council Member Martinez, Morrison,  
Tovo, Spelman, and Riley

Re: **Postponement Request** for Case C14-2012-0114  
2440 Wickersham Lane

Dear Mayor Leffingwell, Mayor Pro Tem Cole and City Council Members:

PODER is requesting a postponement for Case#C14-2013-0114 until February 14<sup>th</sup>, 2013. PODER members who live in the East Riverside/Oltorf Combined Neighborhood Plan area were not notified and/or informed by the East Riverside/Oltorf Combined Neighborhood Contact Team that a decision was being made regarding the above case. PODER's members are renters in the East Riverside/Oltorf Combined Neighborhood Planning area, therefore do not receive notices.

PODER would like the opportunity to set a meeting with the agent to discuss residents' concerns and to possibly work on a compromise. PODER understands that the above case was approved on first reading at the City Council meeting on January 17<sup>th</sup>, 2013 without conditions. PODER also endorses the recommendation that was made by the Planning Commission on October 23, 2012 which approved staff recommendation to grant Neighborhood Commercial – Mixed Use – Conditional Overlay, (LR-MU-CO) combining district zoning. This conditional overlay would limit the vehicle trips to less than 2,000 per day and prohibit liquor sales as an accessory use.

Again, we request a postponement on the case that would allow residents who are renters the opportunity to discuss their concerns with the agent of this project.

Sincerely,

*Susana Almanza*  
Susana Almanza, Director  
PODER

*PODER P.O. Box 6237 Austin, TX 78762 512/428-6990 email: poder.austin@gmail.com*