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1**ZONING CHANGE REVIEW SHEET****CASE:** C14-2014-0103 / Radio Coffee & Beer**P.C. DATE:** August 26, 2014**ADDRESS:** 4204 Manchaca Road and 2008 Fort View Road**AREA:** 0.159 acres (6,924 square feet)**NEIGHBORHOOD PLAN AREA:** South Lamar  
(South Lamar Combined Neighborhood Plan Area)**OWNER:** Telvending Corp (Greg Wilson)**APPLICANT:** Land Strategies Inc. (Paul Linehan)**ZONING FROM:** LR-MU-CO; Neighborhood Commercial-Mixed Use-Conditional Overlay**ZONING TO:** CS-1-CO; Commercial-Liquor Sales – Conditional Overlay, as Amended**SUMMARY STAFF RECOMMENDATION:**

To grant CS-1-CO; Commercial-Liquor Sales – Conditional Overlay. Terms of the conditional overlay include:

- 1) Only GR permitted uses shall be allowed by right; Cocktail Lounge use shall be a conditional use;
- 2) Site development regulations of GR district zoning shall apply;
- 3) Amplified live music shall be prohibited outdoors; and
- 4) Outdoor amplified sound shall be restricted to the southern portion of the tract

The following condition is also recommended, but would be part of a public restrictive covenant:  
Hours of operation of a Cocktail Lounge shall be between 6:00 AM and 12:00 midnight.

**AMENDED REQUEST AND AMENDED RECOMMENDATION:**

This application has always been about a desire on the part of the applicant and owner to acquire CS-1 zoning so that the owner would have the option to pursue a Conditional Use Permit (CUP) for a Cocktail Lounge use. Although it has been maintained throughout that the existing Radio Coffee and Beer establishment was not intended to become a bar, per se, it was thought that revenue from prepared foods might not exceed the 51% of gross sales threshold to continue operating as a restaurant.

Nevertheless, when the rezoning application was first submitted, the request was for CS-1 without any limitations or conditions. Staff thought the request for unrestricted commercial-liquor sales was too open-ended and would allow for potentially undesirable but permitted CS uses. Staff offered an alternate recommendation of GR, community commercial.

Prior to Planning Commission consideration of the applicant's request and staff alternate recommendation, the applicant requested a postponement, and subsequently offered an amended request that limited uses and site development standards to that of GR, limited hours of operation, limited amplified sound to areas away from nearby residential uses, and prohibited outdoor amplified live music (see Exhibit B).

Based on this revised request, staff has amended its recommendation to grant CS-1 zoning contingent on the conditions or restrictions proposed.

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2**PLANNING COMMISSION RECOMMENDATION:**

To be considered September 23, 2014

September 9, 2014

Granted Postponement to September 23, 2014 at the Request of Staff (Consent Motion: S. Oliver; Second J. Stevens) 6-0 (Absent: A. Hernandez, J. Nortey, L. Varghese)

August 26, 2014

Granted Postponement to September 9, 2014 at the Request of the Applicant (Consent Motion: R. Hatfield; Second : J. Stevens) 8-0-1 (Absent: D. Chimenti).

**DEPARTMENT COMMENTS:**

The subject tract is a footprint of just under 7,000 square feet on an approximate 0.9436 (41,104 square feet) tract currently zoned LR-MU-CO at the northwest corner of Manchaca Road and Fort View Road (see Exhibits A). As proposed, the footprint tract covers existing structures, walkways, and patio areas. As such, the footprint covers the existing Radio Coffee & Beer establishment. Also on the parent tract but not included in the subject tract are parking areas and the property owner's residence.

Land uses in the area include a tire shop and casual restaurant to the south, between Fort View and Ben White Boulevard, high-turnover restaurants to the southeast, and a convenience store and offices across Manchaca to the east. Offices are to the north of the property. Fort View, extending to the west, is a residential street that terminates at the Victory Medical Campus.

The request for CS-1, Commercial-Liquor Sales, is driven by the stated desire for the owner to have the option or flexibility to pursue a conditional use permit (CUP) for a Cocktail Lounge use. The City's Land Development Code distinguishes between restaurants and bars based on revenue generated by alcohol and prepared food sales; if revenue from prepared foods is at least 51% of gross sales, the business is a restaurant.

Owing to the success of the existing business, the owner wants the flexibility to pursue a CUP to operate a bar, and so as to not run afoul of this 51% rule on sales income. While pursuit of a CUP for a bar is not part of the current rezoning request - and is its own separate public process, the CS-1 zoning requested at this time is a prerequisite for such a future request.

Stakeholder correspondence regarding the rezoning has been attached (see Exhibit C).

**ABUTTING STREETS & TRANSIT:**

Street Name	ROW Width	Pavement Width	Classification	Bicycle	Bus Service	Sidewalks
Manchaca Road	83 feet	43 feet	Major Arterial	Yes	Yes	Yes
Fort View Road	50 feet	30 feet'	Local	No	No	No

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	LR-MU-CO	Restaurant; Single-family residence

<i>North</i>	LO-MU; SF-3; LO	Office; Single-family residence; Office
<i>East</i>	CS; LO; SF-3; LO	Restaurants; Convenience Store; Office; Single-Family Residential; Office Townhomes
<i>South</i>	CS-1; CS	Automotive Repair; Restaurant
<i>West</i>	SF-3	Single-family and duplex residential

**TIA:** Not Required; Existing 2000 vtd Limit on Parent Tract

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
South Lamar Neighborhood Association	926
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin	1075
Perry Grid 614	1107
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Wildflower Church	1423
Preservation Austin	1424
GO!Austin/Vamos!Austin (GAVA)	1429
Friends of the Emma Barrientos MACC	1447

**ZONING CASE HISTORIES FOR THIS TRACT:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
4204 Manchaca C14-72-099	"A" Residence to "LR" Local Retail		Approved 06/08/1972
4204 & 4208 Manchaca C14-06-0115	LR & SF-3 to (LR-MU-CO)	Recommended LR- MU-CO; 06/27/2006	Approved LR-MU-CO; 09/28/2006 (CO limits to 2000 vtd)

**ZONING CASE HISTORIES IN THE AREA:**

This portion of Manchaca Road is a mixture of retail, commercial, and residential. Yet, with the exception of two rezonings from family residential tracts to limited office and office-mixed use in 2012 and 2013 (the latter immediately north of the subject tract), the majority of the area has not seen rezoning since the Seventies and Eighties. While the existing commercial along Ben White Boulevard and Manchaca has been there for decades, a quick review of the case histories below shows that most rezonings in the past thirty-plus years are from residential to office.

Another recent rezoning was just that: residential to office. Located at 2111 Fort View, the end of the street to the west, a parcel was rezoned (in C14-2012-0145) from SF-3 to limited office (LO) with conditions that required access through the adjoining parcel to Ben White Boulevard.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
<b>West of Manchaca Road (north to south)</b>			
3906 Manchaca Road C14-2013-0067	SF-3 to LO	Recommended LO-MU 08/13/2013	Approved LO-NU 08/22/2013
4020,4022,4100 Manchaca C14-84-160	SF-3 to LO	Recommended	Approved 05/23/1985 w/ Street Deed
4016 Manchaca C14-98-0059	SF-3 to LO	Recommended LO-CO; 06/09/1998	Approved LO-CO; 08/27/1998
4000 Manchaca C14-86-012	SF-3 to NO	Recommended LO-CO w/Conditions; 03/04/1986	Approved LO-CO w/RC; 07/17/1986
2007 Bert C14-03-0070	SF-3 to LO	Recommended LO-CO; 05/20/2003	Approved LO-CO; 07/17/2003
2004-2006 Bert C14-2007-0192	SF-3 to LO	Recommended; 10/13/2007	Approved LO-CO; 01/10/2008
4200 Manchaca C14-2012-0117	SF-3 to LO-MU	Recommended 11/13/2012	Approved 12/06/2012
4102 & 4200 Manchaca C14-2014-0150	LO-MU to GR	Under Staff Review	
<b>Site (4204 Manchaca)</b>			
4300 Manchaca & 2001-2005 Fort View C14-74-122	"C" 6 <sup>th</sup> H&A to C-1 6 <sup>th</sup> H&A		Approved 10/31/1974
4302-4304 Manchaca & 2004-2012 Ivy Trail C14-72-222	"C" 6 <sup>th</sup> H&A to "C-2" 6 <sup>th</sup> H&A	Recommended, Limited use of C-2 to package store only	Approved as PC Recommended; 11/16/1972
<b>Fort View and Ben White</b>			
2009-2011 Fort View C14-98-0078	SF-3 to CS	Recommended LR-CO; 07/21/1998	Approved NO w/Conditions 1 <sup>st</sup> Reading; Indefinite Postponement on 2 <sup>nd</sup> /3 <sup>rd</sup> ; Expired

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2111 Fort View C14-2012-0145	SF3-to LO	Recommended NO-MU-CO	Approved NO-MU-CO 04/11/2013
2028 W Ben White C14-2007-0051	SF-3 to LO-MU	Recommended; 06/12/2007	Approved; 07/26/2007
2012 W Ben White C14-2008-0096	SF-3 to LO-MU	Recommended; 06/10/2008	Approved; 07/24/2008
2104 W Ben White C14-2012-0049	SF-3 to LR	Recommended LR; 07/24/2012	Approved LR; 12/13/2012
2110 W Ben White C14-2008-0185	SF-3 to LO	Recommended LO-CO; 06/10/2008	Approved LO-CO; 11/20/2008
<b>East of Manchaca (north to south)</b>			
4007-4011 Manchaca C14-71-252	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A		Approved 06/01/1972
4017-4021 Manchaca & 4016-4020 Valley View C14-72-234	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A	Recommended w/conditions	Approved w/conditions 05/31/1973
4015 Manchaca C14-75-049	"A" Residence to "O" Office		Approved; 06/26/1976
4023 Manchaca C14-85-009	SF-3 to LO		Approved; 10/02/1985
4025 Manchaca C14-80-221	Interim "A" 1 <sup>st</sup> H&A to "O-1" 1 <sup>st</sup> H&A		Approved; 02/26/1981
4103 Manchaca C14-84-356	SF-4 to "O-1"	Recommended "O-1" 1 <sup>st</sup> H&A; 12/04/1984	Approved LO w/RC & Street Deed; 09/19/1985
1900-1904 Fort View C14-70-017	"LR" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A		Approved; 04/16/1970

**CITY COUNCIL DATE:**

Previously Scheduled and Noticed for September 25, 2014;  
a Postponement until **October 2, 2014** has been Requested  
by Staff

**CITY COUNCIL ACTION:****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:** 512-974-7604

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C**SUMMARY STAFF RECOMMENDATION**

To grant CS-1-CO; Commercial-Liquor Sales – Conditional Overlay. Terms of the conditional overlay include:

- 1) Only GR permitted uses shall be allowed by right; Cocktail Lounge use shall be a conditional use;
- 2) Site development regulations of GR district zoning shall apply;
- 3) Amplified live music shall be prohibited outdoors; and
- 4) Outdoor amplified sound shall be restricted to the southern portion of the tract

The following condition is also recommended, but would be part of a public restrictive covenant:

Hours of operation of a Cocktail Lounge shall be between 6:00 AM and 12:00 midnight.

**BACKGROUND & PURPOSE STATEMENTS**

The subject tract is a 6,924 square feet footprint on a 41,104 square feet tract currently zoned LR-MU-CO. The site is currently developed as a restaurant and known as Radio Coffee and Beer.

Neighborhood commercial (LR) district 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.

Mixed Use (MU) combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. Allows development of all types of residential uses, including single-family residential, multifamily residential, and townhomes. The Conditional Overlay (CO) adopted with the zoning change in 2006 limits development to generating less than 2000 vehicle trips per day.

The requested Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

Community commercial (GR) district, recommended by staff, 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.

**BASIS FOR RECOMMENDATION**

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

***Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.***

CS-1, as a zoning district, is the most intense commercial zoning district available under City code. Typically it is requested as a precursor to requesting a conditional use permit (CUP) for a cocktail lounge use; that is also the case here. Even if a conditional use permit is not pursued for use of the site as a Cocktail Lounge rather than as a restaurant, CS-1 would allow for a range of



commercial uses; however, the applicant has proposed – and staff agrees - that these uses are inappropriate at this location at this time. Consequently, only GR uses – with the exception of Cocktail Lounge – are proposed. All other CS-1 (and CS) uses are to be prohibited.

This site is uniquely located at the intersection of a major arterial and residential collector. Located one block north of Ben White Boulevard, it has existing CS-1 and CS to the south and CS to the east. Variations of office stretch along Manchaca northward. However, the site is also located at the entrance to Fort View, which terminates about 1000 feet to the west. The impact of a bar at the end of the street may raise questions about compatibility with adjacent and nearby uses. A member of the owner's family currently lives next door; but for the other 18 households on Fort View, or those to the north along Gathright Cove, staff is concerned a bar may have detrimental impacts.

To that end, the applicant has proposed limiting the hours of operation from 6:00 am to 12:00 midnight. Further, the applicant has proposed prohibiting amplified live music outside and limiting any amplified sound to the existing patio on the southern end of the property. Staff fully supports both of these conditions, with the expectation such limitations helps make the establishment more compatible with nearby uses, especially the residential along Fortview and to the northwest.

Neighborhood restaurants and taverns can be appealing and certainly have their place. But, until more patrons are walking or biking to this establishment, parking and traffic will be challenges. As a restaurant, the site meets its current parking requirements. If the CS-1 request is to be followed by requested CUP to function as a bar, parking requirements for a cocktail lounge may change, including that such parking area must be 200' from SF-3 properties. Staff is aware the applicant is working with nearby property owners regarding offsite parking; clearly the need, if any, for additional parking for a cocktail lounge use will need to be addressed prior to application for a CUP.

Initially, staff was wary that granting unlimited CS-1 zoning was both inappropriate and could set an undesirable precedent for properties further north along Manchaca, given the existing CS and CS-1 to the south. Staff thinks the amended request, which is essentially GR-plus-cocktail lounge, has responded to concerns about use intensity and neighborhood compatibility. Other important concerns, such as the need for additional parking, would necessarily be part of the CUP application, should the owner pursue one. Staff does not wish to preclude the restaurateur from pursuing a CUP, should the business move towards more revenue from beer than prepared food. Certainly, the CS-1 would allow for the owner to apply for a CUP for a cocktail lounge, but there's no guarantee it would be a successful application; in that event, the CS-1 as conditioned would still allow for the establishment to continue as a general restaurant.

This is still not to say staff would support requests for CS-1 on every corner, because each rezoning case is considered on its own merits. Yet part of the evaluation for a recommendation is based on surrounding zoning. For purposes of full disclosure, a rezoning application was filed on September 3, 2014 for the property immediately to the north; that request is from LO-MU to GR-MU, with the stated desire to develop the site with a general restaurant. That application remains under review (C14-2014-0150).

***Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

The CS-zoned properties east of Manchaca are a convenience store and three high-turnover restaurants. There's ample parking, and patrons don't stay for a significant length of time.

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18

Similarly, of the two CS-1 tracts to the south, one is a tire shop and the other is a restaurant; the CS piece is an auto parts retail store. Taken together, with the exception of Dan's Hamburgers, this area has been one that primarily caters to people on the move.

A restaurant that caters to a dine-in crowd – that serves both the neighborhood and passersby – is not inappropriate or unsustainable in this mix (e.g., Dan's has a lengthy history here). Neither, perhaps, is a neighborhood tavern such as Radio Coffee and Beer. And if not a tavern, than even as a restaurant (developed with the surrounding LR district), the Radio Coffee & Beer operation seems function as a transition between uses. The establishment can provide an appropriate transition between the more intense commercial uses to the south and east and the residential to the west and northwest.

It is important to bear in mind the rezoning tract is a footprint of just under 7,000 square feet in an approximate 41,000 square feet parent tract, the remainder of which that would remain LR-MU-CO. Nearly an acre of CS-1, or the entirety of the site, would hardly provide transition from the CS and CS-1 to the south and east. It would be an extension. However, a footprint of CS-1 within the LR-MU tract, especially given the restrictions or conditions recommended, could provide an appropriate transition. It could provide for a bar/restaurant that separates the high-turnover and convenience store traffic on one side of Manchaca, and the tire and auto body shop traffic on the other side of Fortview, from residential uses.

***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.***

Manchaca Road is a major arterial; Fort View is a neighborhood collector, and one that dead ends 1,000 feet away. While general commercial service uses might be a stretch for this intersection, there is an existing 2,000 vehicle trips per day cap on the parent tract, which would remain LR-MU. Given the size of the existing establishment, about 2,300 square feet, and the size of the proposed footprint, 6,924 square feet, staff estimates that the footprint/cocktail lounge uses could generate about 337 trips per day. This is well within the 2,000 vtd limit on the parent tract; vehicle trips per day are applied on a pro-rata share to the footprint tract. A Neighborhood Traffic Analysis has been deferred to site planning stage.

The point is that this is not an intersection of arterials and collectors typically associated with GR zoning, much less CS or CS-1 zoning. Yet CS and CS-1 exist on the other three corners. Another zoning principle is that granting a request for zoning should result in an equal treatment of similarly situated properties. An argument can be made that since the other properties on this intersection were granted CS or CS-1 zoning, this one should be treated similarly.

However, staff thinks they are not necessarily similarly situated. CS and CS-1 properties to the south have access and frontage to Ben White Boulevard, in addition to Fort View. Fort View to the east of Manchaca is not a dead end street, but intersects with a number of streets before terminating at Ben White. In other words, Fort View to the east is a true collector; to the west it is a cul-du-sac. Given these differences, staff could support GR at this corner, but not the more intense unlimited CS-1.

By amending the request to exclude all CS and CS-1 uses, the request, in terms of use, is essentially GR. Again, questions about additional parking requirements or increased traffic should the owner wish to seek a CUP, would be reviewed as part of that application.



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9***Zoning should allow for a reasonable use of the property.***

The applicant has indicated the CS-1 request is driven by the desire for flexibility in requesting a CUP for a cocktail lounge use, at some future point. The immediate use of the property is to be a restaurant serving food, coffee and beer. Currently, the property is zoned LR-MU. Staff supported a GR zoning district to allow for a fuller, more robust general restaurant use.

Under the existing LR zoning district requirements, a limited restaurant (which does not serve alcohol) is permitted by right, a general restaurant (which includes the sale and on-premises consumption of alcohol as an accessory use) is permitted, but subject to size limitations, reduced hours of operations, outdoor seating and entertainment constraints, and other conditions. A GR district allows a general restaurant more flexibility, in terms of space and scope of operation. However, it is not as flexible as CS-1, in that a late hours permit would be required should the restaurant wish to stay open after normal hours.

This last point is a bit moot given the current request. The owner has proposed to limit the hours of operation for cocktail lounge use to midnight. In addition, the owner is proposing measures to prohibit amplified live music outdoors and limit the location of amplified sound. These measures would allow live acoustic music outdoors, but any amplified live music would be indoors, and amplified sounds would be located away from nearby residential.

This amended request seems reasonable. Staff previously thought, and still does, that a restaurant use at this location is reasonable. Staff also thinks that a cocktail lounge use, if granted through the CUP process, is a reasonable use given the conditions offered and recommended. And, while issues such as the potential need for additional parking will have to be resolved through the CUP process, the successful completion of which is an entirely different process that cannot be guaranteed, staff does not wish to preclude pursuit of a CUP by limiting zoning to GR.

Consequently, although staff would not and did not support the limitless CS-1 request, staff does support the amended CS-1 request with conditions, which we think is more conducive to general restaurant/limited cocktail lounge use. General restaurant, limited cocktail lounge (if the CUP is granted), or another GR uses are a reasonable use of the property.

**The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.**

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP), identifies this area as an Activity Center for Redevelopment in Sensitive Environmental Areas (extending eastward from Lamar at Ben White); this specific property is not over the Edwards Aquifer. Manchaca is also designated with High Capacity Transit.

A neighborhood gathering spot, whether a bar or restaurant or something completely different, is probably aligned with the compact and connected neighborhood goals of the IACP. At the same time, protecting neighborhood character is also cited, and one cannot overlook the fact this property is located at the entrance of a mostly residential street. Indeed, it is protection of the neighborhood character on Fort View Road and to the northwest that requires staff to recommend CS-1, but only with the conditions and limitations specified.

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10

## EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

### Site Characteristics

The site, located at the northwest corner of Manchaca Road and Fort View Road, is developed with a restaurant use and associated parking. The proprietor of the Radio Coffee and Beer establishment resides in a single-family residence also on site. There are no known environmental characteristics that would unduly constrain further development or redevelopment of the site. Though the site is identified as an Activity Center for Redevelopment in Sensitive Environmental Areas per the Imagine Austin Growth Concept Map, the site is not over the Edwards Aquifer Recharge Zone.

### PDRD Comprehensive Planning Review (KF) (2014-06-19)

LR-MU-CO to CS-1

This zoning case is located on the west side of Manchaca Road, on the corner of Fort View Road, and consists of a house converted to a newly opened coffeehouse/craft beer hybrid cafe, with extensive outdoor seating, live music, and a food trailer. This enterprise will also feature live music and a food trailer. This property is located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes an office in a converted house to the north, a tire store to the south, a gas station and a private children's school to the east, and a single family house to the west.

### Imagine Austin

The property is located within the boundaries of an '**Activity Centers for Redevelopment in Sensitive Environmental Areas**' as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

The following Imagine Austin policies are relevant to this case:

#### Environmental Policies

- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.
- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.

#### Complete Community Policies

- **LUT P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.



- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **N P1.** Create complete neighborhoods across Austin that have a **mix of** housing types and **land uses**, affordable housing and transportation options, and access to schools, **retail**, employment, community services, and parks and recreation options.

Based on this property being: (1) adjacent to other commercial uses along the Manchaca Road, a busy corridor; and (2) the Imagine Austin policies referenced above, which encourages infill development along corridors, including retail and neighborhood serving uses, staff believes that this coffee house/bar is supported by the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

#### **PDRD Environmental Review (MM) (2014-07-01)**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### **PDRD Site Plan Review (RA) (2014-07-01)**

1. Site plans will be required for any new development other than single-family or duplex residential. Please note that a Conditional Use Permit will be required for a cocktail lounge use.

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12

2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
4. The site is subject to compatibility standards. Along the northwest property line, the following standards apply:
  - No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
  - Additional design regulations will be enforced at the time a site plan is submitted.
5. FYI : A parking area for a cocktail lounge must be separated from SF-6 or more restricted zoning district by not less than 200 feet [LDC 25-5-146(B)].

#### **PDRD Transportation Review (BG) (2014-08-12)**

1. A Neighborhood Traffic Analysis will be deferred to time of site plan because this is a spot zoning change for the building footprint and because there is a previous conditional use overlay of 2000 vtd for the site. LDC, Sec. 25-6-114.
2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows: Manchaca Road.
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Manchaca Road	83'	43'	Major Arterial	Yes	Yes	Yes

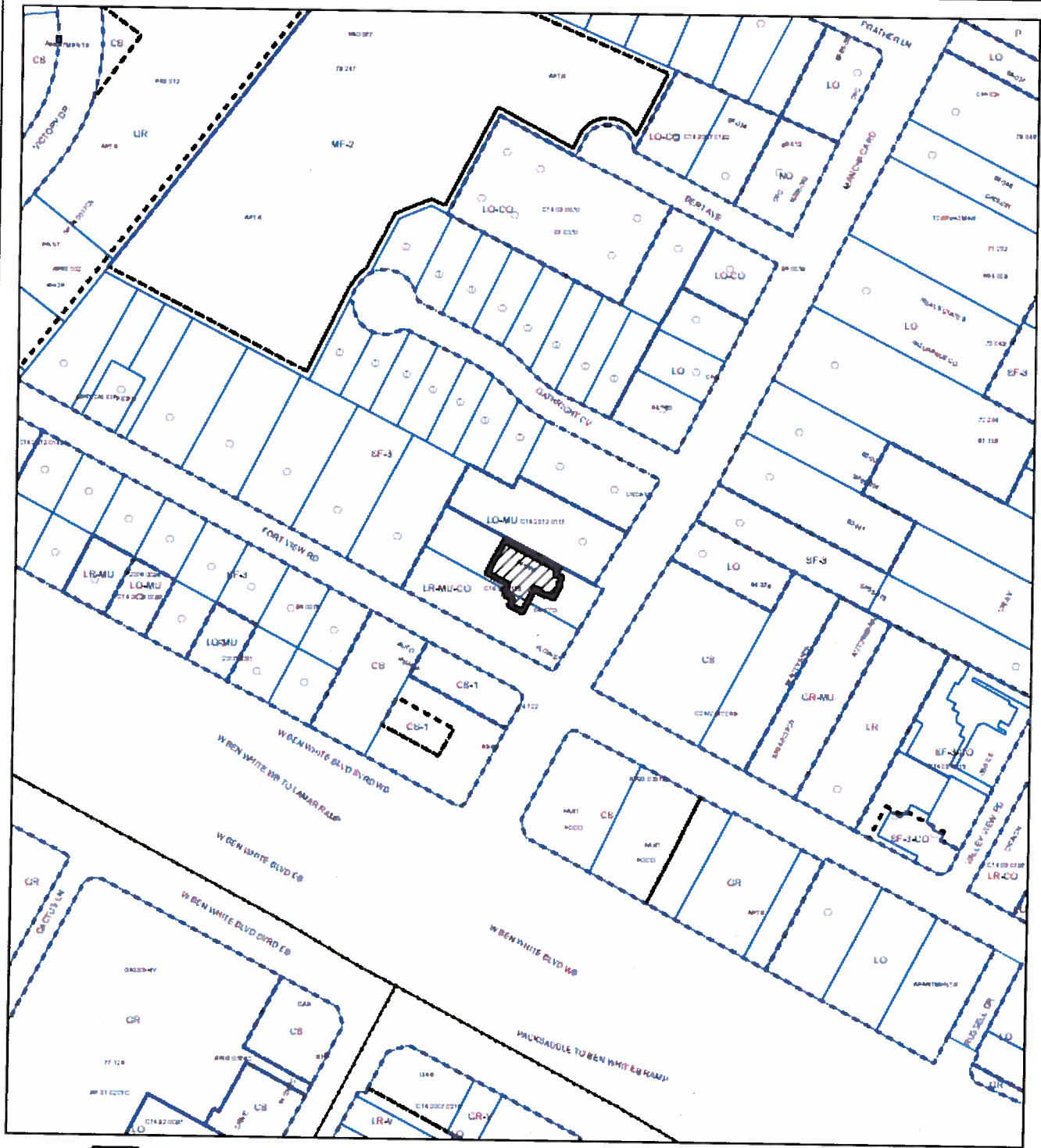
#### **PDRD Austin Water Utility Review (NK) (2014-06-20)**

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for

CG  
13

compliance with City criteria and suitability for operation and maintenance. 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.

CC/114



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**

ZONING CASE#: C14-2014-0103

1" = 200'

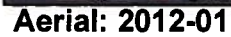
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



**Exhibit A - Zoning Map**





0 100 200 400 Feet  
1 inch = 200 feet



C6/16



Aerial: 2012-01

**Exhibit A-2**  
**Aerial & Zoning**

0 50 100 200 Feet  
1 inch = 100 feet



C6/17

## HUSCH BLACKWELL

111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
512.472.5456

Nikelle S. Meade  
Partner  
512.479.1147 direct  
512.226.7373 direct fax  
nikelle.meade@huschblackwell.com

September 17, 2014

**VIA EMAIL – Lee.Heckman@austintexas.gov**

Lee Heckman  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

**RE: Case No. C14-2014-0111; Radio Coffee and Beer Zoning Application,  
4204 Manchaca**

Dear Mr. Heckman:

On behalf of the applicant in the above-referenced zoning case and based on input from city staff and neighbors, by this letter we are amending the rezoning application to include the following agreed-to conditions:

We propose that the following restrictions be added in the form of a conditional overlay if the property is rezoned to CS-1:

1. Uses permitted on the property shall be limited to those permitted in the GR base zoning district plus Cocktail Lounge use shall be a conditional use.
2. Site development regulations for a GR base zoning district shall apply to the property.
3. The hours of operation for Cocktail Lounge use shall be between 6:00 a.m. and midnight.
4. No amplified live music shall be permitted outdoors.
5. Outdoor amplified sound shall be restricted to the existing front patio on the south side of the building.

Thank you for your consideration of this request, and please contact me if you need any additional information.

Sincerely,



Nikelle S. Meade

cc: Erin Welch  
Greg Wilson

CG  
18

**From:** Valli Pappas  
**Sent:** Thursday, July 03, 2014 11:42 AM  
**To:** Heckman, Lee  
**Subject:** zoning case c14-2014-0103

I've just received the proposed zoning change to the Radio Coffee and Beer that recently opened up at the end of Fortview Rd. at Manchaca.

I would like to OPPOSE any further licensing that would include the sale of Liquor at this business.

Limiting it to beer is Neighborhood Friendly enough .

Thank you for your time

Valli Pappas

CG  
19

**From:** Sharon  
**Sent:** Thursday, August 21, 2014 4:38 PM  
**To:** Heckman, Lee  
**Subject:** Radio Coffee and Beer C14-2014-0103

Lee Heckman

I object to the rezoning of the Radio Coffee and Beer.

Sharon Johnson  
2012 Fort View Rd.  
Austin, TX 78704

CG  
20

From: Nina Smith  
Sent: Friday, August 22, 2014 10:47 AM  
To: Heckman, Lee  
Subject: case #C14-2014-0103

I strongly oppose the proposed zoning change to make the site a commercial liquor sales/"beer garden." The traffic on Manachaca there by the Ben White intersection already backs up past Fortview and Gathright Cove, which blocks anyone trying to enter or exit those two short, dead end streets. Add in more traffic and possibly inebriated drivers trying to enter or exit the proposed "beer garden" onto Manchaca, and it is just a matter of time until you have many, possibly fatal, accidents occurring there.

Nita Smith, owner of 2107 Gathright Cove

CG  
21

**From:** Gregg Elsass  
**Sent:** Tuesday, July 08, 2014 1:13 PM  
**To:** Heckman, Lee  
**Subject:** Inquiry and comments re: Case Number C14-2014-0103

Mr. Heckman:

I am in receipt of a notice to rezone the property at 4204 Manchaca Road in order to permit liquor sales; Case Number C14-2014-0103

I am a homeowner at 2102 Fort View Road, just down the street from the intersection of Manchaca and Fort View. I have a few comments relative to this rezoning request. I would appreciate hearing back from you when you get a moment.

1. I am thinking you have heard by now there have been several complaints of parking on both sides of Fort View Road making it very difficult to navigate this dead-end street. Just today at lunch time a young mother was putting her two small children into their car while I tried to pass by them. Because she was parked on one side and another car on the other I had very little room to pass by. I had to wait on them to enter their car or literally be within a few feet of them if I had decided to proceed to my driveway. The street is just 29' wide and there is no sidewalk on either side.
2. I could elaborate on many other examples of potential hazards like this and examples of people parking too close to driveways and actually onto my neighbor's grass but it would be a very long list!
3. I noticed online that a Traffic Impact Analysis was waived. It seems to me that is something the City should have requested, not waived. Assuming the TIA would also include parking evaluations and requirements.
4. I would like to know if parking quantities for the new establishment were based on the gross area of the building only or were quantities required based on the building area AND the expansive patio and deck areas. If they were only based on the building area then that may explain the substantial amount of parking overflowing from their parking lots to Fort View Road. When I drive by, there are almost always a lot of customers in the outdoor areas. Can you inform me as to where I could find that information?
5. My neighbors and I are presuming a public hearing will be held regarding the rezoning. Can you confirm?
6. Personally, I would like the new establishment to succeed but the parking on our street is creating a pretty bad situation. Because of this, I was wondering if the City has a mechanism by which to request that parking only be permitted on one side of the street versus both.

A lot of my neighbors are seniors and have spent decades on Fort View. I have chatted with several over this new situation and they are pretty upset. I told a couple of them I would try to get some answers. Thank you for your time and I look forward to hearing from you, either by phone or email.

Respectfully,

Gregg Elsass  
Principal  
Page Southerland Page, Inc

## PUBLIC HEARING INFORMATION

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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.

R 08/22/14

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:

<http://www.austintexas.gov/development>.

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: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

James M. Crane

Your Name (please print)

4100 Manchaca Rd.

Your address(es) affected by this application

8-16-14

Date

Signature

Daytime Telephone: 512-633-7482

Comments: I have no problem with beer & wine at this location but I am against liquor sales. I have been in this neighborhood since early 1980s and there are too many special needs people living & walking this street to start adding drivers with liquor consuming to the mix. Not an appropriate use for this location. Love the coffee! (SEE reverse side)

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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R 8122114

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

Sondra Cherico

Your Name (please print)

20213 Starlight Cove

Your address(es) affected by this application

Sondra Cherico

Signature

8-18-14

Date

Daytime Telephone:

Comments: Parking is the issue.  
Parking would last longer (2AM)  
Beer, wine, coffee closing @ midnight  
enclosed a softer street  
encasement.

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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R 08122114

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

Robert Mender

Your Name (please print)

2010 Fortview Rd.

Your address(es) affected by this application

☐ I am in favor  
☒ I object

8-

Date

Signature

Daytime Telephone: 512-447-1194

Comments: We feel that if the

Business at 4204 Manchaca,  
begins to serve liquor, the  
traffic of people we now have  
will become routine and drunks  
will be all over and may cause  
problems. Our street is a dead  
end and as it is now crowded there  
is room for one car come or going,  
there is not enough room for 3 cars.

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

C6/24



## PUBLIC HEARING INFORMATION

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R 08122/14

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission  
Sept 25, 2014, City Council

Timothy P. Vogt

Your Name (please print)

2019-A Gathright Cove

Your address(es) affected by this application

8-20-2014

Date

Signature

Daytime Telephone: 512 619-7012

Comments: Redevelopment of 4204 Manchaca Rd. has changed traffic patterns on Manchaca St at Fortview. Many more NB left turns onto Fortview cause delays daily.

Overflow parking is occurring on both Fortview & Gathright. The opening of Radio Coffee & Beer has already had an adverse effect on adjacent neighborhood streets, adding liquor sale can only further erode the spirit & intent of the adjacent SF-3 zoning.

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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R08125114

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

Nita Smith

Your Name (please print)

☐ I am in favor  
☒ I object

2017 Gathright Cove 78709

Your address(es) affected by this application

8/21/2014

Date

Signature

Daytime Telephone: 1-512-632-8144

Comments: I strongly oppose proposed zoning change. The traffic on Manchaca already gets backed up past Fortview + Gathright Cove, partly due to Davis Hamburgers. Both Fortview + Gathright Cove are dead end streets, with only access/egress being Manchaca. Additionally, sale of alcohol could possibly lead to intoxicated drivers trying to enter what is already a dangerous traffic flow.

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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R 9/9/14

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission  
Sept 25, 2014, City Council

VALLE PAPPAS  
Your Name (please print)

☐ I am in favor  
☒ I object

2013 FORTVIEW RD. AUSTIN  
Your address(es) affected by this application

Signature: [Signature] Date: Aug 24, 2014

Daytime Telephone: 512-825-5743

Comments:

I DO NOT THINK ADDING  
HARD ALCOHOL WOULD BENEFIT  
OUR NEIGHBORHOOD, RADID  
COFFEE/BEER SEEMS TO BE DOING  
A GREAT BUSINESS AS IT IS  
IT'S A "NEIGHBORHOOD" FEEL AND  
I'M HAPPY TO SEE A PLACE WHERE  
FAMILIES BRING THEIR DOGS - CHILDREN

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

66/27

CG/28

Mr. Lee Heckman

Site Manager

Dear Mr. Heckman:

Since dismantling and redevelopment began at 4204 Manchaca Road, there has been, between 3:00 and 4:00 a.m. almost every night and echoing throughout the neighborhood, an extremely disturbing , intolerably loud crashing metal on metal noise which one presumes is A Tex Garbage Company removing garbage from the Radio Bar. It sounds like a plane crash. The heaving noise of the truck alone is disturbing enough. If you doubt my report, please come to our neighborhood to corroborate it for yourself. But, since you are a person who works, you probably will be in bed at that time. **So are we.** The fact that I have to write this letter at all reveals an ultimate insult: the thoughtlessness and total disregard that city officials and local businesses seem to hold toward the citizens of this neighborhood. The city's lack of oversight is appalling. It's not the same city that I've loved since 1969; Austin has become little more than a money-mill for the wealthy and a cash-cow for city agencies.

Already the Radio Bar's customers often resort to parking on our street, Gathright Cove. When you begin to allow alcohol sales there, we will have inebriated people wandering through our neighborhood, parking on our street, and driving around thus bringing serious risk to the public. But, finally, what difference will my voice make? Surely the issue has already been decided by money.

I will say it anyway: **Please halt the shabby treatment of this neighborhood by local businesses such as the Radio Bar, in their disregard of our peace and quiet vis a vis their garbage removal and proposed alcohol sales.** They already show a total disregard for normal human life with their industrial-scale garbage operation. In fact, so does the city Resource Recovery Department.

Sincerely,

  
Jim Burleson

Associate Professor

2010 A Gathright Cove

512 444 3458 after 1:00 p.m.

9.4.14

R 09/09/14 Exhibit C - 11