

PLANNING COMMISSION

HANDOUTS

MARCH 24, 2015



C3

MEMORANDUM

TO: Ms. Danette Chimenti, Chair
Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Development Review Department

DATE: March 24, 2015

RE: **Waller on Swede Hill**
C14-2014-0006
District 1
Update on Historic Landmark Commission action

In December 2014, neighborhood representatives approached the Historic Landmark Commission (HLC), requesting that the structures located on the subject property be evaluated and considered for historic landmark designation. The structures include a single family residence commonly referred to as the Stasswender House (located at the corner of East 16th Street and Waller Street), as well as smaller houses and cottages. The property owners were not a party to this request, but agree that the Stasswender House may be historic. However, they do not agree that the other structures meet historic criteria. HLC agreed to evaluate the property and determine if the City will initiate a historic rezoning request for all or a portion of the property.

Yesterday, March 23, 2015, HLC discussed the item and recommended that a historic designation be added to the Stasswender house only, not the other structures on the property. That rezoning issue is now being "rolled into" the C14-2015-0006 case. Staff recommends incorporating the HLC recommendation into the Staff recommendation for Stasswender portion of the property, which will be LO-MU-H-NP.

The HLC Motion was as follows: Approve historic zoning for the Stasswender house, per staff recommendation, on a motion by Commissioner Myers. Commissioner Wolfenden seconded the motion; vote 5-0.

C4/C5

Govalle/Johnston Terrace Neighborhood Contact Team
"Strength Through Unity"

To: Nikelle Mead & COA Planning Commission

From: Daniel Llanes

RE: 203 Broadway – Zoning case # NPA-2014-0016.01; C14-2014-0115

Ms. Mead,

Thank you for your presentation to our Contact Team. After review and discussion, please accept this as a **letter of support** for zoning change request from

SF-3 to SF-5 for

**Zoning case # NPA-2014-0016.01; C14-2014-0115 located at
203 Broadway, Austin, Tx.**

From the Govalle/Johnston Terrace Neighborhood Plan Contact Team.

Please feel free to contact me with any questions or comment you may have regarding this case.

Thank you,



Daniel Llanes, Coordinator
Govalle/Johnston Terrace Neighborhood Contact Team
512-431-9665

ITEM # 6

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 RELATING TO
2 ADULT-ORIENTED BUSINESSES.
3

4 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
5

6 PART 1. City Code Section 25-2-801 is amended to amend Subsections (C), (D), and
7 (E) and to add a new Subsection (G) to read as follows:

8 (C) Except as provided in Subsection (E), an adult-oriented business other than an
9 adult lounge is a permitted use in a [~~CBD, DMU,~~] CS, CS-1, or CH zoning
10 district and is a conditional use in a CBD or DMU zoning district.

11 (D) Except as provide in Subsection (E), an adult lounge is a [~~permitted use in a~~
12 ~~CBD zoning district, and a~~] conditional use in a CBD, DMU, CS-1, or CH
13 zoning district.

14 (E) An adult-oriented business may not be located on a lot:

15 (1) that is within 1,000 feet of a lot on which another adult-oriented business
16 is located;

17 (2) that is within 1,000 feet of a lot on which a school, church, public park or
18 playground, [~~or~~] licensed day-care center, museum, or library is located;
19 or

20 (3) where 50 percent or more of the lots within a 1,000 foot radius are zoned
21 or used for a residential use.

22 (G) For purposes of this section. "museum" means a building or site devoted to the
23 acquisition, conservation, study, exhibition, and educational interpretation of
24 objects having scientific, historic, or artistic value.
25

26 PART 2. This ordinance takes effect on _____, 2015.

~~PASSED AND APPROVED~~

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_____, 2015

§
§
§

Steve Adler
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

DRAFT



DOWNTOWN COMMISSION RECOMMENDATION 20150318-004

Date: March 18, 2015

Subject: Amendments to City Code 25-2-801 (Adult-Oriented Businesses)

Motioned By: Sunshine Mathon Seconded By: Jim Nix

Recommendation

The Downtown Commission recommends that the City Council approve the amendments as presented to the Downtown Commission (attached).

Vote: 9-0

For: Dale Glover, Dan Leary, Sunshine Mathon, Maureen Metteauer, Jim Nix, Joel Sher, Owen Snell, Bart Whatley, Bruce Willenzik

Against: none

Absent: Martin Barrera, Jude Galligan, Mark Gilbert, Brian Roark, Lindsey Sokol, Meredith Walker

Attest: Michael R. Knox
Michael Knox, Executive Liaison

CURRENT CODE w/ draft changes

§ 25-2-801 - ADULT-ORIENTED BUSINESSES.

(A) In this title:

- (1) ADULT ARCADE** means a movie arcade, game arcade, or other business that primarily offers still or motion pictures or games that emphasize specified sexual activities or specified anatomical areas.
 - (2) ADULT BOOKSTORE** means a business:
 - (a)** that primarily offers books, magazines, films or videotapes, periodicals, or other printed or pictorial materials that emphasize specified sexual activities or specified anatomical areas; and
 - (b)** in which at least 35 percent of the gross floor area is devoted to offering merchandise described in Subsection (A)(2)(a).
 - (3) ADULT CABARET** means a business that primarily offers live entertainment that emphasizes specified sexual activities or specified anatomical areas.
 - (4) ADULT LOUNGE** means an adult cabaret that serves alcoholic beverages.
 - (5) ADULT NOVELTY SHOP** means a business that primarily sells products that emphasize specified sexual activities or specified anatomical areas, and in which at least 35 percent of the gross floor area is devoted to the sale of those products.
 - (6) ADULT-ORIENTED BUSINESS** means an adult arcade, adult bookstore, adult cabaret, adult lounge, adult novelty shop, adult service business, or adult theater.
 - (7) ADULT SERVICE BUSINESS** means an adult encounter parlor, adult retreat, nude modeling studio, or a commercial enterprise that holds itself out to be primarily in the business of offering a service that is distinguished or characterized by an emphasis on depicting, describing, or relating to specified sexual activities or specified anatomical areas.
 - (8) ADULT THEATER** means a business that primarily exhibits motion pictures that emphasize specified sexual activities or specified anatomical areas.
 - (9) SPECIFIED SEXUAL ACTIVITIES** means:
 - (a)** human genitals in a state of sexual stimulation or arousal;
 - (b)** acts of human masturbation, sexual intercourse, or sodomy; or
 - (c)** erotic touching of human genitals, the pubic region, the buttock, or the female breast.
 - (10) SPECIFIED ANATOMICAL AREAS** means:
 - (a)** less than completely and opaquely covered:
 - (i)** human genitals or pubic region;
 - (ii)** buttock; or
 - (iii)** female breast below a point immediately above the top of the areola; or
 - (b)** human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (B)** On-premises advertisements, displays, or other promotional materials for an adult-oriented business that emphasize specified sexual activities or specified anatomical areas must not be visible from public or semi-public places outside the business.
- (C)** Except as provided in Subsection (E), an adult-oriented business other than an adult lounge is a permitted use in a ~~CBD, DMU~~, CS, CS-1, or CH zoning district and a conditional use in a CBD or DMU zoning district.

- (D) Except as provided in Subsection (E), an adult lounge is a permitted use in a CBD zoning district, and a conditional use in a **CBD**, DMU, CS-1, or CH zoning district.
- (E) An adult-oriented business may not be located on a lot:
- (1) that is within 1,000 feet of a lot on which another adult-oriented business is located;
 - (2) that is within 1,000 feet of a lot on which a school, church, public park or playground, **museum**, **public library**, or licensed day-care center is located; or
 - (3) where 50 percent or more of the lots within a 1,000 foot radius are zoned or used for a residential use.
- (F) A radius or distance described in Subsection (E) is measured from the midpoint of a line joining the two most distant points on the boundaries of the lot.



C19

March 10, 2015

The following terms and conditions outline the sound mitigation efforts in order to satisfy the private agreement between Uncle Billy's and the Zilker Neighborhood Association:

- Musical performances will end by 8:30pm Sunday through Thursday and no later than 10pm on Friday and Saturday nights
 - Music scheduled on Saturdays and Sundays will be limited to the hours between 2pm-6pm
- Uncle Billy's will adhere to the 70 decibel sound level
- Shutters will be installed around the deck to filter sound
- Quiet boards and sound curtains will be installed around the immediate stage area to filter sound.
- Standard Operating Procedures will be given to all bands so they understand and adhere to specific sound restrictions and policies as it relates to this agreement
- A cable "snake" will be purchased to allow the PA system to be located in an area that will allow management to adjust sound levels as necessary in order to adhere to the sound restrictions and procedures as outlined in this agreement
- In the event full drum kits are used and result in a fact-based complaint through either 311 or the COA music line at 974-1000, either a designated COA sound technician will require additional sound mitigation to be implemented or percussion will be limited to snare drums and steel drums, with brushes, or bongos.
- Uncle Billy's has applied for a Conditional Use Permit (CUP). In the event the CUP is approved, Uncle Billy's agrees to cease serving alcohol and adhere to the following closing "Business Hours":
 - Sundays thru Thursdays 1am
 - Fridays and Saturdays 2am
 - Holidays and Special Events (such as New Year's Eve, Fat Tuesday, St. Patrick's Day, Fourth of July, Labor Day, Christmas Eve, the two Sundays of ACL, and other events as mutually agreed by Uncle Billy's and the Zilker Neighborhood Association) 2am
- Exterior patio speakers volume shall not exceed 60 decibels after 11:00pm daily and will be turned off to eliminate exterior amplified sound after closing business hours each evening

These above terms have been agreed upon by the following parties:

On behalf of Uncle Billy's

Rick Engel, Manager

On behalf of the ZNA

David King, President

10

Zilker Neighborhood Association
Uncle Billy's Brewery and Smokehouse - 1530 Barton Springs Road
Case # SP-2014-0415W

March 18, 2015

Honorable Planning Commission Chair Chimenti and Commissioners Hatfield, Hernandez, Lazarus, Jack, Nortey, Oliver, Roark, Stevens, Varghese, and Zaragoza.

In general, the Zilker Neighborhood Association (ZNA) opposes the creation of bar scenes outside the existing downtown entertainment districts of Sixth Street, Rainey Street, and the Warehouse District. We are particularly concerned about the proliferation of late-hours businesses in the backyards of our homes along Barton Springs Road and South Lamar. When the ZNA zoning committee contacted nearby residents regarding Uncle Billy's late-hours application, typical responses were: "I am concerned with drunk crowds leaving later, creating loud crowd noise, garbage on the easements, and drunk driving" and "I am concerned about Barton Springs Road becoming a Sixth Street bar scene." At the same time, we found that most residents are satisfied with current conditions and want to maintain the status quo.

Precedent

Over the years, ZNA has negotiated various agreements with Rick Engel, the owner of Uncle Billy's, to preserve the neighborhood character of his properties and to protect nearby residents from noise and traffic problems. We are confident that this cooperative relationship will continue. The big issue in this case, however, is precedent and whether other establishments that don't have a history of responsible operations will apply for late-hours permits and disrupt the delicate balance along Restaurant Row.

That is why the ZNA zoning committee has worked for the past two months to research the precedents and to revise ZNA's existing, private agreement with Uncle Billy's. The ZNA membership approved the revised agreement (attached) at our general meeting on March 9. ZNA's support for the conditional use permit is based on Mr. Engel's acceptance of the terms of the revised agreement, with the understanding that Uncle Billy's circumstances are unique within the neighborhood. It should not be interpreted as support for any other late-hours operations or conditional use permits. Indeed, ZNA members who have supported ZNA's negotiations with Uncle Billy's may decide to oppose this permit on the principle that the adverse public health and safety effects of late-hours alcohol sales cannot be ignored.

Conditions

The purpose of the conditional use process is to determine measures (conditions) that "are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare" (I.D.C. section 25-5-146) for specific uses that would otherwise be incompatible in certain locations. Most of the CUP cases that affect ZNA revolve around two major problems, cars and noise.

1. **Cars.** Uncle Billy's may be the only bar/restaurant within ZNA's boundaries that has adequate parking, contained within its own parking garage. It also has excellent

Zilker Neighborhood Association
Uncle Billy's Brewery and Smokehouse - 1530 Barton Springs Road
Case # SP-2014-0413W

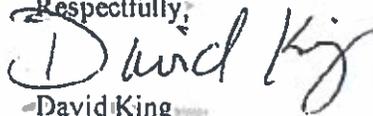
pedestrian and bicycle access. That's because most of the compatibility issues were worked out in conditional overlays stemming from a development agreement negotiated with ZNA regarding Barton Place condos. ZNA is requesting no further restrictions on parking for this CUP.

2. **Noise.** The attached agreement addresses sound mitigation. It has already been submitted to the City as part of the application to renew Uncle Billy's Outdoor Music Venue permit, and the CUP decision should not affect that permit. However, *ZNA and Mr. Engel request that the 70 decibel sound limit be written into the CUP.*

In the revisions to the private sound agreement with ZNA, Mr. Engel has agreed that Uncle Billy's would *close (not just stop selling alcohol) at 1 am on weekdays and 2 am on weekends and certain holidays.* The Planning Commission could also include those closing hours in the CUP.

The final revision requires that the outdoor amplified sound (patio speakers) be reduced to 60 decibels after 11 pm. Patio speakers are a major source of complaints, but the City currently has no effective means of enforcement for this provision. ZNA therefore is not requesting that this provision be written into the CUP. The neighbors will continue to rely on Mr. Engel's management practices, established under our 2010 agreement, to resolve these complaints.

Respectfully,



David King
ZNA President



March 22, 2015

The following terms and conditions outline the sound mitigation efforts in order to satisfy the private agreement between Uncle Billy's and the Tallisman HOA:

- Musical performances will end by 8:30pm Sunday through Thursday and no later than 10pm on Friday and Saturday nights
 - Music scheduled on Saturdays and Sundays will be limited to the hours between 2pm-6pm
- Uncle Billy's will adhere to the 70 decibel sound level
- Shutters will be installed around the deck to filter sound
- Quiet boards and sound curtains will be installed around the immediate stage area to filter sound.
- Standard Operating Procedures will be given to all bands so they understand and adhere to specific sound restrictions and policies as it relates to this agreement
- A cable "snake" will be purchased to allow the PA system to be located in an area that will allow management to adjust sound levels as necessary in order to adhere to the sound restrictions and procedures as outlined in this agreement
- In the event full drum kits are used and result in a fact-based complaint through either 311 or the COA music line at 974-1000, either a designated COA sound technician will require additional sound mitigation to be implemented or percussion will be limited to snare drums and steel drums, with brushes, or bongos.
- Uncle Billy's has applied for a Conditional Use Permit (CUP). In the event the CUP is approved, Uncle Billy's agrees to cease serving alcohol and adhere to the following closing "Business Hours":
 - Sundays thru Thursdays 1am
 - Fridays and Saturdays 2am
 - Holidays and Special Events (such as New Year's Eve, Fat Tuesday, St. Patrick's Day, Fourth of July, Labor Day, Christmas Eve, the two Sundays of ACL) 2am
- Exterior patio speakers volume shall not exceed 60 decibels after 11:00pm daily and will be turned off to eliminate exterior amplified sound after closing business hours each evening

These above terms have been agreed upon by the following parties:

On behalf of Uncle Billy's



Rick Engel, Manager
1530 Barton Springs Management, LLC

On behalf of Tallisman HOA



Dorothy B. Gaer, President
Tallisman HOA

5425 Burnet Rd, Suite 106, Austin, TX, 78756, tel: (888) 932-5455



March 23, 2015

The following terms and conditions outline the sound mitigation efforts in order to satisfy the private agreement between Uncle Billy's and the Villas of Lost Canyon HOA:

- Musical performances will end by 8:30pm Sunday through Thursday and no later than 10pm on Friday and Saturday nights
 - Typically, live music scheduled on Saturdays and Sundays will be limited to the hours between 2pm-6pm
- Uncle Billy's will adhere to the 70 decibel maximum sound level during above hours.
- Shutters will be installed around the deck to filter sound
- Quiet boards and sound curtains will be installed around the immediate stage area to filter sound.
- Standard Operating Procedures will be given to all bands so they understand and adhere to specific sound restrictions and policies as it relates to this agreement
- A cable "snake" will be purchased to allow the PA system to be located in an area that will allow management to adjust sound levels as necessary in order to adhere to the sound restrictions and procedures as outlined in this agreement
- In the event full drum kits are used and result in a fact-based complaint through either 311, the COA music line at 974-1000 or calling one of the Uncle Billy's numbers listed below, either a designated COA sound technician will require additional sound mitigation to be implemented or percussion will be limited to snare drums and steel drums, with brushes, or bongos by Uncle Billy's management.
- Uncle Billy's has applied for a Conditional Use Permit (CUP). In the event the CUP is approved, Uncle Billy's agrees to cease serving alcohol and adhere to the following closing "Business Hours":
 - Sundays thru Thursdays 1am
 - Fridays and Saturdays 2am
 - Holidays and Special Events listed as New Year's Eve, Fat Tuesday, St. Patrick's Day, Fourth of July, Labor Day, Christmas Eve, the two Sundays of ACL 2am
- Exterior patio speakers' volume and/or the volume from Uncle Billy's shall not exceed 60 decibels after 11:00pm daily and will be turned off completely to eliminate any exterior

amplified or speaker sound after closing business hours each evening. A calibrated decibel meter will be kept and maintained by Uncle Billy's management on site

- In the event of a noise issue or concern, please contact the following for immediate attention:
 - Uncle Billy's Manager on Duty 512-476-0100
 - Andre Abelkis General Manager 602-309-0324
 - Cory Miers Director of Operations 512-750-0122
 - Rick Engel Owner 512-970-5538

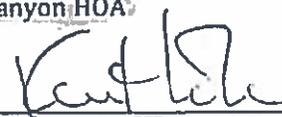
These above terms have been agreed upon by the following parties, however, this agreement is contingent upon a ratifying vote of the home owners of the Villas of Lost Canyon per its HOA rules in June of 2015 at the annual home owners meeting. The HOA Board will recommend home owner ratification of this agreement at the annual meeting. Upon home owner ratification per the rules of the HOA, this agreement will be fully ratified and agreed to by the Villas of Lost Canyon. Upon signature below by Uncle Billy's authorized representative, this agreement is fully and irrevocably ratified by Uncle Billy's or any of its subsequent owners:

On behalf of Uncle Billy's



Rick Engel, Manager
1530 Barton Springs Management, LLC

On behalf of the Village of Lost Canyon HOA



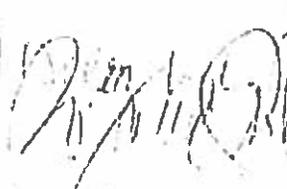
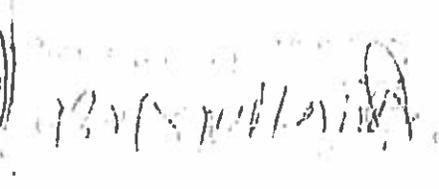
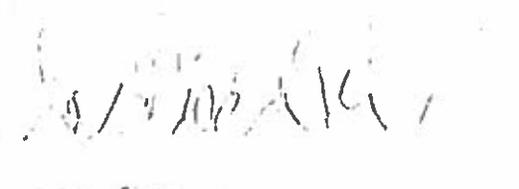
Kent Cole, President
Village of Lost Canyon HOA

1710 Evergreen Ave, Austin, TX, 78704, tel: 512-804-0326, fax: 512-857-6920

315 signatures in support

Uncle Billy's Brewery and Smokehouse
 1530 Barton Springs Road
 City of Austin Case No.SPC-2014-0415W

I support Uncle Billy's Brewery and Smokehouse's request for a Conditional Use Site Plan to allow for alcohol sales between the hours of 12:00AM - 2:00AM. My contact information is below.

NAME:	ADDRESS	EMAIL
		
Blaine McCafferty	1600 Barton Springs Rd Austin TX 78704	blaine.mccafferty@gmail.com
Charles Palm	1100 Barton Springs Rd Austin TX 78704	charles.palm@unclebillys.com
Chris Florence	1111 Utica Ave Austin TX 78704	florence@unclebillys.com
John Rowland	1111 Barton Springs Rd Austin TX 78704	john@unclebillys.com
Amanda Welch	2600 Enclay Farms Ln Austin TX 78704	amandawelch@unclebillys.com
Frank [unclear]	[unclear]	[unclear]
Brian Bailey	8104 Seminary Ridge Dr Austin TX 78757	bbailey78757@yahoo.com
D. Ashford	606 S. 1st	dashford@unclebillys.com

Uncle Billy's Brewery and Smokehouse
 1530 Barton Springs Road
 City of Austin Case No.SPC-2014-0415W

I support Uncle Billy's Brewery and Smokehouse's request for a Conditional Use Site Plan to allow for alcohol sales between the hours of 12:00AM - 2:00AM. My contact information is below.

NAME	ADDRESS	EMAIL
Gerardo Garcia	7727 S IH 35	1625 Auditor 728 144 mrause@abn.com
Tommy Allen	146 Hagan St	201401906@att.net
Bernward	1111 S. (2014) 11/11	11/11
Christopher Heart	1601 Bar...	christopher.heart@expansion.com
Kristen Rose
Anna Patten
John Sullivan

Uncle Billy's Brewery and Smokehouse
 1530 Barton Springs Road
 City of Austin Case No.SPC-2014-0415W

I support Uncle Billy's Brewery and Smokehouse's request for a Conditional Use Site Plan to allow for alcohol sales between the hours of 12:00AM - 2:00AM. My contact information is below.

NAME	ADDRESS	EMAIL
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>
<i>[Handwritten Name]</i>	<i>[Handwritten Address]</i>	<i>[Handwritten Email]</i>

Uncle Billy's Brewery and Smokehouse
 1530 Barton Springs Road
 City of Austin Case No.SPC-2014-0415W

I support Uncle Billy's Brewery and Smokehouse's request for a Conditional Use Site Plan to allow for alcohol sales between the hours of 12:00AM - 2:00AM. My contact information is below.

NAME ADDRESS EMAIL

[Faint handwritten entries for NAME, ADDRESS, and EMAIL]

11

TOM LANE
 Judi Loney
 Steve D...
[Faint handwritten entries for NAME, ADDRESS, and EMAIL]

Carly Bachman 4400 Monterey (Mts Blvd #102) ALX 78149 cl.davidson88
 Nick Russo 614 S 2nd St B 78704
[Faint handwritten entries for NAME, ADDRESS, and EMAIL]

Uncle Billy's Brewery and Smokehouse
 1530 Barton Springs Road
 City of Austin Case No.SPC-2014-0415W

I support Uncle Billy's Brewery and Smokehouse's request for a Conditional Use Site Plan to allow for alcohol sales between the hours of 12:00AM - 2:00AM. My contact information is below.

NAME	ADDRESS	EMAIL
John Black	1530 Barton Springs Road	johnblack@unclebillys.com
BRADLEY KIPPER	1530 Barton Springs Road	bradleykipper@unclebillys.com
CHRIS CARRA	1530 Barton Springs Road	chris@unclebillys.com
Miss [unclear]	1530 Barton Springs Road	[unclear]

Uncle Billy's Brewery and Smokehouse
1530 Barton Springs Road
City of Austin Case No.SPC-2014-0415W

I support Uncle Billy's Brewery and Smokehouse's request for a Conditional Use Site Plan to allow for alcohol sales between the hours of 12:00AM - 2:00AM. My contact information is below.

NAME	ADDRESS	EMAIL
Franklin University		
Dr. [unclear]		
Dr. [unclear]		
Alan Abline	1665 Lincoln Ave 78704	abline.s@gmail.com
Frank [unclear]		
[unclear]		
[unclear]		
[unclear]		
[unclear]		
[unclear]		

Let me know if you need any more information. I am available for a meeting on Tuesday, August 12th at 7:00 PM. Please contact me at 512-452-1234 or via email at [unclear].

PUBLIC HEARING INFORMATION

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

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

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

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: 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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: **SPC-2014-0415W**
 Contact: **Michael Simmons-Smith, 512-974-1225**
Elsa Garza, 512-974-2308
 Public Hearing: **Planning Commission, Mar 24, 2015**

DAVID R. WARD
 Your Name (please print)

I am in favor
 I object

1600 VIRGINIA AVE - 78704

Your address(es) affected by this application

[Signature]

Signature

Date

3-18-15

Daytime Telephone: 512-468-4944

Comments: CONCERNS:

DRUNK PEOPLE - DRIVING

NOISE

GARBAGE

BARON SPEAKS BEHIND ANOTHER

6TH ST. - bar scene.

LATE NIGHT DRINKING - TO GET DRUNK.

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

City of Austin
 Planning and Development Review - 4th floor
 Michael Simmons-Smith
 P. O. Box 1088
 Austin, TX 78767-8810

CL9

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PUBLIC HEARING INFORMATION

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- and:
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Case Number: SPC-2014-0415W

Contact: Michael Simmons-Smith, 512-974-1225

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, Mar 24, 2015

Your Name (please print) Bernard Lee Crawford Jr.

I am in favor
 I object

Your address(es) affected by this application 1529 Barton Spgs. Rd. #2
78704

Signature [Signature]
Date 3/16/15

Daytime Telephone: 512-965-1640

Comments: We object to a late hours

permit for this site. The noise level
during musical events at this location
is loud & definitely interferes w/ quiet
enjoyment of residential neighbors
including my family. We do not object
to certain hours, and we like Uncle
Billie's, but do object to extending hours
further in light of substantial residential

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

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

growth in the
IMMEDIATE
Area.

CS

93

PUBLIC HEARING INFORMATION

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Case Number: SPC-2014-0415W
 Contact: Michael Simmons-Smith, 512-974-1225
 Elsa Garza, 512-974-2308
 Public Hearing: Planning Commission, Mar 24, 2015

Melissa Shockley
 Your Name (please print)

I am in favor
 I object

1529 Barton Springs Rd #26
 Your address(es) affected by this application

Mar 19, 2015
 Date

Melissa Shockley
 Signature

Daytime Telephone *512 922 0805*

Comments:

If you use this form to comment, it may be returned to:
 City of Austin
 Planning and Development Review – 4th floor
 Michael Simmons-Smith
 P. O. Box 1088
 Austin, TX 78767-8810

C19

P/O

PUBLIC HEARING INFORMATION

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Case Number: **SPC-2014-0415W**
 Contact: **Michael Simmons-Smith, 512-974-1225**
 Elsa Garza, 512-974-2308
 Public Hearing: **Planning Commission, Mar 24, 2015**

Katherine Ward
 Your Name (please print)

1600 Virginia Ave - 78704
 Your address(es) affected by this application

Katherine Ward 3-18-15
 Signature Date

Daytime Telephone: 512-468-4944

Comments:

drunk, loud people at
late hours coming back into
neighborhood.
loud music at late hours
affecting our sleeping.
setting a precedent for others

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

City of Austin
 Planning and Development Review - 4th floor
 Michael Simmons-Smith
 P. O. Box 1088
 Austin, TX 78767-8810

09

9/3

HUSCH BLACKWELL

111 Congress Avenue, Suite 1400
Austin, Texas 78701
512.472.5456

C20

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

March 24, 2015

VIA EMAIL – Amanda.Couch@austintexas.gov ; Christine.Barton-Holmes@austintexas.gov

Christine Barton-Holmes and Amanda Couch
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

**RE: Postponement Request for Planning Commission (Radio Coffee and Beer;
Case No. SPC-2014-0265AT)**

Dear Christine and Amanda:

On behalf of Telvending Corp., the applicant in the above-referenced case, I respectfully request that the Planning Commission's hearing on this item be postponed from the March 24th meeting to the April 14th meeting. We are requesting a postponement in order to allow time for us to answer several of staff's concerns about transportation on the site.

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

Sincerely,



Nikelle S. Meade

050

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Case Number: **SPC-2014-0265AT**

Contact: **Christine Barton-Holmes, 512-974-2788**

Cindy Casillas, 512-974-3437

Public Hearing: **Planning Commission, Mar 24, 2015**

James Burleson

Your Name (please print)

2010 A CATHRIGIT COVE 78704

Your address(es) affected by this application

James Burleson

Signature

Date

Daytime Telephone: 512 4443458 AFTER 11:00 P.M.

Comments: PLEASE READ ATTACHED LETTER

I am in favor
 Object

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

City of Austin

Planning and Development Review - 4th floor

Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-8810

CB

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Ms. Christine Barton-Holmes

Case Manager: **SPC-2014-0265AT**

Planning and Development Review Department, COA

Dear Ms. Barton-Holmes:

Please include this letter immediately among the documents to be considered by officials regarding the case noted above.

If zoning has any meaning in the first place for Austin residents who have established homes for the purpose of having one dependable place for peace, quiet, and privacy, and safety, then rezoning at 4204 Manchaca Road will not be allowed. I write with my emphatic objection to this proposed development. Our neighborhood on the short street of Gathright Cove is comprised in the main of older people, either retired or near retirement. All of us mind our own business; our lifestyle requires a tranquil environment.

Yet already:

there is an almost continuous background noise of traffic on Ben White, two blocks away;

there are occasional roaring airliners overhead;

police helicopters often circle, creating a huge disturbance sometimes for hours;

sirens wail frequently at any/all hours nearly every day and night; and

trash pickups for the newly built Radio Bar crash like falling planes frequently, around 4:00 a.m. Each of these removals is on an industrial scale, far beyond any consideration for or compatibility with normal human life.

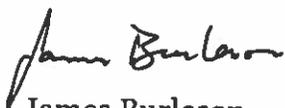
The added noise of yet more regular trash pickups in the middle of the night for the development proposed will further rob our peace and quiet nightly, as will the unregulated noise of development itself, an inescapable occurrence almost anywhere in this city for decades. Development in this city is an endless process that maintains an atmosphere polluted with dust, exhaust, and particulates from building materials, a toxic "air" for us to breathe.

Worse, new commerce next to us will further inflate property values; this factor will drive up rents even further. Older citizens with low, either fixed or decreasing income (like me) – **some of us will then be homeless.** I speak without exaggeration. **Please do not destroy us in the Sunset of our lives with this rezoning and its certain, disastrous results.**

Further, parking on this street along up to half its length on both sides has begun to occur frequently as a result of the city's recent rezoning to accommodate The Radio Bar. This invasion also impinges on our peace and quiet, and privacy, and parking space. It turns Gathright Cove into a one-lane street and creates a hazard, especially at the turn onto and from Manchaca Road. This new bar has insufficient parking space; thus any added commercial development adjacent to or near it is also sure to have insufficient parking as well and is sure to impinge further on residents. If the Code-Enforcement Department can unceasingly attempt to drive a sacred and revered enterprise like Casa de Luz out of its long-held site for "insufficient parking space", then this proposal by The radio Bar must not be allowed at all.

Further, the more readily available alcohol is made, the more chaos befalls a sedate neighborhood. Please do not infuse more alcohol into our neighborhood. There is already an excess of crime, homelessness, mental illness, and traffic accidents in our neighborhood. Alcohol sales exacerbate all these social ills and degrade neighborhoods.

Austin is rapidly becoming **an uninhabitable wasteland.** Yet I call on you, the Planning Commission and the Council to act on your highest impulses and thus to reject this rezoning proposal. Please just leave us in peace, such as we have left to us. Commerce, where commerce is already excessive, cannot improve the quality of life for us. Commerce itself cannot flourish without a flourishing citizenry.



James Burleson

Associate Professor

3.8.15

512 444 3458 after 1:00 p.m.

2010 A Gathright Cove Austin 78704

Cc: Planning Commission, City Council

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Case Number: **SPC-2014-0265AT**
 Contact: **Christine Barton-Holmes, 512-974-2788**
Cindy Casillas, 512-974-3437
 Public Hearing: **Planning Commission, Mar 24, 2015**

Sherry Maxwell
 Your Name (please print)

I am in favor
 Object

2411 A Eastwind Lane
 Your address(es) affected by this application

Sherry Maxwell
 Signature

03/27/15
 Date

Daytime Telephone 512-586-0418

Comments: Absolutely opposed. Traffic already increased with speeding to dangerous levels. Street is a lead safe cul-de-sac. Radio patrons already park in everywhere, blocking drive ways, turning circles in my driveway shining lights in base of all trees. Cars arriving everywhere on this street

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

City of Austin
 Planning and Development Review - 4th floor
 Christine Barton-Holmes
 P. O. Box 1088
 Austin, TX 78767-8810

No more drunks!
Do not remove existing restrictions

11/11/11

11/11/11

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Case Number: SPC-2014-0265AT

Contact: Christine Barton-Holmes, 512-974-2788

Cindy Casillas, 512-974-3437

Public Hearing: Planning Commission, Mar 24, 2015

Cynthia Green Cindy

Your Name (please print)

ZARA GATHRIGYTOVETS

Your address(es) affected by this application

CA Green

I am in favor
 I am object

Signature

Date

Daytime Telephone: 512 326 3771

Comments:

Radio is taking over.

Not interested in Dan's

A.B.'s has been Austin Insti-

tution and has own parking.

Radio not Austin institution

for 40 years - taking over

whole neighborhood. No more

drunk people on previously

quiet neighborhood streets.

No!

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

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Planning and Development Review - 4th floor

Christine Barton-Holmes

P. O. Box 1088

Austin, TX 78767-8810

33

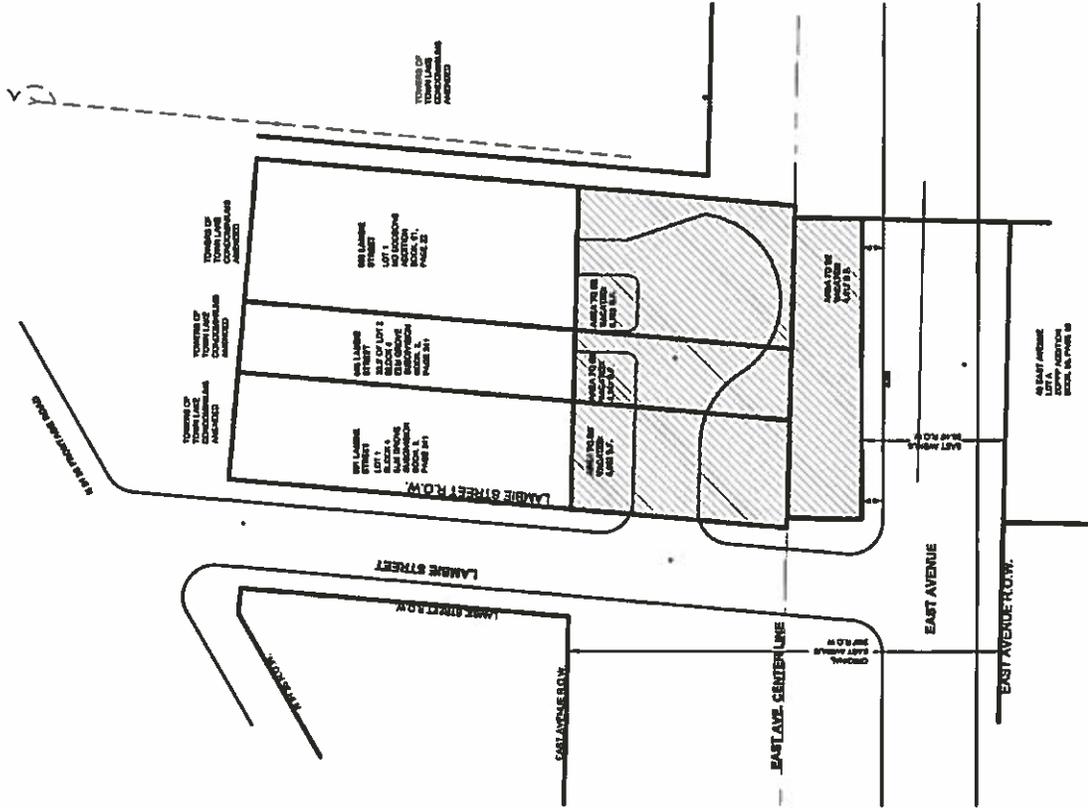
Right-of-Way Vacation

801, 803, 805 Lambie Street, 48 East Avenue

C23

20

Proposed Right-of-Way Vacation: 801, 803, 805 Lambie Street; 48 East Avenue



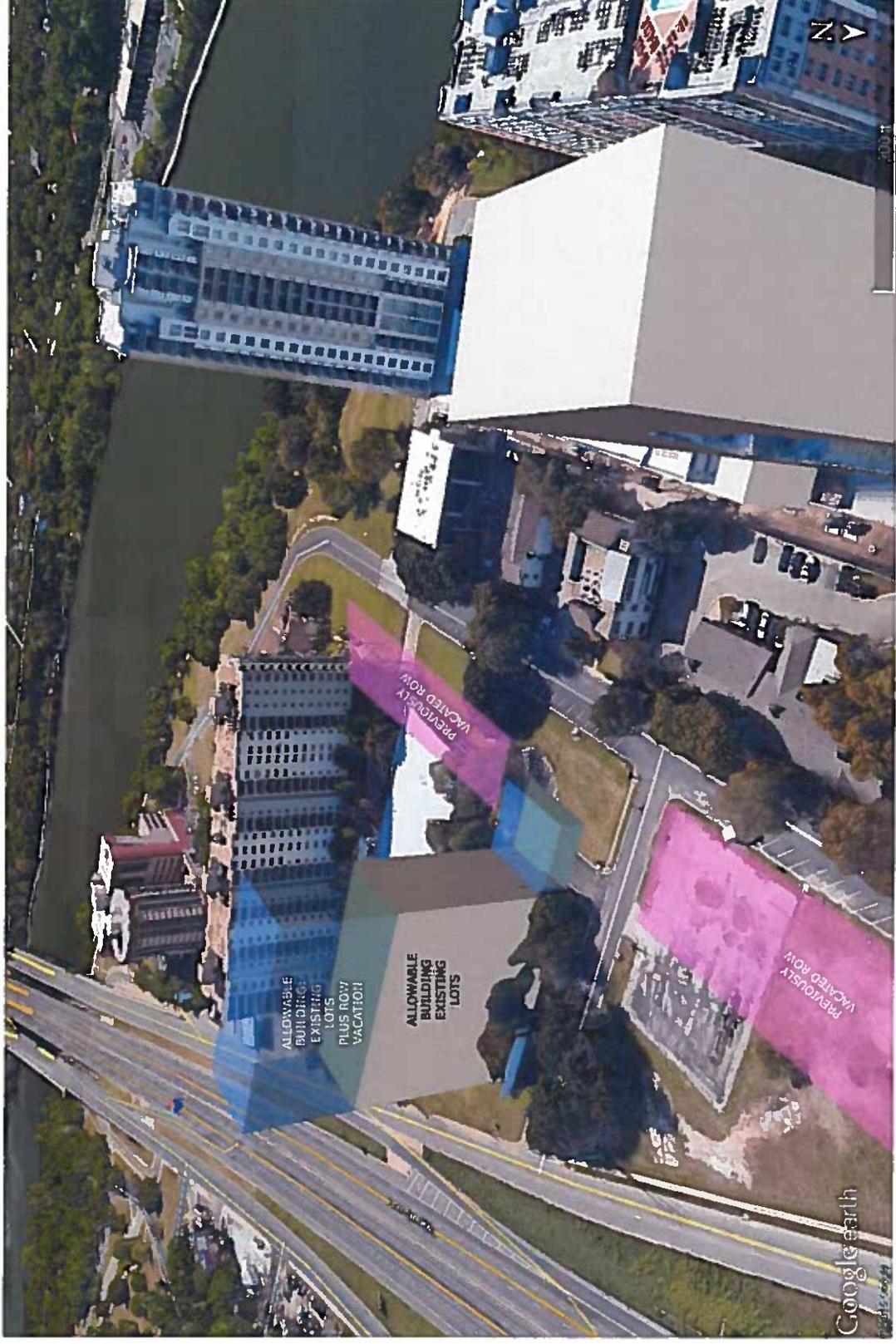
R.O.W. Vacation Table

801 Lambie Street:	5,052 s.f.
803 Lambie Street:	3,347 s.f.
805 Lambie Street:	6,722 s.f.
48 East Avenue:	4,617 s.f.
Total:	19,738 s.f.

Currently Allowable Building: Existing Lots 801, 803, 805 Lambie Street



Allowable Building: Existing Lots plus Vacation 801, 803, 805 Lambie Street; 48 East Avenue



Neighborhood Traffic



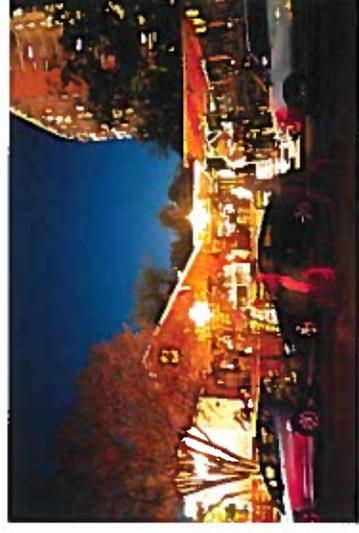
Rainey District:
 20 Drinking Places @ 5,000 s.f. = 1,549 peak hour
 3 High Turn-Over Restaurants = 282 peak hour
 Total = 1,831 peak hour



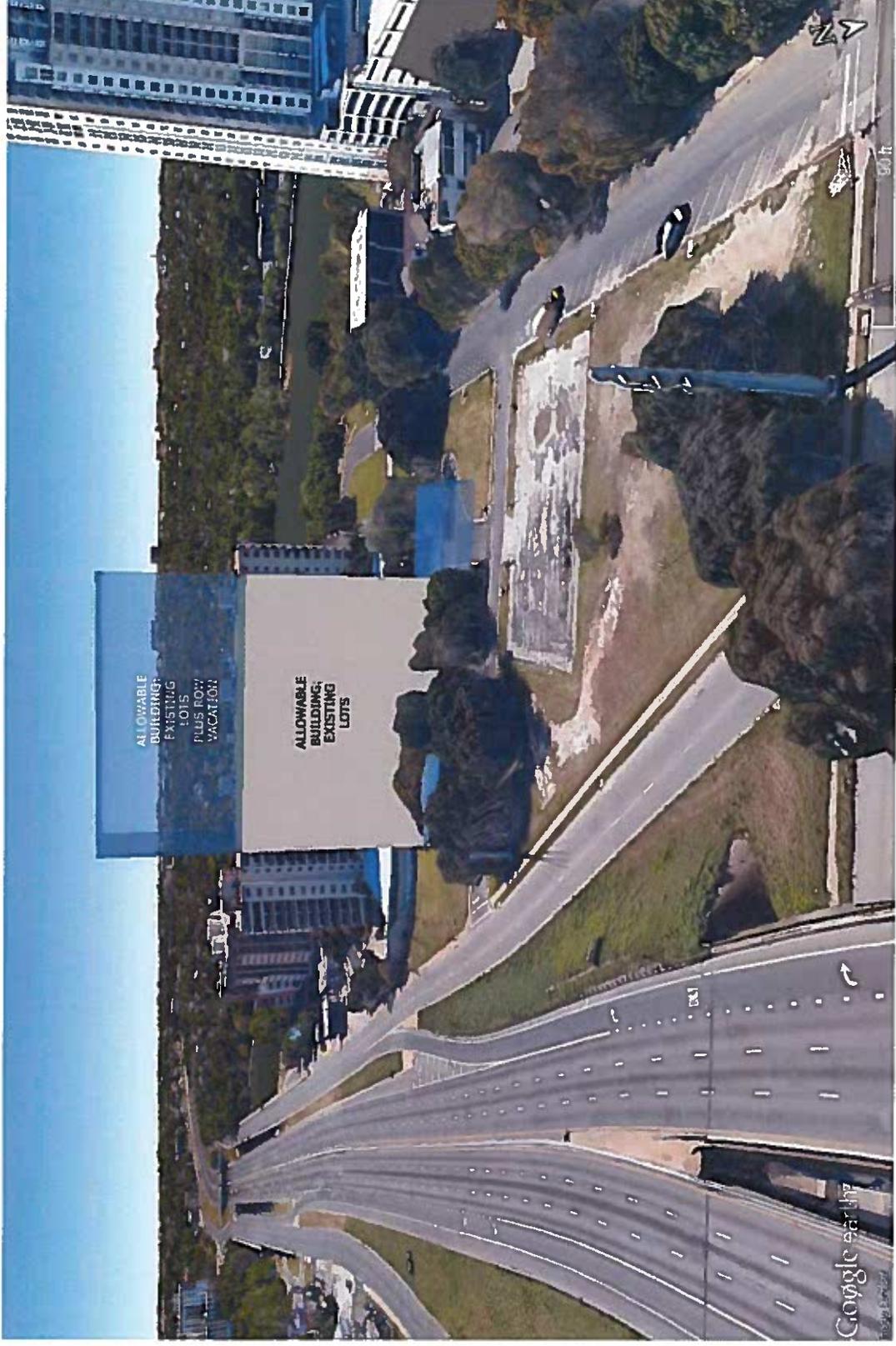
Towers of Town Lake
 183 Units = 70 peak hour

Lambie Cove (801, 803, 805 Lambie)
 3 Drinking Places = 232 peak hour
 Or

Residential Tower
 200 Units = 80 peak hour
 10,000 s.f. grocery = 120 peak hour
 Total = 200 peak hour



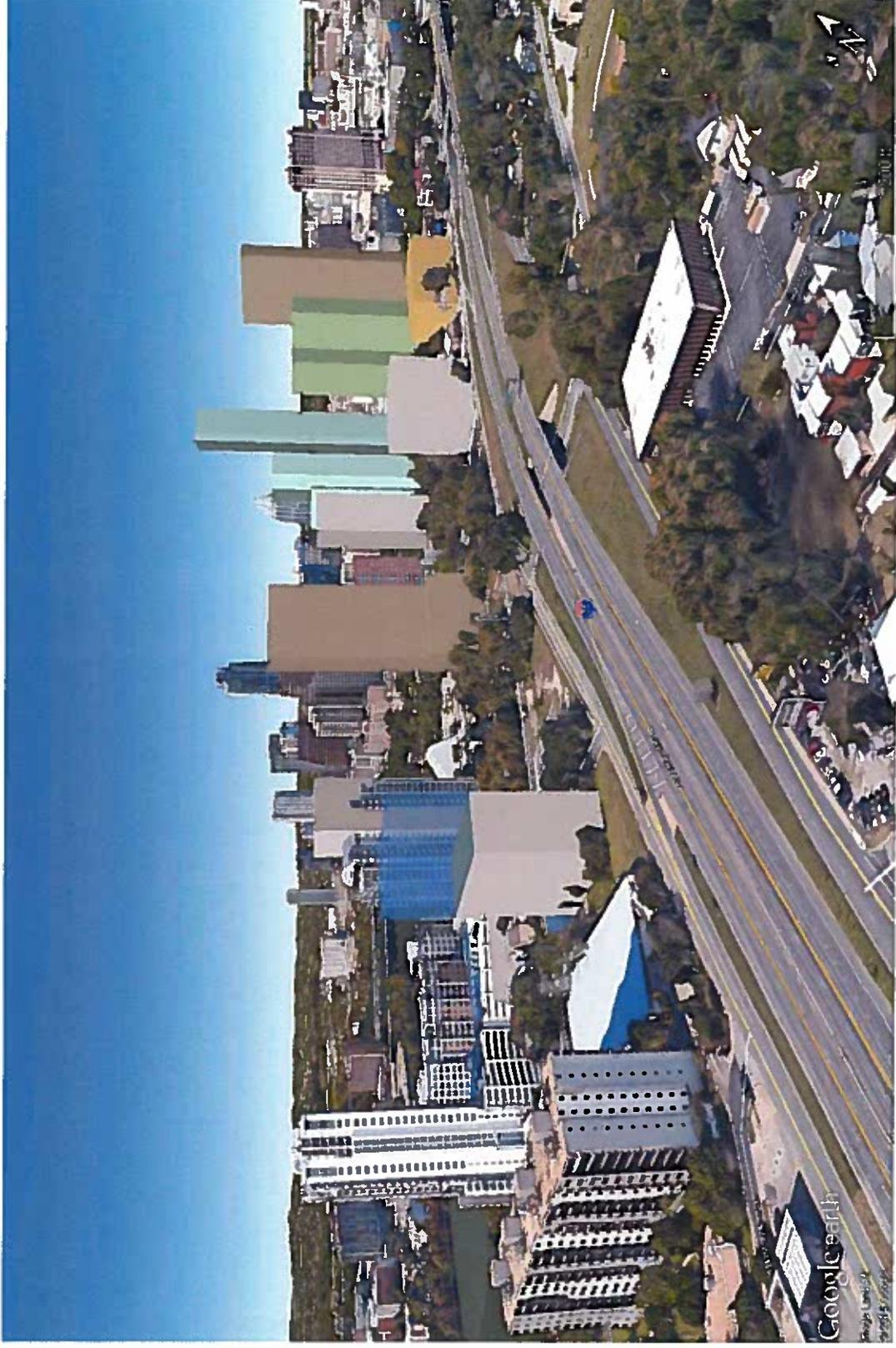
**Allowable Building: Existing Lots plus Vacation (South View)
801, 803, 805 Lambie Street; 48 East Avenue**



Allowable Building: Existing Lots plus Vacation (North View)
801, 803, 805 Lambie Street; 48 East Avenue



View of Downtown with Approved Construction and Building at Lambie Street



City of Austin
Planning Commission

Opposition to the Vacation of City
Easements on
East Ave and Lambie St.

Presented by Susan Morgan
President, Board Directors
Towers of Town Lake

24 March , 2015

C23

20

10/11/20

1. The first part of the
document is a list of
the names of the people
who were present at the
meeting.

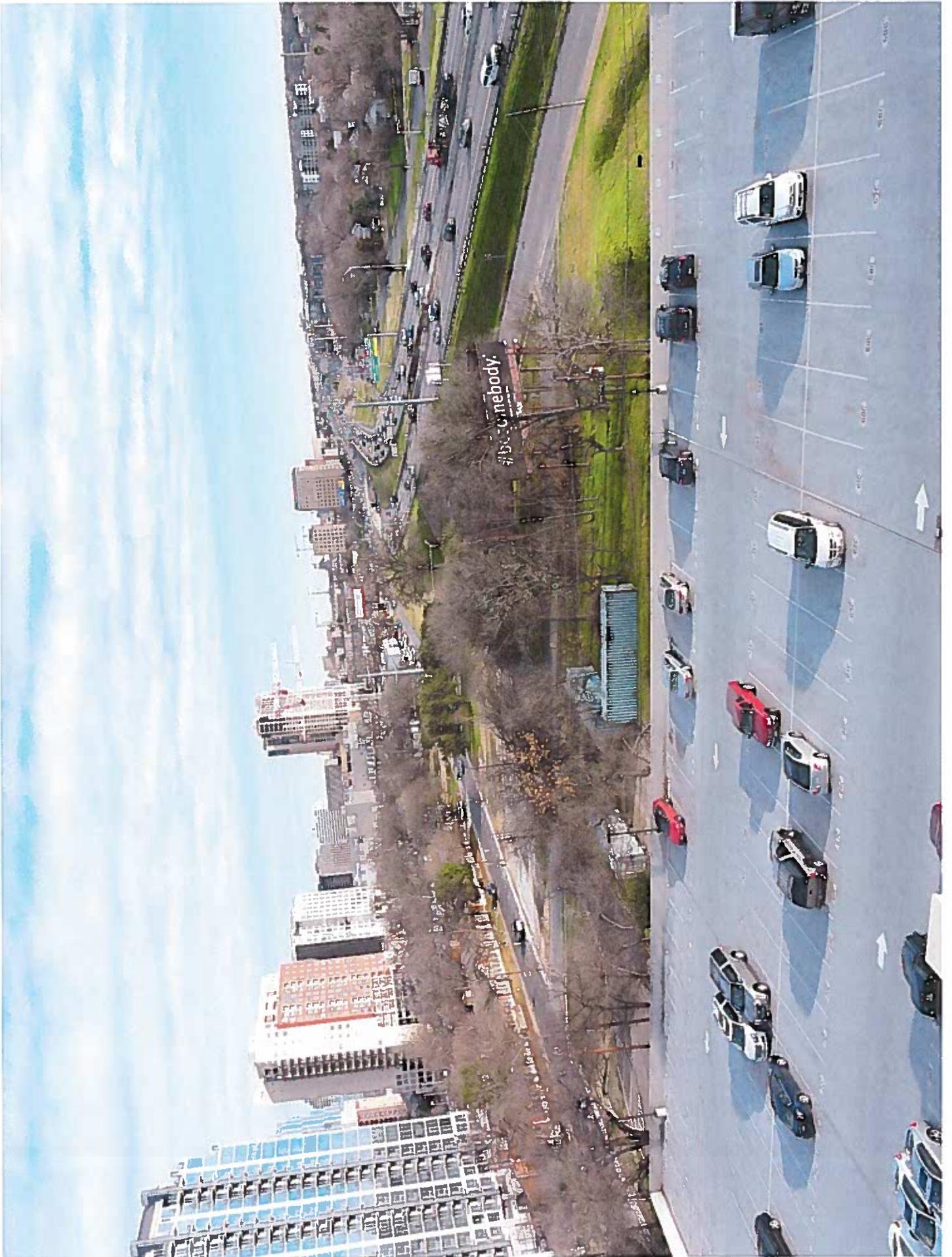
2. The second part of the
document is a list of the
topics that were discussed
at the meeting.

3. The third part of the
document is a list of the
actions that were agreed
upon at the meeting.

4. The fourth part of the
document is a list of the
people who were responsible
for carrying out the
actions.

5. The fifth part of the
document is a list of the
dates when the actions
were completed.

6. The sixth part of the
document is a list of the
costs of the actions.



Reasons we are here

- Oppose Vacations of Easements on Lambie & East Ave – Requires traffic assessment feeding into Rainey District Master Plan.
- Rainey District infrastructure is overwhelmed.
- Intense Future Growth is in development – Without comprehensive planning.
- Please help us make the High Density Urban Rainey St District a success – not a failure.

Successful

High Density Urban Neighborhood

- Must have comprehensive planning, scheduling and funding that results in a fully integrated plan with Neighborhood participation.
- Expansion of Neighborhood Notification Process on planned developments – 300 feet Yes, but also publication in Urban Newspaper, “The Impact” as a District Notification.

Comprehensive Planning

Known Unknowns

- Waller Creek Development – Roadway access ?
- City owned property – Easements and property at 58 and 64 Rainey St. and Lambie St & East Ave Parking Circle ?
- Electric Sub Station & Water Chiller on Lambie ?
- Austin Convention Center Expansion ?
- Redesign of IH35 access roadways ?

Residential Rainey District Growth – Current and Future

<u>Condo's</u>	# of Units	est occupancy	Occupant Rate
Towers of Town Lake	183	293	1.6
The Shore	192	269	1.4
Milago	240	384	1.6
Villas on Town Lake	58	93	1.6
<u>Apartments</u>			
Windsor on the Lake	187	299	1.6
Skyhouse	320	448	1.4
Millennium Apts	327	523	1.6
<u>Hotel</u>			
Holiday Inn	322	451	1.4
2014 Totals	1829	2,760	
<u>Future Development</u>			
Waller Park Place	500	800	1.6
Hotel Van Zandt	360	504	1.4
East Ave - To Be Determined but with the Potential of 4 more highrises 300 units ea	1200	1,680	1.4
2015 - 2016 Estimate additional units	2060	2,984	
Grand Totals Current & Future	3,889	5,744	

Mistakes Already Made

- Rainey Entertainment Venues – without pedestrian, bicycle and vehicle plan.
- Lack of Noise suppression.
- Back-in parking on East Ave – on the wrong side of the road to primary traffic flow from the North.
- Accepting a gutted out old Rainey St house – that nobody wants or needs and without funds to refurbish.

Downtown Austin Plan

- The 2011 Downtown Austin Plan called for a Rainey Master Plan for the transition to a mixed-use high density Urban Residential Neighborhood.
- The growth has happened but not the plan. Planning has been the key to the success in many growth area cities, and the lack of it to their failures.
- The Rainey District is already “choking” on its transportation problems — do not add to this problem without Master Planning.

Rainey District Master Plan: Where is It?

- The TOTL is one of the oldest residential communities in the Rainey District, completed in 1983.
- This area has become the fastest growing Urban Residential Neighborhood in Austin. The infrastructure is overwhelmed by the area's growth. Our ingress & egress has the biggest impact and will only continue to get worse unless we stop and start planning how to deal with it.
- The City Council and the local residents were promised a Master Plan for the Rainey Street District.
- Please do not vacate any additional easements or sell off City owned property until this plan is completed. It makes no sense to not plan comprehensively before undertaking irrevocable actions regarding City property.

Ingress and Egress from the Rainey St.

District

- The City is now considering vacating a roadway easement along East Ave. and Lambie St.
- This easement should be used instead to improve the roadway network within the Rainey District.
- Our access to the South and East is acceptable using East Ave., Lambie, and River/Holly Streets. Going North via the IH35 is also acceptable using East Ave. and River/ Holly Street. However, the Cesar Chaves St. traffic light is a major bottleneck that could be vastly improved by moving the IH35 on-ramp further to the South.
- The worst traffic nightmare is traveling North or West into the central city that requires using East Ave., River St., Rainey St., Driskill St., and Red River St. A Traffic Assessment is desperately needed and should become a central part of the City's Rainey Master Plan.

Recommendations to alleviate the over stressed Rainey area roadway system.

- Widen East Ave from Driskill St. south to the City Parkland beyond Cummings St. The City holds easements to accomplish this.
 - This would allow back-in parking on both sides of East Street and a full width capacity for two-way traffic.
 - Driskill St. and East Ave. then become the main entrance into the Rainey Entertainment District and Parkland areas.
- Make the 60 through 90 block of Rainey St. One-Way going North from River St. to Driskill St.
 - This section of Rainey St. is much too narrow to allow two-way traffic plus the pedestrian and bicycle traffic in this entertainment area.
- Make Davis St. One-Way going West to Red River St. This would form a circular traffic pattern for ingress and egress to the Rainey Entertainment District.
- Consider adding an additional route for North and West traffic into the Central City by the “Taking” of the Shore Condo Private (two lane) Road together with some of the Mexican America Center parking area adjacent to the alley. The alley is currently a single lane and connects to the private drive route of the Shore Condo & Hotel Van Zandt. This is currently used as an unauthorized travel route out of the lower Rainey St area.
- Add a right hand turn lane on IH35 feeder road to bring traffic into Lambie St going West.

IH-35



EAST AVE

12A

PALM SCHOOL

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183

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15, 16, 17

THE WATERFRONT MASTER CONDO AND THE SHORE CONDO

DRISKILL 6 RAINY SUBD

DRISKILL 6 RAINY SUBD

10

HANCOCK G D SUR ABS 7

SAN JACINTO CENTER

Lady Bird Lake

WALLER CREEK TIPP

RAINER ST

BRENCE ST

O RIVER ST

WALLER ST

CECER CHAVEZ ST

RAINER ST

DAVIS ST

RAINER ST

RAINER ST

BRENCE ST

O RIVER ST

WALLER ST

RAINER ST

BRENCE ST

O RIVER ST

WALLER ST

Urban Transportation Commission

Case #'s Case F# 9243-308, F# 9244-1308, F# 9245-1308 and F# 9246-1308.

- Recommended the UTC table any consideration of the Applications for Vacation of City Roadway Easements on East Ave and Lambie St. This pending a Rainey District Traffic Assessment and Rainey District Master Plan.
- UTC did table this item at the 1/13/2015 meeting, pending Planning Commission input.
- Rescheduled to 2nd UTC meeting 3/10/2015, voted to Approve vacations.

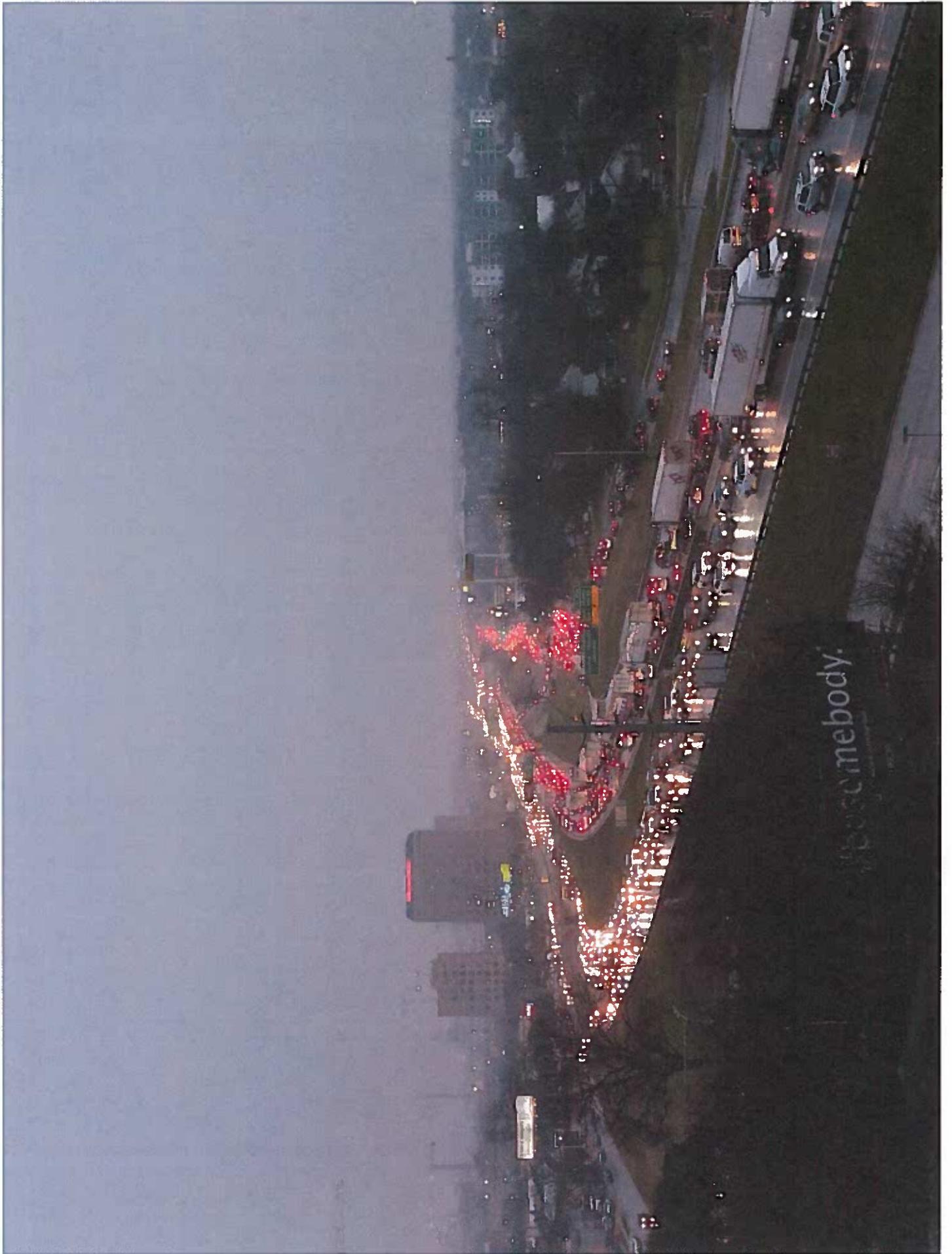
**Make the Rainey District a Model for
High Density Urban Development**

Thank You for your time and support

Not Against Development

- We know this property needs development
- Neighborhood Friendly
 - Provide Services that are badly needed.
 - Grocery
 - Drug Store
 - Municipal Parking Garage

Intend to Negotiate with the owners that will
Develop these lots on Lambie.



FRESH PLUS

C23

To Whom It May Concern:

My name is Paul Beurskens. I am the owner of the Austin-based Fresh Plus grocery chain that operates several neighborhood grocery stores in and around Austin. Our Austin stores are located in inner-city neighborhoods Old West Austin, Hyde Park, and Allandale. Fresh Plus is now considering an opportunity to locate a grocery store at the southeast corner of the intersection of East Avenue and Lambie Street as the ground-floor component of a high-rise building to be built on the site. We are very interested in the site because we believe that as a home-grown Austin business with a loyal following we are an ideal fit for the Rainey Street neighborhood. I have met in person with some members of the Rainey Street Neighborhood Association and believe that our model grocery store with its available selection of fresh meat and produce as well as a variety of other grocery items will be an excellent fit for the neighborhood. We fit the niche between Supermarkets and expanded convenience stores.

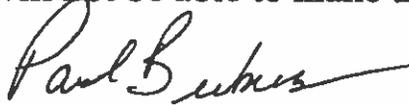
The most important condition for us is that we be able to locate a store of approximately 15,000 square feet, which is similar in size to our Clarksville store. A store of this size will require some surface parking including handicapped parking and adequate maneuvering space for delivery trucks, loading docks, waste removal, and other support facilities. Our site in Clarksville is approximately 35,000 square feet. As you will see if you look at our reviews on yelp (<http://www.yelp.com/biz/fresh-plus-grocery-austin>) we are a very Austin-friendly operation, but as one reviewer points out, "parking is hell." Even though we anticipate at the Rainey Neighborhood location a significant percentage of our clientele will walk from nearby apartments or condos, we will still need a significant amount of surface parking.

The most important consideration for the owners is that our operation be compatible with their needs for the site that include access to a

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garage, separate lobby space, elevators, and other normal ground-floor requirements for the building that will be built above our store. We understand that even with the addition of the unused East Avenue right of way the owners are attempting to acquire, the total site will only be approximately 45,000 sf, a significant amount of which will be unbuildable because of utility easements that will remain in place. It will be a tight fit at best.

At this point neither the owners nor we are committed to each other in any way. We understand that there are many hurdles to be crossed. But, I can say with certainty that unless the available site is significantly larger than the 24,000 square feet currently available we will not be able to make the site work for us.

A handwritten signature in black ink, appearing to read "Paul Beurskens". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul Beurskens

