

From: [Rhoades, Wendy](#)
To:
Subject: RE: Rezone Case # C14-2021-0187
Date: Monday, March 28, 2022 5:45:00 PM

Hi Mary,

The Applicant requested CS-1 for Tract 1 and CS for Tract 2 and the public hearing notice reflects the Applicant's request. The Staff recommendation is for CS-1-CO and CS-CO. Conditional Overlays make the zoning request more restrictive and can be added by the Staff (or the Applicant, or suggested by the Neighborhood), and also by the Zoning and Platting Commission, or City Council when the case is ready for public hearings.

Tract 1 is still intended for a cocktail lounge use. Also, please note that if CS-1 zoning (or CS-1-CO) is approved by Council, then the Applicant is also required to submit a Conditional Use Permit application (CUP, a type of site plan) for the cocktail lounge use and the CUP must be reviewed and approved by the Zoning and Platting Commission prior to establishing the use. Note that other cocktail lounges / bars on Menchaca Road are located outside of the City limits (or were already operating at the time of annexation into the City limits) and are not subject to the CUP requirement.

The parking space ratio for a cocktail lounge use is as follows:

- 1 space for every 100 square feet if the cocktail lounge is less than 2,500 sf;
- 1 space for every 50 square feet if the cocktail lounge is between 2,500 and 10,000 sf (as info, the existing two-story building is 4,060 sf (2,030 sf on each floor, so the parking required would likely fall into this category); and
- 1 space for every 25 square feet if the cocktail lounge is over 10,000 square feet

Tract 2 covers several warehouse and portable buildings on the property and is proposed CS district zoning. I do not believe any substantive changes to the Tract 2 uses are contemplated with the zoning application.

Sincerely,
Wendy Rhoades

From: Mary Barton
Sent: Monday, March 28, 2022 12:27 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: Re: Rezone Case # C14-2021-0187

*** External Email - Exercise Caution ***

Hi Wendy,

Thank you for your quick response!

The letter provided does not indicate CS-1-CO for Tract 1. The letter indicates the intended zoning change is to CS-1. The conditional overlay is not mentioned in the 3/25 letter. In any case, is the intended use of tract 1 still for a bar/lounge? And what is the intended use for tract 2?

Additional question, how much parking is required for tract 1 if it is intended to be a bar/lounge? As I look at other new bars/lounges along Menchaca, it's clear to me that parking for these new businesses does not meet their needs. Vehicles utilizing these new businesses are parking in nearby neighborhoods and on sidewalks. The result is people darting across 4 lanes of traffic in areas where crosswalks don't exist and the speed limit is 45-55. My concern is the same issues will occur around 11530 Menchaca Road.

Thank you,
Mary

On Mon, Mar 28, 2022 at 11:36 AM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Hi Mary,

Thank you for your email. The Staff is recommending the Applicant's amended request for CS-1-CO for Tract 1 (reduced in size to 0.25 acres – 10,890 square feet) and CS-CO zoning for Tract 2 (4.651 acres). The CO, Conditional Overlay prohibits the more intensive uses allowed in the CS-1 and CS zoning districts including adult-oriented businesses, automotive repair services, bail bond services, campground, drop-off recycling collection center, kennels, outdoor entertainment, outdoor sports and recreation, and service station.

Any correspondence received by 10 am Thursday morning will be included in my staff backup that is forwarded to the Zoning and Platting Commission and City Council, and posted online. For privacy reasons, all email addresses will be redacted or removed, but all other personal information provided in your email will remain unchanged.

Attendance at the Zoning and Platting Commission meeting can occur either in-person or by phone. I have added your name and email address to the interest list I'm keeping for this case and on Friday, April 1st, I will send out the finalized ZAP agenda, Staff backup material, and speaker registration instructions.

Sincerely,
Wendy Rhoades

From: Mary Barton

Sent: Monday, March 28, 2022 9:43 AM

To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Subject: Re: Rezone Case # C14-2021-0187

*** External Email - Exercise Caution ***

Hi Wendy,

I received a second notice about this rezone. Do you know if city staff will be recommending to council and P&Z that the rezone be granted?

If I want my opposition to the rezone recorded or heard by council and staff, do I need to attend in person or can I provide my comment (and have council hear it) ahead of time?

Thank you,

Mary

On Mon, Jan 3, 2022 at 3:30 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Ms. Barton,

Thank you for your email. The property was annexed into the City limits on December 15, 2016 and assigned I-RR, interim – rural residence zoning. The Applicant is proposing to zone Tract 1 (a freestanding building and parking area at the Menchaca Rd / Casa Garcias driveway) to the CS-1, commercial – liquor sales district for a cocktail lounge (bar) use. The remainder of the property, Tract 2, is proposed for CS, general commercial services zoning and covers the existing warehouse / office buildings (formerly occupied by Jackie's Gymnastics).

Please let me know if you have additional questions about this zoning case.

Sincerely,

Wendy Rhoades

From: Mary Barton

Sent: Sunday, January 2, 2022 6:07 PM

To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Subject: Rezone Case # C14-2021-0187

*** External Email - Exercise Caution ***

Hi Wendy,

I'm emailing regarding the rezone case mentioned in the subject line. The new zoning description says it is generally incompatible with residential environments and includes liquor sales.

Are you able to tell me exactly what the intended use of the property will be if this rezone is

granted?

Thanks very much,
Mary Barton

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April 25, 2002

Ms. Joan Esquivel
1609 Sir Thopas Trail
Austin, TX 78748

RE: 11530 Menchaca, C14-2021-0187

Dear Ms. Esquivel,

I received a copy of the email you submitted regarding our rezoning request from the City's public records. I also recall your telephone testimony at the Planning Commission, and how upset you were. Therefore, I am writing this letter to try to address some of your concerns listed in your email. As you know, I met with the Canterbury Trails Homeowners Association prior to the Planning Commission public hearing. To the best of my knowledge, nearly all of the property owners in attendance at that meeting were either in support of our rezoning or were neutral. I was only aware of one person who attended the meeting virtually from their computer who had concerns, which I tried my best to address. I understand how quickly your portion of Menchaca Road is changing these days, as the City continues to densify and expand its boundaries, but I want to assure you that prior to submitting this rezoning request, we looked at all of the issues that you mentioned.

You state that the proposed use is not compatible with single family and multi-family residences nearby. I would like to address that concern by stating that this eight acre warehouse site was built long before the area was annexed into the City limits in 2016. As such, upon annexation, these warehouses are considered to be legal non-conforming uses, meaning they were legally constructed, but may not meet all current regulations after being annexed into the City. We are seeking CS zoning for the warehouses, to bring them into compliance. We are also seeking CS-1 zoning for 0.25 acre in the northeast corner of the site, for a proposed cocktail lounge. As you may know, these warehouses were constructed in 1983, long before the Canterbury Trails residential subdivision was built.

Regarding your comment that there are already plenty of bars along Menchaca Road, I would like to point out that there are no other bars within 0.6 miles from this site, and many of the businesses which you have classified as bars are actually restaurants that also serve alcohol. Our intent is for a small scale neighborhood-friendly cocktail lounge, which will be very different from the outdoor bars that you listed. Our entire CS-1 request is for 0.25 acre, while many of these other establishments cover multiple acres with primarily outdoor seating.

Regarding your comment that bars on Menchaca do not have enough parking, and that any potential overflow parking along Casa Garcia Road is already being used by Valentina's Tex-Mex BBQ, I want to assure you that our property will have 91 on-site parking spaces. Therefore, we will not need to rely on over-flow parking, because we will provide 100% of our required parking on our property. Additionally, I wanted to let you know that Valentina's Tex-Mex BBQ will be vacating its space in June, as they are building a new restaurant in Buda.

You state a concern for a potential increase in noise for nearby residences, particularly from loud music. Please note that we have specifically prohibited outdoor music and outdoor entertainment in our rezoning request. That means that if this establishment were to have music, it would only occur within the building, and there would be very little likelihood of it being heard in your subdivision across Menchaca Road.

You also mention the number of unprotected exists onto Menchaca Road in this area. Four of the exits that you mention are actually public streets that intersect Menchaca Road. Of the other driveways along Menchaca, please note that we are not proposing to create any new driveways; in fact, we may be required to close one of our existing driveways when a site plan is done, should the CS-1 zoning be approved.

In summary, we feel that our proposed cocktail lounge will be quite different from other drinking establishments along Menchaca, because of its small size and the fact that it will not allow any outdoor music or entertainment. This is intended to be a neighborhood-oriented place that is respectful of area residents, as those will be the primary people they will want to attract as customers. There is nothing about this proposed bar that should attract people from a greater distance than perhaps a one to two mile radius. I encourage you to call me if you have any other questions or concerns. I can assure you that from the beginning, we took the interests and concerns of your neighborhood to heart in our plans for this property.

Yours truly,



Jim Wittliff
President

Cc: Austin City Council
Wendy Rhoades, Case Manager
Antonio Calvo, Owner