

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0076 – 3100 Guadalupe St

DISTRICT: 9

ADDRESS: 3100 Guadalupe Street

ZONING FROM: CS-CO-NP

ZONING TO: CS-1-CO-NP

TOTAL SITE AREA: 0.075 acres (3,277 square feet)

PROPERTY OWNER: Leigh Family Trust (Alice G. Kaspar, Trustee)

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combining district zoning. The Conditional Overlay 1) limits building height to 40 feet, 2) establishes that a drive-in service as an accessory use to a commercial use is a conditional use, 3) prohibits drive-in service as an accessory use to a restaurant (general and limited) use, 4) prohibits Art workshops, Campground, Exterminating services, Kennels, and Vehicle storage, and 5) establishes Automotive repair services, Building maintenance services, Club or lodge, Commercial blood plasma center, Commercial off-street parking, Construction sales and services, Convenience storage, Drop-off recycling collection center, Equipment repair services, Equipment sales, Hospital services (general), Laundry services, Off-site accessory parking, and Service station as conditional uses. For a summary of the basis of Staff's recommendation, see pages 2-3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 24, 2023: APPROVED CS-1-CO-NP DISTRICT ZONING AS STAFF RECOMMENDED

[G. Cox; G. Anderson – 2ND] (8-2) J. MUSHTALER, C. LLANES PULIDO – NAY; A. AZHAR, R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS

January 10, 2023: APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 24, 2023

[A. AZHAR; J. THOMPSON – 2ND] (11-0) P. HOWARD – ABSENT; ONE VACANCY ON THE DAIS

December 20, 2022: APPROVED A POSTPONEMENT TO JANUARY 10, 2023, BY CONSENT

[A. AZHAR; P. HOWARD – 2ND] (9-0) J. THOMPSON – ABSTAIN; G. COX, J. MUSHTALER, R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS

November 15, 2022: *APPROVED A POSTPONEMENT TO DECEMBER 20, 2022*
[A. AZHAR; J. THOMPSON – 2ND] (9-0) G. COX, R. SCHNEIDER, J. SHIEH –
ABSENT; ONE VACANCY ON THE COMMISSION

October 25, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE*
NEIGHBORHOOD TO NOVEMBER 15, 2022
[J. THOMPSON; R. SCHNEIDER – 2ND] (10-0) C. HEMPEL, T. SHAW – ABSENT;
ONE VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:

April 20, 2023:

April 13, 2023: *FIRST READING APPROVED AS STAFF RECOMMENDED.*
VOTE: 11-0.

March 23, 2023: *APPROVED A POSTPONEMENT REQUEST BY COUNCIL MEMBER*
QADRI TO APRIL 13, 2023.
VOTE: 11-0.

ORDINANCE NUMBER:

ISSUES:

Signatures of adjacent property owners have been submitted in response to the above-referenced rezoning case, opposing a rezoning of the property to anything other than CS-CO-NP. The petition includes 34.40% of eligible signatures and meets the 20% threshold for a valid petition. Petition materials and comment response forms are located at the end of the Staff report.

On Wednesday, August 24, 2022 the Applicant had a virtual meeting to discuss the case with representatives of the Heritage Neighborhood Association.

CASE MANAGER COMMENTS:

The subject rezoning area contains a 1,000 square foot personal services use within an existing commercial building and an adjacent 2,277 square foot portion of the parking lot extending to West 31st Half Street. The site containing the rezoning area is bounded by West 31st Half Street on the north, Guadalupe Street on the east, and West 31st Street on the south. Driveway access is limited to West 31st Half and West 31st Street. The rezoning area is part of Tract 209 within the West University neighborhood plan approved by Council in September 2004 and has general commercial services – conditional overlay – neighborhood plan CS-CO-NP) district zoning. The conditional overlay establishes a 40-foot height limit, and conditional and prohibited uses, and applies several to other tracts along Guadalupe as well.

There are restaurants and personal improvement services uses across West 31st Half to the north, a one-story commercial building, food sales, personal services uses, and single family residences across Guadalupe Street uses to the east (CS-CO-NP; SF-3-HD-NCCD-NP; SF-3-H-HD-NCCD-NP), and restaurant, personal services, pet services, with apartments on the upper floors to the south (CS-MU-CO-NP); and single family residences and apartments on West 31st Half and West 31st Streets to the west (SF-3-CO-NP; MF-1-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to rezone the existing building and a 2,277 square foot portion of the parking lot extending to West 31st Half Street to the commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) district. The Applicant does not propose to change the existing Conditional Overlay that was established by the West University Plan. The intent is to repurpose the building and an adjacent area for patio seating to the service of onsite alcoholic beverages, which is a cocktail lounge use. As information, a conditional use permit (CUP) for the cocktail lounge will also be required prior to establishing the use. The CUP is a type of site plan application that requires review by the Planning Commission.

The land use character of this segment of Guadalupe Street is comprised of both commercial and residential land uses. Areas north of the subject property are commercial while the area south of the property has a mix of uses that consist of both residential and commercial. Staff believes the zoning request is appropriate in terms of its location on an arterial roadway. As information, the closest residence is located approximately 70 feet to the west (SF-3-CO-NP). The closest cocktail lounge to the subject property is approximately 1,200 linear feet to the north on West 35th Street, just off its intersection with Guadalupe.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The commercial - liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use. The Conditional Overlay (-CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The property fronts on Guadalupe Street, an arterial and established mobility corridor.

2. *The proposed zoning should allow for a reasonable use of the property.*
3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Staff recommends CS-1-CO-NP zoning given its location on an arterial road and adjacency to commercial properties in all directions. The land use character of this segment of Guadalupe Street is predominantly commercial and Staff believes the rezoning request is appropriate in terms of its location on an arterial roadway and mobility corridor. CS-1-CO-NP zoning would permit a broad set of commercial uses, including the intended cocktail lounge, but continue the set of conditional and prohibited uses established by the West University Neighborhood Plan due to the proximity to residential uses to the east and west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Dry cleaning and alterations business (a Personal services use)
<i>North</i>	CS-CO-NP	Restaurants (general); Personal improvement services
<i>South</i>	CS-MU-CO-NP	Residential; Restaurant (general); Pet services; Personal services; Multifamily residential, Parking
<i>East</i>	CS-CO-NP; SF-3-HD-NCCD-NP; SF-3-HD-NCCD-NP	Parking; Single family residences in the North University NCCD; Food sales; Personal services
<i>West</i>	CS-CO-NP; SF-3-CO-NP; MF-1-CO-NP; MF-3-NP; MF-2-CO-NP	Rear parking area; Single family residences; Apartments

NEIGHBORHOOD PLANNING AREA: Central Austin Combined (West University)

TRAFFIC IMPACT ANALYSIS: Is not required WATERSHED: Waller Creek – Urban

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS:

Bryker Woods Elementary School O Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:

33 – Heritage Neighborhood Association	48 – North University Neighborhood Association
511 – Austin Neighborhoods Council	742 – Austin Independent School District
754 – CANPAC	1228 – Sierra Group, Austin Regional Group
1327 – North Drag Ibiza District	
1363 – SEL Texas	1391 – Central Austin Community Development Corporation
1424 – Preservation Austin	
1497 – Shoal Creek Conservancy	1510 – My Guadalupe
1530 – Friends of Austin Neighborhoods	1550 – Homeless Neighborhood Association
1609 – Friends of Heritage	1616 – Neighborhood Empowerment Foundation
1740 – Aldrich Place Local Historic District Board	1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

There are currently no parkland dedication requirements for the proposed use, cocktail lounge. Parkland dedication may be required for commercial developments in the future based on City Council direction.

Site Plan and Compatibility Standards**NIGHTCLUBS / COCKTAIL LOUNGES**

Cocktail Lounges are conditionally permitted in the CS-1 zoning district. A conditional use site plan will be required for a proposed cocktail lounge.

A cocktail lounge use or any business with alcohol sales may not operate within 300 feet of a church, public school or public hospital except as provided by the Texas Alcoholic Beverage Code, or within 300 feet of a daycare/childcare facility without a food & beverage certificate (§ 4-9-4). Upon submission of site plan, ensure that all existing land uses within this vicinity are shown.

Please be aware of regulations pertaining to cocktail lounges within § 25-2-808 (*Restaurants and Cocktail Lounges*) and 25-5-146 (*Conditions of Approval*).

FYI: A cocktail lounge must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

- The lounge is within an enclosed shopping center; or,
- The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the conditional use permit site plan application [LDC 25-5-146(B) (*Conditions of Approval*)].

Any new development is subject to Subchapter E. (*Design Standards and Mixed-Use*). Additional comments will be made when the site plan is submitted.

This site is subject to the Compatibility Standards in § 25-2 Article 10 due to adjacent SF-3-CO-NP zoning to the west and additional single-family zoning and land uses within 540 feet of the site. A late-hours permit associated with the cocktail lounge use would be expressly prohibited without a waiver of the Compatibility Standards from the Land Use Commission.

Define area of cocktail lounge by shaded area on site plan. Refer to certified field notes and define boundaries of CS-1 zoning footprint.

Please show all uses within 200 feet and within 300 feet of the property lines to support the conditional use determination by land use commission.

This site is located in the West University Neighborhood Plan. Please see the City's [Neighborhood Plans and Resources webpage](#) for a copy of the recommended design guidelines.

Austin Transportation Department – Engineering Review

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

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)
- 1 space for every 25 square feet if the cocktail lounge is over 10,000 square feet

The Austin Strategic Mobility Plan (ASMP) calls for 50 feet of right-of-way for W 31st Street. It is recommended that 2 feet of right-of-way from the existing centerline should be dedicated for W 31st Street according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

A traffic impact analysis is not required as the proposal does not exceed the thresholds established in the Land Development Code.

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

INDEX OF EXHIBITS TO FOLLOW:

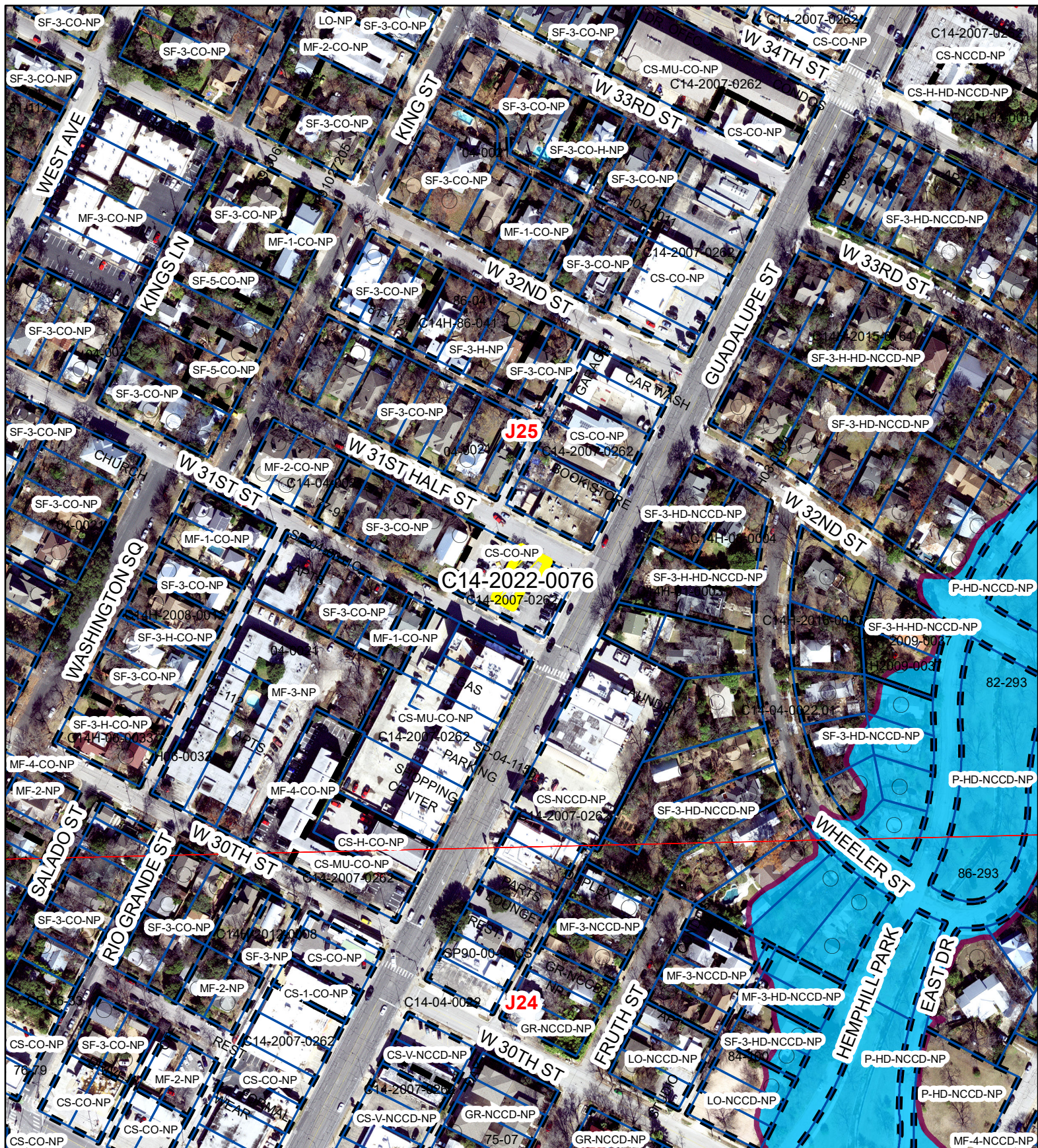
Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Correspondence Received



Created: 6/13/2022



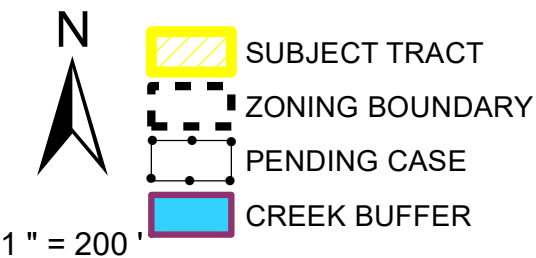
3100 Guadalupe

Exhibit A - 1

ZONING CASE#: C14-2022-0076
 LOCATION: 3100 Guadalupe St
 SUBJECT AREA: 0.44 Acres
 GRID: J25
 MANAGER: Wendy Rhoades



Created: 7/6/2022
 by: MeekSS



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From:
To:
Cc: [Rhoades, Wendy](#); [Shaw, Todd - BC](#) Re: Postponement Request
Subject: Friday, October 21, 2022 5:05:10 PM
Date:

*** External Email - Exercise Caution ***

The applicant does not object to this request. Hope everyone has a great weekend!

Amanda Swor

> On Oct 21, 2022, at 4:47 PM, Jay F wrote: >

> Ms Wendy Rhoades

> Zoning Case Manager

> Zoning and Planning Commission

> City of Austin

>

> Re: 3100 Guadalupe St. Case # C14-2022-0076 Rezoning of portion of the property from CS CO NP to CS-1 CO NP

>

> Dear Ms Rhoades:

>

> As a resident of Heritage Neighborhood Association and property owner here for over thirty years, I respectfully request postponement of the public hearing currently scheduled for Zoning and Planning Commission on Oct 25, 2022 to the Nov 16, 2022 Zoning and Planning meeting.

>

> The postponement request is the first such request in this case and is to allow time for residents to continue to work with the property owner's agent to seek compromises which would keep us from having to oppose the rezoning.

>

> Please let me know if you or your team members require additional information or have any questions.. Thank you for your time and attention to this project.

>

> Sincerely,

> Jay

>

> Jay Farrell, Architect

> 512 695-7245

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Amanda Swor

512-807-2904

DRENNER GROUP

December 16, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: C14-2022-0076 - 3100 Guadalupe - Postponement request for the zoning application associated with the property located at 3100 Guadalupe, Austin, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully request a postponement of zoning case no. C14-2022-0076 on the December 20, 2022, Planning Commission agenda to the January 10, 2023, Planning Commission agenda. This postponement is to allow us time to continue working on our agreement with the Heritage neighbors regarding the proposed project.

Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,



Amanda Swor
Drenner Group

cc: Wendy Rhodes, Housing and Planning Department (*via electronic delivery*)
Joi Harden, Housing and Planning Department (*via electronic delivery*)

Amanda Swor

512-807-2904

DRENNER GROUP

January 6, 2023

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: C14-2022-0076 - 3100 Guadalupe - Postponement request for the zoning application associated with the property located at 3100 Guadalupe, Austin, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully request a postponement of zoning case no. C14-2022-0076 on the January 10, 2023, Planning Commission agenda to the January 24, 2023, Planning Commission agenda. This postponement is to allow time for the Heritage neighbors to review our agreement regarding the proposed project.

Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,



Amanda Swor
Drenner Group

cc: Wendy Rhodes, Housing and Planning Department (*via electronic delivery*)
Joi Harden, Housing and Planning Department (*via electronic delivery*)

VALID
PETITION ~~(1-1-2022)~~

Date 3/21/2023

Address of Rezoning Request

File Number C14-2022-0076

3100 GUADALUPE ST, AUSTIN, TX 78705

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS-CO-NP (General Commercial Services-Conditional Overly-Neighborhood Plan.)

Our reasons for this protest are the general incompatibility of the proposed zoning (CS-1-NO-NP) with adjacent and nearby SF-3 Residential use properties. The City of Austin's own website in describing CS-1 Zoning (Commercial Liquor Sales) states it is "generally incompatible with residential environments...". Specific concerns are potential ill effects of planned cocktail lounges including traffic and parking congestion, noise, late night operation until 2 a.m., dumpster location even closer to residences.

Signature	Printed Name	Address
<u>Ronald A Weisfeld</u>	Ronald A Weisfeld	610 W. 31 1/2 ST
<u>Mark Higgins</u>	MARK HIGGINS	613 W. 31 1/2 ST
<u>John Barkley</u>	John Barkley	3117 Guadalupe
<u>Teresa Lynn Clark</u>	TERESA LYNN CLARK	608 West 31st 1/2 street
<u>Elene Drakonakis</u>	Elene Drakonakis	613 W 31st 1/2 Street
<u>Bret Biggart</u>	Bret Biggart	3120 Wheeler Street
<u>Jill Parrish</u>	JILL PARRISH	613 W. 31st
<u>Huseyin K. Yaser</u>	HUSEYIN K. YASER	613 W. 31st
<u>Donald Carl Maney</u>	DONALD CARL MANEY	609 West 31 1/2 street
<u>Edwin Thomas Upchurch</u>	Edwin Thomas Upchurch	611 W 31 1/2 St.
<u>Jennifer Lynn Boettcher</u>	Jennifer Lynn Boettcher	606 W 31 1/2 St
<u>Brian W. Boettcher</u>	Brian W. Boettcher	606 W 31 1/2 St

Contact: Jay Farrell

616 West 31-1/2 St, Austin 78705

512 695-7245

PETITION

Date

3/15/23

Address of Rezoning Request

File Number: C14-2022-0076

3100 Guadalupe St, Austin Texas, 78705

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS-CO-NP (General Commercial Services-Conditional Overlay-Neighborhood Plan.)

Our reasons for this protest are the general incompatibility of the proposed zoning (CS-1-NO-NP) with adjacent and nearby SF-3 Residential use properties. The City of Austin's own website in describing CS-1 Zoning (Commercial Liquor Sales) states it is "generally incompatible with residential environments...". Specific concerns are the potential ill-effects of planned cocktail lounge including traffic and parking congestion, noise, late night operation until 2 a.m., dumpster location even closer to residences.

Signature

Printed Name

Address

Ian Bonner

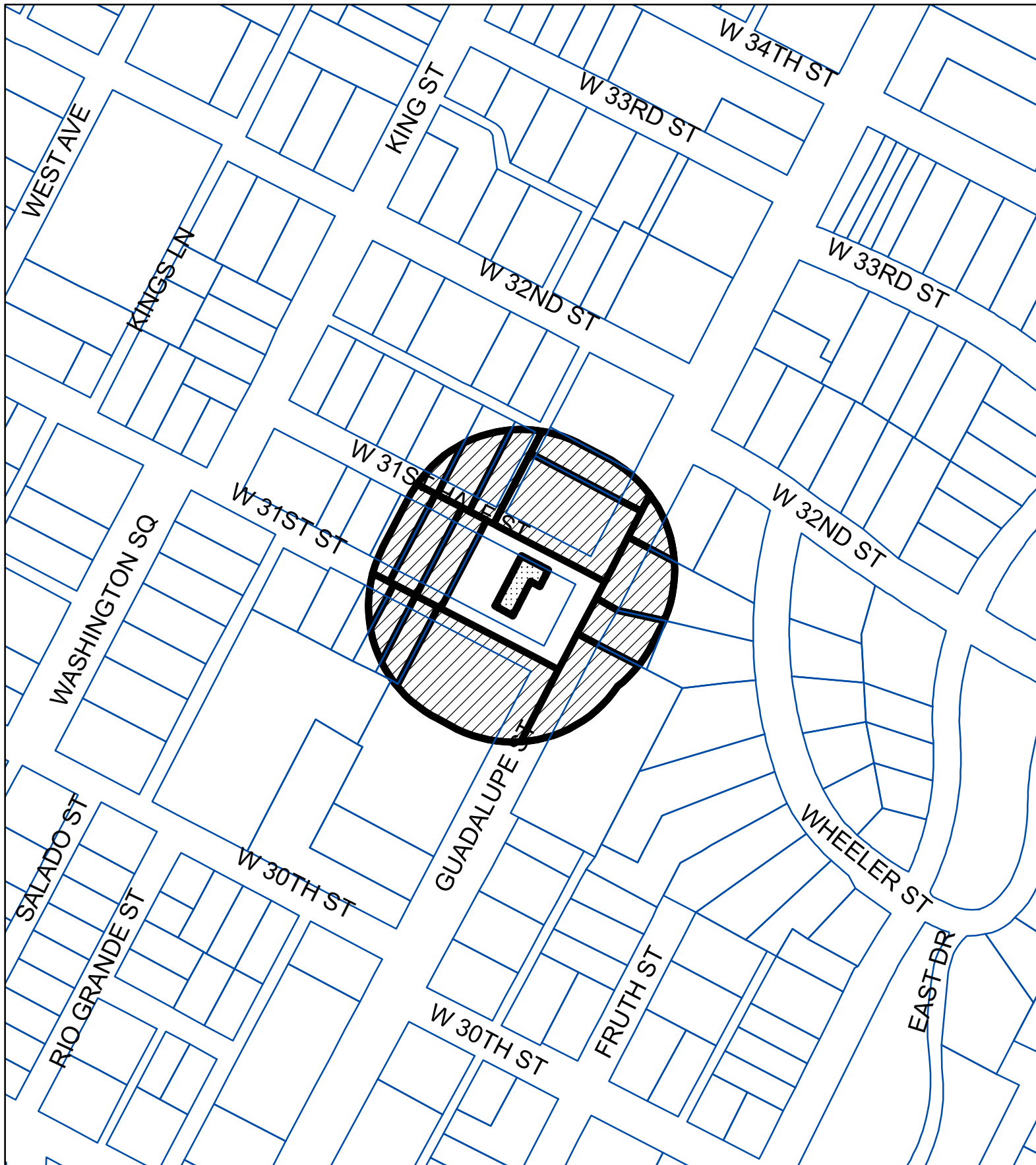
IAN BONNER

415 W 32nd St

Contact: Jay Farrell

616 West 31-1/2 St, Austin 78705

512 695-7245



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2022-0076

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.

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1" = 200'

Case Number:
C14-2022-0076

PETITION

Date: 4/12/2023

Total Square Footage of Buffer: 177929.6415

Percentage of Square Footage Owned by Petitioners Within Buffer: 34.40%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0217021003	615 W 31 ST 78705	ABERNATHY MILES L	no	1770.15	0.00%
0217020720	3101 GUADALUPE ST 78705	AUSTIN TRUST COMPANY & REPUBLICBANK AUSTIN TR	no	14027.96	0.00%
0217020722	3117 GUADALUPE ST AUSTIN 78705	BARKLEY HOUSE HOLDINGS LP	yes	7674.10	4.31%
0217020703	3120 WHEELER ST AUSTIN 78705	BIGGART BRET	yes	10574.62	5.94%
0217020511	606 W 31 1/2 ST 78705	BOETTCHER BRIAN W & JENNIFER L	yes	6854.79	3.85%
0217020701	415 W 32 ST	BONNER IAN & RICHARD E BONNER & SUSAN J PRYOR	yes	3684.69	2.07%
0217020512	608 W 31 1/2 ST 78705	CLARK TERESA LYNN	yes	6907.54	3.88%
0217020510	3110 GUADALUPE ST 78705	GUADALUPE STREET RETAIL TGPXI LLC	no	24860.25	0.00%
0217020604	613 W 31 1/2 ST 78705	HIGGINS MARK & ELENE DRAGONAKI	yes	5317.62	2.99%
0217020509	3116 GUADALUPE ST 78705	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	no	8998.57	0.00%
0217020606	609 W 31 1/2 ST 78705	MONEY DONALD CARL & FRANCES	yes	6907.05	3.88%
0217020605	611 W 31 1/2 ST 78705	UPCHURCH EDWIN THOMAS	yes	7371.50	4.14%
0217020513	610 W 31 1/2 ST 78705	WEISFELD RONALD A & JACOB L WEISFELD	yes	2027.14	1.14%
0217021005	611 W 31 ST 78705	WENZEL JEANE MARGARET	no	5182.44	0.00%
0217021004	613 W 31 ST 78705	YASER HUSEYIN K & JILL PARRISH	yes	3895.15	2.19%
0217021901	Address Not Found		no	32252.91	0.00%
Total				148306.48	34.40%

To: Harden, Joi
Subject: RE: Opposition to Item 4

From: Bobby Levinski
Sent: Tuesday, January 24, 2023 2:23 PM
Cc: Harden, Joi <Joi.Harden@austintexas.gov>; Beeler, Melissa <Melissa.Beeler@austintexas.gov>; Jay F
Subject: Opposition to Item 4

*** External Email - Exercise Caution ***

Planning Commissioners,

Tonight, you will be considering adding CS-1 on the lot located at 3100 Guadalupe.

I'm writing on behalf of some of the members of the Heritage Neighborhood Association.

As the backup mentions, the City Council recently took action identifying corridors like Guadalupe as critical locations to add transit-supportive density. With two Project Connect stops and a street network that is already walkable and bikeable with relative ease, a use that might conflict with the quality of residential living should take a pause. **An action to extend cocktail lounge zoning, without simple constraints to ensure the quality of life for residents along these corridors, is counterproductive to this prioritization of the corridors.**

We had hoped that we could be presenting you with an agreement tonight that would have left this case on the consent agenda. While the neighborhood was not thrilled with the request for a cocktail lounge to replace one of its last remaining neighborhood service use, they were willing to work with the owner of the property on a compromise. Unfortunately, the owner of the property (different than the tenant applicant) will not agree to sign that agreement so that it runs with the land.

Additionally, we had also proposed a conditional overlay for review by City Legal that would have conditioned the approval of CUP for a cocktail lounge use on the basis of there being no amplified sound and a midnight restriction on the hours of operation. The conditional overlay was styled after Section 25-2-786 pertaining to Bed & Breakfast uses, with almost identical restrictions. We have been told that City Legal has advised that such a condition cannot be placed on the property through zoning, despite this parallel practice for a similar conditional use and despite other precedent within Chapter 25-2 such as 25-2-818(F)(4), stating that a person cannot operate a mobile food establishment between the hours of 11pm and 6am.

I mention all of this, because I want to emphasize that the neighborhood and the tenant-applicant have been striving to reach a reasonable solution.

But, **without restrictions on the hours of operation and amplified sound, this simply is not a suitable location for a 2am cocktail lounge.** I am attaching a photo that shows how close the site (which will have all outdoor seating) is to the adjacent residents.

And, because this case has not reached agreement, I must reiterate some of the earliest concerns from the residents about this proposed use. "What happens to the dry cleaners?" While cocktail lounges are fantastic and useful in their own light, retaining zoning prioritization for retail space and neighborhood-based services is also really important. Likewise, so is prioritizing these corridors for transit-supportive density.

For all of the above, we ask that you **VOTE NO on Item 4.** In the meantime, we will continue to meet with the applicant and city staff on trying to come up with an agreement that would be enforceable.

Robert J. Levinski

Attorney, Levinski Law
248 Camaro Way
San Marcos, TX 78666

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HERITAGE

NEIGHBORHOOD ASSOCIATION

RESOLUTION CONCERNING REZONING FOR 3100 GUADALUPE STREET

Whereas, Owner/Applicant: Leigh Family Trust (Alice G. Kaspar, Trustee) of 3100 Guadalupe has applied for a zoning change from CS-CO-NP to CS-1-CO-NP commercial-liquor sales for the purpose of allowing a cocktail lounge use that allows late night hours, and

Whereas, immediately surrounding the property are four successful restaurants that serve food and alcohol CS zoning, and

Whereas, 3100 Guadalupe and the two restaurants to the north have long term ground leases with the same tenant, and could expand from a single bar to a bar district, and

Whereas, allowing bars will negative impact the livability of nearby neighbors (both multifamily and single family) and make it more difficult to add density, and

Whereas, 31st St bus station on Guadalupe is served by both the 801 and 803 Metro Rapid bus lines, plus local bus service routes 1, 3, and 30, and is planned for Project Connect rail with transit supportive density, and

Whereas, although cocktail lounge use is not appropriate in this location, the Heritage neighborhood worked with the applicant's agent (Amanda Swor, Drenner Group) to compromise, and

Whereas, after coming to an agreement, the applicant's agent informed the Heritage neighbors that the property owner is unwilling to sign a restrictive covenant and proposed a memorandum of understanding instead, and

Whereas, a zoning change is permanent, the memorandum of understanding agreement proposed is with the tenant and not the owner, applies only to the "project", and does not run with the land.

Therefore, be it resolved that the Heritage Neighborhood Association objects to the proposed CS-1 zoning and requests that the City Council deny the zoning change request.

Approved: March 6, 2023

Vote: 30 in favor, 0 against, 0 abstained

Signed: _____

Jolene Kiolbassa, President

Heritage Neighborhood Association

PUBLIC HEARING INFORMATION

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Betsy Greenberg

Your Name (please print)

☐ I am in favor
☒ I object

3009 Washington Square

Your address(es) affected by this application (optional)

Betsy Greenberg

Signature

3/17/2023

Date

Daytime Telephone (Optional): 512-689-7538

Comments:

CS-1 zoning isn't needed. Surrounding businesses serve food and alcohol with the CS zoning this property currently has. The neighbors negotiated in good faith with the applicant only to find out later the terms were agreed to (including no outdoor amplified sound and no hours past midnight) that the property owner is unwilling to s covenant for the agreed to terms. A zoning change will be permanant and any agreement should be as well.

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

City of Austin, Housing & Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

nancy.estrada@austintexas.gov

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Paula Brown

Your Name (please print)

615 W. 32nd St, Austin, Tx, 78705

Your address(es) affected by this application (optional)

Paula Brown

Signature

March 17, 2023

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional):

Please vote "NO" to this zoning change. An upzoning to allow a cocktail lounge which has hours every night till Midnight, with a large outdoor patio venue directly next door to SF-3-CO-NP residential homes is not an appropriate zc under current City code, or use of this site under the Central Austin Combined Neighborhood Plan. We are not West Campus. Heritage neighborhood is several blocks away, yet Goals applying to West Campus were used to justify this zc in the Applicable Small Plan Area Policies. The neighborhood and homeowners have negotiated for months in good faith with the owner's representative, and the owner will not provide a restrictive covenant or any other type of agreement in writing that would protect the residents of the neighborhood. The owner refuses to sign anything and has deferred to the developer of the site to sign an agreement. To date, there is no written agreement.

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

SCOTT BARTLOW

Your Name (please print)

611 W 35th Austin, TX 78705

Your address(es) affected by this application (optional)

[Signature]

Signature

3-8-23

Date

Daytime Telephone (Optional): 512.769.1566

Comments: It is great to have a restaurant that also serves alcohol. But I do not want a bar that is open till 2:00am.

☐ I am in favor
☒ I object

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Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

JAY FARRELL, ARCHITECT
Your Name (please print)

☐ I am in favor
☒ I object

616 WEST 31 1/2 STREET 78705
Your address(es) affected by this application (optional)

Jay Farrell
Signature

MARCH 9 '23
Date

Daytime Telephone (Optional): 512 695-7245

Comments: CS-1 ZONING "GENERALLY INCOMPATIBLE WITH RESIDENTIAL USE." - CITY OF AUSTIN. CS-1 WILL BE MONETIZED VIA ALCOHOL SALES - A WINDFALL FOR OWNER WHO HAS DEMONSTRATED NO HARDSHIP OR SPECIAL CIRCUMSTANCE. MONETIZATION WILL DISINCENTIVIZE FUTURE TRANSITION TO BENSE RESIDENTIAL USE ALONG THIS TRANSPORTATION CORRIDOR. (HERITAGE NBRD SUPPORTS BENSE RESIDENTIAL ON CORRIDORS - NBRD PLAN ADOPTED 2004.)
* WILL ENCOURAGE OTHER OWNERS TO SEEK SAME ENTITLEMENT.
* AT SAME TIME WILL RISK NUISANCE HARM TO NEIGHBORHOOD.
* PLEASE VOTE NO ON THIS ZONING REQUEST. THANK YOU

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Kisla Jimenez

Your Name (please print)

3012 West Ave.

Your address(es) affected by this application (optional)

Kisla Jimenez

Signature

☐ I am in favor
☒ I object

3/9/2023

Date

Daytime Telephone (Optional):

Comments:

My family and I have lived in this neighborhood for over 20 years. We enjoy the diversity of residents and businesses. This property (3100 Guadalupe Street) should keep its current zoning which is ample enough to open several types of businesses, including a restaurant with a bar. We are opposed to having a zoning change that will allow outdoor cocktail lounge with amplified music. Thank you. Kisla Jimenez

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Brenda Bell

Your Name (please print)

3102 West Avenue

Your address(es) affected by this application (optional)

Brenda Bell

Signature

3/16/2023

Date

Daytime Telephone (Optional): 512 674 1268

I have owned my home in the Heritage neighborhood for 20 years. This proposed upzoning is incompatible with our neighborhood plan and would likely lead to the intrusion of more West Campus-type bars where they don't belong. City staff seems to confuse Heritage with West Campus but the bright line between the two is West 29th Street. Our "main street" -- Guadalupe north of 29th -- has developed within current commercial zoning, enhancing our "dense, vibrant, mixed-use and pedestrian oriented community" with diverse businesses. They include many restaurants serving alcoholic beverages which we and our families happily patronize. I urge the Council to reject this intrusive spot zoning for a bar.

City of Austin, Housing & Planning Department

Nancy Estrada

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☐ I am in favor
☒ I object

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Teresa Clark

Your Name (please print)

☐ I am in favor
☒ I object

608 West 31st 1/2 Street

Your address(es) affected by this application (optional)

Teresa Clark

3/10/2023

Signature

Date

Daytime Telephone (Optional): (512) 577-6500

Comments:

NO CS1 ZONING

OPPOSED

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

EVY GRACE
Your Name (please print)

☐ I am in favor
☒ I object

2914 RIO GRANDE ST.
Your address(es) affected by this application (optional)

[Signature]
Signature

3/21/2023
Date

Daytime Telephone (Optional): 512 415-2217

Comments: I AM VERY OPPOSED TO THIS
CHANGE. OUR RESIDENTS IN NEIGHBORHOOD
DOES NOT NEED A BUREAU. WE ARE
VERY OPPOSED TO THIS ZONING CHANGE!

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Elene Drakonakis and Mark Higgins

Your Name (please print)

613 W. 31st 1/2 Street 78705

Your address(es) affected by this application (optional)

[Signature]

Signature

3/9/23

Date

Daytime Telephone (Optional): 512-297-6481

Comments: This zoning change will have a negative impact on our street. Noise of a bar in a family / working neighborhood will be a problem - we work & our kids have school. Parking is already a big problem. There needs to be some permanent restriction to hours of operation that can't be changed once this bar goes out of business. Please don't make this another rainy street district.

☐ I am in favor
☒ I object

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

SHAY FITZGERRELL

Your Name (please print)

612 W 31 1/2 ST A

Your address(es) affected by this application (optional)

Shay Fitzgerrell

Signature

3-16-2023

Date

Daytime Telephone (Optional):

Comments: I highly oppose the CS-1 zoning for 3100 Guadalupe - This beautiful Historic District of Gypsy Heritage Neighbor is a quiet family and children friendly neighborhood. An outdoor cocktail bar loud music late night party scene will destroy this sacred neighborhood.

☐ I am in favor
☒ I object

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Claylene Jones

Your Name (please print)

621 W. 30th St.

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)

Claylene M. Jones

Signature

3/15/2023

Date

Daytime Telephone (Optional):

Comments: Another establishment
selling alcohol is not
needed in our area.

Also, the addition of
more traffic to the
area will create
problems for local
residents. Thank you

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

City of Austin, Housing & Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

nancy.estrada@austintexas.gov

PUBLIC HEARING INFORMATION

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

KATHERINE KEY

Your Name (please print)

☐ I am in favor
☒ I object

612 W 31 1/2 ST

Your address(es) affected by this application (optional)

[Signature]

Signature

3.7.2023

Date

Daytime Telephone (Optional): 512-215-9875

Comments: PLEASE CONSIDER VOTING
AGAINST ACS1 ZONING. IT IS UNNECESSARY
FOR OUR NEIGHBORHOOD. WE STRONGLY
OPPOSE THIS ZONING. WE DO NOT
NEED A "BAR" 50/49% ALCOHOL SALES
AT THE END OF OUR STREET. PARKING
IS ALREADY A HUGE PROBLEM. WE WILL
BE PROTESTING THIS ZONING ON
MARCH 23, 2023 AT CITY HALL.

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Laura Grim and Bob Grim

Your Name (please print)

☐ I am in favor
☒ I object

3001 Washington Sq.

Your address(es) affected by this application (optional)



Signature

3.11.23

Date

Daytime Telephone (Optional):

Comments: I am concerned about noise that this change will bring. This is a residential neighborhood

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Robert & Nancy Outenreath
Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)

Robert & Nancy Outenreath
Signature

3/9/2023
Date

Daytime Telephone (Optional): _____

Comments: _____

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

DANA ANTHONY

Your Name (please print)

709 W. 31st

Your address(es) affected by this application (optional)

Dana Anthony

Signature

☐ I am in favor
☒ I object

Date

Daytime Telephone (Optional): 512-914-3574

Comments: I object to this project:
1) a bar is with outdoor seating, is inappropriate for our neighborhood with homes immediately next to the property - noise levels hard to control
2) could start a bar district w/ the changed zoning.
3) assumed properties along Project Corbett that came up for "redevelopment" would be geared to density projects.

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

PATRICK LEE

Your Name (please print)

☐ I am in favor
☒ I object

3112 GRANDVIEW ST

Your address(es) affected by this application (optional)

[Signature]

Signature

3/7/23

Date

Daytime Telephone (Optional):

Comments: CONCERNED ABOUT TRAFFIC,
PARKING AND CRIME.

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Helen E. Plevich

Your Name (please print)

614 W. 51st 1/2 St.

Your address(es) affected by this application (optional)

HEPlevich

Signature

3/8/24

Date

Daytime Telephone (Optional): 512-839-4504 (please do not share)

Comments:

I oppose the proposed change in zoning to CS-1 for the property at 3100 Guadalupe. A bar open until 2:00 a.m. with primarily outdoor seating and extremely limited parking will negatively impact our neighborhood.

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

Leah Lee

Your Name (please print)

<input type="checkbox"/>	I am in favor
<input checked="" type="checkbox"/>	I object

3112 Grandview St.

Your address(es) affected by this application (optional)

Leah Lee

Signature

3/7/23

Date

Daytime Telephone (Optional): _____

Comments: I am very concerned about the crime and drunk people wandering the neighborhood. There are houses/homes adjacent to the property. CS is fine but CS I means something else. This could really harm our Heritage Neighborhood

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Case Number: C14-2022-0076

Contact: Nancy Estrada, 512-974-7617

Public Hearing: March 23, 2022, City Council

EDWIN T. UPCHURCH

Your Name (please print)

611 W 31 1/2 St Austin 78705

Your address(es) affected by this application (optional)

Edwin T. Upchurch
Signature

3/15/23
Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional): —

Comments: *I object primarily to this rezoning request because it does not in anyway IMPROVE the neighborhood. So why do it? In my opinion it reduces the family neighborhood quality. So as owners of 611 W 31 1/2 bought by my parents in 1948.*

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Case Number: C14-2022-0076

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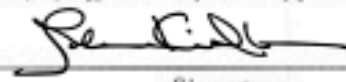
Public Hearing: March 23, 2022, City Council

Jolene Kiolbassa

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)



Signature

April 13, 2023

Date

Daytime Telephone (Optional):

Comments: **CS-1 Cocktail lounge use is a waste of a good opportunity at this location:**

1. Located on Project Connect corridor for light rail

2. Two MetroRapid and other buses stop in front

3. Within walking distance:

— Wheatsville across the street and Central Market nearby

— Medical offices, pharmacy and two hospitals

— Two daycares, a school and Lamar Activity Center

— Four restaurants immediately adjacent

— Clothing stores, hair salons, hardware store, housewares, dog washing, gyms etc.

4. Residents would take advantage of nearby businesses and grow this as a retail area whereas cocktail lounge users are much less likely to.

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Title	Address	Zip Code	Phone number	Position	Case Number	Comments
Andrew Hicks	901 w 31st St	78705	210 669-7426	I object	C14-2022-0076 – 3100 Guadalupe	As stated in notice applied for district CS 1 is “generally incompatible with residential environments”. This location is directly adjacent to (3) single family houses and the heritage and Aldridge place neighborhoods.
Marc McDaniel & Beverly Penn	811 W. 31st Street	78705	512 431 3750	I object	C14-2022-0076 – 3100 Guadalupe	Rezoning 3100 Guadalupe to allow for a cocktail lounge bar with primarily outdoor seating and music venue is not compatible with the residential neighborhood to the west of the property. The noise from an outdoor music venue that can operate till 2:00am will have a negative impact on the neighbors. Our neighborhood association negotiated and compromised in good faith with the applicant's agent to limit the impact, but then the owner declined to sign a binding restrictive covenant and proposed an unenforceable letter of understanding.
Marc McDaniel	807 W. 31st	78705	512.431.3730	I object	C14-2022-0076 – 3100 Guadalupe	Really? I understand that the developer is proposing an outdoor bar at this location. But the proposed CS-1-CO-NP zoning is "incompatible with residential environments" per the definition listed in the Notice Of Public Hearing and Rezoning that was sent to me. Residences to the west of the proposed project will suffer from noise, traffic, and drunks until 2:00am. I would not object if this was an indoor restaurant with liquor sales, but a bar with outdoor seating and amplified music is just a bad mix for being in close proximity to both single and multifamily residences. What is staff thinking to recommend approving this zoning change?
		78705		I am neutral	C14-2022-0076 –	
Anthony DiCuffa	2910 Pearl St			I am in favor	C14-2022-0076 –	
Jill Parrish	613 W. 31st St	78705	5125738596	I object	C14-2022-0076 – 3100 Guadalupe	There are currently 4 establishments that serve alcohol within 300 feet of this zoning change request. None of which were here when we bought our house. The zoning change is unnecessary and will set a precedent and create a restaurant/bar scene that will reduce livability for the immediate neighbors. In addition, traffic on 31st is currently terrible and there is not enough parking to serve this request.