

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0247 / Buckets Deli

P.C. DATE: January 27, 2009

ADDRESS: 2020 East Cesar Chavez Street

OWNER: Paul Rodriguez, 512-785-9699

AGENT: Hajjar Sutherland & Kelly, LLP, (Kareem Hajjar) 512-637-4956

ZONING FROM: CS-CO-MU-NP

TO: CS-1-CO-MU-NP

SITE AREA: 0.1489 acres (6,486.084 sq. ft.)

SUMMARY STAFF RECOMMENDATION: The staff recommendation is to deny the change from CS-MU-CO-NP (Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan) district zoning to CS-1-MU-CO-NP (Commercial–Liquor Sales – Mixed Use – Conditional Overlay – Neighborhood Plan) zoning district. The existing Conditional Overlay prohibits the following uses: Adult oriented businesses, Convenience storage, Equipment sales, Pawn shop services, Transportation terminal, Campground, Drop-off recycling collection facilities, Kennels, Residential treatment, and Vehicle storage. The following uses are conditional: Automotive rentals, Automotive sales, Commercial off-street parking, Custom manufacturing, Service station, Automotive repair services, Automotive washing (of any type), Counseling services, and Guidance services.

ISSUES: On January 30, 2009, Code Enforcement issued a citation for prohibited uses, meaning that Buckets Deli is operating as a cocktail lounge in a zoning district that prohibits such use. The restaurant currently has over 51 percent of its total sales from alcohol sales from what applicant states, however, no documentation substantiating this information that was provided to the City of Austin's Code Enforcement Division by Buckets Deli or their legal representative.

SUMMARY PLANNING COMMISSION RECOMMENDATION: January 27, 2009: The motion to approve staff's recommendation to *DENY* the request for CS-1-MU-CO-NP district zoning; was approved by Commissioner Sandra Kirk's motion, Commissioner Jay Reddy second the motion on a vote of 8-1; Commissioner Dave Anderson voted against the motion (nay).

DEPARTMENT COMMENTS: The 0.1489-acre site is currently zoned CS-MU-CO-NP (Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan) district zoning and is located on the northwest corner of East Cesar Chavez Street and Elkhart Street. The property has driveway access to Elkhart Street, to which both ingress and egress is taken. The property lies within the Holly Neighborhood Plan and is surrounded by single family residences to the north, a vacant lot to the east and commercial and retail to the south.

The subject property is currently developed with a one-story brick building that is occupied by Buckets Deli. There have been numerous code violations on this site such as multiple citations of work without a permit and without an approved site plan. Legal action was also taken against the establishment for paving the entire parking lot without the required permits. On September 2, 2008 all of these violations were cleared. However, alcohol sales exceed food sales and, thus, the applicant wishes to rezone the property to CS-1-MU-CO-NP (Commercial Liquor Sales – Mixed Use –

Conditional Overlay – Neighborhood Plan) in order to bring the property in compliance with City Code. The Land Development Code, Chapter 25-2-808(B)(1) (Restaurant and Cocktail Lounges), states that a restaurant (general) use that serves alcoholic beverages must have at least 51 percent of its gross income derived from the sale of prepared food. The restaurant currently has over 51 percent of its total sales from alcohol sales.

After evaluation, it was determined that the current zoning is appropriate due to the proximity to residential areas. Staff believes that an increase in zoning would be incompatible with the character of the surrounding residential properties. Additionally the Holly Neighborhood Plan which was adopted in 2001 specifically addresses prohibiting additional CS-1 zoning throughout the neighborhood. There are existing liquor establishments with CS-1-NP district zoning in close proximity of the subject property. The existing liquor establishments, the Holly Neighborhood plan which calls for prohibiting additional CS-1 zoning, and the proximity of this site to an established residential neighborhood suggest that an increase in zoning is inappropriate.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO-MU-NP	Restaurant
<i>North</i>	SF-3-NP	Single-family residences
<i>South</i>	CS-CO-MU-NP	Commercial / Retail
<i>East</i>	CS-CO-MU-NP	Vacant lot / Single-family residences
<i>West</i>	CS-CO-MU-NP	Single-family residences

NEIGHBORHOOD PLAN AREA: Holly Neighborhood Plan

TIA: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Austin Parks Foundation
 PODER People Organized in Defense of Earth & Her Resources
 El Concilio, Coalition of Mexican American Neigh. Assn.
 Barrio Unidos
 Terrell Lane Interceptor Assn.
 League of Bicycling Voters
 East River City Citizens
 Home Builders Association of Greater Austin
 Sentral Plus East Austin Koalition (SPEAK)
 Austin Neighborhoods Council
 Central East Austin Business Owners Assn.
 Guadalupe Neighborhood Development Corp.
 Eastville - Central
 Homeless Neighborhood Organization
 Holly Street Association

RELATED CASES:

The Holly Neighborhood Plan rezonings were approved December 13, 2001 (C14-01-0166).

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASS	SIDEWALK	BUS ROUTE	BIKE ROUTE
E. Cesar Chavez	45'	35'	Arterial	Yes	17,482,490	Yes

CITY COUNCIL DATE:

February 26, 2009

ACTION:

There was a motion to postpone this item to March 23, 2009 made by Council Member Martinez and seconded by Council Member Morrison. The owner and agent were directed to meet with the Small Business Development Program to redesign the business plan in order to come into compliance with the zoning category. The applicant was directed to meet with the neighborhood to mitigate the issues.

The substitute motion to postpone this item to March 12, 2009 was approved on Council Member Martinez' motion, Council Member Shade's second on a 6-0 vote. Mayor Wynn was off the dais."

March 12, 2009

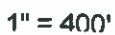
ORDINANCE READINGS: 1st 2nd 3rd

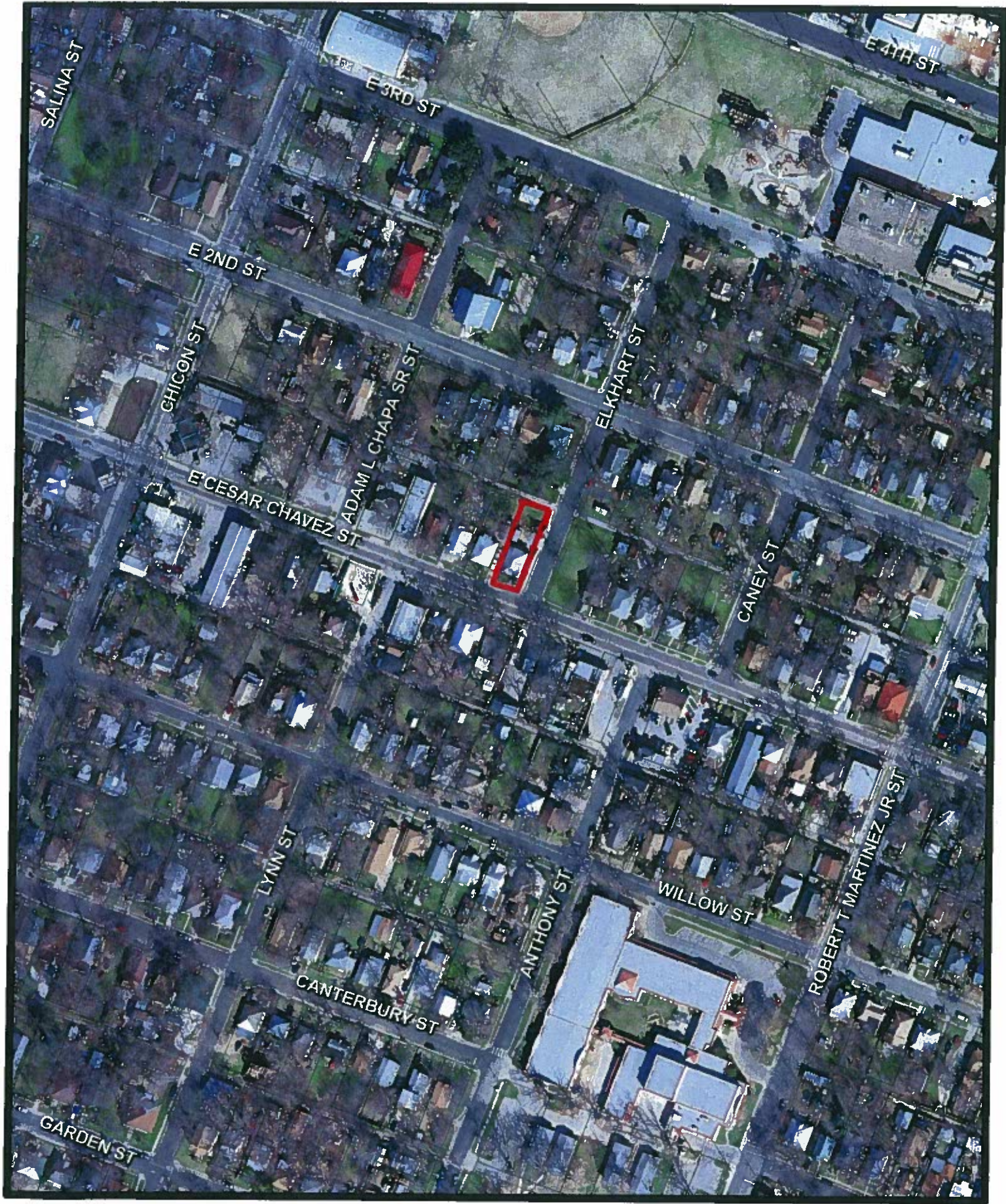
ORDINANCE NUMBER:

CASE MANAGER: Joi Harden

PHONE: 974-2122

E-MAIL: joi.harden@ci.austin.tx.us;





C14-2008-0247 2020 E. Cesar Chavez St.

FROM CS-CO-MU-NP (Commercial Services-Conditional Overlay-Mixed Use-Neighborhood Plan
TO (CS-1-CO-MU-NP) Commercial Liquor Sales-Conditional Overlay-Mixed Use-Neighborhood Plan



KEY NOTES

1. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14. 9. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
2. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
3. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
4. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
5. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
6. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
7. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
8. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
9. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
10. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
11. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
12. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
13. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
14. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
15. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
16. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
17. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
18. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
19. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.
20. APPROVED POCKET APPROVED CLAS 8 FOR DETAIL 7108-1 ON SHEET 14.

ENGINEER'S CERTIFICATION

A CIVIL PROCEEDING "CONCERNING" A PLAY OR PLAY AS COMPLETED, AND IN COMPLIANCE WITH THE REQUIREMENTS OF THE SUBCOMMITTEE THE PROSECUTOR OR PROSECUTORS MAY MAKE THE PROSECUTION AFTER MAKING A DETERMINATION THAT THE PLAY OR PLAY INCLUDES ONLY MINOR ALTERATIONS OR IMPROVEMENTS THAT DO NOT REQUIRE THE SERVICES

3

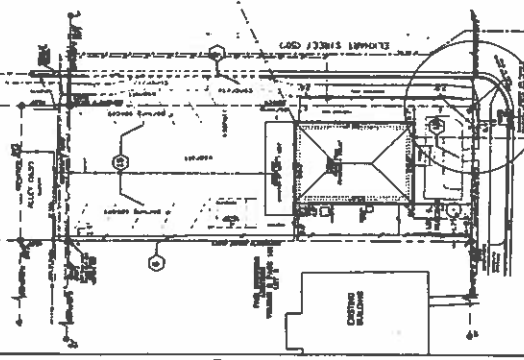
[illegible]**NOTE:**[illegible]

ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE SUBMITTER. APPROVAL OF THESE PLANS BY THE CITY OF ALBUQUERQUE DOES NOT REQUIRE THESE RESPONSIBILITIES.

SITB PLAN RELEASE

[illegible]

SP 207-0726CS



BOILING CONDITIONS
SCALE 1"=10'

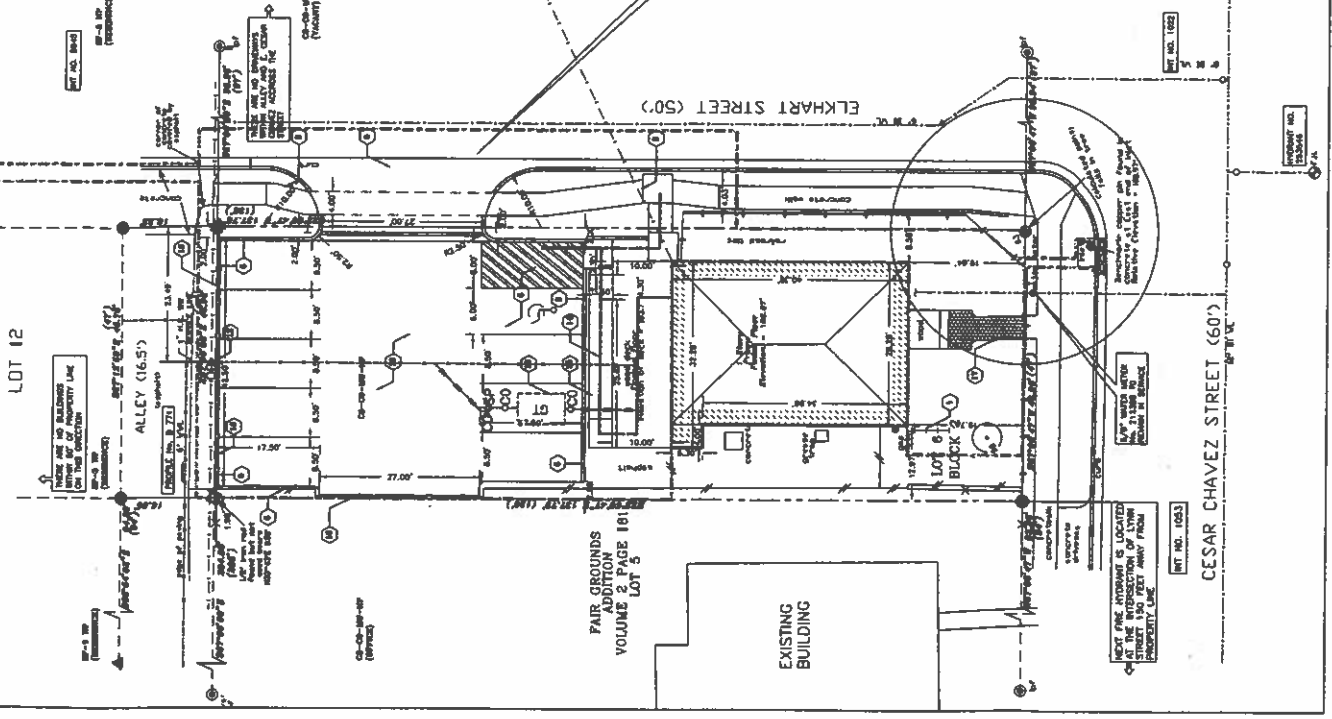
CONTRACTOR TO USE ALLEY FOR ACCESS TO POOL
CLOSING, DRIVEWAY AND SIDEWALK WITHOUT STREET
CLOSING. CONCRETE TRUCK WILL BE ON PRIVATE
PROPERTY AT TIME OF POOL. ALL EXCHANGES MUST BE
MADE FOR 20, 200-4 SHEETS 1 THROUGH 9
ON PLAN SHEETS 7 AND 8 FOR OVERSEAS PROTECTION.
PHONE WEEKLY CLOSING FOR OTHER 20-4-19-227
9 OF 9.

PARKING TABLE

DATE	SIZE	DATE	SPACES REQUESTED	SPACES PROVIDED
001	5,161 S.F.	1/108 S.F.	11.81	ACCESSIBLE 1
				RESTAURANT 0
				CONVENT 0
				TOTAL 0

UNSATISFACTORY REDUCTIONS (YES) =

MAX OF 15 VEHICLES SPACE OR 2 SPACES = (USE OF Box 8-40) NEW
MOTORIST & SPACE REQUIRED. SPACE REQUIRED. A SPACE

[illegible][illegible]

FAIR GROUNDS
ADDITION
VOLUME 2 PAGE 1

EXISTING
BUILDING

CESAR CHAVEZ STREET (60')

NEXT FIRE HYDRANT IS LOCATED
AT THE INTERSECTION OF LYNN
STREET 190 FEET AWAY FROM
PROPERTY LINE

ENT NO. 1053

SUMMARY STAFF RECOMMENDATION

The staff recommendation is to deny the change from CS-MU-CO-NP (Commercial Services – Mixed Use – Conditional Overlay – Neighborhood Plan) district zoning to CS-1-MU-CO-NP (Commercial–Liquor Sales – Mixed Use – Conditional Overlay – Neighborhood Plan) zoning district.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should be consistent with the proposed Future Land Use Map (FLUM) or adopted neighborhood plan.*

The Holly Neighborhood plan was adopted in 2001 addresses prohibiting additional CS-1 throughout the neighborhood.

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

CS-1-CO-NP – Commercial Liquor Sales (CS-1) district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments, and also includes liquor sales as a permitted use. After evaluation, it was determined that the current zoning of CS (General Commercial Services) zoning district is more appropriate due to the proximity to residential areas.

EXISTING CONDITIONS

Site Characteristics

The subject property is currently developed with a one-story brick building that is occupied by Buckets Deli. The land is relatively flat and is moderately vegetated.

Impervious Cover

The maximum impervious cover allowed by the CS and CS-1 zoning district is 95%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

No additional right-of-way is needed for E. Cesar Chavez at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

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

Site Plan Review

This tract is already developed.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is across the street from, adjoining or located 540-feet or less from property zoned SF-5 or more restrictive, or on which a use permitted in an SF-5 or more restrictive zoning district is located will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the N, S, E & W property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

P E T I T I O N

Date: 1/29/2009

File Number: C14-2008-0247

Address of Rezoning Request:
2020 E. Caesar Chavez (Bucket's Sports Bar)

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 (current classification).

Bucket's has used the CS classification to operate as a bar. To grant Bucket's a CS-1 classification would only allow its owners more freedom to operate as a bar -- instead of a restaurant (or deli). Prior to opening, Bucket's paved over its entire back yard without permits. After opening, Bucket's built a porch addition -- without permits -- directly facing residences. Bucket's has not demonstrated 51% food sales. Bucket's is not operating as a CS-zoned restaurant and has not demonstrated compliance with city code or neighborly behavior. Since opening Bucket's has been a neighborhood nuisance.

As for its impact on the neighborhood, Bucket's has frequently violated the noise ordinance past 10:30pm (these violations are documented with Austin 911). Originally the jukebox was loud. The patrons are often still loud. They congregate on the back porch of Bucket's (where TV and speakers are mounted) or in the Buckets parking lot. This area is directly facing residences to the north. This does not comply with noise ordinance rules within 500 feet of the property line.

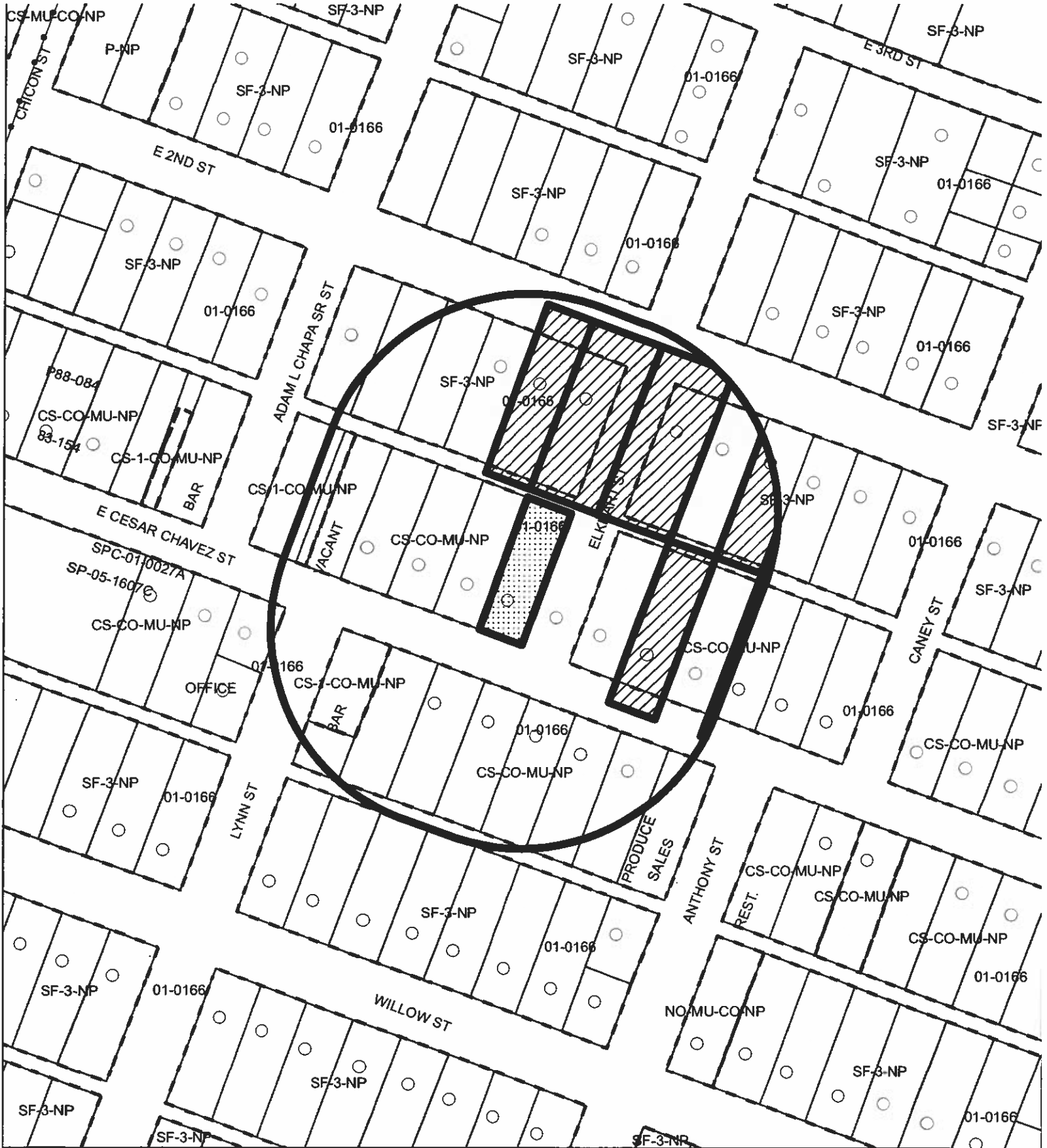
Patrons park their cars on Elkhart, along East 2nd St., and all the way to East 3rd St. directly adjacent to residences--occasionally blocking our driveways. As patrons come and go from Bucket's they sometimes are loud and leave their car engines idling or their car stereos blasting after 10:30pm during weeknights and weekends. Patrons regularly throw beer bottles in our yards. We've witnessed reckless driving as some of these inebriated patrons speed away from side streets onto Caesar Chavez and East 2nd St.


Patrons have trampled our landscapes. Residents have witnessed patrons urinating in our yards or in the street or alleys adjacent to our homes. Patrons sometimes use profanity outside our windows (where our kids can hear). Sometimes they argue at late hours on Elkhart. At least one fight has occurred at Bucket's that required police and EMS when someone was hit over the head with a glass bottle. And the night before the January 27th public hearing, police and EMS once again visited Bucket's around 10:45pm for an emergency. Neighbors have witnessed a patron smoking marijuana on the sidewalk of Elkhart just outside of our bedroom windows (he was going back and forth between Bucket's and our property, presumably to conceal his actions). Neighbors have found used condoms on our property near the alley behind Bucket's.


RECEIVED

FEB 11 2009

Neighborhood Planning & Zoning






 BUFFER

 PROPERTY_OWNER

 SUBJECT_TRACT

 OPERATOR: S. MEEKS

 1" = 200'

PETITION

 CASE#: C14-2008-0247

 ADDRESS: 2020 E CESAR CHAVEZ

 GRID: K21

 CASE MANAGER: J. HARDEN



This map has been produced by G.I.S. Services for the sole purpose of geographic reference.

 No warranty is made by the City of Austin regarding specific accuracy or completeness.

PETITION

Case Number:

C14-2008-0247

Date:

Feb. 18, 2009

2020 E CESAR CHAVEZ

Total Area Within 200' of Subject Tract

198,905.76

1	<u>0202081004</u>	<u>DOMINGUEZ MARY S</u>	<u>8365.92</u>	<u>4.21%</u>
		<u>NUFFER DARCY L &</u>		
		<u>LEON A RICHARDSON</u>		
2	<u>0202081005</u>	<u>III</u>	<u>12462.59</u>	<u>6.27%</u>
		<u>CASTILLO</u>		
3	<u>0202081501</u>	<u>ALEXANDRIA L</u>	<u>12929.11</u>	<u>6.50%</u>
		<u>SELVERA ROBERT G &</u>		
4	<u>0202081503</u>	<u>ALICE MOODY</u>	<u>4445.37</u>	<u>2.23%</u>
5	<u>0202081509</u>	<u>SALINAS MARION R</u>	<u>1042.242375</u>	<u>0.52%</u>
6	<u>0202081511</u>	<u>VALLEJO GREGORIO</u>	<u>7944.19</u>	<u>3.99%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>
26				<u>0.00%</u>
27				<u>0.00%</u>

Validated By:

Total Area of Petitioner:

Total %

Stacy Meeks

47,189.42

23.72%

OBJECTIONS to case Number: C14-2008-0247

**Leon Richardson
2011 E. 2nd St.**

The current mixed use clause (MU) for the Holly Neighborhood plan has already allowed a beer bar, Bucket's, to open and operate within 500 feet of residences. This business is not a deli. And it is disguising its operations as a deli. Allowing more zoning privileges to Buckets such as liquor sales will only increase its negative impact on the neighborhood.

Buckets has already held the city and this neighborhoods rules in disregard. They paved over their backyard without permit. They have built a covered patio without permit. They are currently being audited and as I understand it HAVE NOT shown over 51% in food sales. Their noise violations occur weekly and sometimes nightly. This noise consists of loud patrons, outdoor televisions and speakers without sound reinforcement permits, live music, and loud music from within the establishment at high volumes past their property line. There has been at least one fight on record since opening where someone was assaulted with a glass bottle and police and EMS rushed to the scene. A liquor license or any other zoning privileges will only make things worse in the neighborhood.

The patrons of Buckets block our driveway and other neighbors' driveways on a regular basis. They litter our yards with beer bottles from Bucket's. They sometimes empty the bottles already in their cars when they arrive and park. The patrons park without permission on adjacent lots despite "no parking" postings. Patrons urinate on our property or near cars parked adjacent to our house before and after going to Bucket's. The patrons are frequently loud at late hours of the night on the way to and from their cars. They are drunk. They are sometimes arguing outside our house windows—especially on the weekends. And I've witnessed people smoking marijuana on the sidewalk next to our house in broad daylight (5pm). I had never witnessed any of these things before Buckets opened.

The patrons loiter even after Buckets has closed. They will idle their cars, trucks, or motorcycles for long periods of time in the neighborhood after 10:30pm. Bikers will often rev their bikes full throttle as they leave at all hours of the evening. The patrons will congregate on the rear porch of Buckets cheering or just being rowdy in general without regard to the homes around them. This affects my sleep—my 9-year-old step son's sleep. In regards to our son...we mostly fear for his exposure to the cursing and yelling immediately outside his window every week—not to mention being exposed to a grown man urinating just outside our windows. Or worse. Our neighbors found used condoms in the alley way where patrons often park.

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247
Contact: Joi Harden, (512) 974-2122
Public Hearing:
January 27, 2009 Planning Commission
February 26, 2009 City Council

☒ I am in favor of this object

Your Name (please print): Whitney Lee

Your address(es) affected by this application: 2011 E 2ND ST APT 201
78702

Signature

Date

01/23/2009

Comments: Buckets has been a

neighborhood nuisance since it has opened. There are beer bottles

in our yard, parking is scarce, the establishment has loud music and we can hear people on the patio.

Worst though are the customers who are drunk and loiter by our house after Buckets closes for the night. We

can hear yelling and cussing through our walls.

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088
Austin, TX 78767-8810

Our 9-year-old son's bedroom →

INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

www.ci.austin.tx.us/development

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Número de caso: C14-2008-0247
Persona designada: Joi Harden, (512) 974-2122
Audiencia Pública: January 27, 2009 Planning Commission
February 26, 2009 City Council



Su nombre (en letra de molde)

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Comments: is near the street and

he can hear these things

several times a week. Other offenses

include: calling themselves a Deli when

they are clearly a bar, loud beer

trucks and dumpster trash removal in

the early mornings, people trampling

our plants and blocking our driveway,

and loud police with vehicles WHEN

and loud police with vehicles WHEN

Si usted usa esta forma para proveer comentarios, puede retornarlos

a: City of Austin
Neighborhood Planning & Zoning Department

Joi Harden,

P. O. Box 1088

Austin, TX 78767-8810

Thank you for

bar violence
and fights
occur.

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

Leon Richardson

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

Your Name (please print)

2011 E. 2nd St.

Your address(es) affected by this application

[Signature]

Signature

Date

1/23/09

Comments:

The MU clause has already allowed a beer bar to exist within 500 ft of residences by disguising its operations as a deli. This business is not a deli. Allowing it more zoning privileges will increase its negative impact on the neighborhood. Beer sales and the loudness it has attracted since opening will only become worse with liquor sales.

This is against the intent of the MU clause. Note →

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

Buckets' patrons have damaged our property by running over our recycling bins or orange cones. They have trampled my neighbor's landscaping. The potential for damage is life-threatening as well. I have seen drunk drivers peel away from Elkhart St. onto Caesar Chavez or E. 2nd Street. As the drunk or reckless drivers approach the cross street, they either cut the corner sharp or make drunken wide turns into the opposing lanes.

After Buckets opened I have noticed a spirited competition between Buckets and Club El Calentano across the street. El Calentano has begun pumping its PA and sub-woofer to attract Buckets customers a few minutes before Buckets closes every night. The party never ends and we get no rest.

All of these violations disrupt our living situation. Some of these things are potentially life threatening. And the negative impact on property value is apparent as well. There is a house directly next to Buckets that went on the market after Buckets opened and has yet to sell. The damage is already bad enough.

Any council member who supports an establishment that has caused so many negative repercussions should be called out on their negligence. This was not the intent of the mixed use clause in the Holly Neighborhood plan. And the proposed zoning changes should be denied.

~~scribble~~
Jordan Lee

2011 E 2nd St 78702

I object to the rezoning

~~scribble~~ 01/23/09

I highly object to Buckets rezoning.
~~scribble~~ Already they seem to be bending the rules of their "mixed use" status. They are the first deli that doesn't let anyone under 21 in ^{after 5:30} that I have ever seen.

There is also constantly bottles and cans littered in our yard, and if people are allowed to carry open containers out of the establishment that is a huge problem. My last concern has to do with noise. Buckets plays loud music and even worse is the drunk people loitering next to the house. I fear that if Buckets is allowed to rezone these problems will only get worse especially since ~~they aren't~~ they haven't shown a willingness to comply with the current rules of ~~mixed use~~ their mixed use status.

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

☐ I am in favor
☒ I object

Alexandria L. Custillo

Your Name (please print)

2015 E 2nd St Austin Texas

Your address(es) affected by this application

Alexandria L. Custillo

Signature

1/21/09

Date

Comments: I don't like that they park blocking my driveway. I find empty beer bottle all over my yard. They go by pickup empty beer bottle with a flash light. They say it is a deli but it is a bar. There vendor block my driveway when they go and deliver there beer. There motorcycle are in front of the side of my house. There motorcycle are very loud. There customer move my truck & recycle cart back into my yard on Friday. I am a musician person can not go and pick up the truck from the street because they sometimes block up the truck into the Texas car and they will have some when I tell them to pick it up. I don't like when they pickup there dumpster yearly in the morning it wakes me up. The noise from all the beer hut my head. They step all over my plants & trash my yard. Buckets doesn't have enough parking for there customers. They have very loud music & they have a TV outside. They were very rude when they came to me to ~~cancel~~ sign a list I told them no. I want the to closer it now. I don't like when they have fight out. Like when they have fight out there. I am scared that they might shoot @ my house. I don't like that they are having sex out side

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247

Contact: Joi Harden, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

Bachell Whitcombe

Your Name (please print)

2017 & 2nd st.

Your address(es) affected by this application

Rached C. Whitcomb

Signature

Date _____

1/21/09

Comments: I don't like when I get home and there customers will not let me go in to the driveway. I don't like that I have to go & tell them to come & pick up there empty box up. There customer sometime double park in the street & we can't come or leave the house. I don't like that I have to pick up there empty box from the side of the front of the house. I don't like that I have to stay in front of the house & night I can home and a man stay in front of the alley right behind the house. I need to go & tell the manager to tell there customer to move there car because I needed to pick up my grandson at basketball and I can't go so my grandson had to walk here. My grandson was scared when he saw a man that had been in a fight there, & I'm 5'6" tall & he was 6'2" tall. We were not even worried about what than they just close the backyard for that night. They don't let me sleep & I don't and I have to get up early in the morning to work & take my grandson to school. I had to call police & make a police report about them.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Joi Harden,}
P. O. Box 1088
Austin, TX 78767-8810

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden, }

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

☐ I am in favor
☒ I object

Odellia C. RODRIGUEZ
Your Name (please print)

2014 E. 2nd St Austin Texas 78702
Your address(es) affected by this application

Odellia C. Rodriguez Jan 21 2008
Signature Date

Comments: I am not happy with Buckets.
They told me that they were opening to
be a Deli it is no good for lunch it is
open for a bar. These customers take there
business the rest of the bar and when they
empty bottles on my yard. Some of these customers
urinate on the side walk in front of my house.
These customers that are driving motorcycle like
to race late at night. These customers are all the
they just upset us. On Sunday morning

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

When I go to
Church I will
come across
Someone that H U
upon the side walk I heard
to clean up after themselves

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

☐ I am in favor
☒ I object

Alice Moody

Your Name (please print)

2019 E. 2nd St

Your address(es) affected by this application

Alice Moody

Signature

1-22-09

Date

Comments: Music Loud and people make too much noise can't sleep motorcycle too loud cars parked on both side of Street all the way to stop sign hard to turn to Elkhart And have to go in the middle of Cesar Chavez to turn left or right. cars park everywhere.

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0247

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

☐ I am in favor
☒ I object

Your Name (please print)

JAMES O. MOORE

Your address(es) affected by this application

1917 Willow St.

Signature

Date

1-22-09

Comments:

Strongly object to a

Commercial-Liquor Sales

district CS-1-CO-MU-NP

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810