

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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

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

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

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

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

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

Case Number: SPC-2010-0333A

Contact: Donna Galati, 974-2733 or

Elsa Garza, 512-974-2308

Public Hearing: Zoning and Platting Commission, Apr 5, 2011

Steve Fred
Your Name (please print)

☒ I am in favor
☐ I object

13945 Hwy 183 Suite B-1
Your address(es) affected by this application

Signature
Daytime Telephone: 512 834 0464
Date

Comments:

Factory Mattress Sales
8409 N Lamar
Austin, TX 78753
512-834-6464

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

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

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MAR 29 2011

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Contact: Donna Galati, 974-2733 or

Elsa Garza, 512-974-2308

Public Hearing: Zoning and Platting Commission, Apr 5, 2011

Judy Goldman

Your Name (please print)

LJR Austin Properties LLC

Your address(es) affected by this application 1717 Adena, CA 91801

1315 E. Mendocino St. 329-11

Judy Goldman Date

Daytime Telephone: (626) 794-7434

Comments:

We have submitted our
comments twice before.

See attached.

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

City of Austin

Planning and Development Review - 4th floor

Donna Galati

P.O. Box 1088

Austin, TX 78767-8810

C8

Item 5 Fast Eddie's CUP
SPC-2010-0333A

From: Judith Goldman
Subject: **Public Hearing on Application for Rezoning** Case # C14-2010-0085
Date: August 2, 2010 10:25:40 AM PDT
To: sherri.sirwaitis@ci.austin.tx.us

CS

To Sherri Sirwaitis
Case Manager
City of Austin
Land Use Commission

Re: Case # C14-2010-0085

Request for Zoning Change from GR to CS-1

We are the owners of the former Bennigan's Restaurant property (13995 N US 183 Highway) and located within 500 feet of the proposed Fast Eddie's. We object to the rezoning request for the following reasons:

1. The purpose of zoning districts is to separate incompatible uses in order to reduce conflicts between property owners, to protect property values, and to promote the general welfare of the area. Granting the proposed rezoning violates all of these public welfare purposes.
2. The applicant purchased the property with knowledge of the permissible existing zoning uses, which are many and extensive and has not demonstrated that the property cannot be utilized under the existing zoning, nor submitted any hardship to justify a variance from existing zoning. The current zoning permits many uses, such as offices and commercial uses serving neighborhoods and community needs, and includes restaurants but does not allow cocktail lounges.
3. An upgrade in zoning affects all other nearby properties, especially one in which the applicant proposes that the primary use of the rezoned property will be consumption of alcoholic beverages. In effect, the applicant is proposing to be allowed to operate a cocktail lounge, which also has increased noise as an attendant use.
4. Under CS-1 zoning a cocktail lounge is a conditional use. There are not many of these which are permitted, as these establishments are not good for the general welfare and inhibit the uses of neighboring properties.
5. Under the Austin City Code Section 25-2-4(B), a "Cocktail Lounge" use is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, while a "Restaurant General" use is the use of a site for the preparation and retail sale of food and beverages and includes sale and on-premises consumption of alcohol as an accessory use. Food sales is considered the principal use as long as it is at least 51% of gross revenue. See Section 25-2-808. Very few properties are zoned to allow use as a cocktail lounge, due to impact on the welfare of the community and nearby uses. Any bar which proposes that more than half of its revenue will come from sale and consumption of alcohol will negatively impact its neighbors, most of which are commercial family shopping or restaurants, such as Target. A cocktail lounge so close to these establishments will not promote the overall health of the area and will definitely affect the leasability of our nearby, currently vacant

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Fast Eddie's, CUP
SPC-2010-0333A

commercial property which had been leased as a Bennigan's restaurant (with alcohol sales incidental to food sales).

Our property has been vacant for almost 2 years and it will be much harder to find a tenant for our property if there is a rezoned use nearby which allows a noisy cocktail lounge. The value of our property will plummet even further if a neighboring property, currently zoned for community use, is rezoned to permit a conditional use for cocktail sales.

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6. There is no need for a rezoning of the project location, as other neighboring and currently vacant and available properties already enjoy a CS-1 zoning. However, none of these properties are zoned to permit the conditional use of a cocktail lounge.

Judith Goldman
Deborah Zahrt

LJR Austin Properties LLC