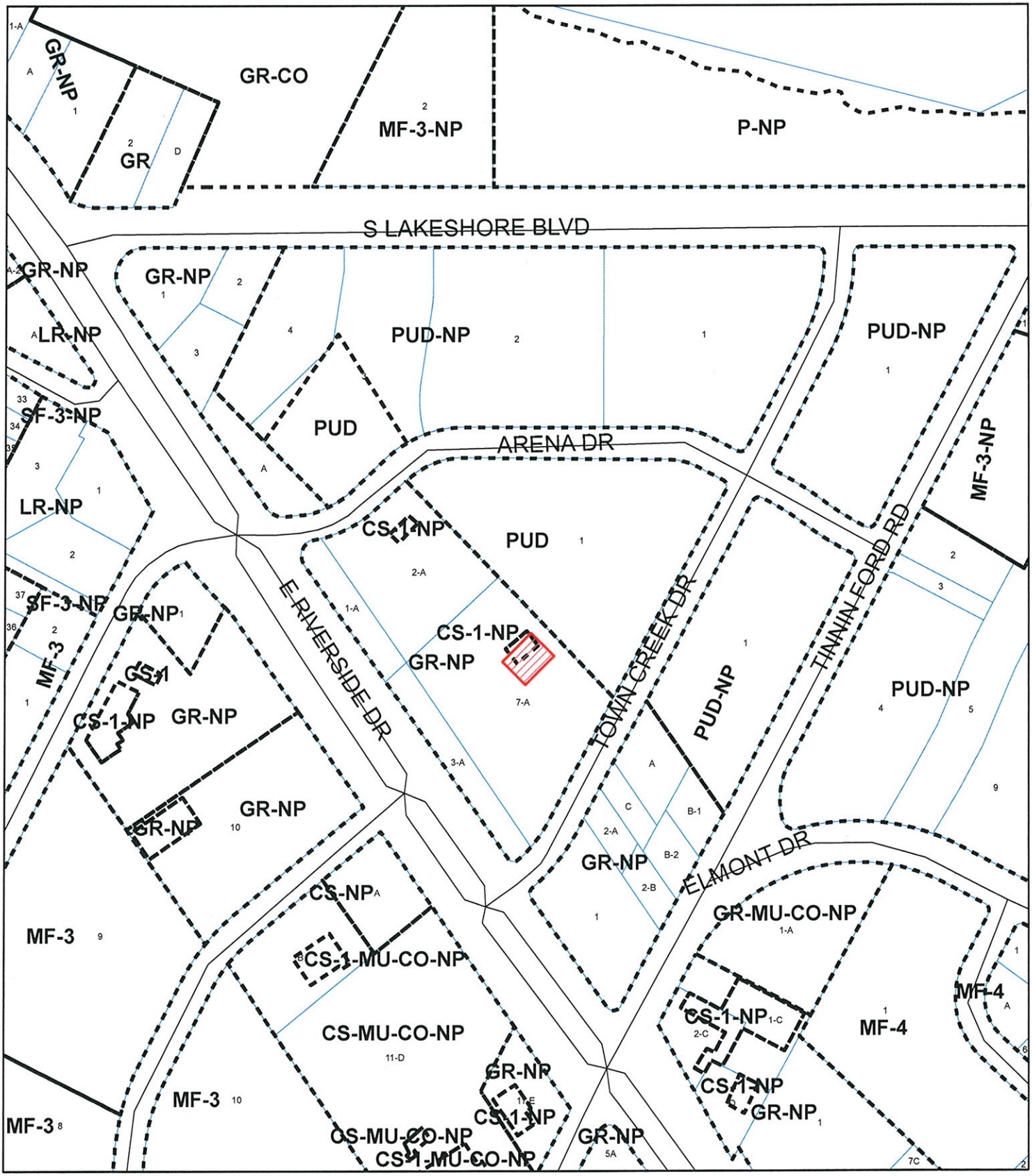


SITE PLAN

N

SUBJECT TRACT

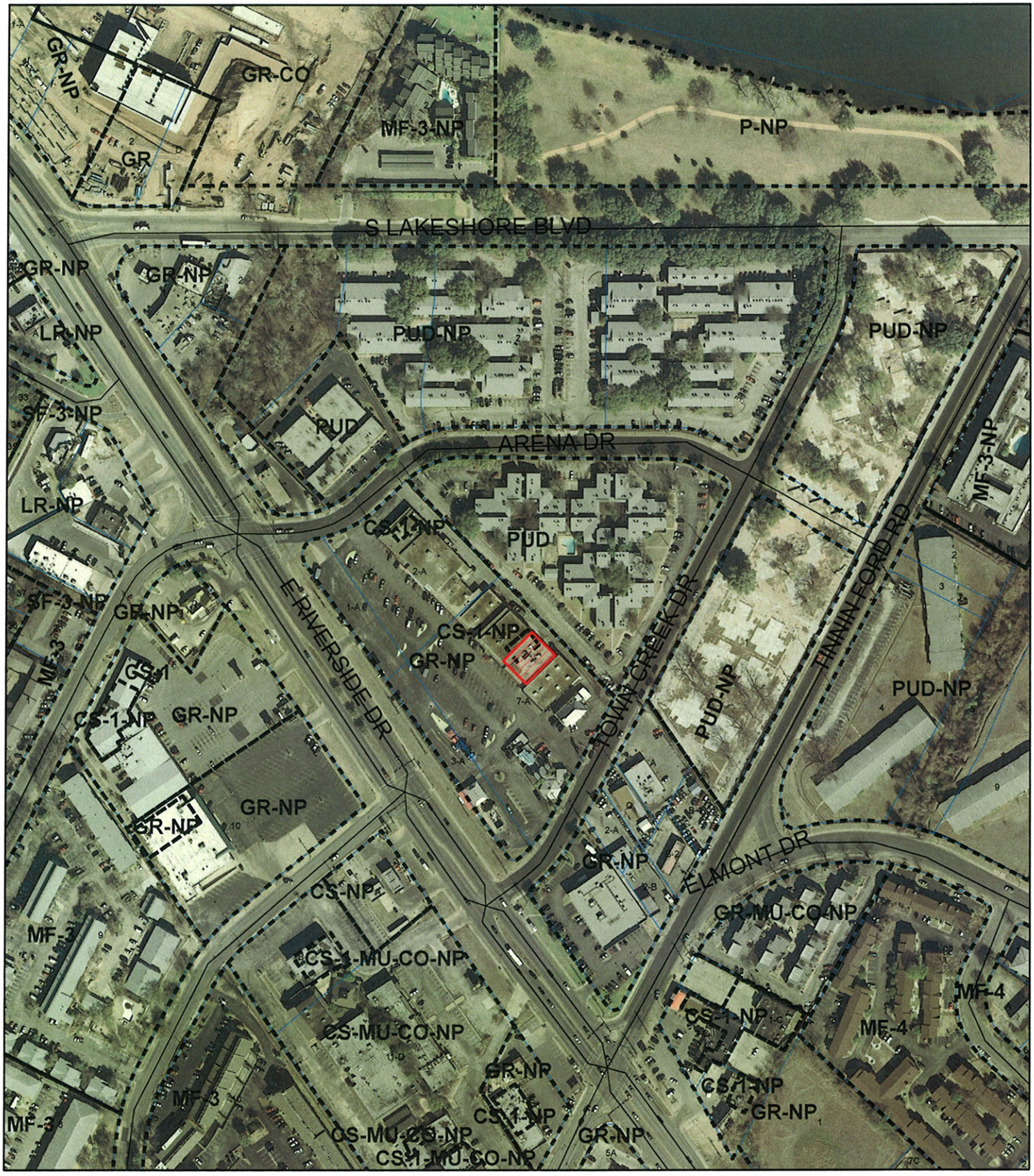
ZONING BOUNDARY

0 125 250 500 Feet

CASE#: SPC-2010-0288A
ADDRESS: 1926 E. RIVERSIDE DR
MANAGER: SARAH GRAHAM

CITY OF AUSTIN FOUNDED 1839

This map has been produced by site plan review for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.



SITE PLAN

N

SUBJECT TRACT

ZONING BOUNDARY

0 125 250 500 Feet

CASE#: SPC-2010-0288A
ADDRESS: 1926 E. RIVERSIDE DR
MANAGER: SARAH GRAHAM

CITY OF AUSTIN
FOUNDED 1839

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City of Austin Planning and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC-2010-0288A

PROJECT NAME Pepper's Bistro

PROJECT ADDRESS 1926 E. Riverside Drive
Austin, Texas 78741

APPLICANT'S NAME Phil Moncada

CITY CONTACT Sarah Graham

DATE APPEAL FILED June 22, 2011

YOUR NAME Phil Moncada

SIGNATURE Phil Moncada

YOUR ADDRESS 1301 S. IH 35, Suite 204
Austin, Texas 78741

YOUR PHONE NO. (512) 627 – 8815 **WORK**
( ) _____ **HOME**

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☒ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date) _____.
- ☐ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☐ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan — Date of Decision: _____
- ☐ Replacement site plan — Date of Decision: _____
- ☒ Land Use Commission Approval/Disapproval of a Site Plan — Date of Decision: June 14, 2011
- ☐ Waiver or Extension — Date of Decision: _____
- ☐ Planned Unit Development (PUD) Revision — Date of Decision: _____
- ☐ Other: _____ — Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

Need more time to gather information from Austin Police Department records. See attached letter also.

(Attach additional page if necessary.)

Applicable Code Section: 25-5-145 (A-D)

Moncada Consulting

1301 S. I H 35 Suite #204
Austin, TX 78741

Phone: (512) 474-7377 Fax: (512) 474-4923

June 23, 2011

City Council
301 W. 2nd Street
Austin, Texas 78701

RE: 1926 E Riverside Drive / Pepper's Bistro
SPC-2010-0288A Reconsideration Request

Dear Council Members;

Pepper's Bistro located at 1926 E. Riverside Drive meets all of the conditions and requirements for a conditional use permit.
This location has had CS-1 zoning in place since 1973.

Respectfully,

Phil Moncada

Phil Moncada

cc: file
cc: COA

Moncada Consulting

1301 S. I H 35 Suite #204
Austin, TX 78741

Phone: (512) 474-7377 Fax: (512) 474-4923

June 21, 2011

City Council
301 W. 2nd Street
Austin, Texas 78701

RE: 1926 E Riverside Drive / Pepper's Bistro
SPC-2010-0288A Reconsideration Request

Dear Council Members;

My client, Raul Aguilar and I are requesting a reconsideration of his case due to a lack of accurate information being provided to the Planning Commission by a neighborhood representative. They never made any effort to contact us regarding the Conditional Use Permit for this business, We will be requesting that APD provide us information that Officer Lopez stated to the neighborhood group. He stated the site had over 58 complaints from APD. We are in a strip shopping center that has numerous businesses that serve alcohol. We only had eight specific visits and no citations issued.

We already have CS-1 zoning that has been in place since 1973 for the location. We meet all of the ordinance requirements as they relate to this existing business.

Please allow me to present this case to you with new information. I will be providing this update if we are given an opportunity for reconsideration since this material was not part of our original submittal packet.

Sincerely,

Phil Moncada

cc: file
cc: COA

Graham, Sarah

From: Welkener, Melissa
Sent: Thursday, June 23, 2011 3:27 PM
To: Davila, Leander
Subject: RE: 1926 E Riverside Pepper's Bistro
Attachments: 1926Riverside_Peppers_YTD2011.xls

Attached are the reported incidents YTD 2011 for Peppers, which was run for Officer Lopez on May 16th.

Melissa Welkener
Crime Analyst
Region III: Violent Crime
Austin Police Department
(512) 974-5831

From: Davila, Leander
Sent: Thursday, June 23, 2011 9:16 AM
To: Welkener, Melissa
Subject: FW: 1926 E Riverside Pepper's Bistro

Hello Melissa,

My name is Lee Davila and I work in the Chief's Office. Chief received the email string below and I've been assigned to respond on his behalf. Did you run the statistical information mentioned below for Officer Ray Lopez? If so, can I get a copy of it please?

Please feel free to call me with any questions. Thanks!

Lee Davila
Constituent Liaison to City Hall
Office of the Chief of Police
Austin Police Department | P.O. Box 689001 | Austin, TX 78768
(512) 974-4711 | (512) 974-6611 | leander.davila@ci.austin.tx.us

From: Acevedo, Art
Sent: Wednesday, June 22, 2011 4:08 PM
To: 'moncadataz@sbcglobal.net'
Cc: 'rajinvestments55@yahoo.com'; APD Staff
Subject: Re: 1926 E Riverside Pepper's Bistro

Thank you, let me know if you do not hear from our folks.

AA
Chief Art Acevedo
Austin Police Department----------
Sent using BlackBerry

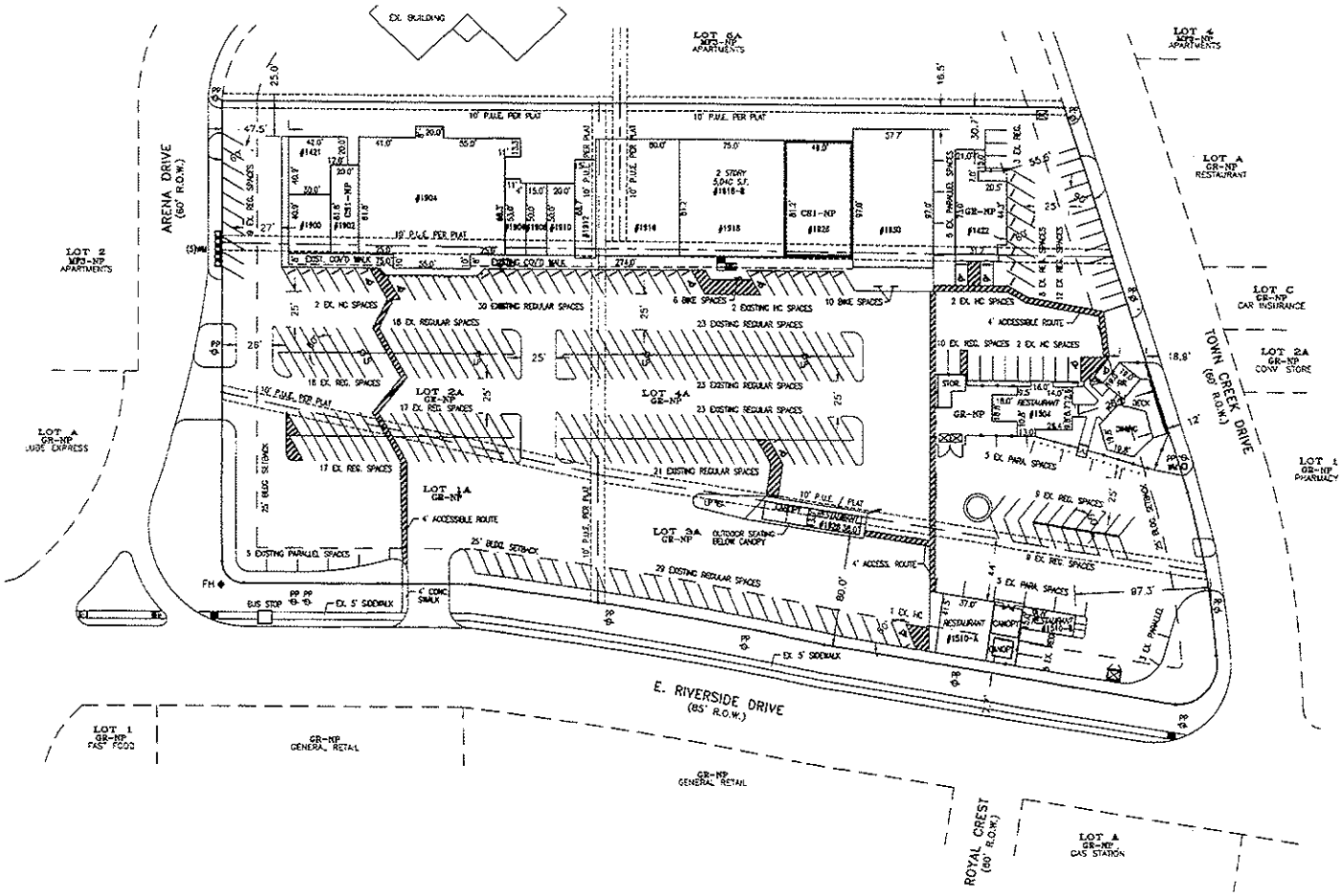
From: AEC Inc Moncada [mailto:moncadataz@sbcglobal.net]
Sent: Wednesday, June 22, 2011 04:04 PM

case_file_numbe	incident_start_date	incident_start_time	week_day	street_name	offense1_desc	district	zone	grid
192050	1/19/11	2241	Wed	1926 E RIVERSIDE DR	ASSAULT BY THREAT	HE	2	441
220209	1/22/11	124	Sat	1926 E RIVERSIDE DR	CRIMINAL TRESPASS NOTICE	HE	2	441
5013068	1/31/11	242	Mon	1926 E RIVERSIDE DR	CUSTODY ARREST TRAFFIC WAI	HE	2	441
310155	1/31/11	242	Mon	1926 E RIVERSIDE DR	ASSAULT W/INJURY-FAM/DATE V	HE	2	441
6902623	2/18/11	2357	Fri	1926 E RIVERSIDE DR	POSS CONTROLLED SUB/NARCC	HE	2	441
500295	2/19/11	315	Sat	1926 E RIVERSIDE DR	ASSAULT WITH INJURY	HE	2	441
790409	3/20/11	234	Sun	1926 E RIVERSIDE DR	CRIMINAL TRESPASS NOTICE	HE	2	441
790308	3/20/11	151	Sun	1926 E RIVERSIDE DR	THEFT FROM PERSON	HE	2	441
862083	3/27/11	2306	Sun	1926 E RIVERSIDE DR	PUBLIC INTOXICATION	HE	2	441
912855	4/2/11	2354	Sat	1926 E RIVERSIDE DR	PUBLIC INTOXICATION	HE	2	441
1010218	4/11/11	548	Mon	1926 E RIVERSIDE DR	TERRORISTIC THREAT	HE	2	441
1070138	4/17/11	149	Sun	1926 E RIVERSIDE DR	PUBLIC INTOXICATION	HE	2	441
1192555	4/29/11	2351	Fri	1926 E RIVERSIDE DR	PUBLIC INTOXICATION	HE	2	441

Incident	Priority	Problem	Address	City	Response Date/Time
110062304	2	Disturbance Other	1926 E Riverside Dr	AUSTIN	1/6/2011 23:31
110090167	2	Disturbance Other	1926 E Riverside Dr	AUSTIN	1/9/2011 1:37
110160223	3	Hang-up Payphone	1926 E Riverside Dr	AUSTIN	1/16/2011 2:14
110192050	3	xASSAULT BY THREAT	1926 E Riverside Dr	AUSTIN	1/19/2011 22:24
110220209	2	Disturbance Other	1926 E Riverside Dr	AUSTIN	1/22/2011 1:24
110230316	2	Nature Unknown	1926 E Riverside Dr	AUSTIN	1/23/2011 2:18
110300298	0	-Disturbance Violent HS	1926 E Riverside Dr	AUSTIN	01/30/2011 02:05:34
110310139	3	Hang-up Payphone	1926 E Riverside Dr	AUSTIN	01/31/2011 02:29:20
110310155	3	xASSAULT WITH INJURY	1926 E RIVERSIDE DR	AUSTIN	01/31/2011 02:42:17
110362343	3	xASSIST EMS	1926 E Riverside Dr	AUSTIN	02/05/2011 23:21:06
110370306	1	Disturbance Violent Urgent	1926 E Riverside Dr	AUSTIN	02/06/2011 02:15:13
110440132	3	Hang-up Payphone	1926 E Riverside Dr	AUSTIN	02/13/2011 01:07:40
110450009	X	DWI/Reckless Driving Info	1926 E Riverside Dr	AUSTIN	02/14/2011 00:05:14
110450131	X	DWI/Reckless Driving Info	1926 E Riverside Dr	AUSTIN	02/14/2011 01:55:48
110500438	2	xCRIMINAL TRESPASS	1926 E RIVERSIDE DR	AUSTIN	02/19/2011 03:04:10
110580474	X	Information	1926 E Riverside Dr	AUSTIN	02/27/2011 03:39:38
110580538	3	Public Intoxication	1926 E RIVERSIDE DR	AUSTIN	02/27/2011 04:30:46
110660089	2	Disturbance Other	1926 E Riverside Dr	AUSTIN	03/07/2011 00:56:54
110730164	3	xASSIST COMPLAINANT	1926 E Riverside Dr	AUSTIN	03/14/2011 01:18:24
110780043	3	xPUBLIC INTOXICATION	1926 E Riverside Dr	AUSTIN	03/19/2011 00:15:09
110790308	3	xTHEFT FROM PERSON	1926 E RIVERSIDE DR	AUSTIN	03/20/2011 01:51:54
110790409	2	xCRIMINAL TRESPASS	1926 E Riverside Dr	AUSTIN	03/20/2011 02:32:55
110862083	3	xPUBLIC INTOXICATION	1926 E Riverside Dr	AUSTIN	03/27/2011 23:06:24
110891579	3	xASSIST COMPLAINANT	1926 E Riverside Dr	AUSTIN	03/30/2011 18:21:33
110912789	1	Check Welfare Urgent	1926 E Riverside Dr	AUSTIN	04/01/2011 23:31:29
110912855	3	xPUBLIC INTOXICATION	1926 E RIVERSIDE DR	AUSTIN	04/01/2011 23:54:00
110932156	2	Suspicious Person	1926 E Riverside Dr	AUSTIN	04/03/2011 23:43:40
111000011	3	Public Intoxication	1926 E Riverside Dr	AUSTIN	04/10/2011 00:04:17
111010207	2	Suspicious Vehicle	1926 E Riverside Dr	AUSTIN	04/11/2011 02:35:41
111010217	2	Suspicious Vehicle	1926 E Riverside Dr	AUSTIN	04/11/2011 02:45:17
111010218	3	xTERRORISTIC THREAT	1926 E Riverside Dr	AUSTIN	04/11/2011 02:45:35
111052510	3	xASSIST COMPLAINANT	1926 E Riverside Dr	AUSTIN	04/15/2011 22:37:22
111070138	3	xPUBLIC INTOXICATION	1926 E Riverside Dr	AUSTIN	04/17/2011 00:57:51
111070314	2	Suspicious Vehicle	1926 E Riverside Dr	AUSTIN	04/17/2011 02:19:45
111140268	2	Suspicious Vehicle	1926 E Riverside Dr	AUSTIN	04/24/2011 02:18:05
111150041	2	Suspicious Vehicle	1926 E Riverside Dr	AUSTIN	04/25/2011 00:33:27
111180047	3	xDWLI DRIVING W/ LICENSE INVAL	1926 E RIVERSIDE DR	AUSTIN	04/28/2011 00:20:19
111180114	2	Suspicious Person	1926 E Riverside Dr	AUSTIN	04/28/2011 01:03:36
111192430	3	xPUBLIC INTOXICATION	1926 E Riverside Dr	AUSTIN	04/29/2011 23:04:34
111192555	3	xPUBLIC INTOXICATION	1926 E Riverside Dr	AUSTIN	04/29/2011 23:51:48
111210288	0	-Disturbance Violent HS	1926 E Riverside Dr	AUSTIN	05/01/2011 02:12:16
111280024	2	Disturbance Other	1926 E Riverside Dr	AUSTIN	05/08/2011 00:09:19
111291925	2	Suspicious Person	1926 E RIVERSIDE DR	AUSTIN	05/09/2011 20:23:38

** Above are all calls for service per APD VisiNet Incident Detail Report System. Calls highlighted in yellow are the calls that pertain to Peppers Bistro.

1926 E Riverside Dr


EX. BUILDING
LOT 5A
MF3-NP
APARTMENTS
LOT 4
MF3-NP
APARTMENTS
LOT A
GR-NP
RESTAURANT
LOT C
GR-NP
CAR INSURANCE
LOT 2A
GR-NP
CONV. STORE
LOT 1
GR-NP
PARTIALLY
LOT 2
MF3-NP
APARTMENTS
LOT A
GR-NP
JUDE EXPRESS
ARENA DRIVE
(60' R.O.W.)
TOWN CREEK DRIVE
(60' R.O.W.)
E. RIVERSIDE DRIVE
(85' R.O.W.)
ROYAL CREST
(60' R.O.W.)
LOT 1
GR-NP
FAST FOOD
GR-NP
GENERAL RETAIL
GR-NP
GENERAL RETAIL
LOT A
GR-NP
GAS STATION
10' P.U.E. PER PLAT
2 STORY
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Graham, Sarah

From: Toni House [thouse@phonelaw.com]
Sent: Thursday, May 05, 2011 3:18 PM
To: 'sully.jumpnet@sbcglobal.net'; 'amdealey@aol.com'; 'vskirk@att.net'; 'dave.anderson.07@gmail.com'; danette.chimenti@gmail.com; 'tbui.planningcommission@gmail.com'; 'mnrghatfield@yahoo.com'; 'alfonsochernandez@gmail.com'
Cc: Graham, Sarah; 'Terry & Barb Fox'; jlong91@austin.rr.com; 'Linda J. Watkins'; 'Malcolm Yeatts'; 'Dawn Cizmar'; 'Carl Braun'; 'Linda Land'; gayle.goff@gmail.com; 'John Harms'; jeanmather3@gmail.com; Judy Price; May, Mike; Krebs, Fred; Toni House; 'Sarah Campbell'
Subject: 5/10/11 Agenda Item ____: Case No. SPC-2010-0288A; Pepper's Bistro Change of Use

Dear Chairman Sullivan and Commissioners:

Please deny the requested change of use from restaurant/bar to cocktail lounge/liquor sales with late night hours. Our area has more than its fair share of late-night bars and APD□s public intoxication reports for this area are ridiculously high already. For the period of 1/1/11 through 4/29/11, approximately **one-quarter** of the public intoxication reports for zip code 78741 were **within walking distance** of the Pepper□s Bistro location.*

Please consider the 20,000 sq. ft. of cocktail lounge/liquor sales allowed for the Grayco PUD development, plus the 9,000 sq. ft. of cocktail lounge/liquor sales allowed for the Cypress Lakeshore PUD development, in addition to the existing numerous late night bars/nightclubs already up, down and near E. Riverside, and it becomes clear that we don□t need any more late night venues serving alcohol.

At its General Membership meeting held May 2, 2011, the South River City Citizens Neighborhood Association voted to support the E. Riverside/Oltorf Neighborhood Plan Contact Team in its opposition to this change. Thank you for your consideration. (Please include this email in the case file.)

*(Zip code 78741 includes all of the EROC NPA, in addition to the Montopolis NPA. I have not yet completed my review of 2010 and 2009 public intoxication reports (961 total) to determine how many of those were within walking distance of 1926 E. Riverside Dr. I did not include any drunk driving, robbery or assault reports □ only public intoxication reports, in my count.)

Sincerely,
/s/ Toni House, Secretary
EROC NPCT & SRCC Member
1503 Inglewood Street
Austin, TX 78741
Office: 225-0016; Home: 447-8090

cc: EROC NPCT
Sarah Campbell, President of SRCC
Sarah Graham, Case Manager

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-2010-0288A
Contact: Sarah Graham, 512-974-2826 or
Michelle Casillas, 512-974-2024
Public Hearing: Planning Commission, May 10, 2011

Randall A. Roessler
Your Name (please print)

☑ **I am in favor**
☐ **I object**

1806 E Riverside Dr (Jiffy Lube)
Your address(es) affected by this application

Randall A Roessler — May 3 2011
Signature — *Date*

Daytime Telephone: 512 947-9274

Comments: This is a good idea. We need nicer type places on E. Riverside

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