

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0103 / Radio Coffee & Beer

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4204 Manchaca Road and 2008 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to commercial-liquor sales-mixed use-conditional overlay (CS-1-MU-CO) combining district zoning, with conditions.

DEPARTMENT COMMENTS:

This is a rezoning for a footprint tract, and was approved by the City Council at First Reading with several conditions. Conditions incorporated into the rezoning ordinance as conditional overlay (CO) items include: 1) site development standards limited to those of the GR (community commercial) zoning district; and 2) uses limited to those of the GR district, with the exception of cocktail lounge, which would remain a conditional use.

Other conditions have been incorporated into a public restrictive covenant (RC); these include: 1) hours of operation for a cocktail lounge limited to 6:00AM to 12:00 AM; 2) prohibiting live outdoor amplified music; and 3) prohibiting live music outdoors after 11:00 PM.

Two other conditions, limiting outdoor amplified sound and outdoor amplified music to the southern portion of the property were not included in the CO or public RC because that property is actually outside the perimeter of the footprint rezoning tract, and thus not eligible for inclusion in the CO or public RC. However, the owner will enter into a private restrictive covenant regarding these items with abutting neighbors. Because this rezoning is driven by the stated desire to have the option to pursue a conditional use permit (CUP) for a cocktail lounge, staff expects these two items will be addressed prior to a public hearing associated with that CUP request.

OWNER: Telvending Corp (Greg Wilson)

APPLICANT: Land Strategies Inc. (Paul Linehan)

DATE OF PRIOR CONSIDERATION:

October 2, 2014 – Closed the public hearing and approved CS-1-MU-CO, with conditions, on First Reading. (Consent Motion: Council Member Spelman; Second: Council Member Martinez) 7-0

(Note: When introduced to the Council, staff indicated the recommendation from staff and the Planning Commission included MU, mixed use, as part of the recommended zoning string. While the staff recommends MU, it was not part of the Commission's discussion or recommendation, as the item was approved unanimously with minimal discussion after neighbors and the owner reached an agreement. Nevertheless, staff and the applicant fully support Council's approval of the MU.)

CITY COUNCIL DATE: October 16, 2014

ASSIGNED STAFF: Lee Heckman / e-mail: lee.heckman@austintexas.gov

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2014-0103 / Radio Coffee & Beer**P.C. DATE:** August 26, 2014**ADDRESS:** 4204 Manchaca Road and 2008 Fort View Road**AREA:** 0.159 acres (6,924 square feet)**NEIGHBORHOOD PLAN AREA:** South Lamar  
(South Lamar Combined Neighborhood Plan Area)**OWNER:** Telvending Corp (Greg Wilson)**APPLICANT:** Land Strategies Inc. (Paul Linehan)**ZONING FROM:** LR-MU-CO; Neighborhood Commercial-Mixed Use-Conditional Overlay**ZONING TO:** CS-1-CO; Commercial-Liquor Sales – Conditional Overlay, as Amended**SUMMARY STAFF RECOMMENDATION:**

To grant CS-1-MU-CO; Commercial-Liquor Sales – Mixed Use-Conditional Overlay, as amended.  
Terms of the conditional overlay include:

- 1) Only GR permitted uses shall be allowed by right; Cocktail Lounge use shall be a conditional use;
- 2) Site development regulations of GR district zoning shall apply;
- 3) Amplified live music shall be prohibited outdoors; and
- 4) Outdoor amplified sound shall be restricted to the southern portion of the tract

The following condition is also recommended, but would be part of a public restrictive covenant:  
Hours of operation of a Cocktail Lounge shall be between 6:00 AM and 12:00 midnight.

**AMENDED REQUEST AND AMENDED RECOMMENDATION:**

This application has always been about a desire on the part of the applicant and owner to acquire CS-1 zoning so that the owner would have the option to pursue a Conditional Use Permit (CUP) for a Cocktail Lounge use. Although it has been maintained throughout that the existing Radio Coffee and Beer establishment was not intended to become a bar, per se, it was thought that revenue from prepared foods might not exceed the 51% of gross sales threshold to continue operating as a restaurant.

Nevertheless, when the rezoning application was first submitted, the request was for CS-1 without any limitations or conditions. Staff thought the request for unrestricted commercial-liquor sales was too open-ended and would allow for potentially undesirable but permitted CS uses. Staff offered an alternate recommendation of GR, community commercial.

Prior to Planning Commission consideration of the applicant's request and staff alternate recommendation, the applicant requested a postponement, and subsequently offered an amended request that limited uses and site development standards to that of GR, limited hours of operation, limited amplified sound to areas away from nearby residential uses, and prohibited outdoor amplified live music (see Exhibit B).

Based on this revised request, staff has amended its recommendation to grant CS-1 zoning contingent on the conditions or restrictions proposed.

**PLANNING COMMISSION RECOMMENDATION:**

September 23, 2014                      Recommend staff recommendation of CS-1-CO, Commercial-Liquor Sales – Conditional Overlay, with additional conditions (Motion: N. Zaragoza; Second: S. Oliver) 8-0 (Absent: R. Hatfield)

Terms of the conditional overlay include:

- 1) Only GR permitted uses shall be allowed by right; Cocktail Lounge use shall be a conditional use;
- 2) Site development regulations of GR district zoning shall apply;
- 3) Outdoor amplified sound shall be restricted to the southern portion of the tract
- 4) Outdoor amplified live music shall be prohibited;
- 5) Outdoor live music shall be prohibited after 11:00 PM <sup>(NC)</sup>; and
- 6) Outdoor live music shall be limited to the southeast corner of the property and shall project to the southeast. <sup>(NC)</sup>

The following condition is also recommended, but would likely be part of a public restrictive covenant:

Hours of operation of a Cocktail Lounge shall be between 6:00 AM and 12:00 midnight.

*(NC) These conditions were negotiated by a representative of local neighbors and the owner and applicant prior to consideration by the Commission. These conditions were offered by staff and adopted as part of the Commission's recommendation.*

In addition, the neighborhood representative and the owner entered into a private agreement regarding parking. Specifically, the agreement provides that the owner will help area residents pursue participation in a Residential Parking Permit Program or similar to help alleviate parking concerns.

September 9, 2014                      Granted Postponement to September 23, 2014 at the Request of Staff (Consent Motion: S. Oliver; Second J. Stevens) 6-0 (Absent: A. Hernandez, J. Nortey, L. Varghese)

August 26, 2014                      Granted Postponement to September 9, 2014 at the Request of the Applicant (Consent Motion: R. Hatfield; Second : J. Stevens) 8-0-1 (Absent: D. Chimenti).

**DEPARTMENT COMMENTS:**

The subject tract is a footprint of just under 7,000 square feet on an approximate 0.9436 (41,104 square feet) tract currently zoned LR-MU-CO at the northwest corner of Manchaca Road and Fort View Road (see Exhibits A). As proposed, the footprint tract covers existing structures, walkways, and patio areas. As such, the footprint covers the existing Radio Coffee & Beer establishment. Also on the parent tract but not included in the subject tract are parking areas and the property owner's residence.

Land uses in the area include a tire shop and casual restaurant to the south, between Fort View and Ben White Boulevard, high-turnover restaurants to the southeast, and a convenience store and offices across Manchaca to the east. Offices are to the north of the property. Fort View, extending to the west, is a residential street that terminates at the Victory Medical Campus.

The request for CS-1, Commercial-Liquor Sales, is driven by the stated desire for the owner to have the option or flexibility to pursue a conditional use permit (CUP) for a Cocktail Lounge use.

The City's Land Development Code distinguishes between restaurants and bars based on revenue generated by alcohol and prepared food sales; if revenue from prepared foods is at least 51% of gross sales, the business is a restaurant.

Owing to the success of the existing business, the owner wants the flexibility to pursue a CUP to operate a bar, and so as to not run afoul of this 51% rule on sales income. While pursuit of a CUP for a bar is not part of the current rezoning request - and is its own separate public process, the CS-1 zoning requested at this time is a prerequisite for such a future request.

Stakeholder correspondence regarding the rezoning has been attached (see Exhibit C).

#### **ABUTTING STREETS & TRANSIT:**

<b>Street Name</b>	<b>ROW Width</b>	<b>Pavement Width</b>	<b>Classification</b>	<b>Bicycle</b>	<b>Bus Service</b>	<b>Sidewalks</b>
Manchaca Road	83 feet	43 feet	Major Arterial	Yes	Yes	Yes
Fort View Road	50 feet	30 feet'	Local	No	No	No

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR-MU-CO	Restaurant; Single-family residence
<i>North</i>	LO-MU; SF-3; LO	Office; Single-family residence; Office
<i>East</i>	CS; LO; SF-3; LO	Restaurants; Convenience Store; Office; Single-Family Residential; Office Townhomes
<i>South</i>	CS-1; CS	Automotive Repair; Restaurant
<i>West</i>	SF-3	Single-family and duplex residential

**TIA:** Not Required; Existing 2000 vtd Limit on Parent Tract

**WATERSHED:** West Bouldin Creek

**CAPITOL VIEW CORRIDOR:** No

**DESIRED DEVELOPMENT ZONE:** Yes

**HILL COUNTRY ROADWAY:** No

#### **NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

<b>COMMUNITY REGISTRY NAME</b>	<b>COMMUNITY REGISTRY ID</b>
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
South Lamar Neighborhood Association	926
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin	1075
Perry Grid 614	1107
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228

The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Wildflower Church	1423
Preservation Austin	1424
GO!Austin/Vamos!Austin (GAVA)	1429
Friends of the Emma Barrientos MACC	1447

**ZONING CASE HISTORIES FOR THIS TRACT:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
4204 Manchaca C14-72-099	"A" Residence to "LR" Local Retail		Approved 06/08/1972
4204 & 4208 Manchaca C14-06-0115	LR & SF-3 to (LR-MU-CO)	Recommended LR- MU-CO; 06/27/2006	Approved LR-MU-CO; 09/28/2006 (CO limits to 2000 vtd)

**ZONING CASE HISTORIES IN THE AREA:**

This portion of Manchaca Road is a mixture of retail, commercial, and residential. Yet, with the exception of two rezonings from family residential tracts to limited office and office-mixed use in 2012 and 2013 (the latter immediately north of the subject tract), the majority of the area has not seen rezoning since the Seventies and Eighties. While the existing commercial along Ben White Boulevard and Manchaca has been there for decades, a quick review of the case histories below shows that most rezonings in the past thirty-plus years are from residential to office.

Another recent rezoning was just that: residential to office. Located at 2111 Fort View, the end of the street to the west, a parcel was rezoned (in C14-2012-0145) from SF-3 to limited office (LO) with conditions that required access through the adjoining parcel to Ben White Boulevard.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
<b>West of Manchaca Road (north to south)</b>			
3906 Manchaca Road C14-2013-0067	SF-3 to LO	Recommended LO- MU 08/13/2013	Approved LO-NU 08/22/2013
4020,4022,4100 Manchaca C14-84-160	SF-3 to LO	Recommended	Approved 05/23/1985 w/ Street Deed
4016 Manchaca C14-98-0059	SF-3 to LO	Recommended LO- CO; 06/09/1998	Approved LO-CO; 08/27/1998
4000 Manchaca C14-86-012	SF-3 to NO	Recommended LO-CO w/Conditions; 03/04/1986	Approved LO-CO w/RC; 07/17/1986
2007 Bert C14-03-0070	SF-3 to LO	Recommended LO- CO; 05/20/2003	Approved LO-CO; 07/17/2003

2004-2006 Bert C14-2007-0192	SF-3 to LO	Recommended; 10/13/2007	Approved LO-CO; 01/10/2008
4200 Manchaca C14-2012-0117	SF-3 to LO-MU	Recommended 11/13/2012	Approved 12/06/2012
4102 & 4200 Manchaca C14-2014-0150	LO-MU to GR	Under Staff Review	
<b>Site (4204 Manchaca)</b>			
4300 Manchaca & 2001-2005 Fort View C14-74-122	"C" 6 <sup>th</sup> H&A to C-1 6 <sup>th</sup> H&A		Approved 10/31/1974
4302-4304 Manchaca & 2004-2012 Ivy Trail C14-72-222	"C" 6 <sup>th</sup> H&A to "C-2" 6 <sup>th</sup> H&A	Recommended, Limited use of C-2 to package store only	Approved as PC Recommended; 11/16/1972
<b>Fort View and Ben White</b>			
2009-2011 Fort View C14-98-0078	SF-3 to CS	Recommended LR- CO; 07/21/1998	Approved NO w/Conditions 1 <sup>st</sup> Reading; Indefinite Postponement on 2 <sup>nd</sup> /3 <sup>rd</sup> ; Expired
2111 Fort View C14-2012-0145	SF3-to LO	Recommended NO- MU-CO	Approved NO-MU-CO 04/11/2013
2028 W Ben White C14-2007-0051	SF-3 to LO-MU	Recommended; 06/12/2007	Approved; 07/26/2007
2012 W Ben White C14-2008-0096	SF-3 to LO-MU	Recommended; 06/10/2008	Approved; 07/24/2008
2104 W Ben White C14-2012-0049	SF-3 to LR	Recommended LR; 07/24/2012	Approved LR; 12/13/2012
2110 W Ben White C14-2008-0185	SF-3 to LO	Recommended LO- CO; 06/10/2008	Approved LO-CO; 11/20/2008
<b>East of Manchaca (north to south)</b>			
4007-4011 Manchaca C14-71-252	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A		Approved 06/01/1972
4017-4021 Manchaca & 4016-4020 Valley View C14-72-234	"A" 1 <sup>st</sup> H&A to "O" 1 <sup>st</sup> H&A	Recommended w/conditions	Approved w/conditions 05/31/1973
4015 Manchaca C14-75-049	"A" Residence to "O" Office		Approved; 06/26/1976
4023 Manchaca C14-85-009	SF-3 to LO		Approved; 10/02/1985
4025 Manchaca C14-80-221	Interim "A" 1 <sup>st</sup> H&A to "O-1"		Approved; 02/26/1981

	1 <sup>st</sup> H&A		
4103 Manchaca C14-84-356	SF-4 to "O-1"	Recommended "O-1" 1 <sup>st</sup> H&A; 12/04/1984	Approved LO w/RC & Street Deed; 09/19/1985
1900-1904 Fort View C14-70-017	"LR" 1 <sup>st</sup> H&A to "C" 1 <sup>st</sup> H&A		Approved; 04/16/1970

**CITY COUNCIL ACTION:**

October 16, 2014

Scheduled for Second &amp; Third Reading

October 2, 2014

Closed the Public Hearing and Approved CS-1-MU-CO with Conditions on First Reading (Consent Motion: Council Member Spelman; Second: Council Member Martinez) 7-0.

September 25, 2014;

Postponed until October 2, 2014 at the request of Staff (Consent Motion: Council Member Spelman; Second: Council Member Morrison) 7-0.

**ORDINANCE READINGS:**    1<sup>st</sup>      October 2, 2014                      2<sup>nd</sup>                                      3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Lee Heckman  
e-mail address: lee.heckman@austintexas.gov

**PHONE:** 512-974-7604

## **SUMMARY STAFF RECOMMENDATION**

To grant CS-1-CO; Commercial-Liquor Sales – Conditional Overlay. Terms of the conditional overlay include:

- 1) Only GR permitted uses shall be allowed by right; Cocktail Lounge use shall be a conditional use;
- 2) Site development regulations of GR district zoning shall apply;
- 3) Amplified live music shall be prohibited outdoors; and
- 4) Outdoor amplified sound shall be restricted to the southern portion of the tract

The following condition is also recommended, but would be part of a public restrictive covenant:

Hours of operation of a Cocktail Lounge shall be between 6:00 AM and 12:00 midnight.

## **BACKGROUND & PURPOSE STATEMENTS**

The subject tract is a 6,924 square feet footprint on a 41,104 square feet tract currently zoned LR-MU-CO. The site is currently developed as a restaurant and known as Radio Coffee and Beer.

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Mixed Use (MU) combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU allows for the development of all types of residential uses, including single-family residential, multifamily residential, and townhomes. The Conditional Overlay (CO) adopted with the zoning change in 2006 limits development to generating less than 2000 vehicle trips per day.

The requested Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

Community commercial (GR) district, recommended by staff, is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

## **BASIS FOR RECOMMENDATION**

***Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and***

***Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.***

CS-1, as a zoning district, is the most intense commercial zoning district available under City code. Typically it is requested as a precursor to requesting a conditional use permit (CUP) for a cocktail lounge use; that is also the case here. Even if a conditional use permit is not pursued for



use of the site as a Cocktail Lounge rather than as a restaurant, CS-1 would allow for a range of commercial uses; however, the applicant has proposed – and staff agrees - that these uses are inappropriate at this location at this time. Consequently, only GR uses – with the exception of Cocktail Lounge – are proposed. All other CS-1 (and CS) uses are to be prohibited.

This site is uniquely located at the intersection of a major arterial and residential collector. Located one block north of Ben White Boulevard, it has existing CS-1 and CS to the south and CS to the east. Variations of office stretch along Manchaca northward. However, the site is also located at the entrance to Fort View, which terminates about 1000 feet to the west. The impact of a bar at the end of the street may raise questions about compatibility with adjacent and nearby uses. A member of the owner's family currently lives next door; but for the other 18 households on Fort View, or those to the north along Gathright Cove, staff is concerned a bar may have detrimental impacts.

To that end, the applicant has proposed limiting the hours of operation from 6:00 am to 12:00 midnight. Further, the applicant has proposed prohibiting amplified live music outside and limiting any amplified sound to the existing patio on the southern end of the property. Staff fully supports both of these conditions, with the expectation such limitations helps make the establishment more compatible with nearby uses, especially the residential along Fortview and to the northwest.

Neighborhood restaurants and taverns can be appealing and certainly have their place. But, until more patrons are walking or biking to this establishment, parking and traffic will be challenges. As a restaurant, the site meets its current parking requirements. If the CS-1 request is to be followed by requested CUP to function as a bar, parking requirements for a cocktail lounge may change, including that such parking area must be 200' from SF-3 properties. Staff is aware the applicant is working with nearby property owners regarding offsite parking; clearly the need, if any, for additional parking for a cocktail lounge use will need to be addressed prior to application for a CUP.

Initially, staff was wary that granting unlimited CS-1 zoning was both inappropriate and could set an undesirable precedent for properties further north along Manchaca, given the existing CS and CS-1 to the south. Staff thinks the amended request, which is essentially GR-plus-cocktail lounge, has responded to concerns about use intensity and neighborhood compatibility. Other important concerns, such as the need for additional parking, would necessarily be part of the CUP application, should the owner pursue one. Staff does not wish to preclude the restaurateur from pursuing a CUP, should the business move towards more revenue from beer than prepared food. Certainly, the CS-1 would allow for the owner to apply for a CUP for a cocktail lounge, but there's no guarantee it would be a successful application; in that event, the CS-1 as conditioned would still allow for the establishment to continue as a general restaurant.

This is still not to say staff would support requests for CS-1 on every corner, because each rezoning case is considered on its own merits. Yet part of the evaluation for a recommendation is based on surrounding zoning. For purposes of full disclosure, a rezoning application was filed on September 3, 2014 for the property immediately to the north; that request is from LO-MU to GR-MU, with the stated desire to develop the site with a general restaurant. That application remains under review (C14-2014-0150).

***Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

The CS-zoned properties east of Manchaca are a convenience store and three high-turnover restaurants. There's ample parking, and patrons don't stay for a significant length of time. Similarly, of the two CS-1 tracts to the south, one is a tire shop and the other is a restaurant; the CS piece is an auto parts retail store. Taken together, with the exception of Dan's Hamburgers, this area has been one that primarily caters to people on the move.

A restaurant that caters to a dine-in crowd – that serves both the neighborhood and passersby - is not inappropriate or unsustainable in this mix (e.g., Dan's has a lengthy history here). Neither, perhaps, is a neighborhood tavern such as Radio Coffee and Beer. And if not a tavern, than even as a restaurant (developed with the surrounding LR district), the Radio Coffee & Beer operation seems function as a transition between uses. The establishment can provide an appropriate transition between the more intense commercial uses to the south and east and the residential to the west and northwest.

It is important to bear in mind the rezoning tract is a footprint of just under 7,000 square feet in an approximate 41,000 square feet parent tract, the remainder of which that would remain LR-MU-CO. Nearly an acre of CS-1, or the entirety of the site, would hardly provide transition from the CS and CS-1 to the south and east. It would be an extension. However, a footprint of CS-1 within the LR-MU tract, especially given the restrictions or conditions recommended, could provide an appropriate transition. It could provide for a bar/restaurant that separates the high-turnover and convenience store traffic on one side of Manchaca, and the tire and auto body shop traffic on the other side of Fortview, from residential uses.

***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.***

Manchaca Road is a major arterial; Fort View is a neighborhood collector, and one that dead ends 1,000 feet away. While general commercial service uses might be a stretch for this intersection, there is an existing 2,000 vehicle trips per day cap on the parent tract, which would remain LR-MU. Given the size of the existing establishment, about 2,300 square feet, and the size of the proposed footprint, 6,924 square feet, staff estimates that the footprint/cocktail lounge uses could generate about 337 trips per day. This is well within the 2,000 vtd limit on the parent tract; vehicle trips per day are applied on a pro-rata share to the footprint tract. A Neighborhood Traffic Analysis has been deferred to site planning stage.

The point is that this is not an intersection of arterials and collectors typically associated with GR zoning, much less CS or CS-1 zoning. Yet CS and CS-1 exist on the other three corners. Another zoning principle is that granting a request for zoning should result in an equal treatment of similarly situated properties. An argument can be made that since the other properties on this intersection were granted CS or CS-1 zoning, this one should be treated similarly.

However, staff thinks they are not necessarily similarly situated. CS and CS-1 properties to the south have access and frontage to Ben White Boulevard, in addition to Fort View. Fort View to the east of Manchaca is not a dead end street, but intersects with a number of streets before terminating at Ben White. In other words, Fort View to the east is a true collector; to the west it is a cul-du-sac. Given these differences, staff could support GR at this corner, but not the more intense unlimited CS-1.

By amending the request to exclude all CS and CS-1 uses, the request, in terms of use, is essentially GR. Again, questions about additional parking requirements or increased traffic should the owner wish to seek a CUP, would be reviewed as part of that application.

***Zoning should allow for a reasonable use of the property.***

The applicant has indicated the CS-1 request is driven by the desire for flexibility in requesting a CUP for a cocktail lounge use, at some future point. The immediate use of the property is to be a restaurant serving food, coffee and beer. Currently, the property is zoned LR-MU. Staff supported a GR zoning district to allow for a fuller, more robust general restaurant use.

Under the existing LR zoning district requirements, a limited restaurant (which does not serve alcohol) is permitted by right, a general restaurant (which includes the sale and on-premises consumption of alcohol as an accessory use) is permitted, but subject to size limitations, reduced hours of operations, outdoor seating and entertainment constraints, and other conditions. A GR district allows a general restaurant more flexibility, in terms of space and scope of operation. However, it is not as flexible as CS-1, in that a late hours permit would be required should the restaurant wish to stay open after normal hours.

This last point is a bit moot given the current request. The owner has proposed to limit the hours of operation for cocktail lounge use to midnight. In addition, the owner is proposing measures to prohibit amplified live music outdoors and limit the location of amplified sound. These measures would allow live acoustic music outdoors, but any amplified live music would be indoors, and amplified sounds would be located away from nearby residential.

This amended request seems reasonable. Staff previously thought, and still does, that a restaurant use at this location is reasonable. Staff also thinks that a cocktail lounge use, if granted through the CUP process, is a reasonable use given the conditions offered and recommended. And, while issues such as the potential need for additional parking will have to be resolved through the CUP process, the successful completion of which is an entirely different process that cannot be guaranteed, staff does not wish to preclude pursuit of a CUP by limiting zoning to GR.

Consequently, although staff would not and did not support the limitless CS-1 request, staff does support the amended CS-1 request with conditions, which we think is more conducive to general restaurant/limited cocktail lounge use. General restaurant, limited cocktail lounge (if the CUP is granted), or another GR uses are a reasonable use of the property.

**The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.**

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP), identifies this area as an Activity Center for Redevelopment in Sensitive Environmental Areas (extending eastward from Lamar at Ben White); this specific property is not over the Edwards Aquifer. Manchaca is also designated with High Capacity Transit.

A neighborhood gathering spot, whether a bar or restaurant or something completely different, is probably aligned with the compact and connected neighborhood goals of the IACP. At the same time, protecting neighborhood character is also cited, and one cannot overlook the fact this property is located at the entrance of a mostly residential street. Indeed, it is protection of the

neighborhood character on Fort View Road and to the northwest that requires staff to recommend CS-1, but only with the conditions and limitations specified.

## EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

### Site Characteristics

The site, located at the northwest corner of Manchaca Road and Fort View Road, is developed with a restaurant use and associated parking. The proprietor of the Radio Coffee and Beer establishment resides in a single-family residence also on site. There are no known environmental characteristics that would unduly constrain further development or redevelopment of the site. Though the site is identified as an Activity Center for Redevelopment in Sensitive Environmental Areas per the Imagine Austin Growth Concept Map, the site is not over the Edwards Aquifer Recharge Zone.

### PDRD Comprehensive Planning Review (KF) (2014-06-19)

LR-MU-CO to CS-1

This zoning case is located on the west side of Manchaca Road, on the corner of Fort View Road, and consists of a house converted to a newly opened coffeehouse/craft beer hybrid cafe, with extensive outdoor seating, live music, and a food trailer. This enterprise will also feature live music and a food trailer. This property is located within the boundaries of the South Lamar Neighborhood Planning area, which does not have an adopted neighborhood plan. Surrounding land uses includes an office in a converted house to the north, a tire store to the south, a gas station and a private children's school to the east, and a single family house to the west.

### Imagine Austin

The property is located within the boundaries of an '**Activity Centers for Redevelopment in Sensitive Environmental Areas**' as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. These centers are located on already developed areas and, in some instances, **provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods**. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

The following Imagine Austin policies are relevant to this case:

#### Environmental Policies

- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.
- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.

#### Complete Community Policies

- **LUT P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, **corridors and infill sites**. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **N P1.** Create complete neighborhoods across Austin that have a **mix of** housing types and **land uses**, affordable housing and transportation options, and access to schools, **retail**, employment, community services, and parks and recreation options.

Based on this property being: (1) adjacent to other commercial uses along the Manchaca Road, a busy corridor; and (2) the Imagine Austin policies referenced above, which encourages infill development along corridors, including retail and neighborhood serving uses, staff believes that this coffee house/bar is supported by the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

#### **PDRD Environmental Review (MM) (2014-07-01)**

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1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

#### **PDRD Site Plan Review (RA) (2014-07-01)**

---

1. Site plans will be required for any new development other than single-family or duplex residential. Please note that a Conditional Use Permit will be required for a cocktail lounge use.

2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
4. The site is subject to compatibility standards. Along the northwest 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.
5. FYI : A parking area for a cocktail lounge must be separated from SF-6 or more restricted zoning district by not less than 200 feet [LDC 25-5-146(B)].

#### **PDRD Transportation Review (BG) (2014-08-12)**

1. A Neighborhood Traffic Analysis will be deferred to time of site plan because this is a spot zoning change for the building footprint and because there is a previous conditional use overlay of 2000 vtd for the site. LDC, Sec. 25-6-114.
2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows: Manchaca Road.
3. 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]
4. Existing Street Characteristics:

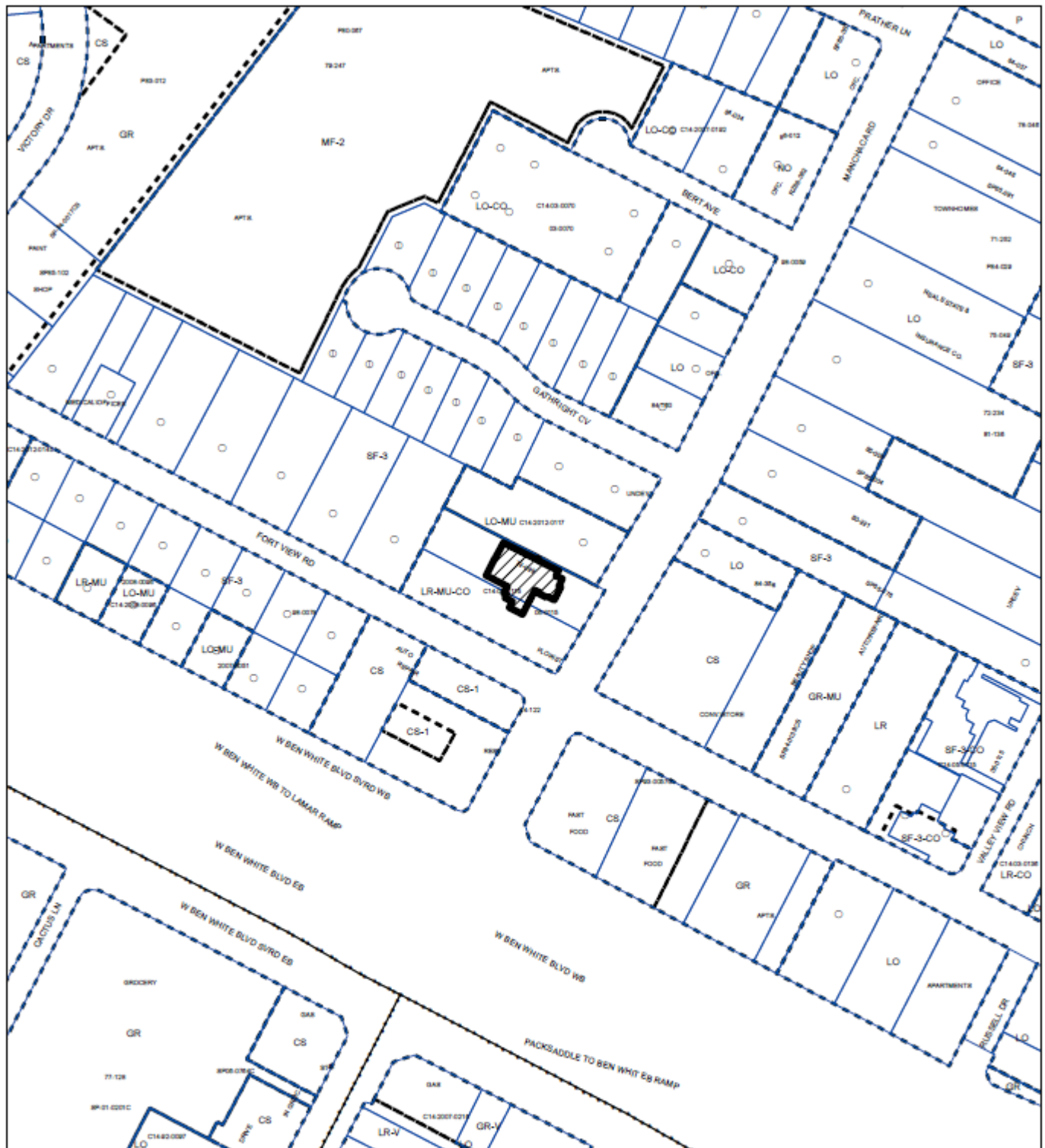
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Manchaca Road	83'	43'	Major Arterial	Yes	Yes	Yes

#### **PDRD Austin Water Utility Review (NK) (2014-06-20)**

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for

compliance with City criteria and suitability for operation and maintenance. 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.





## ZONING

ZONING CASE#: C14-2014-0103



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY

1" = 200'

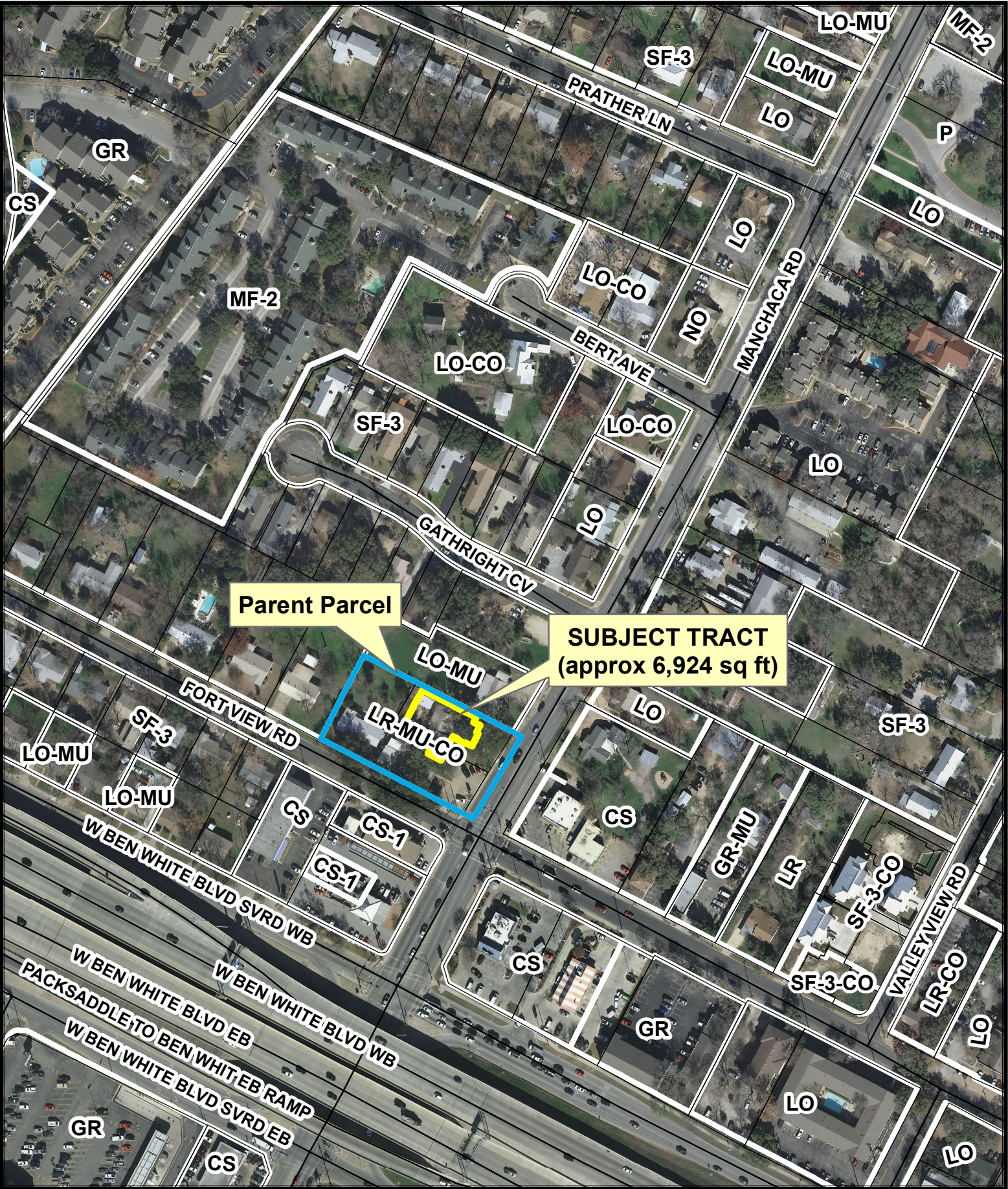
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



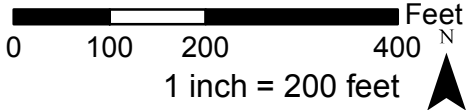
**Exhibit A - Zoning Map**





Aerial: 2012-01

**Exhibit A-1**  
**Aerial & Zoning**

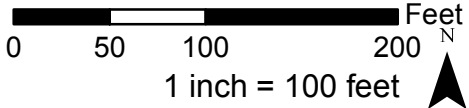






Aerial: 2012-01

Exhibit A-2  
Aerial & Zoning





# HUSCH BLACKWELL

111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
512.472.5456

**Nikelle S. Meade**  
**Partner**  
512.479.1147 direct  
512.226.7373 direct fax  
nikelle.meade@huschblackwell.com

September 17, 2014

**VIA EMAIL – Lee.Heckman@austintexas.gov**

Lee Heckman  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

**RE: Case No. C14-2014-0111; Radio Coffee and Beer Zoning Application,  
4204 Manchaca**

Dear Mr. Heckman:

On behalf of the applicant in the above-referenced zoning case and based on input from city staff and neighbors, by this letter we are amending the rezoning application to include the following agreed-to conditions:

We propose that the following restrictions be added in the form of a conditional overlay if the property is rezoned to CS-1:

1. Uses permitted on the property shall be limited to those permitted in the GR base zoning district plus Cocktail Lounge use shall be a conditional use.
2. Site development regulations for a GR base zoning district shall apply to the property.
3. The hours of operation for Cocktail Lounge use shall be between 6:00 a.m. and midnight.
4. No amplified live music shall be permitted outdoors.
5. Outdoor amplified sound shall be restricted to the existing front patio on the south side of the building.

Thank you for your consideration of this request, and please contact me if you need any additional information.

Sincerely,



Nikelle S. Meade

cc: Erin Welch  
Greg Wilson

**From:** Valli Pappas  
**Sent:** Thursday, July 03, 2014 11:42 AM  
**To:** Heckman, Lee  
**Subject:** zoning case c14-2014-0103

I've just received the proposed zoning change to the Radio Coffee and Beer that recently opened up at the end of Fortview Rd. at Manchaca.

I would like to OPPOSE any further licensing that would include the sale of Liquor at this business.

Limiting it to beer is Neighborhood Friendly enough .

Thank you for your time

Valli Pappas

**From:** Sharon  
**Sent:** Thursday, August 21, 2014 4:38 PM  
**To:** Heckman, Lee  
**Subject:** Radio Coffee and Beer C14-2014-0103

Lee Heckman

I object to the rezoning of the Radio Coffee and Beer.

Sharon Johnson  
2012 Fort View Rd.  
Austin, TX 78704

From: Nina Smith  
Sent: Friday, August 22, 2014 10:47 AM  
To: Heckman, Lee  
Subject: case #C14-2014-0103

I strongly oppose the proposed zoning change to make the site a commercial liquor sales/"beer garden." The traffic on Manachaca there by the Ben White intersection already backs up past Fortview and Gathright Cove, which blocks anyone trying to enter or exit those two short, dead end streets. Add in more traffic and possibly inebriated drivers trying to enter or exit the proposed "beer garden" onto Manchaca, and it is just a matter of time until you have many, possibly fatal, accidents occurring there.

Nita Smith, owner of 2107 Gathright Cove

**From:** Gregg Elsass  
**Sent:** Tuesday, July 08, 2014 1:13 PM  
**To:** Heckman, Lee  
**Subject:** Inquiry and comments re: Case Number C14-2014-0103

Mr. Heckman:

I am in receipt of a notice to rezone the property at 4204 Manchaca Road in order to permit liquor sales; Case Number C14-2014-0103

I am a homeowner at 2102 Fort View Road, just down the street from the intersection of Manchaca and Fort View. I have a few comments relative to this rezoning request. I would appreciate hearing back from you when you get a moment.

1. I am thinking you have heard by now there have been several complaints of parking on both sides of Fort View Road making it very difficult to navigate this dead-end street. Just today at lunch time a young mother was putting her two small children into their car while I tried to pass by them. Because she was parked on one side and another car on the other I had very little room to pass by. I had to wait on them to enter their car or literally be within a few feet of them if I had decided to proceed to my driveway. The street is just 29' wide and there is no sidewalk on either side.
2. I could elaborate on many other examples of potential hazards like this and examples of people parking too close to driveways and actually onto my neighbor's grass but it would be a very long list!
3. I noticed online that a Traffic Impact Analysis was waived. It seems to me that is something the City should have requested, not waived. Assuming the TIA would also include parking evaluations and requirements.
4. I would like to know if parking quantities for the new establishment were based on the gross area of the building only or were quantities required based on the building area AND the expansive patio and deck areas. If they were only based on the building area then that may explain the substantial amount of parking overflowing from their parking lots to Fort View Road. When I drive by, there are almost always a lot of customers in the outdoor areas. Can you inform me as to where I could find that information?
5. My neighbors and I are presuming a public hearing will be held regarding the rezoning. Can you confirm?
6. Personally, I would like the new establishment to succeed but the parking on our street is creating a pretty bad situation. Because of this, I was wondering if the City has a mechanism by which to request that parking only be permitted on one side of the street versus both.

A lot of my neighbors are seniors and have spent decades on Fort View. I have chatted with several over this new situation and they are pretty upset. I told a couple of them I would try to get some answers. Thank you for your time and I look forward to hearing from you, either by phone or email.

Respectfully,

Gregg Elsass  
Principal  
Page Southerland Page, Inc



## PUBLIC HEARING INFORMATION

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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.

R08/22/14

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:

<http://www.austintexas.gov/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: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

James M. Crane

Your Name (please print)

4100 Manchaca Rd.

Your address(es) affected by this application

8-16-14

Date

Signature

Daytime Telephone: 512-633-7482

Comments: I have no problem with beer & wine at this location but I am against liquor sales. I have been in this neighborhood since early 1980s and there are too many special needs people living & walking this street to start adding drivers with liquor consumption to the mix. Not an appropriate use for this location. Love the coffee shop (see reverse side)

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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R 8122114

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission  
Sept 25, 2014, City Council

Sondra Cherico

Your Name (please print)

2021 B. 24thright Cove

Your address(es) affected by this application

Sondra Cherico

Signature

8-18-14

Date

Daytime Telephone: \_\_\_\_\_

Comments: Parking is the issue

Parking would last longer (2AM)

Beer, wine, coffee closing @ midnight

is created a softer street

environment.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

Robert Mender

Your Name (please print)

2010 Fortview Rd.

Your address(es) affected by this application

☐ I am in favor  
☒ I object

8-

Date

Signature

Daytime Telephone: 512-447-1194

Comments: We feel that if the

Business at 4204 Manchaca, begins to service liquor, the traffic of people we now have will become routine and drunks will be all over and may cause problems. Our street is a dead end and as it is now crowded there is room for one car come or going, there is not enough room for 3 cars.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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R 08/22/14

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

Timothy P. Vogt

Your Name (please print)

2019-A Gatherright Cove

Your address(es) affected by this application

8-20-2014

Date

Signature

Daytime Telephone: 512 619-7012

Comments: Redevelopment of 4204 Manchaca Rd. has changed traffic patterns on Manchaca St at Fortview. Many more NB left turns onto Fortview cause delays daily.

Overflow parking is occurring on both Fortview & Gatherright. The opening of Radio Coffee & Beer has already had an adverse effect on adjacent neighborhood streets, adding liquor sale can only further erode the spirit & intent of the adjacent SF-3 zoning.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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R08125114

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Case Number: C14-2014-0103

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

Nita Smith

Your Name (please print)

2017 Gathright Cove 78789

Your address(es) affected by this application

Nita Smith

Signature

Date

Daytime Telephone: 1-512-632-8144

Comments: I strongly oppose proposed zoning change. The traffic on Manchaca already gets backed up past Fortview + Gathright Cove, partly due to Davis + Hamburgers. Both Fortview + Gathright Cove are dead end streets, with only access/egress being Manchaca.

Additionally, sale of alcohol could possibly lead to intoxicated drivers trying to enter what is already a dangerous traffic flow.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810



## PUBLIC HEARING INFORMATION

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R 9/9/14

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**Case Number: C14-2014-0103**

**Contact: Lee Heckman, 512-974-7604**

**Public Hearing: Aug 26, 2014, Planning Commission**

**Sept 25, 2014, City Council**

VALLI RAPPAS  
Your Name (please print)

2013 PORTVIEW RD. AUSTIN  
Your address(es) affected by this application

Lee Heckman  
Signature

Aug 24, 2014  
Date

Daytime Telephone: 512-825-5743

Comments:

I DO NOT THINK ADDING

HARD ALCOHOL WOULD BENEFIT

OUR NEIGHBORHOOD. RADIO

DISPENSE/BEER SEEMS TO BE BEING

A GREAT BUSINESS AS IT IS!

IT'S A "NEIGHBORHOOD" FEEL AND

I'M HAPPY TO SEE A PLACE WHERE

FAMILIES BRING THEIR DOGS - CHILDREN -

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

Mr. Lee Heckman

Site Manager

Dear Mr. Heckman:

Since dismantling and redevelopment began at 4204 Manchaca Road, there has been, between 3:00 and 4:00 a.m. almost every night and echoing throughout the neighborhood, an extremely disturbing , intolerably loud crashing metal on metal noise which one presumes is A Tex Garbage Company removing garbage from the Radio Bar. It sounds like a plane crash. The heaving noise of the truck alone is disturbing enough. If you doubt my report, please come to our neighborhood to corroborate it for yourself. But, since you are a person who works, you probably will be in bed at that time. **So are we.** The fact that I have to write this letter at all reveals an ultimate insult: the thoughtlessness and total disregard that city officials and local businesses seem to hold toward the citizens of this neighborhood. The city's lack of oversight is appalling. It's not the same city that I've loved since 1969; Austin has become little more than a money-mill for the wealthy and a cash-cow for city agencies.

Already the Radio Bar's customers often resort to parking on our street, Gathright Cove. When you begin to allow alcohol sales there, we will have inebriated people wandering through our neighborhood, parking on our street, and driving around thus bringing serious risk to the public. But, finally, what difference will my voice make? Surely the issue has already been decided by money.

I will say it anyway: **Please halt the shabby treatment of this neighborhood by local businesses such as the Radio Bar, in their disregard of our peace and quiet vis a vis their garbage removal and proposed alcohol sales.** They already show a total disregard for normal human life with their industrial-scale garbage operation. In fact, so does the city Resource Recovery Department.

Sincerely,

  
Jim Burleson

Associate Professor

2010 A Gathright Cove

512 444 3458 after 1:00 p.m.

9.4.14

R 09/09/14

Exhibit C - 11

September 21, 2014

Lee Heckman  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

**RE: Case No. C14-2014-0111; Radio Coffee and Beer Zoning Application,  
2008 Fortview and 4204 Manchaca**

Dear Mr. Heckman:

I live at 2307 Farnswood Circle in 78704 where I own my home. I understand that Radio is requesting a zoning change from LR to CS-1. I am writing in support of the requested zoning change.

Radio has been a wonderful addition to south central Austin. I've resided and officed in the area for over 25 years and this place has become a wonderful meeting spot for young and old and all in-between. Outside or inside, the old Austin vibe (different kinds of folks being at the same place) reigns. Unpretentious, natural, local, and un-chained.

George W. ("Will") Godwin  
2307 Farnswood Circle  
Austin, TX 78704



**From:** Paul Price  
**Sent:** Sunday, September 21, 2014 2:12 PM  
**To:** Heckman, Lee  
**Subject:** Radio

Hello Lee,

I live in the same neighborhood as the new coffee shop Radio. I just wanted to write you to tell you I really enjoy the place. It has a great outdoor atmosphere and it is a family friendly place. I support the zoning change.

Thanks,  
Paul Price

**From:** Mary Jane Carlett  
**Sent:** Sunday, September 21, 2014 10:19 PM  
**To:** Heckman, Lee  
**Subject:** Radio Coffee

Mr. Heckman,

I recently received a letter from the City of Austin regarding the zoning change for Radio Coffee, at the corner of Fort View Road and Manchaca Road. I have owned a large office building on Fort View Road since 1994 and I believe Radio Coffee and its clientele are going to be a positive addition to the neighborhood.

Businesses thrive in an atmosphere of reciprocation; my tenants and I enjoy having nearby coffee, food and similar conveniences. Also, I have witnessed people who live in the neighborhood and other business owners patronizing this establishment.

I therefore support the requested zoning change.

Regards,  
Mary Jane Carlett

**From:** Val Franich  
**Sent:** Monday, September 22, 2014 11:48 AM  
**To:** Heckman, Lee  
**Cc:** Greg Wilson  
**Subject:** Radio Coffee Beer

Mr. Wilson has my support in his business. His customers may use my parking lot during my off hours.

val franich

owner Tireman

**From:** Drew Dunavan  
**Sent:** Monday, September 22, 2014 12:54 PM  
**To:** Heckman, Lee  
**Subject:** Upcoming Zoning Laws

Dear Mr. Heckman,

I'm writing to you to show my support for the upcoming proposed zone changes. I believe that the south Austin community is growing stronger because of spots like Radio Coffee. This establishment in particular provides a family friendly atmosphere where friends and family can come to socialize, students can study, entrepreneurs can have meetings, and musicians can play on a stage.

Establishments like Radio, is what Austin is all about. They need policy support as the city continues to grow so that they can continue to serve the community with great coffee and beer while providing an environment for great culture to thrive.

Thank you for your time.

- Drew Dunavan  
5237 Meadowcreek

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Drew Dunavan COO / Co-Founder  
Cell: (512) 699-4058

The Werd Company Office: (512) 537-9373 <http://www.thewerdcompany.com>



**From:** Victor Dearmond  
**Sent:** Monday, September 22, 2014 2:08 PM  
**To:** Heckman, Lee  
**Cc:** Greg Wilson  
**Subject:** Radio (zoning)

September 22, 2014

Attn: Mr. Lee Heckman

Hello Mr. Heckman. I am writing with regards to the re-zoning of the property at Fortview Road and Manchaca, where Radio Coffe is resident. My business, Sun Signs is a few blocks East of Radio on Fort View. I have noticed a great response to the new business. They always appear to be busy and I have noticed a family-friendly vibe. My employees and I are happy to have delicious coffee near by as well as delicious tacos and a place to hear bluegrass on Monday nights. I believe it is in the best interests of this neighborhood to Allow Radio to be re-zoned. Thank you for your consideration.

Sincerely,

Victor Dearmond

--

Victor Dearmond  
President  
Sun Signs Inc.  
1602 Fort View Rd.  
Austin, Texas 78704  
TSCL #18462  
Office 512-326-2451  
Fax 512-326-5953  
[www.sunsignsaustin.com](http://www.sunsignsaustin.com)

From: Team Goodtimes  
Sent: Monday, September 22, 2014 2:18 PM  
To: Heckman, Lee  
Subject: Radio Coffee & Beer

Heard something about a zoning hearing that might effect Radio Coffe and Beer. Just wanted to take a moment to express my support of this great new local addition to the South Austin neighborhood. I really love this place and the family friendly bluegrass Monday night.

**From:** Altana West

**Sent:** Monday, September 22, 2014 3:49 PM

**To:** Heckman, Lee

**Subject:** I support Radio Coffee and Beer's application. My Uncle has been a business owner on Fortview Rd for twenty years now. I am pleased with this establishment and growth of this part of our city.

Thank you, Altana West

Eric Brown  
1602 Forest Hill Dr.  
Austin, TX 78745

September 22, 2014

Lee Heckman  
City of Austin, Planning and Development Review Department  
505 Barton Springs Road  
Austin, TX 78704

RE: Case No. C14-2014-0111

Dear Mr. Heckman,

I am writing in support of the proposed zoning change for the property at 2008 Fortview and 4204 Manchaca. I am a neighbor to the property and a frequent visitor to the new business there, which immediately became the community center upon opening.

The requested zoning change is in line with the inevitable march of growth down the Manchaca corridor. Further, it is in line with the type of businesses that will be necessary to support the existing neighborhoods and future development along this transit corridor. Finally, it appears that the zoning change is also in line with future Land Development Code adjustments as it allows for a more robust mix of commercial uses as the neighborhood (and City) continue to grow.

Let me know if you have any questions and feel free to contact me - 512.769.1622.  
Respectfully,

Eric Brown

A handwritten signature in black ink, appearing to be 'Eric Brown', with a long horizontal line extending to the right.



**From:** Stevie Johnson  
**Sent:** Tuesday, September 23, 2014 12:11 AM  
**To:** Heckman, Lee  
**Subject:** Radio

Hello!

Sorry I'm sending this email at such a late hour, I just got off work. I live basically right behind Radio off of Victory drive, and I love it so much. It's in an extremely convenient location for me, considering I don't like to drive very often, it's a 5 minute walk for me. It's never too packed, the people that go there are laid back and amazing; basically it's an extremely positive atmosphere and an excellent addition to this part of Austin. I've had nothing but positive experiences. Not to mention the food, beer options, and coffee are delicious there as well. Thanks for taking the time to read my opinion and have a great evening!

Stevie Johnson

**From:** Hunter Crawford  
**Sent:** Tuesday, September 23, 2014 11:14 AM  
**To:** Heckman, Lee  
**Cc:** Greg Wilson  
**Subject:**

Lee Heckman  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704  
RE: Case No. C14-2014-0111; Radio Coffee and Beer Zoning Application,  
2008 Fortview and 4204 Manchaca

Dear Mr. Heckman:

I live at 3203 Clawson Rd where I rent my home. I am extremely pleased with the addition of Radio Coffee and Beer to our neighborhood. It is a great place to get a coffee or lunch during the day, some beer after work, and they have fantastic live music.

I love the neighborhood feel, dog and kid friendly policies and friendly staff, with a more than un and laid back atmosphere.

Radio is old Austin. I support their request to change zoning from LR to CS-1 very very much.

-Hunter Crawford

**From:** Stuart Sharpe

**Sent:** Tuesday, September 23, 2014 9:26 AM

**To:** Heckman, Lee

**Subject:** Case No. C14-2014-0111; Radio Coffee and Beer Zoning Application, 2008 Fortview and 4204 Manchaca

Dear Mr. Heckman,

I live at 3203 Clawson Rd. where I lease a house with a few friends. We have been enjoying Radio on a weekly basis and are indeed pleased with the addition to our neighborhood. Fun relaxing place to meet with friends or take care of a little business over a cup of coffee.

I support their request to change zoning from LR to CS-1.

Best,

Stuart Sharpe

**From:** Jon Moscoe  
**Sent:** Tuesday, September 23, 2014 9:49 AM  
**To:** Heckman, Lee  
**Subject:** Radio Zonging

Mr. Heckman,

I live at 3203 Clawson Rd. just down the street from Radio. My friends and I are constantly visiting Radio and enjoying the friendly atmosphere it affords the neighborhood. Great place to hang your hat and have a beer or coffee.

I support their request to change zoning from LR to CS-1.

Best,

--

**Jon Moscoe**  
Leasing Associate  
512.426.4858 / Cell

**From:** Amie Humphrey  
**Sent:** Monday, September 22, 2014 7:35 PM  
**To:** Heckman, Lee  
**Subject:** Radio Coffee & Beer- Zoning Hearing

Dear Sir,

I'm writing today in support of Radio Coffee & Beer, located at 4208 Manchaca. In light of an upcoming zoning hearing, I want to urge the city to allow Radio to remain in it's current location. Since opening, Radio has proven to be a very strong asset to this neighborhood. It's really the only place we can all gather, where children can play in the safety of a fenced in green space and anyone can enjoy the community-building atmosphere while supporting the local economy.

On a personal note, I am a single mother of two small children who lives in one of the apartment complexes nearby. Since moving into the apartments, I've noticed the scarcity of available green space where the kids can play without worry of broken glass, excessive debris, traffic, and dog waste. Radio has become a huge part of our weekly routine, hosting a weekly gathering for parents of small children each week and bringing our community closer together. There is really no other place within the Manchaca and Lamar corridors between Ben White and Oltorf, and I deeply appreciate the family-friendly atmosphere and ability to support local vendors.

Thank you for allowing me to present my opinion, and please consider allowing Radio to stay in it's current spot.

Best Regards,  
Amie Humphrey

## MacDonald J. Kempf, CPA

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1823 Fort View Road, Suite 208  
Austin, TX 78704  
(512) 442-2502  
Fax: 442-1777

September 23, 2014

To Whom It May Concern

Re: Radio Coffee, LLC  
Zoning change from restaurant to bar

Dear Sir or Madam:

As the CPA for Radio Coffee, LLC and an office holder one block from their location (1823 Fortview Road), it is my opinion that the requested zoning change would not significantly change the character or nature of the business or neighborhood.

As an occupant of my current office for over ten years, it seems that the business has actually improved the security and safety of the area.

Furthermore, being familiar with the accounts and activity of the business, it seems that the change in zoning would not change the character or nature of the business itself. It would simply remove an additional regulatory burden in meeting the strict definitions and onerous sanctions imposed by failing to meet the restaurant code.

Sincerely,

MacDonald J. Kempf, CPA

From: Emily Coleman  
Sent: Wednesday, September 24, 2014 1:46 AM  
To: Heckman, Lee  
Subject: Radio Coffee & Beer

Hello Lee!

I live in the neighborhood where Radio is, 4102 Valley View Rd. to be exact. I'm just writing you to let you know that I love Radio! Jack said he was up for a zoning change, and I offered to say some kind words to help him get it. My parents also live in the neighborhood and we regularly go to Radio together for coffee or to listen to music. It's been a great addition to our little nook of Austin, and we are very happy to support it. Thanks!

-Emily

--

Emily Coleman  
<http://mlecoleman.com/>

**From:** Travis Frank  
**Sent:** Wednesday, September 24, 2014 2:03 PM  
**To:** Heckman, Lee  
**Cc:** gwilson53@gmail.com  
**Subject:** Radio Coffee and Beer

Good Afternoon, my name is Travis Frank and I manage the A-Line Auto Parts next to Radio. I want to let you know that I am in support of the re-zoning efforts of Greg Wilson on behalf of Radio Coffee and Beer. Thank you for your consideration on this and have a great day.

**Travis Frank**  
**Store Manager**  
**A-Line Auto Parts #7 Ben White**  
**2020 W. Ben White**  
**Austin, TX 78704**  
**512-442-7843**  
**Direct Ext. 807103**