

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 90
AGENDA DATE: Thu 09/30/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0072 - Powerhouse Lounge - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 515 Pedernales Street and 2507 E. 6th Street (Town Lake Watershed) from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading on July 29, 2004. Vote: 7-0. Conditions met as follows: No conditions were imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). City Staff: Glenn Rhoades, 974-2775. Note: The property owner has filed a valid petition in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0072

REQUEST:

Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 515 Pedernales and 2507 E. 6th Street from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning.

DEPARTMENT COMMENTS:

At the June 8, 2004 Commission hearing, Commissioner Cortez requested staff research the distance between the subject tract and the University of Texas Elementary School, located at the corner of Robert Martinez Jr. Street and E. 6th Street. As the crow flies, from property line to property line, the distance is approximately 1,033 feet.

On April 27, 2004, residents of the area requested that the Planning Commission down zone 515 Pedernales Street from CS-1 to CS. Three citizens spoke in favor of the proposed change, they were; Gloria Moreno (Pedernales Neighborhood Association), Gavino Fernandez (El Concilio, Coalition of Mexican American Neighborhoods) and Paul Hernandez (Resident). On May 11, 2004, the Commission voted to initiate the down zoning the property (Vote: 7-0, C. Medlin and J. Newton – absent).

The Planning Commission forwarded this rezoning request without a formal recommendation. Staff does not recommend the proposed zoning change from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) district zoning.

The owner of the property is requesting that Council reopen the public hearing because on first reading they did not speak on their behalf. The property owner has filed a valid petition against the downzoning application (see exhibit "A").

The applicant has filed a valid petition against the proposed rezoning of the property.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Glenn Rhoades)

DATE OF FIRST READING/VOTE:

July 27, 2004 – Approved general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning (Vote: 7-0)

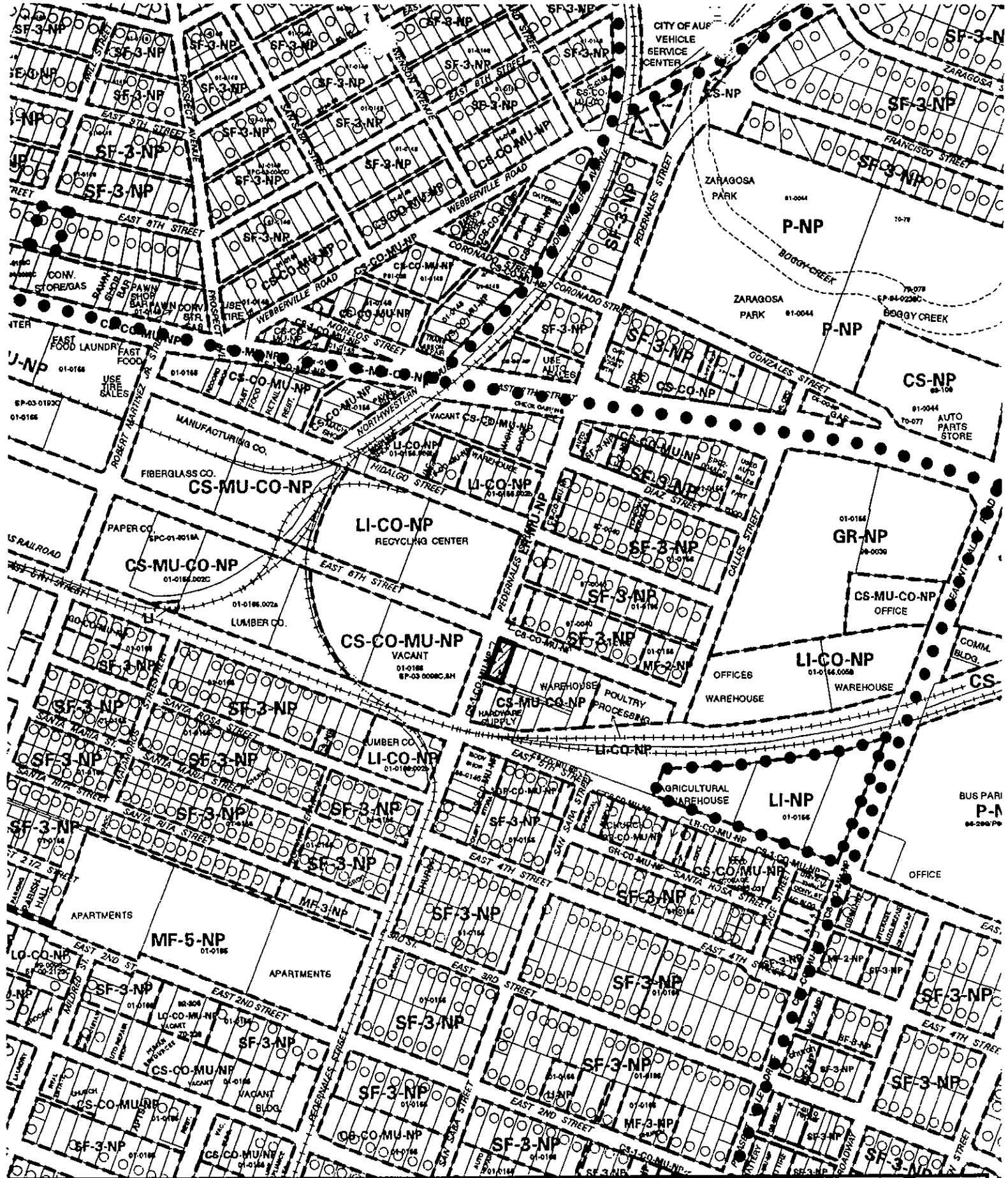
CITY COUNCIL DATE:


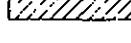


July 27, 2004 – Approved CS-MU-CO-NP.

September 2, 2004 - Postponed at the request of the property owner until September 30, 2004
(Vote: 7-0).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775



 1" = 400'	SUBJECT TRACT 	ZONING CASE #: C14-04-0072 ADDRESS: 515 PEDERNALES ST SUBJECT AREA (acres): 0.140		DATE: 04-05 INTLS: SM	CITY GRID REFERENCE NUMBER K21
	PENDING CASE 				
	ZONING BOUNDARY 				
	CASE MGR: G. RHOADES				

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0072

P.C. DATE: June 8, 2004

June 22, 2004

July 13, 2004

July 27, 2004

C.C. DATE: July 29, 2004

September 2, 2004

September 30, 2004

ADDRESS: 515 Pedernales Street and 2507 E. 6th Street

OWNERS: Powerhouse Lounge
(Tommie Lopez)

AGENT: City of Austin-NPZD
(Glenn Rhoades)

ZONING FROM: CS-1-MU-CO-NP

TO: CS-MU-CO-NP

AREA: .14 acres
approx. 6100 sq.ft.

SUMMARY STAFF RECOMMENDATION:

Staff does not recommend the proposed zoning change from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) district zoning.

ISSUES:

At the June 8, 2004 Commission hearing, Commissioner Cortez requested staff research the distance between the subject tract and the University of Texas Elementary School, located at the corner of Robert Martinez Jr. Street and E. 6th Street. As the crow flies, from property line to property line, the distance is approximately 1,033 feet.

On April 27, 2004, residents of the area requested that the Planning Commission down zone 515 Pedernales Street from CS-1 to CS. Three citizens spoke in favor of the proposed change, they were; Gloria Moreno (Pedernales Neighborhood Association), Gavino Fernandez (El Concilio, Coalition of Mexican American Neighborhoods) and Paul Hernandez (Resident). On May 11, 2004, the Commission voted to consider down zoning the property (Vote: 7-0, C. Medlin and J. Newton – absent).

PLANNING COMMISSION RECOMMENDATION:

June 8, 2004 – Postponed at the request of the applicant to June 22, 2004 (Vote: 6-0, C. Galindo and D. Sullivan – absent).

June 22, 2004 – Postponed at the request of the neighborhood to July 13, 2004 (Vote: 5-0, C. Galindo, C. Medlin and M. Moore – absent).

July 13, 2004 – Postponed at the request of the Commission to July 27, 2004 (Vote: 5-4, M. Moore, C. Medlin, J. Reddy and C. Galindo – nay).

July 27, 2004 – A motion was made to down zone the property but it failed to achieve a quorum (Vote: 4-4, J. Newton – absent). The case is to be sent to Council without a recommendation.

DEPARTMENT COMMENTS:

The proposed change is a part of the Holly Neighborhood Planning Area (HNPA), which was approved by City Council on December 13, 2001. According to the Future Land Use Map (FLUM), the property is designated for commercial use and is in compliance with what was envisioned for this site when the HNPA was approved.

The HNPA only called out 2 specific areas to be down zoned from CS-1 to CS, they were; the Southeast corner of E. 7th Street and Robert Martinez (E. 7th Corridor); and the Northeast corner of E. 6th and Chicon (Commercial Mixed-Use District). Please see exhibit A.1.

According to the permits on file with the City, the property has been permitted as a bar for a couple of years. Staff has found an Amnesty Certificate of Occupancy that is dated April 1, 2001, that recognizes the property as an existing bar (please see exhibit B). In addition, there have been have been 3 liquor license approvals from the City dated, April 9, 2001, June 17, 2003 and the most recent one on March 9, 2004 (please see exhibits C, D and E).

At this time, it appears that everything has been done legally and that the property has functioned as a bar for at least 3 years. Although the building appears to presently be vacant, it does have a current liquor license approved from the City of Austin.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1-MU-CO-NP	Vacant Lounge
<i>North</i>	CS-MU-CO-NP SF-3-NP LI-CO-NP	Restaurant/Lounge Single Family Recycling Facility
<i>South</i>	CS-MU-CO-NP LI-CO-NP GR-MU-CO-NP	Hardware/Chain Sales, Auto repair Lumber Company Single Family
<i>East</i>	CS-MU-CO-NP LI-CO-NP	Warehouse Poultry Processing
<i>West</i>	CS-MU-CO-NP	Mixed Use project under construction

AREA STUDY: East Cesar Chavez Neighborhood Plan

TIA: N/A

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

#006 – Barrio Unido Neighborhood Association
#030 – Guadalupe Neighborhood Association
#300 – Terrel Lane Interceptor Association
#386 – Central Austin Business Association Owners Association
#477 – El Concilio, Coalition of Mexican American Neighborhood Associations
#511 – Austin Neighborhoods Council
#613 – Holly Street Association

#629 – Pedernales Neighborhood Association

#972 – PODER, People Organized in Defense of Earth and Her Resources

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-97-0040	LI to SF-3	Approved SF-3 (vote: 8-0) 6/3/97.	Approved PC rec. (vote: 7-0). 7/17/97.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Pedernales St.	60'	40'	Collector
East 6 th	60'	40'	Collector

CITY COUNCIL DATE: 7/29/04

9/02/04

ACTION: Approved CS-MU-CO-NP
(Vote: 7-0).

Postponed at the request of
the applicant to 9/30/04 (Vote: 7-0).

ORDINANCE READINGS: 1st

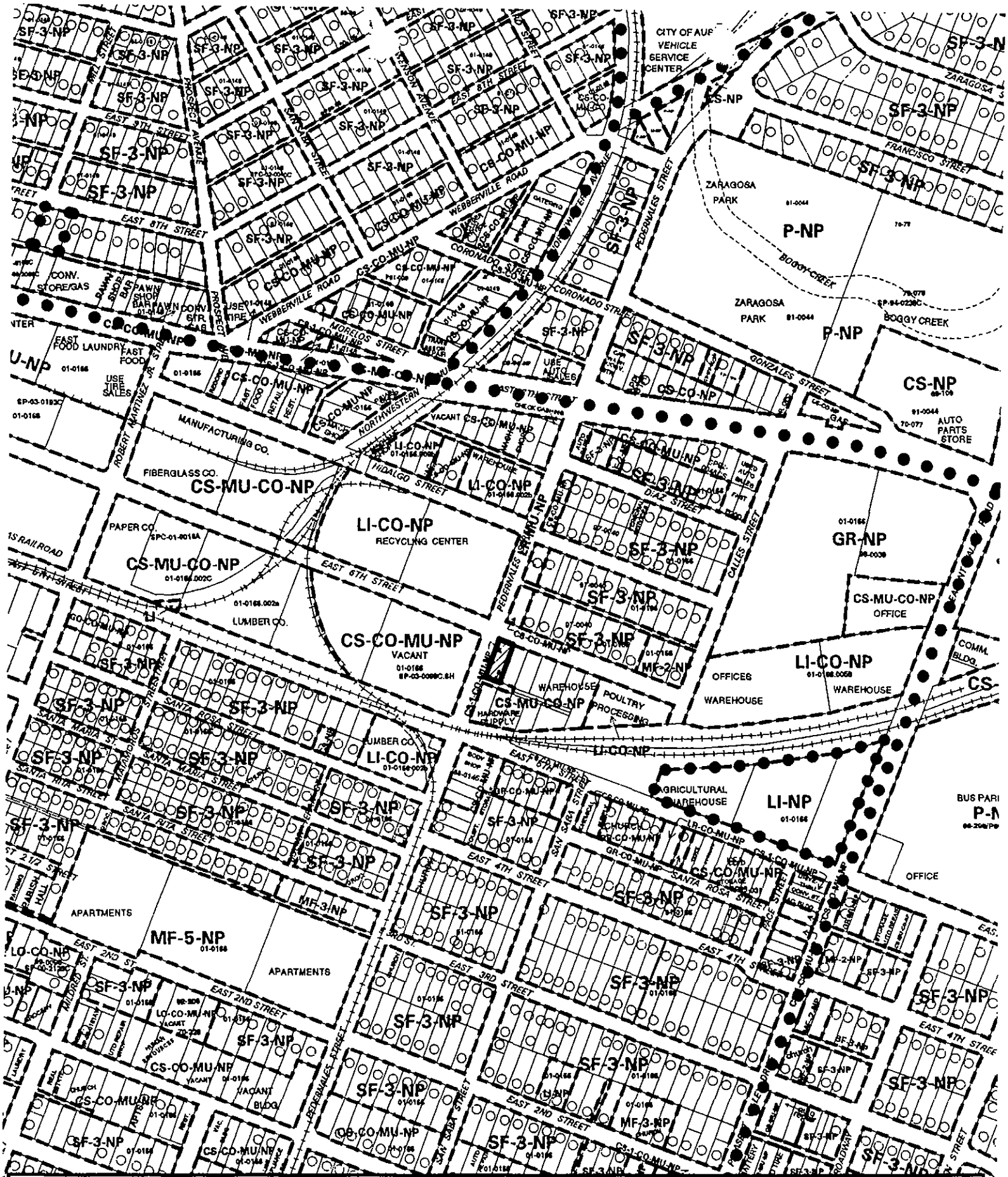
2nd


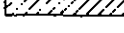


3rd

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



 <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G. RHOADES</p> <p>1" = 400'</p>	<p align="center">ZONING</p> <p>CASE #: C14-04-0072</p> <p>ADDRESS: 515 PEDERNALES ST</p> <p>SUBJECT AREA (acres): 0.140</p>	<p>DATE: 04-05</p> <p>INTLS: SM</p>	<p align="center">CITY GRID REFERENCE NUMBER</p> <p align="center">K21</p>
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City of Austin Infrastructure Support Services



Case C14-04-0072

Base
Subdivision



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STAFF RECOMMENDATION

Staff does not recommend the proposed zoning change from commercial liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) district zoning.

BASIS FOR RECOMMENDATION

The subject tract complies with the adopted Holly Neighborhood Plan. The Future Land Use Map (FLUM) designates this site for commercial uses. The subject tract was zoned CS-1 when the plan was approved, and no changes for the subject tract were specifically recommended for the property.

It does not appear that the property will ever be able to expand. According to the tax certificate, the building is about 1,300 sq. ft. A cocktail lounge requires 1 parking space for every 100 sq. ft of building space and presently requires 13 spaces. Due to the size of the lot, additional parking would be very difficult to achieve.

The proposed zoning should promote consistency, and orderly planning.

The existing zoning is compatible with the surrounding area. There is a recycling plant zoned LI to the northwest, a warehouse zoned CS to the east, what appears to be a lounge zoned CS to the north and a hardware/chain retailer to the south. Although there are single-family homes to the northeast, the subject tract fronts Pedernales Street, where the predominant zoning is CS and LI for this portion of the roadway.

In addition, the single-family homes are at least partially buffered by the warehouse to the east.

The proposed zoning should allow for a reasonable use of the property.

The existing zoning is a fair and reasonable use of the site due to the commercial character of this section of Pedernales Street.

EXISTING CONDITIONS

Site Characteristics

The property is currently occupied with a vacant structure that was most recently used as a bar.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 1,762 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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

There are existing sidewalks along East 6th Street.

Capital Metro bus service is not available within 1/4 mile of this property.

Impervious Cover

The maximum impervious cover allowed under CS-1 zoning is 95%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Town Lake Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone/ Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

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

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

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria and construction.

Compatibility Standards

The site / tract is currently zoned CS-1-CO-MU-NP and are asking for a zoning change to CS. The tract doesn't currently have a site plan associated with the property.

The site is currently developed and compatibility standards will not apply. However, if the site is redeveloped, compatibility standards will be triggered to the north.

PETITION

Ex. A

RECEIVED

JUL 29 2004

DATE: JULY 28, 2004

FILE NUMBER: 014-04-0072

Neighborhood Planning & Zoning

ADDRESS OF REZONING REQUEST: 515 PEDERNALES STREET
AUSTIN, TEXAS

To: Austin City Council

We, Johnny and Tommie Lopez, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS-1-CO-MU-NP.

The reasons for our protest are as follows:

1. We have owned the property for over thirty (30) years and because of its current zoning we have greater flexibility when renting the property to future tenants.
2. The current zoning allows the option of leasing the property to any potential tenants without restrictions.
3. If it were to be down zoned, restrictions would keep us from acquiring potential tenants that would want to operate a bar. For example, if the property is leased such that a tenant operates some other type of business other than a bar, we would not be able to go back and lease the property to any tenant who may wish to operate a bar from this location.
4. As currently zoned, we are able to lease the property to any interested party wishing to operate any type of business that would conform to its current zoning.
5. There is a contract on this property and the issuance of a liquor license is pending.
6. The tenant has already invested time and money into the business.
7. The tenant has met with neighborhood representatives and has agreed to maintain lines of communication and consider their needs.
8. We have met with neighborhood representatives and have agreed to maintain lines of communication and consider their needs.
9. We also live in east Austin and wish to co-exist with our neighbors.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>J Lopez</u>	<u>Tommie Lopez</u>	<u>1729 Gile St.</u>
<hr/>		
Date: <u>7/28/04</u>	Contact Name: <u>Tommie Lopez</u> Phone Number: <u>512-474-2471</u>	

RECEIVED

JUL 29 2004

Neighborhood Planning & Zoning

P E T I T I O N

Date:

7/28/04

File Number:

014-04-0072

Address of

Rezoning Request:

515 Pedernales Street
Austin, Tx.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS-1-CO-M4-NP.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

[Signature]

Tommie Lopez

1729 Giles St

Date:

7/28/04

Contact Name:

Tommie Lopez

Phone Number:

Goal 2: Encourage opportunities to address compatibility between different residential, commercial and industrial uses.

Objective 2.1: Retain adjacent commercial and industrial uses within the Commercial Mixed Use District.

Objective 2.2: Restrict intensive commercial/industrial uses from residential area of neighborhood.

Action Item 2.2.1: Prohibit additional CS-1 zoning throughout neighborhood. (All districts and corridors). - **Neighborhood Planning & Zoning Department**

Action Item 2.2.2: Rezone properties currently zoned CS-1 to CS-MIXED USE-CO at the following locations: - **Neighborhood Planning & Zoning Department**

Southeast corner of E. 7th Street and Robert T. Martinez (E. 7th Corridor)
Northeast corner of E. 6th and Chicon (Commercial Mixed-Use District)

Action Item 2.2.3: Rezone LI (Light Industrial) zoned land next to Zavala Elementary School located at Robert T. Martinez/4th/5th to CS-MIXED USE-CO (Commercial Mixed-Use District). - **Neighborhood Planning & Zoning Department**

Objective 2.3: Restrict incompatible uses in residential areas

Action Item 2.3.1: Rezone scattered sites in Residential District from CS-Commercial Services to SF-3 and except where noted on the proposed rezonings map to NO-MU-CO (Neighborhood Office): - **Neighborhood Planning & Zoning Department**

The following action item refers to a site in the Residential District that has a grocery store, laundromat and small gas station. The neighborhood would like to preserve these uses, limit the expansion of these uses because they are in the Residential District, limit the size and lighting of signage for businesses, and have a height limit for structures/buildings of 30'. This site has served as a neighborhood corner store for many years and is in walking distance for many residents.

Action Item 2.3.2: Rezone GR zoned property within the Residential District at Robert T. Martinez and Holly with a CO-Conditional overlay to allow existing uses, restrict height to 30' and restrict other uses incompatible with the Residential District. - **Neighborhood Planning & Zoning Department**

Objective 2.4: Encourage locally owned/managed businesses

Action Item 2.4.1: Pursue grants and loans for small start-up businesses. - **Holly Neighborhood Planning Team, Neighborhood Housing & Community Development**

Objective 2.5: Encourage appropriate uses and scale of commercial.

Action Item 2.5.1: Encourage new development to adhere to the neighborhood design guidelines. - **Neighborhood Planning & Zoning Department**



CITY OF AUSTIN - PROJECT PERMIT

Printed: 02 June 2004

PERMIT NO.
01006592STATUS
ACTIVETYPE
CADDRESS
515 PEDERNALES ST

Ex. B

DATE
11-APR-01

SUBDIVISION										PERMIT CLERK C.COWARD		
PLAT 25		BLOCK		LOT				GRID MK21				
ZONE	HT. & AREA	REQD.	PARKING PROVD.	PROPOSED OCCUPANCY OCCUPANCY LOAD CARD/AMNESTY C.O. FOR THIS EXISTING EXISTING BAR								
SPECIAL PERMIT NO.		TOTAL SQ. FT.		VALUATION	TYPE CONST. 5N	USE CAT. G2-1	GROUP A-3	FLOORS	BLDGS	UNITS		
									1			
WORK PERMITTED REMODEL				BASEMENT N	BUILDING DIMENSIONS			MIN. STD. N	ONR N			
C O N T R A C T O R S	OWNER/CONTR. JOHNNY LOPEZ				PHONE	FEE	PAID DATE	REQUIRED INSPECTIONS				
	BUILDING RICK WALLEN					\$23	04/11/2001	BUILDING FIRE HEALTH				
	ELECTRICAL											
	MECHANICAL											
	PLUMBING											
	SIDEWALK/DRIVE											
	SIGN											
ROOF / SIDE												
ELEC SERVICE FEE												
PLAN CHECK FEE												
				ETJ FEE	TOTAL FEE	TOTAL PAID						
					\$23	\$23						

C.O. MAILING ADDRESS

REMARKS PANIC HARDWARE IS REQUIRED

BY TAKING AND/OR PAYING FOR THIS PERMIT APPLICATION, YOU ARE DECLARING YOU ARE THE OWNER OR HAVE BEEN AUTHORIZED BY THE OWNER OR OWNERS TO SUBMIT THIS APPLICATION, THAT THE GIVEN DATA ARE TRUE FACTS AND THAT THE WORK WILL CONFORM TO THE PLANS AND SPECIFICATIONS SUBMITTED HEREWITH:

THIS IS A RECEIPT OF PAYMENT FOR FEE OR FEES AS MARKED PAID.

TO SCHEDULE AN INSPECTION, CALL 480-0623.

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Liquor License Review for Application # 360



Address	515 Pedernales, Austin, Texas 78702-3952
Name of Business	Powerhouse Lounge
Name of Applicant	Raymond Quiroz
Name of Contact	Rick Wallen
Contact Phone Number	512-478-9518
Contact E-mail Address	No E-mail Address Provided
License Type	BG: Wine and Beer On-premise retailer's permit BL: Retail dealer's on-premise late hours license

This request was given final approval on 04/24/2001 by Betty Brown.

Department	Approval	Name	Comments
AFD	Approved	Shane Rodgers	; 4/18/01 Approved by Lt Hoad
Health	Approved	Lela Harrison	; 4/23/01 ; 4/23/01 Approved per George Everts
APD	Approved	Colleen Waters	; 04-09-01 Approved #014843379
Development/ Review	Approved	Susan Walker	; 4-9-2001 - existing nonconforming cocktail lou
Zoning Verification	Approved	Ana Coronado	; LI 04-06-2001

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Liquor License Review for Application # 979



Address	515 Pedernales, Austin, Texas 78702
Name of Business	Buy U Mama
Name of Applicant	Noralee Lopez
Name of Contact	Pete Martinez
Contact Phone Number	512-658-9993
Contact E-mail Address	No E-mail Address Provided
License Type	BG: Wine and Beer On-premise retailer's permit BL: Retail dealer's on-premise late hours license

This request was given final approval on 10/03/2003 by Rosemary Ybarra.

Department	Approval	Name	Comments
AFD	Approved	Mandy Greenwalt	; approved 7/11/03 p/ Lt. Ho
Health	Approved	Mark Parsons	; ok per ME 8-26-03
APD	Approved	Linda Gomez	; 10/03/03
Development/ Review	Approved	Susan Walker	; 6-17-03
Zoning Verification	Approved	Gail Klaus	; CS-1-CO-MU-NP 6-5-03

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Liquor License Review for Application # 1151



Address	515 Pedernales
Name of Business	Buy U Mama
Name of Applicant	Maria Christina Gonzaloz
Name of Contact	Pete Martinez
Contact Phone Number	512-203-0401
Contact E-mail Address	No E-mail Address Provided
License Type	BG: Wine and Beer On-premise retailer's permit BL: Retail dealer's on-premise late hours license

This request was given final approval on 04/14/2004 by Rosemary Ybarra.

Department	Approval	Name	Comments
AFD	Approved	Shane Rodgers	; Approved per Lt Jordan 3/24/04
Health	Approved	David Lopez	; Approved per M. Elizondo 3/15/04
APD	Approved	Linda Gomez	; 03/05/04
Development/ Review	Approved	Susan Walker	; 3-9-04
Zoning Verification	Approved	Gail Klaus	; CS-1-CO_MU_NP 03/01/04

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#41

PEDERNALES NEIGHBORHOOD ASSOCIATION

Our goal is to live in Harmony, Peace, Security, and Tranquility. Nuestra meta es vivir en armonia, paz, seguridad, y tranquilidad.

May 25, 2004

TO: City of Austin Planning Commission

FROM: Gloria Moreno, President
Pedernales Neighborhood Association

RE: REQUEST TO DOWN ZONE PROPERTY
AT 515 PEDERNALES STREET

We come before you again to ask you to consider down zoning the property at 515 Pedernales Street, Austin, TX 78702 in East Austin. It is currently zoned CS1-CO-MU-NP and we are asking that it be down zoned to CS-CO-MU-NP.

The businesses at said location have been bars for over thirty (30) years. During those years the residents nearest to the bar have had to endure and put up with:

Loud music.

Crowded street parking, causing blind corners.

Many fenders (most not being reported) benders.

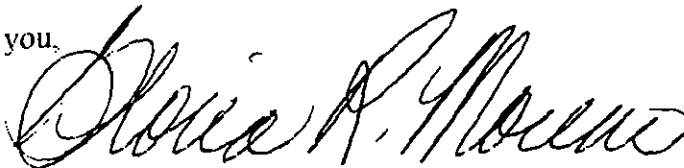
Customers driving recklessly putting pedestrians in danger.

Customers urinating outside establishment.

Is located less then 1,000 feet from The University of Texas Elementary School.

The bar has not been opened for 1 ½ years. If the property can be down zoned, the owners can still lease it out for a different type business. We could use a decent neighborhood friendly business there. A dental clinic or a photographer's studio would be nice. Maybe even a beauty shop. Who knows? We would like to meet with the owners and work with them.

Thank you,



cc: Jose Rodriguez, D.R. APD
Wayne Murray, Compliance Officer, TABC
Gavino Fernandez, Jr., El Concilio (Coalition of East Austin
Neighborhood Leaders)

Our goal is to live in Harmony, Peace, Security, and Tranquility. Nuestra meta es vivir en armonia, paz, seguridad, y tranquilidad.

TO: City of Austin Planning Commission

RE: DOWN ZONING PROPERTY AT 515 PEDERNALES STREET

NAME	ADDRESS	PHONE #
Joe Perez	2500 E 6th	Keller's Place
YGNACIO CAMARILLO	2512 E. 6 th	220-1129
HERMINIA CAMARILLO	2512 E. 6 th	220-1129
Sonia Morales	2570 E. 6 th	947-5276
Alfredo Morales	2570 E. 6 th	947-5276
Mrs. Nick. Y. Hernandez	2602 East 6th	0
Florencia Martinez	2604 Nechago M.	472-1750
Jose B. Martinez	2604 Nechago M.	472-1750

PETITION FOR DOWN ZONING 515 PEDERNALES STREET

We, the undersigned residents, of Pedernales Neighborhood Association and neighboring neighborhood associations are opposing the opening of a (another) bar at the 515 Pedernales location and are requesting the City of Austin to approve the down zoning of said property from CS1 to CS.

19-Apr-04

DATE	NAME	ADDRESS	PHONE	AFFILIATION
4/20/04	MARCO de la Cruz	1102 Canterbury	480-0809	EAST TOWN/KEELBURN N. of 185th
4/19/04	GAUIND FERNANDEZ	208 CANEY	477-7512	EL Concilio
4-20-04	James Martinez	1105 East 3rd	474-5359	Bruno United
4-20-04	John Kander	2008 Haskell	236-0522	Concilio
"	Kimberly Kander	"	"	"
"	Edward Pender	1705 Haskell	478-3897	"
4-22-04	Deey Ketherberger	310 W. 12th #318	477-1663	(City Office) Pedernales Neighborhood Association
4-22-04	Jose Luis Bail	2504 Hidalgo	-	"
"	Olivia Moreno	"	769-6475	"
"	Veronica Moreno	"	193-2992	"
4/23/04	Veronica Garcia	2605 Diaz	-	Veronica Garcia
4/23/04	Alfredo Garcia	"	-	Alfredo Garcia
"	Mrs. Socorro Gonzalez	2600 Diaz	477-1125	Pedernales Neighborhood Association
"	Ernesto Gonzalez	2600 Diaz	477-1125	"
"	Marta R. Lopez	2511 Diaz	-	"
"	Mrs. Mrs. Judith Lopez	2511 Diaz	-	"
"	Gilbert Zamora	2604 Diaz	376-4119	"
"	Sofie Gonzalez	"	376-4119	"
"	Arturo Benavente	2611 Hidalgo	-	"
4/23/	James Ancint	2606 Henderson	554-5074	"
"	Jose B. Martinez	2604 Hidalgo	-	"
"	Francisco Martinez	"	-	"
"	Alma Lopez	3250 E. 6th	-	"
"	Robert Bueno	2500 Hidalgo	800-1222	"
"	Andrew B.	2500 Hidalgo	800-2500	"
4-23	Sonia Morales	2510 E. 6th	947-5276	"
4-23	Alfredo Morales	"	"	"
4-23	Yderminio Camacho	2512 E. 6th	220-1129	"
4-23	Ygnacio Camacho	"	"	"

6th
6th
6th
6th

Gm

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

19-Apr-04

ip th



City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

NOTICE OF FILING OF APPLICATION AND PLANNING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

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Mailing Date of this Notice: May 27, 2004

File Number: C14-04-0072

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 515 Pedernales Street and 2507 E. 6th Street

PROPOSED ZONING CHANGE:

FROM: CS-1--Commercial-Liquor Sales district is intended predominately for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

TO: CS--General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

OWNER: Tommie Lopez

AGENT: City of Austin - NPZD (Glenn Rhoades)

PHONE: (512) 974-2775

PLANNING COMMISSION HEARING DATE: June 8, 2004

TIME: 6:00 PM

LOCATION: 505 Barton Springs Road, One Texas Center 3rd Floor, Training Room #325, Austin

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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) Raymundo Rebollos

☐ I am in favor
(Estoy de acuerdo)

Address 623 Pedernales Austin TX 78702

☐ I object
(No estoy de acuerdo)

Phn 512-4785636



City of Austin, Neighborhood Planning & Zoning Department
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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) NICK FALCON

Address 2614 E. 6th Apt (02)

- ☒ I am in favor
(Estoy de acuerdo)
☐ I object
(No estoy de acuerdo)



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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) Henry Loreda

Address 2603 Diaz St

Austin Tx 78702



☒ I am in favor

(Estoy de acuerdo)



☐ I object

(No estoy de acuerdo)



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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print)

Eulalia Retta

☒ I am in favor
(Estoy de acuerdo)

Address

2504 Diaz Atx 02

☐ I object
(No estoy de acuerdo)



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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print)

ALBERT O. RIVERA, JR.
& wife, MARTA BERRERA

Address

3603 Nidalgo
Austin 78702

- ☒ I am in favor
(Estoy de acuerdo)
- ☐ I object
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department
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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) MARK MORENO

☒ I am in favor
(Estoy de acuerdo)

Address 2504 Hidalgo Austin

☐ I object
(No estoy de acuerdo)

78702



City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print)

Gloria R. Moreno



I am in favor

(Estoy de acuerdo)

Address

2504 Nidalgo St



I object

(No estoy de acuerdo)

Austin Tx, 78702



City of Austin, Neighborhood Planning & Zoning Department
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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) Sonulmaras

Address 2510 E. 6th Austin 78702

- ☒ I am in favor
(Estoy de acuerdo)
- ☐ I object
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department
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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) Alfredo Morales

Address 2570 E. 6th Austin 78702

- ☒ I am in favor
(Estoy de acuerdo)
☐ I object
(No estoy de acuerdo)



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File # C14-04-0072-GR

Planning Commission Hearing Date: June 8, 2004

Name (please print) Ygnacio + Minnie Camarillo

☒ I am in favor
(Estoy de acuerdo)

Address 2512 E 6th Austin TX 78702

☐ I object
(No estoy de acuerdo)



City of Austin, Neighborhood Planning & Zoning Department
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Planning Commission Hearing Date: June 8, 2004

Name (please print)

NATALIE TORRES



I am in favor

(Estoy de acuerdo)

Address

2502 E. 6th St. Austin, Tex
78702



I object

(No estoy de acuerdo)

5. **Zoning:** **C14-04-0072 - Powerhouse Lounge**
- Location: 515 Pedernales and 2507 E. 6th Street. Town lake Watershed, Holly NPA
- Owner/Applicant: City of Austin
- Agent: NPZD (Glenn Rhoades)
- Request: CS-1-MU-CO-NP to CS-MU-CO-NP
- Staff Rec.: **NOT RECOMMENDED**
- Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

TABC - the applicant has told Mr. Rhoades that a permit can be delayed if a complaint is filed. One is filed, but is confidential. He also asked if a pending zoning case affects permit- TABC said no. Certificate of City Clerk is in the back-up. Another question: are there any remodeling permits, but according to the owner, they are painting and patching holes- nothing that requires a remodeling permit.

Commissioner Cortez clarified that another bar would not be able to open if the current bar use ceases for 90 days.

Commissioner Sullivan said that the definition of the use has ceased means that even if the bar is not in operation

MOTION: REOPEN THE PUBLIC HEARING

VOTE: 8-0 (DS-1st, MM-2nd; JN-ABSENT)

Commissioner Galindo clarified that whether or not the property is downzoned, the bar can continue to operate. Commissioner Cortez said that downzoning would set a precedent for the area.

FOR CURRENT ZONING

David Magana, his wife Melinda Magana, is in favor of the current zoning. The owners and the tenants are present to answer any questions.

FOR, DID NOT SPEAK

Manny Moran

Mark Moreno

AGAINST CURRENT ZONING

Gloria Moreno had requested at the last meeting to see a copy of the lease. She has not seen the lease. She wanted to see if there was a safety net in case criminal activity occurs at the site. In addition, the UT elementary school is 1000 feet away. When there are events at the school, people park on the street. The neighborhood wants to live in comfort, and one less bar in the area will bring that. We want to feel privileged to be a part of the process.

Gavino Fernandez said that in the Holly Neighborhood Plan there is a goal to address compatibility among land uses. Under that is an action item to not grant additional CS-1 zoning and to help small businesses in the area. Because there is a change in the development and land

use in the area, there is a need to reconsider the zoning on the site. Also because the operators of the bar are not from the neighborhood. Residents are not walking to the bar, the primary means to the bar is by car as evidenced by the number of cars in the parking lot from the previous bar use. It is a safety issue to have a bar in close proximity to an elementary school. They are not anti-business. This property could probably realize a two-fold rental income if the zoning is changed. Another use like a bakery or bookstore could bring in more revenue.

Paul Fernandez said that East Austin is going through tremendous changes. This is a great opportunity to get back what was lost some time ago. This is an opportunity to make the zoning compatible. This will not be the last time. There are several parcels that need to be looked at considering quality of life. It is quality of life that every neighborhood is seeking. He can understand Wooten's concerns because once you get something it is permanent, except here is an opportunity to downzone the property.

Commissioner Riley asked Mr. Magana that with the information provided by staff that the bar can continue to operate even if down-zoned, would that have a negative impact on the property? Mr. Magana said that the owner leases the property to those who want to open a business. If the property is down-zoned, then he could lease it to someone that does not open a bar but rather a sandwich shop, and in which case, he would lose the ability to lease it in the future to someone who wants to operate a bar.

AGAINST, DID NOT SPEAK

Susana Almanza

REBUTTAL

Mr. Magana said that the site is NOT within 100 feet of the school. There is a significant impact if the property is down-zoned. In addition, the neighborhood has indicated that the down-zoning would increase the income, but that is an option now, because the owner leases without restriction about what business operates.

Mr. Magana introduced Laura Lopez, who will be the manager of the bar and Christina Gonzalez, her mom, who will be the owner.

Commissioner Galindo said that he was concerned about making a decision without hearing from the tenant. Ms. Lopez said she wants to operate a clean, elegant bar. She has contacted Ms. Moreno and they talked for several hours. Commissioner Galindo asked how the bar will be elegant and clean. Ms. Lopez said that she would make it like the bars on Sixth Street.

Commissioner Medlin said they heard concerns that drugs would be done on the property. Ms. Lopez said that she would ask them to leave, and call the police. Ms. Lopez said she was a manager and owner of a restaurant in Pflugerville. She is currently in the construction business.

MOTION: CLOSE PUBLIC HEARING

VOTE: 8-0 (JMC-1st, DS-2st; JN-ABSENT)

MOTION: DOWNZONE THE PROPERTY TO CS-MU-CO-NP.

VOTE: 4-4 (JMC-1st, DS-2nd; JN- ABSENT)

MOTION FAILS

Commissioner Cortez said that this is a land use decision, and the Commission should not get into micromanaging a business. This CS-1 zoning is within the neighborhood and is not appropriate to have it in the middle of the neighborhood.

Commissioner Sullivan said that if this motion does not pass by the Planning Commission, he asks that if there is evidence of poor performance of the bar in the area the Planning Commission should reconsider.

Commissioner Hollon said it was a concern for him that they be allowed to operate their business, but it is important that a neighborhood take control of the land use. He thinks there have been a lot of strikeouts at the site. There are several reasons to vote for this 1) the business can continue to operate and 2) the neighborhood wants to see the down-zoning.

Commissioner Riley cannot support the motion. This action will guarantee that a bar will be there for a long time. He cannot see that a precedent would be set by keeping the CS-1 zoning. If the CS-1 zoning is kept, it allows for market shifts, without fear that he is losing property rights by allowing another business to use the building. He thinks it is counter-productive. In the downtown area, the downtown community has risen up and asked TABC to deny liquor permits. If we want to take the neighborhoods concerns seriously, the Planning Commission should submit a letter expressing that the liquor permit not be renewed. That is the way to remove the problem.

Commissioner Sullivan asked if it is possible to secure a loan for a bar that does not have CS-1 zoning.

Commissioner Galindo said that the unintended consequence of down-zoning the property is to encourage the bar use in perpetuity. In reality, that would be the affect of their decision.

Commissioner Medlin said that even though she agrees with Commissioner Riley and Galindo, she will support the motion. Her main concern is that the owner would suffer financial damage and it appears they will not. So if the neighborhood is aware of the unintended consequence and is okay with that possibility, she will support the motion.

Commissioner Galindo confirmed that the bar could open regardless of Council action.

Commissioner Sullivan pointed that a super majority of the Council would have to approve it because the owner is opposed.