



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

**AGENDA ITEM NO.: Z-7**  
**AGENDA DATE: Thu 11/18/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0058 - Sahara Club Extension - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 900 East Braker Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To deny commercial-liquor sales (CS-1) district zoning. Applicant: Walnut Ridge Shopping Center (Thomas C. Calhoun). Agent: Turnkey Properties (Victorious B. Giraud). City Staff: Sherri Gager, 974-3057.

<b>REQUESTING</b>	Neighborhood Planning	<b>DIRECTOR'S</b>
<b>DEPARTMENT:</b>	and Zoning	<b>AUTHORIZATION:</b> <u>Greg Guernsey</u>

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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0058

**ZAP DATE:** May 18, 2004  
June 1, 2004  
June 7, 2004  
July 20, 2004

**ADDRESS:** 900 East Braker Lane

**OWNER/APPLICANT:** Walnut Ridge Shopping Center (Thomas C. Calhoun)

**AGENT:** Turnkey Properties (Victorious B. Giraud)

**ZONING FROM:** GR            **TO:** CS-1            **AREA:** 0.103 acres (5,683 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of the CS-1 rezoning request.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

5/18/04: The Commission continued the case the June 1, 2004 (8-0); K. Jackson-1<sup>st</sup>, J. Martinez-2<sup>nd</sup>.  
\*The public hearing was reopened for this case.

6/1/04: Approved the staff's recommendation to deny the request for CS-1 zoning (8-0, J. Pinnelli – absent); K. Jackson-1<sup>st</sup>, J. Martinez-2<sup>nd</sup>.

6/7/04: Motion made to rescind, reconsider the June 1, 2004, motion (6-2, B. Baker, C. Hammond-Nay, J. Pinnelli-absent); J. Martinez-1<sup>st</sup>, M. Whaley-2<sup>nd</sup>.

Motion made to continue case to July 20, 2004 (6-2, B. Baker, C. Hammond-Nay; J. Pinnelli-absent); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

7/20/04: Approved staff recommendation to deny CS-1 zoning (5-3, J. Gohil, J. Martinez, K. Jackson-Nay; J. Pinnelli-absent); B. Baker-1<sup>st</sup>, M. Whaley-2<sup>nd</sup>.

**ISSUES:**

At the September 30, 2004 City Council meeting, the applicant requested an additional postponement to November 18, 2004. Mr. Judson Green stated he had had a discussion with the neighborhood during a Council recess and both parties agreed to a further postponement so that they could continue to negotiate issues regarding the case. By a motion made by Mayor Pro Tem, Jackie Goodman, and seconded by Council member Betty Dunkerly, the Council postponed the case until the November 18<sup>th</sup> meeting date.

The staff received a letter from the applicant on August 13, 2004, requesting a postponement of the case at City Council to the September 30, 2004 (Postponement Letter- Attachment I). The applicant would like to meet with the neighborhood on Saturday, September 18, 2004 to discuss his proposal.

On May 18, 2004, the Zoning & Platting Commission asked the staff to research the amount of parking spaces that would be required if the Sahara Club was expanded by the proposed 0.103 acres

(5,683 sq. ft.). The staff has determined that the applicant would now need 140 parking spaces. The applicant is required to have 1 space for every 50 square feet of building area (based on LDC requirements for a 2500-10000 sq. ft cocktail lounge use). With the current parking spaces available on the site (269 spaces overall for the entire shopping center), the applicant would be 44 parking spaces short and could not meet this requirement. It may be possible for the applicant to conduct a shared parking analysis to attempt to meet the additional 140 required parking spaces for the proposed expansion of the Sahara Club. If the CS-1 zoning is granted for this site, the applicant would be required to address this parking issue during the Conditional Use Permit process for the new/additional 0.0103 acres of cocktail lounge use.

A notice of violation for this site was sent to the owner of the Walnut Ridge Shopping Center, Thomas C. Calhoun, on April 27, 2004, because the Sahara nightclub has expanded into an old restaurant area (vacant suite) to the east without obtaining permits, a rezoning, a new Conditional Use Permit, and a certificate of occupancy from the City. The Sahara Club cocktail lounge is not operating according to their existing CUP (SPC-02-0013A) because they have removed a wall separating the business from the vacant restaurant space, which does not have the appropriate zoning to allow for alcohol sales.

#### **DEPARTMENT COMMENTS:**

The property in question is a suite located within a retail shopping center fronting Braker Lane. The applicant is requesting CS-1 zoning for this site to expand an existing cocktail lounge/bar use to the east.

Last year the owner of the bar, Judson Green, was granted a CUP for a 1,300 sq. ft. cocktail lounge in a CS-1 zoned space within the retail shopping center (Case SPC-02-0013A-Attachment A). The owner then decided to expand the cocktail lounge business into an old restaurant area, formerly known as the Tropical Heat Cafe. He applied for building permits for this "renovation" but was denied because the old restaurant area is zoned GR, which does not permit a cocktail lounge use. Since that time, Mr. Green has knocked down the wall between the bar and the vacated restaurant without permits from the City and expanded his facility. Mr. Green applied to the TABC for a mixed beverage/late night hours permit for this site and was denied because of inappropriate zoning. The city has informed the Mr. Green that he will need to rezone the property in question and obtain a Conditional Use Permit for this site to come into compliance with City of Austin Code requirements.

The staff is recommending denial of the applicant's request for CS-1 zoning because the site does not meet the purpose statement for the CS-1, Commercial-Liquor Sales District. The rezoning of this site will also contribute to the over zoning of the area. There are two other CS-1 zoned properties to the west of the existing Sahara Club within the Walnut Ridge Shopping Center. One is being utilized for a liquor store and the other (larger site) is currently used as a discount retail store.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Cocktail Lounge/Bar
<i>North</i>	MF-2	Apartments
<i>South</i>	GR	Restaurant
<i>East</i>	GR	Bingo hall
<i>West</i>	CS-1, GR, CS-1. CS-1-CO	Cocktail Lounge/Bar, Dry Cleaners, Nail Salon, Liquor Store, Discount Retail Store

**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Northeast Walnut Creek Neighborhood Association  
River Oaks Lakes Estates Neighborhood  
North Growth Corridor Alliance  
Austin Neighborhoods Council  
NorthEast Action Group  
Taking Action Inc.

**SCHOOLS:**

Graham Elementary (approximately 1500 feet to southeast)  
Pflugerville #4 Middle School  
Dobie Middle School  
Lanier High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-02-0130	CS-1 to GR	9/10/02: Approved staff's recommendation of GR zoning by consent (6-0, D. Castaneda-absent)	10/10/02: The Council had many questions about this case because the neighborhood spoke out both for and against the rezoning. The neighborhood felt the rezoning request did not cover the entire tract subject to the prior restrictive covenant (from case C14-95-0034) and stated their opposition to the pending conditional use permit for a new cocktail lounge. Sarah Crocker raised the issue regarding DAC'S approval of a site plan exemption for a cocktail lounge use and Alice Glasco explained how this error occurred. (7-0); all 3 readings
C14-02-0033	CS, GR to CS-1	4/16/02: Approved staff rec. to deny CS-1 (5-0)	5/23/02: Denied CS-1 (7-0)
C14-95-0054 "Expired"	GR to CS-1	5/23/95: Denied CS-1 as requested (6-0)	6/22/95: Motion to deny failed (2-2-1, EM/RR-no, GG-abstain), no action taken
C14-95-0034	TRA: CS to CS-1 TRB: CS to CS-1	5/9/95: Denied CS-1 (6-0)	6/1/95: Approved CS-1 w/ conditions: To approve CS-1, with a restrictive covenant that

			provides for rollback to GR, if cocktail use does not open within 1 year of zoning case or ceases for more than 90 days. (4-1-2, BS-no, JG/BT-abstain); 1 <sup>st</sup> reading  8/17/95: Approved CS-1 (4-1-2, BS-no, JG/BT-abstain); 2 <sup>nd</sup> reading  8/24/95: Approved CS-1 (5-1, JG-Nay); 3 <sup>rd</sup> reading
C14-88-0110	GR to CS-1	9/27/88: Grant CS-1 w/ conditional overlay	10/27/88: Approved CS-1 w/conditions; all 3 readings

**RELATED CASES:** See "Background" information

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Braker Lane	100'	60'	Arterial

**CITY COUNCIL DATE:** August 26, 2004

**ACTION:** Postponed by Applicant to 9/30/04 (7-0)

September 30, 2004

**ACTION:** Postponed by Council to 11/18/04 (5-0, Alvarez & Thomas-off dias)

November 18, 2004

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

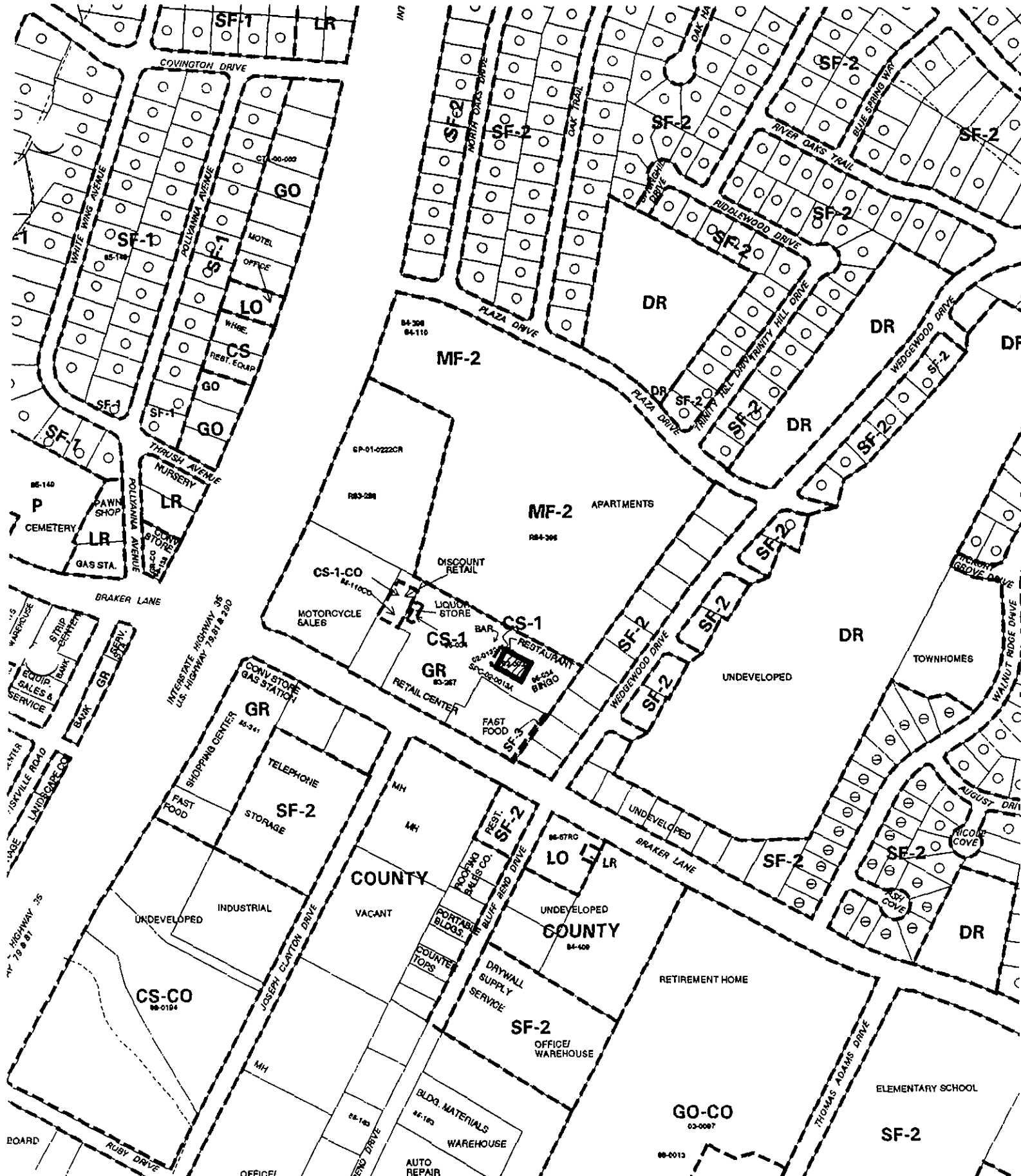
3<sup>rd</sup>

**ORDINANCE NUMBER:**

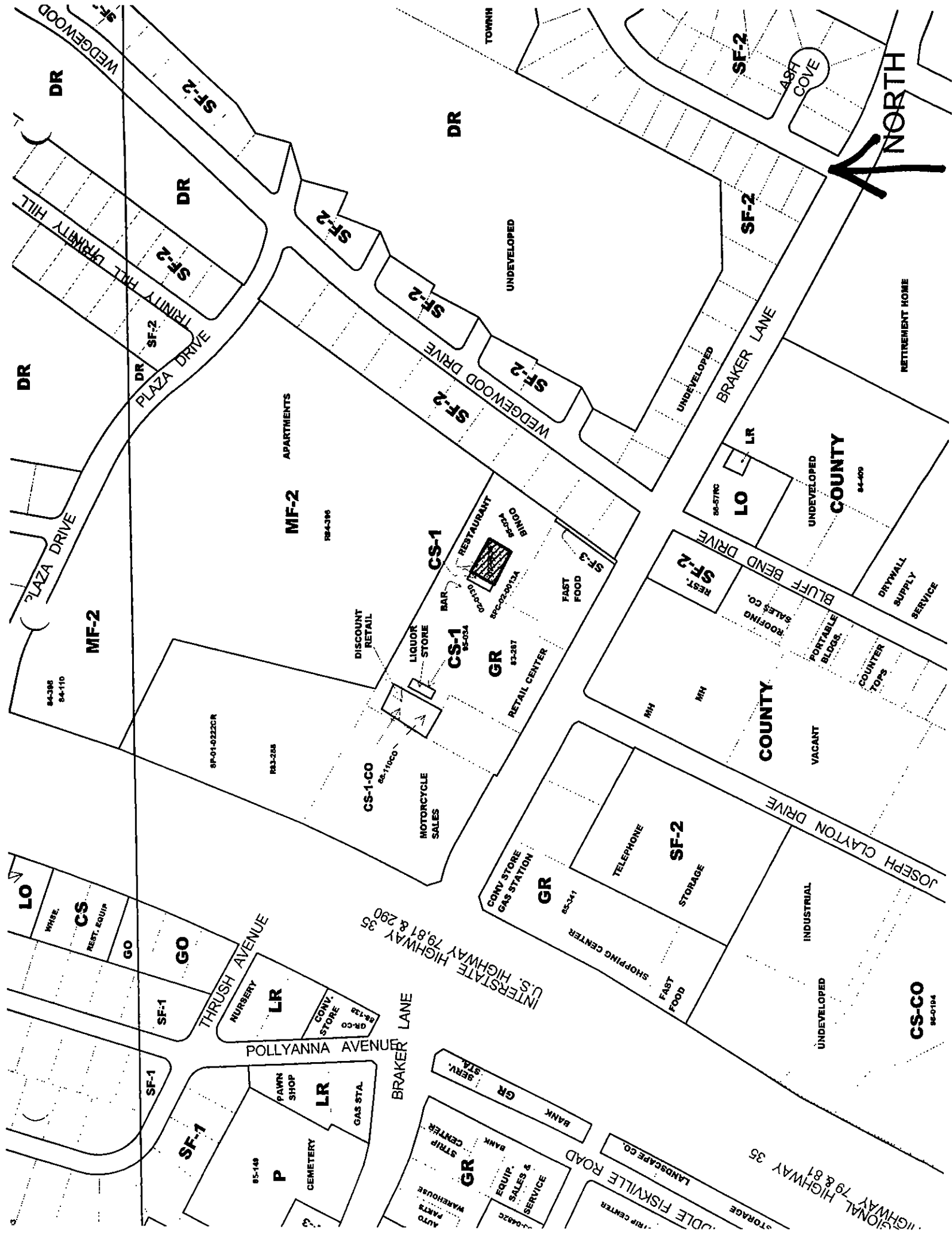
**CASE MANAGER:** Sherri Gager

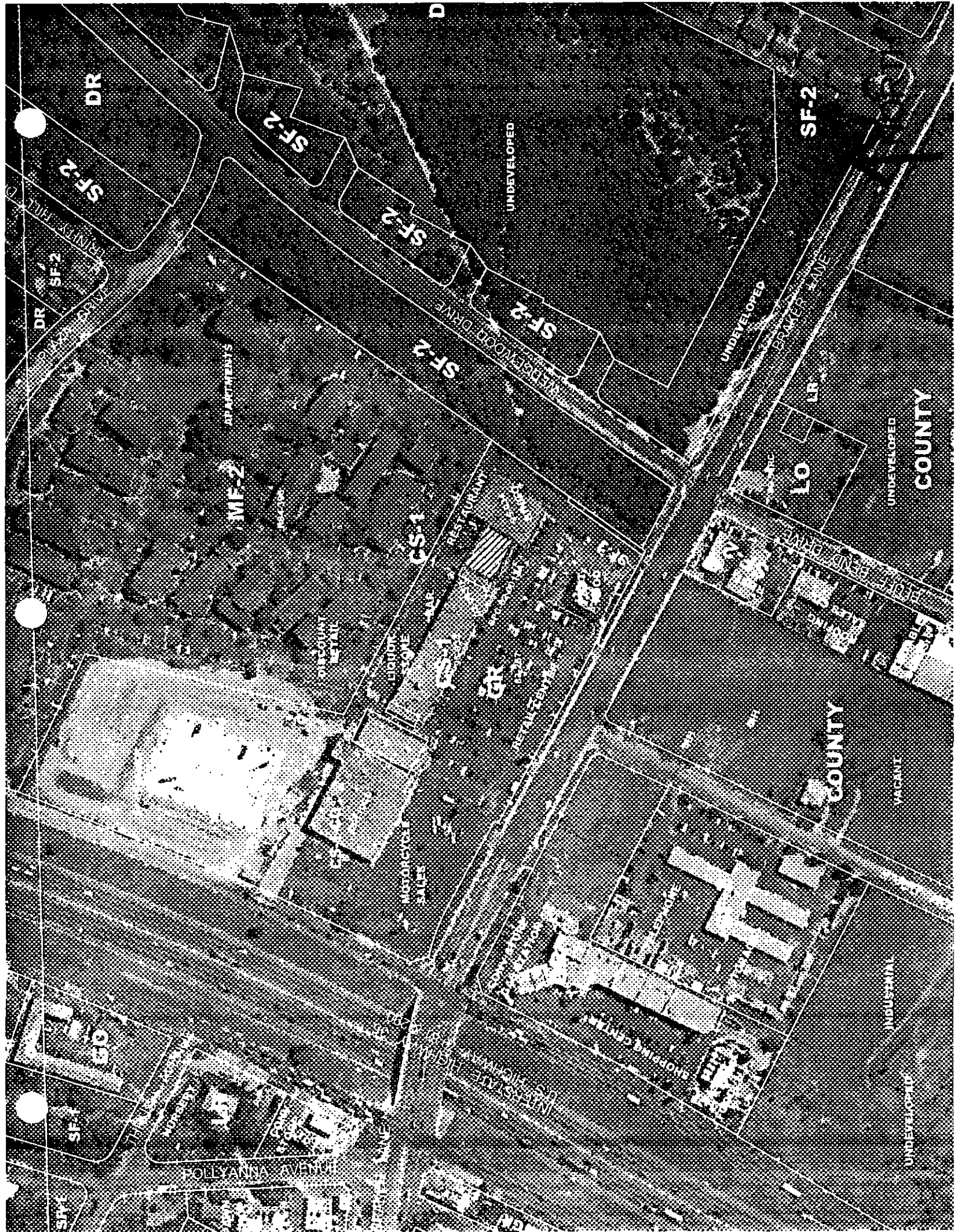
**PHONE:** 974-3057

**EMAIL:** Sherri.Gager@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	<b>ZONING</b>  <b>CASE #: C14-04-0058</b> <b>ADDRESS: 900 E BRAKER LANE</b> <b>SUBJECT AREA (acres): 0.130</b>		CITY GRID REFERENCE NUMBER  <b>M31</b>
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 04-04		
	CASE MGR: S. GAGER	INTLS: SM		





## **STAFF RECOMMENDATION**

Staff recommends denial of the CS-1 rezoning request.

## **BACKGROUND**

### **C14-02-0130**

In August of 2002, an application was submitted requesting a rollback for a portion of a CS-1 zoned tract to GR, Community Commercial District, zoning (Zoning Case Map-Attachment B). As part of zoning case C14-95-034, there was a public Restrictive Covenant accepted by the City Council in which the owner agreed to a zoning roll back to GR for two properties if a Conditional Use Permit for a cocktail lounge was not issued within one year of the rezoning or if a cocktail lounge use ceased for more than 90 days. The down zoning of a portion of the original Tract B from case C14-95-034 to GR was recommended by the Zoning & Platting Commission on September 10, 2002 and was approved by the City Council on October 10, 2002. The remainder of Tract B is part of the Sahara Club site (CUP Case SPC-02-0013A-Attachment A).

### **C14-02-0033**

Rezoning case C14-02-0033 (Zoning Case Map-Attachment C) was a duplicate request of the 1995 case listed below, with the addition of an adjacent store-front to the request for CS-1 zoning. Part of the site was identified as having a zoning violation for an illegal cocktail lounge. It appears that the rezoning case was prompted by a complaint and subsequent red tag by Code Enforcement. Zoning case C14-03-0033 was denied by the Zoning and Platting Commission on April 16, 2002 and by the City Council on May 23, 2002.

### **C14-95-0054**

In 1995 a rezoning application was submitted for a portion of this retail center, as case C14-95-0054 (Zoning Case Map-Attachment D). The smallest portion of subject tract request was recommended by staff, but denied by Planning Commission and City Council. The development (restaurant use/bar use) existed at the time of the 1995 request and is now the vacant Tropical Heat Cafe that is part of the property under consideration in the current zoning case.

### **C14-95-0034**

Also in 1995, one month prior to the above case, a rezoning application for case C14-95-0034 (Zoning Case Map-Attachment E) was submitted for two other store fronts (Tract A and Tract B) within the same retail center as this property. The CS-1 for those two areas was recommended by staff, denied by Planning Commission, and approved by City Council w/conditions. The conditions included a public Restrictive Covenant that mandated a zoning roll back to GR for the two properties if a Conditional Use Permit for a cocktail lounge was not issued within one year of the rezoning or if a cocktail lounge use ceases for more than 90 days. Tract A is now a liquor store and a portion of Tract B is part of a cocktail lounge, the Sahara Club.

In accordance with the public restrictive covenant the applicant agreed not to object to a zoning roll back to GR in 1996, as CUP's were never issued for the properties within the time allotted. While the City is a party to the restrictive covenant, typically city initiated rezoning rollbacks are complaint driven or applicant requested and initiated by the Commission or Council. Over the last seven years no zoning complaints had been filed on the property. The City was not notified of the breach of the agreement stated in the covenant until a zoning case was filed in 2002 requesting additional CS-1 zoning within this retail shopping center (Case C14-02-0033 listed above).

**C14-88-0110**

This pad of CS-1 zoning has a CO limiting the site to only GR uses, and the sale of beer and wine in unopened containers for off premise consumption and revenue from the sale of non-alcoholic products must comprise at least 51% of sales and at least 51% of shelf space shall be devoted to items other than beer and wine (Zoning Case Map-Attachment F).

**BASIS FOR RECOMMENDATION**

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

The property does not properly meet the purpose statement of the district sought. Commercial-liquor sales 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 the residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

The site is adjacent to SF-2 and SF-3 zoning. There is an existing apartment complex directly to the north of the site. Commercial-liquor sales zoning is not compatible with these residential environments. In addition, the site does not meet traffic service requirements for CS-1 zoning as parking would be inadequate and a parking variance would be needed.

2. *Rezoning should not contribute to the over zoning of the area.*

The area in question has an adequate amount of CS-1, Commercial-Liquor Sales District, zoning. Currently there are three existing pad sites of CS-1 zoning located within this shopping center.

There is already a reasonable amount of CS-1 zoning in the area providing ratios of CS-1 to non CS-1 zoning similar to other retail strip centers in the City. Recommending more CS-1 zoning would contribute to over zoning the area.

**EXISTING CONDITIONS**

**Site Characteristics**

The site is currently a developed suite within a strip retail shopping center.

**Impervious Cover**

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 1,680 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 the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Capital Metro bus service is available along Braker Lane (Route #45).

There are existing sidewalks along Braker Lane.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Braker Lane	100'	60'	Arterial

**Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

**Water and Wastewater**

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

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

The site is subject to compatibility standards along the eastern property line that abuts the SF-2 zoned property with an existing single-family residence. Any new site development will be subject to the following compatibility regulations:

- 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.

- For a structure more than 100 feet but not more than 300 feet from the property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- 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.

Development of a cocktail lounge, or a General Restaurant with late-hours alcohol sales permit, will require the approval of a Conditional Use Permit.

## Case History: 900 E Braker Lane, Unit 170

Legally Known As: LOT 2 RESUB OF LOT 1 BRAKER LANE CENTER SEC 1

**InspecTrack Case Number: IT # 04-016500**

Date Opened: 01/14/2004 Case Status: OPEN TCAD #: 02472308120000 Plat #:

1/14/2004-Present #729 Paul Tomasovic

Walnut Ridge Shopping Center, c/o Thomas C. Calhoon  
315 Lavaca Street, Austin, TX 78701-3936

OCCUPANT: Greene, Judson  
1003 Horseman Cove, Round Rock, TX 78664

COA Department

Date: 1/14/2004

Complainant: COA Department

Description: Business not operating according to their CUP.

Manager Contacted: No

### Premises

Status: 4/26/2004 - Unoccupied

Findings 4/26/2004 - Zoning violation(s) found

4/27/2004: Recommended Cease all business activity until all required site plan, permits and Certificate of Occupancy are obtained for the within 30 days.

4/27/2004: Recommended A bar/club requires a Conditional Use Permit and CS-1 (Commercial Liquor Sales District) Zoning. And therefore it is not a permitted use for the within 30 days.

4/27/2004: Recommended Contact the City of Austin Development Assistance Center at (512)974-6370 for help in bringing this violation into compliance on the within 30 days.

Red Tag/EBS:

1/15/2004 #729 (Paul Tomasovic)  
4

Conducted An Initial Inspection of the Property. Inspector's Comments: "Met will workers at the site, told them to have the owner to call me. They have removed the wall between their approved site and have expanded into a vacant site of the building. The vacant area is zoned GR which would not permit a bar or nightclub. It appears that more of all work at this time is not structural, except the removal of the wall." Follow-Up on 1/29/2004

1/15/2004 4	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "6:00pm inspection, could not contact the owner at the time of my inspection, left card for owner to call me." Follow-Up on
1/16/2004 4	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Spoke with the owner @ 276-9875, he stated that they are not open for business and are applying for all permits and zoning." Follow-Up on 1/29/2004
2/18/2004 4	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Spoke with owner, told owner to stop using the dance floor area of the building because they have no CO or permit for the improvements. Owner stated that he would stop using the additional area." Follow-Up on 3/15/2004
3/5/2004	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "9:00pm inspection, business was closed." Follow-Up on 3/6/2004
3/5/2004	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Called fire Marshall Don Smith @ 974-0160, he will send a crew (inspector James Hode @ 748-4742) out Saturday night to inspect for violations" Follow-Up on 3/20/2004
3/6/2004	#729 (Paul Tomasovic)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "10:30pm inspection, business was closed." Follow-Up on 3/29/2004
4/26/2004 4	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "I have been receiving information from members of the neighborhood, and from city staff Sue Walsh that the business is opening at night. I also received a flyer that was advertising a band called Crucial Prophet who was going to be holding a Hip-Hop night at the Sahara Club on April 15, 2004. I pulled up the bands web page and it also show that they will be at the Sahara Club again on 04-29-2004. Performed a 5:00pm inspection, left card at front door, no one at the site at the time of my inspection." Follow-Up on 5/10/2004
4/27/2004 4	#729 (Paul Tomasovic)	Sent Notice of Violation to the Owner. Inspector's Comments: "To discontinue the use until site plan exemption, permits, and certificate-of-occupancy are obtained with-in 30 days." Follow-Up on
4/27/2004 4	#729 (Paul Tomasovic)	Sent Notice of Violation to the Owner. Inspector's Comments: "To discontinue use until all site plan exemptions, permits, and CO are obtained." Follow-Up on 5/27/2004
4/28/2004 4	#729 (Paul Tomasovic)	Information Update and research results. Inspector's Comments: "Left voice message for LT. James Hoad @ 974-0160 ex#1 with AFD to call me to set up for a fire inspection at this site on 04-29-2004." Follow-Up on 5/10/2004

**Valid Conditions In Violation of the 2004 Austin City Code (Land Development Code):**

**Premises**

04/26/2004	CERTIFICATE OF OCCUPANCY	Code Ref: 25-1-361 Inspector received information showing that the bar is opening for business, and has enlarge the bar area with out permits, certificate-of-occupancy, or site plan
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Legal Notice (Zoning) sent on 4/27/2004 to (the owner) Thomas C. Calhoon, certified #7001 0360 0000 3566 3031. Status: Return Receipt Not Yet Received



# Crucial Prophet

International Reggae Band

hosts

Hip-Hop Night

## Thursday, April 15, 2004

7 p.m. - 2a.m.

at Sahara Club

200 E. Barker Lane #170, (512) 750-2499

by the way, Flat Top - 1st & 2nd floors

First 100 Ladies get in Free

Fish and Bake, plus freestyle Contest

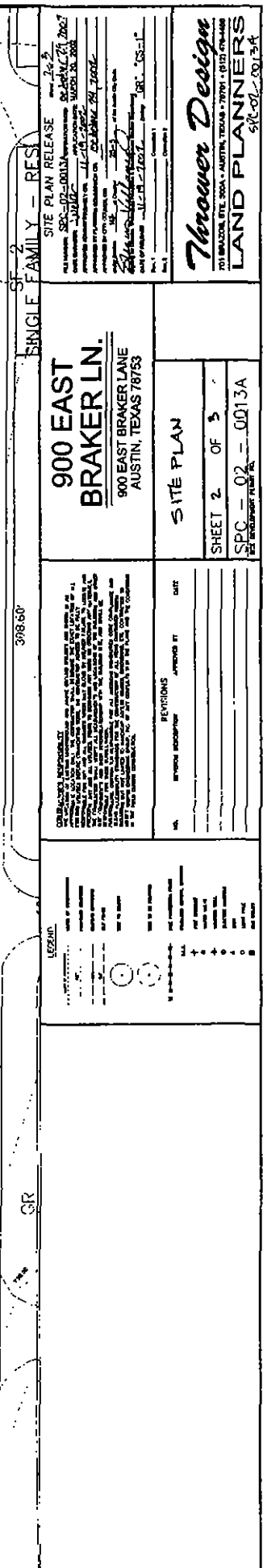
Featuring Guest Artists: D-Way + Goliath,

2B Mic Breakaz, Hogpin Clique, Dynamite,

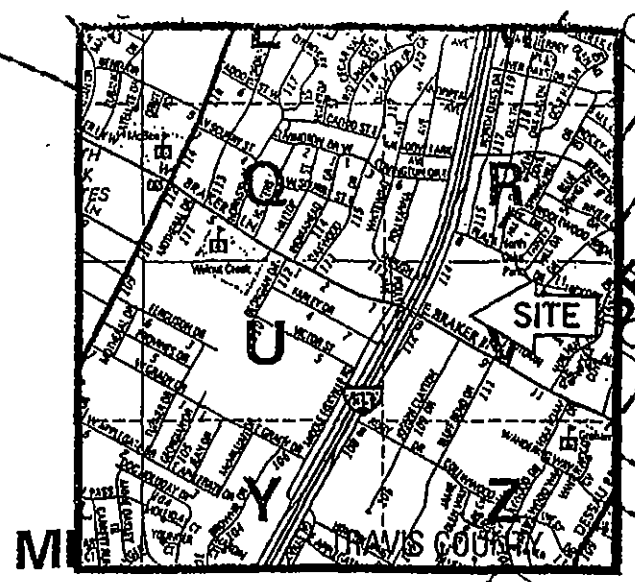
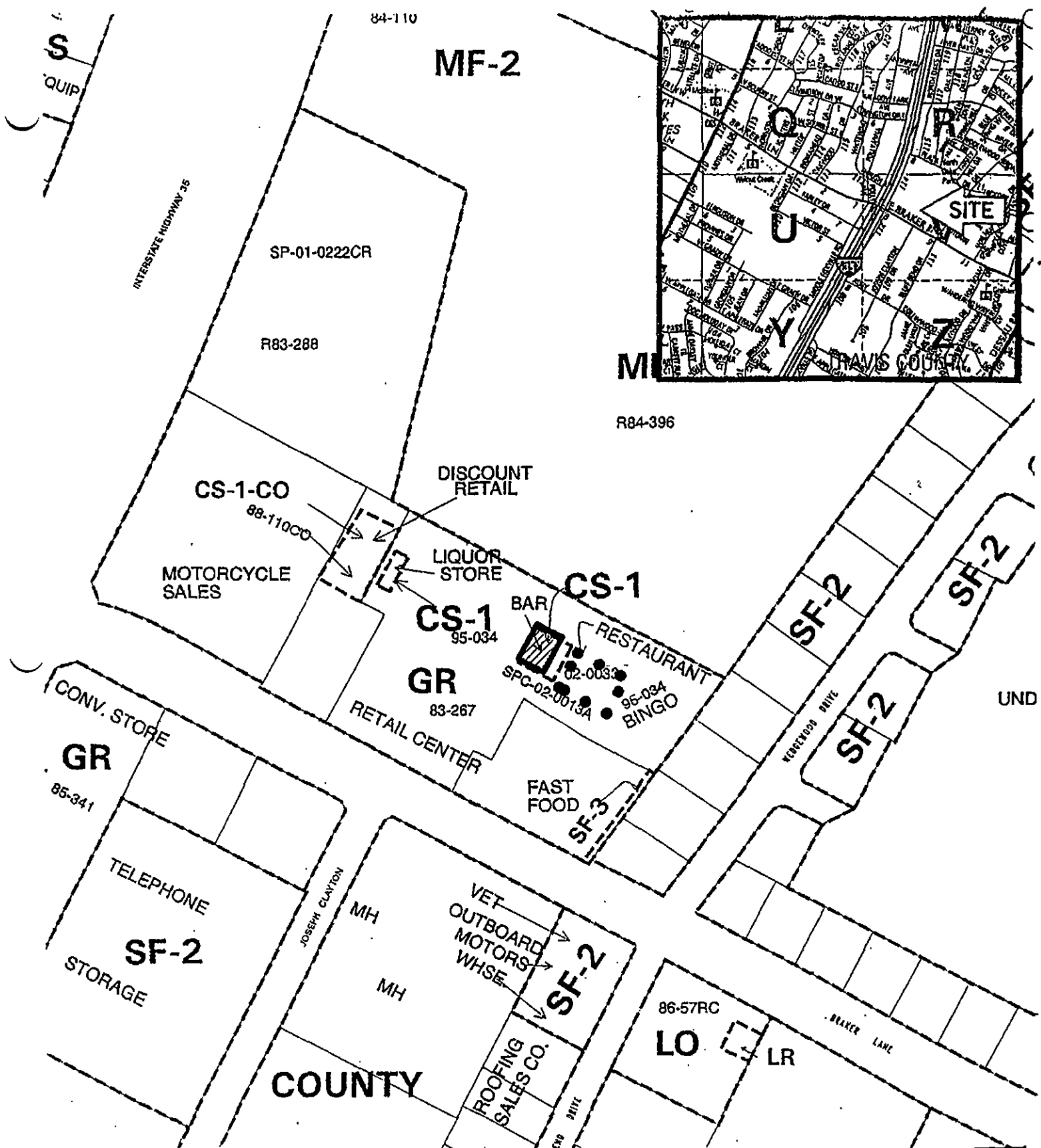
MC Fatal, and OTB

a Forward Productions event

[www.geocities.com/CrucialProphet](http://www.geocities.com/CrucialProphet)







 1" = 200'	SUBJECT TRACT	CASE #: C14-02-0130 ADDRESS: 900 E BRAKER LANE SUBJECT AREA (acres): 0.069	ZONING EXHIBIT B DATE: 02-09 INTLS: SM	CITY GRID REFERENCE NUMBER M31
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: S. GAGER			

MF-2

Attachment

DR  
PLAZA DRIVE

SF-2

TIMOTHY HILL DRIVE

SF-2

SP-01-0222CR

R83-288

MF-2 APARTMENTS

R84-396

CS-1-CO

88-110CO

MOTORCYCLE SALES

DISCOUNT RETAIL

LIQUOR STORE

CS-1

95-034

BAR

CS-1

RESTAURANT

SPC-02-0073A

GR

83-267

RETAIL CENTER

FAST FOOD

SF-3

SF-2

WEDGEWOOD DRIVE

SF-2

SF-2

UNDEVELOPED

ORE

EPHONE

SF-2

MH

MH

COUNTY

VET  
OUTBOARD  
MOTORS  
WHSE.

SF-2

ROOFING  
SALES CO.

PORTABLE  
BLDG

BLUFF BEND DRIVE

86-57RC

LO

LR

BRAKER LANE

SF

84-409

COUNTY

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: A. BEAUDET

ZONING

CASE #: C14-02-0033

ADDRESS: 900 E BRAKER LANE

SUBJECT AREA (acres): 0.407

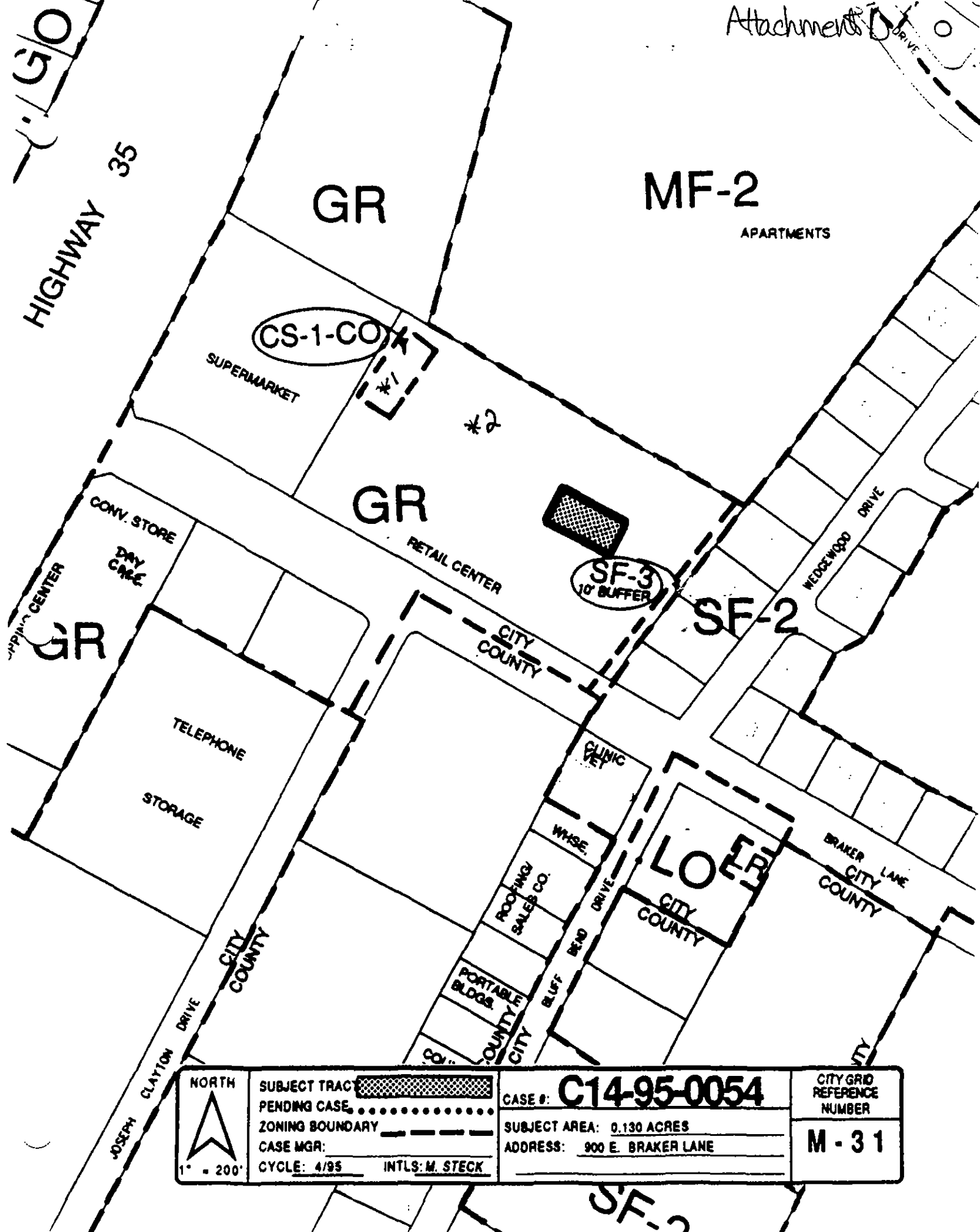
DATE: 02-04

INTLS: SM

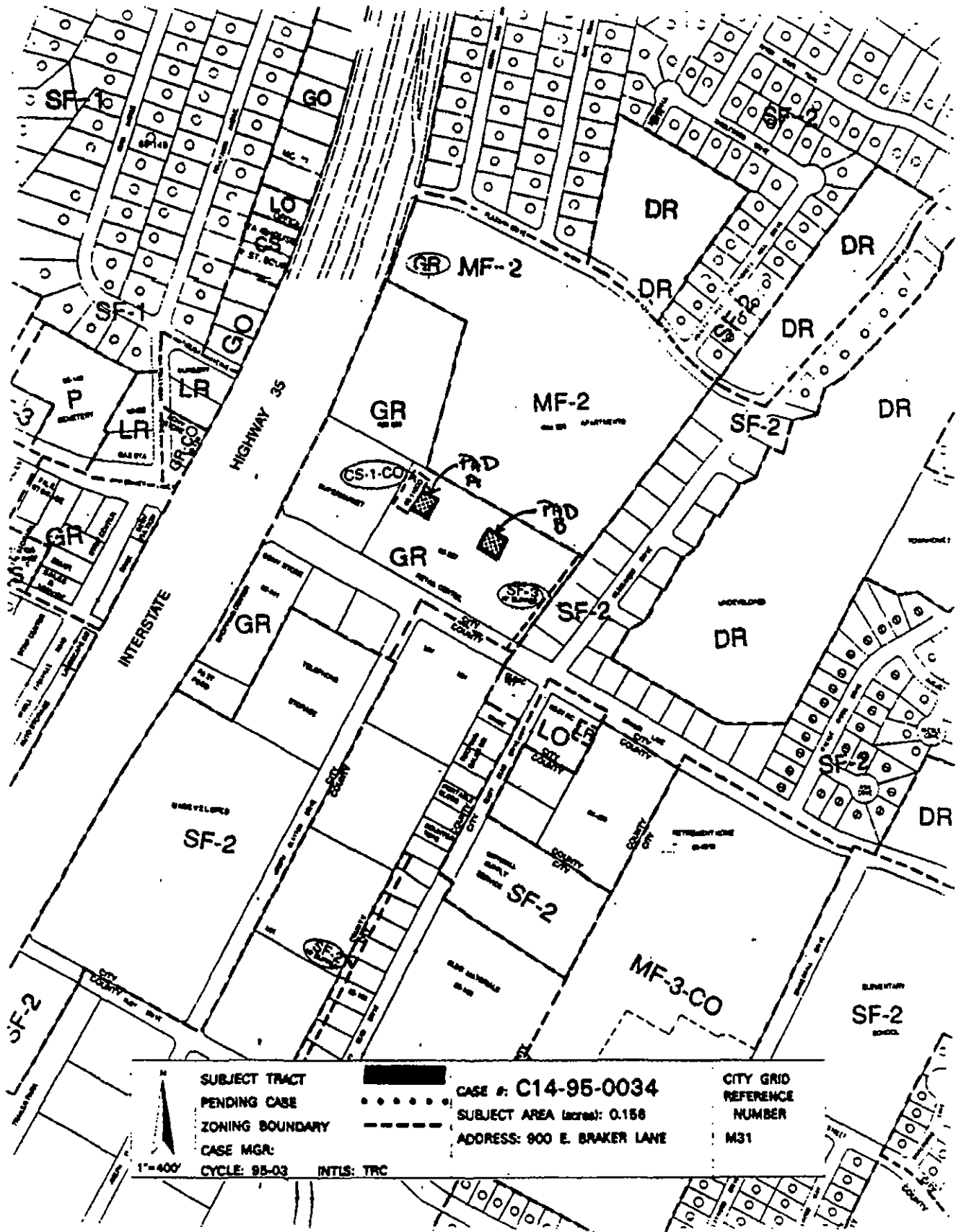
CITY GRID  
REFERENCE  
NUMBER

M31

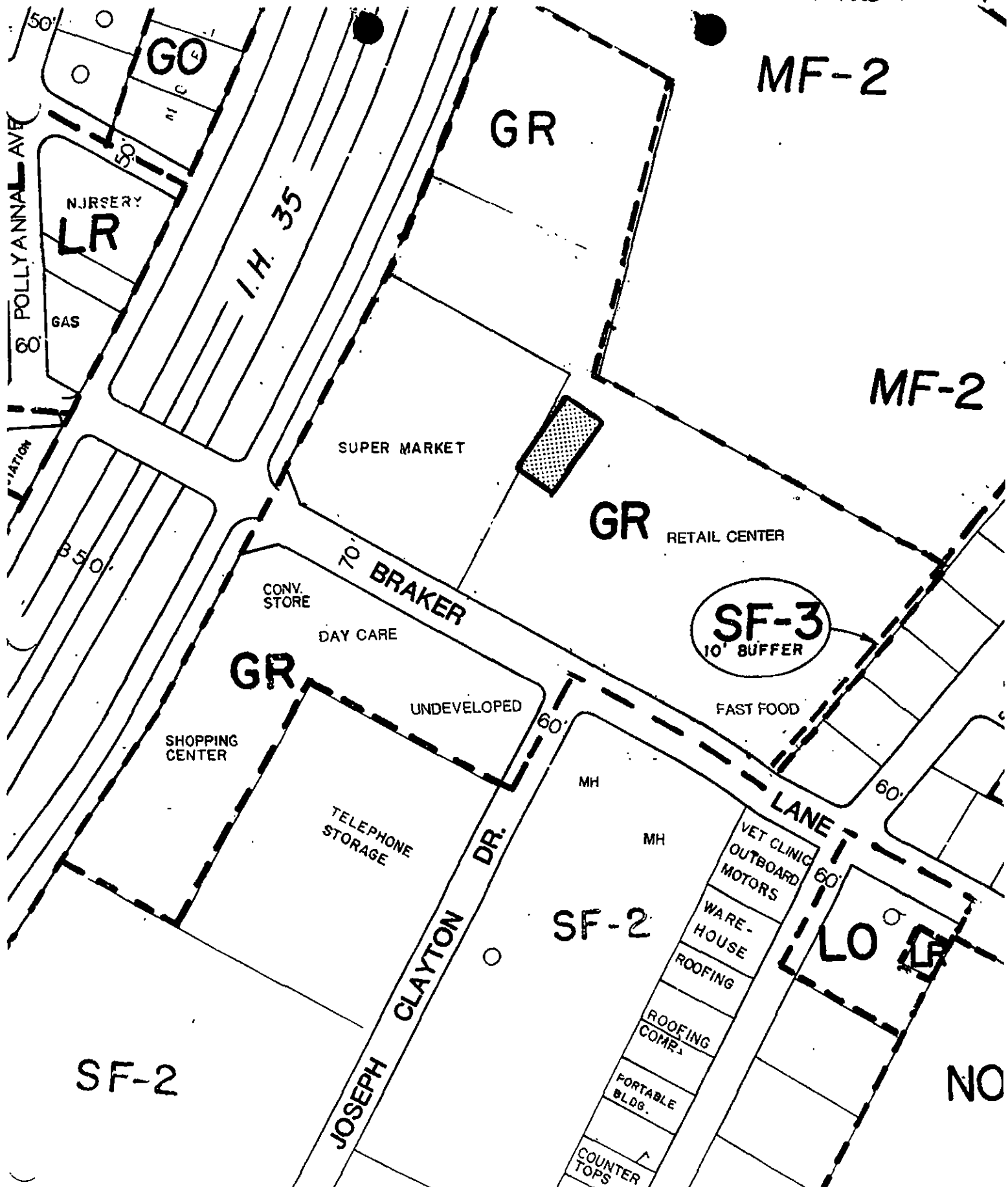
1" = 200'



 1" = 200'	SUBJECT TRACT	CASE #: <b>C14-95-0054</b>	CITY GRID REFERENCE NUMBER <b>M - 31</b>
	PENDING CASE		
	ZONING BOUNDARY	ADDRESS: 900 E. BRAKER LANE	
	CASE MGR: _____		
CYCLE: 4/95		INTLS: M. STECK	



"Exhibit C"



<p>NORTH</p>	PENDING CASE .....	SUBJECT TRACT.....	GRID
	ZONING LINE - - - - -	SUBJECT ACREAGE 9.205	M31
	CYCLE 9/8 INTLS 1/2/05	CASE NO: C14-88-0110	

**Gager, Sherri**

---

**From:** Lester and Lois Johnson [ljohnson@ccsi.com]  
**Sent:** Thursday, June 03, 2004 3:02 PM  
**To:** Gager, Sherri  
**Cc:** z Lee  
**Subject:** Hearing on Sahara Club

Thank you for your informing us of the hearing to re-consider by the Zoning & Platting Commission the action taken on June 1 on the Sahara Club located in the 900 block of East Braker Lane.

In the event this action is to be reconsidered, as President of the Northeast Walnut Creek Neighborhood Association, I would request a two week postponement (to June 29th) of the hearing as I will be out of the state until June 19th.

Also, if this does go to the Council, I would like to have it considered after June 19th.

If you need to talk to me you may call me on my cell phone, number 913-2778, or e-mail me at ljohnson@ccsi.com. I will be looking at my e-mail after June 9th.

Thank you for you attention to this matter

Lester Johnson  
President  
NEWCNA

6/4/2004



Attachment H

## Kin Properties, Inc.

185 N.W. Spanish River Blvd., Suite 100 • Boca Raton, FL 33431-4230  
Tel (561) 620-9200 • Fax (561) 955-9921  
www.kinproperties.com

June 16, 2004

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

RE : Property #: 7043 – 804 Braker Lane, Austin, Texas  
File Number: C14-04-0058 (900 East Braker Lane)

Ladies and Gentlemen:

This office serves as managing agent for Susan Sandelman as Trustee of the Alisan Trust, the owner of the Property commonly known as 804 Braker Lane. In that capacity, we received Notice of Filing of Application for Rezoning of the property located at 900 East Braker Lane from GR-Community Commercial district to CS-1-Commercial Liquor Sales district. We object very strenuously to such an operation. The property is located proximate to a number of apartments and, as the definition of the Code appropriate states, such zoning is generally incompatible with a residential environment. Municipalities must take great care when granting the privilege to sell liquor.

Both our location and the residence of the owner will not attend the planned hearings with respect to the potential modification and zoning, but we did wish to make our objections known. Please share this letter with appropriate authorities.

Please furnish us with any and all documentation with respect to the matter.

Very truly yours,

  
Allen P. Lev  
General Counsel

APL/dms

cc: Jeffrey Sandelman

1003 Horseman Cove  
Round Rock, TX 78664  
August 10, 2004

Ms. Sherri Gager  
Planner III, Neighborhood Planning & Zoning Dept.  
505 Barton Springs Road  
Austin, TX 78704

Dear Ms. Gager:

Because of my desire to meet the Walnut Ridge Neighborhood Association on Septemebr 18<sup>th</sup>, 2004, I am requesting a postponement of my Zoning Case C14-04-0058 which is now scheduled for the City Council meeting of August 26<sup>th</sup>, 2004.

Please let me know the next available date for my case to be scheduled.

Thanks in advance for your kind understanding.

Sincerely,



Judson Greene, Jr.  
OWNER, CLUB SAHARA

# PETITION FOR CLUB SAHARA

**Residents  
and  
Neighbors  
of Walnut  
Ridge  
Community**

This letter is in support of the proposed zone change for expansion of the Sahara Club @ 900 E. Braker Ln. This club holds and sponsors a variety of weekly cultural and entertainment activities such as Neo-Soul poetry readings, salsa and African dancing, and opportunities for private parties and receptions. We believe that if Sahara Club is given the opportunity to expand, it would certainly become an asset to Walnut Ridge Community by providing a safe place for entertainment.

Please indicate your support by signing below:

NAME	Address	Signature
Mary Elizabeth Young	910 River Oaks Dr.	M.E. Young
Michael Young	910 River Oaks Dr.	My
Randy Bates	11917 River Oaks	R. Bates
Beverly Bates	11917 River Oaks	Beverly Bates
Danny & Bobbie P. KA	11917 River Oaks Tr.	Danny
Nancy Martin	911 River Oaks Dr.	Nancy Martin
Nancy Martin	11917 River Oaks Tr.	Nancy Martin
Bobbie Fulkner	910 River Oaks	Bobbie Fulkner
Spide Fulkner		Spide Fulkner

Name  
Paul R Ryan  
Lucas Malachuk  
Duane Paine  
Chris Samsing  
Miriam B. Harbottle  
Margaret Robinson  
Margaret Robinson  
Richard Dunham  
VL MILG  
Don Boulton  
Adelia Casanova  
Michelle Zamora  
Mary Anderson  
Derrick Perry  
TADASHI ROGERS  
MICHAEL RUF  
Sandra C. Rodrig

Address Apr 22/04  
11441 IH 35  
4  
11441 IH 35 #22202  
11441 T-H 35 #21207  
11441 IH 35N #26308  
11441 N IH 35 #26102  
11441 N IH 35 #13301  
11441 N IH 35 17100  
11441 N IH 35 13303  
11441 N IH 35 H202  
11441 N IH 35 10101  
#194  
8501 Cameron Rd  
20204  
11441 N IH 35 #20307  
11441 IH 35N #20302  
11441 IH 35 N 20105

Signature  
[Signature]  
Duane Paine  
Chris Samsing  
Miriam B. Harbottle  
Margaret Robinson  
Richard Dunham  
VL MILG  
Don Boulton  
Adelia Casanova  
Michelle Zamora  
Mary Anderson  
Derrick Perry  
TADASHI ROGERS  
MICHAEL RUF  
Sandra C. Rodrig

Name	Address	Signature
<del>David Torrez</del>	Apt 1800	<del>[Signature]</del>
David Torrez	11441 IH-35 #18205	[Signature]
Melissa Zinner	" 18205"	Melissa Zinner
Marcella Wilk	11441 IH-35 18201	[Signature]
Paul Cravotto	11441 IH-35 #18202	[Signature]
[Signature]	#19100 Apt.	[Signature]
Angel Richard	11441 IH35 18203	Angel Richard
Alfred Carter	4199 IH 35 17210	Alfred Carter
Troy Roberts	7701 Leathman h	[Signature]
FELICIA MOKOBUT	1803 E Anderson	[Signature]
José Hernandez	11441 IH35 9206	José Hernandez
[Signature]	11441 IH35 #9107	[Signature]
[Signature]	4305 ZUNZ	[Signature]
Thomas R.	11441 IH35 1920x	[Signature]
Jamal Washington	Apt 10305	Jamal Washington
Hezekiah Paul	Apt 10306	[Signature]

# PETITION FOR CLUB SAHARA

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Neighbors  
of Walnut  
Ridge  
Community**

This letter is in support of the proposed zone change for expansion of the Sahara Club @ 900 E. Braker Ln. This club holds and sponsors a variety of weekly cultural and entertainment activities such as Neo-Soul poetry readings, salsa and African dancing, and opportunities for private parties and receptions. We believe that if Sahara Club is given the opportunity to expand, it would certainly become an asset to Walnut Ridge Community by providing a safe place for entertainment.

Please indicate your support by signing below.

NAME	Address Cricket Hollow	Signature
Vanessa Mejicano	11441 IH 35 #1034	Vanessa Mejicano
Jessica Vasquez	11441 IH 35 #1034	Jessica Vasquez
Kelvin J Edwards	11441 IH 35 Apt 23105	Kelvin J. Edwards
Iruina Jones	11441 N IH 35 #23106	Iruina Jones
P Brett Kilmer	11441 N IH 35 #23201	Brett Kilmer
Robert Pimental	11441 N IH 35 #24102	Robert Pimental
Shane	11441 N IH 35 #24201	Shane
Sorge	11441 N IH 35 25204	Sorge
Mike Pava	" "	Mike Pava

# PETITION FOR CLUB SAHARA

## Local Supporters

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Please indicate your support by signing below.

NAME	ADDRESS	Signature
GERARDO FLORES	<del>7801</del> 1117 E. Cordova R.R. TX	<i>[Signature]</i>
KAT RICE	702 Stillhouse Rd. RR 781081	<i>[Signature]</i>
MENESSE DOMINGUES	38th	<i>[Signature]</i>
Milagros Bonilla	R.R. TX 2300 LPS Dr.	<i>[Signature]</i>
Maryann Wilkins	RR 1902 Easton	<i>[Signature]</i>
Albert Lopez	1615 W. Hwy 77	<i>[Signature]</i>
Fanny Diaz	1015 East Yager Lane #79 Austin	<i>[Signature]</i>
<i>[Signature]</i>	601 Golden Gate S. 2nd	<i>[Signature]</i>
Jean Stokes	3100 Greenwood 78157	<i>[Signature]</i>
Megan Galt	2950 Ashdale #202 78257	<i>[Signature]</i>
Brian Kim	16201 Rough Road R 1412 S. 4th 78202	<i>[Signature]</i>
<i>[Signature]</i>	3104 Bogan Rd	<i>[Signature]</i>

Name	Address	Signature
Elma Lopez		Elma Lopez
Bernadette		Bernadette
Alfred Garza		Alfred Garza
Adriana Gonzalez		Adriana Gonzalez
Andrew Guzman		Andrew Guzman
Shanda Pemberton		Shanda Pemberton
Albert Pelaez		Albert Pelaez
Edwin Crespo		Edwin Crespo
Gina Lopez		Gina Lopez
Rena Smith		Rena Smith
Debbie Martinez		Debbie Martinez
Matthew Ortiz		Matthew Ortiz
Jeannine Smith		Jeannine Smith
Rafael Postumini		Rafael Postumini
Melton Pena		Melton Pena
Carlos		Carlos
Lauricio Lugo		Lauricio Lugo
Juan Simones		Juan Simones
Judson Greene III		Judson Greene III

Name	Address	Signature
JAMES McAnelly		James McAnelly
STEPHEN HARDEN		Stephen Harden
<del>James McAnelly</del>		
SU Ann Ruffison		SU Ann Ruffison
Maggie Ramirez		Maggie Ramirez
Raul Ramirez		Raul Ramirez
Patricia Martinez		Patricia Martinez
Kathy Diaz		Kathy Diaz
MANUEL ORTEGA		Manuel Ortega
Andres Delgado		Andres Delgado
Ramona Munch		Ramona Munch
Francisco		Francisco
Sharon Gonzales		Sharon Gonzales
Yvonne Gonzalez		Yvonne Gonzalez
Alexis Flores		Alexis Flores
Jean Carlos		Jean Carlos
Annoe Roseau		Annoe Roseau
Javier Santos		Javier Santos

Name	Address	Signature
Miguel Peraza		Mu
Alfredo Gonzalez		Alfredo Gonzalez
Alma A. Lopez		Alma Lopez
Azner Joselyn		Azner Joselyn
Ray A. Sanchez		Ray A. Sanchez
Stephanie Wright		Stephanie Wright
CAROL SOLORZANO		Carol Solorzano
Jaqueline Lawrence		Jaqueline Lawrence
Kamali Velaz		Kamali Velaz
Ronald Prochazka		Ronald Prochazka
Osme CASTILLO		Osme Castillo
Junior Martinez		Junior Martinez
Ayo Nator		Ayo Nator
NOEMI LOPEZ		Noemi Lopez
Delia Jaramillo		Delia Jaramillo
Carlos Pacho		Carlos Pacho
[Signature]		[Signature]
[Signature]		[Signature]
[Signature]		[Signature]

# PETITION FOR CLUB SAHARA

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Please indicate your support by signing below:

NAME	ADDRESS	Signature
Danya Eshe	3517 North Hillis Austin TX 78731	<i>Danya Eshe</i>
Annanda Silva	4025 S. 5th Austin TX 78751	<i>Annanda Silva</i>
Naomi Langsue	1924 S. 24th St Austin TX 78744	<i>Naomi Langsue</i>
Dameyon Landrum	700 Lewis Henna Blvd Apt 031 Round Rock TX 78664	<i>Dameyon Landrum</i>
Harvey Lopez	700 Lewis Henna Blvd Apt 031 Round Rock TX 78664	<i>Harvey Lopez</i>
Jennine Krueger	4916 FM 670 Dale TX 78016	<i>Jennine Krueger</i>
Bree Simmons	4916 FM 672 Dale TX 78016	<i>Bree Simmons</i>
Dor 2 Robinson	3020 E. 12th St Austin TX 78702	<i>Dor 2 Robinson</i>
Angel Wilson	3018 E. 21st St. Apt. M115 Austin TX 78703	<i>Angel Wilson</i>
Marsha Platt	501 East 21st St. Apt. 1110 Austin TX 78703	<i>Marsha Platt</i>
Brian Francis	14173 7th Moys Austin TX	<i>Brian Francis</i>
Michael Whalen	1200 Barton Hills Dr, #242 Austin TX 78704	<i>Michael Whalen</i>


Name	Address	Signature
T. Lynn Hurst	1200 Green Hills Trl Austin, TX 78704	T. Lynn Hurst
Rita Arnold	1214 Olympic Dr Hill Country, TX 78640	Rita Arnold
Eddie Arnold	"	Eddie Arnold
Brandy Ayers	901 Chicon St. Austin, TX 78702	Brandy Ayers
Clara Bolding	7307 Barcelona	Clara Bolding
Danell Smith	1407 Carthage Ct Round Rock, TX 78664	Danell Smith
Steven Smith	1707 Aquaviva Springs	Steven Smith
Terma Lynch	↓	
Vince Mason	PO Box 80212 Austin, TX 78708	Vince Mason


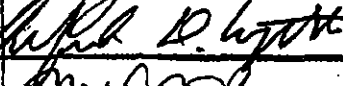
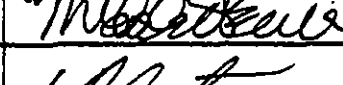
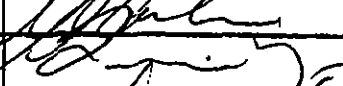
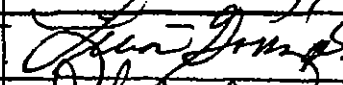

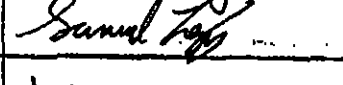
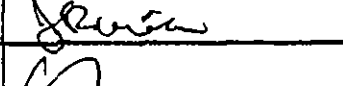

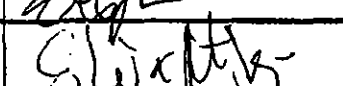
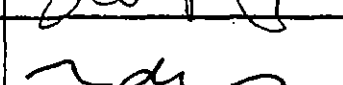

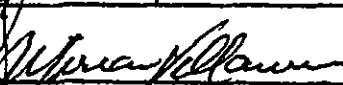



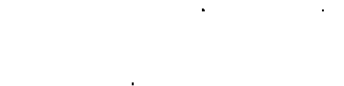
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Please indicate your support by signing below:

NAME	ADDRESS	Signature
Vol 2 mile	Austin 105 E Canyon 78746	[Signature]
ARTURO L. GARZA	4704 GANYMEDE	Arturo L. Garza
KATHERINE OUDMIXON	4704 Ganymede	Katherine Oudmixon
JOSE ROMAN	6400 RUXTON LN, AUST	Jose Roman
Roberto	507 Sobico	Austin TX
Inde Corales	P.O. BOX 8467 Austin TX 78713	[Signature]
VICTOR, M	5307 DALTON ST	Victor M
Klaude Cyril	9506 Echil Mee	Klaude Cyril
Olga M. Flores		Olga M Flores
<del>Pat</del> Roxanne Perez		Roxanne Perez
MARIA C FLORES		Maria C. Flores
ANDREW DELACROIX	13221 CAMP RING RD	Andrew Delacroix

Name	Address	Signature
Berry		
ALANCO LAFITTE		
Michele Owens Pearce	2424 Thornton 78704	
MARGEANX ANTUNES	12100 Metric 78758	
LEO RIVERO	1424 Tuffit Ln Austin TX 78753	
Lilian Gonzalez	600 Luther Dr. Apt. 405 Georgetown TX 78626	
Orlando Gonzalez	Same as Above	
Samuel Lopez	4016 Boren St	
Veronica Rivera	501 Mandaw St	
Aira Jimenez	1461 St. Edwards, Apt 206	
Eloj	2100 Haskell 78702	
Elia Martinez	1803 Univ. Ave.	
Marina del Sol	Same as above	
Jesús COSA E	4707-A Jolin Davis Killeen, TX 76549	
Miriam Villanueva	4707-A Jolin Davis	
Benjamin Jacob	2100 Haskell	
LESTIE RODRIGUEZ	1301 Crossing Place 78741	

Name	Address	Signature
Jarrett Blackman	2015 cedar bend Dr	Jarrett Blackman
William Sanchez	2015 cedar bend Dr	William Sanchez
Vincent Sagarra		Vincent Sagarra
Rachel Arciniega	1241 metric Blvd	Rachel Arciniega
Ahmed Mohiuddin	401 Shoal Creek	Ahmed Mohiuddin
Stephanie Escalona	3100 Wells Branch	Stephanie Escalona
William Figueroa	3101 Wells Branch	William Figueroa
Monica Ayuda	807 Runners Ridge	Monica Ayuda
ARIE RATHM	3201 DUVAL RD	ARIE RATHM
DELANO ROSS	SAN ANTONIO, TX	DELANO ROSS
JOHN ANDRADE	1129 North Ave. E. Elgin, TX	JOHN ANDRADE
Esvario GRANOSA	1919 BURBON ST #2003	Esvario GRANOSA
MIGUEL FIGUEROA	1608 MONAR Killeen TX 76549	MIGUEL FIGUEROA
Elliott Figueroa	1401 Oak Corral Austin, TX 78748	Elliott Figueroa
Kathleen Atwood	4302 Ave. A Austin 78751	Kathleen Atwood
Susana M.		Susana M.
Angelica Solis		Angelica Solis
Julio Cesar R.		Julio Cesar R.

