

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



**AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 03/09/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0166 - Buford Commercial Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burnet Road (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial liquor-sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial liquor-sales (CS-1) district zoning. Applicant: Henderson Buford. Agent: Sun, Wine & Spirits (John Cantrell). City Staff: Jorge Rousselin, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING REVIEW SHEET

CASE: C14-05-0166

Z.A.P. DATE: November 1, 2005
December 6, 2005
January 17, 2006
January 31, 2006

ADDRESS: 6800 Burnett Road

OWNER: Henderson Buford

AGENT: Sun, Wine & Spirits
(John Cantrell)

REZONING FROM: CS (General Commercial Services district)

TO: CS-1 (Commercial Liquor Sales district) **AREA:** 1,495 square feet (0.0343Acres)

SUMMARY ZONING AND PLATTING RECOMMENDATION:

January 31, 2006:

APPROVED CS-1 DISTRICT ZONING.

[C.HAMMOND, T.RABAGO 2ND] (6-2) J.MARTINEZ, B.BAKER – NAY; J.GOHIL – ABSENT

SUMMARY STAFF RECOMMENDATION:

Staff recommends commercial liquor sales (CS-1) district zoning.

ISSUES:

On January 17, 2006, the Zoning and Platting Commission postponed the subject rezoning application to January 31, 2006 due to a lack of a majority vote.

On December 6, 2005, the Zoning and Platting Commission postponed the subject rezoning application to January 17, 2006 to allow for meetings between the neighborhood and the applicant to work out neighborhood concerns.

Furthermore, on November 1, 2005, the ZAP granted a neighborhood request for postponement to December 6, 2005 to address issues raised by the neighborhood relevant to adverse effects of liquor stores on residential neighborhoods and parks, neighborhood crime statistics, and information on other liquor stores in the area.

The site is subject to compatibility standards along the west property line, however, the Zoning and Platting Commission approved a compatibility setback waiver on March 1, 2005 under case number SP-04-0249C for this site with addition of an 8-foot masonry fence. A request was made by Commissioner Whaley that applicant & neighbors work out the details regarding the lighting. A revised site plan was resubmitted under case No. SP-05-1304C.

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DEPARTMENT COMMENTS:

The subject rezoning area is a 1,495 square feet lease space within a proposed commercial shopping center at 6800 Burnet Road. The proposed commercial center is comprised of two lease areas capable of sustaining 6,955 square feet of space. The proposed rezoning will accommodate a liquor store within the northern lease area. Access is proposed via two entry and exit points at Burnet Road and Addison Avenue. A site plan has been released under case No. SP-05-1304C. Staff recommends CS-1 zoning based on the following considerations:

- 1.) The proposed use is compatible with the surrounding commercial uses along Burnet Road;
- 2.) Access will be taken to one arterial roadway;
- 3.) Parking requirements will be met via the released site plan under case No. SP-05-1304C; and
- 4.) Compatibility standards have been addressed and waived by the Zoning and Platting Commission under case No. SP-04-0249C which furthermore placed a condition for an 8-foot masonry fence at the western property line.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Razed building – undeveloped land
<i>North</i>	CS	Auto Repair
<i>South</i>	CS	Auto Sales
<i>East</i>	CS-MU-CO-NP	Auto Sales
<i>West</i>	SF-2	Single-family residential

AREA STUDY: N/A**TIA:** Not required**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- Allendale Neighborhood Association
- North Austin Neighborhood Alliance
- Austin Neighborhood Council
- Austin Independent School District

SCHOOLS:

Austin Independent School District

- Gullett Elementary School
- Lamar Middle School
- McCallum High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
SP-04-0249C	Compatibility waiver	<p>03/01/05: ZAP APPROVED STAFF'S RECOMMENDATION; WITH ADDITION OF AN 8-FOOT MASONARY FENCE.</p> <ul style="list-style-type: none"> REQUEST MADE BY COMMISSIONER WHALEY THAT APPLICANT & NEIGHBORS WORK OUT THE DETAILS REGARDING THE LIGHTING. <p>[M.W; J.M 2ND] (7-1) B.B – NAY; K.J – ABSENT</p>	N/A
SP-05-1304C	Re-submittal of site plan	N/A	N/A

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14P-81-004	Site Plan Approval for Dallas Night Club	N/A	N/A
C14-81-171	C – 1 st height and area to C-1-1 st height and area	10/06/81: PC Approved Staff's recommendation of C-1. (9-0).	<p>11/18/81: APVD C-1, 1ST H&A; 3RD RDG.</p> <p>01/20/82: APVD AMENDING ORD. 811118-H TO CORRECT LEGAL AND/OR ADDRESS.</p>
C14-99-2045	MF-3 & SF-3 to GR for a Restaurant & Extended Stay	12/7/99: PC APVD STAFF REC OF GR-CO SUBJ TO NEIGH AGREEMENT (TR 1); AND LO (TR 2);	01/06/00: APVD PC REC; 1ST RDG (6-0 GRIFFITH OUT OF ROOM)

	Apartments	PROHIBIT ACCESS TO CULLEN AVENUE FOR TRACT 1 IF USE IS COMBINED W/TRACT 2 (5-0)	03/23/00: APVD 2ND/3RD RDGS (6-0, DS-OUT OF RM)
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ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Burnet Road	130'	Varies	Arterial
Addison Ave.	50'	30'	Local

CITY COUNCIL DATE:

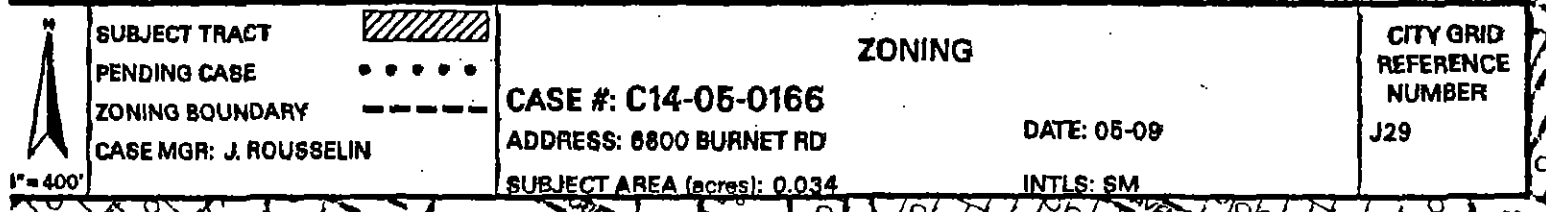
March 2, 2006

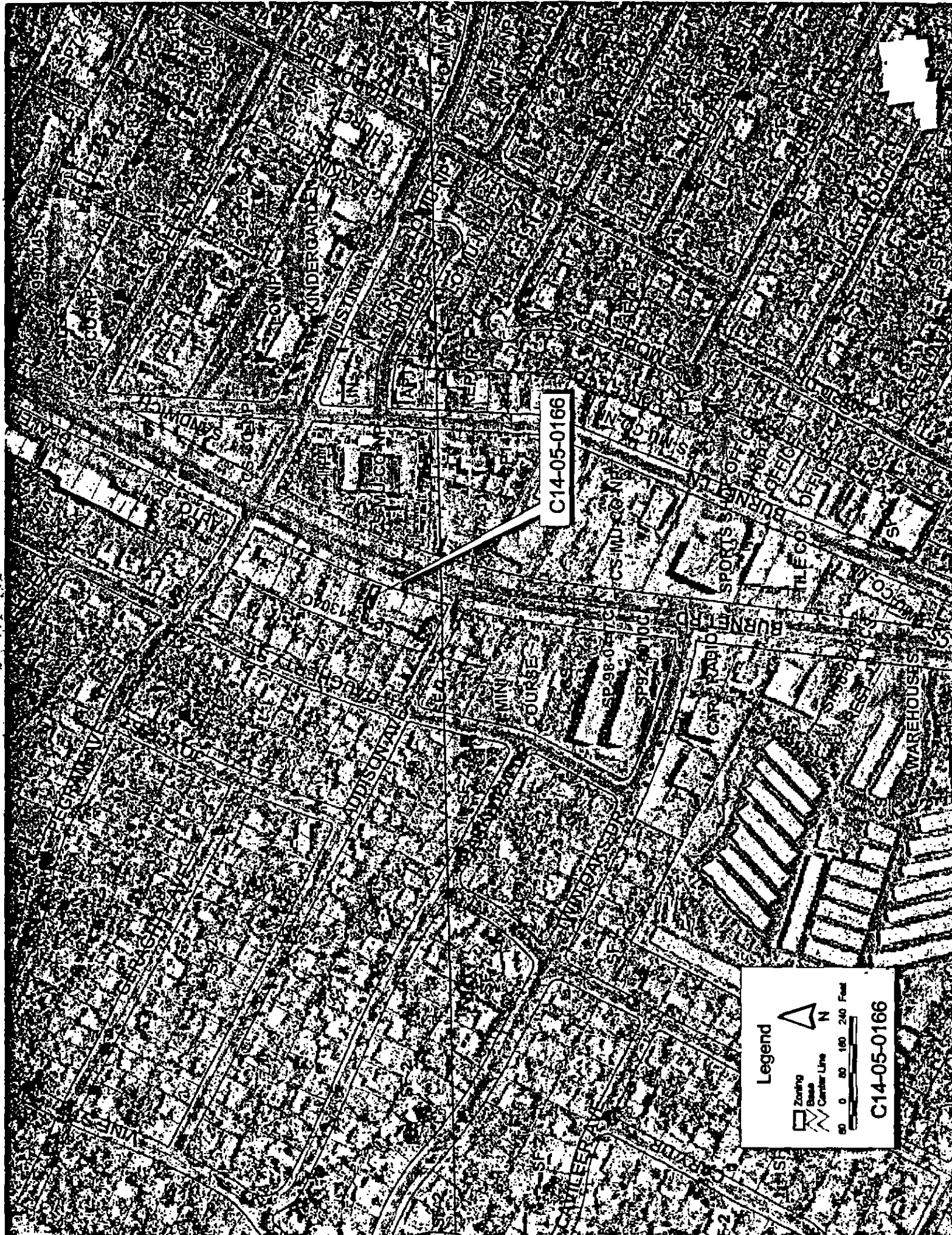
March 9, 2006

ACTION:

Postponed action to March 9, 2006

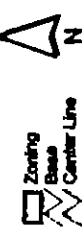
ORDINANCE READINGS:1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us





C14-05-0166

Legend



0 0 80 160 240 Feet

C14-05-0166



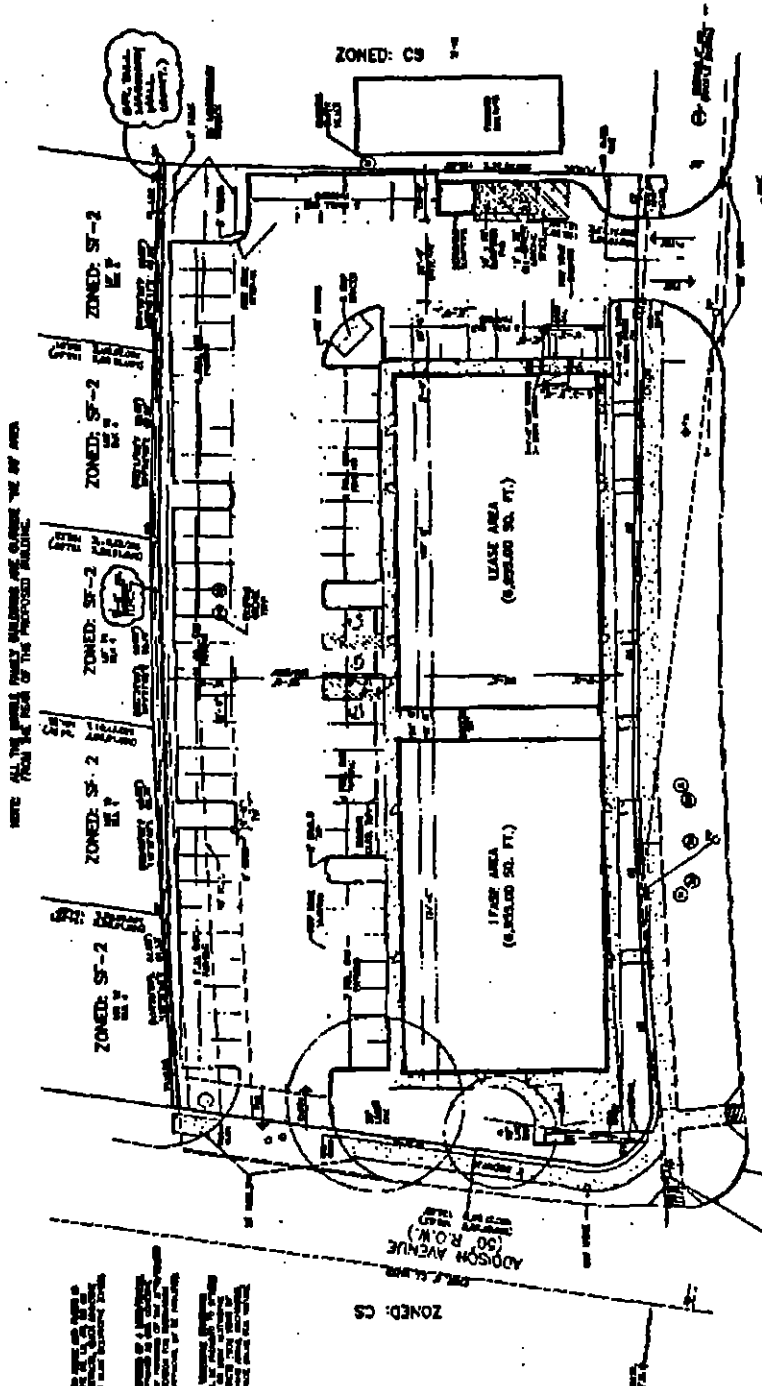
THE POLYGRAPH
INCORPORATED
10000 N. MOPAC
FRISCO, TEXAS 76786
(817) 233-1111

BUROD COMMERCIAL CENTER
6800 Burnet Road
Austin, Texas

DIMENSIONAL SITE PLAN

DATE	10/1/83
BY	W. J. B. / J. B. B.
CHECKED BY	W. J. B. / J. B. B.
APPROVED BY	W. J. B. / J. B. B.

3.12



5800 BJRNEI ROAD
(120' R.O.W.)

ZONING: RETAIL 1 / CS

SITE PLAN

LOTS 8-10, BLOCK 3, GREEN ACRES
TRAVIS COUNTY, AUSTIN, TEXAS

BUILDING COVERAGE:
MAX. LOT AREA - 10,000 SQ. FT.
MAX. BUILDING AREA - 10,000 SQ. FT.
MAX. BUILDING HEIGHT - 40 FT.
MAX. BUILDING SETBACK - 10 FT.
MAX. BUILDING FRONT SETBACK - 10 FT.
MAX. BUILDING SIDE SETBACK - 10 FT.
MAX. BUILDING REAR SETBACK - 10 FT.

PARKING - ZONING CS
15 SPACES REQUIRED
15 SPACES PROVIDED

NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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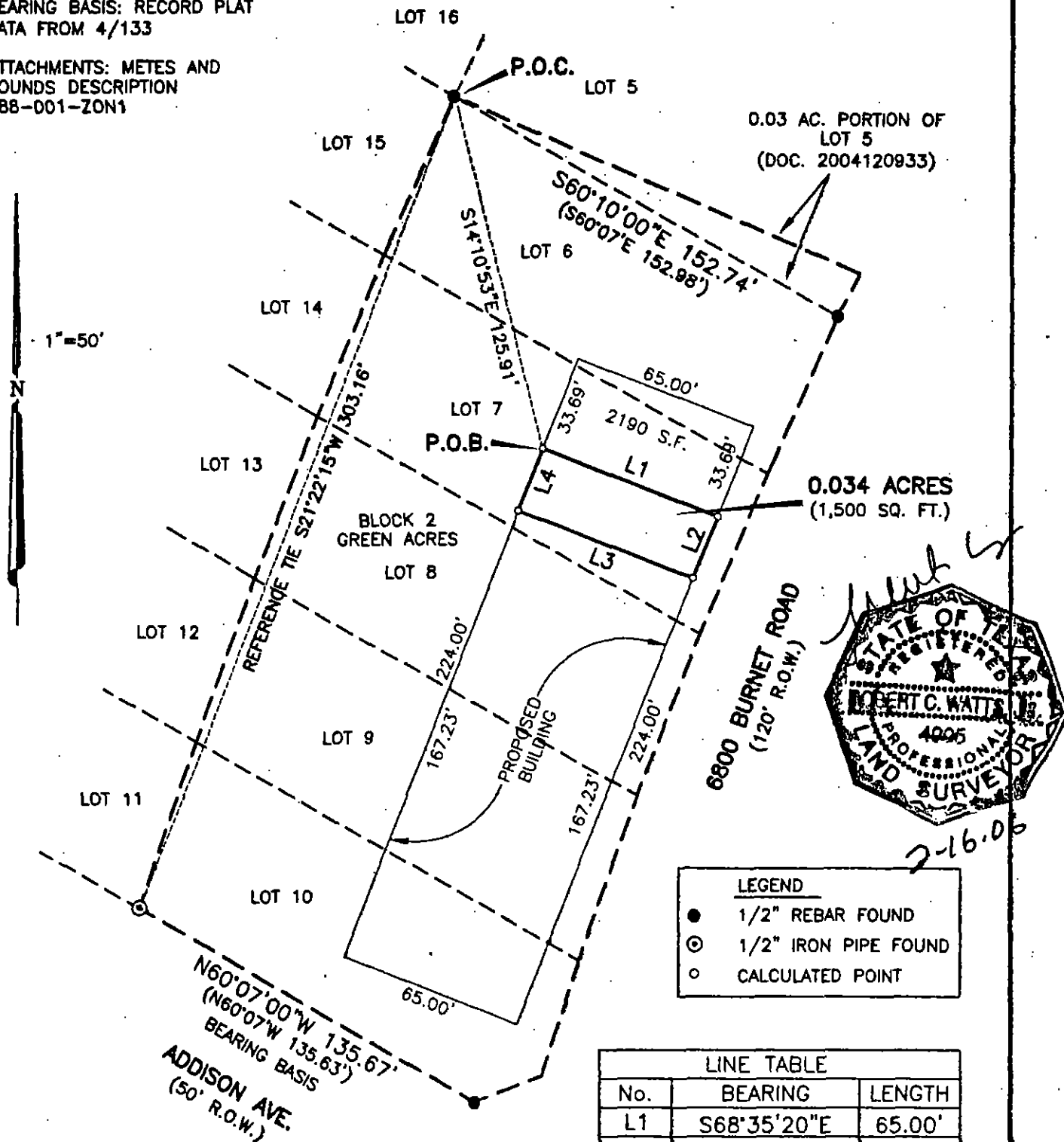
SITE PLAN RELEASE:
DATE: 10/1/83
BY: W. J. B. / J. B. B.
CHECKED BY: W. J. B. / J. B. B.
APPROVED BY: W. J. B. / J. B. B.

SP-05-1304C

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.034 ACRES (1,500 S.F.), BEING A PORTION OF LOT 7, BLOCK 2 OF GREEN ACRES, A SUBDIVISION OF RECORD IN VOLUME 4, PAGE 333 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF 6800 BURNET ROAD, DESCRIBED IN A WARRANTY DEED TO HENDERSON L. BUFORD III DATED JUNE 22, 2004, OF RECORD IN DOCUMENT NO. 2004120933 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

BEARING BASIS: RECORD PLAT
DATA FROM 4/133

ATTACHMENTS: METES AND
BOUNDS DESCRIPTION
488-001-ZON1



DATE OF SURVEY: 8/5/05
PLOT DATE: 8/18/05, REV. 2/16/06
DRAWING NO.: 488-001
PROJECT NO.: 488-001-ZON1

Chaparral

STAFF RECOMMENDATION

Staff recommends commercial liquor sales (CS-1) district zoning.

BASIS FOR RECOMMENDATION

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

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.

The proposed rezoning meets the purpose statement set forth in the Land Development Code. The subject property is adjacent to multiple CS uses and is compatible with existing commercial uses along Burnet Road.

2. The proposed zoning should promote consistency, and orderly planning.

The proposed change and recommended conditional overlay is compatible with the surrounding area by encouraging commercial uses to establish along major arterials and at commercial nodes where a variety of commercial uses are established. Furthermore,

- 1.) The proposed use is compatible with the surrounding commercial uses along Burnet Road;
- 2.) Access will be taken to one arterial roadway;
- 3.) Parking requirements will be met via the released site plan under case No. SP-05-1304C; and
- 4.) Compatibility standards have been addressed and waived by the Zoning and Platting Commission under case No. SP-04-0249C which furthermore placed a condition for an 8-foot masonry fence at the western property line.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 1,495 square feet lease space within a proposed commercial shopping center at 6800 Burnet Road. The site is currently undeveloped land as an existing building was razed. The proposed commercial center is comprised of two lease areas capable of sustaining 6,955 square feet of space. Access is proposed via two entry and exit points at Burnet Road and Addison Avenue.

Development Standards and Impervious Cover:

CS-1	
Minimum lot size:	5,750 sq. ft.
Maximum lot width:	50 ft.
Maximum height:	60 ft.
Maximum building coverage:	95%
Maximum impervious cover:	95%
Maximum Floor Area Ratio:	2:1

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 689 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).
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. Capital Metro bus service is available along Burnet Road.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. 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. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. 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

1. The site is currently served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the applicable and associated City fee.

Site Plan and Compatibility Standards

1. There is a site plan currently approved for this property (SP-05-1304C) which provides for 14,560 square feet of retail uses, along with parking and other associated improvements.
2. The site is subject to compatibility standards along the west property line, however, the Zoning and Platting Commission approved a compatibility setback waiver on March 1, 2005 under case number SP-04-0249C for this site. ZAPC approved Staff's recommendation; with addition of an 8-foot masonry fence. A request was made by Commissioner Whaley that applicant & neighbors work out the details regarding the lighting.

24. Site Plan SF-04-0249C - Buford Commercial

**(Compatibility
Waiver):**

Location: 6800 Burnet Road, Shoal Creek Watershed

Owner/Applicant: Henderson Buford

Agent: Tim Boatright

Request: Waiver from LDC 25-2-1067, parking located with 25-foot setback
of residential property.

Staff Rec.: **RECOMMENDED FOR WAIVER APPROVAL ONLY.**

Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
Watershed Protection and Development Review

***APPROVED STAFF'S RECOMMENDATION; WITH ADDITION OF AN 8-FOOT
MASONARY FENCE.***

- ***REQUEST MADE BY COMMISSIONER WHALEY THAT APPLICANT &
NEIGHBORS WORK OUT THE DETAILS REGARDING THE LIGHTING.***

[M.W; J.M 2ND] (7-1) B.B - NAY; K.J - ABSENT

4. **Rezoning:** C14-05-0166 - Buford Commercial Center
Location: 6800 Burnet Road, Shoal Creek Watershed
Owner/Applicant: Buford Henderson
Agent: Sun, Wine & Sprints (John Cantrell)
Prev. Postponed on 11/01/05 (neighborhood)
Postponements:
Request: CS to CS-1
Staff Rec.: RECOMMENDED
Staff: Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 01/17/06 (ZAP)

[M.H; J.G 2ND] (6-1) J.D - NAY; J.P, K.J - ABSENT

SUMMARY

Jorge Rousselin, staff, made the staff presentation to the commission.

Sam Bufford, owner of property - "When I started this project 2-years ago, we planned for the building to sit back further on the property, we went through the site development process and that's when the City came back to me and asked me to reconsider the placement of the building on the property to comply with the proposed new City guidelines for redevelopment of the property. I did that; we moved the side of the building from the northwest part of the property up to the southeast part of the property. We are scheduled to break ground on this property in about two weeks. This is for a liquor store".

Commissioner Baker - "How large is your strip center, square footage?"

Mr. Bufford - "The foundation is 14,985-feet; the lease able space will be 13,910-square feet".

Commissioner Hawthorne - "Did you discuss any of tenant mix with the neighbors?"

Mr. Bufford - "No, we did not have a liquor store lease at that time, so it wasn't discussed".

Commissioner Hawthorne - "So you had conversations about your building, but the liquor store was never an item on the table?"

Mr. Bufford - "What happened, I did not have any conversation with the neighborhood on the initial design of the property; we torn the old building down and I planned to rebuild it; so I did not have any conversations with them. To be honest, I didn't know they existed".

Commissioner Hawthorne - "How long have you owned this property?"

Mr. Bufford - "I owned a part of it for 12-years; and owned the rest of it about 9-years".

Commissioner Baker - "You said Sun Liquor; will there be a drive-thru window?"

Mr. Bufford – "No".

FAVOR

Mr. Cantrell spoke in favor. Mr. Cantrell spoke about access to the property. He stated that there were other establishments surrounding this property that already sell liquor, wine or beer. "None of these establishments have harmed the park in any way, so I'm not sure how our establishment is going to create any additional harm".

Commissioner Hawthorne – "Is it common practice that you sell single beers or lottery tickets?"

Mr. Cantrell – "No, we do have some single beer in there, but we do not sell lottery tickets; most of the beers will sell will be in 6-pack, 12-packs or 18-packs; but we do sell single beer".

Commissioner Hammond – "Mr. Bufford addressed my concerns about the masonry wall and screening, but one thing that I'm also concerned about is the noise from the garbage trucks; is there any assurance that you can give your neighbors that you won't be having dumpsters picking up at 3:00 am in the morning?"

Mr. Cantrell – "I assume the garbage trucks would run at whatever time they normally run; our liquor store is just another tenant in that strip mall and we don't produce that much garbage; they will not be coming there because of us, they will be coming on their normal schedule, whatever that is".

Commissioner Hammond – "It won't be City garbage trucks, it's a private dumpster".

Mr. Bufford – "We do not have a contract with anybody now".

Commissioner Baker – "With whom did you have a contract before?"

Mr. Bufford – "When I got the property, it was subject to a 40-year lease with Ralph Moore, he does the building; so I have no control of it. I just know there was a dumpster on the property on the southeast corner; there is no dumpster there currently. As part of the site plan with the City, we agreed to get the dumpster as far away from the back property, we moved it to the north end of the property. We have agreed to build a fence along the north property line".

Commissioner Hammond – "Somebody is going to be contracting for dumpster services, what I'm asking is, can you give your neighbors any reassurance that there won't be dumpsters dumping in the middle of the night; because an 8-foot masonry wall is not going to protect them from the noise".

Mr. Bufford – "I can give my assurance that I will do everything I can to keep that from happening, if I can negotiate that into a contract with a dumpster company, I will do that".

Commissioner Hammond – "Another thing was about the lighting on this site".

Mr. Bufford – "The lighting is going to be low lighting; the neighbors will not be able to see it".

Commissioner Hammond – “I never thought of liquor stores being a crime generator, but do you have any experience about that that you can share with us?”

Mr. Cantrell – “I have experience in package stores, there’s no crime that’s been associated with our package store in Oak Hill, I don’t think that this is going to create a increase of crime in that neighborhood”.

Commissioner Rabago – Stated that dumpster pickup is noisy and asked that pickup be during reasonable hours.

Commissioner Baker – “Can there be a conditional overlay limiting the hours of deliveries and pickups?”

David Lloyd, City Attorney – “Only in a public restrictive covenant”.

Commissioner Baker – “But the owner would have to agree?”

Mr. Lloyd – “Yes”.

Mr. Rousselin – Recalled a similar case that entered into private restrictive covenant dealing with hours of operation. There can be a restrictive covenant if the neighborhood asked for one”.

Commissioner Baker – “So since the City would not be a party to the restrictive covenant, it leaves the enforcement to the responsibility of the neighborhood and that’s a difficult thing to do”.

OPPOSITION

Paul Nagy, Allendale Neighborhood Association, spoke in opposition. “We are still concerned about locating a liquor store at this location. There are plenty of liquor sales in the area and we do not need more liquor sales in our area”. Mr. Nagy stated that there are nearby schools and parks and more liquor in the area would be detrimental. He stated that Mr. Bufford never reached out to the neighborhood, therefore, is not going to be a good neighbor.

Commissioner Donisi – “Why do you feel it’s detrimental?”

Mr. Nagy – “I’m concerned about hard liquor in the area, there’s a lot of activity at night where liquor is involved”.

Commissioner Hammond – “What other retail would be beneficial for the neighborhood?”

Mr. Nagy – “I’m not a retail expert, but I know bad retail when I see it”.

Mr. Zettner requested that the zoning be rolled back if the request is granted.

REBUTTAL

Mr. Bufford stated that he went to a neighborhood meeting where there was no action taken because of lack of quorum. He stated that he explained the project to those who attended that meeting; after the meeting he did not hear back from anyone in opposition; until this case was put on the agenda. "I've been more than willing to talk to neighbors about a compromise and I think it's unfair to say that I haven't worked with them, it's not true".

Commissioner Hawthorne – "What did you say happened at the meeting?"

Mr. Bufford – "There was not a quorum at the meeting, so they could not take any action; but we had a formal discussion about this project and what I was proposing to do. There was even an article published in the neighborhood newspaper about the center; I did not hear about opposition to this project, until about 2-weeks ago".

Commissioner Baker – "Will you be willing to enter into a restrictive covenant with the neighborhood association, that there would be no deliveries or pickups to this CS-1 zoning prior to 6:00 a.m. or after 10:00 p.m.?"

Mr. Bufford – "I do not have a problem with that; I understand the issue and I'm aware of it".

Commissioner Hammond – "How about the rollback?"

Commissioner Baker – "I've never seen a rollback in my life".

Mr. Bufford – "I want to do what I can to please the neighborhood; I'm not trying to be difficult, I want to get along with the neighborhood".

Commissioner Hawthorne – "Mr. Nagy, were you at the meeting?"

Mr. Nagy – "I was present at that meeting and there has not been any contact after that meeting. As a developer he should have tried harder to contact the neighborhood. It was a unanimous vote to oppose this project with the Executive Committee".

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Hawthorne – "Is Sun Liquor a family business?"

Mr. Cantrell – "Yes".

Commissioner Hawthorne – "What do you sell?"

Mr. Cantrell – "We sell 24 oz. beer, and 6, 12, 18 packs; we do not sell lottery tickets".

Mr. Zettner – "My experience with Mr. Bufford was pleasant and he was trying to work with the neighbors. This was just miscommunication".

Commissioner Martinez – "I move to deny the request".

Commissioner Baker – "I'll second for discussion".

Commissioner Martinez spoke to his motion.

Commissioner Baker – "The applicant convinced me that there is already enough liquor in the area".

Vote: (4-3) Motion failed.

Commissioner Hawthorne – Made a motion to postpone to 01/17/06, to give the applicant an opportunity to meet with the neighborhood.

Commissioner Gohil – Second. "Is there a time constraint for the applicant?"

Mr. Bufford – "I do not have a problem with the postponement and meeting with the neighbors".

Commissioner Baker – "I think you need to meet with them and see if there's any way you can work out a restrictive covenant".

Mr. Bufford – "I have no problem with the restrictive covenant or meeting with the Executive Committee, if they'll just tell me when they do meet, I haven't been included or invited to their meetings".

Commissioner Hawthorne – "This is why we need to postpone this, so that can be worked out".

Commissioner Baker – "So the postponement is to January 17, 2006".

Mr. Bufford – "I'm closing with the construction next week and wanted to break ground on the center by the end of the month; so we want to plan for finish out. If Mr. Cantrell can always relocate his business if this doesn't get approved and he can find another location".

Commissioner Hammond – "I can support a postponement, so that the issues can be worked out".

*Vote: (6-1) J.D – Nay; J.P, K.J – Absent
Motion carried.*

BUFORD & ASSOCIATES

ATTORNEYS AT LAW
400 WEST FIFTEENTH STREET, SUITE 300
AUSTIN, TEXAS 78701
Telephone (512) 476-6096
Facsimile (512) 476-8624

Henderson L. "Sam" Buford, III
Direct Number (512) 391-1973

E-Mail Address
h1b@bufordlaw.com

January 12, 2006

RECEIVED

JAN 13 2006

Via E-Mail

Ms. Betty Baker, Chair
Zoning & Platting Commission
301 Congress Ave., Suite 200
Austin, Texas 78701

Neighborhood Planning & Zoning

Re: Planning & Zoning Commission Schedule for Hearing on January 17,
2006 – Buford Commercial Center

Dear Chairwoman Baker:

At the last meeting of the Planning & Zoning Commission held in early December, 2005 to consider the proposed zoning modification for my strip center on Burnet Road, the Commission ask that me and my proposed tenant (Lee Cantrell) meet with the Allendale Neighborhood Association ("the Association") one more time. That meeting took place on Thursday, December 15, 2006 at 7:00 p.m. at the Yarborough Library, 220 Hancock Drive. I have enclosed a copy of the email sent out by Mr. Paul Nagy announcing that meeting.

The meeting was attended by seven voting members of the Association. Five of the seven members were members of the "Executive Committee" of the Association. At the conclusion of the meeting, three of the five members of the Executive Committee indicated that they had no opposition to Mr. Cantrell operating a liquor store in my center. The two members of the Association who were not on the Executive Committee also had no opposition to the liquor store. As a matter of fact, the only people who seem to oppose it were Mr. and Mrs. Nagy.

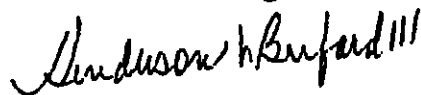
I have attached a copy of the article written by Mr. Tom Linehan, who attended the meeting. Mr. Linehan wrote an article summarizing the meeting and posted the article on the internet. As you can see from the article, he concluded that there appeared to be very little interest in opposing a liquor store being operated at my center.

Ms. Betty Baker, Chair
Zoning & Platting Commission
January 12, 2006
Page Two

In closing, I would ask that the Commission act favorably on my request for a CS-1 Zoning so Mr. Cantrell can operate his liquor store in my center. Careful analysis of the opposition to this request could only lead to one to believe that only Mr. Nagy and possibly his wife are in opposition to this zoning request. Surely, if the members of the Association sincerely opposed having a liquor store in my center they would have taken the opportunity to meet with me and Mr. Cantrell to voice their opposition. Only two members of the Association did so, Mr. and Mrs. Nagy.

If you have any questions, please call me.

Best Personal Regards

A handwritten signature in cursive script that reads "Henderson L. Buford III".

Henderson L. Buford, III

cc: Via E-Mail and First Class Mail
Mr. Jay A. Gohil
Mr. Clarke Hammond
Mr. Keith B. Jackson
Mr. Joseph Martinez
Mrs. Melissa Hawthorne
Mrs. Janis Pinnelli
Ms. Teresa Rabago
Mr. Jorge Rousselin

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THE LIQUOR STORE ZONING REQUEST



submitted by Tom Linehan

Having one more liquor retail outlet in the area did not appear to be a strong concern of the ANA board

members in attendance at tonight's meeting. The ANA Executive Committee met with developer Sam Buford and prospective liquor store tenant, Lee Cantrell to learn more about their request for CS-1 zoning.

The zoning change will be voted on January 17 by the City's Planning and Zoning Committee. If subsequently approved by City Council, it will allow the liquor store to open in Buford's retail center across from Curra's at 6800 Burnet Rd.

As Lee Cantrell explained, the plan is for he and his wife to move their liquor store to the new location. They have been operating Sun Liquor in Oak Hill for 5 years and believe the Burnet Rd location will serve them better. Prior to the liquor store, they owned and operated a convenience store. Paul Nagy expressed concern saying the area was adequately served and he did not like having a place that sold hard liquor in walking distance of the park. A final vote from the ANA Executive Committee will be forthcoming. With only 6 of the 11 board members present, there weren't enough for a quorum.

With regard to the retail center, Sam anticipates construction

SNAPSHOT



ALLANDALE FYI ANNOUNCEMENT

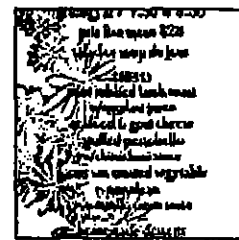


PHOTO ALBUMS



Allandale 4th of Ju Parade 2005

AREA BUSINESSES

Click to learn about these businesses

Billy's on Burnet Rd

Briley's Upholtery Shop

ClayWays

Pacha Imported Arts and Coffi

Taco Shack

Terry's Burnet Rd Auto

Inspection

NEWS

Statesman.com - Local News

01/11 Another arrest in Round Rock crime ri
Round Rock police arrested a Grand Prair man Monday afternoon in connection with a ..

01/11 Candidates' debate

to get underway in January with the first tenant moving in around June, 2006. The Allandale Veterinary Center has already signed a lease.

Dec 15, 2005 In Local Commerce | Permalink

will air, but not live
A House District 48
candidates' forum set
tonight will not be
broadcast live, as ..

01/11 **Missing teenage boy
back at boarding
school**
When he found a crypt
note New Year's Eve
from his teenage sons
saying they were le..

01/11 **For Lake Travis
residents, it's hip to
be fit**
Lake Travis residents
have been given 10
weeks, personal coach
and weekly training ...

01/11 **Obedience to God is
emphasis during Eid
al-Adha**
"Allahu akbar," the
Imam's plaintive voice
rang out in the vast,
unadorned space of t..

Austin Business Journal

01/11 **City employees boost
charitable giving**
City of Austin employe
donated more than
\$752,000 through a ch
campaign in 2005,..

01/11 **Dell family's
foundation gives
money for Ethiopian
aid**
The Michael & Susan C
Foundation gave
\$400,000 to another
Austin nonprofit seekir

01/11 **Internet marketing
company collects \$4**
Bazaarvoice Inc., an
Internet marketing
startup in Austin, raise
about \$4 million l..

01/11 **Energy company
acquires Italian assi**
Mediterranean Resour
LLC, a relatively new
company in Austin,
bought an Italian e..

01/10
AMD leases short-

October 17, 2005

Jorge Rousselin
Neighborhood Planning and Zoning Department
City of Austin

RECEIVED

OCT 20 2005

Neighborhood Planning & Zoning

RE: Case Number C14-05-0166

Dear Jorge:

I am writing to express two concerns regarding the rezoning of the property at 6800 Burnet Rd. from CS - General Commercial Services district to CS-1 Commercial-Liquor Sales district. First, I fear that the rezoning will lead to noise and disturbances in the evening hours before the liquor store closes. Second, I fear that a liquor store will put my family and our possessions at risk.

I live with my wife and 3-month-old baby at 6811 Daugherty. Our home backs directly onto Vinson Motors, which is the commercial property to the north of the proposed retail center. So while we are not directly contiguous to the retail center, we are "diagonal" to it on the side where the liquor store will apparently be located.

Today I visited the Zoning Department and learned the following details from the recently approved site plan:

1. An 8' masonry wall to be built for homes behind the retail center ends at our property line.
2. Our backyard will be exposed to noise from a parking lot directly in front of the proposed liquor store and within 25 feet of our backyard.
3. Our backyard will be exposed to noise from garbage trucks, since the retail center dumpsters will be located within 50 feet of our backyard.
4. Our back yard and porch, which are only protected by a 6 foot wood fence, will be potentially visible and accessible to pedestrians attracted to the liquor store. While it is forbidden to loiter around a liquor store, the area behind Vinson Motors would be a convenient place for a pedestrian to consume alcohol since it is easy to reach from the store but screened from the street.

In attempting to determine the security impact that a liquor store might have, I pulled the Austin Police statistics for thefts and burglaries at 23xx North Loop, for the year before and the year after King Liquor opened across the street at 5310 Burnet. I discovered that in 2003-2004 there were 9 thefts and 1 burglary, whereas in 2004-2005 there were 17 thefts and 4 burglaries. Since the liquor store is the only significant change to the area, it seems likely that there is a correlation.

I would be willing to explore options which protect our home from the higher risk that a liquor store poses. One possibility would be to extend the masonry wall so that our home is better protected. Without such protection, I do not feel safe with a liquor store behind our house and am against rezoning.

Thank you in advance,

Steven Zettner
6811 Daugherty St.

RECEIVED

OCT 20 2005

Neighborhood Planning & Zoning

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: C14-05-0166

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

November 1, 2005 Zoning and Platting Commission

974-6054

PAT FORD

Your Name (please print)

☐ I am in favor
☒ I object

6814 PIONEER PLACE

Your address(es) affected by this application

Pat Ford

Signature

11/1/05

Date

Comments: We do not need another liquor store in the neighborhood. We already have ShapeVine Market, King Liquor & Texan Liquor. Burrell Road needs more traditional retail to keep our neighborhood desirable.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

Rousselln, Jorge**RECEIVED****From:** Paul Nagy [pdnagy@alumnl.utexas.net]**NOV 01 2005****Sent:** Monday, October 31, 2005 11:35 PM**Neighborhood Planning & Zoning****To:** Rousselln, Jorge**Cc:** Gretchen Nagy**Subject:** Rezoning: C14-05-0166 - Opposed by Allandale Neighborhood Association

At the 10/27/05 Executive Committee meeting of the Allandale Neighborhood Association (ANA), there was a lengthy discussion with Steve Zettner, a homeowner on Daugherty between Addison and Pegasus, and Henderson L. "Sam" Buford III who is proposing to build a retail center at the NW corner of Burnet and Addison that would include a liquor store as a tenant. The subject property is within the boundaries of the Allandale neighborhood.

While Mr. Buford is actually proposing an attractive 13,000 sf retail project allowed under the current zoning, he wants to lease a space to a liquor store which is currently not allowed. Mr. Zettner stated his concerns that additional fencing is needed on the retail property to block adjacent homes from additional foot traffic and other adverse effects of a proposed liquor store. During the discussion, it appeared to members of ANA's Executive Committee that Mr. Buford seemed unconcerned about locating a liquor store near 1) a troublesome area across Burnet Rd from the subject property and just south of Justin Lane (directly behind the newly renovated Beasley Mazda location) and 2) a few short blocks from the main entrances to the Northwest District Park and Pool.

Further, the definition of the requested zoning classification defines CS-1 as "having operating characteristics or traffic service requirements generally **INCOMPATIBLE WITH RESIDENTIAL ENVIRONMENTS**" (caps added for emphasis). There are residences directly behind the subject property which puts it squarely in a residential environment.

Based on the concerns of cited above, the Executive Committee meeting of the Allandale Neighborhood Association voted to register its opposition to the zoning change request that would allow a liquor store on the property.

Please contact me with any questions and also to confirm receipt of this email so we know it will be included in the agenda materials for the hearing.

Paul Nagy
Allandale Neighborhood Association Treasurer

cc: Gretchen Nagy
Allandale Neighborhood Association President

11/1/2005

Rousselln, Jorge

From: Paul Nagy [pdnagy@alumnl.utexas.net]

Sent: Tuesday, November 01, 2005 2:21 PM

To: Rousselln, Jorge

Cc: Gretchen Nagy

Subject: Request for Postponement: Rezoning: C14-05-0166 - Opposed by Allandale Neighborhood Association

As we discussed this afternoon, the Allandale Neighborhood Association (ANA) respectfully requests that the hearing on the proposed zoning change be postponed until 12/6/05 to allow us time to compile information on the following points to support our opposition to the change:

- Adverse effects of liquor stores on residential neighborhoods and parks.
- Neighborhood crime statistics
- Information on other liquor stores in the area

We trust the Commissioners will consider that ANA is a volunteer organization which just learned of the zoning change request last week. While I will attend the hearing this evening, the postponement will allow us to better support our opposition.

Thank you.

Paul Nagy
Allandale Neighborhood Association Treasurer

cc: Gretchen Nagy
Allandale Neighborhood Association President

RECEIVED

NOV 01 2005

Neighborhood Planning & Zoning

11/1/2005

January 2, 2006

RECEIVED

JAN 11 2006

Dear Zoning & Platting Commissioners,

I'm writing to ask you to deny the requested CS-1 ^{Neighborhood Planning & Zoning} zoning for the property located at 6800 Burnet Road (case # C14-05-0165). We already have problems in Allandale that can be tied to alcohol use:

- Disposal of alcoholic beverage containers in front yards and streets (mine included) by intoxicated pedestrians and drivers.
- Public intoxication (19 reported in 2002, and 17 reported in 2001).
- DWIs (34 reported in 2002 and 21 in 2001)

Reduction of those offenses is needed, not the introduction of another source of liquor and alcohol that contributes to those problems. A review of other "suburban" neighborhoods on the City of Austin's police reported crimes website reveals far fewer, and in some cases, zero reported alcohol-related offenses.

The Allandale neighborhood is a perfect example of what the City wants to see and promote in its central city neighborhoods; it is a neighborhood where young families are reinvesting in older homes left by the older couples who pass away. With good quality elementary and middle schools as its foundation, there is a real interest in maintaining and improving the quality of the neighborhood for families. Families are already uncertain about reinvesting in central city neighborhoods. They're looking for signs and indications that it is a good decision financially and for their families. A liquor store at the entrance of Twin Oaks, a residential street, communicates to families to look elsewhere.

Not only would a liquor store at this location harm the surrounding residential use, but it would also discourage appropriate commercial development. By leasing the space to a liquor store the owner will discourage better tenants, who are much more neighborhood-friendly. His request for CS-1 zoning will be a detriment to not only residential investment, but commercial development also. The large shopping center at North Loop and Burnet has sat mostly vacant, for at least three years, with only one tenant: a liquor store. Other shopping centers, including the recently renovated Academy Building across the street from the owner's property, which has a photography studio, restaurant and furniture shop, are doing quite well, and do not have a liquor store. I encourage the owner to pursue more compatible uses such as the retail, professional offices and restaurants he mentioned during the recent redesign of his center.

In summary, the CS-1 zoning should be denied because the Allandale neighborhood already bears the burden of dealing with alcohol-related offenses, and because a liquor store will hurt not only residents' investment in the neighborhood, but also deter needed commercial services and products.

Sincerely,



Dain Larsen
2715 Pegram Avenue

RECEIVED

JAN 11 2006

Neighborhood Planning & Zoning

Roussellin, Jorge

From: Dain Larsen [larsendain@yahoo.com]
Sent: Thursday, January 26, 2006 11:50 AM
To: Roussellin, Jorge
Subject: 6800 Burnet Road- CS-1 Zoning Proposal- Case C14-05-0166- Additional Information
Attachments: 179975458-Letter2_Commission.doc

Jorge,

I'm sending to you a letter with additional information for the Commission to review for this zoning case. I'm sending a separate email to all of them with the letter both as an attachment and in the body of the letter.

I'll also fax to you a copy of a few more signatures I got on the petition to oppose the CS-1 zoning. Also, at the Allandale neighborhood general meeting last night the vote was 17-13 to oppose the CS-1 zoning request for 6800 Burnet. A vote just prior to support the zoning request for CS-1 failed by a 17-15 vote. We were in general agreement to vote on it in both regards.

Here is the body of my letter, including some links at the end:

CASE: C14-05-0166 ADDRESS: 6800 Burnet Road
 January 26, 2006

Dear Zoning and Platting Commissioners,

Thank you for listening to my concerns about the property owner's proposal to intensify the zoning at 6800 Burnet from CS to CS-1 for the purpose of allowing a liquor store at the site. A primary concern raised by both the neighborhood and ZAP during this case is the density of existing outlets for liquor sales along this stretch of Burnet Road.

I've looked into the density of liquor outlets (bars, clubs, and liquor stores) in the surrounding area and compiled data by zip code for the surrounding communities so that there is a basis of comparison. I was shocked to find that there are 21 liquor outlets in the area including zip codes 78757, 78756, and 78752 (Allandale & Brentwood neighborhoods). This is 4.72 outlets per person and 7.83 per million square feet of land. These are 84% and 90% above what is present in the 78758 zip code to the north and 49% and 65% above the figures for 78753 (similar in population and land area). This disparity exists even though in both 78758 and 78753 the stores are primarily located along 183 and 135. By contrast, in the 78757 area there is 1 store located at the corner of Anderson Lane and Mo-Pac.

Zip Code area	Liquor Outlets per 10,000 persons
78752	4.99
78756	4.21
78757	4.20
78750	3.41
78753	3.17
78751	2.86
78705	2.61
78758	2.57
78731	2.08
78759	1.73

The density of liquor outlets is a significant consideration. As a neighborhood we will not be able to address it until later this year when we start our neighborhood plan. Various studies on how to reduce domestic violence, DWI offenses, violent assaults, among other crimes, have demonstrated that limiting the density of liquor outlets in a neighborhood is a valuable tool for cities. The findings are that this is applicable to areas with low poverty rates, Allandale (~ 8%), and ones with high rates, like Brentwood/Crestview (~30%) on the east side of Burnet at the site. A recent review of these studies by PIRE states that;

The research strongly suggests that limits on outlet density may be an effective means of reducing alcohol problems, especially violence. States and communities can use controls on the number and location of alcohol outlets as a tool for reducing violence, creating a safer and healthier alcohol environment, and improving the quality of life of a community.

The Brookings Institution's review of these studies reaches the same conclusion. I'm attaching these research summaries to this email for your review.

2/6/2006

The owner of 6800 Burnet Road made changes to his site plan in March 2005 to address the traffic and noise concerns associated with any CS use. However, the wall that he plans to construct clearly doesn't, nor was it ever intended to, address the impact of a liquor store use. The proposed zoning change offers very little benefit to the surrounding residential neighborhood, while requiring that we take all of the risk of increased criminal problems in the residential area. The only potential benefit is that people don't have to drive a little more than a half-mile to the two relatively new liquor stores to the south on Burnet. The very real risk is that adding to an already high density of liquor outlets will impact the neighborhood as it has in many communities throughout the country, regardless of other factors such as poverty levels.

In summary:

1. The density of liquor outlets in the area surrounding the site is high in both absolute numbers (22) and per capita (nearly 5 per 10,000).
2. The owner's accommodations have only been directed at reducing the effects of CS uses by building a wall, nothing new has been proposed with the CS-1 proposal.
3. Numerous studies show there is an increase in violent crime when the density of liquor outlets increases (even when poverty levels are considered) in a neighborhood.
4. The benefit provided by the liquor store to the neighborhood is marginal since there are already several (at least 3 new ones in the last 5 years), while there is good evidence that the neighborhood will bear the costs of more crime.

The residential community in this area is already bearing the burden of having many liquor outlets in the area. Please don't test the limits of what we can take on. Please vote to deny CS-1 zoning for 6800 Burnet Road.

Thank you very much for your time. Please call me at 374-9593, or at work at 463-1618 if you have any questions, or email me at larsendain@yahoo.com.

Sincerely,
Dain Larsen

Links

1. [Pacific Institute for Research and Evaluation \(PIRE\)- review of alcohol outlets affect on neighborhood violence](#)
2. [Brookings Institution- review of outlet density and crime](#)

Do you Yahoo!?
With a free 1 GB, there's more in store with [Yahoo! Mail](#).

CASE: C14-05-0166
January 26, 2006

ADDRESS: 6800 Burnet Road

RECEIVED

JAN 26 2006

Dear Zoning and Platting Commissioners,

Neighborhood Planning & Zoning

Thank you for listening to my concerns about the property owner's proposal to intensify the zoning at 6800 Burnet from CS to CS-1 for the purpose of allowing a liquor store at the site. A primary concern raised by both the neighborhood and ZAP during this case is the density of existing outlets for liquor sales along this stretch of Burnet Road.

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78758	2.57
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In summary:

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4. The benefit provided by the liquor store to the neighborhood is marginal since there are already several (at least 3 new ones in the last 5 years), while there is good evidence that the neighborhood will bear the costs of more crime.

The residential community in this area is already bearing the burden of having many liquor outlets in the area. Please don't test the limits of what we can take on. **Please vote to deny CS-1 zoning for 6800 Burnet Road.**

Thank you very much for your time. Please call me at 374-9593, or at work at 463-1618 if you have any questions, or email me at larsendain@yahoo.com.

Sincerely,
Dain Larsen

Links

1. [Pacific Institute for Research and Evaluation \(PIRE\)- review of alcohol outlets affect on neighborhood violence](#)
2. [Brookings Institution- review of outlet density and crime](#)

Rousselin, Jorge

From: Steven Zettner [szettner@austin.rr.com]
Sent: Tuesday, January 24, 2006 10:20 PM
To: Rousselin, Jorge
Subject: Letter regarding C14-05-0166, Rezoning at 6800 Burnet

Dear Jorge,

I am submitting the letter below for the upcoming Zoning and Platting Commission meeting.

Thank you,

Steven

Steven Zettner
6811 Daugherty St.

January 21, 2006

City of Austin
City Zoning and Platting Commission
Austin, Texas

Commissioners:

I am writing to clarify my position regarding the rezoning of Mr. Sam Buford's property at the 6800 block of Burnet Rd. The most severe concerns that I had expressed in an earlier letter have been resolved. I no longer have any immediate personal reasons to oppose the liquor store.

I did sign the Allandale Neighborhood Association petition opposing the liquor store on the grounds that there is already a high density of alcohol outlets along Burnet Rd. Several studies that I found correlated alcohol outlet density to rising crime and urban decline. Even if the liquor store in question is approved, I intend to work with the Neighborhood Association to produce a neighborhood plan that searches for ways to gradually reduce the number of alcohol outlets in the area.

Two of my neighbors who are homeowners with lots adjacent to Mr. Buford's had no concerns regarding the liquor store. Two others were concerned that the rezoning might make it easier to later allow a bar or night club to operate there. If there is a way to prevent this possibility as part of the current rezoning process, that would be appreciated.

Thank you for your attention,

Steven Zettner
6811 Daugherty St.

Roussellin, Jorge

From: Paul Nagy [pdnagy@alumnl.utexas.net]

Sent: Tuesday, January 17, 2006 10:43 AM

To: Roussellin, Jorge

Cc: Gretchen Vaden Nagy

Subject: Rezoning: C14-05-0166 - Remains Opposed by Allandale Neighborhood Association

After a meeting in December with the developer, Sam Buford, and the liquor store owner, John Cantrell, and then learning of increased opposition by neighbors in the immediate vicinity of the property, the Executive Committee meeting of the Allandale Neighborhood Association (ANA) has just voted to continue to oppose the referenced application for zoning to allow liquor sales at 6800 Burnet Road.

Of the eleven members of the Executive Committee, six voted to oppose the application, three voted to support it and two have not submitted a response by email at the time of sending this email.

I will attend the hearing this evening to present these results.

Thank you and please contact me with any questions.

Paul Nagy
ANA Treasurer

cc: Gretchen Vaden Nagy
ANA President

2/6/2006

Allandale Neighborhood Association

February 22, 2006

RECEIVED

FEB 23 2006

The Mayor and City Council
City of Austin

Neighborhood Planning & Zoning

Re: Zoning Case C14-05-0166
Request for Conditional Overlay for the Application for CS-1 Zoning at 6800 Burnet Road

The Honorable Mayor and Councilmembers:

Over the past few months, Mr. Buford and Mr. Cantrell, the applicants for CS-1 zoning to allow a liquor store at 6800 Burnet Road, made three presentations to the Allandale Neighborhood Association (ANA) after which ANA voted all three times to oppose the application. The concerns centered around the proximity of the proposed location to parks, schools and other liquor stores.

Now that the Zoning and Platting Commission has voted to approve the application despite the objections from neighbors and our Association, ANA's Executive Committee has voted unanimously to request that the application be approved only if there is a conditional overlay that states, as may be appropriately drafted:

1. The only acceptable use of the property under CS-1 zoning would be as a liquor store as defined therein and that all other uses that may be allowed under CS-1 zoning be specifically prohibited; and
2. The zoning will revert back should the space used as the liquor store cease to be operated as a liquor store. This condition is in line with an offer Mr. Buford made at one of the ANA meetings. This would allow Mr. Cantrell to operate his store as long as he wishes or even sell it to another party. The reversion would only occur if he or a successor interest closes.

Our Association has been recognizing that the redevelopment of Burnet Road is good for our neighborhood. Mr. Buford has presented a project that is an attractive retail center but also an alternative to the many car lots. The troubling issue is solely the liquor store.

Thank you hearing our concerns and considering this request.

Sincerely,


Gretchen Vaden Nagy
President

RECEIVED

JAN 12 2006

Neighborhood Planning & Zoning


Date: January 9, 2006

Case Number: C14-05-0166

Address of Rezoning Request: 6800 Burnet Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in case file C14-05-0166 do hereby protest against a CS-1 (Commercial-Liquor Sales) zoning classification for the property.

Signature	Printed Name	Address	Reasons for Protest
	Paul Mayes	6801 Dougherty St.	Too close to Park
M. D. Darbyshire	MARION CHAD DARBYSHIRE	2606 PEGRAM AVE.	TOO CLOSE TO HOUSES & PARK.
CHAD COURT DARBYSHIRE	C. COURT DARBYSHIRE	2606 PEGRAM AVE	TOO CLOSE
Gynda Huff	LINDA HUFF	2703 PEGRAM AVE.	TOO CLOSE TO OUR NEIGHBORHOOD + TO NORTHWEST PARK + SCHOOLS
Donald Huff	Donald Huff	2703 Pegram Ave	Same as all above

Contact: Dain Larsen
463-1618 (w)

RECEIVED

JAN 12 2006

Neighborhood Planning & Zoning




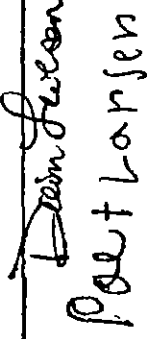
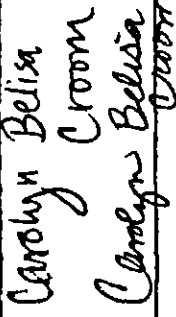
Date: January 9, 2006

Case Number: C14-05-0166

Address of Rezoning Request: 6800 Burnet Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in case file C14-05-0166 do hereby protest against a CS-1 (Commercial-Liquor Sales) zoning classification for the property.

Signature	Printed Name	Address	Reasons for Protest
	ROBERT KRAMM	2611 PEGHAM	WORRIED ABOUT INCREASED VAGRANCY
	Eddie Gildewell	2602 Pegram	No need for it
	Dan Eden	6820 Vine	We have enough stores already.
 Dain Larsen	Dain Larsen POET LARSEN	2715 Pegram	Contributes to DWI problem in area too close to PARK
 Carolyn Belisa Croom	Carolyn Belisa Croom	2502 Albata Ave.	Worried about vagrants at park. We have plenty of liquor stores already.

Date: January 9, 2006

RECEIVED

Case Number: C14-05-0166

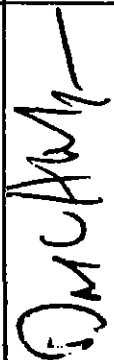




JAN 12 2006

Address of Rezoning Request: 6800 Burnet Road

Neighborhood Planning & Zoning

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in case file C14-05-0166 do hereby protest against a CS-1 (Commercial-Liquor Sales) zoning classification for the property.

Signature	Printed Name	Address	Reasons for Protest
	DOUG MOYERS	2506 PARK VIEW	NO NEED FOR VARIANCE, FAMILY NEIGHBORHOOD
	Nancy R. Kelly	2502 Parkview Dr.	many children in neighborhood
	Gerald J. Kelly	do	Inappropriate for neighborhood
	Timothy A. Minick	2504 Park View Dr.	Wrong zoning change for our neighborhood
	VANESSA POULOS	2500 PARK VIEW DR.	TOO MANY CHILDREN, inappropriate!

RECEIVED

JAN 12 2006

Neighborhood Planning & Zoning

Date: January 9, 2006

Case Number: C14-05-0166

Address of Rezoning Request: 6800 Burnet Road

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in case file C14-05-0166 do hereby protest against a CS-1 (Commercial-Liquor Sales) zoning classification for the property.

Signature	Printed Name	Address	Reasons for Protest
<i>John Tate</i>	John Tate	2552 Alberta Av Austin TX 78757	There are enough liquor stores nearby. - Might attract customers to parks
<i>Don Harker</i>	Don Harker	2601 Alberta Ave Austin, TX 78757	No liquor stores are necessary in this area
<i>Beverly Harker</i>	Beverly Harker	2601 Alberta Ave Austin, TX 78757	Have enough liquor stores already
<i>Mary Jackson</i>	Mary Jackson	2602 Ellise Ave Austin, TX 78757	Affraid of B D W's too close to Lamar middle school + Northwest Park
<i>Robert Jackson</i>	ROBERT JACKSON	2602 ELLISE AUSTIN, TX 78757	afraid of Public Drunkenness too close to school & parks

Date: January 9, 2006

Case Number: C14-05-0166

Address of Rezoning Request: 6800 Burnet Road




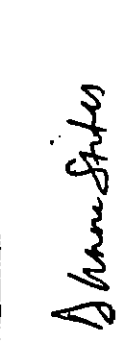
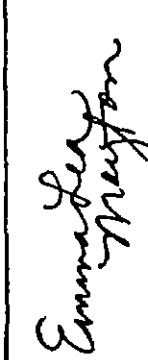
To: Austin City Council

RECEIVED

JAN 17 2006

Neighborhood Planning & Zoning

We, the undersigned owners of property affected by the requested zoning change described in case file C14-05-0166 do hereby protest against a CS-1 (Commercial-Liquor Sales) zoning classification for the property.

Signature	Printed Name	Address	Reasons for Protest
	Michelle Smith	8800 Parkfield Dr.	Do not need in this area - too close to school
	Karen F. Agorian	3005 McElroy Drive, 78757	School area, already have too many drinking opportunities in area and liquor stores and clubs.
	Carol Bilich	2509 Pinewood 78757	Same as above.
	D'Anne States	7503 Pineleaf Pl. 2500 Ellipse	Significant number of liquor stores in area - needs can be filled as is. Too close to NW Park
	Emma Lea Mayton	7101 Daugherty St. Austin, TX 78757	Significant number of liquor stores in neighborhood already

Dain Larsen

514-4593

21

Date: January 9, 2006

RECEIVED

Case Number: C14-05-0166




JAN 27 2006

Address of Rezoning Request: 6800 Burnet Road

Neighborhood Planning & Zoning

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in case file C14-05-0166 do hereby protest against a CS-1 (Commercial-Liquor Sales) zoning classification for the property.

Signature	Printed Name	Address	Reasons for Protest
	Jerry Suva	6807 Daugherty	would not like to have a bar (a la public dog) in the future w/c liquor license.
	Steven Zettner	6811 Daugherty St	Still concerned about the LT impact of liquor store density on area crime. Would be willing to volunteer to help Mr. Buford find an alternative client.
	Vicky Giro	3004 Hunt Tr.	Do not want this kind of store in my neighborhood around my family.

Darin Larsen
374-9593

PETITION

Case Number:

C14-05-0166

Date:

Jan. 31, 2008

Total Area within 200' of subject tract: (sq. ft.)

160,252.41

1	<u>02-3403-0314</u>	<u>SUVA JERRY F II</u>	<u>7,283.44</u>	<u>4.54%</u>
		<u>ZETTNER SARA</u>		
		<u>WITTENBROOK &</u>		
2	<u>02-3403-0316</u>	<u>CARL STEVEN</u>	<u>4,757.60</u>	<u>2.97%</u>
3				<u>0.00%</u>
4				<u>0.00%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
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25				<u>0.00%</u>

Validated By:

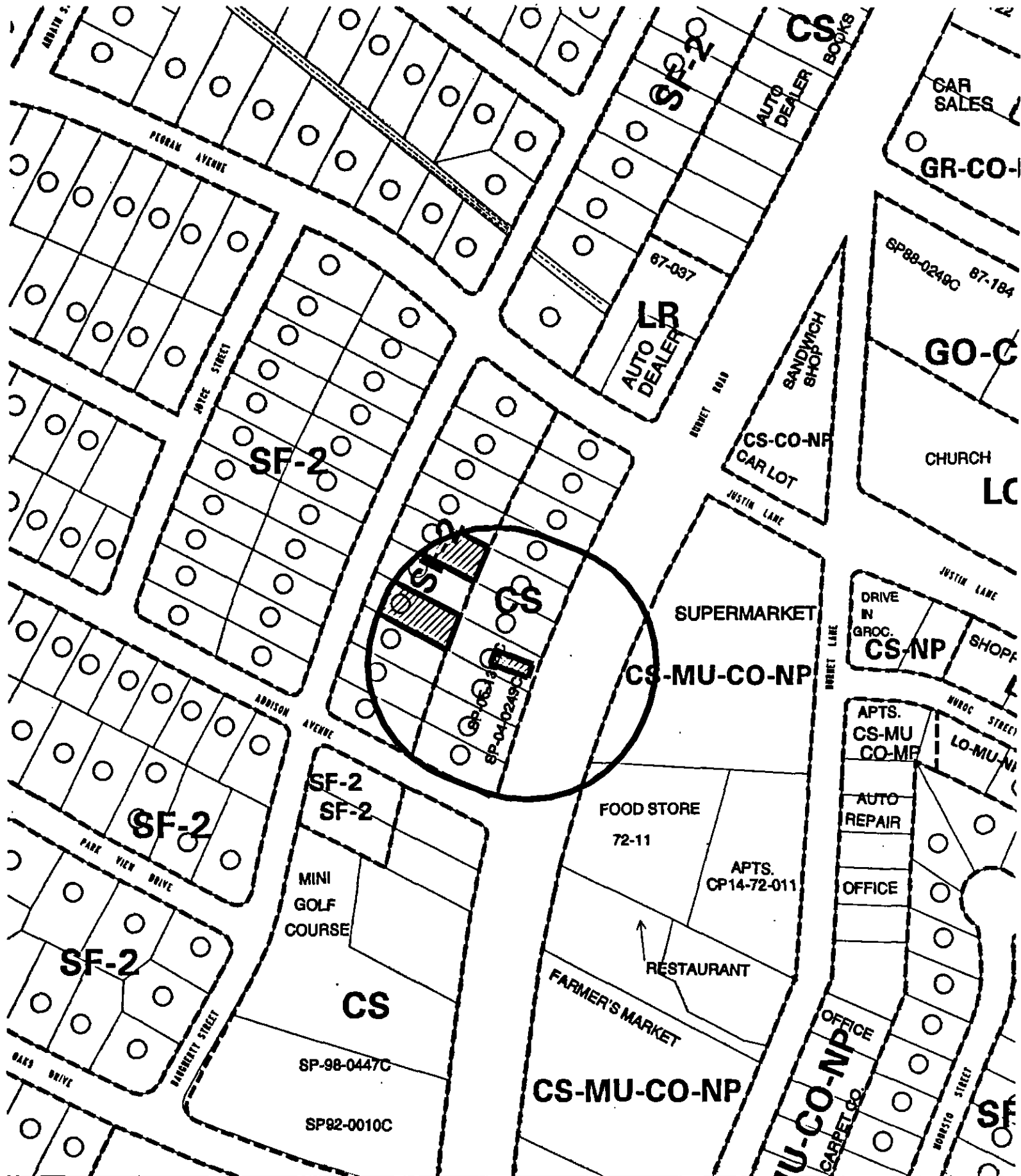
Stacy Meeks





Total Area of Petitioner:

12,041.05

Total %

7.51%



 1" = 200'	SUBJECT TRACT 	PETITIONS		CITY GRID REFERENCE NUMBER J29
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-05-0166 ADDRESS: 8800 BURNET RD SUBJECT AREA (acres): 0.034	DATE: 06-01 INTLS: SM	
	CASE MGR: J. ROUSSELIN			

Rousselin, Jorge

From: Paul Nagy [pdnagy@alumni.utexas.net]
Sent: Thursday, March 02, 2006 9:19 AM
To: Rousselin, Jorge
Cc: HLB@bufordlaw.com; Dain Larsen; Gretchen Vaden Nagy
Subject: Fw: C14-05-0166 on 6800 Burnet Road - Letter to Council

Since the response to Mr. Buford's email is not included in the agenda package and we are unable to have a representative attend this evening, the Allandale Neighborhood Association (ANA) respectfully requests that consideration of the zoning request be postponed until March 23, 2006.

Thank you and please contact me with any questions.

Paul Nagy
Allandale Neighborhood Association Treasurer

----- Original Message -----

From: Paul Nagy
To: Jorge.Rousselin@ci.austin.tx.us
Cc: Dain Larsen ; HLB@bufordlaw.com ; Gretchen Vaden Nagy
Sent: Wednesday, March 01, 2006 9:49 PM
Subject: Re: C14-05-0166 on 6800 Burnet Road - Letter to Council

To be clear, the Allandale Neighborhood Association (ANA) still objects to the zoning request even though the Zoning and Platting Commission voted to approve it. The fall back position was to request the conditional overlay ONLY if Council is going to approve the request. Mr. Buford's counter-proposal to this fall back position is acceptable (again, despite ANA's overall objection to the zoning request).

I am unable to attend the hearing to represent ANA so please have this response entered into the record. Would Council defer action to allow a neighborhood representative to attend?

Thanks and please contact me with any questions.

----- Original Message -----

From: Jorge.Rousselin@ci.austin.tx.us
To: pdnagy@alumni.utexas.net ; larsenda1n@yahoo.com
Sent: Tuesday, February 28, 2006 9:32 AM
Subject: FW: C14-05-0166 on 6800 Burnet Road - Letter to Council

Please see Mr. Buford's reply to your proposal.

From: Sam Buford [mailto:HLB@bufordlaw.com]
Sent: Monday, February 27, 2006 4:13 PM
To: Rousselin, Jorge
Cc: Jeff S. Howard
Subject: RE: C14-05-0166 on 6800 Burnet Road - Letter to Council

Jorge,

I am writing in response to your phone call earlier this afternoon regarding the proposal to "The Mayor and City Counsel" set forth in the letter dated February 22, 2006 from Gretchen Vanden Nagy, President of the Allandale Neighborhood Association (the "Association").

My reading of the letter is that the Association will withdraw its opposition to the zoning request if I agree to the two (2) overlay provisions.

I am in agreement with the overlay provisions set forth in the Association's letter provided that the CS-1 zoning remains in place for a period of one hundred eighty (180) days after Mr.. Cantrell or anyone purchasing the store from him stops doing business as a container store on the premises.

If you have any questions, please do not hesitate to call me.

Many Thanks,

Sam Buford

-----Original Message-----

From: Jorge.Rousselln@cl.austin.tx.us [mailto:Jorge.Rousselln@cl.austin.tx.us]

Sent: Thursday, February 23, 2006 3:04 PM

To: HLB@bufordlaw.com

Subject: FW: C14-05-0166 on 6800 Burnet Road - Letter to Council

Importance: High

Mr. Bufford,

I received your revised metes & bounds description this afternoon and they have been replaced in the ordinance. Attached please find a letter I received this morning from the neighborhood regarding your rezoning application. Please contact me if you have any questions.

Jorge

From: Paul Nagy [mailto:pdnagy@alumnl.utexas.net]

Sent: Thursday, February 23, 2006 12:01 AM

To: Rousselln, Jorge

Cc: Gretchen Vaden Nagy

Subject: C14-05-0166 on 6800 Burnet Road - Letter to Council

Attached is a letter to City Council concerning a request for a conditional overlay.

Please confirm that it has been submitted in time to be included in the packages to the Mayor and Councilmembers. Naturally, your input is also appreciated if you have any ideas or questions.

Thanks.