ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0007 – Sunrise Mini Mart Rezoning DISTRICT: 3

ZONING FROM: CS and LR TO: CS-1

ADDRESS: 913-915 W. Oltorf Street

SITE AREA: 3,420 square feet

PROPERTY OWNER:
11800 Metric Inc (Abdul K Patel)

AGENT:
Land Answers, Inc (Jim Wittliff)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. The conditional overlay is to limit the maximum square footage (SF) of liquor sales use to 1,800 SF and prohibiting a set of land uses. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 9, 2021	**Approved staff's recommendation of CS-1-CO on the consent agenda. Vote: 10-0. [Commissioner Howard – 1st, Commissioner Seeger – 2nd; Vice Chair Hempel was absent, 2 vacancies on the Commission].**
February 23, 2021	Planning Commission meeting was canceled.

CITY COUNCIL ACTION:

March 25, 2021	**Scheduled for City Council**

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition to this rezoning case. For all written and emailed communication, please see *Exhibit C: Correspondence Received*.

The Galindo Neighborhood Association and the applicant have come to an agreement on this rezoning case. The portions of their agreement that can be included in an ordinance through a

conditional overlay are limiting the maximum square footage allowed for liquor sales use and prohibiting a set of land uses. The other items listed in the neighborhood's letter would have to be included in a private agreement and cannot be included in the conditional overlay or within a public restrictive covenant.

Staff recommends the following be included in a conditional overlay:

- Limiting the maximum square footage of liquor sales use to 1,800 square feet; and
- Prohibiting the following land uses: adult oriented businesses, cocktail lounge, pawn shop services, and limited warehousing and distribution.

CASE MANAGER COMMENTS:

The area being requested to be rezoned is at the southeast intersection of W. Oltorf Street and S. 5th Street. It is approximately 3,420 square feet which is the existing building's footprint on this property. The property is currently zoned a combination of CS and LR zoning. If the rezoning request was approved, the building footprint would be rezoned, and the remainder of the property would be mostly zoned LR. Adjacent to the east of this property is a tract zoned LO and to the south is a tract zoned MF-4. Across S. 5th Street to the west are SF-3 zoned properties and across W. Oltorf Street to the north are properties zoned GR-MU-CO-NP, please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

The applicant is requesting CS-1 base zoning to allow for liquor sales within their convenience store.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought. Rezoning should not contribute to the over zoning of the area.*

   One of the main purposes of the CS-1 base zoning district is to allow for the liquor sales use. Rezoning the requested area to CS-1 but limiting the maximum square footage of liquor sales would be consistent with the purpose of the district sought and allow for the use onsite while not contributing to over zoning of this base district.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS and LR	Laundry services and general retail sales (convenience)
North	GR-MU-CO-NP	Multifamily
South	MF-4	Multifamily
East	LO	Administrative and business offices

	Zoning	Land Uses
West	SF-3	Single-family

NEIGHBORHOOD PLANNING AREA: Galindo NP Area

TIA: The TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: West Bouldin Creek (urban)

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards and Selected Sign Ordinances

SCHOOLS: Dawson Elementary, Lively Middle and Travis High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
Bouldin Creek Neighborhood Association
Bouldin Creek Neighborhood Planning Team
Friends of Austin Neighborhoods
Galindo Area Patriotic People's Porch
Galindo Elementary Neighborhood Assn.
Homeless Neighborhood Association
Meadowbrook Neighborhood Association
Neighborhood Empowerment Foundation
Perry Grid 614
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group
South Central Coalition

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0026/ NPA-2017-0013.01 Bouldin Creek Neighborhood Plan Garage Placement Zoning	To add LDC 25-2-1604 garage placement to NP area to be allowed on eligible properties.	Approved adding garage placement design tool to a single family residential, duplex residential or a two-family residential use.	Case was indefinitely postponed by staff on September 17, 2017.

Number	Request	Commission	City Council
C14-02-0031 Bouldin Creek Neighborhood Plan	To propose zoning change(s) to create a Neighborhood Plan Combining District (NPCD) covering a specified area.	Approved staff rec w/ additional request for staff to work with planning team to legitimize current use of 607 Dawson Rd. and develop site restrictions for Tract 24.	Approved adding "NP" to eligible base zoning district and rezoning some base districts in the NP area. (5/23/2002)

RELATED CASES:

There are no related cases to this rezoning case.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W Oltorf Street	81'	38'	Level 3	Yes	Shared Lane	Yes
S 5th Street	53'	28'	Level 2	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

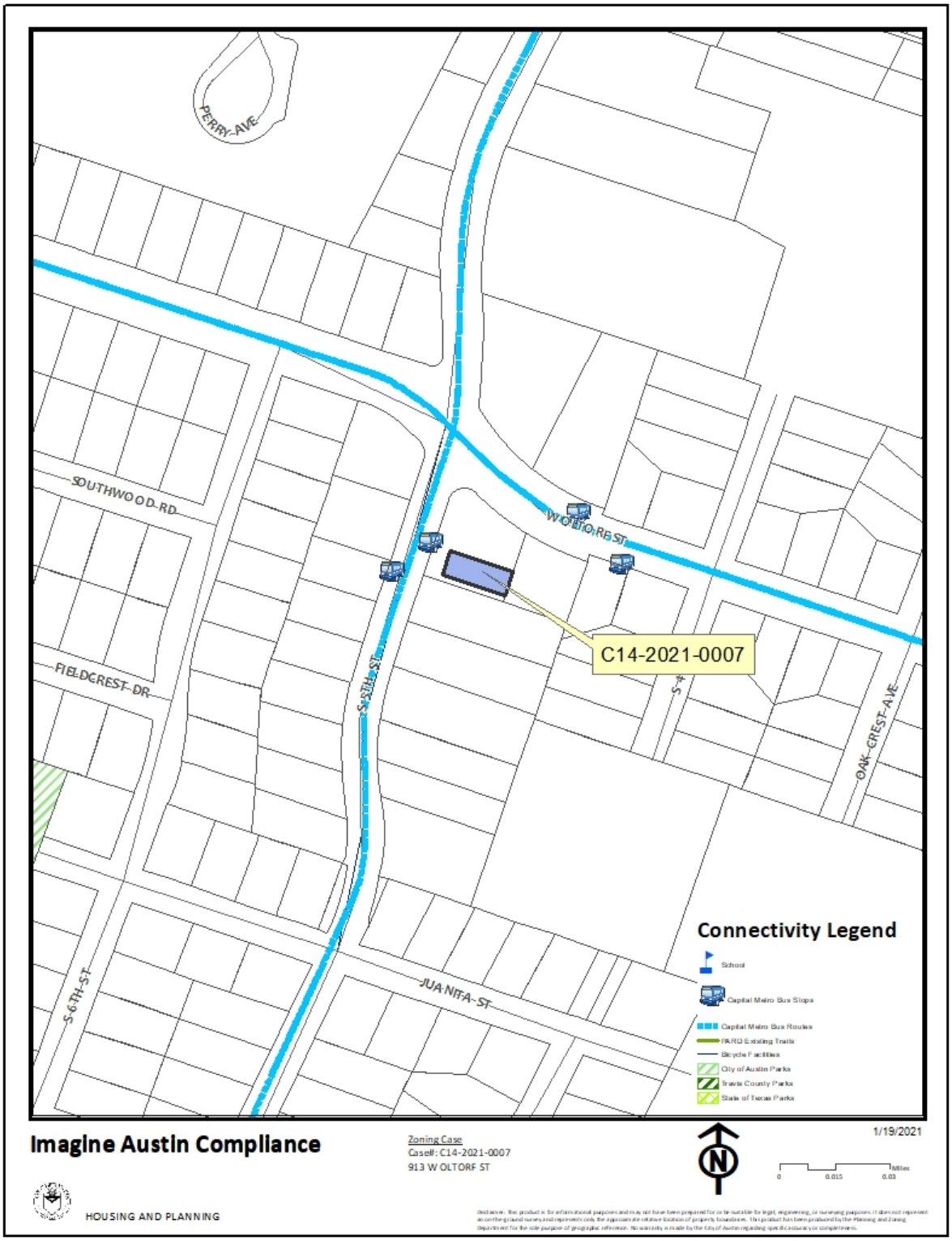
This rezoning case is located on the southeast corner of W. Oltorf Street and S. 5th Street on a property that has an existing laundromat/convenience store. The property is not located within the boundaries of a neighborhood planning area with an adopted plan. Surrounding land uses include an apartment complex to the north; to the south are residential uses; to the east is an apartment building; and to west is a condo complex and single-family houses. The proposal is to use the existing building as a convenience store/liquor store, which requires CS-1 district zoning.

Connectivity
There are public sidewalks located along South 5th Street and West Oltorf Street. A public transit stop is located directly in front of the property. Mobility options are average while connectivity options are fair.

Imagine Austin
The property is not located near an Activity Center or Activity Corridor. The following IACP policies are also relevant to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the property already being an established commercial use in an area lacking a variety of walkable goods and services, and the site being located along a major arterial corridor, the proposed rezoning supports the policies of the Imagine Austin Comprehensive Plan.



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Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

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

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

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and on-site control for the two-year storm.

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

PARD Review

PR1. There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for CS-1, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

Site Plan

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP2. The site is subject to compatibility standards. Along the west property line, the following standards apply:

   a. No structure may be built within 25 feet of the property line.

   b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

   c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

   d. No parking or driveways are allowed within 25 feet of the property line.

e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP3. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

ASMP Assessment
The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 60 feet of right-of-way for S 5th Street. It is recommended that 30 feet of right-of-way from the existing centerline should be dedicated for S 5th St according to the Transportation with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Transportation Assessment
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

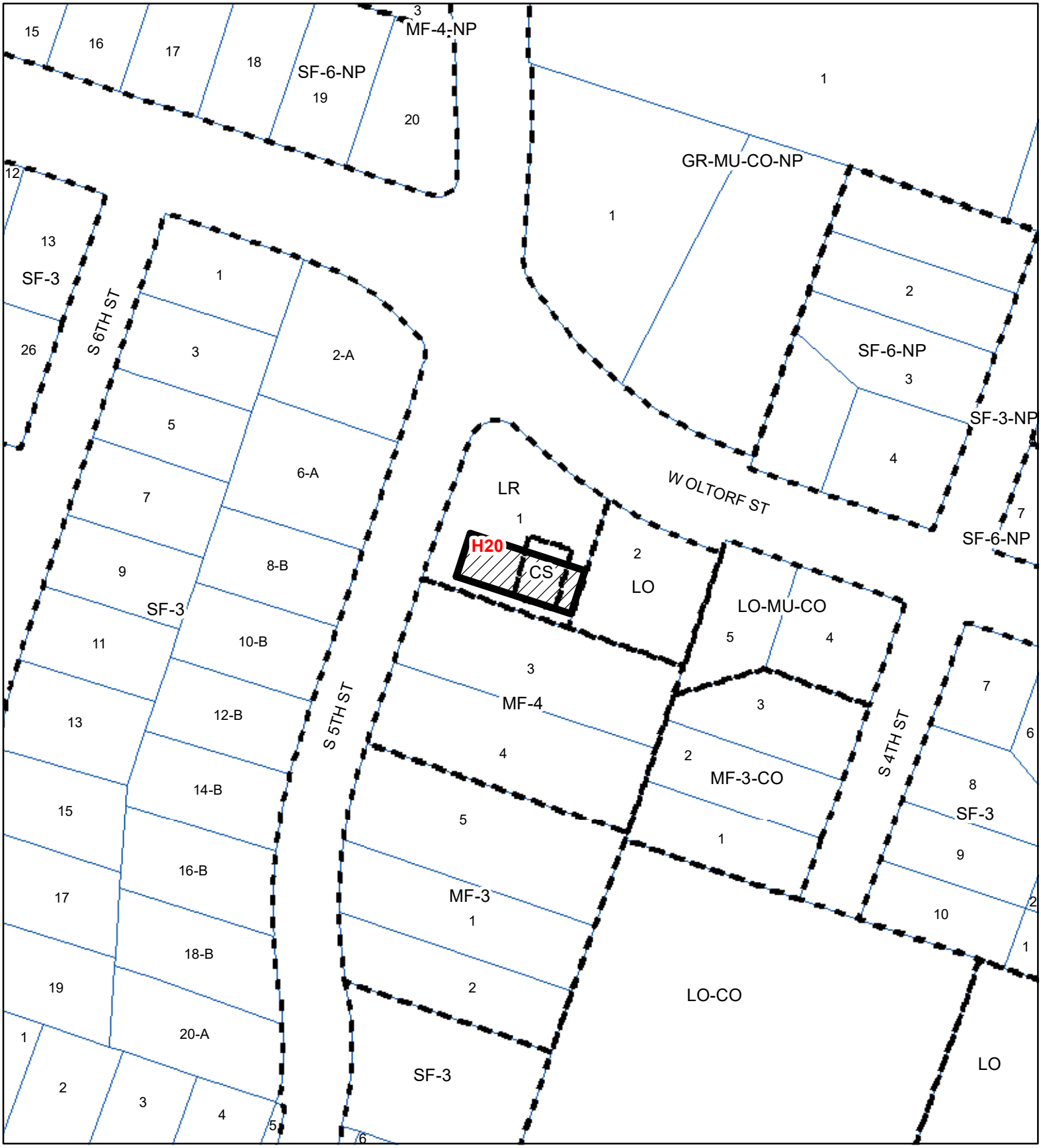
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received



N

1" = 100'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

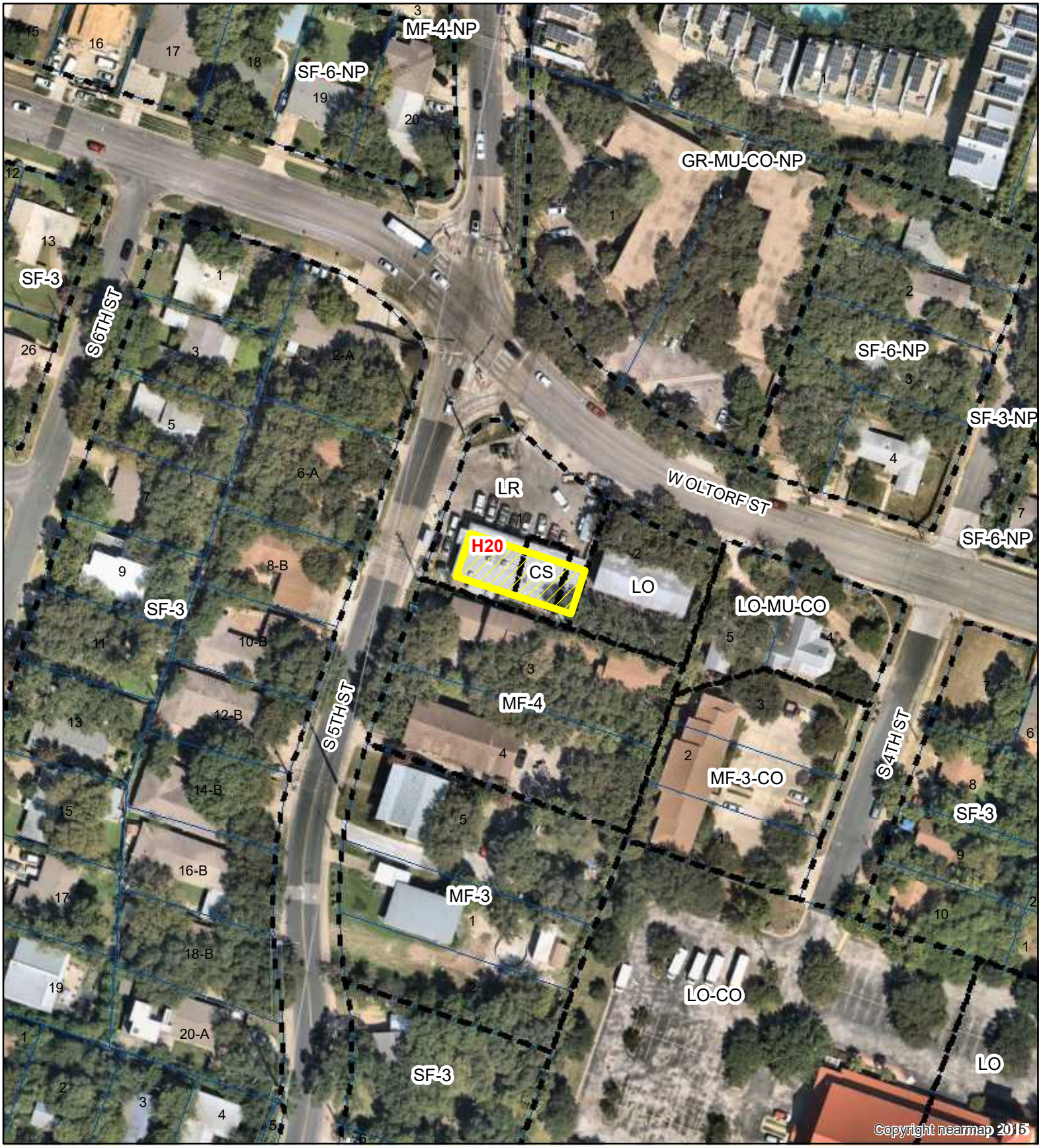
CREEK BUFFER

Sunrise Mini Mart

Exhibit A

ZONING CASE#: C14-2021-0007
LOCATION: 913-915 W Oltorf St
SUBJECT AREA: 0.079 ACRES
GRID: H20
MANAGER: KATE CLARK

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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SUBJECT TRACT

ZONING BOUNDARY

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Exhibit B

ZONING CASE#: C14-2021-0007
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MANAGER: KATE CLARK

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Exhibit C

Galindo

NEIGHBORHOOD ASSOC.

PO Box 41232 Austin, TX 78704

December 9, 2020

To whom it may concern,

The Galindo Neighborhood Association had a Zoom meeting with Jim Witliff of Land Answers on November 23, 2020 to review the proposed zoning change request at 915 W Oltorf St. from LR, CS to CS-1-CO for the purpose of a liquor store with the following conditions:

Based on that meeting, it is the Association's understanding that:

- The maximum size of the liquor store will be 1,800 square feet. The liquor store is originally proposed to be located on the eastern 40% of the building, where the existing laundromat is located.
  In 2-5 years, the existing building will either be demolished and replaced with a larger L-shaped building, or the existing building will be remodeled and expanded into an L-shape. At that time, the liquor store will be relocated to the western side of the building.

- Liquor store hours of operation will be Monday through Saturday, 10 am to 9 pm.

- No cocktail lounge, pawn shop, and limited warehousing & distribution.

- Gas pumps to be removed at the time of remodel/expansion.

The Galindo Neighborhood has no objection to the project as described above.

Sincerely,

Marshall Davis, President
Galindo Elementary Neighborhood Assn.

Clark, Kate

From: Steve Wave
Sent: Sunday, February 21, 2021 8:37 PM
To: Clark, Kate
Cc: ann.teich@austintexas.gov; [redacted]
Subject: Case Number C14-2021-0007 rezoning comments

*** External Email - Exercise Caution ***

Kate Clark planning commission and whom it may concern,

I am the owner of a property on s 5th nearby and I am writing a letter of concern regarding a zoning change request.

The applicant , Abdul Patel dba 11800 Metric Blvd Inc is requesting to eliminate the laundrymat and replace it with a liquor store. I am concerned that this would result in an unreasonable burden to the adjacent community for a few reasons:

1. The surrounding community is home to a few schools, several large scale affordable public housing projects, and a number of makeshift indigent camps nearby. Providing a liquor store at this vicinity would result in an increase in foot traffic and crime and alcohol related problems/incidents from people who may be more susceptible to alchoholism.

2. The laundry mat currently provides the public including many of these people who are homeless as well as youth who are visiting the associated sunrise mini mart and food truck a public restroom that is typically open during the same hours as the mini mart as they are required to do by code. A liquor store would provide a less reliable place to defecate and the neighbors will likely experience an uptick in public urination and defecation in the yards of property owners as a result of the mini mart having no restroom available to individuals who are underage or attempting to use the restroom after 9:00 or on Sunday. The mini mart could overcome this objection by upgrading its facilities to include a restroom available on a stand alone basis prior to the removal of the laundry facility. There is a fairly high volume of traffic to the sunrise minimart even without a liquor store and the absence of a restroom would be a huge disgusting problem.

3. There is a school which may be too close for a liquor store I believe it is within 400 ft of the catholic school/church. The southwood annex plat map shows 350 ft approximately.

4. The laundry facility is needed by many members of the community.

Stephen Fabian

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Clark, Kate

From: Steve Wave
Sent: Thursday, February 25, 2021 12:48 PM
To: Clark, Kate
Subject: Re: Case Number C14-2021-0007 rezoning comments

*** External Email - Exercise Caution ***

Ok thanks,

I looked at the southwood annex plat and I think that from the corner of lot 1 of the southwood annex to the se corner of the church/school property is about 230-235 ft based on the plat map. I believe the apartment on 4th is a project for pepole living with autism as well. There are alot of minors who go through and hang out at the store.

My main concern is the bathroom and an uptick in alchohol incidents. There have been alot of incidents from aggressive homeless individuals who break into private homes already. And I can not really see a circumstance where selling liquor there is a great idea for the public.

I think the sunrise minimart is unfortunately operating without a bathroom already because they closed the laundromat last week. And they do a fairly brisk volume of sales including wine/beer. I would say that when I have washed my clothes there, approximately 20-40 people use the restroom an hour, so that's alot of potentially unsanitized waste. The closest public restroom otherwise would be the heb or the library at mary, and most people will probably not walk that far.

I think they are a mostly well run store, but the lack of a restroom is problematic because it will lead to their clients going outside en masse. They make a whole lot of money off of that location, and a public restroom obligation seems like a fair trade off.

I think that whole block would make a great candidate for a public housing project, most of the apartments are aging out and two tracts have sold within the last couple of years.

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Clark, Kate

From: Shannon Haddon
Sent: Saturday, February 27, 2021 11:19 AM
To: Clark, Kate
Subject: Case number: C14-2021-0007

*** External Email - Exercise Caution ***

Good day,
I received the Public Hearing Notice for the CS-1 zoning change for 913-915 W. Oltorf St.

I would like to state that I object to this proposed change. Currently this store services the neighborhood, however, by the very visible neighborhood trash that is generated by the customers walking away from this location, large beer cans/ bottles and cigarette butts litter the streets and sidewalks. I have witnessed many verbal altercations outside this store at the bus stop (often between intoxicated or high individuals) and our neighborhood is often tagged with graffiti and store litter.

Having liquor so easily available (near a church, park and rec center as well as our neighborhood) is a very big concern of mine. I often pick up trash along S.5th between W. Oltorf and Live Oak... I can attest that the litter that this store has generated is concerning. There are many residents from the Meadowbrook apartments that walk to this store to purchase beer and tobacco. Their complex is often littered with broken bottles, cigarette and cigar litter, unsafe for children and pets. With the increased offering of liquor, there will most likely be an increase in the verbal and sometimes physical altercations on display on the store property as well as throughout the neighborhood streets.

Please register my opposition for this zone change.

Shannon Haddon
2301 S. 5th #3
Austin Texas 78704
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Clark, Kate

From: Sarah Shapiro
Sent: Wednesday, March 3, 2021 10:36 PM
To: Clark, Kate
Subject: Contact case #C14-2021-0007

*** External Email - Exercise Caution ***

Hi Kate,
I would like to provide a concern around the zoning change application for case C14-2021-0007. I do not think having a liquor license for the existing business would be a positive development for the neighborhood. The current tenant is a convenient store so I do not understand how it could sell liquor in Texas without it being a dedicated liquor store, restaurant or bar. Not only that but the current tenant already attracts a less than desirable clientele for the area/intersection and allowing it to sell liquor would increase the number of those people. The neighborhood has a lot of families who use the sidewalks and crosswalks in front of the mini-mart and I fear that by selling liquor in that location it will make it unsafe for kids and families to be in the area. I hope that you consider the neighborhood concerns around this matter and reject the application to sell liquor. Please don't hesitate to contact me if you have any questions or need any additional information.
Thanks,
Sarah

Sarah Shapiro
1209 Fieldcrest Dr.
Austin, TX 78704
202-657-7564
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Clark, Kate

From: Kelly Roles
Sent: Thursday, March 4, 2021 9:06 PM
To: Clark, Kate
Subject: Contact case #C14-2021-0007

*** External Email - Exercise Caution ***

Hi Kate,

I would like to provide a concern around the zoning change application for case C14-2021-0007.

It has come to the neighborhood's attention that the Sunrise Mini Mart and Laundromat has applied for a liquor licence. This email is to express concern for this application and state our discouragement for the approval.

The Galindo and Bouldin neighborhoods are thriving with families now. There is an obvious lack of sidewalks and safety measures as it stands, not to mention the dangerous intersection at Oltorf and S 5th. The current clientele the convenient store attracts, many of them leave with beer or "40s" - and many times I have personally witnessed many open their containers as they're walking back into their cars. We've had so many close calls as it is- having a liquor store in the neighborhood would only heighten this risk of being out with small children learning to ride bikes, scoot, and the like.

The current zoning is for a convenient store and laundromat; zoning to a liquor store is a huge leap in what kind of customers would further attract. There are many homeless now invading the South Austin Rec Center Park- which is another maddening issue- and this permission would only further attract this demographic. Have you noticed that Gillis Park- which is inundated by the homeless and no longer usable for the children it once served- is directly across the street from G&S Lounge and the liquor store next door? We cannot afford to attract more of the homeless population to our family-centered neighborhood and park- the city simply won't help in managing this onslaught, a near-by liquor store could only make it worse. "The National Coalition for the Homeless has found that 38% of homeless people are alcohol dependent, and 26% are dependent on other harmful chemicals.
(https://www.addictioncenter.com/addiction/homelessness/)

As much as I would like to easily walk a couple of blocks to replace a consumed bottle of whatever- we know that there is an increased risk of someone thinking "it's just down the street, in the neighborhood" if they've already been drinking and want to drive up to the neighborhood liquor store if they run out.

Thank you in advance for considering the neighborhood's concerns around this matter and reject the application to sell liquor. Please don't hesitate to contact me if you have any questions or need any additional information.

Very Respectfully,

Kelly Roles

210-336-9267

2507 S 6th St

Austin, Texas 78704

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Clark, Kate

From: Jim Wittliff
Sent: Thursday, March 4, 2021 4:53 PM
To: Clark, Kate
Cc: Sunrise Mini Mart
Subject: C14-2021-0007, 913 W Oltorf

*** External Email - Exercise Caution ***

Dear City Staff, Planning Commissioners, and City Council Members:

I wish to rebut some of the information that was sent to you via emails on February 21 2021 and February 25, 2021 by Mr. Stephen Fabian, aka Steve Wave, in opposition to our proposed CS-1 rezoning application. While it is every citizen's right to make their opinions known, I feel many of the statements that Mr. Fabian made are factually incorrect, as follows:

- Mr. Fabian's statement "I think the sunrise mini mart is unfortunately operating without a bathroom" is incorrect. The Sunrise Mini Mart does currently provide bathroom facilities for its customers and employees, as required by law. There has never been a time when Sunrise Mini Mart has not provided bathroom facilities.
- Mr. Fabian's estimate of "approximately 20-40 people use (Sunrise's) restroom per hour" is significantly overestimated. Based on closed-circuit television cameras located within the laundromat (which were consistently monitored to assure the safety of laundromat patrons), the business owner estimates that only 3 to 4 patrons typically used the restroom per hour.
- Mr. Fabian's statement that he "believe(s) it is within 400 ft of the catholic school/church" is incorrect. In his February 25th email, Mr. Fabian states the distance to be 230-235 feet. Using the TABC's required measurement methods, the church is more than 855 linear feet from the proposed liquor store, the grade school is more than 1,400 linear feet away, and the high school is more than 1,747 linear feet away, all well beyond the TABC's required distances.
- The statement "There are a lot of minors who go through and hang out at the store" is factually incorrect. Sunrise Mini Mart does not tolerate anyone using their property as a hangout, for the comfort and safety of their customers.
- The statement "I cannot really see a circumstance where selling liquor there is a great idea for the public" is disputed by a Scientific American article dated April 7, 2020, written by Max Jordan Nguemeni Tiako and Kelsey C. Priest. Mr. Tiako is a fourth-year medical student at the Yale School of Medicine, and a health policy research fellow at the Perelman School of Medicine at the University of Pennsylvania. Mr. Priest is a sixth year M.D./Ph.D. student at Oregon Health and Science University in Portland, Oregon. Their article states:
  "Liquor stores may not seem to be essential businesses, but they are essential to the survival of nearly 15 million people in the U.S. with alcohol use disorder (AUD). The increasing rates of AUD among women, older adults, racial and ethnic minorities and economically disadvantaged individuals is a public health emergency. Withdrawal from alcohol is dangerous, and can result in tremors, hallucinations, and seizures that can progress to requiring admission to the ICU, and may ultimately lead to death. Managed alcohol programs (MAPs) are programs that dispense specific amounts of

alcohol, at a given frequency, for people with severe AUD. MAPs do not exist in the U.S. Other than liquor stores, there is no safety net in the US for people with severe AUD."

- https://blogs.scientificamerican.com/observations/yes-liquor-stores-are-essential-businesses/

- Lastly, Mr. Fabian's statement "The closest public restroom otherwise would be the HEB or the library at Mary" overlooks the myriad other bathroom alternatives, including 11 restaurants, two Austin parks with bathroom facilities, two coffee shops, two Catholic churches, an office supply store, a pharmacy and a brewery/beer garden within the same radius as the library and grocery store that Mr. Fabian mentioned.

We began this process with a meeting with the Galindo Neighborhood Association, who stated they are not opposed to this rezoning. Mr. Patel, the property owner, has long demonstrated his support of the neighborhood by the scholarships and charitable donations he makes on a regular basis. His store is clean and safe for residents. A liquor store will be professionally managed by an experienced operator, and any obviously inebriated patrons will be denied service, as is the policy at most liquor stores. I am requesting your approval of our proposed rezoning.

Sincerely,

Jim Wittliff
Agent

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March 9, 2021

Kate Clark
Housing and Planning Department
Street-Jones Building
1000 E. 11th St., Suite 200
Austin, TX 78702

Ms. Clark,

I hope you all are well and that the recovery from winter storm Uri is near its end. While I missed the devastation of Uri, this past weekend I had the uncomfortable experience of dealing with an inebriated trespasser.

I will first begin with a little context. I relocated to Austin on 21 February 2021 to serve as a residential real estate property manager. The property is located on the block bordered by 5th and Oltorf and is less than 400 feet from the proposed rezoning. Shortly after my arrival, the property owner informed me of the proposed rezoning change and his opposition against a liquor store in the community. Since then, I conducted due diligence to understand the consequences of converting the Sunrise Minimart into a liquor store, which included researching alcohol-related crime statistics. According to the website alcoholrehabguide.org, “An estimated 1.4 million incidents of alcohol-related violence are committed against strangers each year.”

In addition to the tenants of the property I manage, I have had conversations with our neighbors regarding the proposed rezoning. To protect the identity of the individuals, I will use fictitious names. Frank recently relocated to Austin and loves his neighbors and the area. However, he believes that converting the convenience store into a liquor store would only result in “bringing the community down.” Jeff, a father of three young children, also relocated to Austin for work. He has had his car broken into on multiple occasions. How does a father explain these circumstances to his children? His experiences themselves serve as strong evidence against the proposed rezoning. One of our tenants, Jessica, has also experienced automobile burglary. Shirley, similar to Frank, believes a liquor store would not improve the community. Rose, another local resident, believes a liquor store would not benefit the children in the area. Furthermore, Diane likes the convenience store as it is because she is able to get her half-and-half when she’s in a pinch. Trish proposed converting the convenience store to a community garden for the sake of the neighborhood children.

With Jeff's guidance, I found the Galindo community on Facebook. Here is the perspective from an advocate of the rezoning:

> "We already have a number of bars and liquor stores in our residential area - what's one more (particularly if the owners are going to make improvements)?"

This advocate may not be aware that a mere 0.4 miles separates the Sunrise Mini Mart from 2424 S 1st St or Warehouse Liquors. Is the planning commission aware of Warehouse Liquor's proximity to the rezoning project?

My personal experience from this past Saturday is self-explanatory. Just before 3:00 PM, I was finishing my duties in the back of the residential property I manage. Out of the corner of my eye, I observed a gentleman stroll up to the back doors of our downstairs units. Being fairly new, I was unsure of who this gentleman was and of his purpose on the property. After a few zips from his backpack and a few audible clicks, he sat with his back against the wall between the two backdoors of the units. From my vantage point, I could only see his boots. With a power drill still in hand, I stepped back to see his face and asked him what he was doing here. With a slight slur to his speech, he responded "I'm charging my phone, man." I politely asked him to leave but soon realized my safety might be in jeopardy when he asked me in an aggressive tone, "You got a problem with me charging my phone here, man? I'll be done in 15 minutes then I'll leave."

He was holding a 24 ounce can of Earthquake High Gravity Lager, which has an alcohol content of 10%. A good guess would be that it was purchased from the Sunrise Minimart in concern. Who knows what he had in his backpack or in his pockets. Wanting to protect myself, I finished up what I was working on and returned to my car to leave. Calling law enforcement crossed my mind, but I decided against it for fear of retaliation in the future. Instead, I took one last stand before pulling out of the driveway. I stepped out of the car and from a distance I asked him to leave.

He told me that he was a taxpayer, he asked me if I was racist, and he asked me if I had something against poor people. He made me feel uncomfortable about doing the right thing: advising him that this is private property and that he should find a public place to charge his phone. After ten minutes of listening to him talk ad nauseam, we shook hands and he finally left the premises.

I do not wish for any Galindo resident to experience what I had to on Saturday. I advise you to check out the Galindo Elementary Neighborhood Association Facebook group to learn more about how this same gentleman, Earthquake in hand, was terrorizing another household on South 4th and Oltorf.

Sunday morning, I had the pleasure of attending services at San Jose Catholic Church. The serenity and relief I felt was a stark contrast to the emotions I felt during the encounter the day before. In the near future, I look forward to discussing the rezoning project with church members and leaders.

In summary, I have reviewed the zoning change review sheet. I echo Steve's and Shannon's rezoning sentiments. After visiting the Sunrise Mini Mart, I suggest the owners focus on improving the shopping experience instead of assuming that they would be able to manage a liquor store. As Steve mentioned, the Sunrise Mini Mart doesn't even have a restroom. Planning commission officials should also take into consideration the Google reviews of the Sunrise Mini Mart.

I hope my letter can serve to represent the new Austin resident's perspective on how a liquor store on the corner would be a detriment to the community.

From a holistic standpoint, it is clear that an alcohol-only establishment is the last thing Galindo needs.

Sincerely,

Christopher Szeto

Clark, Kate

From: Aubergine Holdings
Sent: Tuesday, March 9, 2021 1:43 PM
To: Clark, Kate
Subject: Re: Rezoning Case C14-2021-0007 - 913-915 W. Oltorf St.

Thank you for the message, Kate.

In regards to Land Use and Transportation Policy 3 of the Imagine Austin Comprehensive Plan, it is my understanding that a liquor store will increase, not reduce, healthcare costs. You never hear a doctor recommending a cocktail to their patients.

Regarding LUT P4, we do not want Galindo's character to be defined as a neighborhood with two liquor stores within a half mile of each other. One liquor store is enough.

Additionally, we hope the planning commission considers all IACP LUT policies, especially LUT P5:

> Create healthy and family-friendly communities through development that includes a mix of land uses and housing types, affords realistic opportunities for transit, bicycle, and pedestrian travel, and provides community gathering spaces, neighborhood gardens and family farms, parks, and safe outdoor play areas for children.

A liquor store would not support LUT P5. We imagine an Austin where the well-being of our youth takes precedence over the profits from alcohol sales.

We hope these thoughts are also forwarded to the planning commission.

We appreciate your work on this project and look forward to hearing from you regarding the speaker registration.
Enjoy your time away from the office next week.
Thank you.

Best,

Chris

On Tue, Mar 9, 2021 at 11:50 AM Clark, Kate <Kate.Clark@austintexas.gov> wrote:

> Chris,
>
> Thank you for sending me your letter, I have forwarded it to the Board Liaison. Due to timing I am not 100% sure if it can be posted online, but even if it is not, it will get forwarded to the Planning Commissioners to read prior to tonight's meeting. I will also include it in my staff backup for this case when it goes to City Council for review.

Speaker registration will open on Monday, March 22nd for the City Council meeting. I will send you an email about the process once registration is open. You may forward that email to other people if think they would find the information helpful.

If you have any questions, please let me know by Friday. I will be out of the office next week (March 15 – March 19) and unable to answer emails at that time.

Kate Clark, AICP, LEED AP

Senior Planner

City of Austin | Housing and Planning Department

Mailing Address: P.O.Box 1088, Austin, Texas 78767

Physical Address: 505 Barton Springs Rd, 5th floor, Austin, Texas 78704

Tel: 512-974-1237

Email: kate.clark@austintexas.gov

From: Aubergine Holdings
Sent: Tuesday, March 9, 2021 11:14 AM
To: Clark, Kate <Kate.Clark@austintexas.gov>
Subject: Rezoning Case C14-2021-0007 - 913-915 W. Oltorf St.

*** External Email - Exercise Caution ***

Kate,

It was a pleasure speaking with you earlier this morning.

Attached is a statement regarding the proposed rezoning. Please forward this letter to the planning commission.

Please also let us know how my colleagues and I can participate in the City Council Action meeting on 25 March.

We look forward to attending this evening's meeting.
Thank you.

Best,

Christopher Szeto

(919)-536-8898
Aubergine Holdings, LLC

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