



73
HPD

MEMORANDUM

TO: Mayor and City Council

FROM: Jerry Rusthoven, Chief Zoning Officer
Housing and Planning Department

DATE: January 24, 2022

SUBJECT: C14-2021-0137 – 3427 Jefferson Street
(District 10)
Petition

Signatures have been submitted in response to the above-referenced rezoning case, opposing a rezoning of the property to anything other than the existing LR-NP, neighborhood commercial – neighborhood plan district. The petition includes 20.16% of eligible signatures and meets the 20% threshold for a valid petition. Petition materials are attached.

If you need additional information, please contact Jerry Rusthoven, at 512-974-3207.

Jerry Rusthoven, Chief Zoning Officer
Housing and Planning Department

xc: Spencer Cronk, City Manager
J. Rodney Gonzales, Assistant City Manager

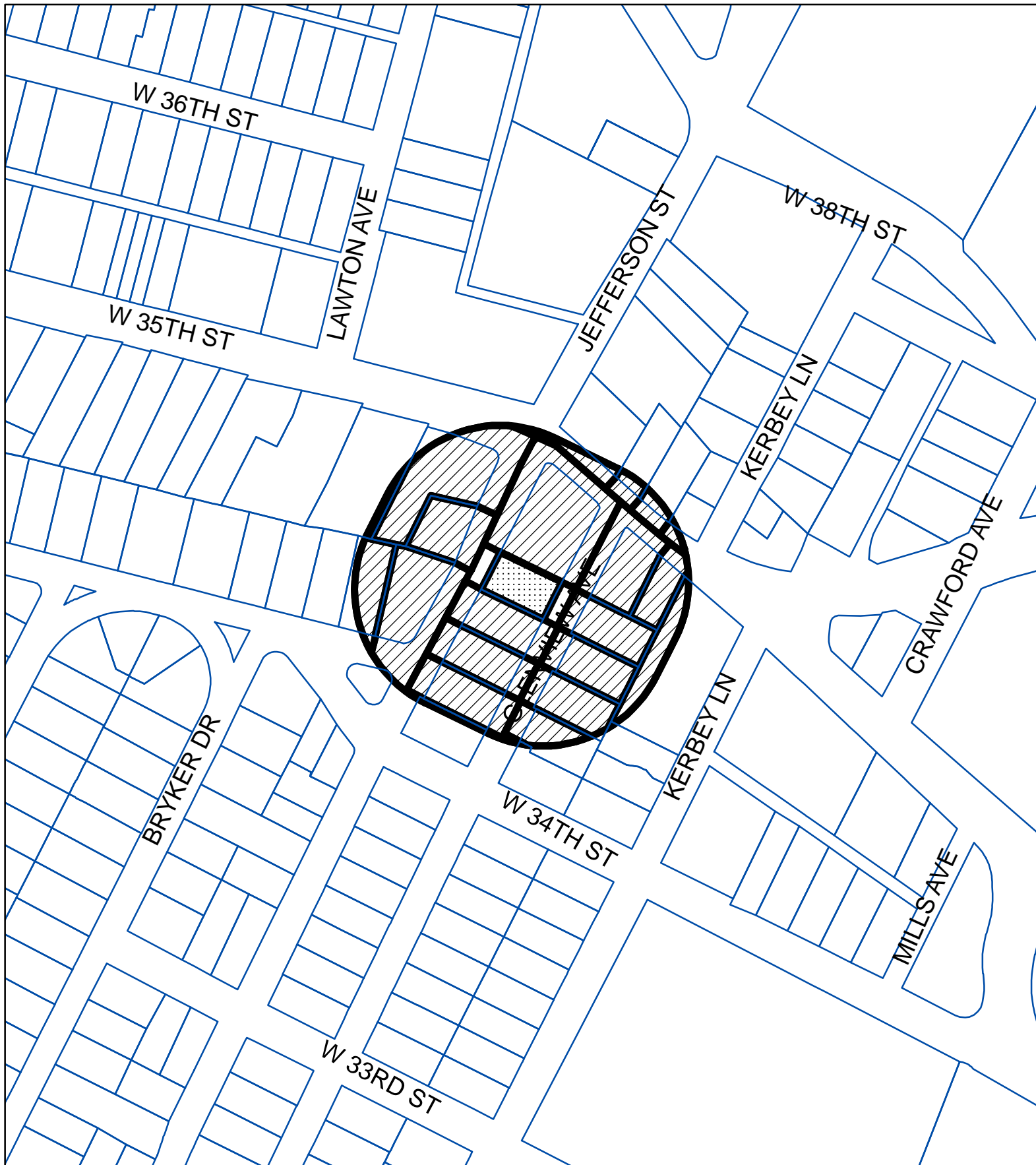
Case Number:
C14-2021-0137

PETITION

Date: 1/24/2022
Total Square Footage of Buffer: 195431.4522
Percentage of Square Footage Owned by Petitioners Within Buffer: 20.16%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0119000703	3405 GLENVIEW AVE 78703	ALEHEMY WELLNESS BUILDING LLC	no	9251.98	0.00%
0120010912	1701 W 35 ST 78703	ATHENA JEFFERSON HOLDING LLC	no	23427.47	0.00%
0119000301	1608 W 34 ST 78703	AVENUE H L L C	yes	748.58	0.38%
0119000707	1605 W 35 ST 78703	BACS & TA LLC	no	6139.33	0.00%
0119000705	3409 GLENVIEW AVE 78703	CIRKIEL CATERING INC	no	9413.48	0.00%
0119000706	3411 GLENVIEW AVE 78703	CIRKIEL CATERING INC	no	13597.94	0.00%
0120010914	3404 JEFFERSON ST	EC REAL ESTATE INVESTMENTS LLC	yes	19728.54	10.09%
0120010913	3406 JEFFERSON ST 78703	EXLINE EMMA MILLER BRYKER 2000 LTD	no	10218.39	0.00%
0119000702	3403 GLENVIEW AVE 78703	J GRANT AGENCY LLC	no	5187.30	0.00%
0119000421	1610 W 35 ST 78703	J17 FORTUNE L P	no	2150.75	0.00%
0119000401	1612 W 35 ST 78703	J17 FORTUNE L P	no	2916.73	0.00%
0119000420	1608 W 35 ST 78703	J17 FORTUNE L P	no	2353.56	0.00%
0119000419	1600 W 35 ST 78703	J17 FORTUNE LP	no	936.71	0.00%
0119000715	3401 GLENVIEW AVE AUSTIN 78703	J3A LLC	no	232.77	0.00%
0119000303	3404 GLENVIEW AVE AUSTIN 78703	JCN FAMILY PARTNERSHIP LP	no	10651.44	0.00%
0119000304	3406 GLENVIEW AVE 78703	JCN FAMILY PARTNERSHIP LP	no	10779.02	0.00%
0120010915	1702 W 34 ST 78703	JOSEPH FAMILY LIVING TRUST THE	yes	7005.41	3.58%
0119000712	3404 KERBEY LN 78703	LEANDER 2243 INVESTMENT LLC	no	40.92	0.00%
0119000302	3402 GLENVIEW AVE AUSTIN 78703	MILLER DERICK	yes	10879.58	5.57%
0119000704	3407 GLENVIEW AVE 78703	TGAKSJ GLENVIEW MEDICAL BUILDING LLC	no	9248.79	0.00%
0119000708	1601 W 35 ST 78703	WELLS FARGO BANK	no	6626.48	0.00%
0120010933	1715 W 35 ST 78703	WEST END PROPERTIES INC	yes	1046.11	0.54%
0119000309	1615 W 35 ST 78703	WILEY DORIS DEAN	no	29095.79	0.00%
Total				191677.05	20.16%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2021-0137

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

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



1" = 200'

PETITION

File Number: C14-2021-0137

Address of Rezoning Request: 3427 Jefferson Street

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LR-NP – Neighborhood Commercial District.

The applicant seeks Commercial Services CS-NP zoning. According to the City, CS zoning is "intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments."

The applicant plans to build a four story, 41,000 square feet office/retail building with a 2,000 square foot patio at the fourth- floor level available for outdoor gatherings. Traffic entering or exiting the building will be on Glenview and Jefferson Streets and for a building this size will be at levels inappropriate and unsafe for neighborhood streets which are used by residents, and by Bryker Woods elementary school students walking to school from the north side of W. 35th St.


Expanding CS zoning in this location would be contrary to sound zoning principles and would have an adverse impact on the surrounding neighborhood and school.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name and Title

Address

 Karl Shuckel for Ave. H LLC 1608 W. 34th St. 78703

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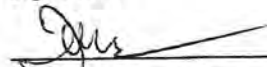
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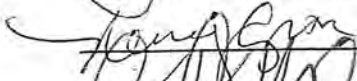
Printed Name

Address



Jordan Myske Allen

3312 Bryker Dr.



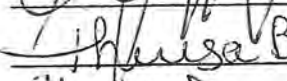
Nancy Gorton

~~1407~~ 1706 W. 34th



Derick D. Miller

3402 Glenview Ave 28



Theresa Bond Zelazny

1503 W. 30th 78703



MARVIN JOSEPH

1702 W. 34th 78

FOR THE JOSEPH FAWCETT TRUST
Living

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Signature

Printed Name and Title

Address

Lisa Johnson 1715 West 35th 782
FOR Westend Properties Inc

PETITION

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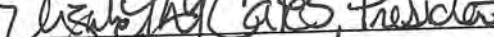
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Signature	Printed Name	Address
	Elizabeth A. Cates, President	EC Real Estate/Investment 3404 Jefferson St
	David E Bellagio	1101 W 34th St #225 Austin, TX 787

David E Bellagio 1101 W 34th St #225 Austin Tx 787

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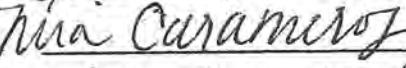
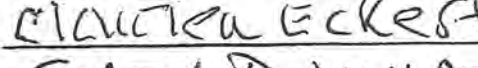
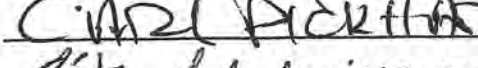
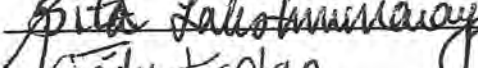
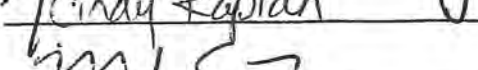


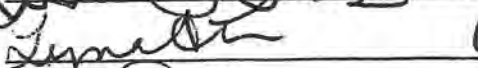

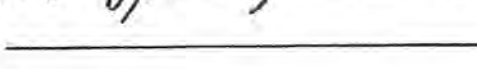
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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	Irene Pickhardt	3311 Bryker
	MIA CARAMEROS	1701 W. 34TH ST.
	CLAUDIA ECKERT	3405 Tara Dr. Hollow
	CAROL PICKHARDT	3311 BRYKER 78703
	SITA LAKSHMINARAYAN	3309 BRYKER DR.
	Cindy Kaplan	3313 Bryker Drive
	Michael Curry	3307 Bryker Dr
	John Theiss	3304 Bryker Dr
	Susan Theiss	3304 Bryker Dr
	Lyssa Allen	3316 Bryker Dr.
	Sonya Spielberg	1703 W 34TH ST.

Sonyaspiel15@gmail.com

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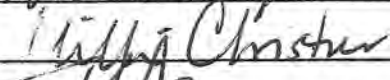
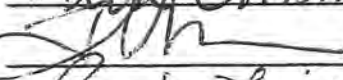
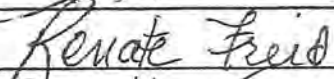
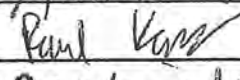
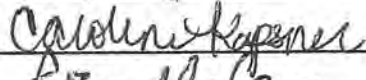
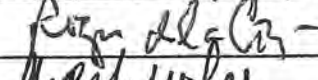
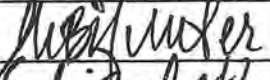

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Signature	Printed Name	Address
	Rachel Boyce	3402 Glenview Ave 78703
	Milli Christner	1704 W. 34th 78703
	T. Vance McMeiken	3313 Glenview St.
	Renate Freid	3314 Glenview
	Paul Kapsner	3314 Kerbey
	Caroline Kapsner	3314 Kerbey
	Roger de la Garza	3315 Glenview
	Mellen Hunter	3404 Jefferson St.
	Elizabeth Cates	3404 Jefferson St.

Rachel Boyce Rachel Boyce 3402 Glenview Ave 78703

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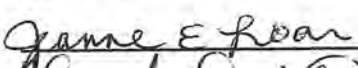
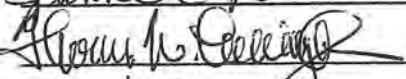
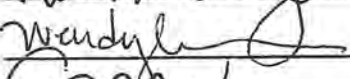
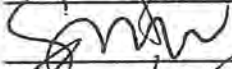
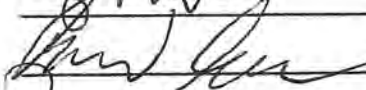
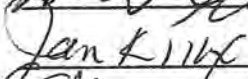
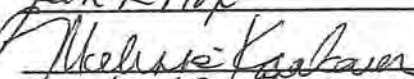
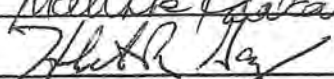
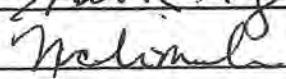
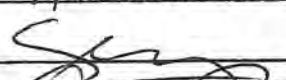

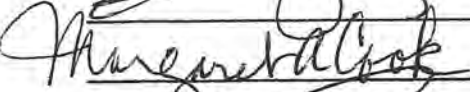
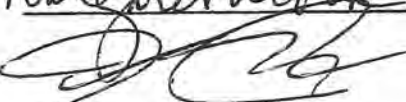
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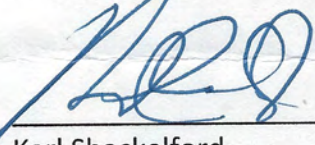
(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Jeanne E. Loar	1513 Monke Drive #78703
	TOM CUNNINGHAM	1513 Monke Dr. 78703
	Wendy Carnegie	3202 Kerbecy 78703
	Sean Carnegie	320 - Kerbecy Ln 78703
	Brad Garmi	1503 W 32nd St 78703
	Jan Knox	3302 Beverly Rd. 78703
	Melissa Krabauer	1706 W 32nd 78703
	HERBERT GANZ	1706 W 32nd 78703
	Nick Mueller	3601 Beverly Rd 78703
	Stacy Huhny	3005 Beverly Rd 78703
	Chris Mueller	3601 Beverly Rd 78703
	Margaret A. Cook	3213 Beverly Rd 78703
	JASON FERNANDEZ	1707 W 32nd St 78703

Authorization

Re: C14-2021-0137; 3427 Jefferson St.

I attest that as Managing Member of the Avenue H LLC, the owner of the property at 1608 W. 34th St. 78703, I am duly authorized to protest (and do protest) a zoning change in the above referenced case.



Karl Shackelford
Managing Member, Avenue H LLC



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that according to the most recent information in the records of this office the following persons are listed as managerial officials for AVENUE H, LLC, a Domestic Limited Liability Company (LLC), file number 800149372.

KARL A SHACKELFORD
Member

1608 W 34th St
Austin
Tx - 78703

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on January 21, 2022.



A handwritten signature in black ink, appearing to read "John B. Scott".

John B. Scott
Secretary of State



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Articles of Organization for AVENUE H, LLC (file number 800149372), a Domestic Limited Liability Company (LLC), was filed in this office on December 05, 2002.

It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate KARL A. SHACKELFORD as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

1608 WEST 34TH STREET

AUSTIN, TX - 78703 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.



A handwritten signature of John B. Scott in black ink.

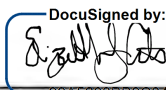
John B. Scott
Secretary of State

Corporate Authorization

Re: C14-2021-0137; 3427 Jefferson St.

I attest that as Managing Member/President of EC Real Estate Investments LLC, the owner of the property at 3404 Jefferson, I am duly authorized to protest (and do protest) on behalf of the corporation, any change of zoning in the above referenced case.

DocuSigned by:



99A52038B9C0411...

Elizabeth Cates

Managing Member/President
EC Real Estate Investments LLC

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



John B. Scott
Secretary of State

Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that according to the most recent information in the records of this office the following persons are listed as managerial officials for EC REAL ESTATE INVESTMENTS, LLC, a Domestic Limited Liability Company (LLC), file number 803128334.

ELIZABETH CATES
MANAGING MEMBER

98 San Jacinto Blvd 2601
Austin
Tx - 78701

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.



A handwritten signature of John B. Scott in black ink.

John B. Scott
Secretary of State

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



John B. Scott
Secretary of State

Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for EC REAL ESTATE INVESTMENTS, LLC (file number 803128334), a Domestic Limited Liability Company (LLC), was filed in this office on September 26, 2018.

It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate ELIZABETH CATES as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

98 SAN JACINTO BOULEVARD FSR 2601

AUSTIN, TX - 78701 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.



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John B. Scott
Secretary of State

Re: C14-2021-0137; 3427 Jefferson St.

I attest that I am duly authorized to protest (and do protest) a zoning change in the above referenced case on behalf of the owner of the property at 1702 W. 34th St. 78703.

Marvin Joseph
Signature

Marvin Joseph
Printed

Trustors
Title or position

The Joseph Family Living Trust
Property Owner

THE JOSEPH FAMILY LIVING TRUST
Married A, B, Alternate B, and C
Revocable Living Trust

Trustors

Marvin L. Joseph and Clariette B. Joseph
7803 Lindenwood Circle
Austin, Texas 78731-1512

Supervising Attorney

Kay Lively
2107 Tishomingo Trail
Austin, Texas 78734-2866
(512) 215-8597

Advisor

Kay Lively
2107 Tishomingo Trail
Austin, Texas 78734-2866
(512) 215-8597

Document Preparation

***The Estate Plan*TM**
730 Sandhill Road, Suite 120
Reno, Nevada 89521
(800) 350-1234

2. GENERAL TERMS OF THIS TRUST

2.1 Name of this Trust

- A. Preferred Trust Name. This Trust shall be known as: "The Joseph Family Living Trust."
- B. Alternate Trust Name. This Trust may also be referred to as "The Joseph Family Living Trust, dated October 2, 2008, Marvin L. Joseph and Clariette B. Joseph, Trustors", or as "The Joseph Family Living Trust, dated October 2, 2008."

2.2 Effective Date of this Trust

- A. This Trust shall be effective immediately upon its execution by the Trustors.

2.3 The Trust Estate

- A. Property Held in Trust. All property, real, personal and mixed transferred to and held by this Trust and by any of the sub-trusts created by this Trust is referred to herein as the "Trust Estate."
- B. Administration of Such Property. The Trustee shall hold, administer and distribute the Trust Estate, together with any property that may at any time be transferred to this Trust after the effective date hereof, and any property that may, in any way, at any time be made subject to this Trust together with the income, issues and profits therefrom, according to the provisions of this Trust.

2.4 Mandatory Binding Arbitration

- A. **THIS TRUST IS SUBJECT TO BINDING ARBITRATION.**
- B. Binding Arbitration. Any dispute arising wherein this Trust is named as a party and any dispute with any person regarding this Trust or any of its terms, the Trust Estate, or any property held or proposed to be held by this Trust shall be submitted to binding arbitration.
- C. Arbitration Procedure. All arbitrated disputes hereunder shall be governed by the procedures and rules adopted and then in force of the American Arbitration Association, its successors or assigns.

2.5 Parties to this Trust

- A. The parties to this Trust are the following:
 - 1. The Trustors: Marvin L. Joseph and Clariette B. Joseph.
 - 2. A Trustor: Either Marvin L. Joseph or Clariette B. Joseph.
 - 3. The Surviving Trustor: The survivor of Marvin L. Joseph and Clariette B. Joseph.
 - 4. The Original Trustees: Marvin L. Joseph and Clariette B. Joseph.
 - 5. An Original Trustee: Either Marvin L. Joseph or Clariette B. Joseph.

Each party hereto represents that he or she understands this Agreement and has had an opportunity to examine and discuss this Agreement and its terms with their own legal counsel. If either party hereto did not avail themselves of the opportunity to examine and discuss this document with legal counsel of their own choosing before signing this document, by their signature below they waive such opportunity.

Governing Law

This Agreement shall be governed by the laws of the State of Texas.

Binding on Heirs

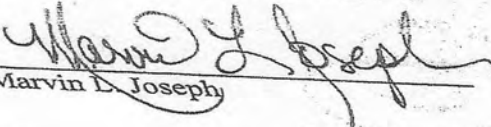
This Agreement is binding upon the parties hereto together with their heirs, beneficiaries, Trustees, Successor Trustees, Executors, Personal Representatives, Administrators, assigns and successors in interest.

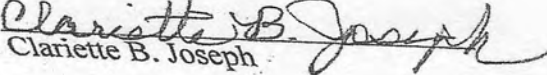
Modification and Amendment

This Agreement may be modified or amended only by a document in writing signed by the parties hereto accompanied by the same formalities as attended the original execution of this Agreement and attached to this Agreement.

Execution

IN WITNESS WHEREOF, the parties have executed this Agreement this 5th day of July, 2012.


Marvin D. Joseph


Clariette B. Joseph

THE STATE OF TEXAS

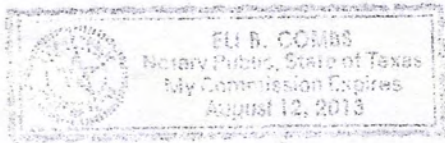
COUNTY OF TRAVIS

)
) ss.
)

This document was acknowledged before me by Marvin L. Joseph and Clariette B. Joseph on the date herein set forth.

Date: July 5, 2012

EL B Combs



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Notary's printed name: Eli B. Combs

My commission expires: 8-12-2013

(End of Part Twenty-seven)

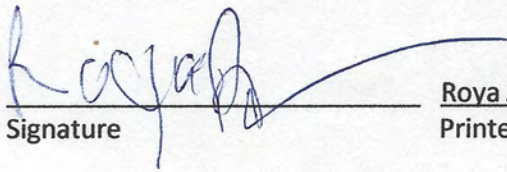
The Estate Plan



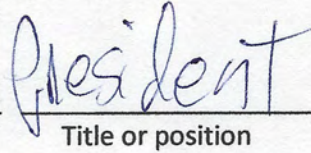
Symbol of Excellence™

Re: C14-2021-0137; 3427 Jefferson St.

I attest that I am duly authorized to protest (and do protest) a zoning change in the above referenced case on behalf of the owner of the property at 1715 W. 35th St.


Signature

Roya Johnson
Printed Name


Title or position

West End Properties Inc
Property Owner



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that according to the most recent information in the records of this office the following persons are listed as managerial officials for WEST END PROPERTIES, INC, a Domestic For-Profit Corporation, file number 101486100.

ROYA JOHNSON
P.VP

1715 W 35th
Austin
Tx - 78703

ROYA JOHNSON
SECRETARY

1715 W 35th
Austin
Tx - 78703

ROYA JOHNSON
TREASURER

1715 W 35th
Austin
Tx - 78703

ROYA JOHNSON
DIRECTOR

1715 W 35th
Austin
Tx - 78703

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



John B. Scott
Secretary of State

Office of the Secretary of State



A handwritten signature of John B. Scott, consisting of a stylized 'J' followed by a series of loops and a final 'n'.

John B. Scott
Secretary of State



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Articles Of Incorporation for WEST END PROPERTIES, INC. (file number 101486100), a Domestic For-Profit Corporation, was filed in this office on October 22, 1986.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on December 21, 2021.



A handwritten signature in black ink, appearing to read "John B. Scott".

John B. Scott
Secretary of State