

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2015-0092 – 6015 Dillard Circle Brew Pub

**P.C. DATE:** October 13, 2015

**ADDRESS:** 6015 Dillard Circle

**DISTRICT AREA:** 4

**OWNER/APPLICANT:** Powell Austin Properties, LTD (Ben H. Powell, IV)

**AGENT:** Land Answers Inc. (Jim Wittliff)

**ZONING FROM:** CS-MU-V-CO-NP

**TO:** LI-CO-NP

**AREA:** 0.827 acres (36,030 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning.

1. The conditional overlay will prohibit the following uses:

Agricultural sales and service	Automotive washing (of any type)
Automotive sales	Drop-off recycling collection facility
Campground	Equipment sales
Commercial off-street parking	Kennels
Equipment repair services	Off-site accessory parking
Exterminating services	Outdoor sports and recreation
Laundry services	Services station
Outdoor entertainment	Scrap & salvage
Vehicle storage	Basic industry
General warehousing and distribution	Resource extraction
Automotive rentals	Recycling center

2. The conditional overlay will prohibit general retail sales (general) use and general retail sales (convenience) use for an area that exceeds 35,000 sq. ft. of gross floor area.

### **PLANNING COMMISSION RECOMMENDATION:**

October 13, 2015;      *To grant LI-CO-NP zoning, per the Staff recommendation, by consent [N. Zaragoza / J. Stevens-2<sup>nd</sup>] (11-0). ABSENT – S. Oliver*

### **DEPARTMENT COMMENTS:**

The subject rezoning area is the footprint of an existing 1960's one story, brick warehouse that is approximately 36,000 sq. ft. in size and is surrounded on all sides by CS zoned property with mixed use and vertical mixed use overlays. The subject rezoning area is accessible by a driveway from Dillard Circle and there are railroad tracks immediately east of the building.

The property owner plans to repurpose the structure for a new location of the North by Northwest (NXNW) Restaurant and Brewery which, in total, will occupy about 12,000 square feet. Of the 12,000 sq. ft., the brewery alone will occupy about 8,000 sq. ft. Other proposed uses in the remaining portions of the building include food preparation and food sales by additional tenants such as Antonelli's Cheese shop and Salt & Time Meats. The property to the south is undeveloped and has an active site plan for a parking lot expansion (SP-2015-0188DT). Per the zoning application, the Applicant has requested that basic industry, general warehousing and distribution, recycling center, and resource extraction uses be prohibited.

Initially, there was question about whether a zoning change was needed in order to accomplish the proposed project and uses. In reviewing the case, Staff confirmed that LI zoning is needed due to the amount of square feet proposed for each use. A brewery use that is less than 5,000 sq. ft. can be classified as "food preparation." Food preparation is permitted in the CS zoning district provided that the use occupies less than 5,000 square feet of gross floor area. However, in this case, the brewery is proposed to occupy at least 8,000 sq. ft. Other food preparation uses that are proposed will also occupy more than 5,000 square feet. Therefore, a zoning change to LI is necessary.

The subject rezoning area is surrounded by commercial uses in warehouses and a commercial shopping center at this time. Additionally, all of the properties along Dillard Circle have a mixed use (MU) overlay and in some cases also have the vertical mixed use (VMU) overlay. Future redevelopment of this area could accommodate residential uses. For this reason, Staff finds that the proposed zoning change with conditions is consistent and compatible with adjacent properties. The conditional overlay will prohibit LI uses that would not be compatible with residential uses.

**ISSUES:** None at this time. The Highland Neighborhood Association provided a letter of support for the rezoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-MU-V-CO-NP	Vacant warehouse
<i>North</i>	CS-MU-V- NP	General retail sales (furniture warehouse/outlet)
<i>South</i>	CS-MU-V-CO-NP	Undeveloped land
<i>East</i>	CS-MU-V- NP	New Austin Community College campus – under development (formerly Highland Mall)
<i>West</i>	CS-MU-V-CO-NP	Construction Sales & Service (Stan's Heating and Cooling)

**NEIGHBORHOOD PLANNING AREA:** Highland

**TIA or NTA:** Is not required

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

<i>Community Registry Name</i>	<i>ID #</i>
Friends of Emma Barrientos MACC	1447
Austin Neighborhoods Council	511
North Austin Neighborhood Alliance	283
SEL Texas	1363

Bike Austin	1528
Austin Heritage Tree Foundation	1340
Sierra Club, Austin Regional Group	1228
Skyview Neighborhood Assn.	601
Highland/Skyview Neigh. Plan Contact Team	1057
Austin Independent School District	742
Friends of Austin Neighborhoods	1530
The Real Estate Council of Austin, Inc.	1236
Highland Neighborhood Association	223
Sustainable Neighborhoods	1396

**SCHOOLS:** Reilly Elementary, Lamar Middle, McCallum High

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2009-0012 – Highland NPA VMU Overlay Opt-In/Opt-Out Process	To add –V- to various properties	4/24/2009 – Apvd V on selected tracts.	6/11/2009 – Apvd V and exempted dimensional standards and allowed for parking reductions on selected tracts.
C14-99-0059 – Reilly School Regional Stormwater Management Facility; 405 Denson Dr.	CS, MF-3, SF-3 to P	5/4/1999 – Apvd P zoning.	6/3/1999 – Apvd P zoning.

**RELATED CASES:**

The subject rezoning area was rezoned from CS-MU-CO-NP to CS-MU-V-CO-NP through the Highland NPA VMU Overlay Opt-In/Opt-Out Process in 2009. Per ordinance 20090611-055, the subject rezoning area is exempt from dimensional standards identified in Article 4.3.3 E.2 (Dimensional and Parking Requirements) and is subject to the parking reductions identified in Article 4.3.3 E.3.

In 2004, as part of the Highland Neighborhood Plan process, the subject property was rezoned from CS to CS-MU-CO-NP, as a portion of tract 267b in ordinance 040513-33B. The conditional overlay prohibited Agricultural sales and service, Automotive sales, Campground, Commercial off-street parking, Equipment repair services, Exterminating services, Laundry services, Outdoor entertainment, Pawn shop services, Vehicle storage, Automotive rentals, Automotive washing (of any type), Commercial blood plasma center, Drop-off recycling collection facility, Equipment sales, Kennels,

Off-site accessory parking, Outdoor sports and recreation, and Service station. In addition, General retail sales (general) and general retail sales (convenience) uses are prohibited if the area exceeds 35,000 square feet of gross floor area.

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	Sidewalks	Bike Route	Capitol Metro (within ¼ mile)
Dillard Circle	70ft.	40ft	Local	Yes	No	Yes

**CITY COUNCIL DATE:**

November 12, 2015;

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

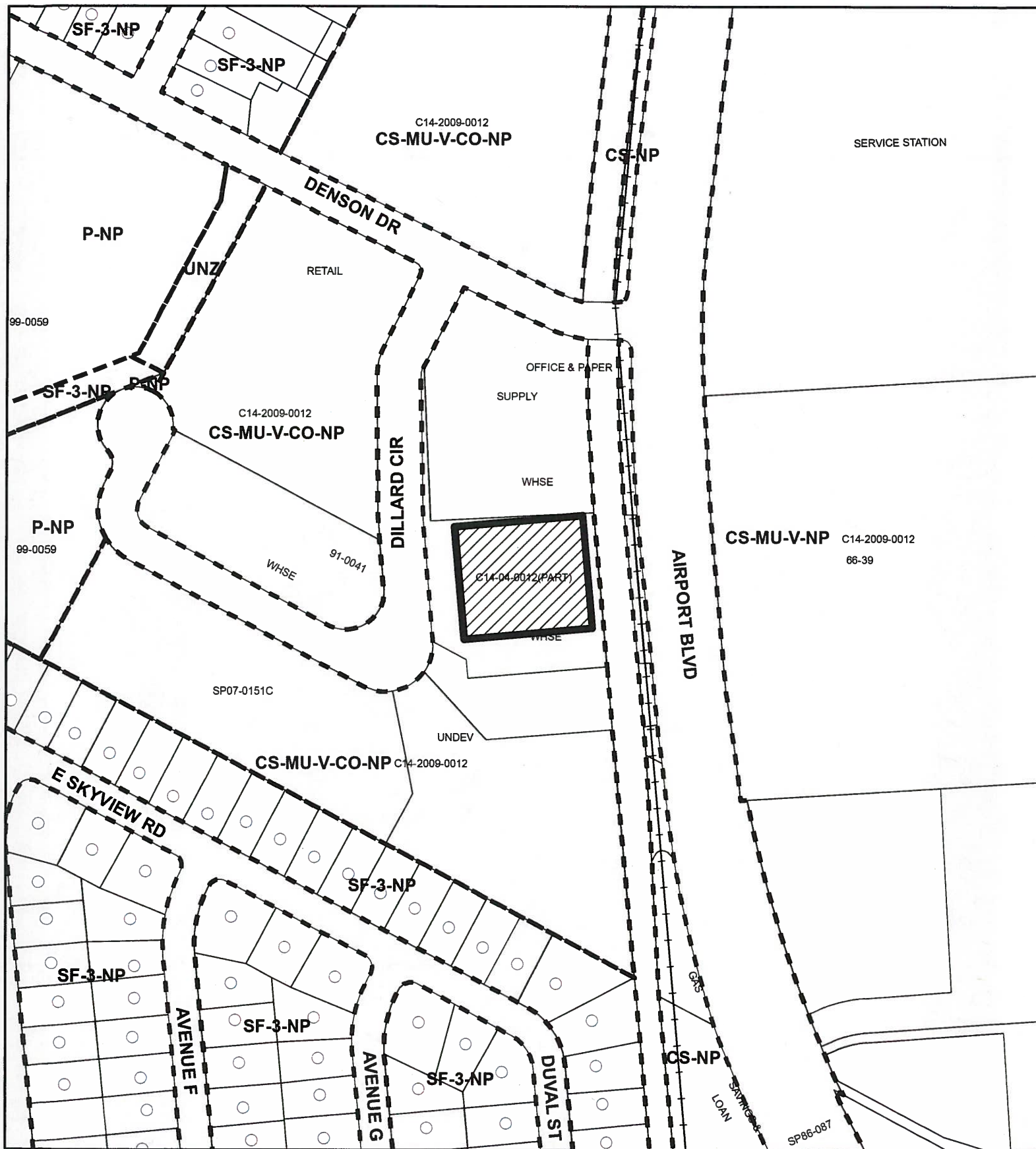
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Victoria Haase

**PHONE:** 512-974-7691

**EMAIL:** [tori.haase@austintexas.gov](mailto:tori.haase@austintexas.gov)



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## ZONING EXHIBIT A

CASE#: C14-2015-0092

1" = 200'

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.








# AERIAL MAP

## EXHIBIT B

 Subject Property

ZONING CASE#: C14-2015-0092  
 ZONING CHANGE: CS-MU-V-CO-NP to LI-CO-NP  
 LOCATION: 6015 Dillard Circle  
 SUBJECT AREA: .827 ACRES



N  
  
 1" = 400'

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.



## **STAFF RECOMMENDATION**

Staff recommends limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning.

1. The conditional overlay will prohibit the following uses:

Agricultural sales and service	Automotive washing (of any type)
Automotive sales	Drop-off recycling collection facility
Campground	Equipment sales
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2. The conditional overlay will prohibit general retail sales (general) use and general retail sales (convenience) use for an area that exceeds 35,000 sq. ft. of gross floor area.

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses.*
3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Limited industrial services (LI) district zoning is designated for a commercial service use or limited manufacturing use. The restaurant, brewery, and food processing and sales uses are within the parameters of the purpose statement of the LI zoning district. Additionally, the subject rezoning area is located in a transition zone between the residential neighborhood to the west and the Airport Boulevard Core Transit Corridor to the East which is an appropriate location for the requested zoning change provided that the conditional overlay is approved. The proposed zoning change and conditional overlay will promote compatibility with adjacent and nearby commercial uses and will provide services that neighborhood residents can walk to which is congruent with the goals of the Highland Neighborhood Plan as well as the Imagine Austin Comprehensive Plan.

## **EXISTING CONDITIONS**

### ***Site Characteristics***

The subject rezoning area is the footprint of an existing 1960's one-story, brick warehouse that is approximately 36,000 sq. ft.

### ***Impervious Cover***

Zoning district impervious cover limits apply to this subject rezoning area. The CS zoning district allows up to 95% impervious cover. The LI zoning district allows up to 80% impervious cover. Approval of the zoning request will result in a 15% decrease in impervious cover allowed on the subject rezoning area. However, these limits will only apply to redevelopment of the subject rezoning area.

***Comprehensive Planning – Kathleen Fox, 512-974-7877***

Brentwood/Highland Combine Neighborhood Plan (BHCNP)

The BHCNP Future Land Use Map (FLUM) classifies this portion of the planning areas as 'Mixed Use' and the conditional use would strip out of the industrial uses for this property. A brewpub, which is a commercial use, would be permitted under the Mixed Use FLUM category. Mixed Use is defined as an area that is intended for a mix and non-residential uses, including retail and commercial services. The following text and policies are excerpted from the BHCNP and are applicable to this case:

**Vision:**

The Brentwood/Highland neighborhoods will be clean, safe, attractive, well maintained communities that will preserve and enhance their existing diverse characters of affordable, single-family, owner-occupied homes and unique businesses that are built to scale. The neighborhoods will encourage limited mixed-use development, create parks and green spaces, build a strong sense of community, and provide accessibility for all means of transportation. (p 6)

**Goal 3:** Encourage a mixture of compatible and appropriately scaled business and residential land uses in the neighborhood and mixed-use development on major corridors to enhance this diversity. (p 28)

**Goal 4:** Preserve locally owned small businesses in the neighborhood and encourage new ones that are walkable and serve the needs of the neighborhood. (p 28)

Dillard Circle

Dillard Circle serves as a transitional area between Airport Blvd. and the Skyview neighborhood, which is exclusively single-family residential. The current uses in the area are primarily warehouses, building supply companies, and other similar businesses. The vision for this street is for retail and other commercial that serves the neighborhood as well as the larger community including general retail and restaurants. The neighborhood plan recommendation takes in to account the current uses on the street, and fact that this area will likely take a significant amount of time to develop into a commercial mixed-use area. The Future Land Use Map designates this area as Commercial Mixed-Use. The goal for this area is for a transition to pedestrian-oriented retail and residential if existing businesses leave and redevelopment occurs. The objective of the plan is to continue to accommodate the commercial uses that exist on the street, while also working towards the desired transition. The plan attempts to accomplish this by encouraging mixed-use development and preventing additional uses that are inconsistent with the vision for the street. (p 58)

**Land Use Objective H4:**

Encourage the development of neighborhood serving businesses and offices by maintaining and adding neighborhood commercial and limited office on smaller corridors and in transitional areas between corridors and residential areas where appropriate. (p 64)

R1: Add the Mixed-Use (MU) Combining District on St. Johns and interior properties with commercial or office zoning.



A new neighborhood serving business (a brewpub with food), which would transition this portion of the planning area away from a warehouse uses as specified in the plan, and appears to be strongly supported by the text and policies of the Highland Neighborhood Planning Area.

#### Imagine Austin

The Imagine Austin Comprehensive Plan locates the subject property within the boundaries of a 'Regional Center', as identified on the Imagine Austin's Growth Concept Map. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development, are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P6.** Ensure that neighborhoods of modest means have **a mix of local-serving retail**, employment opportunities, and residential uses.
- **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.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, **retail**, employment, community services, and parks and recreation options.

Based upon the property: (1) being located within a Regional Center, which promotes a variety of land uses, including retail uses to promote a dense and vibrant centers; and (2) the Imagine Austin policies above, which promotes a variety of local serving-commercial uses within Regional Centers including retail, staff believes that this proposed commercial project is supported by the Imagine Austin Comprehensive Plan.

#### ***Environmental – Mike McDougal, 512-974-6380***

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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. 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. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is

needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other 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 s.f. 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.

***DSD Transportation – Natalia Rodriguez, 512-974-3099***

- TR1. 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]
- TR2. If zoning is granted, the site shall comply with Subchapter E Design Standards and Mixed Use.
- TR3. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

***Water and Wastewater – Bradley Barron, 512-972-0078***

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

***Storm Water Detention***

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

***Site Plan and Compatibility Standards –Christine Barton-Holmes, 512-974-2788***

- SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2 Per Ordinance No. 20140417-082, because the proposed brewery is located less than 540 feet from single family, it will be necessary to go through the Conditional Use Permit review process. This also applies to the proposed parking lot expansion currently under review as SP-2015-0188DT.
- SP 3 The site is subject to compatibility standards.
- SP 4 Additional design regulations will be enforced at the time a site plan is submitted.



# HIGHLAND NEIGHBORHOOD ASSOCIATION

City of Austin  
Chair and Planning Commission Members  
301 W. Second Street  
Austin, Texas 78701

Subject: Support of Rezoning of 6015 Dillard Circle [2015-083566 ZC]

Dear City of Austin  
Chair and Planning Commission Members:

It is our pleasure to write a letter in support of Jim Wittliff & Land Answers, Inc's application to rezone the property at 6015 Dillard circle to LI-CO-NP with a conditional overlay prohibiting various industrial processes, as per their application.

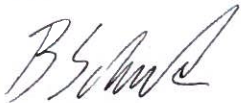
This property is mentioned in the Highland Neighborhood plan, which specifically states: "The vision for this street is for retail and other commercial that serves the neighborhood as well as the larger community including general retail and restaurants." [Brentwood / Highland Combined Neighborhood Plan, p. 58]. A Restaurant / Brewpub fits the vision for this area perfectly.

Mr. Wittliff has been open and forthcoming with the neighborhood since day one, and offered the conditional overlay to assuage any fears that LI zoning might create. We strongly welcome both this type of development, and NXNW specifically to this area of Highland, where we have long tried to attract this type of business.

The Highland Neighborhood Association urge you to fully support this application.

Thank you in advance for your time and consideration for this important request.

Sincerely,



Alex Schmitz  
Highland Neighborhood Association