

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0043 – Twin Liquors Maudie's

DISTRICT: 10

ZONING FROM: CS-NP, CS-1-NP

TO: CS-1-NP, CS-NP

ADDRESSES: 2606, 2608, and 2610 W 7th Street; 703 Newman Drive

SITE AREA: Tract 1 – 2,285 square feet, Tract 2 – 3,398 square feet

OWNER: TASC Properties LP
(Tracy Livingston)

APPLICANT: Thrower Design
(Ron Thrower)

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends Commercial Liquor-Sales - Neighborhood Plan combining district zoning on tract 1, and General Commercial Services - Neighborhood Plan (CS-NP) combining district zoning on tract 2. For a summary of the basis of staff's recommendation, see page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2019 Scheduled for Planning Commission

CITY COUNCIL ACTION:

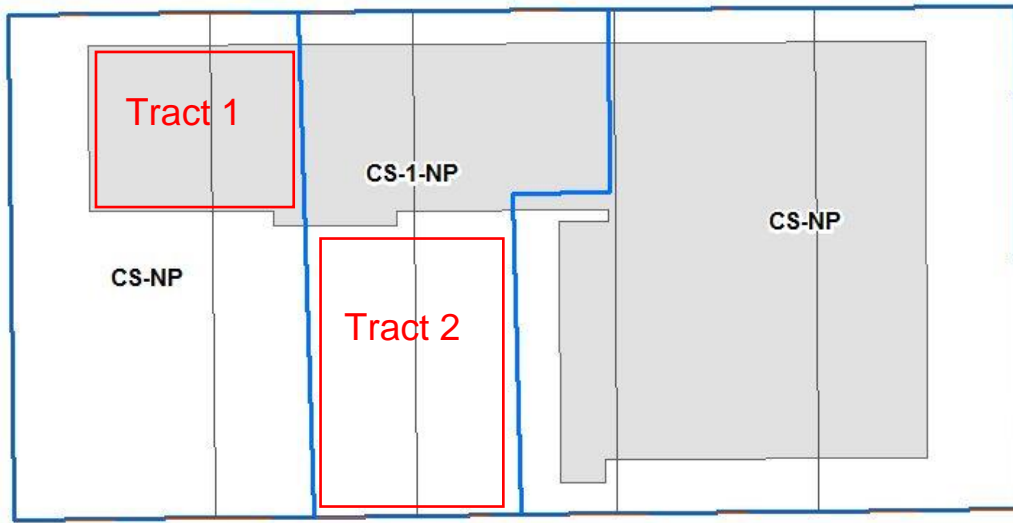
June 6, 2019 Scheduled for City Council

ORDINANCE NUMBER:

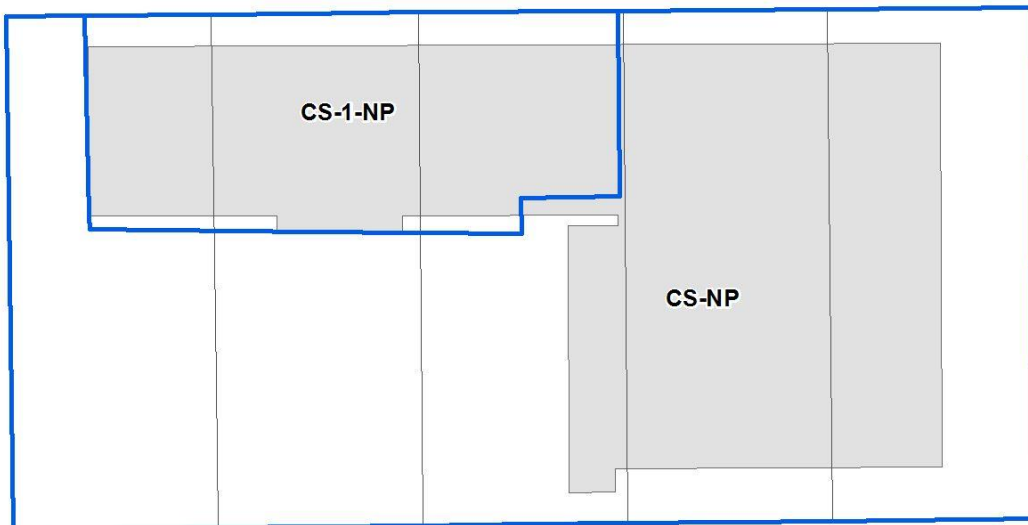
ISSUES:

There is one single owner for the block bounded by Newman Drive to the west, W 7th Street to the south and Norwalk Lane to the east. The applicant would like to expand the existing liquor store into the building to the west, and is requesting CS-1 for the footprint of the expansion (Tract 1). Staff expressed some concern over an expansion in square footage of CS-1, and in response, the applicant offered to give up a portion of CS-1 zoning - the parking lot of the existing liquor store (Tract 2), and to reduce the zoning to CS. (See Exhibit D, amended request letter).

Existing Zoning:



Result of Proposed Rezoning:



The concept plan involves no significant changes to the exterior of the structures, rather the liquor store would expand into the space of the existing restaurant, which would move to another location on the site. The relocation of the restaurant is permitted today, and is not relevant to this zoning case. All uses on the site will be required to comply with all aspects of the Land Development Code, including parking.

There is an accompanying Neighborhood Plan Amendment case (NPA-2019-0027.01), the request to go from Neighborhood Commercial to Mixed Use, for the entire block.

CASE MANAGER COMMENTS:

Currently on the site of the subject property are a liquor store, a restaurant, and a commercial retail store. There is a shared parking lot on the southwest corner of the site, and an additional row of parking on the east side of the site. The block is zoned in three strips – the restaurant is on the west side, the liquor store in the middle, and the retail store on the east. Directly north of the property is an alleyway, and north of that are lots zoned SF-3 with single family houses which front on Newman Drive and Norwalk Lane. East of Norwalk is another block of SF-3 lots with single family homes. Southeast, across 7th Street is a lot zoned SF-3 which is the site of a drug store, and west of that, an LR zoned lot with a service station and convenience mart. West of Newman Drive is a block zoned LO, which is the site of a grocery store and parking lot.

The subject property is relatively flat and is not in the flood plain.

BASIS OF RECOMMENDATION:

Staff recommends Commercial Liquor-Sales - Neighborhood Plan combining district zoning on tract 1, and General Commercial Services - Neighborhood Plan (CS-NP) combining district zoning on tract 2.

The first basis is that the proposed zoning should be consistent with the purpose statement of the district sought. The purpose of CS-1 is essentially the same as CS, with the key difference being that the former allows for liquor sales, which is the preferred use.

The second basis is that a rezoning should not contribute to the over zoning of an area. The recommendation to expand the CS-1 footprint in the area of the existing buildings is balanced by the removal of existing CS-1 in an area where it is not needed, and where liquor sales could someday theoretically be expanded. This addresses staff's concern regarding overzoning the block with additional CS-1 square footage.

The third basis is that zoning should promote a reasonable use of the property. Staff recommends the applicant's request given its location within a block which contains a mix of commercial uses, and takes its access to a collector roadway. There are no concerns about additional traffic impacts from the proposed change.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS, CS-1	Restaurant, Parking Lot
North	SF-3-NP	Single family houses
South	W 7 th Street, then LR	W 7 th Street, then Service Station, Convenience Mart
East	CS-NP	Commercial retail
West	Newman Dr, then LO	Newman Dr, then commercial retail (grocery)

NEIGHBORHOOD PLANNING AREA: West Austin Neighborhood Group

TIA: Not required

WATERSHED: Johnson Creek

OVERLAYS: Scenic Roadways (Lake Austin Blvd)

SCHOOLS: Casis Elementary, O Henry Middle School, Austin High School

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Central West Austin Neighborhood Plan
 Friends Of Austin Neighborhoods
 Neighborhood Empowerment Foundation
 Preservation Austin
 Save Barton Creek Assn
 Save Our Springs Alliance

Seltexas
 Sierra Club, Austin Regional Group
 Tarrytown Alliance
 Tarrytown Neighborhood Association
 TNR BCP - Travis County Natural Resources
 West Austin Neighborhood Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0052 West Austin Neighborhood Planning Area Rezoning	West Austin Neighborhood Group Neighborhood Plan	06-22-10 – Approved NP with amendments	09-30-10 – Approved NP on 3 rd Reading

RELATED CASES:

The CS-1 portion of the property received that zoning category in 1960 (zoning ordinance 600331-N).

The subject properties are part of the West Austin Neighborhood Group Neighborhood Plan, but are not called out specifically in the plan ordinance.

There is an accompanying Neighborhood Plan Amendment case (NPA-2019-0027.01) to change the Future Land Use map for the entire block from Neighborhood Commercial to Mixed Use.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West 7 th	62 ft	34 ft	Collector	Yes (south side of street only).	No	No
Newman Drive	45 ft	25 ft	Local	Yes (west side of street only).	No	Yes (Route 663)

OTHER STAFF COMMENTS:Comprehensive Planning

See comments on accompanying Neighborhood Plan Amendment case (NPA-2019-0027.01).

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Johnson 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.

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

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

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

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

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.

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.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

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

This site is located in the Scenic Roadways Sign District Overlay and must comply with 25-10-124.

Transportation

No comments at this time

Austin Water Utility

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

- A: Zoning Map
- B. Aerial Map
- C. Survey and Field Notes
- D. Amended Request Letter
- E. Correspondence with Interested Parties


$$1'' = 200'$$



1 inch = 80 feet

0 80 Feet



Subject Property:
Includes Tracts 1 and 2
and area between



Zoning Boundary

ZONING & VICINITY

Zoning Case: C14-2019-0043
Addresses: 2606, 2608 and
2610 W 7th St,
703 Newman Dr
Case Manager: Scott Grantham

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



EXHIBIT B

SURVEY WORKS
PROFESSIONAL LAND SURVEYORS
Firm No. 10194157

EXHIBIT C

EXHIBIT "___"

LEGAL DESCRIPTION FOR 0.05± ACRES

LEGAL DESCRIPTION OF A 0.05± ACRE (2,285 SQUARE FEET) TRACT OR PARCEL OF LAND, BEING A PORTION OF LOTS 4 AND 5, HENRY COLLAY HOME TRACT, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN BOOK 50, PAGE 349, PROBATE MINUTES, TRAVIS COUNTY, TEXAS; SAID 0.05± ACRE TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING for the **POINT OF REFERENCE** at a ½" iron rod found at the intersection of the southeast R.O.W. line of Newman Drive and the southwest R.O.W. line of a City of Austin 15' alley being the most northerly corner of said Lot 5; **THENCE**, S 59°58'16" E through and across said Lot 5 a distance of 25.03' to a calculated point for the most northerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, through and across said Lots 4 and 5 the following four courses:

1. **S 62°48'30" E** a distance of **56.99'** to a calculated point for the most easterly corner of the herein described tract;
2. **S 27°54'01" W** a distance of **40.23'** to a calculated point for the most southerly corner of the herein described tract;
3. **N 62°52'58" W** a distance of **56.49'** to a calculated point for the most westerly corner of the herein described tract;
4. **N 27°11'30" E** a distance of **40.31'** to the **POINT OF BEGINNING** and containing **0.05± acres (2,285 square feet)** of land, more or less.


BASIS OF BEARINGS:

Bearings are based on NAD '83 State Plane Coordinates.
(Texas Central 4203)

I do hereby certify that this description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

As Prepared by
SURVEY WORKS
Firm Registration No. 10194157



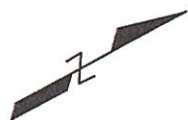
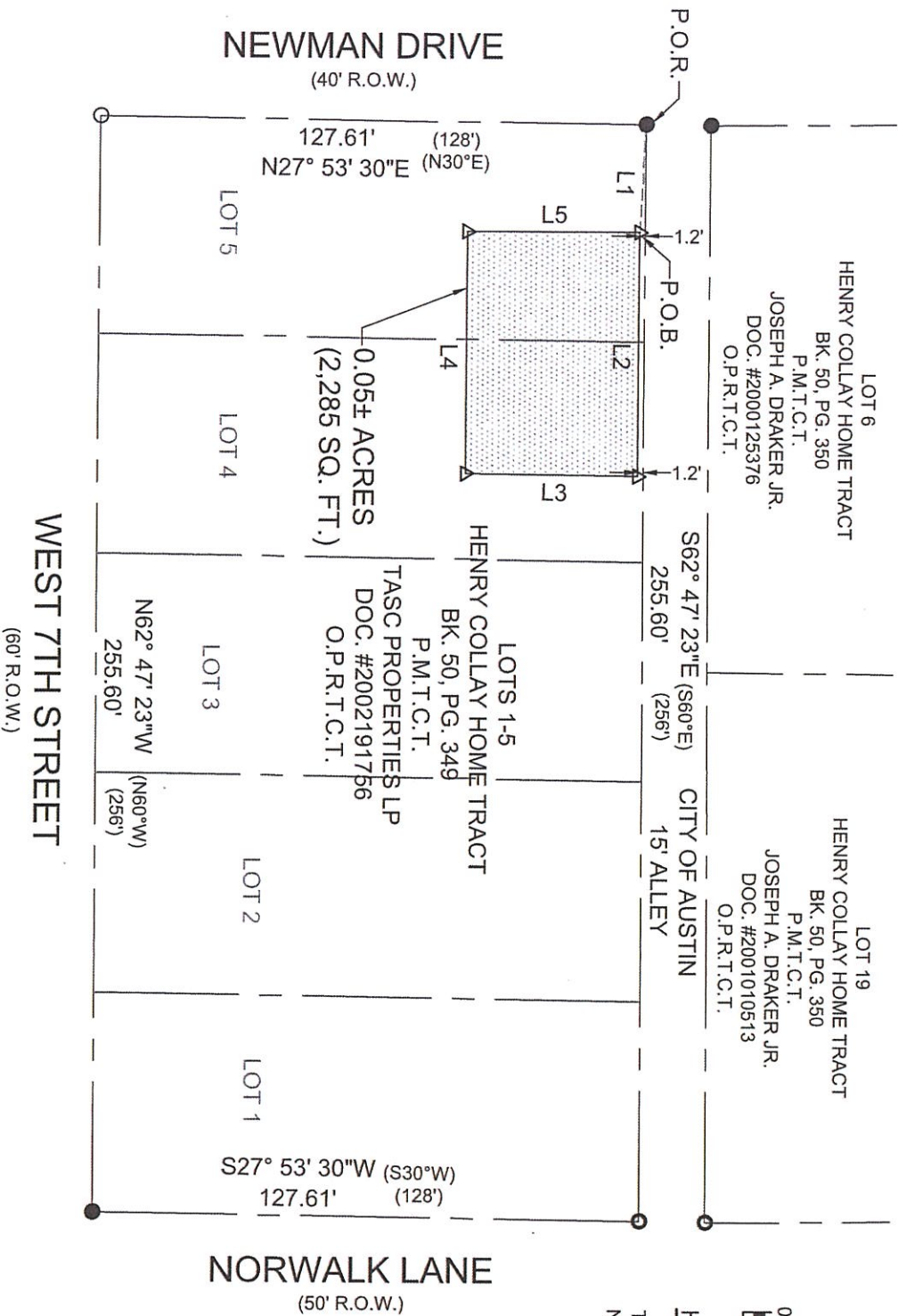

Derek Kinsaul
RPLS No. 6356

Date of Field Notes: 2/19/2019



SURVEY OF

A 0.05± ACRE (2,285 SQUARE FEET) TRACT OR PARCEL OF LAND, BEING A PORTION OF LOTS 4 AND 5, HENRY COLLAY HOME TRACT, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, RECORDED IN BOOK 50, PAGE 349, PROBATE MINUTES, TRAVIS COUNTY, TEXAS



GRID



HORIZONTAL DATUM:

TEXAS STATE PLANE COORDINATES
NAD '83 (CENTRAL ZONE 4203)

701 NEWMAN

FEBRUARY, 2019
PROJECT NO. 501-091



INFO@SURVEYWORKSAUSTIN.COM
SURVEYWORKSAUSTIN.COM
FIRM #10194157
(512) 599-8067
1207 UPLAND DRIVE, AUSTIN, TX 78741

SHEET
2 3

SURVEY OF

A 0.05± ACRE (2,285 SQUARE FEET) TRACT OR PARCEL OF LAND, BEING A
PORTION OF LOTS 4 AND 5, HENRY COLLAY HOME TRACT, A SUBDIVISION IN
TRAVIS COUNTY, TEXAS, RECORDED IN BOOK 50, PAGE 349, PROBATE
MINUTES, TRAVIS COUNTY, TEXAS

LEGEND

●	1/2" IRON ROD FOUND
○	1/2" IRON PIPE FOUND
○	1/2" IRON ROD SET STAMPED "SURVEY WORKS 6356"
△	CALCULATED POINT
---	PROPERTY LINE
P.O.R.	POINT OF REFERENCE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
P.M.T.C.T.	PROBATE MINUTES, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
()	RECORD INFORMATION

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S69° 58' 16"E	25.03'
L2	S62° 48' 30"E	56.99'
L3	S27° 54' 01"W	40.23'
L4	N62° 52' 58"W	56.49'
L5	N27° 11' 30"E	40.31'

DATE OF MAP OR PLAT: FEBRUARY 19, 2019



DEREK KINSAUL
RPLS NO. 6356
FIRM NO. 10194157



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1207 UPLAND DRIVE, AUSTIN, TX 78741

701 NEWMAN

FEBRUARY, 2019

PROJECT NO. 501-091

3 SHEET 3

Thrower Design

EXHIBIT D

510 S. Congress Avenue, Ste. 207
P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

April 28, 2019

Mr. Greg Guernsey
Director
Planning and Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767

RE: 2608 W 7th Street - Twin Liquors-Maudie's
Neighborhood Plan (FLUM) Amendment – NPA-2019-0027.01,
Rezoning Application – C14-2019-0043

Dear Mr. Guernsey,

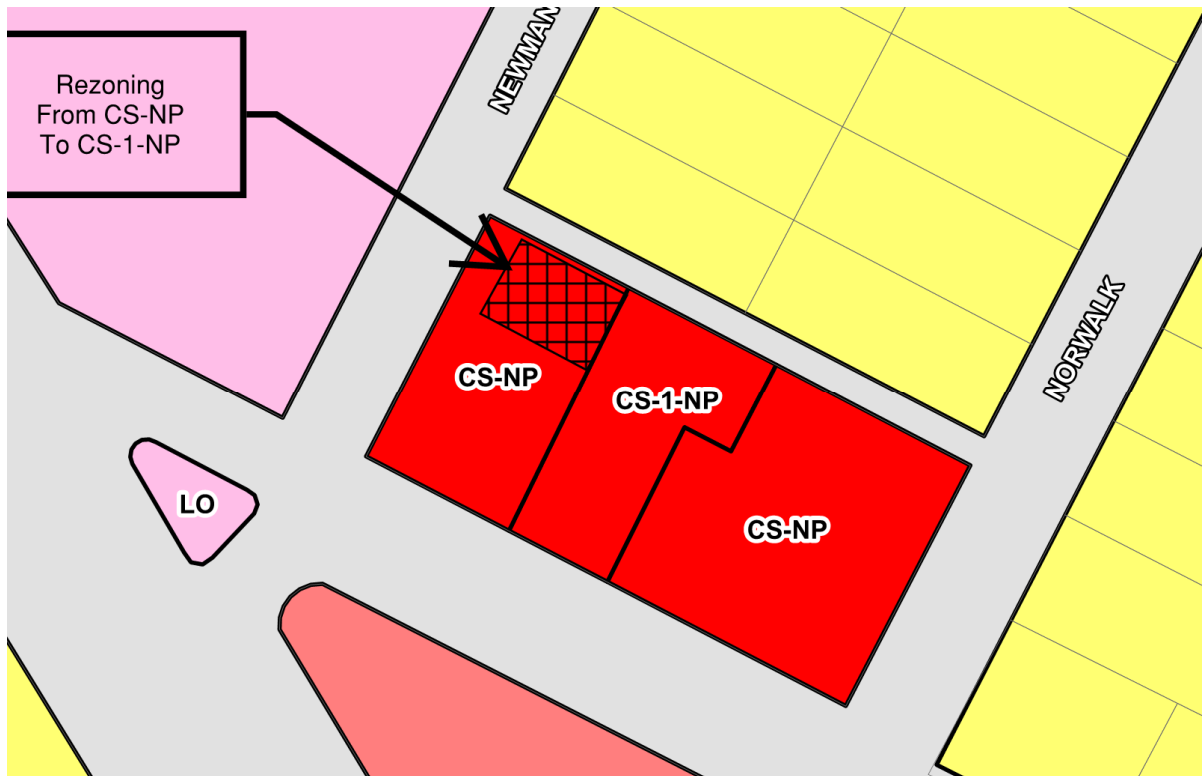
This firm represents the Owner of the property for the above referenced address and of which this neighborhood plan amendment and rezoning applications are currently being reviewed by your Department. The purpose of this letter is to communicate an amendment to the original request for an increase in the rezoning area by 3,398 s.f. from CS-1-NP to CS-NP. This is in addition to the original request of rezoning 2,285 s.f. from CS-NP to CS-1-NP. The total area for rezoning on the property is 5,683 s.f..

The property currently has an approximate 7,995 s.f. area that is zoned as CS-1-NP of which 3,398 s.f. is located in the existing parking lot on the site. The amended request is essentially a swap to relocate a portion of the existing CS-1-NP area from the parking lot to the desired location as shown in the map below. With this request, the total area of CS-1 throughout the property will decrease by over 1,113 s.f.. The 3,398 s.f. CS-1-NP area of the parking lot will rezone to CS-NP with this request.

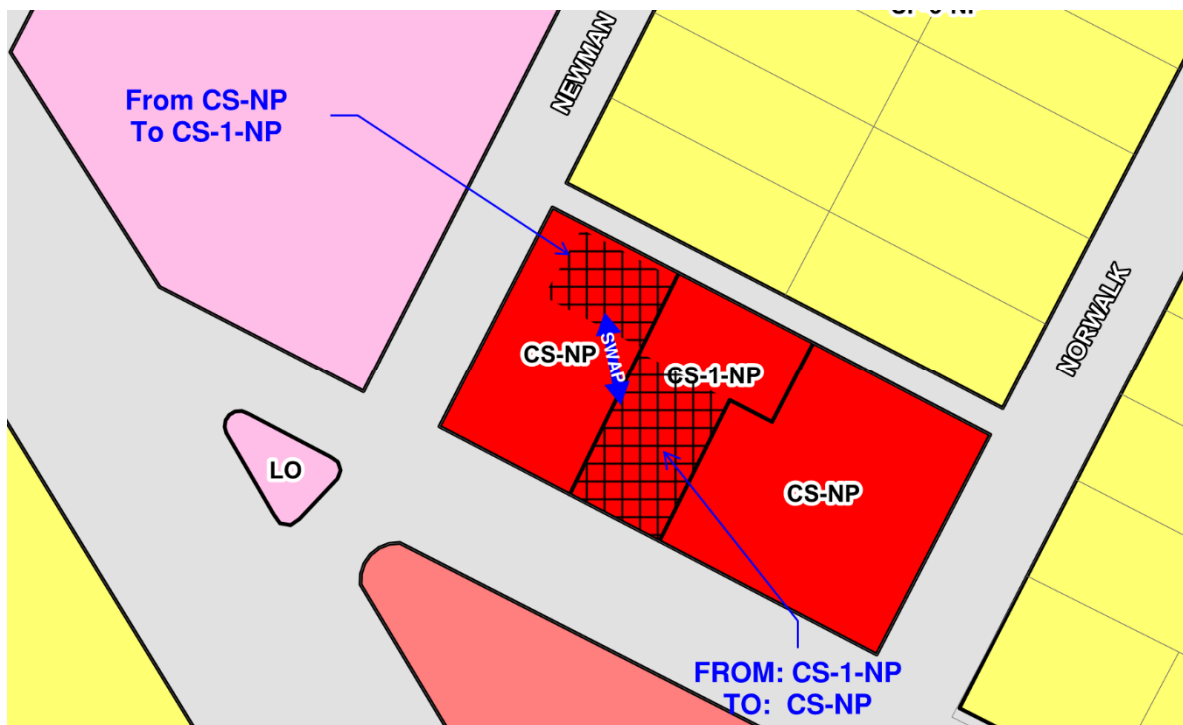
Original Request - FROM: CS-NP TO: CS-1-NP FOR: 2,285 s.f.

Amended Request - FROM: CS-NP TO: CS-1-NP FOR: 2,285 s.f.
FROM: CS-1-NP TO: CS-NP FOR: 3,398 s.f.

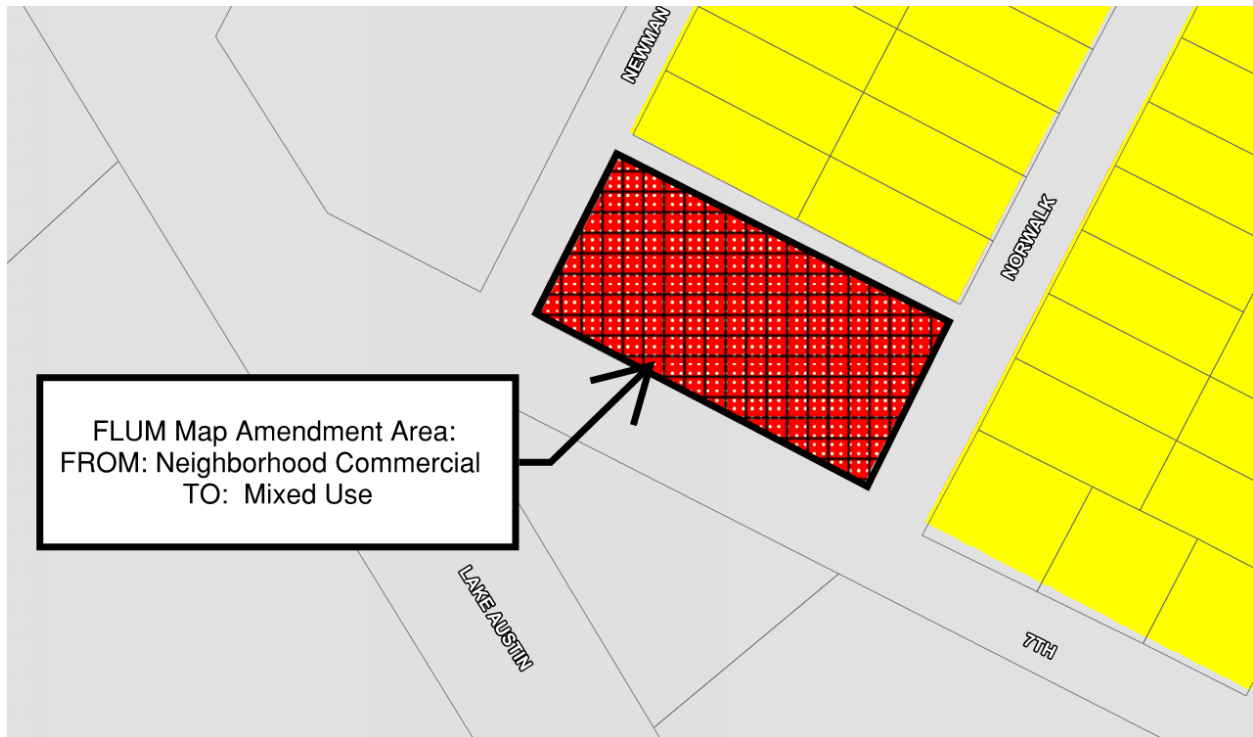
ORIGINAL ZONING CHANGE MAP:



AMENDED ZONING CHANGE MAP:



The zoning change is accompanied by a request to amend the FLUM from *Neighborhood Commercial* to *Mixed Use* for the entire block of the existing shopping center as shown in the map below.



The zoning change is **requested** in order to accomplish a reconfiguration of the existing liquor sales use as per site plan case SP-2018-0445C currently under review by the City of Austin. A FLUM amendment is **required** in order to accommodate the requested CS-1 footprint rezoning since the *Neighborhood Mixed Use* FLUM category does not allow for CS-1 zoning districts or uses. While there are other FLUM categories that would accommodate the CS-1 zoning district, *Mixed Use* has been thoughtfully requested in an effort to allow the opportunity for residential uses at this location in the future, which is supported by the Imagine Austin Comprehensive Plan (IACP) and could assist in meeting the housing goals of the Strategic Housing Blueprint.

The requests with the applications could assist the following key challenges outlined in the IACP (page 117):

- Increasing housing supply and a variety of housing in and near employment centers to allow more people to live closer to their jobs.
- Coordinating land use policies to incentivize infill & redevelopment.

The following IACP policy directives support the requested amendments:

LUT P1 – Align land use decision making to achieve a compact and connected city in line the Growth Concept Map.

LUT P5 – Create healthy and family-friendly communities through development that includes a mix of land use and housing types.

LUT P7 – Encourage infill & redevelopment opportunities that place residential, work, and retail uses in proximity to each other to maximize walking, biking, and transit opportunities.

LUT P10 – Direct housing and employment growth to activity corridors.

HN P4 – Coordinating and planning for housing near public transportation networks and employment centers.

The subject shopping center/land is located less than 100' from Lake Austin Boulevard, at the intersection of Newman, Lake Austin and W 7th Street. The property and the uses on the property are prominently visible from Lake Austin Boulevard which is designated as an IACP activity corridor and as such, properties fronting or near the corridor should provide opportunities for increased density and a thoughtful mix of uses in order to place people and businesses strategically for a compact and connected outcome. Additionally, there are two transit stops within 300 feet and one other stop just beyond 300 ft. of the subject property.

While the request for the FLUM amendment is not congruent with the Central West Austin Future Land Use Map, we believe the amendment is warranted as the application of Neighborhood Commercial at this site created non-conformity between the existing CS and CS-1 uses and the future land use designation. It is our professional opinion as land planners that this intersection should have been given more care and attention to establishing an appropriate FLUM designation for attracting greater density and opportunity for a mix of uses. Given the presence of long established businesses on the property, given the location along the periphery of the

neighborhood and proximity to Lake Austin Boulevard, given the nearby transit opportunities, given the other residential and commercial uses of the area, and given the nearby open space, opening up the property to a true mixed-use development is aligned with core planning principals. Additionally, there has been a material change in circumstances with Council adopting the Imagine Austin Comprehensive Plan that gives policy directives that are incongruent with the FLUM. Further, there has been substantial change in the ability of the City's housing supply to keep pace with real-time, substantial population growth. The City must create opportunities that support sustainable growth by discouraging sprawl and rather encourage density to support a compact and connected City. Denial of the requested FLUM amendment will be a lost opportunity that will, at some point, correlate with increased automobile dependence. Further, a denial of the requested FLUM amendment will, in this specific instance, thwart the ability for a locally owned business to expand their existing store.

Growth is inevitable over time and should be seen as an opportunity and less as a burden. All cities, neighborhoods and the plans that govern them must be dynamic in order to become and maintain sustainability, collaboration, resiliency, equitable and healthy. These tenets should never be viewed as static or concrete as a static city is the exact opposite of sustainable, collaborative, resilient, equitable or healthy.

The requested FLUM amendment and zoning will preserve, as the Neighborhood Plan directs, local retail businesses that have served the Tarrytown and Deep Eddy Neighborhoods for many years while also allowing for redevelopment of the site and building to meet the growing need for updated facilities and expansion of the Twin Liquors Store to better serve their customers. With this we respectfully request a positive recommendation for both the FLUM amendment and the rezoning. Please contact my office should you have any questions or would like to discuss.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

EXHIBIT E

May 7, 2019

Scott Grantham – Zoning Case Manager
Scott.Grantham@austintexas.gov

Maureen Meredith – NPA Case Manager
Maureen.Meredith@austintexas.gov

Planning & Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767

RE: Twin Liquors/Maudie's – Rezoning - C14-2019-0043
Neighborhood Plan Amendment - NPA-2019-0027.01

Dear Mr. Grantham and Ms. Meredith,

We live at 711 Newman Dr., 78703, and wish to express support for the amendment of the Future Land Use Map for the property (shopping center) on W. 7th Street between Newman Drive and Norwalk Lane from Neighborhood Commercial to Mixed-Use and for the rezoning change from CS to CS-1 for a portion of the property in order to allow an expansion of the Twin Liquors store.

Thank you for your time,

Agnes Wommack

Molly Polk