

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Central West Austin Combined

**CASE#:** NPA-2019-0027.01      **DATE FILED:** February 26, 2019 (In-cycle)

**PROJECT NAME:** Twin Liquors - Maudies

**PC DATE:** May 14, 2019

**ADDRESS:** 2608 W. 7<sup>th</sup> Street

**DISTRICT AREA:** 10

**SITE AREA:** 0.75 acres

**OWNER/APPLICANT:** TASC Properties, LP (Tracy S. Livingston)

**AGENT:** Thrower Design (A. Ron Thrower)

**CASE MANAGER:** Maureen Meredith      **PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Neighborhood Commercial      **To:** \*Mixed Use

*\*Original application was for Commercial land use. On April 4, 2019 the applicant amended their request to Mixed Use land use.*

**Base District Zoning Change**

**Related Zoning Case:** C14-2019-0043

**From:** CS-NP

**To:** CS-1-NP on 2,285 sq. ft.  
CS-NP on 3,398 sq. ft.

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 23, 2010

**PLANNING COMMISSION RECOMMENDATION:**

*May 14, 2019 – (pending)*

**STAFF RECOMMENDATION:** Recommended for applicant's request for Mixed Use land use.

**BASIS FOR STAFF'S RECOMMENDATION:** Staff supports the applicant's request for Mixed Use land use because the property is located near Lake Austin Boulevard which is identified as an Activity Corridor in the Imagine Austin Comprehensive plan where mixed use land use is appropriate and encouraged.

As the comprehensive plan notes, Activity corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Staff believes the applicant's request for Mixed Use land use is appropriate for this location.

Mixed Use land use will also provide the possibility for residential units that could provide much-needed housing that the comprehensive plan supports and encourages.

The Central West Combined Neighborhood Plan supports neighborhood serving commercial uses which the Mixed Use land use would provide, but it would also provide the opportunity for housing that the city needs to meet demand, especially along corridors with public transportation and within walking distance to commercial uses and employment opportunities.



The Plan objectives below want to preserve single family and existing multifamily areas. The applicant's request for mixed use on the property will provide additional opportunities for residential uses and will provide a wider-range of neighborhood-serving uses.

## Land Use

### Goal Statement and Introduction

Preserve and protect the historic character and integrity of Central West Austin's predominantly single-family neighborhoods, with their neighborhood-serving commercial centers, civic areas, safe parks, and attractive open spaces, so as to maintain the neighborhood's quality of life, avoid increasing traffic, preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding.

Development of property as office, commercial, retail, multi-family, or civic uses should be in accordance with the Future Land Use Map, as informed by the Plan text, and should be appropriately oriented, scaled and buffered to protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses. The future use of the Brackenridge Tract and the Austin State Supported Living Center property should take into account the impact of such use on the surrounding neighborhood, and if developed should be compatible with the existing single-family homes in the neighborhood. Buffering to protect the existing single-family homes in the neighborhood is also desired.

**Objective 1:** Preserve the existing single family neighborhoods of Central West Austin.

**Objective 2:** Preserve or enhance, as appropriate, existing multifamily housing and neighborhood-serving commercial districts.

**Objective 3:** All development should be compatible with the character of the adjacent neighborhood and should be guided by green design principles.

**Objective 4:** Encourage the northeast corner of Windsor Road Planning Area to become a mixed use, urban neighborhood, respecting and providing amenities to the Bryker Woods and West 31<sup>st</sup> Street neighborhoods.

### **LAND USE DESCRIPTIONS**

#### ***EXISTING LAND USE ON THE PROPERTY***

**Neighborhood Commercial** - Lots or parcels containing small- scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale.

**Purpose**

1. Accommodate low- intensity commercial services that serve surrounding neighborhoods; and
2. Encourage small- scale retail within walking distance from residential areas.

**Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used to encourage high intensity commercial to transition to residential uses.

***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use** - An area that is appropriate for a mix of residential and non- residential uses.

**Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live- work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non- residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on- street activity in commercial areas after 5 p.m. and built- in customers for local businesses.

**Application**

1. Allow mixed use development along major corridors and intersections;

2. Establish compatible mixed- use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non- conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

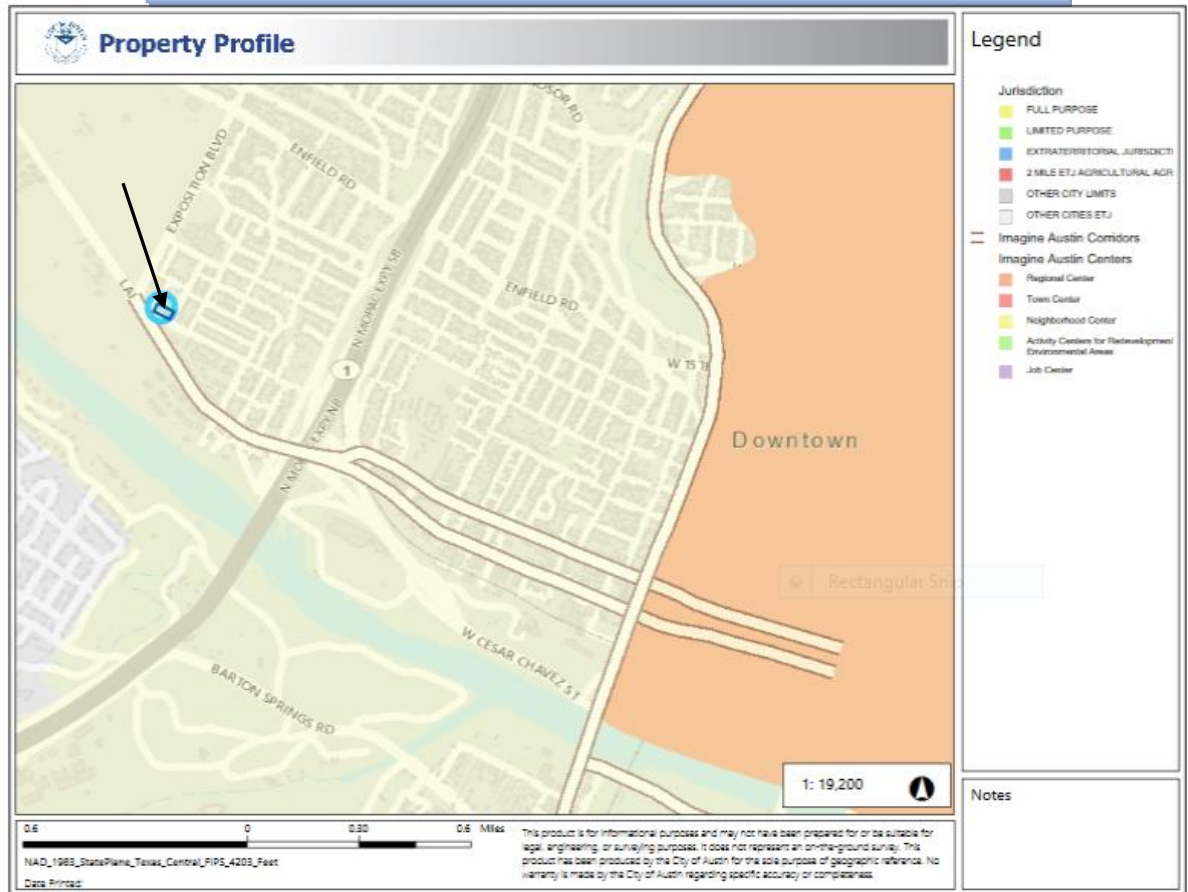
### ***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The property is located near various businesses such as a CVS Pharmacy, Randalls grocery store, a 7-11 convenience store, and within a mile of O. Henry Middle School and the Lions Municipal golf course. The applicant's request for Mixed Use land use would allow for additional housing units needed for Austin and the planning area.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***The property is located within 150 feet of Lake Austin Boulevard which is designated as an Imagine Austin Activity Corridor and is served by Capital Metro buses. The property is also within walking distance to various businesses and a public school and city recreational facility, Lions Municipal Golf Course.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property is located less than 150 feet of Lake Austin Boulevard which is an Imagine Austin Activity Corridor where mixed use developments are encouraged.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.

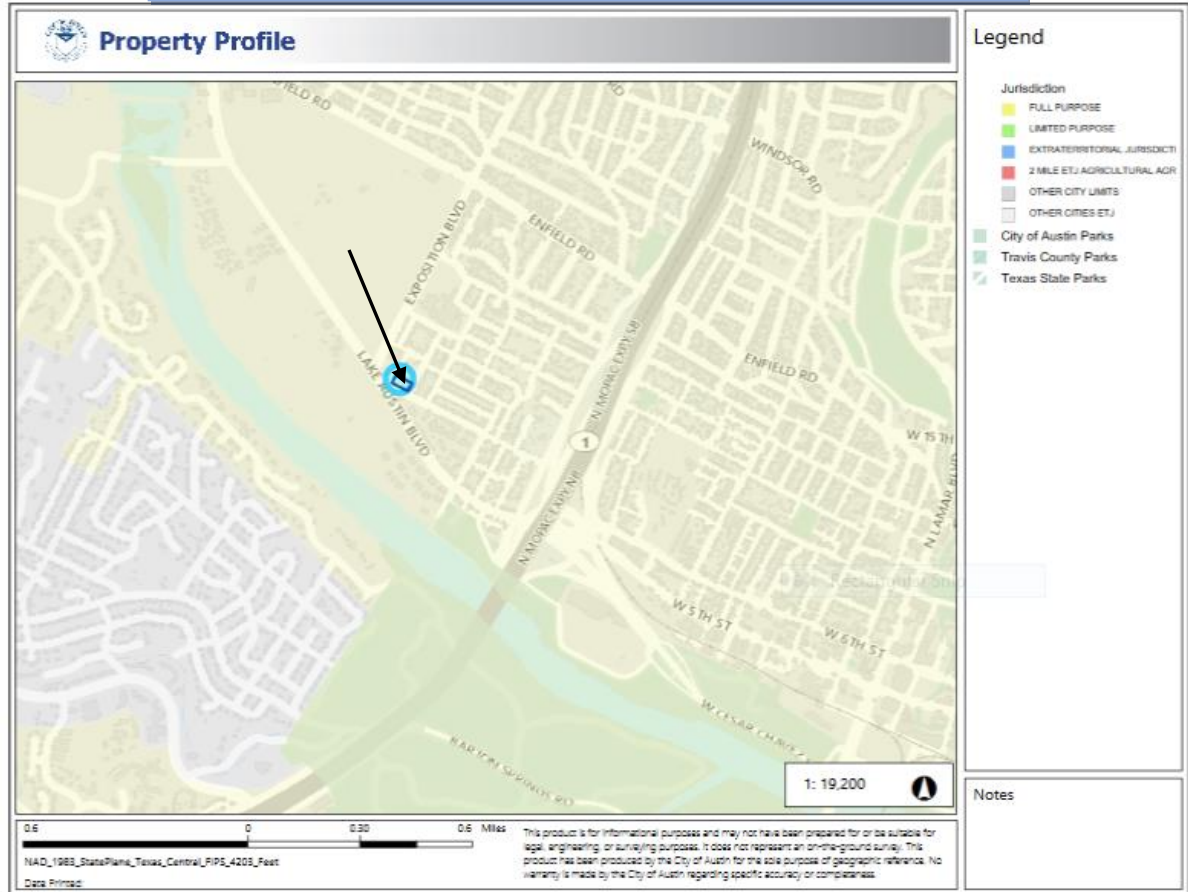
- ***The applicant's proposed Mixed Use land use is compatible with future zoning request that would allow for residential uses which could expand the number a variety of housing choices in Austin and in the planning area.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***The applicant's proposed Mixed Use land use is appropriate for this location near an Activity Corridor as identified on the Imagine Austin Growth Concept Map.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The property is located in the Desired Development Zone.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***The property is located near businesses and residential uses that are within walking distance to residential uses.***
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not directly applicable.***
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***
  12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - ***Not directly applicable.***



## Imagine Austin Growth Concept Map

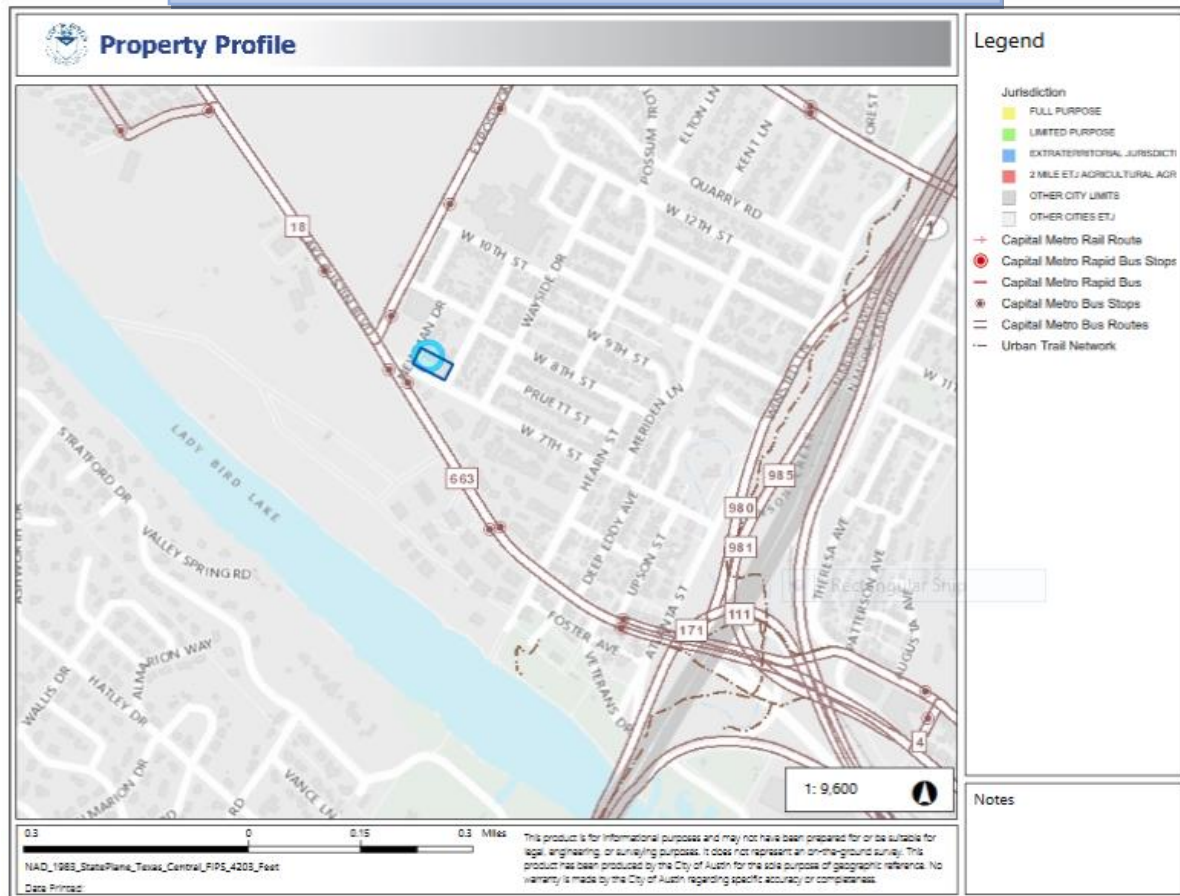


## Map of Parks near Property





## Capital Metro Bus Routes



## IMAGINE AUSTIN GROWTH CONCEPT MAP

*Definitions*

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although

fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on February 26, 2019 which is in-cycle for neighborhood planning areas located on the west side of I.H.-35.

The applicant proposes to change the future land use map from Neighborhood Commercial to Mixed Use land use.

The applicant proposes to change the zoning on a portion of the property from CS-NP to CS-1-NP on 2,285 sq. feet within the property and from CS-1-NP to CS-1-NP on 3,398 sq. feet within the property to allow for liquor sales. Please see zoning case number C14-2019-0043 for more information.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held on April 16, 2019. Approximately 424 notices were mailed to people who own property or have a utility account within 50 feet of the property, in addition to neighborhood organizations and environmental groups who requested notification for the area. Ten people attended the meeting in addition to one city staff member and the applicant's agent, Ron Thrower.

After city staff gave a brief presentation about the planning process, the applicant's agent, Ron Thrower, said the original application for the future land use map (FLUM) was a request to change the land use from Neighborhood Commercial to Commercial land use for a 2,285 square foot footprint that matched the CS-1 zoning request foot print for liquor sales. In the shopping center is Maudie's Tex Mex Restaurant, Twin Liquors and a Goodwill store. Maudie's proposes to move to the Goodwill Store location and the Twin Liquors business proposes to move where Maudie's restaurant is now located. Twin Liquors will need the CS-1-NP zoning for the proposed new location.

Mr. Thrower said they thought staff would not support a granular footprint change request on the future land use map so they amended their plan amendment application from just a footprint to the entire lot. They also changed their FLUM request from Neighborhood Commercial to Mixed Use land use. The original request was to change the land use from Neighborhood Commercial to Commercial land use.

Q. Why did you change your request to Mixed Use?

A. Because the Neighborhood Commercial land use does not allow the CS-1-NP zoning request.

Q. What is the CS-1 zoning for, a liquor store?

A. Yes.

Q. Do you think the existing FLUM of Neighborhood Commercial is in error?

A. I don't know if it is a mapping error, but it potentially could be. If a Mom and Pop store wants to expand, the existing FLUM makes it difficult to do that when the FLUM change is on a granular level.

Q. Is this for a public health, safety and welfare reason?

A. No.

Q. Has there been a change in circumstances?

A. Yes, because the owners want to expand the business.

Q. Is this for environmental protection?

A. No.

Q. Does your request meet the goals and objectives of the neighborhood plan?

A. The plan doesn't speak to the corridors.

Q. The Mixed Use land use in the plan is in the northwest area of the planning area. The plan doesn't want mixed use where you want it. We knew the FLUM didn't match the zoning during the planning process. We wanted Neighborhood Commercial there.

A. Would you consider liquor sales a neighborhood-serving retail use? For the zoning request of CS-1, our choice was either Mixed Use or Commercial. Twin Liquors is a local business who wants to expand.

Q. You're opening up the entire block to CS-1 zoning.

A. Yes, because that is how it's done, but it would good to have a code amendment to allow the CS-1 in a lower future land use category.

Q. Why Mixed Use and not Commercial?

A. Because with Mixed Use there could be a possibility for residential uses there.

Q. Do you represent the tenant of the property?

A. We represent the owner of the property.

Q. What is the height of CS zoning?

A. Sixty feet, but compatibility standards would apply.

Q. Would you support a Residential Permit Parking?

A. I haven't talked to the Tracy, the property owner, about this, but I will.

Q. CS zoning allows for automobile dealerships. Would the owner prohibit this use?

A. Yes, we talked about prohibiting uses. The Central West Austin NPCT said they would bring a list of uses they would like prohibited. (*See list below*).

Q. Would you be OK with Commercial land use?

A. If this is your recommendation we can work with you and consider it.

**Comments:**

- I don't want your rezoning request to open up more changes like this. We want small businesses in this center.
- This lot is the furthest from the neighborhood and Maudie's move to Goodwill would bring it closer to the neighborhood which could bring smells from the dumpster. Right now, it's the best possible situation.

A member of the Central West Austin NPCT gave staff this document at the meeting

*Central West Austin  
N-PCT List of Proh. Uses*

*Rec'd @ Cmty Mts 4/16/19*

Section 5.1. North Tracts. When developing for Non-University Purposes, the following uses shall be prohibited as principal but not accessory uses on the North Tracts:

**Safeway Tract**

Agricultural Uses  
Agriculture Sales and Services  
Art and Crafts Studio (Industrial)  
Automotive Rental  
Aviation Facilities  
Basic Industry  
Building Maintenance Service  
Campground  
Cemetery  
Construction Sales and Service  
Convenience Storage  
Detention Facilities  
Equipment Sales  
Equipment Repair Service  
Exterminating Services  
Family Home  
Funeral Services  
Hospital Services (General)  
Kennels  
Laundry Services  
Maintenance and Service Facilities  
Major Utility Facilities  
Marina  
Mobile Home Residential  
Pawn Shop Services  
Public Secondary Education Facilities  
Railroad Facilities  
Recreational Equipment Maintenance & Storage  
Resource Extraction  
Scrap & Salvage services  
Stables  
Stockyards  
Transitional Housing  
Vehicle Storage  
Warehouse & distribution (General)  
Warehouse & Distribution (Limited)

Uses not expressly prohibited by this section are permitted as uses on the North tracts. All existing uses are permitted uses on Tracts where they are presently located.

**CITY COUNCIL DATE:** June 6, 2019

**ACTION:**

## Applicant's letter amending the original request

*Thrower Design*

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

April 4, 2019

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

RE: Neighborhood Plan (FLUM) Amendment – NPA-2019-0027.01,  
2608 W 7<sup>th</sup> Street - Twin Liquors-Maudie's

Dear Mr. Guernsey,

This firm represents the Owner of the property for the above referenced address and of which this neighborhood plan amendment is currently being reviewed.

With this letter, we are amending our request to change the FLUM from **Neighborhood Commercial** to **Mixed Use**. Further, we are amending the area of change from a 2,285 sq. footprint to the entire block/shopping center legally described as Lots 1-5 Colleys Henry Home Tract and as per the attached map and amended application pages. For clarification, the rezoning request remains unchanged from the original submittal 2,285 sq. ft. of CS-1-NP.

Please contact my office should you have any questions or would like to discuss.

Sincerely,



A. Ron Thrower

L A N D P L A N N E R S



Applicant's Original Summary Letter Submitted with Application  
(See zoning case C14-2019-0043 for updated info on zoning case)

*Thrower Design*

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

November 12, 2018

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

RE: Neighborhood Plan (FLUM) Amendment & Rezoning,  
2608 W 7<sup>th</sup> Street - Twin Liquors-Maudie's

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 submitted.

The subject area is 2,285 sq. ft. (0.05 acres) of a shopping center developed with a 1-story building at the north east corner of Newman Drive & W 7<sup>th</sup> Street and is the location of the Lake Austin Boulevard Maudies Tex-Mex Restaurant as well as a Twin Liquors and Goodwill Store. The shopping center is in the Deep Eddy Neighborhood of the Central West Austin Neighborhood Planning Area and has a Future Land Use Designation of *Neighborhood Commercial*. Existing zoning includes CS-NP and CS-1-NP with the subject area being a portion of the CS-NP zoned area.

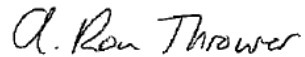
The requests in the attached applications are to amend the FLUM from *Neighborhood Commercial* to the *Commercial* FLUM designation and to rezone from CS-NP to CS-1-NP for the subject area specified on the map (Exhibit A) and more specifically described in the metes and bounds description included with the applications.

The requests are made in order to accomplish a reconfiguration of the existing liquor sales and restaurant uses as per site plan case SP-2018-0445C currently under review by the City of Austin. The retail use will be replaced by an expansion of the existing restaurant tenant.

L A N D P L A N N E R S

The requested FLUM amendment and zoning will maintain the longstanding uses that have been serving the local neighborhood residents for years and also meet the growing need for updated facilities of and expansion of the restaurant use to better serve guests. 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 black ink that reads "A. Ron Thrower". The signature is written in a cursive, flowing style.

A. Ron Thrower

Central West Austin Combined NPCT Letter of Recommendation

**CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM**

April 24, 2019

Organized 2010  
"To facilitate the  
implementation of the  
Central West Austin  
Combined  
Neighborhood Plan."

Ms. Maureen Meredith  
City of Austin  
Planning & Development Review Department  
505 Barton Springs Rd.  
Austin, Texas 78704

Re: Neighborhood Plan Amendment Case No. NPA-2019-0027.02 (2608 W. 7th St.)

**OFFICERS**

Michael Cannatti  
Chair

August Harris  
Vice Chair

Joyce Basciano  
Secretary

**EXECUTIVE  
COMMITTEE**

Michael Curry  
Ben Fauber  
Roya Johnson  
Jerry Lloyd  
Mark Nixon  
Thomas Pantin  
Blake Tollett  
Betty Trent  
Diane Umstead  
Tina Weinberger

Dear Maureen:

Following up on our April 16 community meeting with the Central West Austin Neighborhood Plan Contact Team (NPCT) to discuss the proposed amendments to our Future Land Use Map (FLUM) for 2608 W. 7th St, I am writing to provide the contact team's recommendation that the FLUM amendment request be denied (because Applicant has not met City Code requirements for a FLUM change, but is simply doing this to improve the property value) and that the zoning change to CS1 be granted (to allow the proposed uses for the Maudie's and Twin Liquor businesses). For the reasons detailed below, the requested FLUM amendment is untimely and is not supported by the City Code requirements. And while we realize that this recommendation results in a tension between the FLUM and underlying zoning, we approve of this result because this tension has been in place since our neighborhood plan was first created. Indeed, this tension was not only deliberately created by the neighborhood plan, but was also unanimously endorsed by the City Council. In our view, any disconnect between the existing "neighborhood commercial" FLUM designation and the proposed CS-1 zoning is something the neighborhood plan can tolerate far more readily than the changing the FLUM to "mixed use" without the required showing under the City Code.

Prior to forming the staff recommendation here, we hope you will give full consideration to the stakeholder feedback and information from the community meeting that FLUM amendment to "Mixed Use" is not supported by the facts or our neighborhood plan's goals, objectives, and recommendations.

The FLUM Amendment Was Untimely - First, we submit that that the FLUM amendment application was not timely filed within the required February "in-cycle" month. In particular and as explained at the community meeting, the original FLUM amendment application file in February, 2019 requested that the FLUM be changed to "Commercial." *See*, Applicant's Letter (Nov. 12, 2018). However, after the February "in-cycle" month deadline, Applicant amended their application to request that the FLUM be changed to "Mixed Use." *See*, Applicant's Letter (April 4, 2019). As a result, the "Mixed Use" FLUM amendment requested by Applicant constitutes a new application which was untimely filed outside of the permitted window for amendments to our neighborhood plan, and should therefore be denied.

The FLUM Amendment Is Not Supported By The Code-Required Showing – Second, we submit that the requirements under the Land Development Code for neighborhood plan amendments have not been met here. According to LDC § 25-1-810, "the director may not recommend approval of a neighborhood plan amendment unless the requirements of [LDC § 25-1-810(B) and (C)] are satisfied. At the community meeting, the Applicant was not able to identify any of the required showings under § 25-1-810(B) that are required for an amendment to be made. At best, Applicant explained that the property owner wanted to improve the arrangement for the Maudie's and Twin Liquors businesses, but this does not amount to "a

Ms. Maureen Meredith  
 April 24, 2019  
 Page 2

material change in circumstances since the adoption of the plan” that would justify a FLUM amendment. Nor could Applicant identify any “mapping or textual error or omission made when the original plan was adopted” that would justify an amendment. Nor does the Applicant believe that the denial of the proposed amendment “would jeopardize public health, safety, or welfare.” And when specifically asked to identify any “goals and objectives of the neighborhood plan” that would be consistent with the FLUM amendment, the Applicant was not able to do so.

The FLUM Amendment Is Not Supported By The Goals and Objectives of the Neighborhood Plan – In evaluating the guidance from the neighborhood plan for this property, it must first be noted that the existing FLUM designation (Neighborhood Commercial) is deliberately out of synch with the existing, underlying zoning (CS and CS-1). This tension was purposefully created in the neighborhood plan process so as to promote and preserve this area as “neighborhood-serving commercial center” for the surrounding single-family neighborhood. This intention is directly stated in the land use goal from the neighborhood plan:

#### LAND USE

Preserve and protect the historic character and integrity of Central West Austin’s predominantly single-family neighborhoods, with their neighborhood-serving commercial centers, civic areas, safe parks, and attractive open spaces, so as to maintain the neighborhood’s quality of life, avoid increasing traffic, preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding.

Development of property as office, commercial, retail, multi-family, or civic uses should be in accordance with the Future Land Use Map, as informed by the Plan text, and should be appropriately oriented, scaled and buffered to protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses. The future use of the Brackenridge Tract and the Austin State Supported Living Center property should take into account the impact of such use on the surrounding neighborhood, and if developed should be compatible with the existing single-family homes in the neighborhood. Buffering to protect the existing single-family homes in the neighborhood is also desired.

Insofar as the City Code requires a showing that the “proposed amendment is consistent with the goals and objectives of the neighborhood plan” (LDC § 25-1-810(B)(5)), we submit that there is nothing in this goal which is consistent with designating this area as “mixed use” in the FLUM. To the contrary, the Land Use Goal states that “Development of property as office, commercial, retail, multi-family, or civic uses should be in accordance with the Future Land Use Map, as informed by the Plan text.” In addition to the guidance from the Land Use Goal, the applicable land use objectives also support preserving or enhancing existing neighborhood-serving commercial districts. Land Use Objective 2.

Contrary to the proposed FLUM amendment, the neighborhood plan is quite explicit about where “mixed use” belongs in our plan, and it is not at 2608 W. 7<sup>th</sup> Street. In particular, the plan clearly and repeatedly identifies the northeast corner of the planning area “as an appropriate mixed use node.” *See*, Neighborhood Plan, Land Use Objective 4 and Recommendation L.4.4 (“they have identified the most intense corner of the neighborhood -- the area surrounding Seton Medical Center and along 38<sup>th</sup> Street and Lamar Boulevard -- as an appropriate mixed use node that could become a lively, safe, and active urban neighborhood.”).

In sum, we submit that Applicant’s FLUM amendment is untimely and unsupported by the required demonstration of code requirements for a plan amendment. It may very well be that a “mixed use” FLUM designation would make the property more valuable for the owner, but this is not an allowable basis for amending the FLUM.

Ms. Maureen Meredith

April 24, 2019

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At the same time, our neighborhood enjoys, values, and appreciates the Maudie's Tex-Mex Café and Twin Liquors businesses, and would like to see these businesses continue to succeed and thrive. If this means that a CS-1 zoning change is granted that is inconsistent with the existing Neighborhood Commercial FLUM designation, we would prefer this outcome to altering the FLUM to "Mixed Use." Not only would a "Mixed Use" FLUM designation depart from the clear direction and intention of the neighborhood plan, but we are concerned the resulting property valuation from such a FLUM change would create economic pressures that could drive the Maudie's Tex-Mex Café and Twin Liquors businesses away from our neighborhood.

Accordingly, we recommend that the FLUM amendment be denied because the proposed land use is in direct conflict with the relevant goals and objectives to retain "neighborhood-serving commercial centers" here and locate "mixed use" in other parts of the neighborhood.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti

Chair, Central West Austin Neighborhood Plan Contact Team

Letter in Support

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. 7<sup>th</sup> 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





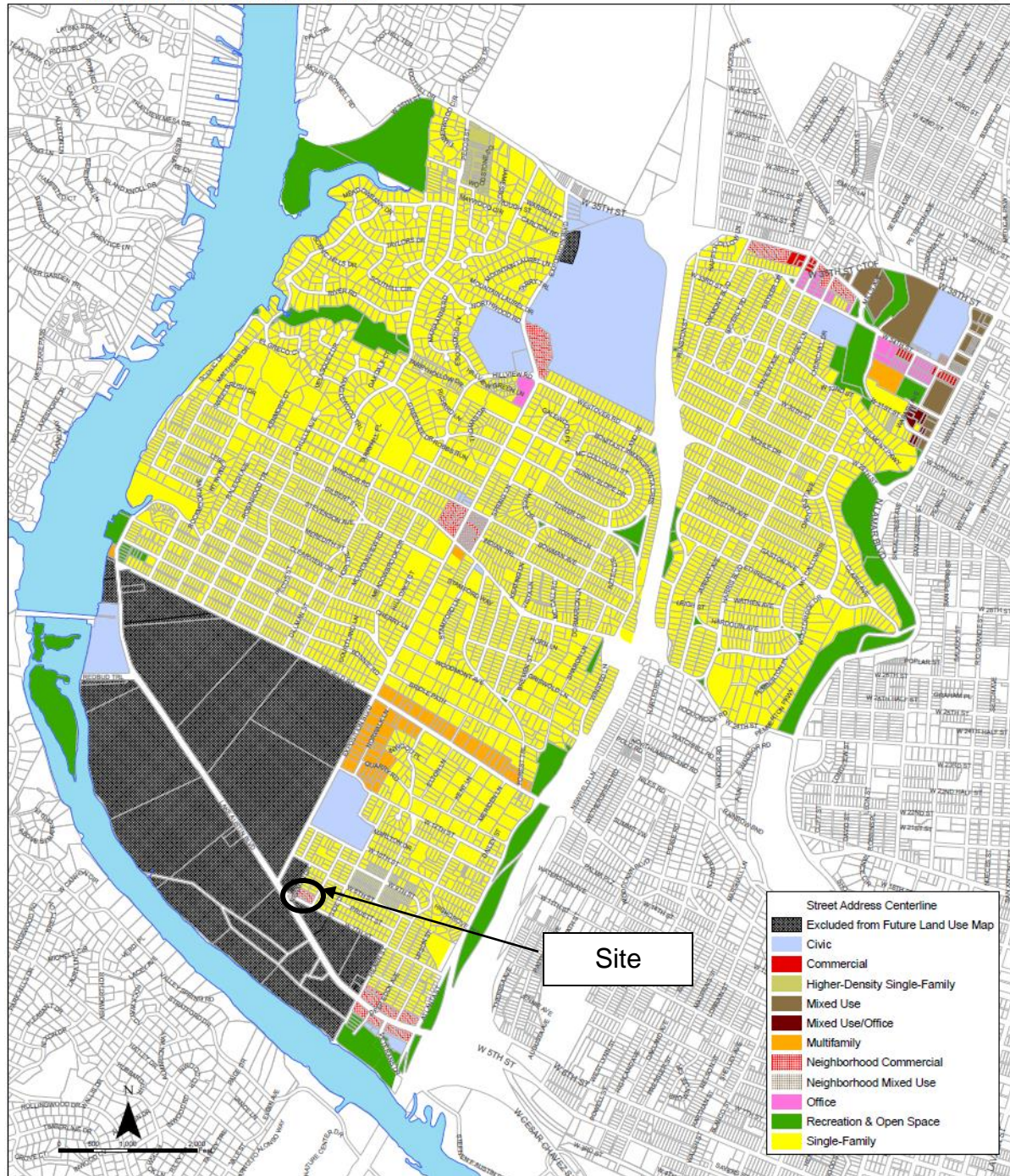
# **Central West Austin Combined Neighborhood Planning Area Future Land Use Map**

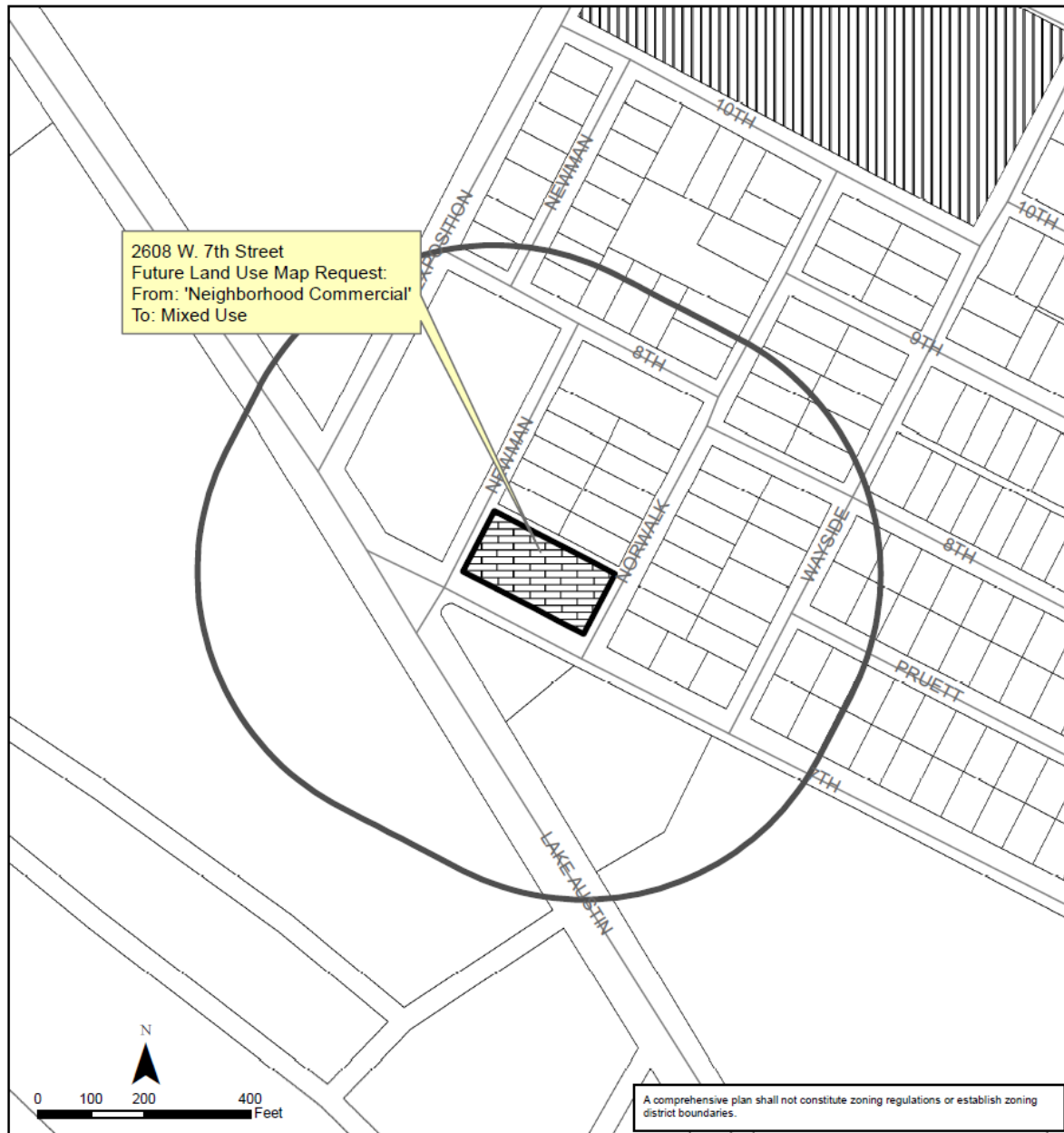
Plan Adopted: September 23, 2010  
Last Revised: Thursday, March 26, 2015

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. Updates may occur past the date of this map. Please verify with the City of Austin.

The designation of a land use category does not imply that the most intense zoning district associated with that category will be automatically recommended or approved.

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.





### Central West Austin (WANG) Combined Neighborhood Planning Area NPA-2019-0027.01

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.

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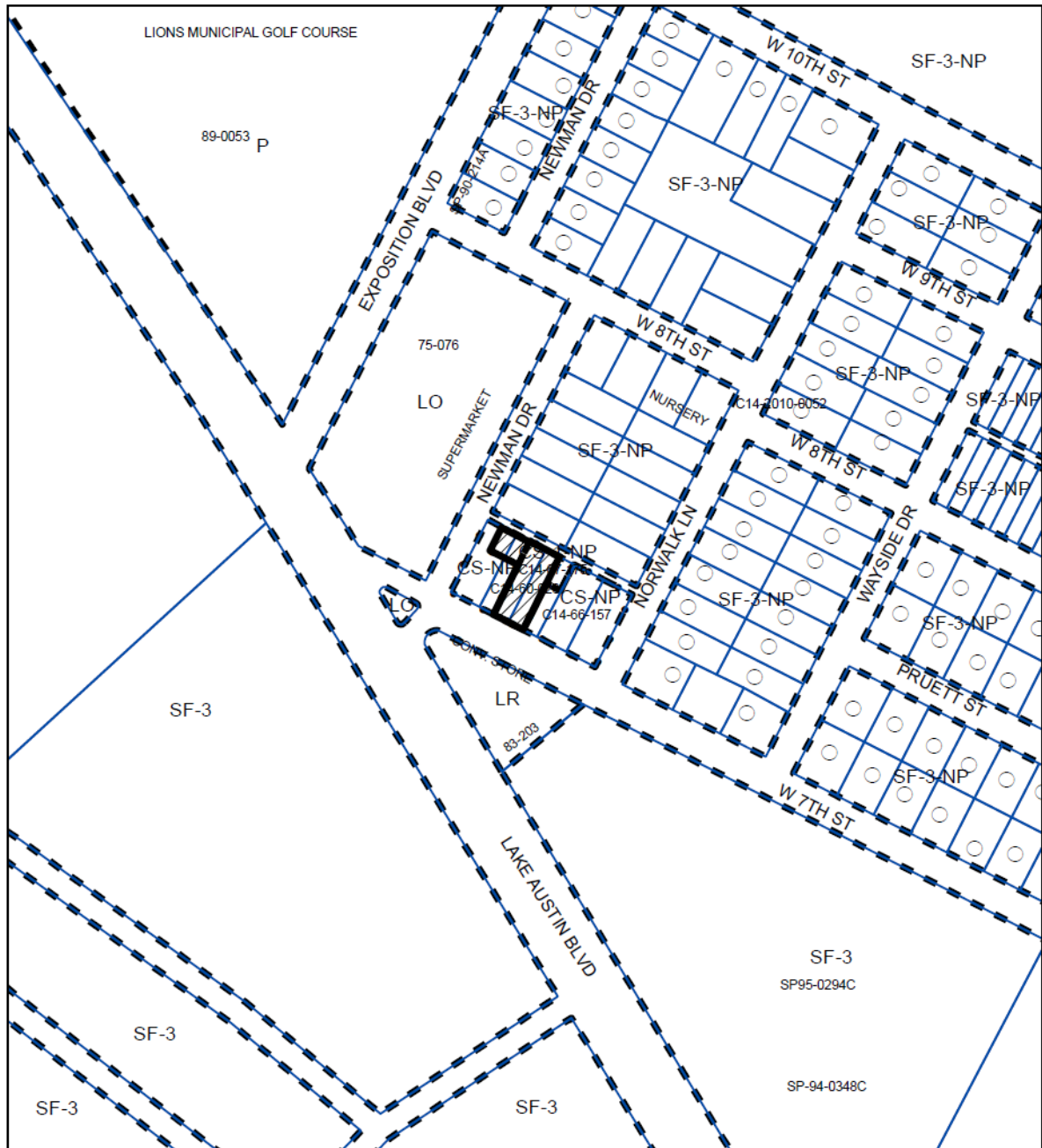






City of Austin  
Planning and Zoning Department  
Created on 4/3/2019, by: meredithm

#### Future Land Use

	500 ft. Notif. Boundary		Neighborhood Commercial
	Subject Property		Civic
	Single-Family		Recreation & Open Space
	Multi-Family		Excluded from FLUM





 N  
 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

$$1'' = 200'$$

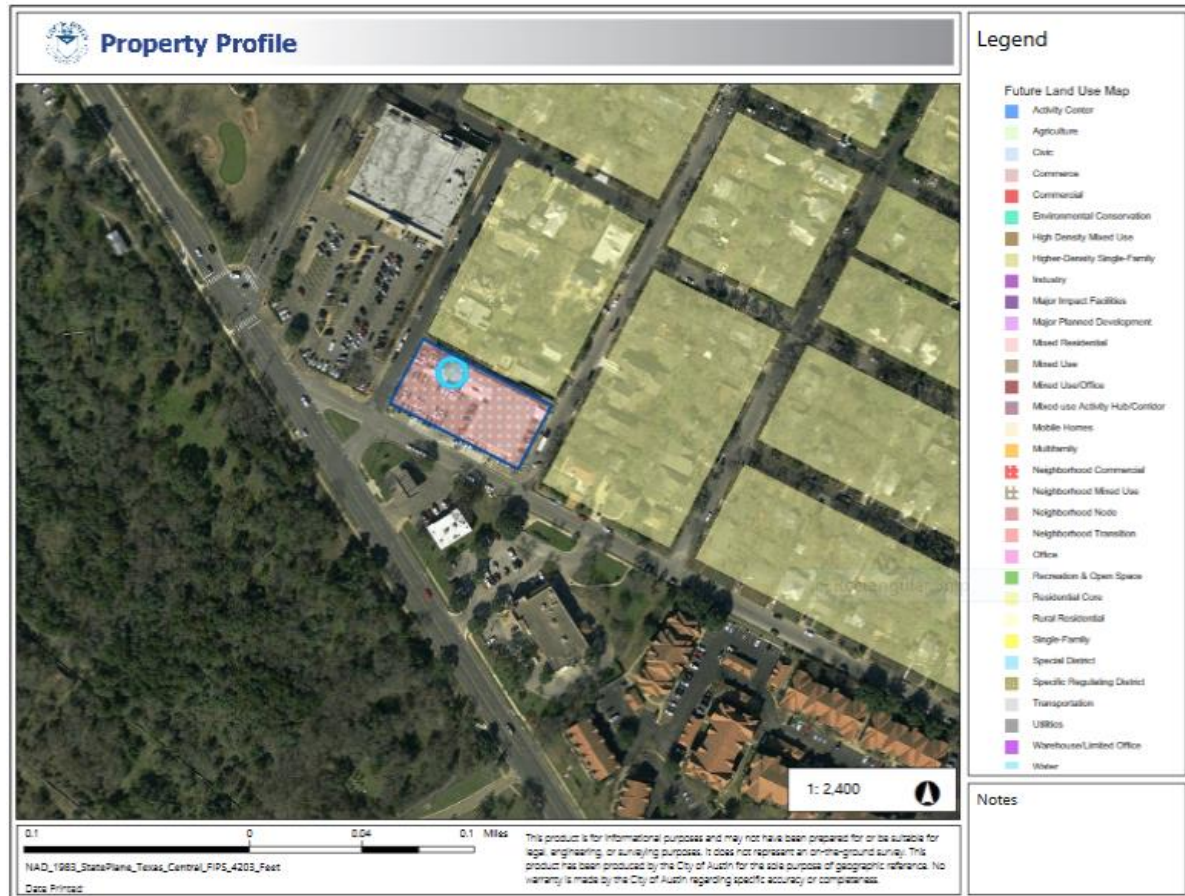
**ZONING**  
ZONING CASE#: C14-2019-0043

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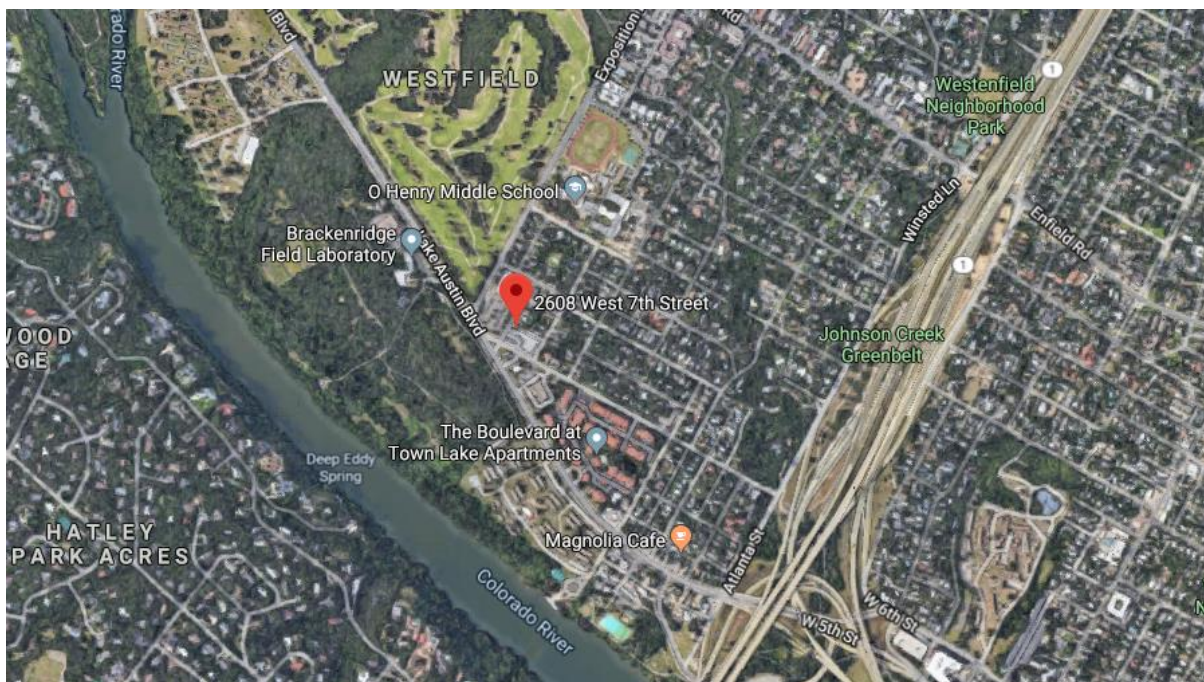
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

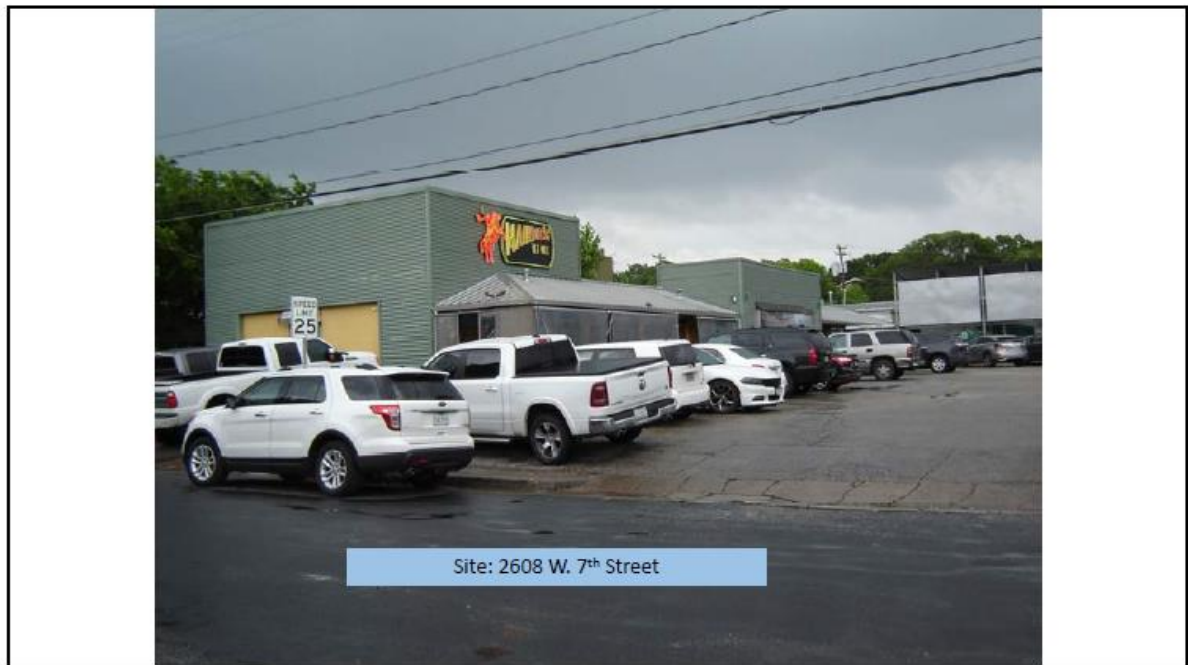


Created: 4/25/2019

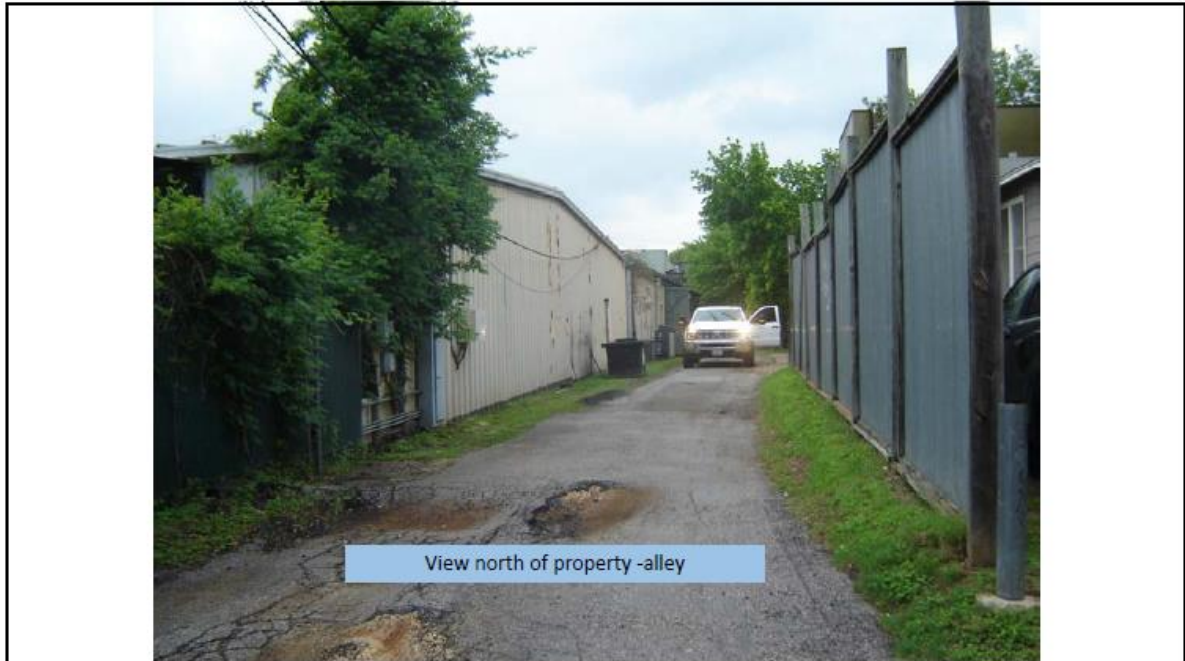


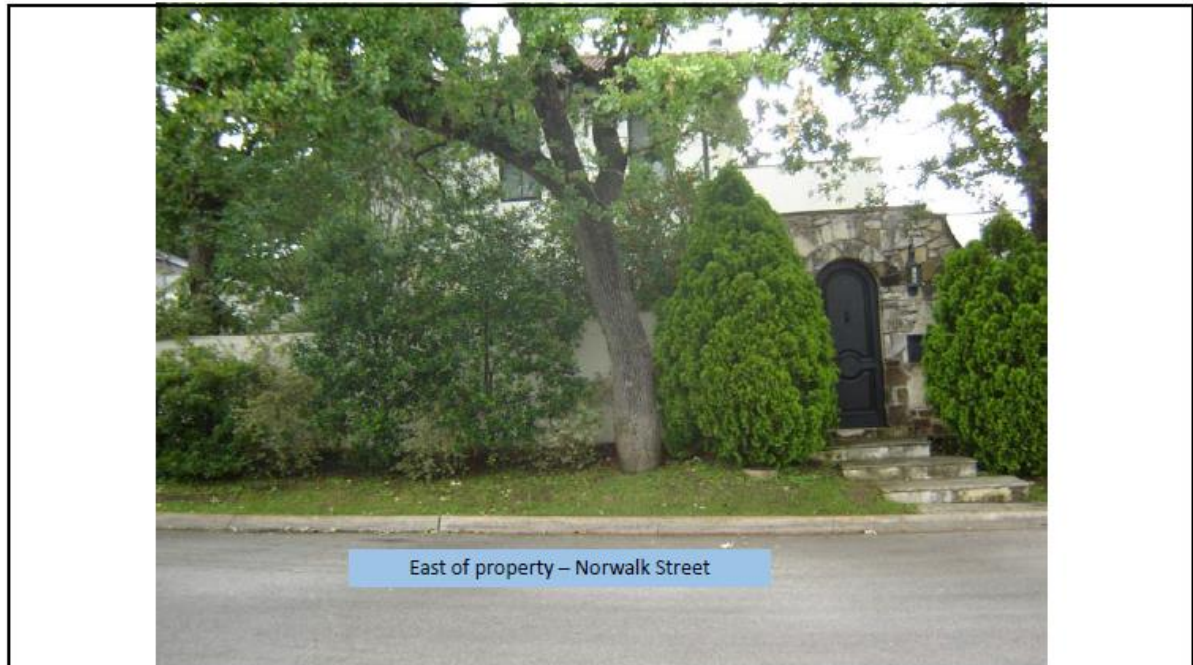




















## Applicant Criteria Worksheet Submitted by the Applicant

Provide this information with your plan amendment application.

**Taken From: Article 16: Neighborhood Plan Amendment Ordinance**

**§ 25-1-810 - RECOMMENDATION CRITERIA.**

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? X Yes    No

If there was a mapping error, explain here and provide documentation: It is our opinion, as professionals, that the Neighborhood Commercial FLUM category was inappropriately applied to this tract during the neighborhood planning process. Sound land-use planning supports a mix of residential and appropriately scaled commercial uses, especially at the periphery of a residential area or in an activity center/node. A small, local liquor store should be classified as neighborhood serving.

- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? X Yes    No

If this condition applies, explain here: The proposed amendment would allow more people to live in walking distance of commercial uses. Denial of the request will result in lost opportunity for adding residential uses which correlates to increased automobile dependence throughout the City.

- (3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application? X Yes    No

If yes, explain here: Since adoption of the Neighborhood plan and associated FLUM, the City, as is suffering from a shortage in the housing supply and affordability crisis. Creating opportunity for additional housing units is desired and should be accommodated wherever possible in order to meet the goals of the Strategic Housing Blueprint.

- (4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application?    Yes X No



If yes, explain here \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

or

(b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application? \_\_\_\_\_ Yes \_\_\_X\_\_\_ No

If yes, explain here \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary:

Land Use Objective 2 (pg. 42) supports preservation of neighborhood-serving commercial districts. The request will allow the preservation of an existing neighborhood serving, local business to remain and thrive as well as offer the opportunity for additional housing units in a true mixed-use form in the future.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>)*

or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? \_\_\_\_\_ Yes \_\_\_X\_\_\_ No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(C) The applicant must demonstrate that:

(1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property;

[https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LAD E](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LAD E)

An amendment for the Mixed-Use FLUM designation on the subject property will allow for zoning districts, where-by development can comply with the zoning district regulations outlined in the LDC. The land meets the lot size criteria as well as the ability to meet all other development regulations such as setback requirements, building cover and impervious cover limitations.

The Commercial-Liquor sales zoning district is intended for a liquor sales use, that which is proposed with the concurrent rezoning application.

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and

- (2) the proposed amendment is consistent with sound planning principles. (See attached)

# LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

<http://www.austintexas.gov/department/neighborhood-planning-resources>

Please **DESCRIBE** how your proposed plan amendment request will meet these principles. If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

**1. Ensure that the decision will not create an arbitrary development pattern;**

Provide your analysis here: The amendment is not arbitrary in that it is intended for the purposes of maintaining and growing an existing, local business.

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**2. Ensure an adequate and diverse supply of housing for all income levels;**

Provide your analysis here: The amendment will allow for a variety of residential types therefore creating diversity among housing types which also creates varying levels of affordability.

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**3. Minimize negative effects between incompatible land uses;**

Provide your analysis here: The mixed use FLUM Designation will minimize effects of incompatible land uses because it welcomes an opportunity for residential uses which mandates compatibility with other uses.

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**4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;**

Provide your analysis here: n/a

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**5. Discourage intense uses within or adjacent to residential areas;**

Provide your analysis here: The proposed amendment will encourage residential uses which are less intense than existing uses. The uses will never get more intense than what is existing today.

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**6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;**

Provide your analysis here: The businesses are existing. The FLUM amendment and rezoning will allow for an additional 2300 sq. ft. of liquor-sales use that will not negatively impact the neighborhood. Development will be required to comply with compatibility requirements to

protect neighborhoods near-by.

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**7. Minimize development in floodplains and environmentally sensitive areas;**

Provide your analysis here: n/a

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**8. Promote goals that provide additional environmental protection;**

Provide your analysis here: n/a

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**9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);**

Provide your analysis here: n/a

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**10. Ensure adequate transition between adjacent land uses and development intensities;**

Provide your analysis here: the mixed-use FLUM designation will provide greater flexibility in the potential to provide a transition from single-family to commercial uses. The mixed-use will provide an area where the two individual uses can intermingle in an appropriate and compatible way.

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**11. Protect and promote historically and culturally significant areas;**

Provide your analysis here: n/a

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**12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/departments/Imagine-Austin-Download-Center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)**

Provide your analysis here: The proposal offers the opportunity for compact, walkable places that are also adjacent to public transit. Further the amendment will provide the possibility for job creation and preserves existing uses that are under-represented in the neighborhood, west of MoPac. There are not a significant number businesses in this neighborhood. The proposal increases will have the potential to place people closer to transit options (bus).

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**13. Avoid creating undesirable precedents;**

Provide your analysis here: The requested FLUM amendment will provide an opportunity for a mix of uses which can lead to less car dependence and more pedestrian activity – all desirable things for our City.

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**14. Promote expansion of the economic base and create job opportunities;**

Provide your analysis here: The FLUM amendment will allow an expansion the existing liquor store – potential for increased sales and thus taxes as well as the opportunity for job creation be business expansion.

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**15. Ensure similar treatment of land use decisions on similar properties;**

Provide your analysis here: There are several instances of non-residential nodes interior to established neighborhoods that have mixed-use designations.

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**16. Balance individual property rights with community interests and goals;**

Provide your analysis here: The property has existing CS and CS-1 entitlements. The amendment will provide balance between strictly residential versus non-residential uses. This serves community interest in that it provides opportunities for services that are accessibly by alternative modes of transportation to the single occupant vehicle.

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**17. Consider infrastructure when making land use decisions;**

Provide your analysis here: The property is currently developed and will not add additional burden on the existing infrastructure. Any new development will potentially provide an opportunity for upgrades to infrastructure, if called for.

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**18. Promote development that serves the needs of a diverse population.**

Provide your analysis here: The amendment to the FLUM will allow opportunity for a diverse pool of uses at this location, including residential uses.

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