

**ZONING CHANGE REVIEW SHEET**CASE: C14-2020-0024DISTRICT: 10

Twin Liquors-Maudie's Rezoning

ZONING FROM: CS-1-NP, CS-NPTO: CS-1-NP, CS-NPADDRESS: 2604, 2608, 2610 West 7<sup>th</sup> StreetSITE AREA: Tract 1: (2,285 sq. ft.). Tract 2: (5327 sq. ft.)PROPERTY OWNER: TASC Properties LP  
(Tracy S. Livingston)AGENT: Thrower Design  
(A Ron Thrower)CASE MANAGER: Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov))STAFF RECOMMENDATION:

**The Staff recommendation is to grant general commercial services – neighborhood plan (CS-NP) combining district zoning on Tract 1 and commercial-liquor sales – neighborhood plan (CS-1-NP) combining district zoning on Tract 2.**

*For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 8, 2020: *APPROVED CS-NP DISTRICT ZONING (TRACT 1) AND CS-1-NP DISTRICT ZONING (TRACT 2) AS STAFF RECOMMENDED.*

*[A. AZHAR, J. THOMPSON-2<sup>ND</sup>] (8-2) C. LLANES PULIDO, J. SHIEH NAY; Y. FLORES, P. SEEGER – ABSENT; ONE VACANCY ON THE COMMISSION.*

CITY COUNCIL ACTION:**March 4, 2021:**

**February 4, 2021: *APPROVED POSTPONEMENT BY STAFF TO March 4, 2021***  
***VOTE 11-0***

(Weds) January 27, 2021: *APPROVED POSTPONEMENT BY STAFF TO February 4, 2021.*

*VOTE 10-0, COUNCIL MEMBER CASAR WAS OFF THE DAIS*

ORDINANCE NUMBER:

ISSUES:

Tenant space reconfiguration requires changing the location of CS-1 and CS zoning.

CASE MANAGER COMMENTS:

Location

The rezoning site is a small commercial block in West Austin, about a half block north of Lake Austin Blvd., a block east of the Lions Municipal “Muny” Golf Course, a half mile west of MoPac and three blocks south of O. Henry Middle School. The site is east of and across Newman Drive from the new Lake Austin HEB grocery store, currently under construction and expected to open in 2021.

Current Zoning

The one-story commercial building at 2608 West 7<sup>th</sup> Street, fronts on West 7<sup>th</sup> Street between Newman Drive and Norwalk Lane. The buildings have three tenants, from west to east: Maudie’s Café, Twin Liquors and the (former) Goodwill store. The base zoning is general commercial services – neighborhood plan (CS-NP) with footprint zoning for commercial-liquor sales – neighborhood plan (CS-1- NP) for the café and liquor store.

Requested Zoning

The tenant space is being reconfigured with expanded liquor sales area (Tract 2). In addition, part of the area currently zoned for liquor sales (Maudie’s kitchen) is not necessary. To minimize the request for the commercial-liquor sales zoning, the applicant proposes that some of the existing CS-1-NP zoning revert to CS-NP zoning (Tract 1).

Tract 1: 2,285 sq. ft. from CS-1-NP to CS-NP

Tract 2: 5,327 sq. ft. from CS-NP to CS-1-NP

Tract 1 is generally the west end of the building occupied by Maudie’s Café. Tract 2 is generally the west half of the building occupied by Goodwill. The requested zoning change results in an (irregular) “L” shape of CS-1-NP zoning generally at the middle of the building. (refer to exhibits). The net increase of CS-1-NP zoning is 3,042 sq. ft.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

CS-1 – **Commercial-Liquor Sales district** is intended predominately for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

The request is for CS-1-NP zoning for the area where liquor will be served or sold. The applicant requested the only zoning district that permits liquor sales greater than 51% of gross sales receipts. By requesting that the un-necessary CS-1-NP zoning to revert to CS-NP zoning, the applicant has minimized the amount of CS-1 zoning on the site.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

Owners of restaurants with liquor sales exceeding 50% gross sales receipts request CS-1 zoning routinely. In this case, the applicant has CS-1-NP zoning for the restaurant and liquor store and is expanding and reconfiguring the tenant spaces. The requested zoning would permit the existing businesses to modify their use of the building and for the liquor store to expand to meet demand.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS-1-NP, CS-NP	Commercial liquor sales, restaurant, retail
North	SF-3-NP	Detached residences
South	LR, SF-3	(Across W. 7 <sup>th</sup> St.) Convenience retail/gas, (Across Lake Austin Blvd) UT Brackenridge Tract with Field Laboratory, attached residential, Lady Bird Lake
East	SF-3	Detached residences
West	LO, P	Commercial retail (grocery), public golf course

NEIGHBORHOOD PLANNING AREA: West Austin Neighborhood Group.

## TRANSPORTATION

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]. Additional right-of-way may be required at the time of subdivision and/or site plan. The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W 7 <sup>th</sup> St	60'	35'	ASMP level 1	No	No	Yes
Norwalk St	50'	20'	ASMP level 1	No	No	Yes
Newman Dr	45'	30'	ASMP level 1	No	No	Yes

WATERSHED: Johnson Creek – Urban, maximum impervious cover 95%

OVERLAYS: ADU- Approximate Area Reduced Parking - Neighborhood Planning Areas: WEST AUSTIN NEIGHBORHOOD GROUP; Residential Design Standards: LDC/25-2-Subchapter F; Scenic Roadways Overlay: LAKE AUSTIN BOULEVARD

SCHOOLS: AISD

Casis Elementary

O. Henry Middle

Austin High

## NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Bike Austin

Central West Austin Neighborhood Plan Contact Team

Friends of Austin Neighborhoods

Neighborhood Empowerment Foundation

Preservation Austin

SEL Texas

Save Barton Creek Assn.

Sierra Club, Austin Regional Group

TNR BCP - Travis County Natural Resources

Tarrytown Alliance

Tarrytown Neighborhood Association

West Austin Neighborhood Group

**AREA CASE HISTORIES:**

Number	Request	Commission	City Council
C14-2010-052 West Austin Neighborhood Planning Area Rezoning	Rezone about 1,541 acres and add NP combining district and change base zoning on about 16.81 acres (13 tracts).	To grant	Apvd. 09/30/2010 Ord.# 20100930-037
C14H-2007-0031 Henry Colley House 718 Norwalk Lane	Rezone to family residence - historic (SF-3H).	HLC: to grant. PC: to grant.	Denied 02/14/2008
C14-06-0015 2311 Pruett St	Rezone from CS to SF-3	To grant	Apvd. 04/20/2020 Ord.# 20060420-077

**RELATED CASES:**

NPA-2019-0027.01, Neighborhood Plan Amendment, requested changing FLUM for entire ownership from Neighborhood Commercial to Mixed Use to accommodate CS-1 zoning. Neighborhood Planning staff supported request.

C14-2019-0043, Rezoning, requested CS-1 zoning be relocated on the site to match the relocated liquor store and also requested replacing the CS-1 zoning in the parking lot with CS zoning.

NPA-2020-0027.01, Neighborhood Plan Amendment, requests changing FLUM for entire ownership (whole block) from Neighborhood Commercial to Commercial to accommodate the requested CS-1 zoning. The staff supports the requested change.

**LEGAL DESCRIPTION**

A portion of Lots 1-5 Henry Collay Home Tract. See Field Notes.  
Deed: Document #2002191756

**OTHER STAFF COMMENTS:**

**ENVIRONMENTAL**

1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

### SITE PLAN

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. 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.
- SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

FYI: Additional design regulations will be enforced at the time of site plan submittal.

FYI: The property is included in an approved site plan (SP-2018-0445C) case.

### **COMPATIBILITY STANDARDS**

- SP4. The site is subject to compatibility standards due to proximity of SF-3-NP to the north, east, and south. The following standards apply:
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line. (use 540' radius)
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
  - For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
  - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

### **SCENIC ROADWAYS**

- SP5. This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at (512) 974-2941 for more information.

### **DEMOLITION AND HISTORIC RESOURCES**

- SP6. The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### **RESIDENTIAL DESIGN STANDARDS OVERLAY**

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

### **INDEX OF EXHIBITS TO FOLLOW**

Exhibit A: Zoning Map with Tracts 1 & 2

Exhibit B: Aerial Map

Exhibit C: Map showing Tracts 1 & 2

Exhibit D: Proposed Zoning District Boundary for CS-1-NP when complete  
Correspondence



89-0053 P

EXPOSITION BLVD

SF-3-NP  
SP-90-0144

SF-3-NP

75-076

LO

SUPERMARKET

TRACT 1

C14-2018-0433 CS-1-NP

C14-60-028

C14-0019-0043 CS-NP

14-6-157

LR

TRACT 2

LAKE AUSTIN BLVD

SF-3




SP95-0294C SF-3

SP-94-0348C

SF-3

SF-3



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2020-0024

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.

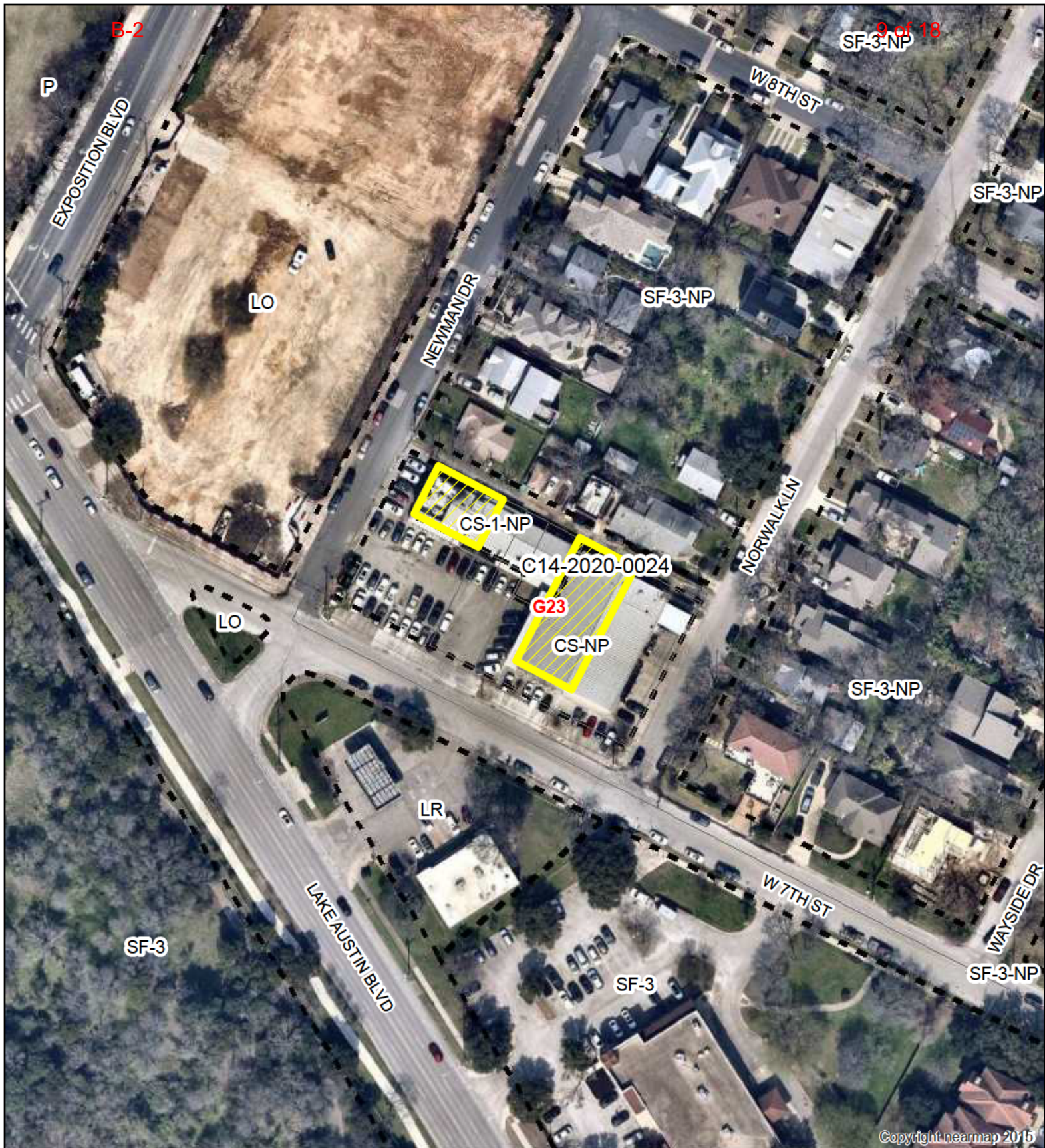
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 3/4/2020

1" = 200'

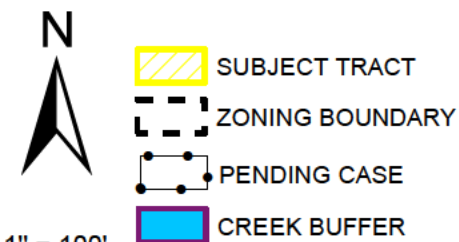




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### Twin Liquors-Maudies Rezoning

ZONING CASE#: C14-2020-0024  
 LOCATION: 2608 W. 7th St.  
 SUBJECT AREA: 0.174 ACRES  
 GRID: G23  
 MANAGER: MARK GRAHAM



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 Aus in regarding specific accuracy or completeness.



Exhibit C: Map with proposed changes

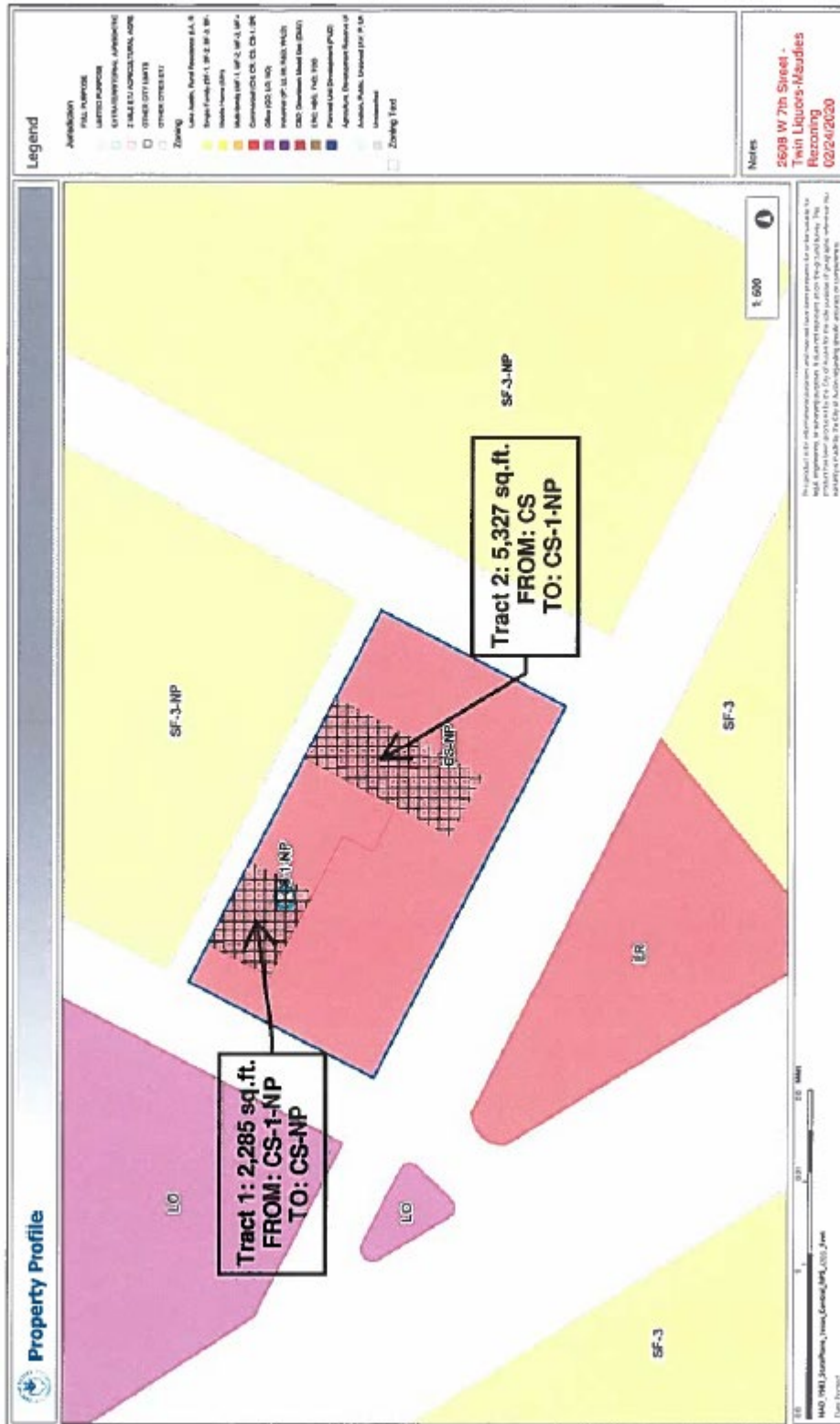


Exhibit D: Proposed zoning when complete

Proposed new zoning district  
boundary for CS-1-NP.



**Graham, Mark**

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**From:** Blake Tollett [REDACTED]  
**Sent:** Sunday, March 22, 2020 3:43 PM  
**To:** Graham, Mark  
**Subject:** C14-2020-0024; 2608 W 7th Street

\*\*\* External Email - Exercise Caution \*\*\*

Good Morning City of Austin:

West Austin Neighborhood Group (WANG) would like to listed as an Interested Party in the above referenced application for rezoning (C14-2020-0024; 2608 W 7th Street). The neighborhood association contact will be:

Blake Tollett, Zoning  
West Austin Neighborhood Group  
PO Box 5722  
Austin, Texas 78763  
[Zoning@WestAustinNG.com](mailto:Zoning@WestAustinNG.com)

Our concern in the matter is general in that we will be a point of contact for the neighborhood.

Thank you for your attention to this.

Blake Tollett, Zoning  
West Austin Neighborhood Group

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**From:** [Meredith, Maureen](#)  
**To:** [Carol Hickey](#)  
**Cc:** [Graham, Mark](#)  
**Subject:** RE: Amendment Request in Deep Eddy  
**Date:** Monday, September 28, 2020 11:58:45 AM

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Carol:

Thank you for your comments. We will add them to the staff case reports.

Maureen

-----Original Message-----

From: Carol Hickey [REDACTED]  
Sent: Thursday, September 24, 2020 10:31 AM  
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
Subject: Amendment Request in Deep Eddy

\*\*\* External Email - Exercise Caution \*\*\*

Maureen,

We are not able to support the traffic we have now on 7th and on Lake Austin Blvd. I think small scale retail would be welcome here except they would need to provide parking or widen 7th St. We just don't have the ability to park business' on that street. Once the HEB is completed, we will see how much additional traffic we are dealing with. My guess is that it will be too much.

So, please add my name to those who oppose the change of use.

Carol Hickey  
2413 W. 9th St.  
78703

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**From:** [Mike Cannatti](#)  
**To:** [Meredith, Maureen](#)  
**Cc:** [Graham, Mark](#); [Victoria](#); [Ron Thrower](#); ["Blake Tollett"](#); ["Roya Johnson"](#); ["Brady Pedneau"](#); ["mark nixon"](#); ["August W. Harris III"](#); ["Diane Umstead"](#); ["Tina Weinberger"](#); [REDACTED]; ["Michael Curry"](#); ["Joyce Basciano"](#); ["Tomas Pantin"](#); ["Teddy Kinney"](#)  
**Subject:** RE: CWACNPCT Rec: NPA-2020-0027.01\_Twin Liquors-Maudies  
**Date:** Tuesday, December 1, 2020 9:09:54 PM  
**Attachments:** [CWANPCT Letter to City Staff Concerning 2608 W 7th Street \(Nov. 29, 2020\).pdf](#)

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\*\*\* External Email - Exercise Caution \*\*\*

Greetings Maureen,

In connection with our October 26 virtual community meeting to discuss the proposed amendments to our Future Land Use Map (FLUM) for 2608 W. 7th St, I am writing on behalf of the Central West Austin Neighborhood Plan Contact Team (NPCT) 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) and that the zoning change to CS-1-NP be granted (to allow the proposed uses for the Maudie's and Twin Liquor businesses).

As detailed in the attached letter, we realize that this recommendation results in a tension between the existing FLUM and underlying zoning, but we approve of this result because the requested FLUM amendment is unnecessary and is not supported by the City Code requirements for the reasons detailed in the letter. More importantly, this tension has been in place since our neighborhood plan was first created by City Council, and was confirmed by City Council at the most recent request to rezone this property last year. In our view, any disconnect between the existing "neighborhood commercial" FLUM designation and the proposed CS-1-NP zoning is something the neighborhood plan can tolerate far more readily than the changing the FLUM to "Commercial" FLUM without the required showing under the City Code.

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 "Commercial."

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” at this specific location.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti

Chair, Central West Austin Neighborhood Plan Contact Team

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**From:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Sent:** Monday, November 23, 2020 3:19 PM

**To:** [REDACTED]

[REDACTED]

[REDACTED]

**Cc:** Graham, Mark <Mark.Graham@austintexas.gov>; Victoria <Victoria@throwerdesign.com>; Ron Thrower <rnt@throwerdesign.com>

**Subject:** CWAC NPCT Rec: NPA-2020-0027.01\_Twin Liquors-Maudies

Dear Central West Austin Combined NPCT:

This NPA case and the associated zoning case C14-2020-0024 is scheduled for the December 8, 2020 Planning Commission hearing. If you'd like your team's letter of recommendation added to the staff case reports, please send it to me and Mark Graham by **4:30 pm on Tuesday, December 1, 2020**. If we get it after that date and time and will be submitted as late back-up to the Planning Commissioners.

Thanks.

*Maureen*

Maureen Meredith, Senior Planner

City of Austin, Housing & Planning Dept.

Mailing Address: P.O. Box 1088 (78767)

Physical Address: 505 Barton Springs Rd, 5<sup>th</sup> Floor

Austin, Texas 78704

Phone: (512) 974-2695

[Maureen.meredith@austintexas.gov](mailto:Maureen.meredith@austintexas.gov)

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**From:** [Graham, Mark](#)  
**To:** [Sara Madera](#)  
**Subject:** RE: Public Hearing 1/27/21 Twin Liquors, Maude's NPA-2020-0027.01, C14-2020-0024  
**Date:** Thursday, January 21, 2021 3:45:00 PM

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Hi Sara,  
Thanks for sharing your view on the cases. Your comment will be forwarded to the City Council in the backup material.  
Regards,  
Mark Graham, Case Manager  
[Mark.graham@austintexas.gov](mailto:Mark.graham@austintexas.gov)  
512-974-3574

---

**From:** Sara Madera [REDACTED] >  
**Sent:** Thursday, January 21, 2021 3:23 PM  
**To:** Graham, Mark <[Mark.Graham@austintexas.gov](mailto:Mark.Graham@austintexas.gov)>  
**Subject:** Public Hearing 1/27/21 Twin Liquors, Maude's NPA-2020-0027.01, C14-2020-0024

\*\*\* External Email - Exercise Caution \*\*\*

The FLUM for this site should remain Neighborhood Commercial because it is adjacent to the Deep Eddy neighborhood. The FLUM should not be changed to Commercial.

**Sara Madera**  
ABR,CNE,CRS,EPRO,GREEN,GRI,SRES,Broker  
Platinum Top 50 Finalist 2012, 2013 - Lic. 338902  
**Stanberry REALTORS®** Austin,TX  
<http://SaraMadera.com>  
[Sara@SaraMadera.com](mailto:Sara@SaraMadera.com)  
512-469-0894 home office  
**512-750-5536** mobile

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RE: Central West NPCT Letter



Meredith, Maureen  
To: Graham, Mark

You forwarded this message on 12/1/2020 4:09 PM.

Here's the section. It sounds like they are OK with the CS-1 zoning, but they don't want the FLUM change to Commercial. They want it to stay Neighborhood Commercial.

Pursuant to LDC § 25-1-804(B)(3)(b), the Central West Austin Neighborhood Plan Contact Team (CWANPCT) conditionally agrees that the owner of 2608 West 7<sup>th</sup> Street and any agent or representative thereof ("Applicant") may file a single neighborhood plan (NP) amendment application outside of the filing window provided by § 25-1-804(B)(3) to request a Commercial future land use map designation for the property, provided that Applicant hereby agrees to support retaining the existing Neighborhood Commercial FLUM designation for the property before the Planning Commission and City Council in the event that the CWANPCT supports the commercial CS-1 zoning requested, per zoning case # C14-2020-0024, by Applicant for the property. The Applicant will provide a letter addressed to both the Planning Commission and Council supporting retention of the existing Neighborhood Commercial FLUM.

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**From:** Graham, Mark

**Sent:** Tuesday, December 01, 2020 4:01 PM

**To:** Meredith, Maureen <[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)>

**Subject:** RE: Central West NPCT Letter

Maureen,

So, if I understand it, they want the FLUM to show Neighborhood Commercial but are willing to accept (not oppose) the applicant request in this case?

Mark

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2020-0024**

**Contact: Mark Graham, 512-974-3574**

**Public Hearing: February 23<sup>rd</sup>, 2021, Planning Commission;  
March 4<sup>th</sup>, 2021, City Council**

*John Mackno*

Your Name (please print)

*2502 W. 7<sup>th</sup> Street, Austin, Texas*

Your address(es) affected by this application

*John Mackno*

Signature

☐ I am in favor  
☒ I object

*2/15/21*

Date

Daytime Telephone: *512 - 784-3878*

Comments: \_\_\_\_\_

\_\_\_\_\_  
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If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

**Mark Graham**

P. O. Box 1088, Austin, TX 78767

Or email to:

[mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov)