

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0007 – Sunrise Mini Mart Rezoning DISTRICT: 3

ZONING FROM: CS and LR TO: CS-1

ADDRESS: 913-915 W. Oltorf Street

SITE AREA: 3,420 square feet

PROPERTY OWNER:
11800 Metric Inc (Abdul K Patel)

AGENT:
Land Answers, Inc (Jim Wittliff)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. The conditional overlay is to limit the maximum square footage (SF) of liquor sales use to 1,800 SF and prohibiting a set of land uses. For a summary of the basis of staff's recommendation, see page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 9, 2021 Scheduled for Planning Commission

February 23, 2021 Planning Commission meeting was canceled.

CITY COUNCIL ACTION:

March 25, 2021 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition to this rezoning case. For all written and emailed communication, please see *Exhibit C: Correspondence Received*.

The Galindo Neighborhood Association and the applicant have come to an agreement on this rezoning case. The portions of their agreement that can be included in an ordinance through a conditional overlay are limiting the maximum square footage allowed for liquor sales use and prohibiting a set of land uses. The other items listed in the neighborhood's letter would have to

be included in a private agreement and cannot be included in the conditional overlay or within a public restrictive covenant.

Staff recommends the following be included in a conditional overlay:

- Limiting the maximum square footage of liquor sales use to 1,800 square feet; and
- Prohibiting the following land uses: adult oriented businesses, cocktail lounge, pawn shop services, and limited warehousing and distribution.

CASE MANAGER COMMENTS:

The area being requested to be rezoned is at the southeast intersection of W. Oltorf Street and S. 5th Street. It is approximately 3,420 square feet which is the existing building’s footprint on this property. The property is currently zoned a combination of CS and LR zoning. If the rezoning request was approved, the building footprint would be rezoned, and the remainder of the property would be mostly zoned LR. Adjacent to the east of this property is a tract zoned LO and to the south is a tract zoned MF-4. Across S. 5th Street to the west are SF-3 zoned properties and across W. Oltorf Street to the north are properties zoned GR-MU-CO-NP, please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

The applicant is requesting CS-1 base zoning to allow for liquor sales within their convenience store.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought. Rezoning should not contribute to the over zoning of the area.*

One of the main purposes of the CS-1 base zoning district is to allow for the liquor sales use. Rezoning the requested area to CS-1 but limiting the maximum square footage of liquor sales would be consistent with the purpose of the district sought and allow for the use onsite while not contributing to over zoning of this base district.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	CS and LR	Laundry services and general retail sales (convenience)
North	GR-MU-CO-NP	Multifamily
South	MF-4	Multifamily
East	LO	Administrative and business offices
West	SF-3	Single-family

NEIGHBORHOOD PLANNING AREA: Galindo NP Area

TIA: The TIA shall be required at the time of site plan if triggered per LDC 25-6-113.

WATERSHED: West Bouldin Creek (urban)

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards and Selected Sign Ordinances

SCHOOLS: Dawson Elementary, Lively Middle and Travis High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Galindo Elementary Neighborhood Assn.
Austin Lost and Found Pets	Homeless Neighborhood Association
Austin Neighborhoods Council	Meadowbrook Neighborhood Association
Bike Austin	Neighborhood Empowerment Foundation
Bouldin Creek Neighborhood Association	Perry Grid 614
Bouldin Creek Neighborhood Planning Team	Preservation Austin
Friends of Austin Neighborhoods	SELTexas
Galindo Area Patriotic People's Porch	Sierra Club, Austin Regional Group
	South Central Coalition

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2017-0026/ NPA-2017-0013.01 Bouldin Creek Neighborhood Plan Garage Placement Zoning	To add LDC 25-2-1604 garage placement to NP area to be allowed on eligible properties.	Approved adding garage placement design tool to a single family residential, duplex residential or a two-family residential use.	Case was indefinitely postponed by staff on September 17, 2017.

Number	Request	Commission	City Council
C14-02-0031 Bouldin Creek Neighborhood Plan	To propose zoning change(s) to create a Neighborhood Plan Combining District (NPCD) covering a specified area.	Approved staff rec w/ additional request for staff to work with planning team to legitimize current use of 607 Dawson Rd. and develop site restrictions for Tract 24.	Approved adding “NP” to eligible base zoning district and rezoning some base districts in the NP area. (5/23/2002)

RELATED CASES:

There are no related cases to this rezoning case.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
W Oltorf Street	81'	38'	Level 3	Yes	Shared Lane	Yes
S 5th Street	53'	28'	Level 2	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the southeast corner of W. Oltorf Street and S. 5th Street on a property that has an existing laundromat/convenience store. The property is not located within the boundaries of a neighborhood planning area with an adopted plan. Surrounding land uses include an apartment complex to the north; to the south are residential uses; to the east is an apartment building; and to west is a condo complex and single-family houses. The proposal is to use the existing building as a convenience store/liquor store, which requires CS-1 district zoning.

Connectivity

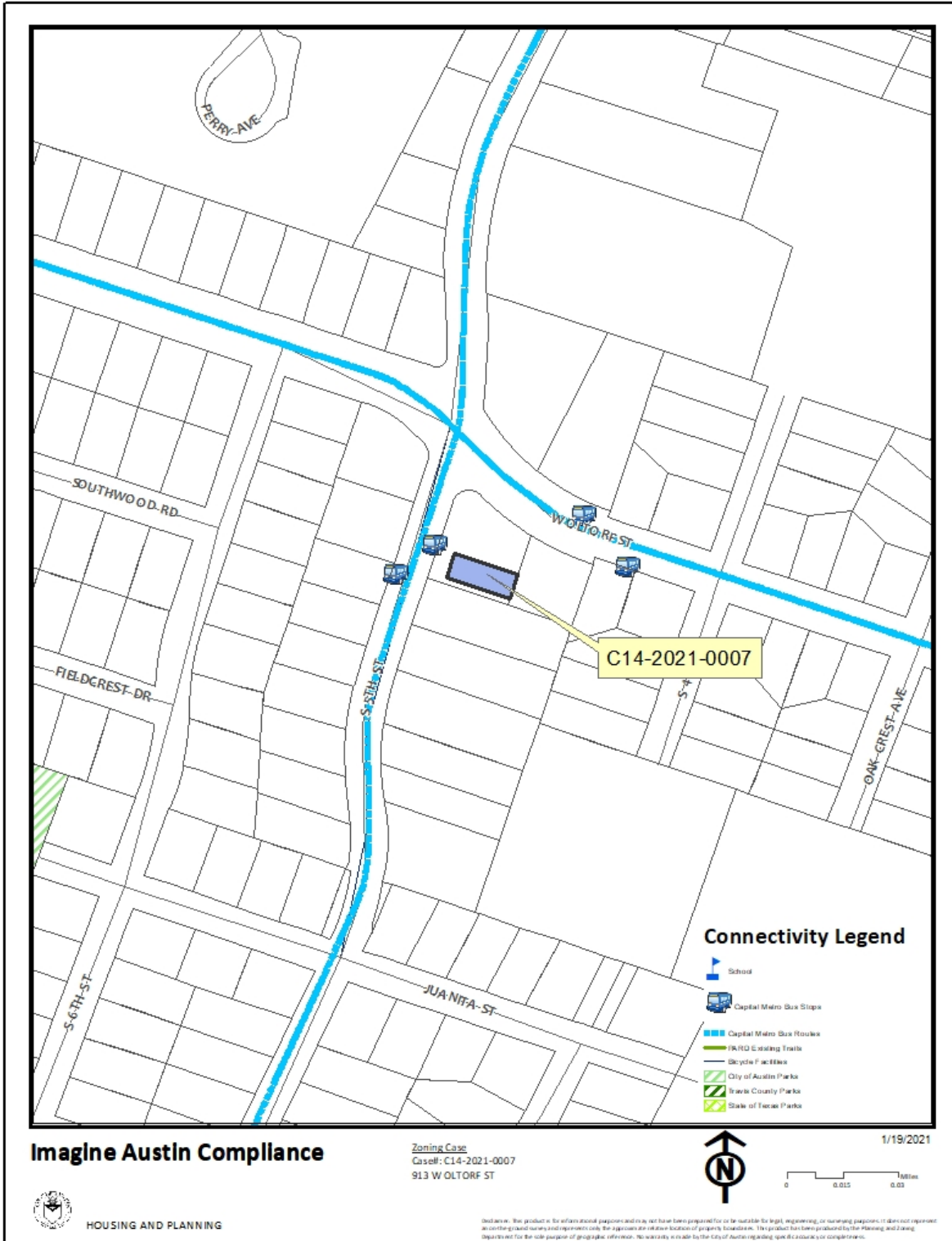
There are public sidewalks located along South 5th Street and West Oltorf Street. A public transit stop is located directly in front of the property. Mobility options are average while connectivity options are fair.

Imagine Austin

The property is not located near an Activity Center or Activity Corridor. The following IACP policies are also relevant to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the property already being an established commercial use in an area lacking a variety of walkable goods and services, and the site being located along a major arterial corridor, the proposed rezoning supports the policies of the Imagine Austin Comprehensive Plan.



Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin 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.
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 square feet cumulative is exceeded, and on-site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PARD Review

- PR1. There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for CS-1, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

Site Plan

- SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP2. The site is subject to compatibility standards. Along the west property line, the following standards apply:
- a. No structure may be built within 25 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - d. No parking or driveways are allowed within 25 feet of the property line.

- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP3. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 60 feet of right-of-way for S 5th Street. It is recommended that 30 feet of right-of-way from the existing centerline should be dedicated for S 5th St according to the Transportation with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

AW1. 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.

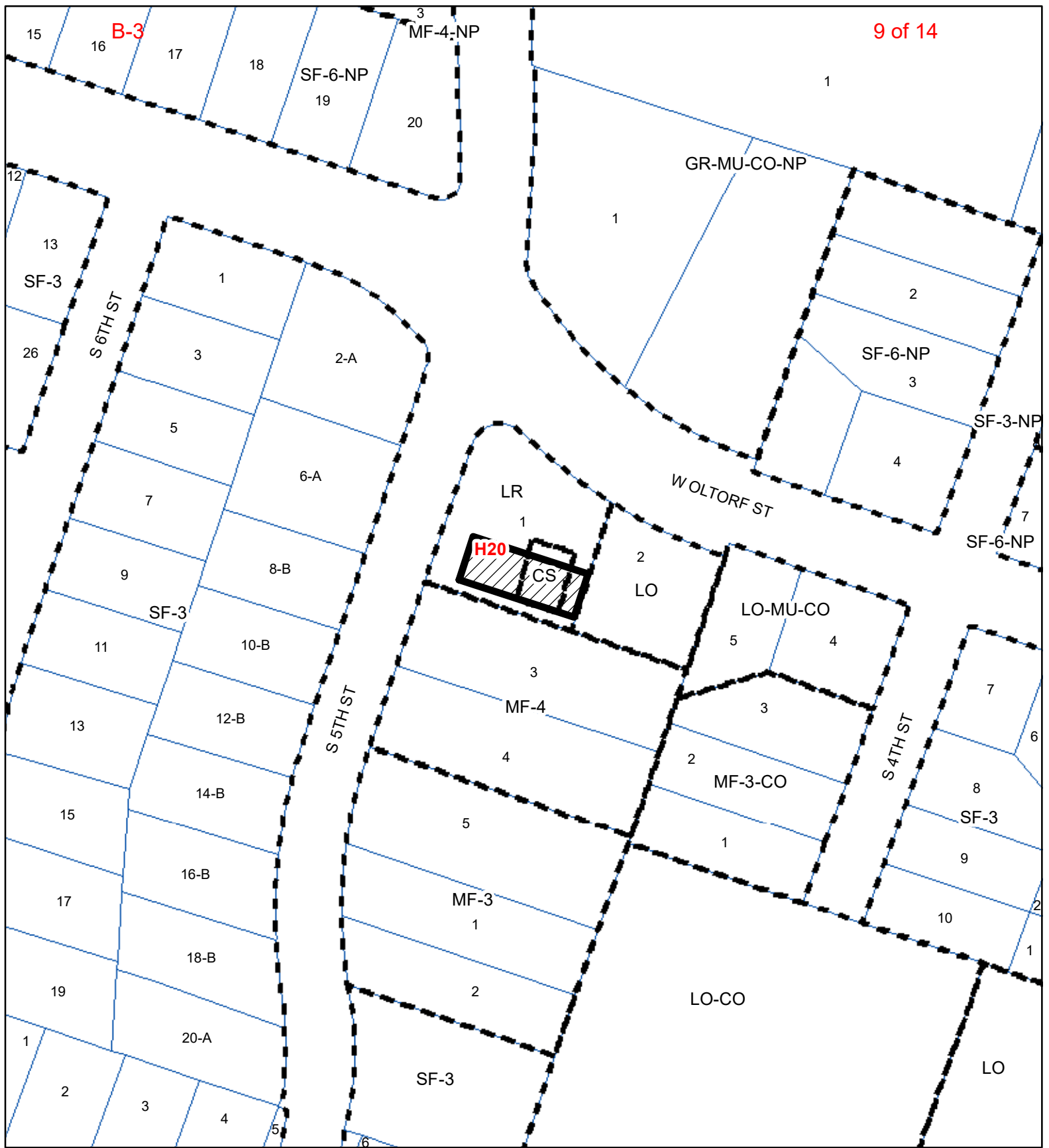
INDEX OF EXHIBITS TO FOLLOW





Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

B-3



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1" = 100'

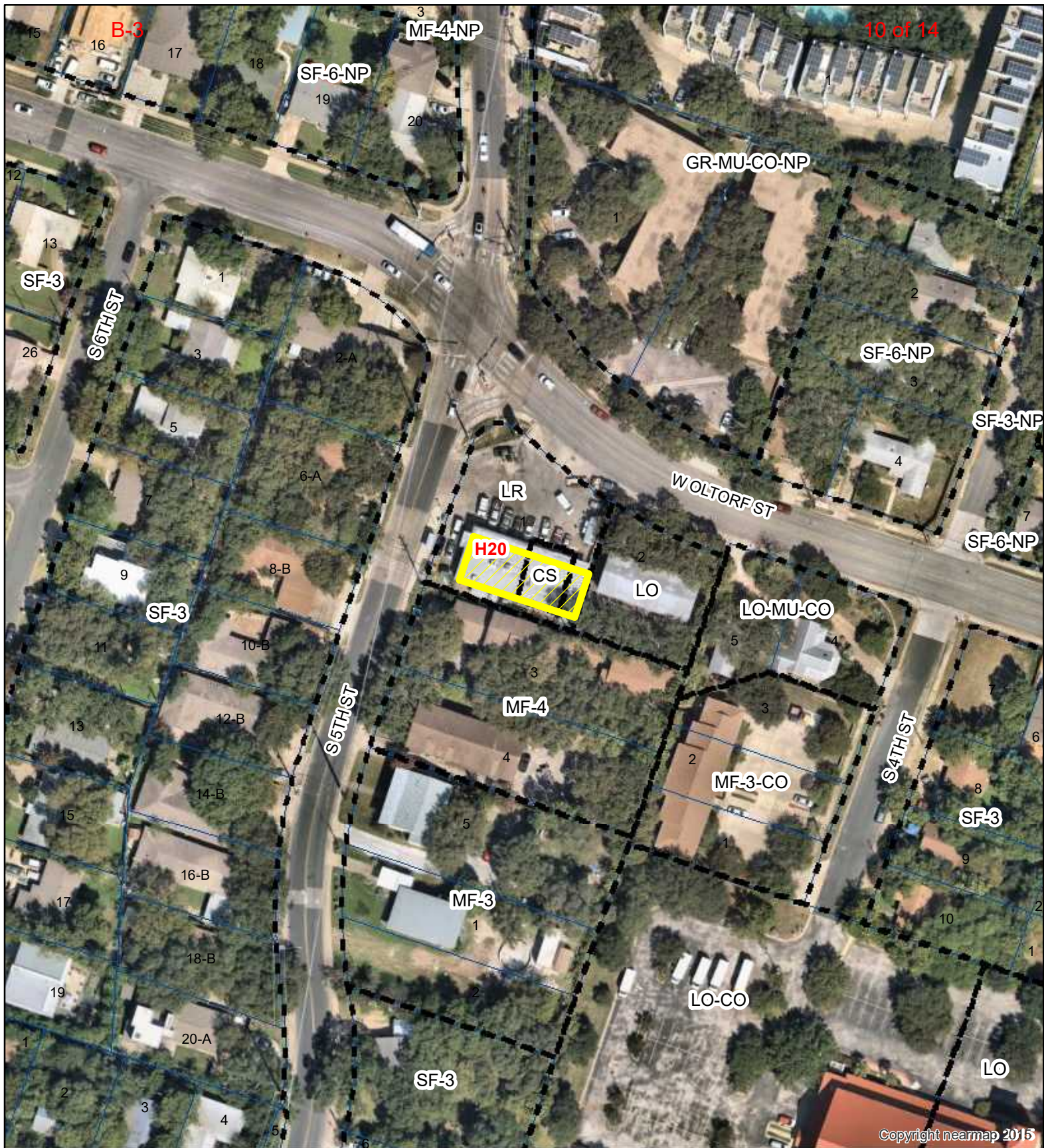
Sunrise Mini Mart

ZONING CASE#: C14-2021-0007
 LOCATION: 913-915 W Oltorf St
 SUBJECT AREA: 0.079 ACRES
 GRID: H20
 MANAGER: KATE CLARK

Exhibit A



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 100'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

Sunrise Mini Mart

ZONING CASE#: C14-2021-0007
 LOCATION: 913-915 W Oltorf St
 SUBJECT AREA: 0.079 ACRES
 GRID: H20
 MANAGER: KATE CLARK

Exhibit B



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PO Box 41232 Austin, TX 78704

December 9, 2020

To whom it may concern,

The Galindo Neighborhood Association had a Zoom meeting with Jim Witliff of Land Answers on November 23, 2020 to review the proposed zoning change request at 915 W Oltorf St. from LR, CS to CS-1-CO for the purpose of a liquor store with the following conditions:

Based on that meeting, it is the Association's understanding that:

- The maximum size of the liquor store will be 1,800 square feet. The liquor store is originally proposed to be located on the eastern 40% of the building, where the existing laundromat is located.
In 2-5 years, the existing building will either be demolished and replaced with a larger L-shaped building, or the existing building will be remodeled and expanded into an L-shape. At that time, the liquor store will be relocated to the western side of the building.
- Liquor store hours of operation will be Monday through Saturday, 10 am to 9 pm.
- No cocktail lounge, pawn shop, and limited warehousing & distribution.
- Gas pumps to be removed at the time of remodel/expansion.

The Galindo Neighborhood has no objection to the project as described above.

Sincerely,

A handwritten signature in black ink that reads "Marshall Davis".

Marshall Davis, President
Galindo Elementary Neighborhood Assn.



Clark, Kate

From: Steve Wave
Sent: Sunday, February 21, 2021 8:37 PM
To: Clark, Kate
Cc: ann.teich@austintexas.gov; [REDACTED]
Subject: Case Number C14-2021-0007 rezoning comments

*** External Email - Exercise Caution ***

Kate Clark planning commission and whom it may concern,

I am the owner of a property on s 5th nearby and I am writing a letter of concern regarding a zoning change request.

The applicant , Abdul Patel dba 11800 Metric Blvd Inc is requesting to eliminate the laundrymat and replace it with a liquor store. I am concerned that this would result in an unreasonable burden to the adjacent community for a few reasons:

1. The surrounding community is home to a few schools, several large scale affordable public housing projects, and a number of makeshift indigent camps nearby. Providing a liquor store at this vicinity would result in an increase in foot traffic and crime and alcohol related problems/incidents from people who may be more susceptible to alcoholism.

2. The laundry mat currently provides the public including many of these people who are homeless as well as youth who are visiting the associated sunrise mini mart and food truck a public restroom that is typically open during the same hours as the mini mart as they are required to do by code. A liquor store would provide a less reliable place to defecate and the neighbors will likely experience an uptick in public urination and defecation in the yards of property owners as a result of the mini mart having no restroom available to individuals who are underage or attempting to use the restroom after 9:00 or on Sunday. The mini mart could overcome this objection by upgrading its facilities to include a restroom available on a stand alone basis prior to the removal of the laundry facility. There is a fairly high volume of traffic to the sunrise minimart even without a liquor store and the absence of a restroom would be a huge disgusting problem.

3. There is a school which may be too close for a liquor store I believe it is within 400 ft of the catholic school/church. The southwood annex plat map shows 350 ft approximately.

4. The laundry facility is needed by many members of the community.

Stephen Fabian

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Clark, Kate

From: Steve Wave
Sent: Thursday, February 25, 2021 12:48 PM
To: Clark, Kate
Subject: Re: Case Number C14-2021-0007 rezoning comments

*** External Email - Exercise Caution ***

Ok thanks,

I looked at the southwood annex plat and I think that from the corner of lot 1 of the southwood annex to the se corner of the church/school property is about 230-235 ft based on the plat map. I believe the apartment on 4th is a project for people living with autism as well. There are a lot of minors who go through and hang out at the store.

My main concern is the bathroom and an uptick in alcohol incidents. There have been a lot of incidents from aggressive homeless individuals who break into private homes already. And I can not really see a circumstance where selling liquor there is a great idea for the public.

I think the sunrise minimart is unfortunately operating without a bathroom already because they closed the laundromat last week. And they do a fairly brisk volume of sales including wine/beer. I would say that when I have washed my clothes there, approximately 20-40 people use the restroom an hour, so that's a lot of potentially unsanitized waste. The closest public restroom otherwise would be the heb or the library at mary, and most people will probably not walk that far.

I think they are a mostly well run store, but the lack of a restroom is problematic because it will lead to their clients going outside en masse. They make a whole lot of money off of that location, and a public restroom obligation seems like a fair trade off.

I think that whole block would make a great candidate for a public housing project, most of the apartments are aging out and two tracts have sold within the last couple of years.

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Clark, Kate

From: Shannon Haddon
Sent: Saturday, February 27, 2021 11:19 AM
To: Clark, Kate
Subject: Case number: C14-2021-0007

*** External Email - Exercise Caution ***

Good day,

I received the Public Hearing Notice for the CS-1 zoning change for 913-915 W. Oltorf St.

I would like to state that I object to this proposed change. Currently this store services the neighborhood, however, by the very visible neighborhood trash that is generated by the customers walking away from this location, large beer cans/ bottles and cigarette butts litter the streets and sidewalks. I have witnessed many verbal altercations outside this store at the bus stop (often between intoxicated or high individuals) and our neighborhood is often tagged with graffiti and store litter.

Having liquor so easily available (near a church, park and rec center as well as our neighborhood) is a very big concern of mine. I often pick up trash along S.5th between W. Oltorf and Live Oak... I can attest that the litter that this store has generated is concerning. There are many residents from the Meadowbrook apartments that walk to this store to purchase beer and tobacco. Their complex is often littered with broken bottles, cigarette and cigar litter, unsafe for children and pets. With the increased offering of liquor, there will most likely be an increase in the verbal and sometimes physical altercations on display on the store property as well as throughout the neighborhood streets.

Please register my opposition for this zone change.

Shannon Haddon
2301 S. 5th #3
Austin Texas 78704

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