

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0024

Twin Liquors-Maudie's Rezoning

DISTRICT: 10

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

TO: CS-1-NP, CS-NP

ADDRESS: 2604, 2608, 2610 West 7th Street

SITE 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)

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:

March 9, 2021: ***APPROVED CS-NP DISTRICT ZONING (TRACT 1) AND CS-1-NP DISTRICT ZONING (TRACT 2) AS STAFF RECOMMENDED.***

[P. HOWARD, P. SEEGER -2ND] (10-0) C. HEMPEL -ABSENT; TWO VACANCIES ON THE COMMISSION.

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-2ND] (8-2) C. LLANES PULIDO, J. SHIEH NAY; Y. FLORES, P. SEEGER – ABSENT; ONE VACANCY ON THE COMMISSION.

CITY COUNCIL ACTION:

March 25, 2021:

**March 4, 2021: *APPROVED POSTPONEMENT BY STAFF TO March 25, 2021*
*VOTE 10-0, MAYOR PRO TEM HARPER-MADISON - OFF DAIS***

**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:

Renotification was required in order to capture additional property addresses associated with the rezoning area.

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 “Mun” 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 7th Street, fronts on West 7th 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 th 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 th 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

LIONS MUNICIPAL GOLF COURSE

89-0053 P

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

SF-3-NP

75-076

LO

SUPERMARKET

NURSERY

C14-2010-0052

SF-3-NP

SF-3-NP

TRACT 1

C14-2010-0043 CS-1-NP

14-67

C14-601-28

C14-0019-0043

CS-NP

14-67-157

LR

TRACT 2

83-203

SF-3

PRUETT ST

SF-3-NP

W 7TH ST

SP95-0294C SF-3

SP-94-0348C

SF-3

SF-3

ZONING

Exhibit A

ZONING CASE#: C14-2020-0024



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

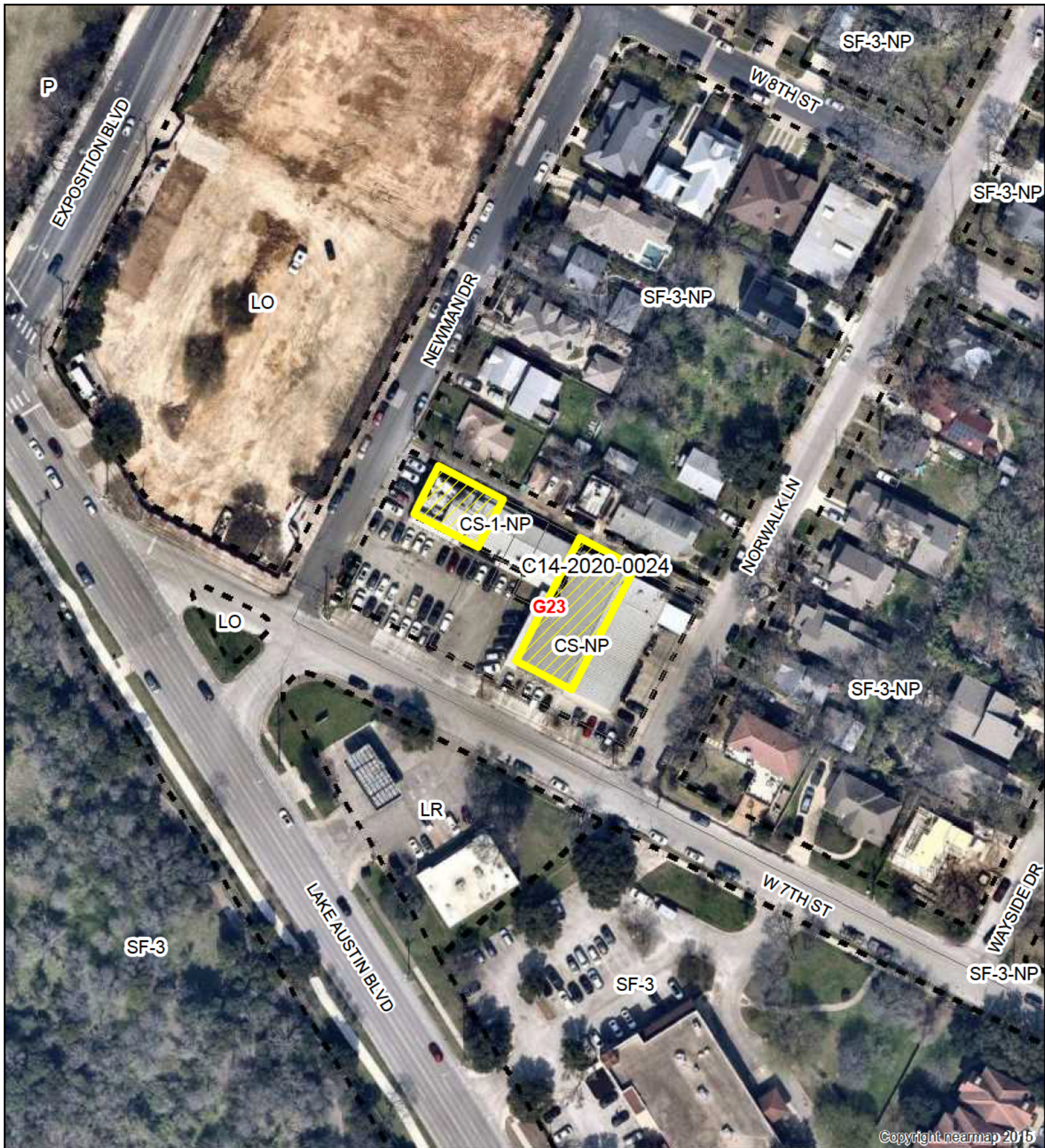
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 3/4/2020



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Twin Liquors-Maudies Rezoning

Exhibit B

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



1" = 100'

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

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 D: Proposed zoning when complete

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



Graham, Mark

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
[REDACTED]

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

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](#)

*** 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

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 [REDACTED]; Ron Thrower [REDACTED]

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, 5th Floor

Austin, Texas 78704

Phone: (512) 974-2695

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

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
512-974-3574

From: Sara Madera [REDACTED] >
Sent: Thursday, January 21, 2021 3:23 PM
To: Graham, Mark <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>
[REDACTED]
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 7th 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.

From: Graham, Mark

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

To: Meredith, Maureen <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