

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0116 – SOCO Coffee and Art Garden DISTRICT: 2

ADDRESS: 5604 South Congress Avenue

ZONING FROM: CS-MU-CO-NP

ZONING TO: CS-1-MU-CO-NP

TOTAL SITE AREA: 0.290 acres (approximately 12,624 square feet)

PROPERTY OWNER: CMG Partnership, Ltd.
(Dean Goodnight)

AGENT: Thomas Bailey

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial-liquor sales – mixed use – conditional overlay – neighborhood plan (CS-1-MU-CO-NP) combining district zoning. The Conditional Overlay prohibits Automotive sales, Automotive washing (of any type), and Pawn shop services. For a summary of the basis of Staff's recommendation, see pages 2-3.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 10, 2023:

CITY COUNCIL ACTION:

February 9, 2023:

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area contains a mobile food vending truck, adjacent covered seating area and surface parking area, and is part of a larger tract (0.548 acres / 23,851 sf) that has direct access to South Congress Avenue and Sandra Street. The rezoning area is a portion of Tract 207 within the Sweetbriar neighborhood plan approved by Council in August 2005, and has general commercial services mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) district zoning. The conditional overlay prohibits Automotive sales, Automotive washing (of any type) and Pawn shop services, and applies to several to other tracts along South Congress as well.

There is a liquor store and a warehouse storing liquor for sale to the north (CS-1-MU-CO-NP), a service station with convenience store, a barber shop, general retail sales, and automotive sales across South Congress to the east (CS-MU-CO-NP; GR-MU-CO-NP), a single family residence at the corner of South Congress and Sandra Street, and a lawn service and supply store, and office across Sandra Street to the south (GR-MU-CO-NP), and warehouses including one that stores liquor to the west (CS-1-MU-CO-NP; CS-MU-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to rezone a 12,624 square foot area within the larger tract to the commercial-liquor sales – mixed use – conditional overlay – neighborhood plan (CS-1-MU-CO-NP) district. The Applicant does not propose to change the existing Conditional Overlay that was established by the Sweetbriar Plan. The intent of the rezoning is to repurpose the area for an all-day coffee-to-serve / work / food / music / arts / cocktails / garden space. The rezoning area would include a cocktail lounge with mobile food vending, game area, pavilion, stage and lawns, as shown in ***Exhibit B (Preliminary Site Layout)***. Service of onsite alcoholic beverages will be provided to the areas described above, which necessitates zoning for a cocktail lounge use. As information, a conditional use permit (CUP) for the cocktail lounge will also be required prior to establishing the use. The CUP is a type of site plan application that requires review by the Planning Commission.

The land use character of this segment of South Congress Avenue is predominantly commercial and Staff believes the zoning request is appropriate in terms of its location on an established mobility corridor (the Orange Line).

As information, the closest residence is located on a portion of the south property line at the intersection of South Congress and Sandra Street and there is a child care facility approximately 280 feet to the southwest (as measured from the southwest corner of the larger tract to the northeast corner of the lot on which the child care is located), along the south side of Sandra Street (SF-3-NP). City Code and the Texas Alcoholic Beverage Code prohibit liquor sales use within 300 feet of a church, public school, public hospital, day care or child care facility, and the proposed rezoning area does not meet this requirement. If CS-1 base district zoning is approved, a variance from this requirement would still be required as part of the approval of the conditional use permit site plan application [LDC 25-5-146(B) (*Conditions of Approval*)].

BASIS OF RECOMMENDATION:

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

The commercial - liquor sales (CS-1) zoning district is intended 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 mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The Conditional Overlay (-CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable

use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The property fronts on South Congress Avenue, an arterial and established mobility corridor.

2. *The proposed zoning should allow for a reasonable use of the property.*
3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

Staff recommends CS-1-MU-CO-NP zoning given its location on an arterial road and adjacency to commercially zoned properties in all directions. The land use character of this segment of South Congress Avenue is predominantly commercial and Staff believes the rezoning request is appropriate in terms of its location on an arterial roadway and mobility corridor. CS-1-MU-CO-NP zoning would permit a broad set of commercial uses, including the intended cocktail lounge. The set of prohibited uses established by the Sweetbriar Neighborhood Plan would be continued because these uses have historically been overrepresented in this area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP	Food truck and covered patio area; Surface parking area
<i>North</i>	CS-1-MU-CO-NP	Liquor sales; Warehouse for liquor sales
<i>South</i>	CS-MU-CO-NP GR-MU-CO-NP	Single family residence; General retail sales; Office
<i>East</i>	CS-MU-CO-NP; GR-MU-CO-NP	Service station; Food sales; Personal Services; General retail sales; Automotive sales
<i>West</i>	CS-1-MU-CO-NP; CS-MU-CO-NP	Warehouse for liquor sales; Warehouses; A few single family residences; Child care facility

NEIGHBORHOOD PLANNING AREA: South Congress Combined (Sweetbriar)

TRAFFIC IMPACT ANALYSIS: Is not required WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Pleasant Hill Elementary School Bedichek Middle School Crockett High School

COMMUNITY REGISTRY LIST:

9 – Battle Bend Springs Homeowners Association 511 – Austin Neighborhoods Council
 627 – Onion Creek HOA 742 – Austin Independent School District
 1173 – South Congress Combined Neighborhood Plan Contact Team

1228 – Sierra Group, Austin Regional Group
 1363 – SEL Texas
 1424 – Preservation Austin
 1531 – South Austin Neighborhood Association (SANA)
 1550 – Homeless Neighborhood Association
 1616 – Neighborhood Empowerment Foundation
 1429 – Go Austin Vamos Austin 78745
 1530 – Friends of Austin Neighborhoods
 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0018 – 117 Sandra Street	SF-3-NP to GO-MU-CO-NP	To Grant GO-MU-CO-NP w/CO: 1) limits the uses to off-site accessory parking and all SF-3 uses, 2) requires gating of a driveway that serves a commercial use and provides vehicular access to Sandra St; 3) requires a solid fence along the west property line, and 4) requires that outside lighting on the south side of the property be directed away from the adjoining residences in SF-3-NP zoned areas.	Apvd GO-MU-CO-NP as Commission recommended (6-24- 2010).
C14-05-0105 – Sweetbriar NP Rezoning – 301 W Stassney Ln (Tract 203)	SF-6-CO to GO-MU-CO-NP	To Grant	Approved GO-MU-CO-NP w/CO prohibiting access to Glen Meadow Dr, and limiting to 17 u.p.a. (8-18-2005).
C14-05-0105 – Sweetbriar NP Rezoning – 201 W Stassney Ln (Tract 205)	GR; MF-3 to CS-MU-CO-NP	To Grant	Approved CS-MU-CO-NP w/CO prohibiting auto sales and washing, and pawn shop services (8-18-2005).
C14-05-0105 – Sweetbriar NP Rezoning – 107 and 119 W Stassney Ln	CS-1 to CS-1-MU-CO-NP	To Grant	Approved CS-1-MU-CO-NP w/CO prohibiting auto sales and washing, and pawn shop services

(Tract 206)			(8-18-2005).
C14-05-0105 – Sweetbriar NP Rezoning – 5700 and 5708 S Congress Ave (Tract 209)	CS; GR to GR-MU-CO-NP	To Grant	Approved GR-MU-CO-NP w/CO prohibiting auto sales and washing, and pawn shop services (8-18-2005).
C14-02-0107 – Stassney Condominiums – 301 West Stassney Ln	NO-CO to SF-6	To Grant SF-6-CO	Approved SF-6-CO w/CO prohibiting access to Glen Meadow Dr, and limiting density to 36 units (12 u.p.a) (10-10-2002)

RELATED CASES:

The subject property is located within the boundaries of the South Congress Combined (Sweetbriar) Neighborhood Planning Area (NP-04-0019). The property is designated as a portion of Tract 207, and the SF-3 and CS base districts were rezoned to the CS-MU-CO-NP district. The Conditional Overlay prohibits Automotive sales, Automotive washing (of any type) and Pawn shop services (C14-05-0105 – Ordinance No. 20050818-Z002). As part of the Sweetbriar Neighborhood Plan Rezoning, the neighborhood mixed use building and the neighborhood urban center special uses were approved for Tract 207 (25-2-1502 through 25-2-1504 and 25-2-1521 through 25-2-1524, respectively).

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Congress Avenue	Level 3	195'	147'	88'	Yes	Shared Lane	Yes
Sandra Street	Level 1	64'	50'	26'	Yes	N/A	Yes

ADDITIONAL STAFF COMMENTS:

Inclusive Planning

Project Name and Proposed Use: SOCO Coffee and Art Garden with alcohol sales. Mixed Use FLUM. Sweetbriar NP Area

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: Along South Congress Activity Corridor and 175 ft. from the Stassney Lane Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education: Located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
6	Total Number of "Yes's"

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

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

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

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.

Impervious Cover

Within the Williamson Creek watershed, the maximum impervious cover allowed by the CS-1 zoning district is 80% (90% with transfers), which is based on the zoning regulations.

PARD – Planning & Design Review

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for a restaurant use, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision. However, City Council is currently proposing the creation of parkland dedication requirements for commercial uses at the time of site plan and subdivision, which may become applicable to this project in the future.

Site Plan

NIGHTCLUBS / COCKTAIL LOUNGES

A cocktail lounge use is conditionally permitted in the CS-1 zoning district. A conditional use site plan will be required for a proposed cocktail lounge. Compliance with the Restaurant and Cocktail Lounge provisions in § 25-2-808 and 25-5-146 (*Conditions of Approval*) is required.

FYI – If over half of the income of the proposed establishment is to be derived from the sale of alcoholic beverages, a conditional use site plan would be required in order to permit the resulting Cocktail Lounge use.

FYI – A person may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of a church, public school, or public hospital except as provided by the Texas Alcoholic Beverage Code (§ 4-9-4).

FYI – A permit or license holder under Chapters 25 (*Wine and Beer Retailer's Permit*), 28 (*Mixed Beverage Permit*), 32 (*Private Club Registration Permit*), 69 (*Retail Dealer's On-Premise License*), or 74 (*Brewpub License*) of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate may not sell or engage in the business of selling an alcoholic beverage at a place of business located within 300 feet of a day-care center or child-care facility except as provided by the Texas Alcoholic Beverage Code (4-9-4).

Please show all uses within 200 feet and within 300 feet of the property lines to support the conditional use determination by land use commission.

Define area of cocktail lounge by shaded area on site plan. Refer to certified field notes and define boundaries of CS-1 zoning footprint.

FYI: A cocktail lounge must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless:

- The lounge is within an enclosed shopping center; or,
- The Land Use Commission grants a variance from this requirement when the Land Use Commission approves the conditional use permit site plan application [LDC 25-5-146(B) (*Conditions of Approval*)].

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

This site is subject to the Compatibility Standards in § 25-2-769 (*Corridor Overlay*) due to the adjacent single family residence at the corner of South Congress Avenue and Sandra Street. A late-hours permit associated with the cocktail lounge use would be expressly prohibited without a waiver of the Compatibility Standards from the Land Use Commission.

This site is located in the Sweetbriar Neighborhood Plan. Please see the City's [Neighborhood Plans and Resources webpage](#) for a copy of the recommended design guidelines.

Austin Transportation Department – Engineering Review

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.

The parking space ratio for a cocktail lounge use is as follows:

- 1 space for every 100 square feet if the cocktail lounge is less than 2,500 sf;
- 1 space for every 50 square feet if the cocktail lounge is between 2,500 and 10,000 sf (as info, the existing two-story building is 4,060 sf (2,030 sf on each floor))
- 1 space for every 25 square feet if the cocktail lounge is over 10,000 square feet

The Austin Strategic Mobility Plan (ASMP) calls for 195 feet of right-of-way for South Congress Avenue. It is recommended that 97.5 feet of right-of-way from the existing centerline should be dedicated for South Congress Avenue according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 64 feet of right-of-way for Sandra Street. It is recommended that 32 feet of right-of-way from the existing centerline should be dedicated for Sandra Street according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

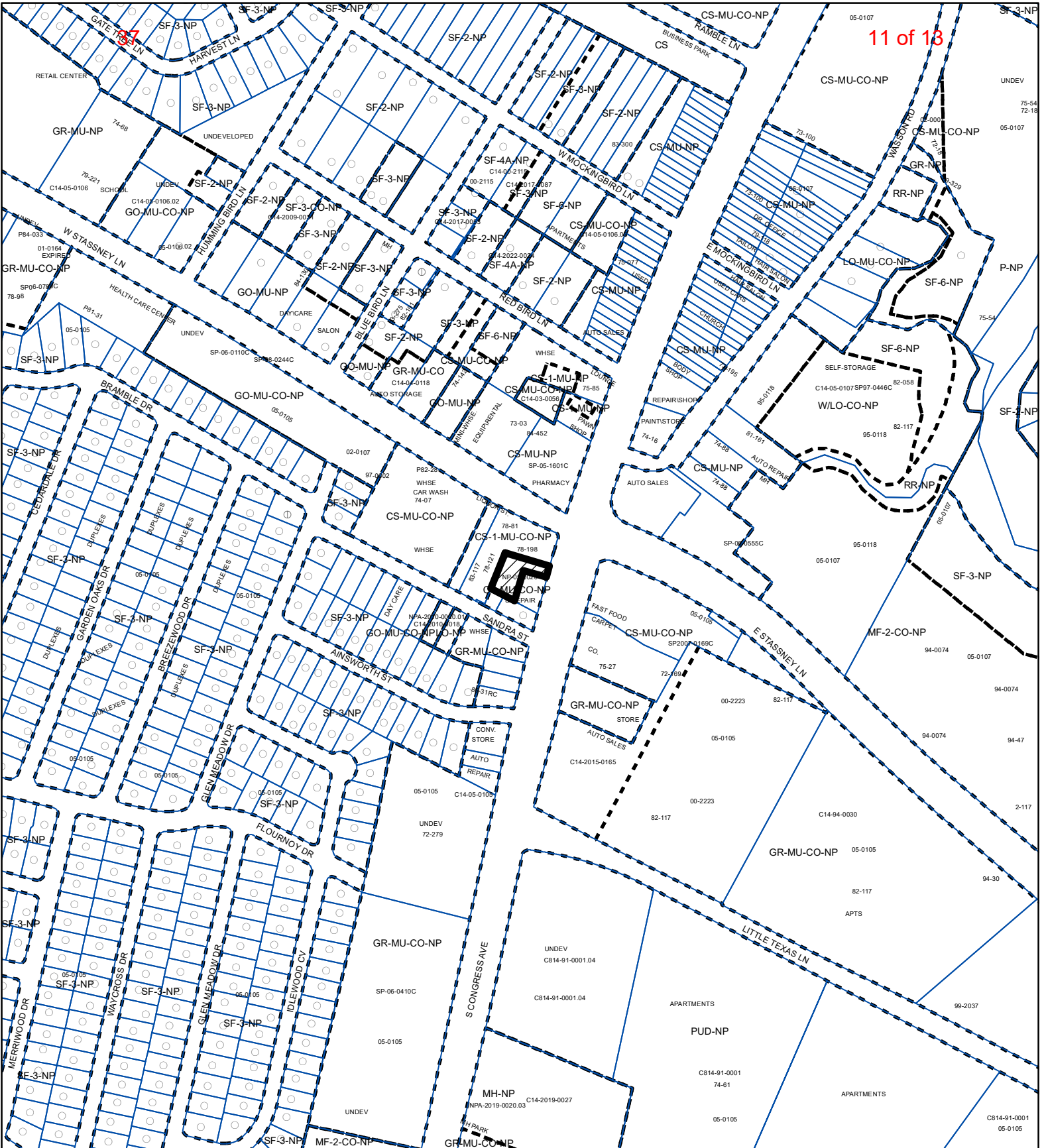
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Exhibit B: Preliminary Site Layout

Correspondence Received



ZONING

Exhibit A

ZONING CASE#: C14-2022-0116



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

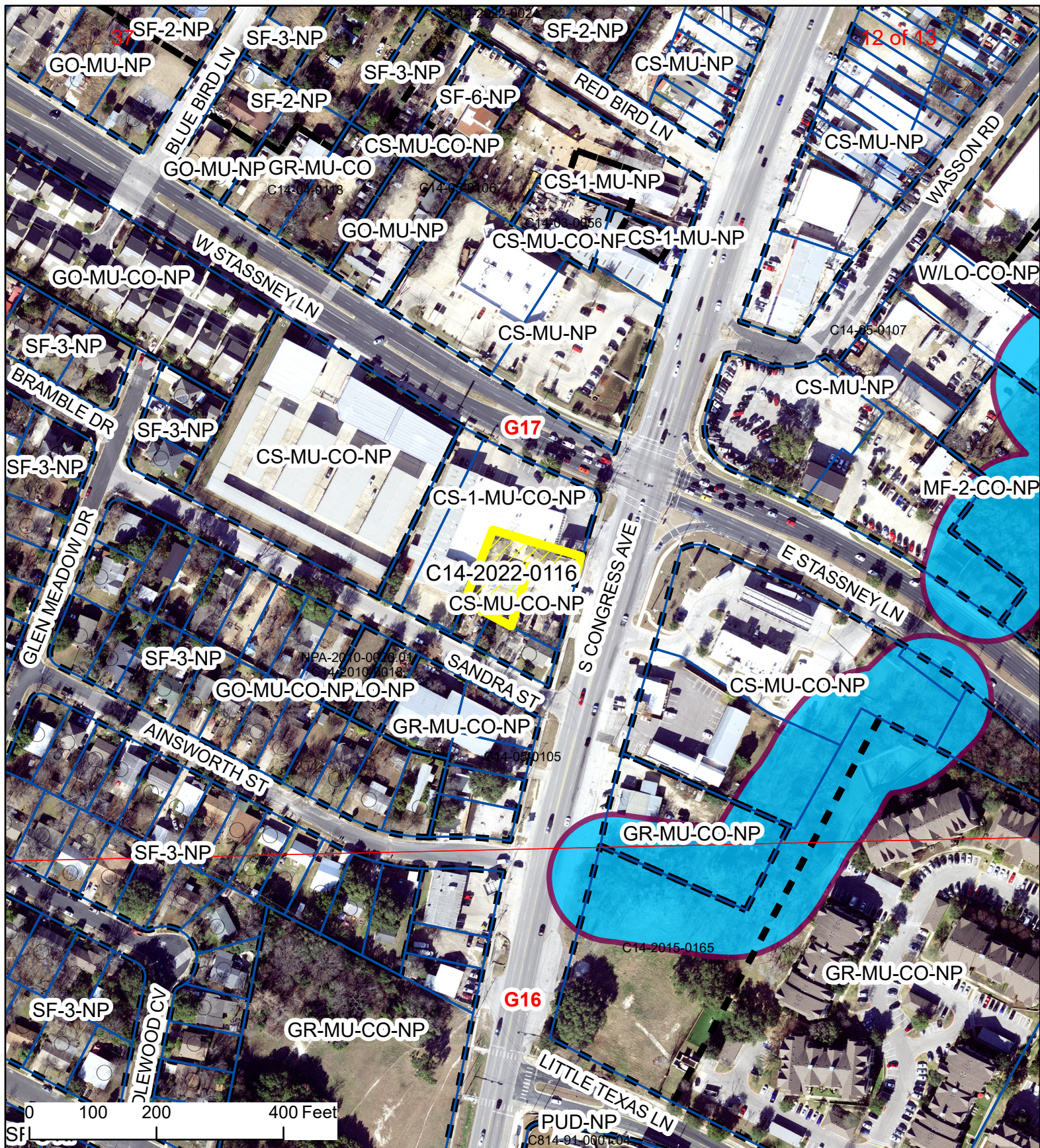
1" = 400'

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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SOCO Coffee and Art Garden

Exhibit A - 1



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

ZONING CASE#: C14-2022-0116
 LOCATION: 5604 South Congress Avenue
 SUBJECT AREA: 0.54 Acres
 GRID: G17
 MANAGER: Wendy Rhoades



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Created: 12/7/2022



AREA CALCULATIONS
Phase One: 4,825 ft²
Indoor:
 Bar: 640 ft²
 Upper Level: 320 ft²
 Restrooms: 240 ft²
 Storage: 80 ft²
Outdoor:
 Pavilion: 1,200 ft²
 Patio 1+2: 620 ft²
 Game area: 725 ft²
 Food Truck Pad: 1,000 ft²
Phase Two:
 Bourbon Shack: 225 ft²
 Lawn (1): 2,750 ft²
 Lawn (2): 790 ft²
 Stage: 300 ft²

Parking Required: assumed 1:100
 Phase One = +/- 35 - 40
 Phase Two = +/- 76 - 82

Parking Available: 39 - 41
 On Site: 24 spots
 Liquor Store Back: 15-17 spots



Pavilion seating



Interactive seating against wall



Entrance from parking lot



Site View

