

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0089

DISTRICT: 3

ZONING FROM: CS-MU-NP

ZONING TO: CS-1

*CS-1-CO-NP see Issues section

ADDRESS: 4619 South Congress Avenue

SITE AREA: 0.064 acres
(2,800 sq. ft.)

PROPERTY OWNER: Sultan and Rozina Momin

AGENT: Prolific Commercial Realty (Robert Santos)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district.

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 12, 2023: *APPROVED THE APPLICANTS REQUEST FOR COMMERCIAL LIQUOR SALES - CONDITIONAL OVERLAY - NEIGHBORHOOD PLAN (CS-1-CO-NP) COMBINED DISTRICT ZONING.*

[F. MAXWELL; A. AZHAR – 2ND] (11-0) P. HOWARD AND N. BARRERA-RAMIREZ – ABSENT

CITY COUNCIL ACTION:

January 18, 2024:

ORDINANCE NUMBER:

ISSUES:

The applicant submitted their application without the neighborhood plan zoning annotation initially. The applicant amended their request for CS-1 to CS-1-CO-NP on October 30, 2023. ***Please refer to Exhibit C (Applicants Amended Request Letter)***

CASE MANAGER COMMENTS:

The property in question is 0.064 acres (2,800 sq. ft.) that is developed, has access to South Congress Avenue (level 3) and Sheraton Avenue (level 2), is within 0.25 miles of a transit stop, and is currently zoned general commercial services-mixed use-neighborhood plan (CS-MU-NP). To the north there is

general commercial/automotive services and construction (CS-MU-CO-NP, CS-MU-V-CO-NP and CS-MU-NP), to the south there is a park and automotive services (P-CO-NP and CS-MU-NP), to the east there is a building under construction (CS-MU-V-CO-NP), and to the west there is a restaurant and a motel (CS-1-MU-CO-NP and CS-MU-CO-NP). ***Please refer to Exhibits A (Zoning Map) and Exhibit B (Aerial Exhibit).***

The staff is recommending the applicant's request for a footprint of commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combined district zoning as it is consistent with the zonings to the west of the property. Staff has added a conditional overlay (CO) prohibiting adult oriented businesses to be consistent with the surrounding CS zonings. The applicant is in agreement with this conditional overlay and is seeking rezoning to allow for a bar/cocktail lounge.

BASIS OF RECOMMENDATION:

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

The commercial-liquor sales (CS-1) 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 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.

2. *Zoning should allow for reasonable use of the property.*

Staff recommends the applicant's request because the proposed site meets the intent of the CS-1 district. CS-1 zoning will allow for commercial uses including liquor sales, that will provide for additional services in this are. This rezoning will be consistent with that of an established parcel to the west of the property which is CS-1-MU-CO-NP. The site under consideration fronts onto a major arterial roadway and is located within a designated activity corridor (South Congress Avenue Activity Corridor). This property has access to varying modes of transportation as there is a capital Metro bus stop located withing 0.25 miles.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-NP	Restaurant
<i>North</i>	CS-MU-CO-NP CS-MU-V-CO-NP CS-MU-NP	Automotive Services and Storage Facilities Building Under Construction Automotive Services
<i>South</i>	P-CO-NP CS-MU-NP	Park Automotive Services
<i>East</i>	CS-MU-V-CO-NP	Building Under Construction
<i>West</i>	CS-1-MU-CO-NP CS-MU-CO-NP	Restaurant Motel

NEIGHBORHOOD PLANNING AREA: East Congress Neighborhood PlanWATERSHED: Williamson CreekCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS: Austin Independent School District

Galindo Elementary School

Bedichek Middle School

Travis High School

COMMUNITY REGISTRY LIST:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

Friends of Austin Neighborhoods

Go Austin Vamos Austin 78745

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

Onion Creek Homeowners Assoc.

Preservation Austin

SEL Texas

Sierra Club

Austin Regional Group

South Austin Neighborhood Alliance

(SANA)

South Congress Combined Neighborhood

Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0106	West Congress Neighborhood Plan & Associated Rezoning: LI, CS, CS-CO, SF-3 to CS-MU-CO-NP	To Grant West Congress Neighborhood Plan and Associated rezoning to CS-MU-CO-NP (07/26/2005)	Approved West Congress Neighborhood Plan and Associated rezoning to CS-MU-CO-NP as Planning Commission Recommended (08/18/2005)
C14-05-0107	East Congress Neighborhood Plan	To Grant East Congress Neighborhood Plan (07/26/2005)	Approved East Congress Neighborhood Plan as Planning Commission Recommended with the exception for the Pleasant Hill Subdistrict (08/18/2005)
C14-2017-0132	CS-MU-NP;CS-MU0CO-NP to CS-MU-V-NP	To Grant CS-MU-V-CO-NP the CO prohibiting automotive sales, automotive washing, and pawn shop services as well as limiting development to 2,000 trips per day (02/27/2018)	Approved CS-MU-V-CO-NP as Planning Commission Recommended (06/14/2018)
C14-2016-0097	CS-MU-CO-NP to CS-MU-V-NP	To Grant CS-MU-V-NP with additional conditions: to provide 10% rental units at 60% median family income with a unit mix reflecting the makeup of the units as the rest of the development, all amenities will be available to the residents of the affordable units, and incorporating the conditions in the list of conditions from the October 19th south congress combined neighborhood plan contact team meeting, to the extent possible. (01/10/2017)	Approved CS-MU-V-CO-NP as Planning Commission Recommended (03/23/2017)

RELATED CASES:

There are no related cases.

ADDITIONAL STAFF COMMENTS:Comprehensive Planning:

Project Name and Proposed Use: 4619 S. Congress Ave. C14-2023-0089. CS-MU-NP to CS-1-NP for one suite in the strip shopping center. South Congress Combined Neighborhood Plan (East Congress). FLUM: Mixed Use. Restaurant to Bar/Lounge. July 31, 2023

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. Names of Activity Centers/Activity Corridors/Job Centers: South Congress Avenue 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.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	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 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.
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	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 a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
5	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.

Fire:

There are no comments.

PARD – Planning & Design Review:

Parkland dedication requirements may not apply to commercial/non-residential uses *after* January 1, 2024. Any site plan or subdivision application submitted *prior* to January 1, 2024 for a new commercial use may be required to pay parkland dedication fees.

Site Plan:

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 ft. or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations, per § 25-2-1051.

If demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits at the appropriate stage of the development process. The City Historic Preservation Office will review all proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

This site is located in the East Congress 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:

The Austin Strategic Mobility Plan (ASMP) calls for 150 feet of right-of-way for South Congress Avenue. It is recommended that 75 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 84 feet of right-of-way for Sheraton Avenue. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Sheraton Avenue according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

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	150'	100'	69'	Yes	Yes	Yes
Sheraton Avenue	Level 2	84'	70'	41'	Yes	Yes	Yes

TIA:

A TIA is not required.

Austin Water Utility:

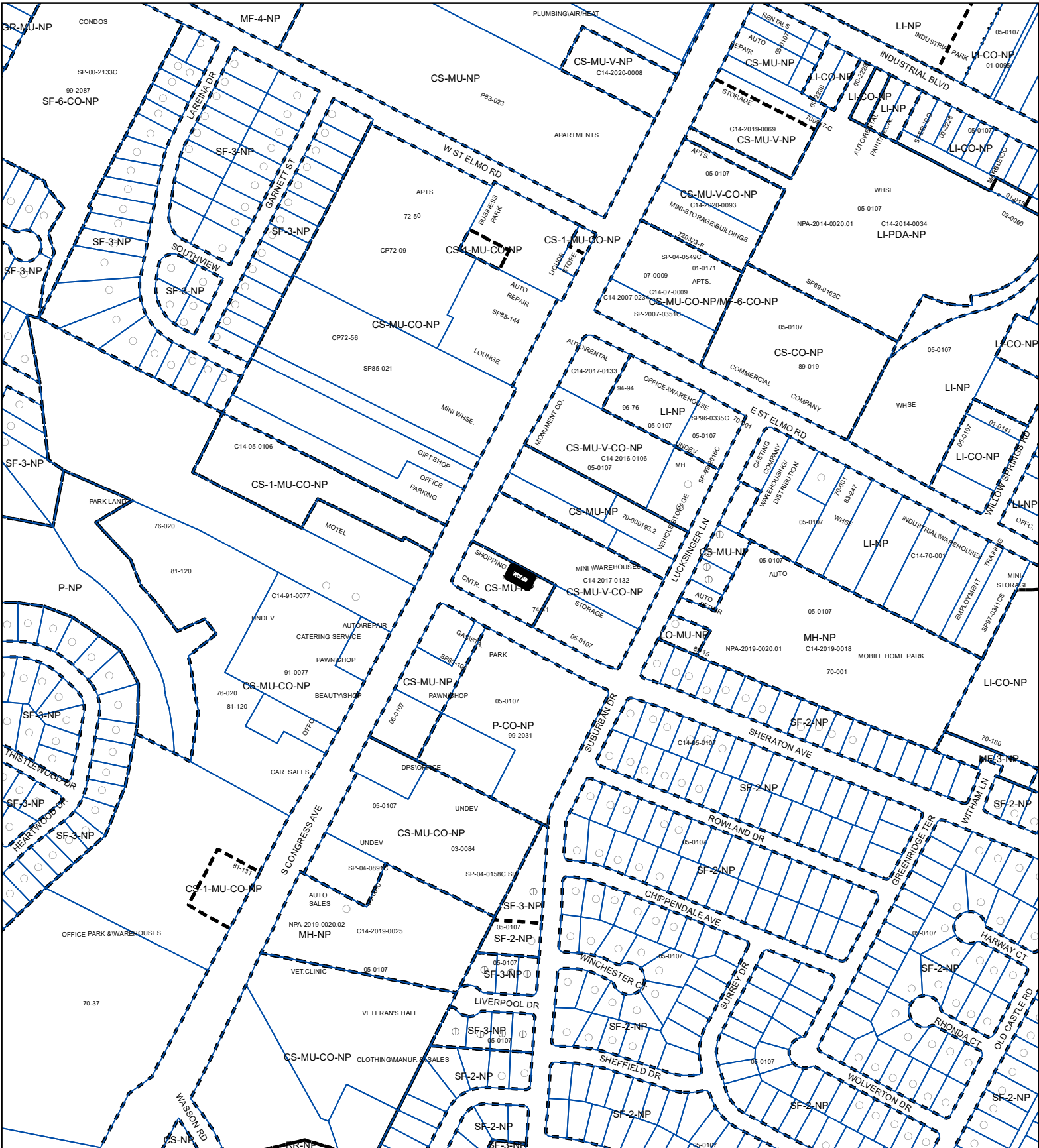
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Letter for Amended Application



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2023-0089

1" = 400'

Exhibit A

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 the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 11/21/2023



October 30, 2023

Cynthia Hadri
City of Austin
Submittal
Planning and Housing Department
1000 E 11th St.
Austin, TX 78702

Via Electronic

Re: Rezoning request for 4619 S. Congress Ave; C14-2023-0089; TCAD
Parcel
316385 (the "Property")

Dear Mrs. Hadri:

As a representative of the owner of the above stated Property, I respectfully request to update our rezoning application request for C14-2023-0089. We previously requested to rezone the Property from CS-MU-NP to CS-1 but are now looking to CS-MU-NP to CS-1-CO-NP. This will ensure the CO will be to prohibit the use of adult oriented businesses.

If you have any questions regarding this request or need additional information, please do not hesitate to contact me at your convenience.

Thank you

J. Robert Santos

512-661-0144 | robert@prolificcommercial.com | www.prolificcommercial.com