

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0027 – WhichCraft Beer Store

**P.C. DATE:** April 12, 2016

**ADDRESS:** 2110 S. Lamar Boulevard, Suite F

**DISTRICT AREA:** 5

**OWNER:** Charlie Tames

**APPLICANT:** City of Austin

**ZONING FROM:** CS

**TO:** CS-1

**AREA:** .025 acres (1107 sq ft.)

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends commercial – liquor sales (CS-1) combining district zoning.

### **PLANNING COMMISSION RECOMMENDATION:**

*April 14, 2016: APPROVED STAFF RECOMMENDATION OF CS-1 ON CONSENT. VOTE: 12-0, (MOTION BY J. SCHISSLER, 2<sup>ND</sup> J. VELA).*

### **DEPARTMENT COMMENTS:**

January 12, 2016, the Planning Commission approved Staff's request to initiate a zoning case for a portion of the property located at 2110 South Lamar Boulevard. Specifically the 1107 square feet known as Suite F and currently occupied by WhichCraft Beer Store. The zoning request is from commercial services (CS) to commercial liquor sales (CS-1).

### **Background**

In March of 2014, WhichCraft Beer Store applied for and received approval for a site plan exemption and change of use to Liquor Sales. In April, 2014 it also received verification from the City of Austin for a TABC license. The basis for the approval was an erroneously labeled Geographic Information System (GIS) zoning map. In April of 2015, a member of the Zilker Neighborhood Association notified Planning and Zoning Department staff of the error and the correction to the map was made. However, WhichCraft Beer Store continues to operate without the required zoning for the liquor sales use.

### **Zoning History**

- 1959 2110 S. Lamar zoned Commercial Liquor Sales (C-1) (#590702A).
- 1966 Code Amendment eliminated C-1 citywide and replaced by Commercial Services (C) (#661103-B).
- 1973 Code Amendment reestablished C-1 however 2110 S. Lamar was not given that category at the time (#730920-C).
- 1984 Code Amendment replacing C with CS (#840301-S)

-Between 2008-2014, 2110 S. Lamar was erroneously labeled as CS-1 on the GIS zoning map.

In order for WhichCraft Beer Store to operate, it will need the CS-1 designation. Because of the staff error based on the incorrect GIS zoning map, staff is recommending and requesting the zoning change for the footprint of the existing WhichCraft Beer Store only.

**ISSUES:** The applicant has stated his tenant's desire to sell "growlers" for off-site consumption. Members of the Zilker Neighborhood Association expressed their support for this but have requested a condition to prohibit cocktail lounge use. Cocktail lounge would be a conditional use and require a conditional use permit. The Texas Alcohol and Beverage Commission (TABC) considers the filling of growlers as on-site consumption but only allows them taken off-site from Brew Pubs and restaurants with the proper permit. As the TABC rules are currently written, WhichCraft Beer Store would not be allowed to sell growlers for off-site consumption.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Mix of retail uses – barbershop, home furnishings, nail salon, spa, beer store, swimsuits/clothing
<i>North</i>	CS	Restaurant, tattoo parlor, lingerie
<i>South</i>	CS-V	Restaurant under construction
<i>East</i>	CS	vacant
<i>West</i>	CS	Vacant, retail, real estate office, hair salon

**NEIGHBORHOOD PLANNING AREA:** Zilker Neighborhood Planning Area

**TIA or NTA:** No

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Neighborhoods Council  
 Barton Springs Heritage Association  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Preservation Austin  
 Save our Springs Alliance  
 Sierra Club, Austin Regional Group  
 South Central Coalition  
 South Lamar Business District  
 South Lamar Neighborhood Association

# Zilker Neighborhood Association

**SCHOOLS:** Zilker Elementary, O'Henry Middle, Austin High

### **EXISTING STREET CHARACTERISTICS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO
S. Lamar Blvd	Varies	60'	Major Arterial	Yes	Yes

**CITY COUNCIL DATE:** May 12, 2016

**ACTION:**

**ORDINANCE READINGS:**      1<sup>st</sup>                          2<sup>nd</sup>                          3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE: 512-974-7604**

**EMAIL:** Andrew.moore@austintexas.gov

### **STAFF RECOMMENDATION**

Staff recommends commercial – liquor sales – conditional overlay (CS-1-CO) combining district zoning

### BASIS FOR RECOMMENDATION

Zoning staff requested this zoning change to rectify a mapping error which allowed the current occupant (WhichCraft Beer Store) of this property to be permitted for a use not allowed in the existing zoning. The request will allow WhichCraft Beer Store to be compliant with zoning regulations.

NPZ Comprehensive Planning Review - Kathleen Fox 512-974-7877

CS to CS-1 (Liquor Sales)

This zoning case is located on the northeast corner of S. Lamar Boulevard and Oxford Avenue, on a property that is approximately .53 acres in size but only concerns .025 acres of this site. The property contains a one story mixed use commercial building, which includes a variety of commercial uses, including a beer shop. This rezoning is not located within the boundaries of an **adopted** neighborhood planning area but is within the South Lamar Combined Planning Area, in Zilker. Surrounding land uses includes residential uses to the north, vacant commercial land and an office supply store to the south, a restaurant to the east, and a variety of commercial businesses to the west on Oxford Avenue. The proposal is to obtain CS-1 zoning for the existing beer store.

**Connectivity:** The building is located directly in front of a bus stop, and sidewalks are located on both sides of this busy corridor. The Walkscore for this area is 73/100, meaning most errands in this area can be accomplished on foot.

### **Imagine Austin**

According to the Imagine Austin Comprehensive Plan, this parcel is located along an Activity Corridor, which supports retail and commercial uses, including liquor/beer sales. Based on the comparative scale of this site relative to other nearby commercial uses located nearby, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

NPZ Environmental Review - Mike McDougal 512-974-6380

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. 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. Based on COA GIS, no trees are located within the proposed rezoning area. At this time, site specific information is unavailable regarding other 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.
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.

DSD Transportation Review – Bryan Golden - 512-974-3124

TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR2. 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]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
S. Lamar	90'	60'	Major Arterial	Yes	Yes	Yes

AWU-Utility Development Service Review - Neil Kepple - 512-972-0077

FYI: The site is currently served with City of Austin water and wastewater utilities. If new construction is proposed the landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

NPZ Site Plan Review - Scott Grantham - 512-974-2942

SP 1 Site plans will be required for any new development other than single-family or duplex residential.

SP 2 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.

#### COMPATIBILITY STANDARDS

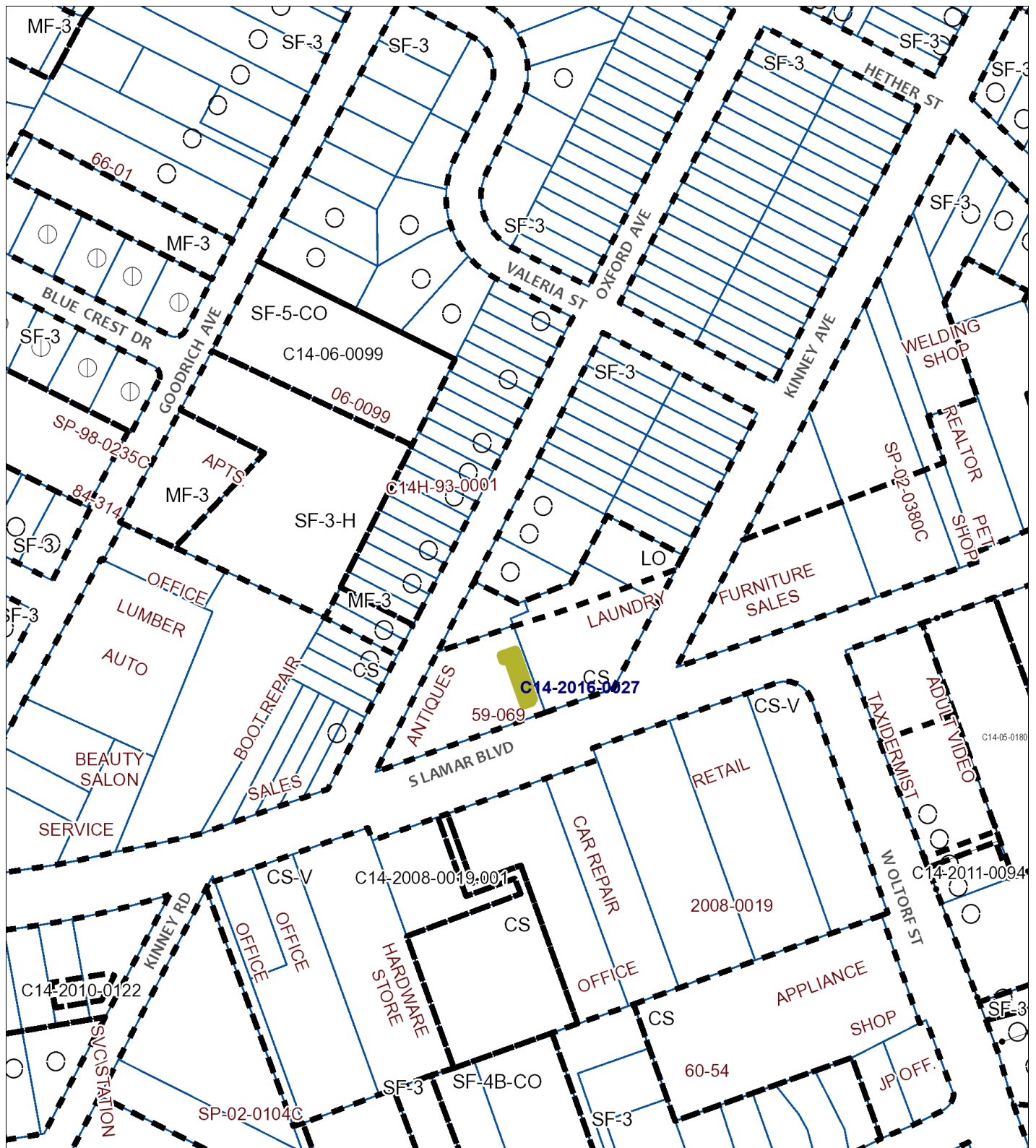
SP3 The site is subject to compatibility standards. Along the northeast, northwest, southeast, and portions of southwest property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 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 adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

AWU – Utility Development Service Review – Neil Kepple - 512-972-0077

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.



- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads

100 200  
Feet

1" = 200'

## ZONING

ZONING CASE#: C14-2016-0027



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.

## 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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. 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 or at a 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: C14-2016-0027

Contact: Andrew Moore, 512-974-7604

Public Hearing: April 12, 2016, Planning Commission  
May 12, 2016, City Council

DAVID KAHN

Your Name (please print)

2108 S. LOMAR

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your address(es) affected by this application

[Signature]

Signature

APR 4, 2016

Date

Daytime Telephone:

512-426-5136

Comments:

I AM IN FAVOR

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

City of Austin

Planning & Zoning Department

Andrew Moore

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-2016-0027

Contact: Andrew Moore, 512-974-7604

Public Hearing: April 12, 2016, Planning Commission  
May 12, 2016, City Council

MARY STUART MCINTIRE

Your Name (please print)

2100 Oxford Ave

Your address(es) affected by this application

Shawn McElroy

Signature

Date

Daytime Telephone:

512-788-4455

Comments:

I strongly disagree with change zoning. The neighborhood is already adversely affected by this commercial block. The city has permitted business development with out adequate parking. Patron walk through the neighborhood dumping garbage. If development was controlled correctly commercial business can live along side residential but Martin is not doing this. Business require PARKING!! Dont permit it with out parking

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