

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Heritage Hills/Windsor Hills Combined

**CASE#:** NPA-2019-0028.01

**DATE FILED:** July 31, 2019 (In-cycle)

**PROJECT NAME:** Wonderspaces

**PC DATE:** November 12, 2019

**ADDRESS/ES:** 1205 Sheldon Cove, Building 2, Units A-H

**DISTRICT AREA:** 4

**SITE AREA:** 17,576 sq. ft. (footprint)

**OWNER/APPLICANT:** Metis Capital, LLC (Colin C. Laitner)

**AGENT:** Graves, Dougherty, Hearon, & Moody (Peter J. Cesaro)

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Industry

**To:** Commercial (footprint of 17,576 sq. ft)

**Base District Zoning Change**

**Related Zoning Case:** C14-2019-0102

**From:** LI-NP

**To:** CS-1-NP (footprint of 17,576 sq. ft)

**NEIGHBORHOOD PLAN ADOPTION DATE:** January 13, 2011

**PLANNING COMMISSION RECOMMENDATION:**

*November 12, 2019 – (pending)*

**STAFF RECOMMENDATION:** Recommended.

**BASIS FOR STAFF'S RECOMMENDATION:** Staff supports the applicant's request for Commercial land use because the proposed zoning of CS-1 is not a compatible zoning in the

Industry land use. The area is industrial in nature and the commercial footprint would be necessary for the proposed rezoning to CS-1 to allow the sell and consumption of alcohol.

**Objective L3: Promote the revitalization of commercial uses along major roadways. These new places should promote local serving businesses and serve as neighborhood amenities.**

REC 12: Encourage commercial uses to be located around the edge of the HHWHCNPA (i.e. E. Braker Lane, E. Rundberg Lane, south of Rutherford Lane) to protect the single family core neighborhoods. (RP: HHWHCNPA, COA)

REC 13: Ensure that commercial and industrial properties provide a substantial buffer that meets or exceed compatibility requirements where they abut residential neighborhoods. (RP: COA)

REC 14: Support commercial or mixed use developments that are neighborhood serving and neighborhood-friendly (which do not emit noise, pollution, or light, and, do not have a lot of truck traffic/deliveries, or have extended hours of operation), especially when they abut single family subdivisions. (RP: HHWHCNPA, COA)

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

Industry - Areas reserved for manufacturing and related uses that provide employment but are generally not compatible with other areas with lower intensity use. Industry includes general warehousing, manufacturing, research and development, and storage of hazardous materials.

### **Purpose**

1. To confine potentially hazardous or nuisance- creating activities to defined districts;
2. To preserve areas within the city to increase employment opportunities and increased tax base;
3. To protect the City's strategic advantage as a high tech job center; and
4. To promote manufacturing and distribution activities in areas with access to major transportation systems.

### **Application**

1. Make non- industrial properties in areas with a dominant industrial character compatible with the prevailing land use scheme;
2. Where needed, require a buffer area for industrial property that abuts residentially used land;
3. Industry should be applied to areas that are not appropriate for residential or mixed use development, such as land within the Airport Overlay; 4. In general, mixed use and permanent residential activities are not appropriate in industrial areas. An exception may be the edge of an industrial area along the interface with an area in which residential activities are appropriate. Such exceptions should be considered case by case, with careful attention to both land use compatibility and design;
5. Industry should not be either adjacent to or across the road from single family residential or schools;
6. Use roadways and/or commercial or office uses as a buffer between residential and industry; and
7. Smaller scale “local manufacturing” districts may be appropriate in some locations to preserve employment opportunities and cottage industries of local artisans. In these areas, hazardous industrial uses (i.e. basic industry, recycling centers, and scrap yards) should be prohibited.

#### ***PROPOSED LAND USE ON THE PROPERTY***

**Commercial** -Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

#### **Purpose**

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto- oriented commercial uses that are generally not compatible with residential or mixed use environments.

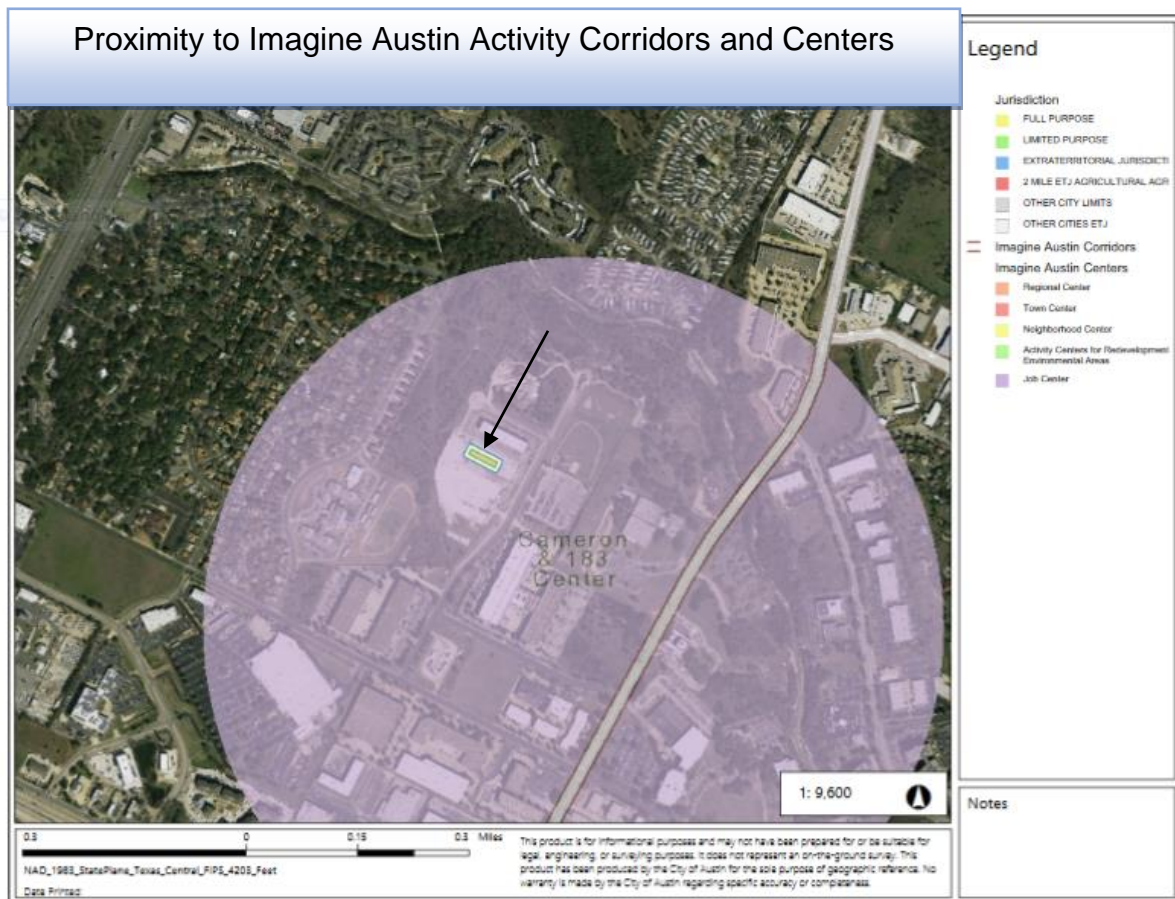
#### **Application**

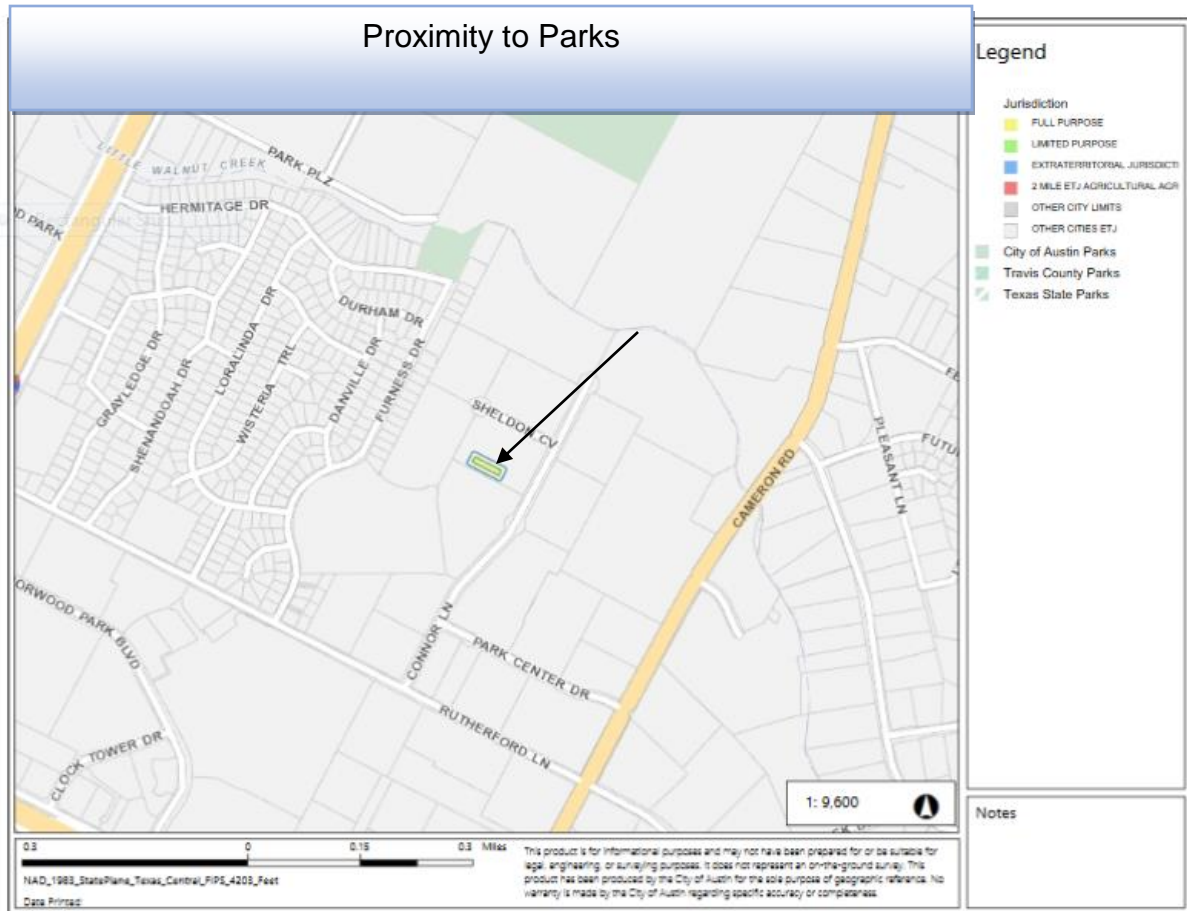
1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

**IMAGINE AUSTIN PLANNING PRINCIPLES**

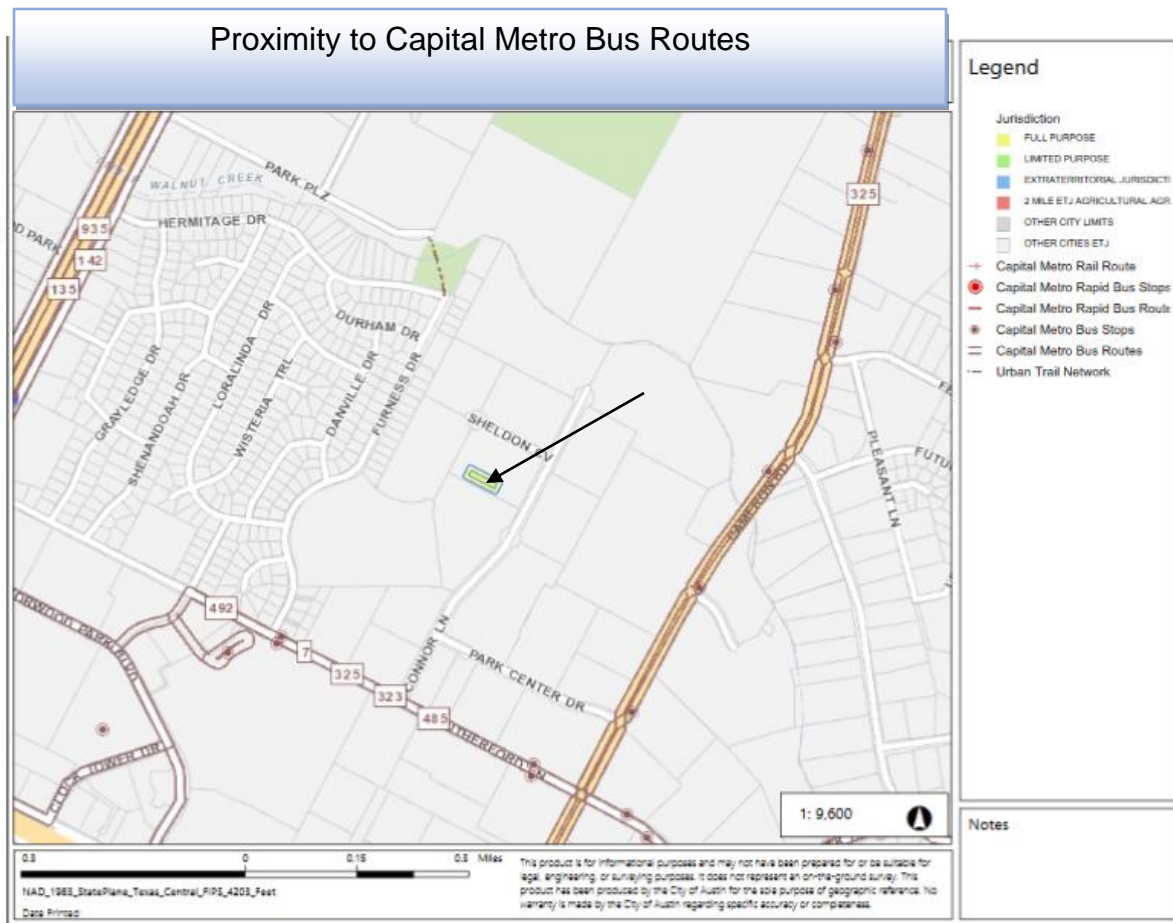
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The property is located with the Cameron/183 Jobs Center as identified on the Growth Concept Map of the Imagine Austin Comprehensive Plan. The existing and proposed zoning does not allow for residential uses. The property is near a public school and there are a number of businesses in the vicinity.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***The property is located in a jobs center and is near public transportation on Cameron Road and Rutherford lane.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property could be considered an infill site and is located within a Cameron 183 Jobs Center as identified on the Imagine Austin Comprehensive Plan Growth Concept Map.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The existing and proposed zoning does not allow residential units.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - ***Commercial land use is appropriate in this location.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
  - ***The property is not located in an environmentally sensitive area.***
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
  - ***Not applicable.***
8. Protect, preserve and promote historically and culturally significant areas.
  - ***Not applicable.***

9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
  - *Not applicable.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
  - *The proposed art gallery could create limited job opportunities for the area and the city.*
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
  - *Not applicable.*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
  - *Not applicable.*









## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on July 31, 2019 which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the future land use map (FLUM) from Industry to Commercial land use on a footprint, 17,576 sq. ft., of the property is proposed for an art gallery called Wonderspaces.



The applicant proposes to rezone 17,576 sq. ft. of the property from LI-NP to CS-1-NP to allow the sale and consumption of alcohol in association for an art gallery. Please see case report for C14-2019-0102 for more information.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held on September 25, 2019. Approximately 68 meeting notices were mailed to people who own property or have utility accounts within 500 feet of the property, in addition to neighborhood groups or environmental organizations that requested notification for the area. One person who live the area attended the meeting, in addition to one staff member, Peter Cesaro, the applicant's agent and Colin Laitner, the applicant.

Colin Laitner said the proposed plan amendment and zoning change is to allow for a use called Wonderspaces, which is an art gallery that delivers art to people. Within the space will be about 12 different things for people to look at. The art will be interactive and visually stimulation. It's not art that you would buy to put in your home. Part of the space will be a bar where people can have a drink and walk around to view the art. I want the artists to have the best version of their art as they can. The art would change every three months. We would even change the wall configuration so it feels like a new experience. The art gallery is already permitted in LI zoning, but the alcohol sales is not, which is why we need the plan amendment and zoning change to Commercial and CS-1. We hope to be open in March or June of next year. We worked for a year to get Wonderspaces in Austin. There are already located in San Diego and Scottsdale.

Q. Is this only for adults?

A. No, it's not only for adults, but for kids also. Kids could come on the weekend during the day and adults could be at night.

Q. What will the operating hours be?

A. We don't know yet.

Q. Will you sell food?

A. There will be no prepared food, but maybe snacks.

Q. What kind of alcohol will you sell?

A. There won't be a full bar, but a rotating menu of drinks, but we will also sell beer and wine.

**CITY COUNCIL DATE:**

**ACTION:**

December 5, 2019

## Applicant Summary Letter from Application

November 12, 2019



GRAVES  
DOUGHERTY  
HEARON &  
MOODY

Peter J. Cesaro  
512.480.5728  
512.536.9928 (fax)  
pcesaro@gdhm.com

MAILING ADDRESS:  
P.O. Box 98  
Austin, TX 78767-9998

July 2, 2019

Via Hand Delivery

Mr. Greg Guernsey, Director  
CITY OF AUSTIN  
Planning and Zoning Department  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

RE: Rezoning of 1205 Sheldon Cove, Building 2, Units A-I; Neighborhood Plan Amendment for 1205 Sheldon Cove, Building 2, Units A-I (the "Property")

Dear Mr. Guernsey:

On behalf of Metis Capital, LLC, please accept the enclosed applications to rezone the above-referenced property, which includes a Neighborhood Plan Amendment. Units A-I in Building 2 are 17,576 ~~17,576~~ square feet (~~0.4~~ acres) located on a 5.081 acre lot. The area is currently zoned Limited Industrial. <sup>0.404</sup>

Metis Capital, LLC is leasing the Property to wonderspaces Austin LLC ("Wonderspaces"). The goal of the applications is to rezone 1205 Sheldon Cove from LI-NP to CS-I-NP, Commercial-Liquor Sales to allow Wonderspaces to sell alcohol at the Property.

Wonderspaces operates galleries that create a space where artists deliver artwork to new audiences. They create unique art shows that present immersive, interactive, and participatory work in a way that makes visitors of all ages feel welcome. Visitors experience 12-15 art installations and also have an opportunity to purchase a limited selection of curated cocktails and beverages, food and gift items. The shows rotate every 3-4 months. With each show, they intend to create a place where people can connect with art and with each other. The mission is to create shared understanding through shared experiences.

If you have any questions, please feel free to call me.

Very truly yours,

GRAVES, DOUGHERTY, HEARON & MOODY, P.C.

By: 

Peter J. Cesaro

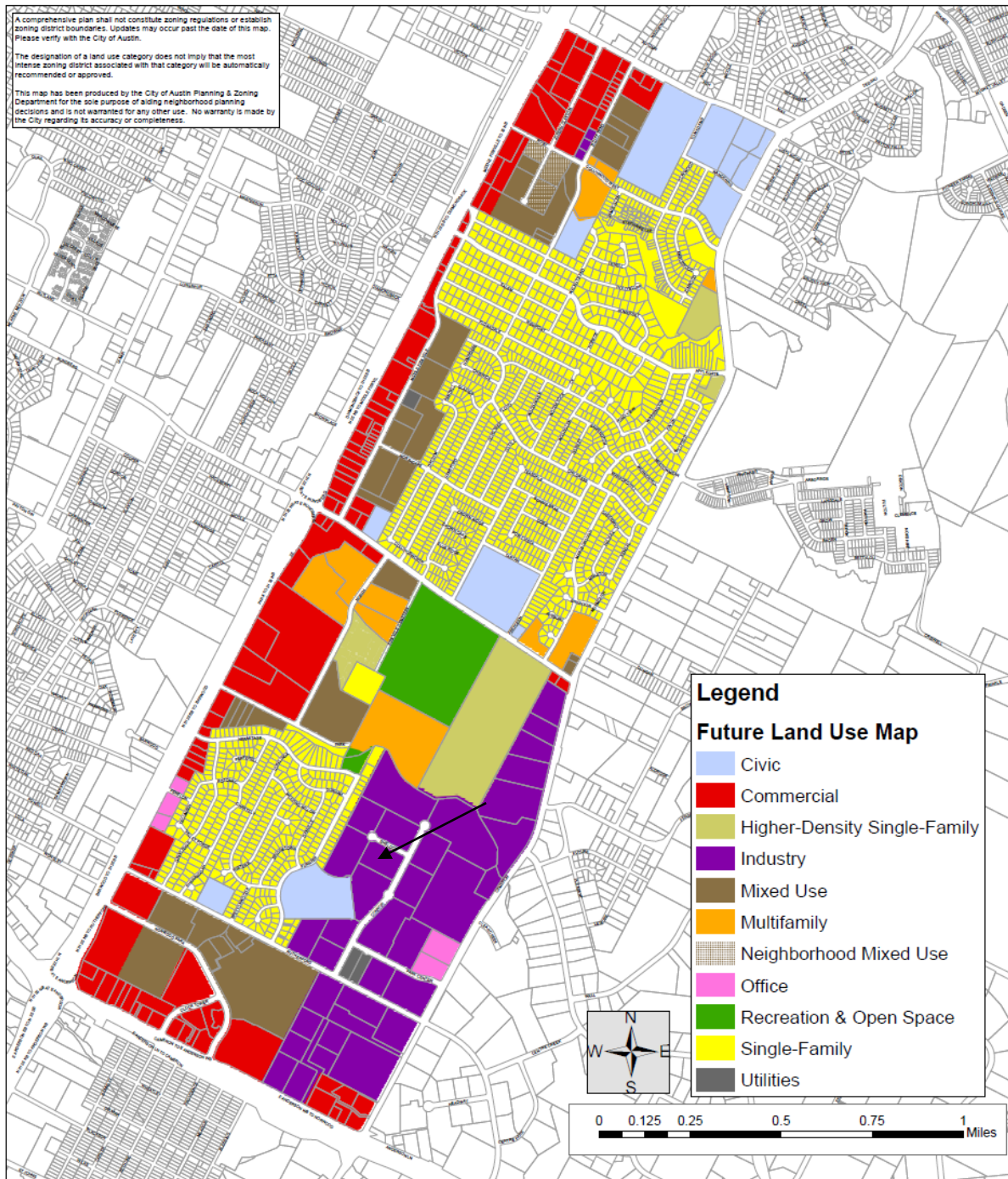
Letter of Recommendation from the Neighborhood Plan  
Contact Team (NPCT)

(No letter received at this time)

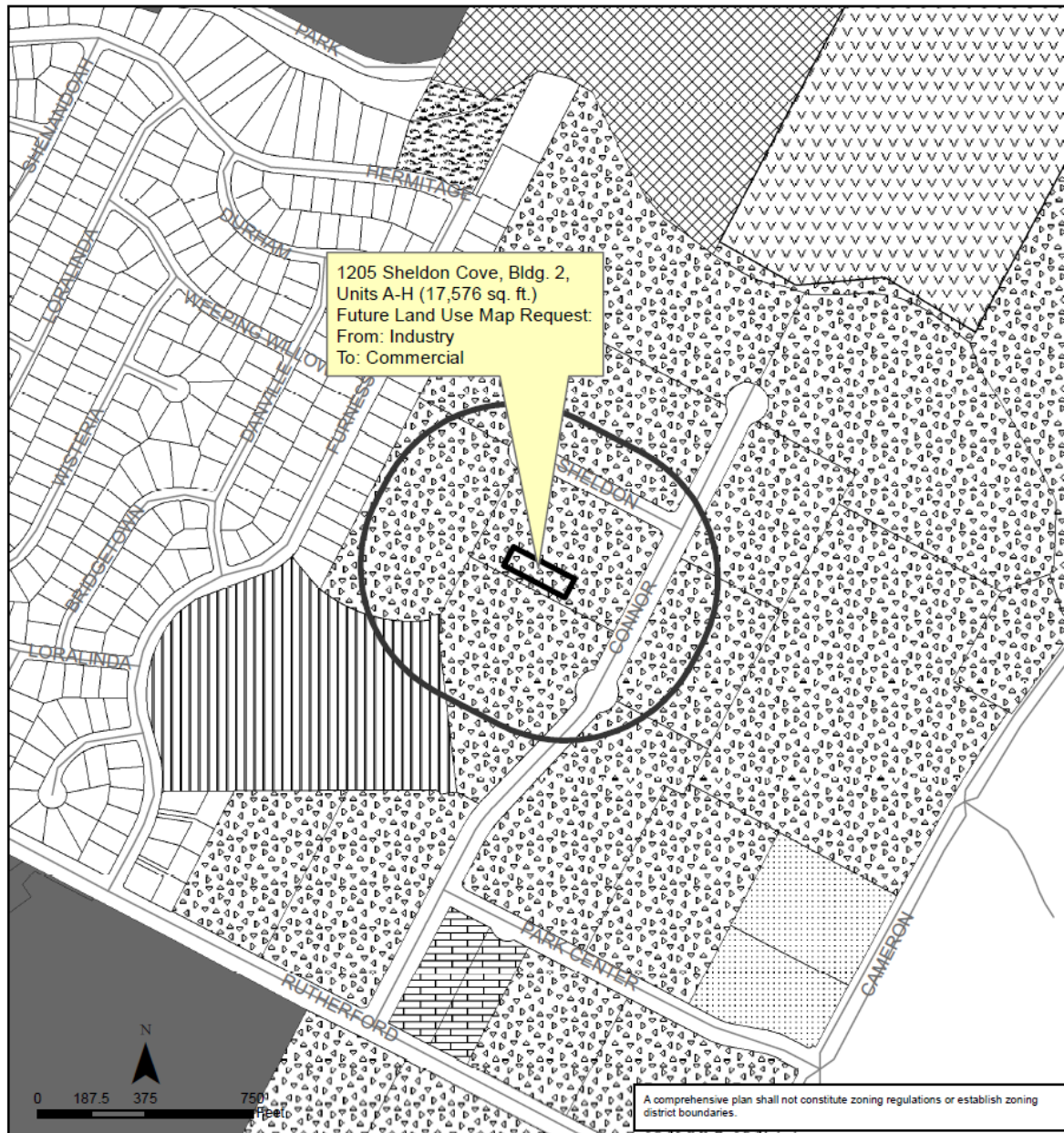


## Heritage Hills/Windsor Hills Combined Neighborhood Planning Area Future Land Use Map

Plan Adopted: 1/13/11  
Map Updated: 11/30/2018







### Heritage Hills/Windsor Hills Neighborhood Planning Area NPA-2019-0028.01

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

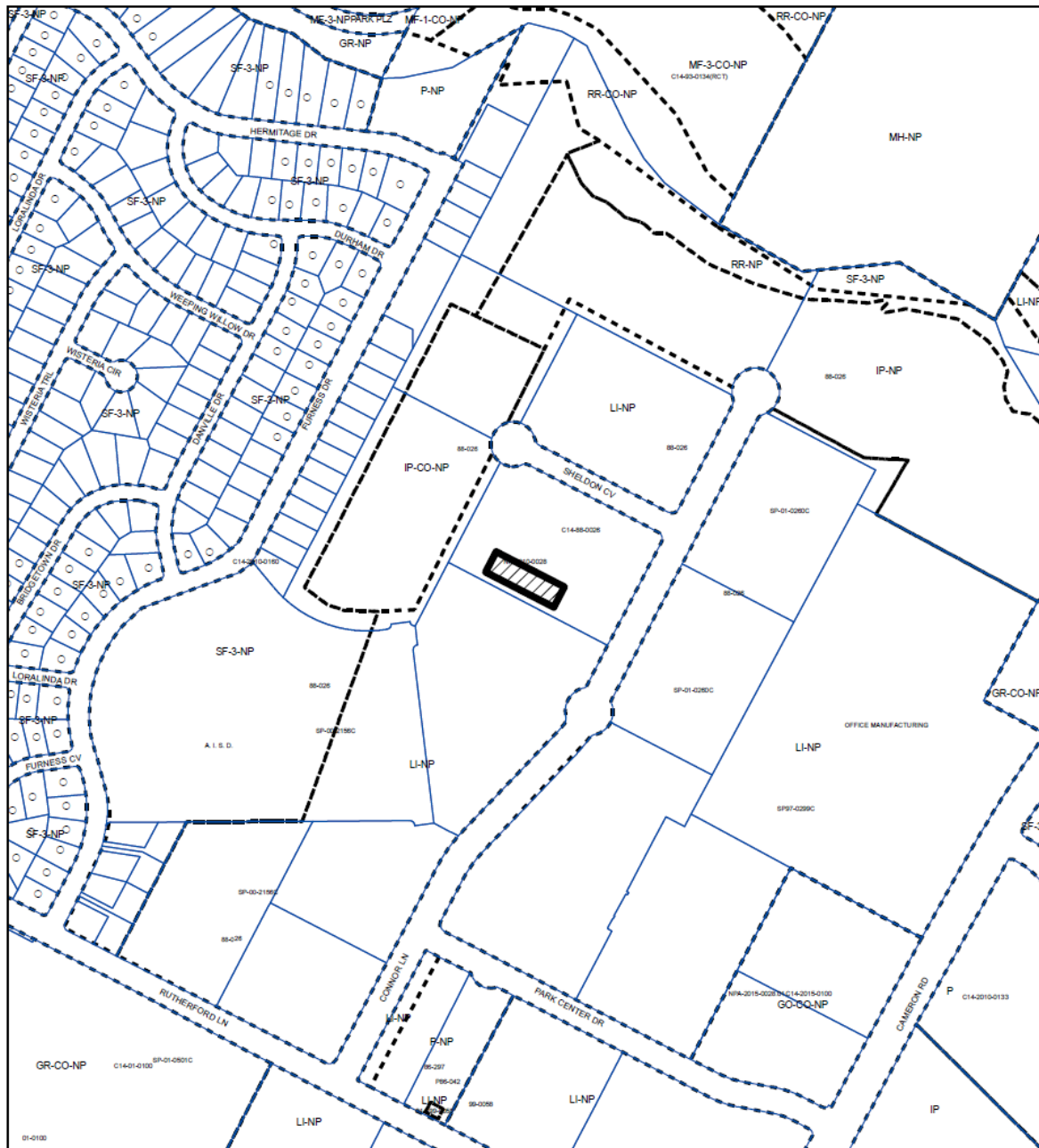





City of Austin  
Planning and Zoning Department  
Created on 8/1/2019, by: meredithm

#### Future Land Use

	500 ft. Notif. Boundary		Mixed Use
	Subject Property		Office
	Single-Family		Industry
	Higher-Density Single-Family		Civic
	Multi-Family		Recreation & Open Space
	Commercial		Utilities





 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2019-0102

$$1'' = 400'$$

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.

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.



Created: 7/31/2019

