

ZONING CHANGE REVIEW SHEETCASE: C14-2021-0179DISTRICT: 3ZONING FROM: GR-NPTO: CS-1-NPADDRESS: 2765 E 7th Street (tenant space) / 2727 E 7th Street (property address)REZONING AREA: 3,957 Square Feet (0.091 Acres)PROPERTY OWNER:GovalleCenter, LLC
(Christopher Rassier)AGENT:Thrower Design
(Ron Thrower)CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)STAFF RECOMMENDATION:

Staff supports the Applicant's request for CS-1-NP zoning with the added condition that Cocktail Lounge land use be prohibited, making the recommendation CS-1-CO-NP. The Applicant agrees to this condition.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 10, 2022:

CITY COUNCIL ACTION:

TBD

ORDINANCE NUMBER:

ISSUES:

The applicant is requesting CS-1-NP zoning for a tenant space in a shopping center at the southwest corner of Pleasant Valley Drive and East 7th Street. The applicant proposes Liquor sales use and has agreed to prohibit Cocktail lounge land use.

Capital Metro operates a Child Care and Early Learning Center within the 300' distance of the proposed liquor store and has expressed opposition to the rezoning. Development Services Department (DSD) has confirmed that Liquor sales land use may be permitted at this location in accordance with City of Austin and TABC regulations. ***(Please see Exhibit C- Correspondence).***

CASE MANAGER COMMENTS:

The proposed rezoning is for a 3,957 square foot tenant space in a shopping center at the southwest corner of Pleasant Valley Drive and East 7th Street. In the same building are a mix of uses, including Limited retail, Alternative financial services, and Medical office. In an adjacent building on the property is a HEB grocery store. The shopping center is zoned GR-NP. West of the property, across Calles Street, is a small residential neighborhood zoned SF-3-NP, as well a mix of commercial uses along East 7th Street zoned CS-MU-CO-NP. South of the rezoning tract is a Child Care and Early Learning Center operated by Capital Metro that is also zoned GR-NP. Further south is LI-NP property with Book publishing land use, and beyond that, railroad right-of-way. Across Pleasant Valley Drive to the east are the Zaragoza Library Warehouse and Cepeda Branch Library, which are zoned P-NP. Southeast of the rezoning tract is property zoned CS-NP with an undetermined commercial land use. Across 7th Street to the north are properties zoned CS-V-CO-NP and CS-V-NP that are developed with a gas station, fast food restaurant, and retail store, respectively. Northeast of the rezoning tract, across the intersection of East 7th and Pleasant Valley, is a single family residential neighborhood zoned SF-3-NP. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

As stated in the Issues section, Capital Metro operates a Child Care and Early Learning Center within the 300' distance of the proposed liquor store and has expressed opposition to the rezoning. Development Services Department (DSD) has confirmed that Liquor sales land use may be permitted at this location in accordance with City of Austin and TABC regulations. ***(Please see Exhibit C- Correspondence).***

Staff supports the rezoning request with the added condition that Cocktail lounge land use be prohibited. The rezoning is for a tenant space in a shopping center at the intersection of two Transit Priority Network streets. East 7th is also a designated Core Transit Corridor. The tenant space is surrounded by commercial uses and is adjacent to a HEB grocery store which is permitted to sell beer and wine. The nearby Child Care Center is located near the rear of the tenant space, closer to the retail loading zone than the entrance to the proposed liquor store. The retail nature of a liquor store is suitable for this location in a shopping center. The closest liquor store is approximately 1/3 mile south at 420 Pleasant Valley Drive.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Granting of the request should result in an equal treatment of similarly situated properties.*

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-NP	Limited retail, Alt. financial services, Medical office
North	CS-V-CO-NP, CS-V-NP, SF-3-NP	Gas station, Fast food restaurant, Limited retail, Single family residential
South	GR-NP, LI-NP	Daycare services, Book publishing
East	P-NP, CS-NP	Limited warehousing, Public Library
West	GR-NP, SF-3-NP, CS-MU-CO-NP	General retail, Single family residential, Alt. financial services, Limited restaurant, Medical office

NEIGHBORHOOD PLANNING AREA: Holly NP

CAPITOL VIEW CORRIDOR: No

TIA: N/A

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District	Austin Lost and Found Pets
Austin Neighborhoods Council	Capital Metro
Del Valle Community Coalition	East Austin Conservancy
El Concilio Mexican-American Neighborhoods	Friends of Austin Neighborhoods
Greater East Austin Neighborhood Association	Homeless Neighborhood Association
Neighborhood Empowerment Foundation	Neighbors United for Progress
Preservation Austin	SELTexas
Sierra Club, Austin Regional Group	Tejano Town
Guadalupe Neighborhood Development Corporation	

AREA CASE HISTORIES: There are no recent cases in the vicinity.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 7 th Street	125'	52'	Level 3	Yes	Yes	Yes
North Pleasant Valley Road	75'	42'	Level 3	Yes	Yes	Yes

ADDITIONAL STAFF COMMENTS:**Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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.
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.

SP4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

COMPATIBILITY STANDARDS

SP5. The site is subject to compatibility standards due to proximity of SF-3-NP to the northeast, approximately 360 feet away. 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.

☐ 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.

Transportation

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 100 feet of right-of-way for North Pleasant Valley Road. It is recommended that 50 feet of right-of-way from the existing centerline should be dedicated for North Pleasant Valley Road according to the Transportation Plan should the site redevelop [LDC 25-6-51 and 25-6-55].

Transportation Assessment

No TIA needed for this site.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East 7 th Street	125'	52'	Level 3	Yes	Yes	Yes
North Pleasant Valley Road	75'	42'	Level 3	Yes	Yes	Yes

Water Utility

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

B. Aerial Exhibit

C. Correspondence



B-7 Property Profile

7 of 12
Legend **EXHIBIT B**



- Zoning Review Cases- IN REV
- Zoning Text

Notes

0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Thrower Design^{LLC}

LAND PLANNERS

November 5, 2021

Ms. Heather Chaffin
Planner Principal
City of Austin, Housing & Planning Department

RE: Govalle Twin Liquors – 2765 E 7th Street (tenant space)/ 2727 E 7th Street (tax parcel),
Austin, TX 78701

Dear Heather,

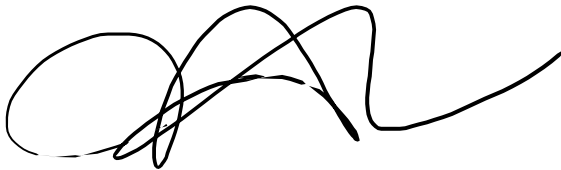
On behalf of the property owners of 2765 E 7th Street, we submit the rezoning application herein. The area of rezoning is in the City of Austin full purpose jurisdiction and is 3,957 sq. ft. of the property legally platted as *HEB/Austin No. 1 Subdivision*. The property is in the Holly Neighborhood Planning Area with a Future Land Use designation of *Mixed Use* and has *Community Commercial (GR-NP)* zoning.

The request is to rezone a tenant space (3,957 sq. ft.) of the existing shopping center to *Commercial-Liquor Sales (CS-1)* district zoning to accommodate a liquor sales use. The rezoning request is permitted within the Mixed Use FLUM designation and therefore does not require a neighborhood plan amendment.

The request for a foot-print rezoning to accommodate a liquor sales use is consistent with established process/procedure and the zoning district requested is compatible with the GR zoning and uses in the shopping center.

Please contact our office as needed regarding this application and request.

Sincerely,



Victoria Haase

From: Verhalen, Mike <>
Sent: Friday, December 3, 2021 1:51 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Cc: Gray, Shannon <>; Sandoval, Vincent <>
Subject: RE: Case # C14-2021-0179

Ms. Chaffin – Please let this serve as an official objection to the rezoning in Case # C14-2021-0179 under the Austin City Ordinance Chapter 4-9-4-B. CapMetro has a Child Care and Early Learning Center within the 300' distance of the proposed liquor store. The image below shows the location within in the setback area of 300'. Please let me know what else needs to be done to formalize this objection.



Michael Verhalen
Right of Way Project Manager, Capital Metro
P: 512-369-7438 | **M:** 832-799-9145
W:
A: 507 Calles St., Austin, TX 78702

From: Verhalen, Mike <>
Sent: Monday, November 29, 2021 9:56 AM
To: Chaffin, Heather <>
Cc: Worley, Ginney <>; Gray, Shannon <>; Sandoval, Vincent <
Subject: Case # C14-2021-0179

*** External Email - Exercise Caution ***

Good Morning Heather, I am writing to find out more information about the proposed zoning change. CapMetro has a children's learning center in the adjacent building and we were not sure of the city or county ordinance for the proximity to a liquor store.

Thank you for your help.



Michael Verhalen
Right of Way Project Manager, Capital Metro
P: 512-369-7438 | **M:** 832-799-9145
W:
A: 507 Calles St., Austin, TX 78702

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

From: Auzenne, Viktor <Viktor.Auzenne@austintexas.gov>
Sent: Wednesday, March 30, 2022 3:38 PM
To: Ron Thrower <>; Victoria <>; Harden, Joi <Joi.Harden@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Walker, Bryan <>
Subject: RE: E. 7th Street & Pleasant Valley - Twin Liquors / TABC rules

Ron:

I apologize for the delay. After reviewing city code and the alcoholic beverage code I agree that a package store permitted under chapter 22 of the Alcoholic Beverage Code will not trigger a waiver requirement if located within 300ft of a daycare because of the way the section related to daycares is written relative to other permit types.

Let me know if I can be of additional assistance.

Respectfully,

Viktor Auzenne | Pronouns: He, Him, His
Development Services Division Manager, Development Assistance Center
City of Austin Development Services Department
6310 Wilhelmina Delco Dr., Austin TX 78752
Office: 512-974-2941



PER CITY ORDINANCE: All individuals scheduling or accepting a meeting invitation with a City Official are requested to provide responses to the questions at the following link: [DSD Visitor Log](#).

Please note that all information provided is subject to public disclosure via DSD's open data portal. For more information please visit: [City of Austin Ordinance 2016-0922-005](#) | [City Clerk's website](#) | [City Clerk's FAQ's](#)

From: Ron Thrower <>
Sent: Wednesday, March 30, 2022 2:59 PM
To: Victoria <>; Auzenne, Viktor <Viktor.Auzenne@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Brian.Walker@austintexas.gov
Subject: RE: E. 7th Street & Pleasant Valley - Twin Liquors / TABC rules

*** External Email - Exercise Caution ***

Floating this up. Please give us an update. State law is clear from our end.

Be smart. Be safe. Be kind.

Ron Thrower
512-476-4456 office

512-731-2524 cell

From: Victoria < >

Sent: Monday, March 28, 2022 11:22 AM

To: Auzenne, Viktor <Viktor.Auzenne@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Brian.Walker@austintexas.gov

Cc: Ron Thrower < >

Subject: E. 7th Street & Pleasant Valley - Twin Liquors / TABC rules

Viktor –

Checking in. Have you confirmed with the Law Department on the TABC rules/measurements alignment with Austin LDC?

Please advise, thank you.

Victoria Haase



www.throwerdesign.com

512-998-5900 Cell

512-476-4456 Office

Mail: P.O. Box 41957

Austin, Texas 78745