

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0010 FM 969 Retail Center DISTRICT: 1

ZONING FROM: LR-NP

TO: CS-1-NP

ADDRESS: 6401 FM 969

REZONING AREA: 2,570 square feet

PROPERTY OWNERS:

6401 E FM 969 LLC
(Najib Wehbe)

AGENT:

South Llano Strategies
(Glen Coleman)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends CS-1-CO-NP. Staff supports the Applicant's request of CS-1-NP with the additional prohibition of cocktail lounge land use (CS-1-CO-NP).

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

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 26, 2020: To grant CS-1-CO-NP as recommended by Staff, on Consent.
March 10, 2020: Indefinite postponement by Applicant.

CITY COUNCIL ACTION:

June 11, 2020:
April 9, 2020: Indefinite postponement by Applicant.

ORDINANCE NUMBER:

ISSUES:

The Applicant proposes CS-1-NP to allow a liquor store in a retail center. The Applicant accepts Staff recommendation to prohibit cocktail lounge land use.

CASE MANAGER COMMENTS:

The proposed rezoning is for a space in a retail shopping center located at the southwest corner of the intersection of Craigswood Drive and FM 969. Other uses in the shopping center include a convenience store with gas pumps, retail and limited restaurant uses. The property is zoned LR-NP; the Applicant proposes rezoning only the portion of the building where the liquor store is proposed. Immediately to the west of the property is undeveloped property zoned W/LO-CO; further west are properties zoned CS-CO-NP and CS-NP that include cocktail lounge, machine shop and undeveloped land uses. Immediately south of the property is a residential neighborhood zoned SF-2-NP. Across Craigswood Drive to the east is property zoned LR-NP that is developed with a convenience store with gas pumps. Also to the east are single family residences zoned SF-2-NP and undeveloped land zoned LI-NP. Across FM 969 to the north is the Mosaic Sound Collective which includes several music production-related uses. The property is predominately zoned CS-MU-CO-NP and contains a footprint area of CS-1-MU-CO-NP zoning as well. Also across FM 969 are properties zoned LR-MU-NP, MF-2-NP, and LI-PDA-NP that are undeveloped, developed with single family residences, and undeveloped, respectively. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

Staff supports the Applicant’s request of CS-1 with the condition that cocktail lounge is a prohibited land use. The addition of CS-1-CO-NP at this location will allow additional services to the surrounding area.

BASIS OF RECOMMENDATION:

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

Per City Code, “Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.” CS-1 zoning is the only zoning designation that permits liquor store land use.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LR-NP	General retail (convenience), Restaurant- limited
North	CS-MU-CO-NP, CS-1-MU-CO-NP, LR-MU-NP, MF-2-NP, LI-PDA-NP	Music recording studio, Undeveloped
South	SF-2-NP	Single family residential
East	LR-NP, SF-2-NP, LI-NP	General retail (convenience), Single family residential, Undeveloped
West	W/LO-CO, CS-CO-NP, CS-NP	Undeveloped, Cocktail lounge, Machine shop

NEIGHBORHOOD PLANNING AREA: MLK-183 Combined

TIA: N/A

WATERSHED: Walnut Creek

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin

Homeless Neighborhood Association

Cavalier Park Neighborhood Association

Austin Neighborhoods Council

Del Valle Community Coalition

Neighborhood Empowerment Foundation

East MLK Combined Neighborhood Contact Team

Friends of Northeast Austin

AISD

Sierra Club

SELTexas

Neighbors United for Progress

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0017 MLK & 183 Residential	CS-NP and LI-CO-NP to CS-MU-NP	TBD	TBD
C14-2017-0083 Mosaic Sound Collective	GO-NP to CS-MU-CO-NP and CS-1-MU-NP	8/22/2017: CS-MU-CO-NP and CS-1-MU-CO-NP- Comm'l blood plasma center, Equip sales, Equip repair svcs, Vehicle storage. Bail bond svcs, Alt Financial svcs, Offsite acces parking prohibited	9/28/2017: Ord 20170928-091 approved as rec
C14-2016-0031 Kaleidoscope Village	SF-6-NP, LR-MU-NP, and LR-NP to MF-2-NP (Tract 1) and LR-MU-NP (Tract 2)	5/24/2016: Recommended MF-2- NP(Tract 1) and LR-MU-NP (Tract 2)	8/11/2016: Ord #20160811-041 Approved MF-2- NP(Tract 1) and LR- MU-NP (Tract 2)

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	107'	154'	67'	4	Yes	Yes	No
Craigwood Dr.	60'	N/A	40'	1	No	Yes	Yes

OTHER STAFF COMMENTS:

ENVIRONMENTAL

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

2. 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%

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. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development’s requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. 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.

SITE PLAN

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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP 4. The site is subject to compatibility standards.

- 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 landscape area at least 25 feet wide is required along the property line. In addition, 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, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.

- 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.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

TRANSPORTATION

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 154 feet of right-of-way for FM 969. It is recommended that 77 feet of right-of-way from the existing centerline should be dedicated for FM 969 at the time of subdivision or site plan. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
FM 969	107'	154'	67'	4	Yes	Yes	No
Craigwood Dr.	60'	N/A	40'	1	No	Yes	Yes

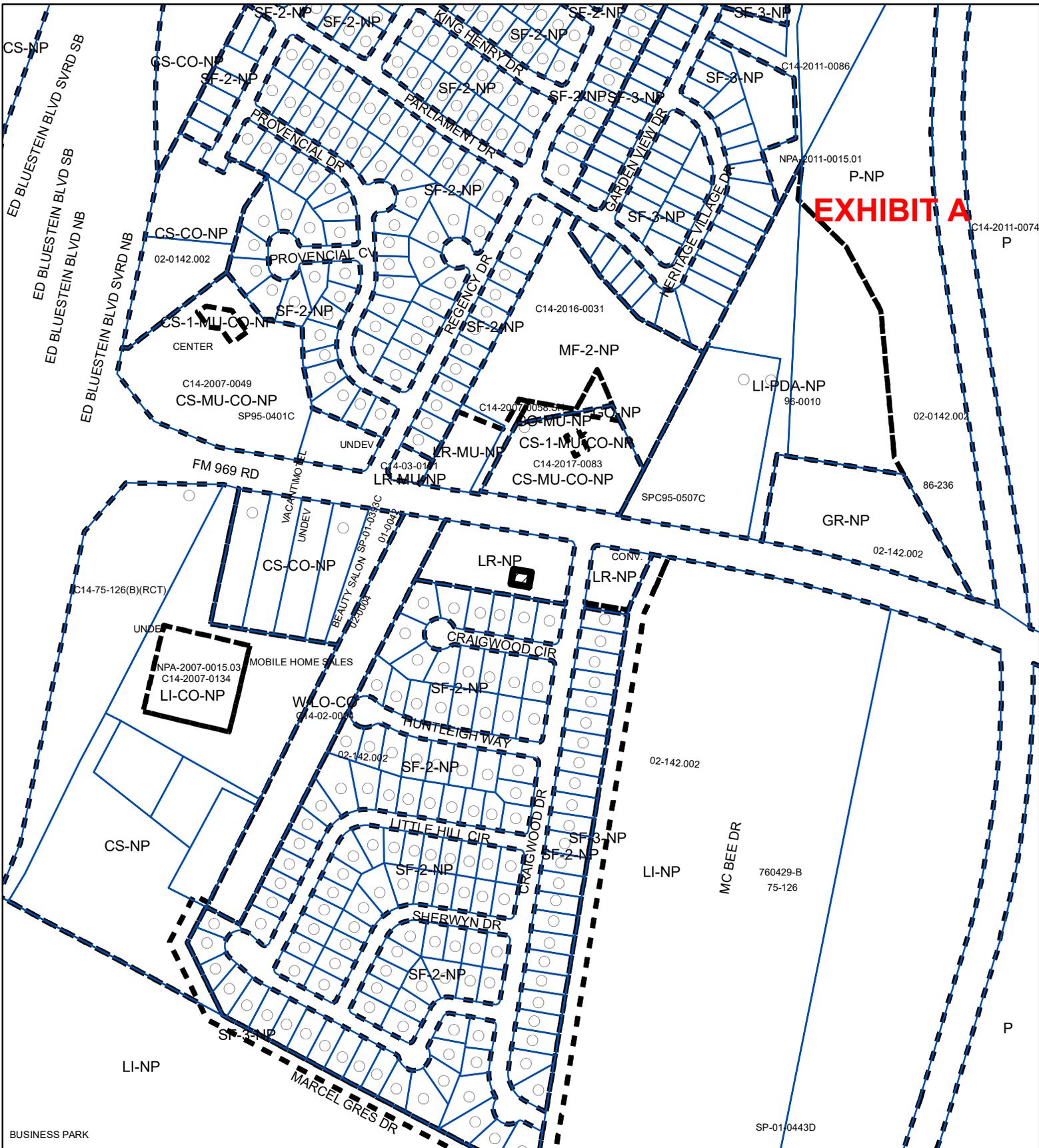
WATER UTILITY

1. 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. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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

- A: Zoning Map
- B. Aerial Exhibit
- C. Correspondence

EXHIBIT A



ZONING

ZONING CASE#: C14-2020-0010



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

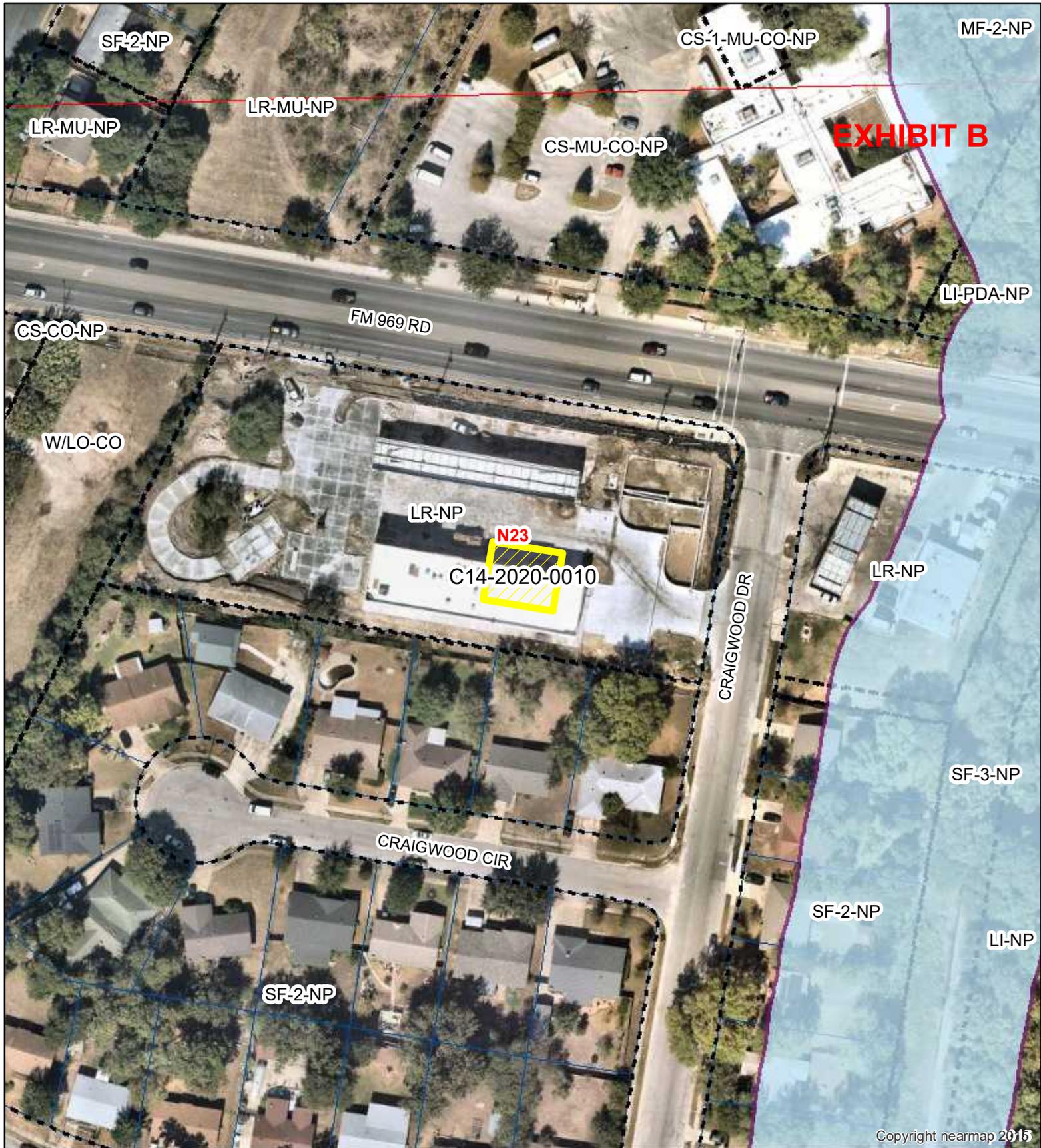
1" = 400'

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.

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: 1/31/2020



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-  C14-2020-0010
-  Creek Buffers
-  ZONING BOUNDARY

FM 969 RETAIL CENTER

ZONING CASE#: C14-2020-0010
 LOCATION: 6401 FM 969 RD.
 SUBJECT AREA: 0.05899 Acres
 GRID: N23
 MANAGER: Heather Chaffin



1" = 100'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Subject: FW: CASE C14-2020-0010 FM 969 Retail Center

From: Chaffin, Heather
Sent: Friday, March 06, 2020 9:36 AM
To: Wesleann Mendell
Subject: RE: CASE: C14-2020-0010 FM 969 Retail Center

Staff is recommending that Cocktail Lounge land use (aka a bar) be prohibited, and the Applicant has agreed. I will attach your email to the Staff report for Planning Commission and City Council.
Heather

From: Wesleann Mendell
Sent: Friday, March 06, 2020 9:20 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: CASE: C14-2020-0010 FM 969 Retail Center

*** External Email - Exercise Caution ***

Hello,
Regarding the new complex at 969 and Craigwood, I OPPOSE allowing zoning for a cocktail lounge for the property. I live in the Woodlands, further east off 969, and pass this location on my daily commute. I'm not enthusiastic about a liquor store at all, but would prefer just a retail store to a "lounge" that is located at a gas station. I do not think that will increase property values or add to the character of the neighborhood, nor do I think that a "gas station bar" will draw the kind of patrons that will respect the property and neighborhoods. The neighborhood in generally is sorely lacking in retail options: gas stations, liquor stores, and dollar stores are the ONLY shops along that stretch of road. We do NOT need more of them. Variety will draw people in.

Please do not allow for the zoning of a lounge there.

Thank you,

Wesleann Mendell

Chaffin, Heather

Subject: FW: CASE: C14-2020-0010 FM 969 Retail Center

From: Chaffin, Heather
Sent: Friday, March 06, 2020 10:01 AM
To: Brandon Farmahini
Subject: RE: CASE: C14-2020-0010 FM 969 Retail Center

I will post/attach to the Staff report any correspondence I receive regarding this case.

From: Brandon Farmahini
Sent: Friday, March 06, 2020 8:46 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Re: CASE: C14-2020-0010 FM 969 Retail Center

Heather, if Oscar's is a cocktail lounge then I am Steve Adler.



Plus, the owner is trying to sell that lot. It'll no doubt be rezoned mixed use when it is sold. Will you include community emails about the prohibitive use in the packet for the commission?

--
Brandon Farmahini
512-940-7186

On Mar 6, 2020, at 8:29 AM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

The agent has stated that the intended use is for a liquor store and stated that they are okay with prohibiting cocktail lounge use. The area to be rezoned is over 2,000 square feet, which would be large for a cocktail lounge at this location. There is also another bar (Oscar's Backyard) nearby; it is City policy to not have cocktail lounges in close proximity unless it's an established entertainment district.

From: Brandon Farmahini
Sent: Friday, March 06, 2020 8:18 AM
To: Chaffin, Heather
Subject: CASE: C14-2020-0010 FM 969 Retail Center

Hi Heather,

Could you let me know why the city is recommending prohibiting a cocktail lounge for CASE: C14-2020-0010 FM 969 Retail Center?

<http://www.austintexas.gov/edims/document.cfm?id=336922>

Brandon Farmahini
BrandonFarmahini@Gmail.com
512-940-7186

Chaffin, Heather

Subject: FW: CASE: C14-2020-0010 FM 969 Retail Center

From: Ian Meron
Sent: Friday, March 06, 2020 12:31 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: CASE: C14-2020-0010 FM 969 Retail Center

*** External Email - Exercise Caution ***

Heather,

I wanted to email you to regards to the case referenced above. I live in this area and fully support zoning for a cocktail lounge. I wanted to make my opinion known to you as someone with influence over my community development and a resident of the area.

Sincerely,
Ian Meron

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 CSIRT@austintexas.gov.

Chaffin, Heather

Subject: FW: CASE: C14-2020-0010 FM 969 Retail Center

From: Jed Holdredge
Sent: Friday, March 06, 2020 2:46 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: CASE: C14-2020-0010 FM 969 Retail Center

***** External Email - Exercise Caution *****

Hello,

I own a home at 5320 Sendero Hills Pkwy, Austin, TX 78724, and I support a cocktail lounge or another business that serves alcohol at FM 969 and Craigwood. We are a grossly underserved part of East Austin. The only other bar in the area, Oscar's, is a dangerous place where three people were recently shot and is currently for sale. Please support any development in the area.

Regards,
Jed Holdredge

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Chaffin, Heather

Subject: FW: CASE: C14-2020-0010 FM 969 Retail Center

From: Anjana Patel
Sent: Friday, March 06, 2020 5:21 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: CASE: C14-2020-0010 FM 969 Retail Center

*** External Email - Exercise Caution ***

Hi Heather -

I support allowing zoning for a cocktail lounge for this property. A combo restaurant/cocktail lounge is even better! The neighborhood could really use a nice restaurant or lounge, especially with all the new construction and new families moving into the area.

Thanks for listening!

Anjana Patel

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From: Zenobia Joseph

Sent: Monday, May 25, 2020 2:04:30 PM

To: Clerk, City <City.Clerk@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Cc: Adler, Steve <Steve.Adler@austintexas.gov>; lindernelson@aol.com <lindernelson@aol.com>; sam.biscoe@traviscountytx.gov <sam.biscoe@traviscountytx.gov>; brigid.shea@traviscountytx.gov <brigid.shea@traviscountytx.gov>; margaret.gomez@traviscountytx.gov <margaret.gomez@traviscountytx.gov>; gerald.daugherty@traviscountytx.gov <gerald.daugherty@traviscountytx.gov>; jeff.travillion@traviscountytx.gov <jeff.travillion@traviscountytx.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Pritchard, Caleb <Caleb.Pritchard@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>

Subject: 5/26: FM 969 Liquor Store Opposition_Black Neighborhood! [Planning Commission Registration]

*** External Email - Exercise Caution ***

To: Austin City Clerk

Attn: Andrew Rivera, Planning Commission Liaison

Re: Zoning CASE #C14-2020-0010 FM 969 Retail Center DISTRICT: 1

May 26 2020 Planning Commission Registration: Liquor Store Opposition

1. **HB 2840 (Public Testimony):** Today is Memorial Day, a federal holiday. Speaker Registration should, therefore, be extended by one day for all Boards/Commission Meetings, accordingly, since staff members are off. Due to the ongoing COVID-19 pandemic, I write to register to speak virtually during the May 26, 2020/6PM Planning Commission Meeting and anticipate typing a memorandum expressing **adamant opposition to allowing a liquor store in the Craigwood/FM 969 Historically Black Neighborhood Retail Center**. It would be inappropriate to allow a liquor store at the entrance of a wealthy white West Austin neighborhood and should be disallowed in this Black neighborhood, too. A liquor store will not improve Black residents' quality of life (e.g., education, health, food access, wealth). Black children need positive images and educational resources, not a daily liquor store reminder as they enter the subdivision and walk over 1/2-mile to FM 969 and MLK since the bus no longer goes into the neighborhood like South/West and Central Austin. Please permit others (e.g., elected officials, NAACP, residents) to submit testimony through May 26, 2020.

2. **Disparate Impact Policy Opposition:** "Per City Code, 'Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are **incompatible with residential environments**. Liquor sales is one of the permitted uses in a CS-1 district.' CS-1 zoning is the only zoning designation that permits liquor store land use."

- ISSUES: The **Applicant proposes CS-1-NP to allow a liquor store in a retail center**. The Applicant accepts Staff recommendation to prohibit cocktail lounge land use.
- CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

- "STAFF RECOMMENDATION: Staff recommends CS-1-CO-NP. . . . Staff supports the Applicant's request of CS-1-NP with the additional prohibition of cocktail lounge land use (CS-1-CO-NP). For a summary of the basis of staff's recommendation, see case manager comments on page 2." Source: <http://www.austintexas.gov/edims/document.cfm?id=340796>

3. Title VI Public Transportation: Route 339-Tuscany (formerly 323) is one of Capital Metro's worst bus routes funded, in part, by Travis County Commissioners Court - operating only once every 60 minutes from Walmart-Norwood to FM969/Craigwood, terminating at Tannehill/Webberville by Greater Mount Zion. Route 323 operated 35 minutes Peak Northeast-west (Walmart-Norwood to Walmart-Northcross) before June 3, 2018 Cap Remap implementation. 323-Northwest remained and improved to 30 minutes but the Black side became worse with reduced runtime to the main US Post Office and UPS. It is also dangerous -- daily traffic "increases to **28,000** close to US 183" (COA, 2012, p. 3). This zoning change runs counter to the safe, "compact and connected city" marketing message Council Member Natasha Harper-Madison often touts with disregard for her Northeast Austin Black constituents, in particular, who do not benefit from the 2018 Austin Strategic Mobility Plan or 2012 Imagine Austin concepts. Council Member Ann Kitchen's April 23, 2020 Transit Displacement/Equity Resolution (Item 38) also fails to ensure equitable bus routes and 15-minute frequency in Black neighborhoods like Craigwood. Cap Remap is the foundation for Project Connect which will segregate Austin for centuries as illustrated by this zoning case! Hence I oppose the Applicant's liquor store request.

Thanks.~ZCJoseph

From: Archbishop Dr Sterling Lands II

Sent: Monday, May 25, 2020 8:07 PM

To: Zenobia C. Joseph

Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Clerk, City <City.Clerk@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Adler, Steve <Steve.Adler@austintexas.gov>; lindernelson@aol.com; sam.biscoe@traviscountytx.gov; brigid.shea@traviscountytx.gov; margaret.gomez@traviscountytx.gov; gerald.daugherty@traviscountytx.gov; jeff.travillion@traviscountytx.gov; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Pritchard, Caleb <Caleb.Pritchard@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>; King, David - BC <BC-David.King@austintexas.gov>

Subject: Re: Thanks: Exception to Policy Request!_Re: 5/26: FM 969 Liquor Store Opposition_Black Neighborhood! [Planning Commission Registration]

Hello,

Ms. Joseph,

I oppose allowing a liquor store in the Craigwood/FM 969 Historically Black Neighborhood Retail Center.

I support your request of CS-1-NP with the additional prohibition of cocktail lounge land use (CS-1-CO-NP).

Blessings, ++SLands2

--

Archbishop Dr. Sterling Lands II

The family is a Kingdom priority.

www.famlif.org

www.greatercalvary.org

www.warriorgospelband.com