

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Central West Austin Combined (WANG)

CASE#: NPA-2020-0027.01 **DATE FILED:** September 10, 2020 (out-of-cycle)

PROJECT NAME: Twin Liquors-Maudie's

PC DATE: December 8, 2020

ADDRESSES: 2602, 2604, 2606, 2608, 2610 W. 7th Street and 701, 703 Newman Dr.

DISTRICT AREA: 10

SITE AREA: 0.75 acres

OWNER/APPLICANT: TASC Properties, LP (Tracy S. Livingston)

AGENT: Thrower Design (Ron A. Thrower and Victoria Haase)

CASE MANAGER: Maureen Meredith, Housing & Planning Dept.

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Neighborhood Commercial

To: Commercial

Base District Zoning Change

Related Zoning Case: C14-2020-0024

From: CS-NP to CS-1-NP (5,327 SF) and CS-1-NP

To: CS-NP (2,285 sf) for liquor sales.

NEIGHBORHOOD PLAN ADOPTION DATE: September 23, 2010

PLANNING COMMISSION RECOMMENDATION:

December 8, 2020 – After discussion, approved for Commercial land use. [Substitute Motion: A. Azhar – 1st; J. Thompson -2nd] Vote: 8-2 [Shieh and Llanes-Pulido voted nay. Y. Flores and P. Seeger absent. One vacancy].

STAFF RECOMMENDATION: Staff recommends the applicant's request for Commercial land use, but Staff would also support Mixed Use land use.

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request for Commercial land use because the property is within 150 feet of Lake Austin Boulevard which is an activity corridor as identified on the Imagine Austin Comprehensive Plan's Growth Concept Map. As the comprehensive plan notes, activity corridors are 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. For this reason, staff would also support Mixed Use land use, which would also be appropriate for this location.

Land Use

Goal Statement and Introduction

Preserve and protect the historic character and integrity of Central West Austin's predominantly single-family neighborhoods, with their neighborhood-serving commercial centers, civic areas, safe parks, and attractive open spaces, so as to maintain the neighborhood's quality of life, avoid increasing traffic, preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding.

Development of property as office, commercial, retail, multi-family, or civic uses should be in accordance with the Future Land Use Map, as informed by the Plan text, and should be appropriately oriented, scaled and buffered to protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses. The future use of the Brackenridge Tract and the Austin State Supported Living Center property should take into account the impact of such use on the surrounding neighborhood, and if developed should be compatible with the existing single-family homes in the neighborhood. Buffering to protect the existing single-family homes in the neighborhood is also desired.

Objective 1: Preserve the existing single family neighborhoods of Central West Austin.

Objective 2: Preserve or enhance, as appropriate, existing multifamily housing and neighborhood-serving commercial districts.

Objective 3: All development should be compatible with the character of the adjacent neighborhood and should be guided by green design principles.

Objective 4: Encourage the northeast corner of Windsor Road Planning Area to become a mixed use, urban neighborhood, respecting and providing amenities to the Bryker Woods and West 31st Street neighborhoods.

Action Items

C.1.4

Increase the variety, quality & accessibility of neighborhood retail & public services.

T.3.2

Support city-wide mass transit service that will decrease congestion on Loop 1 & Lamar Boulevard, thus reducing traffic on Central West Austin's streets & improving the transportation system for all of Austin & the region.

T.1.9

Recreate Lake Austin Boulevard as a gateway to Central West Austin destinations. It should become a real boulevard that provides equitable access between pedestrians, cyclists, transit users, & motorists & promotes recreation & socializing, but without expanding vehicle lanes. Below is a sample commuter boulevard. Should the University redevelop the Brackenridge Tract, recreating Lake Austin Boulevard becomes of greater importance.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Neighborhood Commercial - Lots or parcels containing small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale.

Purpose

1. Accommodate low-intensity commercial services that serve surrounding neighborhoods; and
2. Encourage small-scale retail within walking distance from residential areas.

Application

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used to encourage high intensity commercial to transition to residential uses.

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.

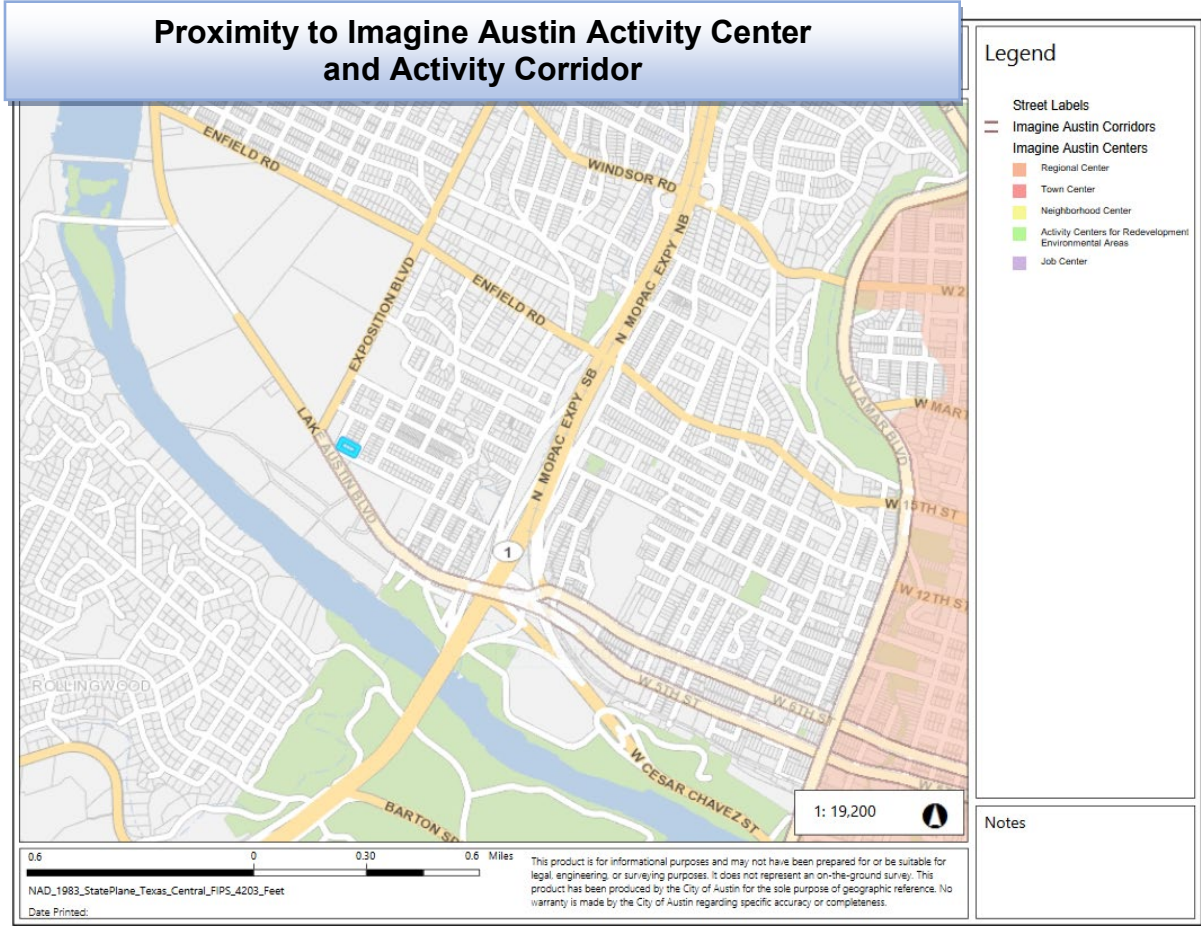
Application

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.

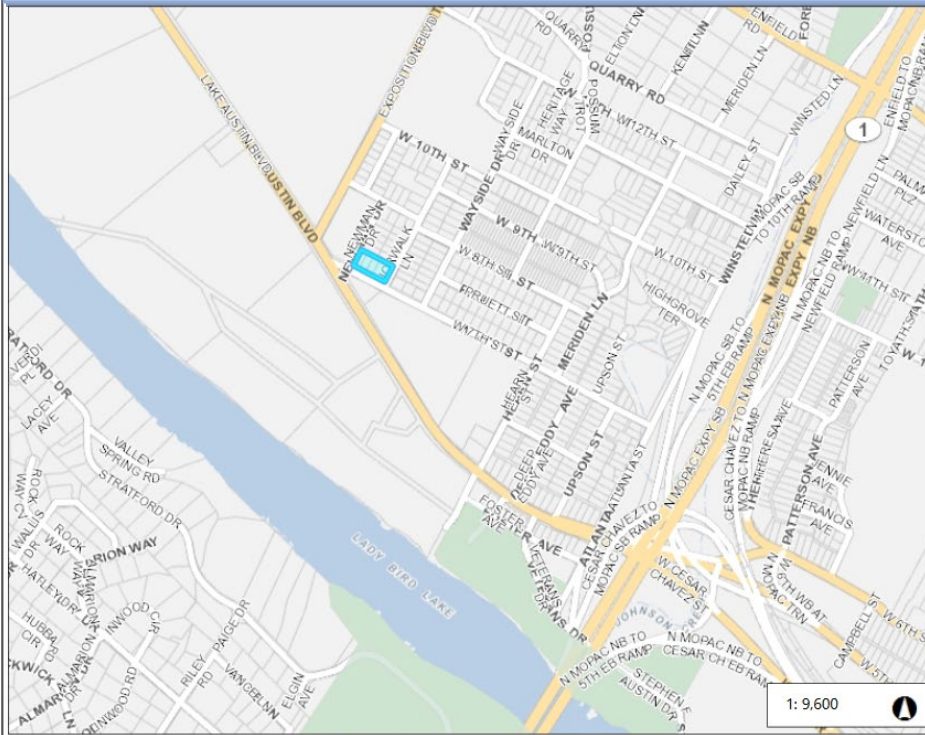
IMAGINE AUSTIN PLANNING PRINCIPLES

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 applicant's proposed zoning of CS-1-NP and CS-NP along with a future land use map request for Commercial land use does not permit residential uses, although the property is near a commercial corridor with a mix of uses.***
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 near the Lake Austin Boulevard activity corridor. The property is near public transportation that runs along Exposition Boulevard and Lake Austin Boulevard to the west of Exposition Boulevard.***
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 is located within 150 feet of an activity corridor where commercial and mixed use land uses are appropriate.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The applicant's proposed zoning request of CS-1-NP and CS-NP does not allow for residential uses.***

5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***Commercial and Mixed Use land uses are 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, such as the Drinking Water Protection Zone.***
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.
 - ***To the best of staff’s knowledge, the property has no historic or cultural significance.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***The property is located within a walkable and bikable area that has access to parks and commercial uses.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not directly applicable.***
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.***



Proximity to Parks



Legend

- Street Labels
- City of Austin Parks
- Travis County Parks
- Texas State Parks

Notes

0.3 0 0.15 0.3 Miles
 NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet
 Date Printed:

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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 September 10, 2020 which is out-of-cycle for neighborhood planning areas located on the east side of I.H.-35. The Central West Austin Combined Neighborhood Plan Contact Team allowed the application to be filed out-of-cycle with specific conditions. Please see the letter in this report.

The applicant proposes to change the future land use map from Neighborhood Commercial to Commercial.

The applicant proposes to change the zoning on the property from CS-1-NP to CS-NP on 2,285 square feet (Tract 1) to CS-NP to CS-1-NP on 5,327 square feet (Tract 2) for a liquor sales.

PUBLIC MEETING: The ordinance-required community meeting was virtually held on October 26, 2020. Approximately 427 meeting notices were mailed to people who live or have a utility account within 500 feet of the property, in addition to neighborhood groups and environmental organizations who request notification for the area on the Community Registry. Thirteen people participated in the meeting including two city staff members and Victoria Haase from Thrower Design representing the property owner/applicant for both the zoning and plan amendment applications.

After city staff gave an overview of the plan amendment and zoning change requests, Victoria Haase from Thrower Design gave the following presentation. Her PowerPoint presentation is at the end of this report and a recording of the virtual meeting can be found at <https://www.speakupaustin.org/npa>.

Victoria Haase said the first time they came to the neighborhood with a similar request Maudie's was going to move to the other side of the building in the shopping center and Twin Liquors was going to move towards the grocery store to the west. However, there were issues during the site planning process so now Maudie's will stay where they are and expand into the Twin Liquors site. Twin Liquors will move down into half of the space where Goodwill Industries was located.

She said they are asking for a FLUM change from Neighborhood Commercial to Commercial on the entire tract because CS-1 zoning is not allowed in the Neighborhood Commercial land use. The City does not allow changes to the future land use map for footprint areas, however the City does allow zoning change requests for a building footprint, which is why the FLUM change request is for the entire tract of land. She explained how the CS-1 zoning from February 2019 application that was approved by City Council is shown on the left map below and the propose CS-1 zoning is requested on the map to the right.



She said they are trying to move a piece of the CS-1 from the western half of the property further to the southeast as what is shown on the map to the right.

After her presentation, the following questions were asked.

Q: In the far western part of the property, what is the intended use for the part along Newman Drive?

A: Maudie's will stay there and the building footprint will stay the same, but the intention is to rearrange the tenants in the space.

Q: The city charter does NOT prevent the Neighborhood Commercial FLUM from being more restrictive than the approved CS-1 zoning, correct? In answering this question, please note that the originally approved neighborhood plan included a Neighborhood Commercial FLUM designation that was more restrictive than the existing CS zoning. Also, please note that the city council's decision on this property also approved this discrepancy between FLUM and zoning.

A: The City Charter, Article X, Section 6 which describes the authority of the Imagine Austin Comprehensive Plan, which generally says that regulatory decisions, such as zoning, needs to be in alignment with the Comprehensive Plan. Since the land use category of Neighborhood Commercial was not in alignment with that Charter requirement, which is why they are asking for the FLUM change today. Also, initially the original case was advised by the Law Department that when the Council makes decisions, the zoning and the FLUM needs to be in alignment with the Charter.

Q: Do you have the formal legal opinion on this?

A: Here's the section of the Charter mentioned above:

§ 6. LEGAL EFFECT OF COMPREHENSIVE PLAN. Upon adoption of a comprehensive plan or element or portion thereof by the city council, all land development regulations including zoning and map, subdivision regulations, roadway plan, all public improvements, public facilities, public utilities projects and all city regulatory actions relating to land use, subdivision and development approval shall be consistent with the comprehensive plan, element or portion thereof as adopted. For purposes of clarity, consistency and facilitation of comprehensive planning and land development process, the various types of local regulations or laws concerning the development of land may be combined in their totality in a single ordinance known as the Land Development Code of the City of Austin.

Q: Some of us have concerns not so much about Maudie's itself, but concerns if those tenants are no longer there and what the change of zoning means to the neighborhood. What happens if someone buys the property, razes the buildings and replaces it with something that may fit the scope of the zoning but is not appropriate for the neighborhood. Can you talk about that?

A: If sometime in the future these tenants go away, the CS-1 is just the footprint, so technically any business allowed in the CS-1 zoning district could go into that area, which is only the footprint. Also, all the uses allowed in the CS zoning district would also be allowed in the CS-1, but with CS-1 the only additional use is liquor element, there is conditional use permit process for a cocktail lounge.

Q: Is there a height difference?

A: There is no height difference between CS and CS-1, the maximum height is 60 feet.

Q: Under CS-1 zoning, how does the allowed height limit (60 feet tall) interact with the footprint of the zoning request?

A: The height is the same between CS and CS-1, technically someone could redevelop the property, but compatibility standards would be triggered by the single family uses around the property. But the property owner is not interested in turning over tenants. Maudie's and Twin Liquors have been there a long time, although we do recognize in today's economic climate, things could change.

Q: How high is the HEB? Is compatibility with that going to be the future?

A: I don't know anything about the new grocery store. It's zoning LO – Limited Office, but it is UT property. LO allows 40 feet or three stories, but because it is UT property, they have ability to do what they want.

CITY COUNCIL DATE:

January 27, 2021

ACTION:

Pending

Applicant's Summary Letter



August 19, 2020

Maureen Meredith
Senior Planner
City of Austin Planning & Zoning Department
PO Box 1088
Austin, Texas 78767

Dear Maureen—

Due to circumstances, the Twin Liquors/Maudies Restaurant project at the corner of W. 7th and Newman needs to be amended from the original proposal for which zoning was approved in 2019 per Ord. No. 20190606-076. Maudies restaurant will stay in place and expand into the space that is currently occupied by Twin Liquors. Twin Liquors will now move into a portion of the former Goodwill site. This change will require CS-1 zoning of a portion of the space currently occupied by Goodwill.

A zoning application, C14-2020-0024, has been filed with the City to remove the CS-1 footprint that was recently approved per Ord. No. 20190606-076 and instead shift the CS-1 foot print to the area of the building that is currently occupied by Goodwill.

The matter remains that the *Neighborhood Commercial* FLUM category does not accommodate the CS-1 zoning district. Therefore, the attached Neighborhood Plan Amendment application is submitted to change the FLUM from *Neighborhood Commercial* to *Commercial*, a category that will accommodate the CS-1 zoning district. As time is outside of the filing window for this Neighborhood Planning Area, we have achieved consent from the Central West Austin Neighborhood Plan Contact Team to file for the NPA at this time. Their letter of authorization is attached.

We respectfully request Staff's support for the NPA. Please let us know if you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Victoria Haase".

Victoria Haase

510 S. CONGRESS AVENUE, STE 207, AUSTIN, TX 78704

Out-of-Cycle Authorization from Neighborhood Plan Contact Team (NPCT)

CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

August 8, 2020

Ms. Victoria Haase/Mr. Ron Thrower
Thrower Design
510 South Congress Avenue, Suite 207
Austin, Texas 78704

Tracy Livingston
TASC Properties, LP
2200 Willowick Road
Houston, Texas 77027

Organized 2010

"To facilitate the implementation of the Central West Austin Combined Neighborhood Plan."

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Brady Pedneau
Blake Tollett
Diane Umstead
John Volz
Tina Weinberger

Re: Neighborhood Plan Amendment for Zoning Case No. C14-2020-0024 (2608 W. 7th)

Greetings all:

In response to your request to file an application to amend the Central West Austin Combined Neighborhood Plan outside of the filing window established by the land development code, we are writing to confirm the agreement with the Applicant which represents a good faith effort to address Applicant's request while also addressing the concern of the Neighborhood Plan Contact Team so as to enable the identified project to proceed while retaining the neighborhood plan vision and protections against other projects beyond the scope of what you're requesting. This agreement is limited to the specific zoning request described in Applicant's attached letter, and does not include any subsequent amendment or revision to the attached zoning/neighborhood plan request.

Pursuant to LDC § 25-1-804(B)(3)(b), the Central West Austin Neighborhood Plan Contact Team (CWANPCT) conditionally agrees that the owner of 2608 West 7th Street and any agent or representative thereof ("Applicant") may file a single neighborhood plan (NP) amendment application outside of the filing window provided by § 25-1-804(B)(3) to request a Commercial future land use map designation for the property, provided that Applicant hereby agrees to support retaining the existing Neighborhood Commercial FLUM designation for the property before the Planning Commission and City Council in the event that the CWANPCT supports the commercial CS-1 zoning requested, per zoning case # C14-2020-0024, by Applicant for the property. The Applicant will provide a letter addressed to both the Planning Commission and Council supporting retention of the existing Neighborhood Commercial FLUM.

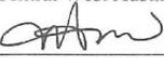
Signed:


Mike Cannatti

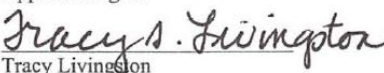
August 8, 2020

Date

Central West Austin Neighborhood Plan Contact Team, Chair


Ron Thrower/Victoria Haase
Applicant/Agent

August 10, 2020
Date


Tracy Livingston
TASC Properties, LP
Owner

August 14, 2020
Date

**Applicant's Letter Referred to in Michal Cannatti's
Letter**

Thrower Design

510 S. Congress Avenue, Ste. 207
P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

April 14, 2020

Mike Cannatti,
Central Austin Combined Neighborhood Plan Contact Team

Holly Reed,
President, West Austin Neighborhood Group

RE: FLUM amendment for Twin Liquors/Maudie's @ 2608 W. 7th Street

Dear Mike and Holly,

We thank both of you and others for giving us space in the meeting last night to talk about this project. Both Twin Liquors and Maudie's are ready to get moving towards completion of their move/remodel. The first step is to file for a Neighborhood Plan Amendment to accompany the zoning application, C14-2020-0024. The zoning application has been submitted to the City and cannot move forward to public hearing until we file for the Neighborhood Plan Amendment to change the FLUM from *Neighborhood Commercial* to either *Commercial* or *Mixed Use*, both of which permit the CS-1 zoning district needed.

Prior to approval of the 2019 zoning case C14-2019-0043, this shopping center had approximately 7,841 sq. ft. of CS-1 zoning accommodating the Twin Liquors store as well as nearly 3,500 sq. ft. of parking lot. The 2019 zoning case effectively transferred 2,285 sq. ft. of CS-1 from the parking lot to the Maudie's restaurant footprint and outright removed 1,050 sq. ft. of CS-1 zoning from the property.

Today, we are requesting to transfer the 2,285 sq. ft. of CS-1 from the Maudie's restaurant footprint to a portion of the previous Goodwill footprint to accommodate the Twin Liquors move. Because Twin Liquors is expanding their store front in this new location, they are asking for additional CS-1 sq. ft.. Twin Liquors will now have a store front totaling 5,327 sq. ft. which is an increase in their store front by approximately 1,000 sq. ft. The latest request results in a net increase of 3K sq. ft. of CS-1 in the shopping center. The increase will accommodate an expansion of both Twin Liquors and Maudie's to better serve the customers of Deep Eddy and Tarrytown.

L A N D P L A N N E R S

In summary:

Original CS-1 Area: 7,845 sq. ft.

CS-1 after June 2019: 6,782 sq. ft.

CS-1 after approval of the current request: 9,770 sq. ft. **

CS-1 area to be occupied by Twin Liquors: 5,327 sq. ft.

**Note that the original (current) area of Twin Liquors will maintain the CS-1 zoning and will be occupied by Maudie's after the move/remodel.

The Twin Liquors move/expansion and the Maudie's remodel/expansion/remodel is held up right now because we cannot file for a Neighborhood Plan Amendment. We seek the support of the NPCT to file for the amendment. Without their support to file, Twin Liquors and Maudie's will be on pause for another year, until February 2021. We respectfully request support to first and foremost, file the application. Secondly, we seek support for the FLUM amendment and the CS-1 re-zoning. We expect to have more discussion with the Neighborhood Groups to discuss the particulars.

The visual exhibits shown during the April 13th WANG meeting are included with this letter along with the zoning application that was most recently filed with the City on February 27th. Please contact our office for any questions or concerns regarding this project.

Respectfully submitted,



Victoria Haase

Letter of Recommendation from the Central West Austin Combined NPCT

From: Mike Cannatti

Sent: Tuesday, December 01, 2020 9:10 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Cc: Graham, Mark <Mark.Graham@austintexas.gov>; Victoria <Victoria@throwerdesign.com>; Ron Thrower <rnt@throwerdesign.com>; 'Blake Tollett' 'Roya Johnson' 'Brady Pedneau' 'mark nixon' ; 'August W. Harris III' 'Diane Umstead' 'Tina Weinberger' 'j1406v@' 'Michael Curry' 'Joyce Basciano' 'Tomas Pantin' 'Teddy Kinney'

Subject: RE: CWACNPCT Rec: NPA-2020-0027.01_Twin Liquors-Maudies

*** External Email - Exercise Caution ***

Greetings Maureen,

In connection with our October 26 virtual community meeting to discuss the proposed amendments to our Future Land Use Map (FLUM) for 2608 W. 7th St, I am writing on behalf of the Central West Austin Neighborhood Plan Contact Team (NPCT) to provide the contact team's recommendation that the FLUM amendment request be denied (because Applicant has not met City Code requirements for a FLUM change) and that the zoning change to CS-1-NP be granted (to allow the proposed uses for the Maudie's and Twin Liquor businesses).

As detailed in the attached letter, we realize that this recommendation results in a tension between the existing FLUM and underlying zoning, but we approve of this result because the requested FLUM amendment is unnecessary and is not supported by the City Code requirements for the reasons detailed in the letter. More importantly, this tension has been in place since our neighborhood plan was first created by City Council, and was confirmed by City Council at the most recent request to rezone this property last year. In our view, any disconnect between the existing "neighborhood commercial" FLUM designation and the proposed CS-1-NP zoning is something the neighborhood plan can tolerate far more readily than the changing the FLUM to "Commercial" FLUM without the required showing under the City Code.

At the same time, our neighborhood enjoys, values, and appreciates the Maudie's Tex-Mex Café and Twin Liquors businesses, and would like to see these businesses continue to succeed and thrive. If this means that a CS-1 zoning change is granted that is inconsistent with the existing Neighborhood Commercial FLUM designation, we would prefer this outcome to altering the FLUM to "Commercial."

Accordingly, we recommend that the FLUM amendment be denied because the proposed land use is in direct conflict with the relevant goals and objectives to retain "neighborhood-serving commercial centers" at this specific location.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti

Chair, Central West Austin Neighborhood Plan Contact Team

CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

November 29, 2020

Organized 2010

"To facilitate the implementation of the Central West Austin Combined Neighborhood Plan."

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Mark Nixon
Thomas Pantin
Brady Pedneau
Blake Tollett
Diane Umstead
John Volz
Tina Weinberger

Ms. Maureen Meredith
City of Austin
Planning & Development Review Department
505 Barton Springs Rd.
Austin, Texas 78704

Re: Neighborhood Plan Amendment Case No. NPA-2020-0027.01 (2608 W. 7th St. - Twin Liquors/Maudie's)

Dear Maureen:

Following up on our October 26 virtual community meeting with the Central West Austin Neighborhood Plan Contact Team (NPCT) to discuss the proposed amendments to our Future Land Use Map (FLUM) for 2608 W. 7th St, I am writing to provide the contact team's recommendation that the FLUM amendment request be denied (because Applicant has not met City Code requirements for a FLUM change) and that the zoning change to CS-1-NP be granted (to allow the proposed uses for the Maudie's and Twin Liquor businesses). We realize that this recommendation results in a tension between the FLUM and underlying zoning, but we approve of this result because the requested FLUM amendment is unnecessary and is not supported by the City Code requirements for the reasons detailed below. More importantly, this tension has been in place since our neighborhood plan was first created by City Council, and was confirmed by City Council at the most recent request to rezone this property last year. In our view, any disconnect between the existing "neighborhood commercial" FLUM designation and the proposed CS-1-NP zoning is something the neighborhood plan can tolerate far more readily than the changing the FLUM to "Commercial" FLUM without the required showing under the City Code.

Prior to forming the staff recommendation here, we hope you will give full consideration to the stakeholder feedback and information from the community meeting that FLUM amendment to "Commercial Use" is not supported by the facts, by our neighborhood plan's goals, objectives, and recommendations, by the Neighborhood Plan Contact Team, or – most importantly – by the Applicant.

The FLUM Amendment Is Not Supported By The LDC's Recommendation Criteria – First, we submit that the requirements under the Land Development Code for neighborhood plan amendments have not been met here. According to plan amendment recommendation criteria of LDC § 25-1-810(A), "the director may not recommend approval of a neighborhood plan amendment" unless the requirements of LDC § 25-1-810(B) and LDC § 25-1-810(C) are satisfied.

To meet the requirements of LDC § 25-1-810(B), the applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;
- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;
- (3) the proposed amendment is appropriate:
 - (a) because of a material change in circumstances since the adoption of the plan; and
 - (b) denial would result in a hardship to the applicant;

- (4) the proposed project:
 - (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations; or
 - (b) promotes the recruitment or retention of an employment center with 100 or more employees;
- (5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan; or
- (6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

None of the required FLUM amendment showings under § 25-1-810(B) have been made. At best, Applicant explained that the property owner wanted to improve the arrangement for the Maudie's and Twin Liquors businesses, but this does not amount to "a material change in circumstances since the adoption of the plan" that would justify a FLUM amendment under the requirement of LDC § 25-1-810(B)(3). Otherwise, there has been no "mapping or textual error or omission made when the original plan was adopted" identified that would justify an amendment under the requirement of LDC § 25-1-810(B)(1). Nor is there any showing that the denial of the proposed amendment "would jeopardize public health, safety, or welfare" under the requirement of LDC § 25-1-810(B)(2). Nor is the proposed project providing superior "environmental protection" or promoting an "employment center with 100 or more employees" under the requirement of LDC § 25-1-810(B)(4). Nor is the proposed project promoting "additional SMART Housing opportunities" under the requirement of LDC § 25-1-810(B)(6). Finally, none of the "goals and objectives of the neighborhood plan" have been identified that would be consistent with the FLUM amendment under the requirement of LDC § 25-1-810(B)(5). In the absence of any of the recommendation criteria showings under LDC § 25-1-810(B), ***the FLUM amendment must not be approved.***

To meet the requirements of LDC § 25-1-810(C), the applicant must demonstrate that:

- (1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; and
- (2) the proposed amendment is consistent with sound planning principles.

Here, there has been no showing that the proposed FLUM amendment is consistent with sound planning principles. In support, the NPCT notes that the "Land Use Planning Principles" listed in the City of Austin's "Guide to Land Use Standards" weigh against the proposed Commercial FLUM. In particular, with single-family residential land uses immediately adjacent to the property, there are numerous land use principles which weigh against the proposed Commercial FLUM, including "discouraging intense uses within or adjacent to residential areas," "minimizing negative effects between incompatible land uses," "ensuring neighborhood businesses are planned to minimize adverse effects to the neighborhood," "ensuring adequate transition between adjacent land uses and development intensities," and "balancing individual property rights with community interests and goals." In the absence of any of the recommendation criteria showings under LDC § 25-1-810(C)(2), ***the FLUM amendment must not be approved.***

To recommend approval of the FLUM, the LDC explicitly states that the requirements of both subsections LDC § 25-1-810(B) and LDC § 25-1-810(C) must be met. Here, neither have been met.

The FLUM Amendment Is Not Supported By The Goals and Objectives of the Neighborhood Plan – In evaluating the guidance from the neighborhood plan for this property, it must first be noted that the existing FLUM designation (Neighborhood Commercial) is deliberately out of synch with the existing, underlying zoning (CS and CS-1). This tension was purposefully created in the neighborhood plan process so as to promote and preserve this area as “neighborhood-serving commercial center” for the surrounding single-family neighborhood. This intention is directly stated in the land use goal from the neighborhood plan:

LAND USE

Preserve and protect the historic character and integrity of Central West Austin’s predominantly single-family neighborhoods, with their neighborhood-serving commercial centers, civic areas, safe parks, and attractive open spaces, so as to maintain the neighborhood’s quality of life, avoid increasing traffic, preserve the mature tree canopy, protect creeks and the lakes, and prevent flooding.

Development of property as office, commercial, retail, multi-family, or civic uses should be in accordance with the Future Land Use Map, as informed by the Plan text, and should be appropriately oriented, scaled and buffered to protect the existing single-family homes from any intrusion and adverse effects from higher intensity uses. The future use of the Brackenridge Tract and the Austin State Supported Living Center property should take into account the impact of such use on the surrounding neighborhood, and if developed should be compatible with the existing single-family homes in the neighborhood. Buffering to protect the existing single-family homes in the neighborhood is also desired.

Insofar as the City Code requires a showing that the “proposed amendment is consistent with the goals and objectives of the neighborhood plan” (LDC § 25-1-810(B)(5)), we submit that there is nothing in this goal which is consistent with designating this area as “Commercial” in the FLUM. To the contrary, the Land Use Goal states that “Development of property as office, commercial, retail, multi-family, or civic uses should be in accordance with the Future Land Use Map, as informed by the Plan text.” In addition to the guidance from the Land Use Goal, the applicable land use objectives also support preserving or enhancing existing neighborhood-serving commercial districts. Land Use Objective 2.

In sum, we submit that Applicant’s FLUM amendment is unsupported by the required demonstration of code requirements for a plan amendment. At the same time, our neighborhood enjoys, values, and appreciates the Maudie’s Tex-Mex Café and Twin Liquors businesses, and would like to see these businesses continue to succeed and thrive. If this means that a CS-1 zoning change is granted that is inconsistent with the existing Neighborhood Commercial FLUM designation, we would prefer this outcome to altering the FLUM to “Commercial.” Not only would a “Commercial” FLUM designation depart from the clear direction and intention of the neighborhood plan to preserve our “neighborhood-serving commercial districts,” but we are concerned the resulting property valuation from such a FLUM change would create economic pressures that could drive the Maudie’s Tex-Mex Café and Twin Liquors businesses away from our neighborhood.

The Property Owner/Applicant Supports the Neighborhood Commercial FLUM designation – In this case, the Central West Austin Neighborhood Plan Contact Team (CWANPCT) agreed that the owner of 2608 West 7th Street and any agent or representative thereof (“Applicant”) may file a single neighborhood plan (NP) amendment application outside of the filing window provided by § 25-1-804(B)(3) to request a Commercial future land use map designation for the property, provided that Applicant agreed to support

Ms. Maureen Meredith

November 29, 2020

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retaining the existing Neighborhood Commercial FLUM designation for the property before the Planning Commission and City Council in the event that the CWANPCT supports the commercial CS-1 zoning requested, per zoning case # C14-2020-0024, by Applicant for the property. To this end, the Applicant will provide a letter addressed to both the Planning Commission and Council supporting retention of the existing Neighborhood Commercial FLUM

For all of the foregoing reasons, we recommend that the FLUM amendment be denied because the proposed land use is in direct conflict with the relevant goals and objectives to retain “neighborhood-serving commercial centers” here.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti

Chair, Central West Austin Neighborhood Plan Contact Team

Letter from WANG Neighborhood Group

From: Holly Reed

Sent: Monday, May 11, 2020 3:51 PM

To: Victoria <Victoria@throwerdesign.com>; Ron Thrower <rnt@throwerdesign.com>

Cc: Holly Reed <>; WANG <Wang-Board@ >

Subject: FLUM amendment for Twin Liquors/Maudie's @ 2608 W. 7th Street

Dear Victoria and Ron,

Thank you for attending our April 13th 2020 Board of Directors meeting to present plans and discuss the re-zoning application and NPA request needed to move forward in this case.

The West Austin Neighborhood Group Board of Directors has subsequently considered the NPA, and has voted electronically to **oppose a FLUM change from Neighborhood Commercial to Mixed Use Zoning.**

WANG would prefer that the Neighborhood Commercial FLUM designation be retained at this site for the many reasons you will recall from the NP planning process. And, as you have indicated that no residential plans are intended to be added to the site, we hope that you will find a way to support the Neighborhood Commercial FLUM designation moving forward, if the neighborhood agrees to support the CS-1 commercial zoning that is needed for the project.

Sincerely,

Holly

Holly Reed

West Austin Neighborhood Group (WANG)

512-413-0188



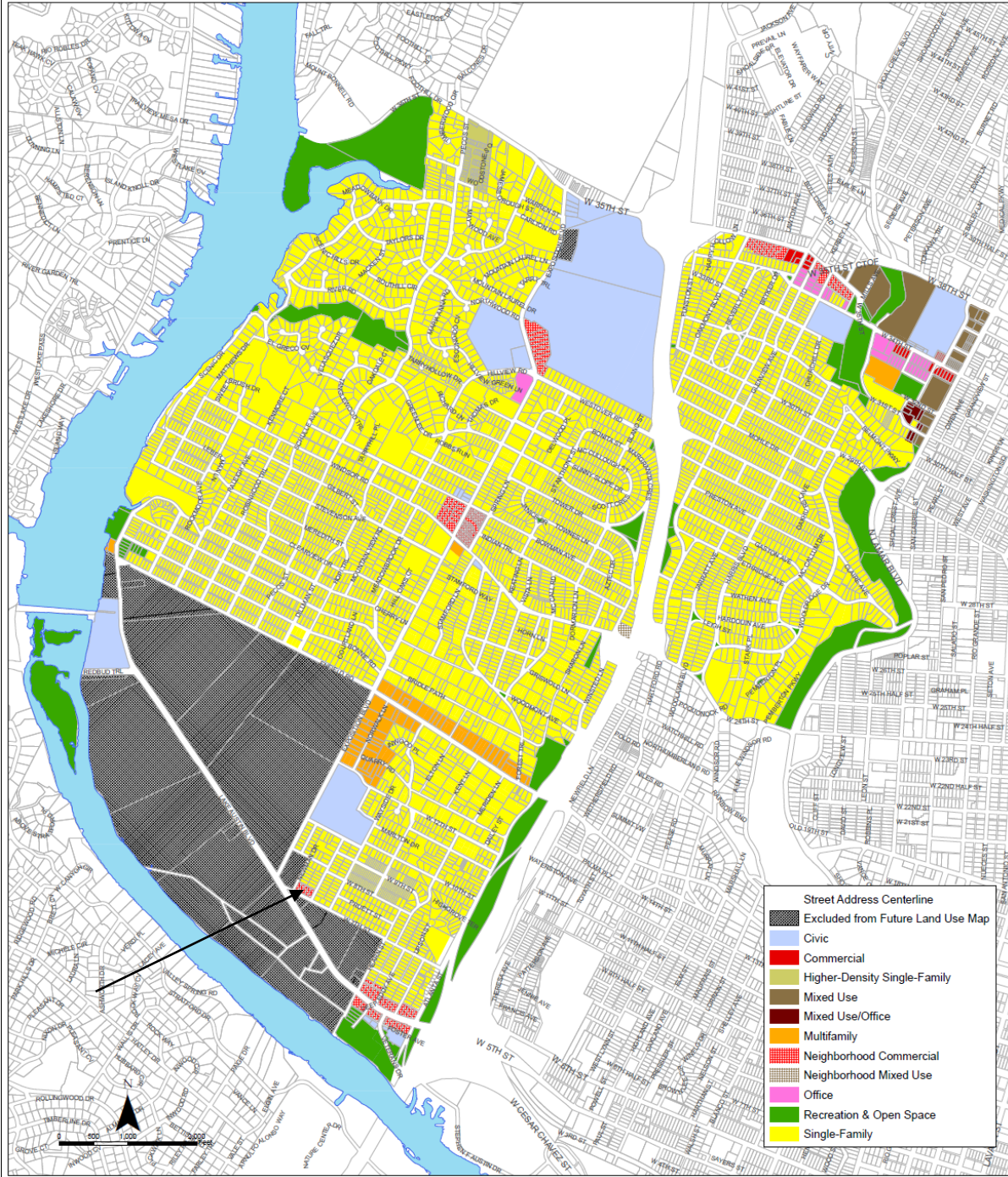
Central West Austin Combined Neighborhood Planning Area Future Land Use Map

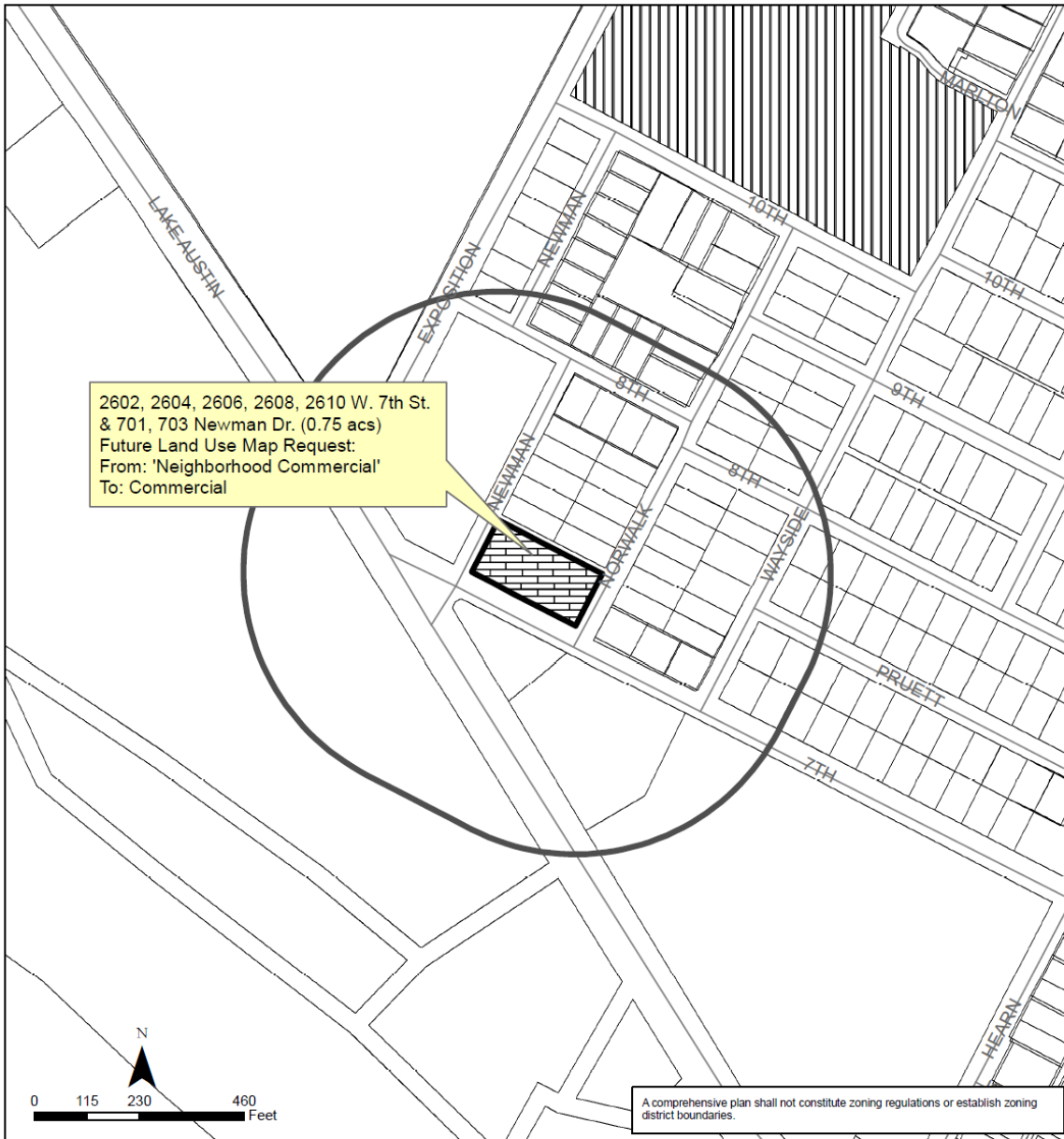
Plan Adopted: September 23, 2010
Last Revised: Monday, March 2, 2020

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. Updates may occur past the date of this map. Please verify with the City of Austin.

The designation of a land use category does not imply that the most intense zoning district associated with that category will be automatically recommended or approved.

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of aiding neighborhood planning decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.





Central West Austin Combined Neighborhood Planning Area NPA-2020-0027.01

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.

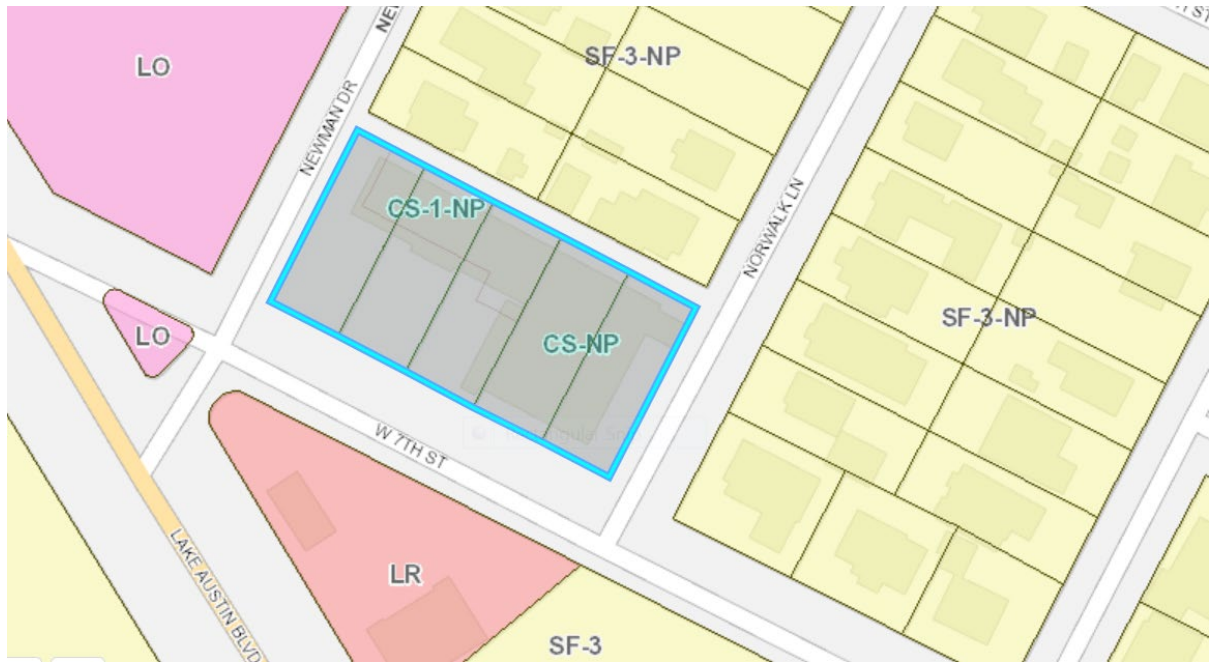


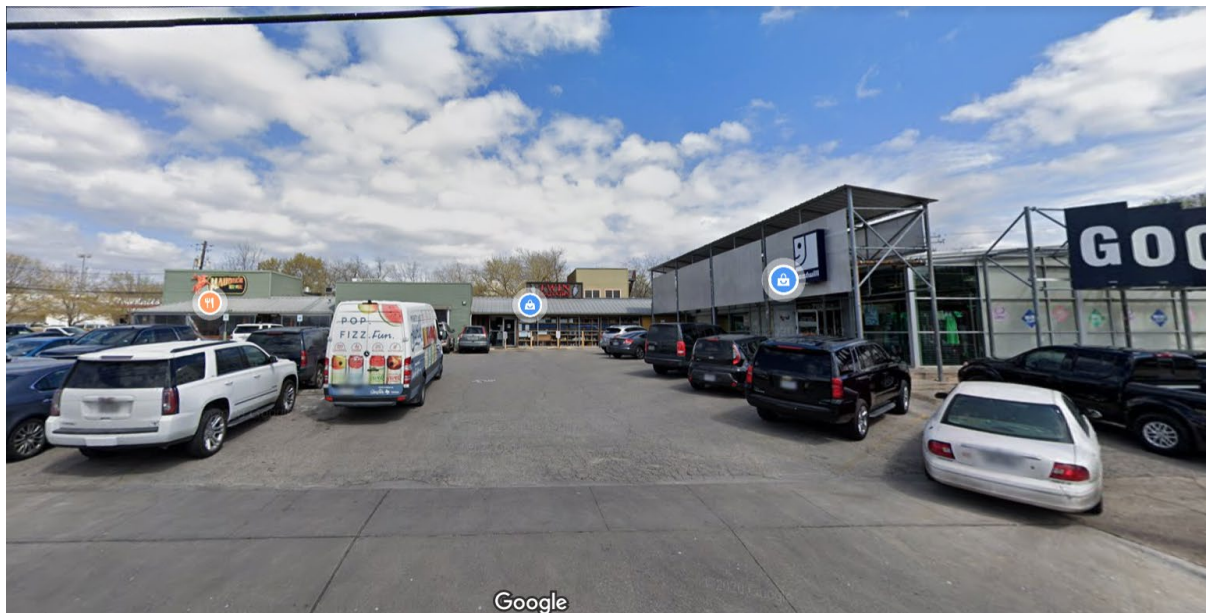
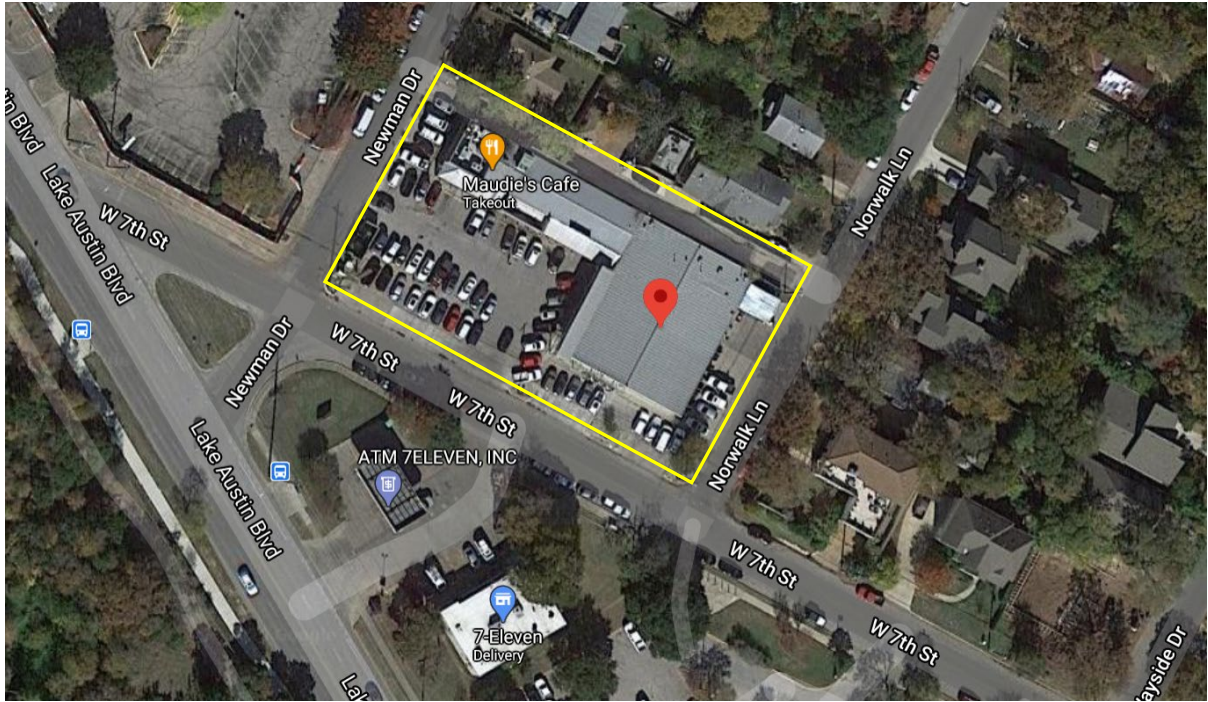
City of Austin
Planning and Zoning Department
Created on 11/13/2020, by: meredithm

Future Land Use

	500 ft notif boundary		Neighborhood Commercial
	Subject Property		Civic
	Single-Family		Recreation & Open Space
	Multi-Family		Excluded from FLUM







Applicant's Presentation at the Oct. 26, 2020
Virtual Community Meeting

Rezoning



Neighborhood
Plan
Amendment

Twin Liquors Maudies Rezoning – C14-2020-0024 / NPA-2020-0027.01

City of Austin – NPA Meeting – October 26, 2020

Thrauer Design
LAND PLANNERS



Twin Liquors Maudies Rezoning – C14-2020-0024 / NPA-2020-0027.01

City of Austin – NPA Meeting – October 26, 2020

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LAND PLANNERS

Neighborhood Plan (FLUM) Amendment

From: Neighborhood Commercial

To: Commercial



Twin Liquors Maudies Rezoning – C14-2020-0024 / NPA-2020-0027.01

City of Austin – NPA Meeting – October 26, 2020

Thruway Design
LAND PLANNERS

Rezoning

From: CS & CS-1

To: CS-1 & CS



Twin Liquors Maudies Rezoning – C14-2020-0024 / NPA-2020-0027.01

City of Austin – NPA Meeting – October 26, 2020

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