

SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2021-0179 -- Govalle Twin Liquors

DISTRICT: 3

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2765 E 7th Street (tenant space) / 2727 E 7th Street (property address) (Boggy Creek Watershed). Applicant's Request: To rezone from community commercial-neighborhood plan (GR-NP) combining district zoning to commercial liquor sales-neighborhood plan (CS-1-NP) combining district zoning. First reading approved commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning on June 9, 2022. Vote:10-1, with Mayor Pro Tem Alter voting Nay. Owners/Applicants: Govalle Center, LLC (Christopher Rassier) Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: No comments at this time

OWNER/APPLICANT: Govalle Center, LLC (Christopher Rassier)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING: First reading approved on June 9, 2022.

CITY COUNCIL HEARING DATES/ACTION:

June 16,2022:

June 9, 2022: First reading approved commercial liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Vote:10-1. [Council member Harper-Madison- 1st, Council member Renteria- 2nd; Mayor Pro Tem Alter- Nay]

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0179

DISTRICT: 3

ZONING FROM: GR-NP

TO: CS-1-NP

ADDRESS: 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: To grant Staff recommendation CS-1-CO-NP, on consent. Greenberg, Thompson 2nd. Vote: 7-0. Kiolbassa, Smith and Woody absent. Acosta off the dais.

CITY COUNCIL ACTION:

June 16, 2022:

June 9, 2022: To grant CS-1-CO-NP on first reading only. (10-1) [Council member Harper-Madison- 1st, Council member Renteria- 2nd- Mayor pro tem Alter- Nay]

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

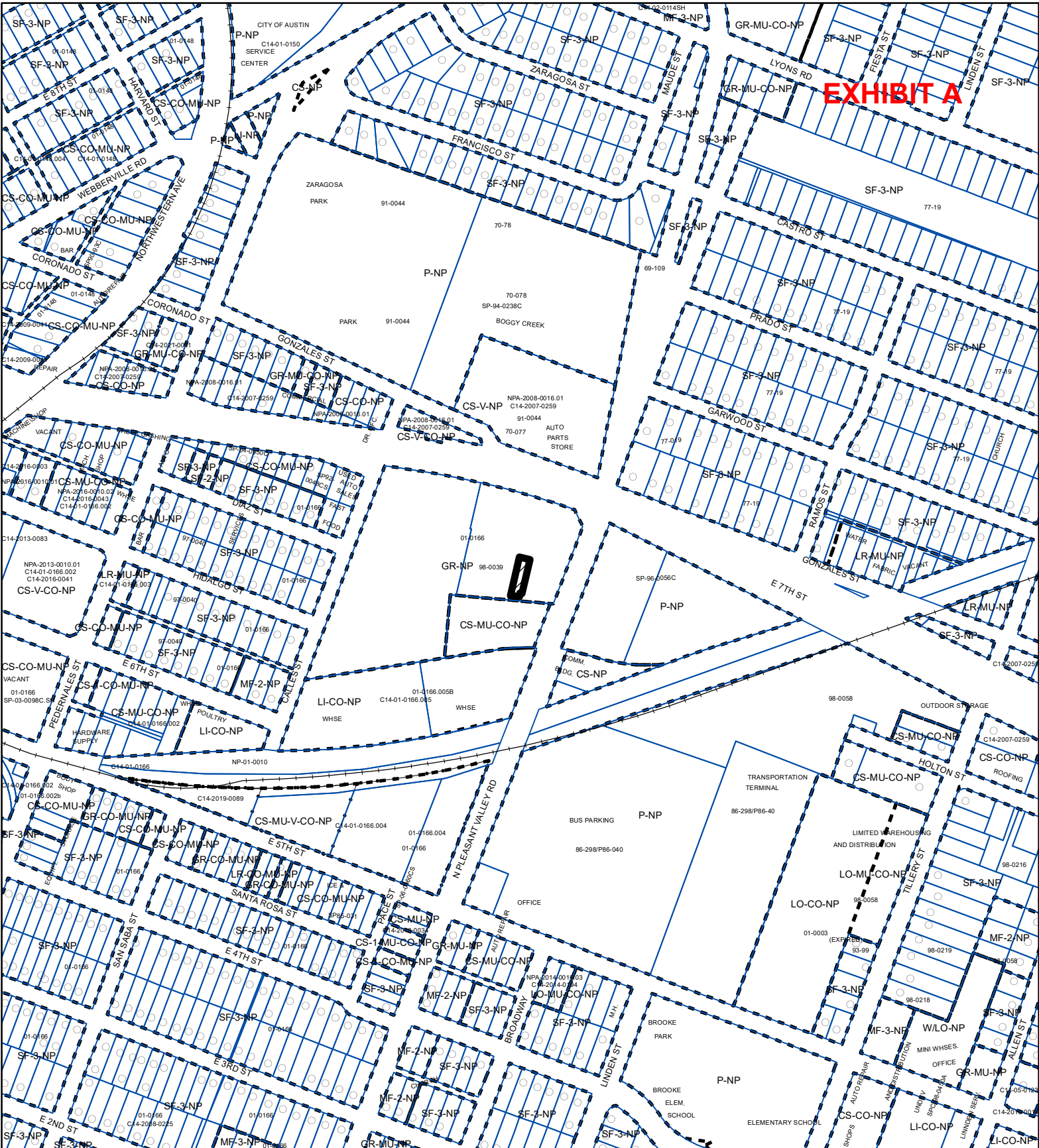
INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

B. Aerial Exhibit

C. Correspondence




EXHIBIT A



ZONING

ZONING CASE#: C14-2021-0179



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





Created: 11/15/2021



Property Profile

Legend **EXHIBIT B**

-  Zoning Review Cases- IN REV
-  Zoning Text



1: 2,400



0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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Notes

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,

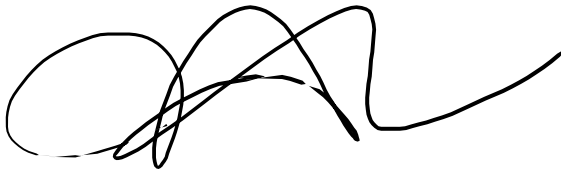
On behalf of the property owners of 2765 E 7th Street, we submit the rezoning application herein. The area of rezoning is in the City of Austin full purpose jurisdiction and is 3,957 sq. ft. of the property legally platted as *HEB/Austin No. 1 Subdivision*. The property is in the Holly Neighborhood Planning 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,

A handwritten signature in black ink, appearing to read 'Victoria Haase', with a stylized, flowing script.

Victoria Haase

Subject: RE: Case # C14-2021-0179

An aerial photograph of a commercial district in Chicago. A red circle highlights a large, mostly empty lot or parking area. Surrounding this central area are several commercial buildings and businesses, including 'Advance Auto Parts', 'Goodyear', 'B.B. Pharmacy', 'Goodyear Shopping Center', 'Cash Store', 'Burger King', 'Chickadee Public Library', 'Prestige Printing & Design', and 'Post Printing Corporation'. The area is characterized by a mix of commercial structures, parking lots, and a major road (likely I-55) running through the center. The surrounding urban landscape includes residential areas and other commercial developments.



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

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2021-0179

Contact: Heather Chaffin, 512-974-2122

Public Hearing: May 10, 2022, Planning Commission

Jessica Eley

Your Name (please print)

Grovalle NA

☐ I am in favor
☒ I object

Your address(es) affected by this application (optional)

W 2 city

Signature

5-1-2022

Date

Daytime Telephone (optional):

Comments: We have enough liquor sales in this area! Please don't turn this into a party area. We just got a ARC Clinic here. DO NOT ALLOW this Zoning!!!
Staff for the love of god think of the neighborhood.

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

City of Austin, Housing & Planning Department

Heather Chaffin

P. O. Box 1088, Austin, TX 78767

Or email to:

Heather.Chaffin@austintexas.gov

June 8, 2022

Ms. Heather Chaffin
Senior Planner
Planning & Zoning Department
City of Austin

Dear Ms. Chaffin:

I am writing to express CapMetro's official objection to Case # C14-2021-0179, the proposed rezoning at the southwest corner of Pleasant Valley Drive and East 7th Street. This rezoning would allow a proposed liquor store to operate six days a week and be less than 300' from CapMetro's Child Care and Early Learning Center.

The Child Care and Learning Center serves CapMetro employees, contractor employees and community children between the ages of 6 months to 6 years. The center is operated by Bright Horizons Family Solutions and supports the standard of excellence established by the National Accreditation Commission for Early Care and Education Programs.

While we are aware there was an added condition that Cocktail Lounge land use be prohibited, it does not address the fact that under Chapter 22 of the Texas Alcoholic Beverage Code, liquor stores are allowed to provide tastings during operating hours. These tastings can consist of up to 20 different distilled spirits, wine, malt beverages, or spirit-based coolers, with no limit on how many tastings a person may have.

With our top priority being the safety of children, families, and staff, CapMetro asks you to reconsider approving this rezoning request.

Sincerely,



Dottie Watkins
Interim Chief Executive Officer