

SECOND/THIRD READINGS SUMMARY SHEET

CASE: C14-2024-0079 – Spec's Wines, Spirits & Finer Food DISTRICT: 10

ADDRESS: 1500 West 35th Street

APPLICANT: Mascot LLC (Lee Cherney)

AGENT: Aus-Tex Building Consultants, LLC (Jourdan Brightman)

CASE MANAGER: Cynthia Hadri (512-974-7620, cynthia.hadri@austintexas.gov)

REQUEST:

Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 1500 West 35th Street (Shoal Creek Watershed). Applicant Request: To rezone from community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning.

PREVIOUS CITY COUNCIL ACTION:

November 7, 2024: APPROVED THE APPLICANT'S REQUEST FOR CS-1-CO-NP ON SECOND READING ONLY.

[J. VELA; Z. QADRI - 2ND] (10-0) MAYOR PRO TEM POOL - ABSENT

October 24, 2024: APPROVED THE APPLICANT'S REQUEST FOR CS-1-CO-NP ON FRIST READING ONLY.

[J. VELASQUEZ; N. HARPER-MADISON-2ND] (11-0)

September 26, 2024: APPROVED THE COUNCIL'S REQUEST FOR A POSTPONEMENT TO OCTOBER 24, 2024.

[Z. QADRI; MAYOR PRO TEM - 2nd]; (10-0), A. ALTER - OFF DAIS

ISSUES: N/A

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0079 - Spec's Wines, Spirits & Finer Food DISTRICT: 10

ZONING FROM: GR-V-NP

ZONING TO: CS-1-CO-NP

ADDRESS: 1500 West 35th Street

SITE AREA: 0.7824 acres
(34,081 sq. ft.)

PROPERTY OWNER: Mascot LLC (Lee Cherney)

AGENT: Aus-Tex Building Consultants, LLC (Jourdan Brightman)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combined district zoning. The conditional overlay will prohibit the following uses:

Adult-Oriented Business
Agriculture Sales And Services
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Bail Bonds Services
Campgrounds
Cocktail Lounge
Commercial Blood Plasma Center
Construction Sales & Services
Convenience Storage
Drop-Off Recycling Collection Facility
Equipment Repair Services

Equipment Sales
Funeral Services
Hotel/Motel
Kennels
Laundry Services
Outdoor Entertainment
Pawn Shop Services
Pedicab Storage & Dispatch
Service Station
Vehicle Storage
Custom Manufacturing
Limited Warehousing & Distribution
Community Garden
Urban Farm

PLANNING COMMISSION ACTION / RECOMMENDATION:

August 27, 2024: *APPROVED THE APPLICANT'S REQUEST FOR CS-1-CO-NP.*
[A. AZHAR; N. BARRERA-RAMIREZ- 2ND] (9-1) F. MAXWELL – ABSTAINED; A. PHILLIPS, A. WOODS, P. HOWARD - ABSENT

CITY COUNCIL ACTION:

November 21, 2024:

November 7, 2024: *APPROVED THE APPLICANT'S REQUEST FOR CS-1-CO-NP ON SECOND READING ONLY.*

[J. VELA; Z. QADRI - 2ND] (10-0) MAYOR PRO TEM POOL - ABSENT

October 24, 2024: *APPROVED THE APPLICANT'S REQUEST FOR CS-1-CO-NP ON FRIST READING ONLY.*

[J. VELASQUEZ; N. HARPER-MADISON-2ND] (11-0)

September 26, 2024: *APPROVED THE COUNCIL'S REQUEST FOR A POSTPONEMENT TO OCTOBER 24, 2024.*

[Z. QADRI; MAYOR PRO TEM - 2nd]; (10-0), A. ALTER - OFF DAIS

ORDINANCE NUMBER:

ISSUES:

N/A

CASE MANAGER COMMENTS:

The property in question is approximately 0.78 acres, developed with a vacant commercial building, has access to West 35th Street (level 2), Crawford Avenue (level 1), West 38th Street (level 3) and Mills Avenue (level 1), and is currently zoned community commercial – vertical mixed use building - neighborhood plan (GR-V-NP) combining district. The property has commercial/office buildings and the shoal creek trail (GR-V, GO and P) to the north. To the south there are offices, retail, parking lots, and a public building (GO-CO-NP, LR-CO-NP, LR-NP and P-NP). There are medical offices and a Seiders Oaks Park (GO-V-NP and P-NP) to the east. To the west are multiple financial service, retail and commercial buildings (GR-V-NP and GR-MU-CO-NP). *Please refer to Exhibits A (Zoning Map) and B (Aerial View).*

Staff is recommending the commercial-liquor sales – conditional overlay – neighborhood plan (CS-1-CO-NP) combined district zoning for a Spec's Wines, Spirits and Finer Foods to take the place of the vacant grocery store. The applicant has worked with the neighborhood to prohibit several uses on the site, staff is in agreement with the prohibited uses proposed.

BASIS OF RECOMMENDATION:

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

The commercial-liquor sales district is intended predominately for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

The conditional overlay combining district may be applied in combination with any base district. the district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The neighborhood plan district denotes a tract located within the boundaries of an adopted neighborhood plan.

2. *Zoning should allow for reasonable use of the property.*

Staff recommends the applicant’s request because the lot meets the intent of the CS-1 district as it is accessible on major traffic ways. A rezoning would allow for the use of a vacant building with a conditional overlay with prohibited uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-V-NP	Vacant Commercial Building
<i>North</i>	GR-V and GO P	Commercial Buildings and Offices Shoal Creek Trail
<i>South</i>	GO-CO-NP LR-CO-NP and LR-NP P-NP	Parking Offices and Retail Public Building
<i>East</i>	GO-V-NP P-NP	Medical Seiders Oaks Park
<i>West</i>	GR-V-NP GR-MU-CO-NP	Financial Services Retail and Commercial

NEIGHBORHOOD PLANNING AREA: Central Austin (Windsor Road)

WATERSHED: Shoal Creek (Urban)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Bryker Woods Elementary School O Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council

Bryker Woods Neighborhood Association
 Bull Creek Road Coalition

Central West Austin Neighborhood Plan
 Contact Team
 Friends of Austin Neighborhood
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 Preservation Austin

Ridgelea Neighborhood Assn.
 Rosedale Neighborhood Assn.
 SELTexas
 Shoal Creek Conservancy
 Sierra Club
 Austin Regional Group
 West Austin Neighborhood Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0010 - 3402 Kerbey Lane	NO-NP to GO-NP	To Grant LO-NP (03/22/2022)	Approved LO-NP as Planning Commission Recommended (04/21/2022)
C14-2015-0023 - Parandian Rezoning	SF3-NP to LR-MU-NP	The applicant withdrew the case on August 17, 2015	The applicant withdrew the case on August 17, 2015

RELATED CASES:

C14-2008-0003 - Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process.

C14-2008-0004 - Rosedale Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 1500 W 35TH STREET. C14-2024-0079. Central West Austin Combined Neighborhood Plan (Windsor Road). FLUM: Mixed Use. Project: Spec's Wines, Spirits & Finer Foods. 0.7824 acres from GR-V-NP to CS-1-CO. Existing: supermarket food sales (vacant). Proposed: liquor sales.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures *	
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers *: <ul style="list-style-type: none"> • 0.01 miles to 35th/38th Activity Corridor
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> • 0.01 miles to bus stop along W 35th St

Y	Mobility and Bike/Ped Access * : Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk and unprotected bike lane present along W 35th St
Y	Connectivity, Good and Services, Employment * : Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access * : Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	Connectivity and Education * : Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.2 miles to Bryker Woods Elementary School
Y	Connectivity and Healthy Living * : Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> • 0.3 miles to Seider Springs Greenbelt
Y	Connectivity and Health * : Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.) <ul style="list-style-type: none"> • 0.3 miles to Ascension Seton Medical Center (Hospital, Emergency Room, and other medical service) located along W 35th St
	Housing Choice * : Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Housing Affordability * : Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use * : Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy * : Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation : Preserves or enhances a historically and/or culturally significant site.
	Creative Economy : Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education : Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land : Preserves or enhances industrial land.
	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
7	Number of “Yes’s”

Drainage:

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental:

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

<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%

Fire:

There are no comments.

PARD – Planning & Design Review:

As of January 1, 2024, new commercial non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan:

Site plans will be required for any new development other than single-family or duplex residential.

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.

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

Liquor sales is a conditional use, and will require additional approval from the Land Use Commission at the time of site plan submittal.

Austin Transportation Department – Engineering Review:

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for W 38th ST. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Crawford Ave. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for W 35th St. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Mills Ave. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W 38 th St	Level 3	116'	83'	62'	Yes	Yes	Yes
Crawford Ave	Level 1	58'	60'	29'	Yes	No	Yes
W 35th St	Level 2	72'	76'	43	Yes	Yes	yes
Mills Ave	Level 1	58'	66'	29'	No	No	Yes

Austin Water Utility:

No comments on zoning change.

FYI: 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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

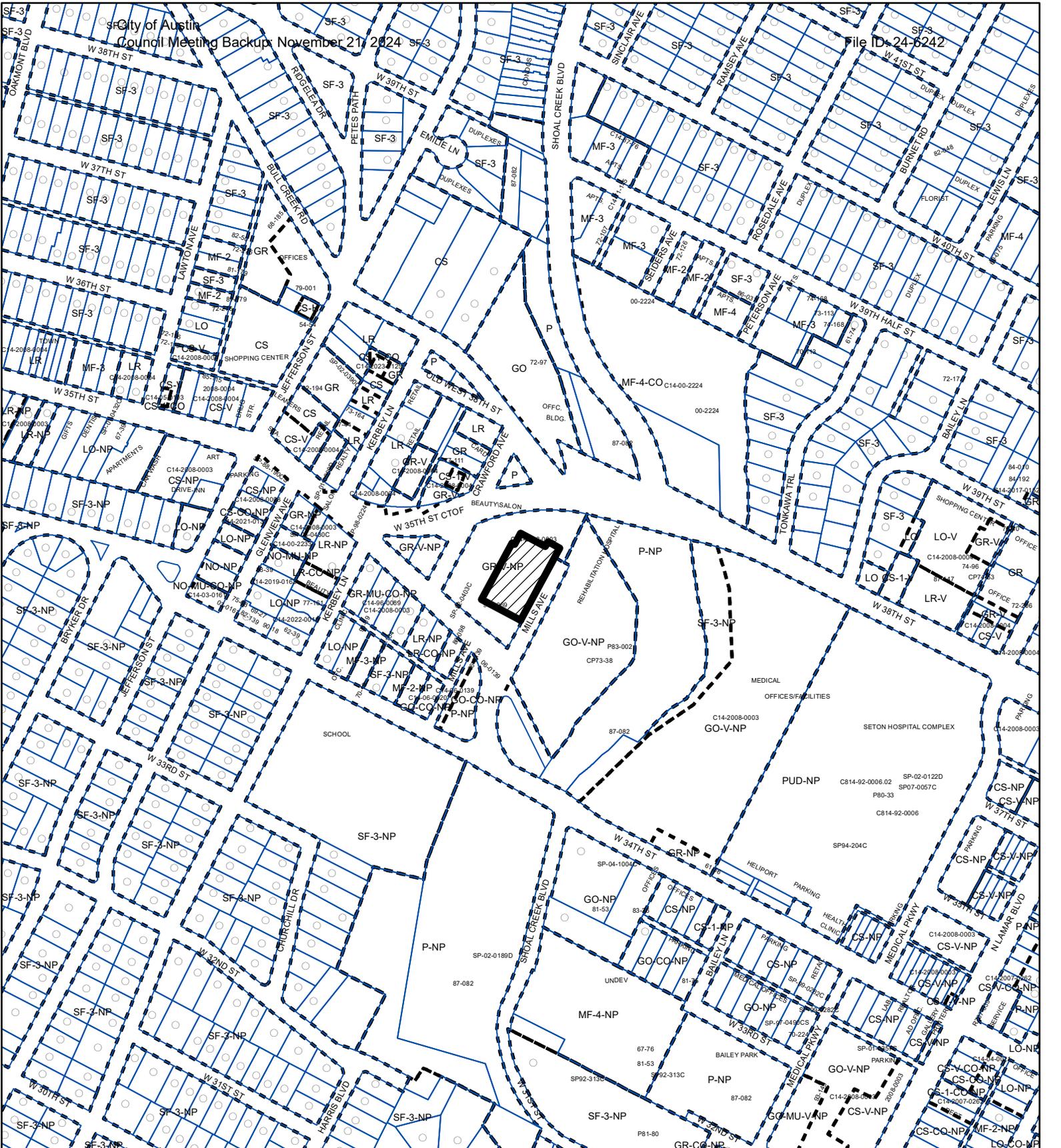
Depending on the development plans submitted, water and or wastewater service extension requests may be required.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

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 AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- Correspondence from Interested Parties



ZONING

ZONING CASE#: C14-2024-0079

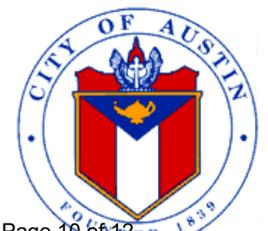
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

Exhibit A

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





Spec's Wines, Spirits & Finer Foods

-  N
-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2024-0079
 LOCATION: 1500 W 35th St.
 SUBJECT AREA: 0.7824 Acres
 MANAGER: Cynthia Hadri



City of Austin - Planning Department
6310 Wilhelmina Delco Drive
Austin, TX 78752

Via Electronic Submittal

Re: Re-zoning request for 1500 W 35th St, Austin, TX 78703 (the "Property")

City of Austin Planning Department:

As representatives of the owner of the above stated Property, we respectfully submit an application for rezoning. The Property is located at 1500 W 35th St, Austin, TX 78703 and is currently zoned as GR-V-NP and we are requesting to rezone the property to CS-1-CO-NP. The purpose of the rezoning is to allow for spirit sales, no on-site consumption.

The Property is within a neighborhood plan, and we have met with the neighborhood association and have come up with conditional use restrictions for the property as follows:

Adult-oriented business, agriculture sales and services, automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), bail bonds services, campgrounds, cocktail lounge, commercial blood plasma center, construction sales & services, convenience storage, drop-off recycling collection facility, equipment repair services, equipment sales, funeral services, hotel/motel, kennels, laundry services, outdoor entertainment, pawn shop services, pedicab storage & dispatch, service station, vehicle storage, custom manufacturing, limited warehousing & distribution, community garden & urban farm.

The surrounding zoning is GO-V-NP to the east, LR-NP, GR-MU-CO-NP, GR-V-NP to the south & the west, and GR-V, LR, & GO to the north.

If you have any questions regarding this request or need additional information, please feel free to contact me at any time.

Cheers,

Jourdan Ashley
Aus-Tex Building Consultants, LLC