

ZONING CHANGE REVIEW SHEET

CASE: **C14-2024-0140**– 1916 Fort View Rezone

DISTRICT: 5

ADDRESS: 1916 Fort View Road

ZONING FROM: CS

TO: CS-1

SITE AREA: 0.033 acres

PROPERTY OWNER: Walima, LLC (Abdul Patel)

AGENT: Land Answers, INC (Tamara Mitchell)

CASE MANAGER: Marcelle Boudreaux (512-974-8094,
marcelle.boudreaux@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales – conditional overlay (CS-1-CO) district zoning.

The Conditional Overlay would prohibit these uses permitted in CS-1 base zoning: Adult-Oriented Business and Adult Lounge use.

PLANNING COMMISSION ACTION / RECOMMENDATION:

December 17, 2024: *APPROVED CS-1-CO AS STAFF RECOMMENDED, BY CONSENT.
[HANEY; MAXWELL – 2ND] (11-0) BARRERA-RAMIREZ, PHILLIPS -
ABSENT*

CITY COUNCIL:

January 30, 2025:

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject rezoning area is approximately 1,452 square feet (or .033 acres) and is developed with a single-story commercial space that is currently vacant. The rezoning area is situated at the northeast corner of Fort View Road and Menchaca Road, approximately 350 feet north of

Ben White Boulevard. The site is located within the Lamar & Ben White Activity Center, as identified on the Growth Concept Map in the Image Austin Comprehensive Plan. Development around the immediate intersection of Fort View Road and Menchaca Road is generally characterized by diverse commercial uses highlighting access to Ben White Boulevard, including restaurants, limited restaurants many with drive-through use, automotive repair services, and personal improvement services uses (CS; CS-1; GR-MU; LR-MU-CO; GR; LO; LO-MU). Extending north and south along Menchaca Road and east along Fort View Road are more office and commercial uses with some townhomes and multifamily residential (LO; LO-CO; LR-CO; CS; GR). Extending further west along Fort View Road, the commercial zoning transitions to single family residences (SF-3). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial View).***

The Applicant proposes to rezone the property to commercial – liquor sales (CS-1) district for a 1,452-square-foot liquor store at an existing single-story commercial space that is currently vacant. A cocktail lounge is also a permitted use under the CS-1 zoning district, however requires a Conditional Use Permit to be reviewed by the Planning Commission prior to establishing use.

BASIS OF RECOMMENDATION:

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

The Commercial – Liquor Sales (CS-1) 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.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The CS-1-CO zoning district is compatible and consistent with the surrounding uses because there is commercial zoning (CS; CS-1; GR-MU; LR) at the site and immediately surrounding the site.

The property is located within the Lamar & Ben White Activity Center as identified on the Growth Concept Map in the Image Austin Comprehensive Plan.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The subject site is a small footprint within a larger commercial parcel at an intersection between level 4 (Menchaca Road) and level 2 (Fort View Road) roads less than a tenth of a mile to Ben White Boulevard, surrounded by diverse commercial zoning and uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS	Vacant commercial

<i>North</i>	CS; LO-MU; LO	Personal Improvement Services; Administrative and Business Services
<i>South</i>	CS; CS-1	Restaurant; Limited restaurant, many with drive through
<i>East</i>	CS; GR-MU; LR	Personal Services; Automotive Repair services
<i>West</i>	CS-1-MU-CO; LR-MU-CO	Restaurant; Cocktail lounge and Limited Restaurant; Automotive Repair Services

NEIGHBORHOOD PLANNING AREA: South Lamar Combined (South Lamar) NP Area (plan suspended)

WATERSHED: West Bouldin Creek - Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Joslin Elementary School

Covington Middle School

Crockett High School

COMMUNITY REGISTRY LIST:

Austin Neighborhoods Council

Austin Independent School District

Friends of Austin Neighborhoods

South Austin Neighborhood Alliance (SANA)

Homeless Neighborhood Association

Neighborhood Empowerment Foundation

South Central Coalition

South Manchaca Neighborhood Plan Contact Team

South Lamar Neighborhood Assn

Perry Grid 614

Preservation Austin

Save our Springs Alliance

Go Austin Vamos Austin 78745

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2018-0018 – 4101 Manchaca Condos	SF-3 to MF-2	To Grant staff Recommendation GO- MU (3/27/18)	Apvd GO-MU-CO, with condition limiting height to 45 feet (4/26/18)
C14-2014-0103 – Radio Coffee & Beer	LR-MU-CO to CS-1	To Grant CS-1-CO, with conditions: to only allow GR permitted uses; GR site development standards; prohibit amplified music outdoors; and restrict outdoor amplified sound to southern portion. Another condition that was to be included in	Apvd CS-1-MU-CO, and public RC

		public RC: limit hours of operation of Cocktail Lounge to 6AM to 12midnight. Commission did not recommend -MU combining district per staff's recommendation	
C14-2014-0150 – Whiddon .85	SF-3 to LO-MU	To Grant LO-MU	Apvd LO-MU-CO, with conditions: 1) limiting daily trips to 500; 2) prohibits certain uses; 3) limits number of residential units to 2; 4) prohibits vehicular access to Gathright Cove.

RELATED CASES:

The subject property is within the boundaries of the South Lamar Combined (South Lamar) Neighborhood Planning Area, which has been suspended.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 1916 FORT VIEW ROAD. C14-2024-0140. Project: 1916 Fort View Rezone. 0.033 acres from CS to CS-1. Existing: Vacant. Proposed: Liquor Store. No demolition indicated.

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"> • Within Lamar & Ben White Activity Center for Redevelopment in Sensitive Environmental Areas
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"> • Bus stop present at the intersection of Fort View Rd and Menchaca Rd
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane. <ul style="list-style-type: none"> • Sidewalk present along Fort View Rd and Menchaca Rd
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center. <ul style="list-style-type: none"> • Goods and Services present along Menchaca Rd and W Ben White Blvd
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> • 0.3 miles to Randalls
Y	Connectivity and Education *: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> • 0.3 miles to Joslin 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"> • 0.5 miles to Joslin Neighborhood Park
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 Victory Medical clinic
	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.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
9	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 West Bouldin 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 no floodplain within or adjacent to 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.

Fire Department

No comments.

PARD – Planning & Design Review

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. 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 new development is subject to Subchapter E. Design Standards and Mixed Use.

Additional comments will be made when the site plan is submitted.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

Austin Transportation Department – Engineering Review

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

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for Menchaca Rd. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for Menchaca Rd. according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Fort View Rd.	Level 2	72'	69'	38'	Yes	Yes	Yes

Menchaca Rd.	Level 3	80'	69'	53'	Yes	Yes	Yes
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Austin Water Utility

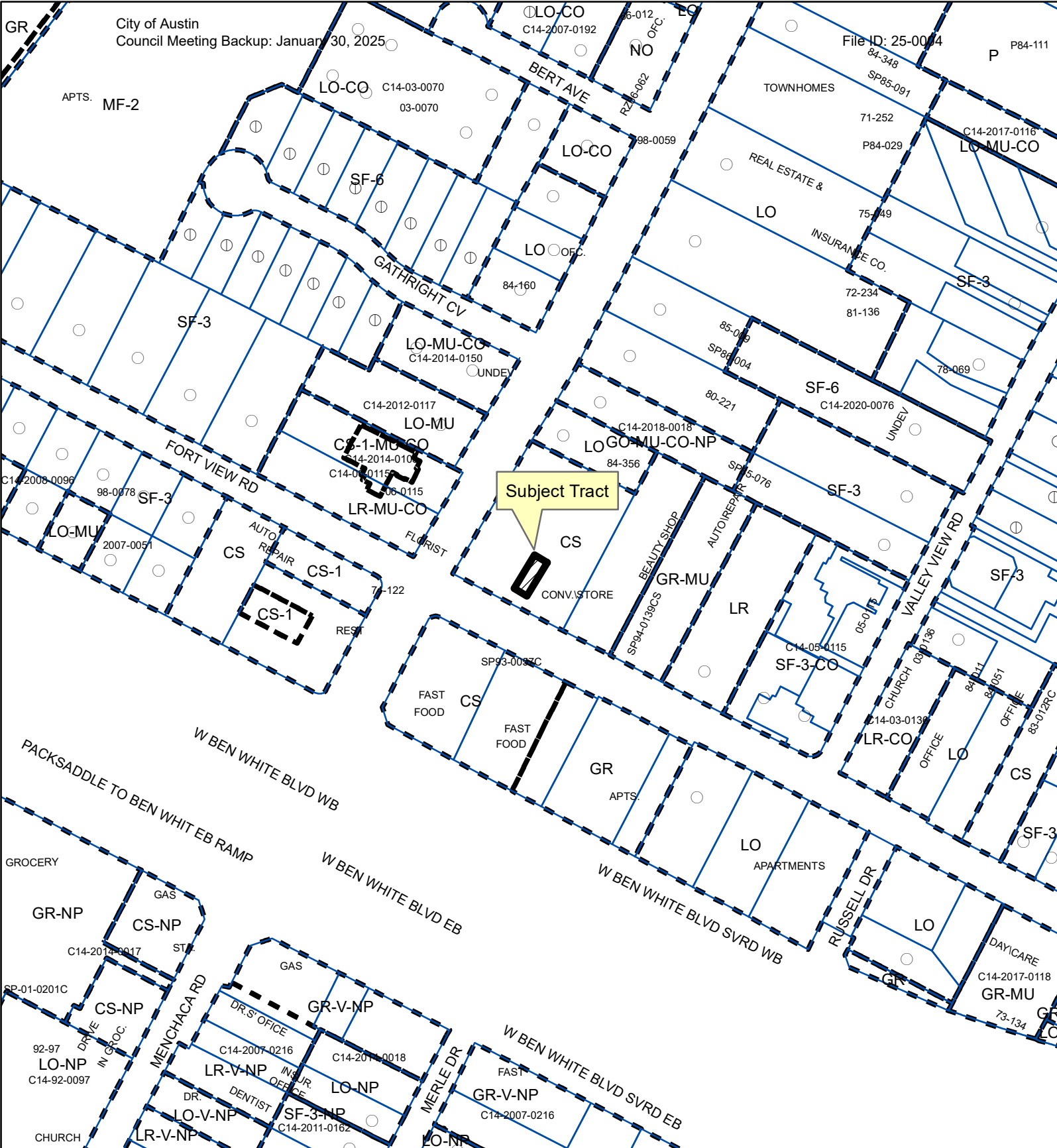
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- Exhibit A: Zoning Map
- Exhibit A-1: Aerial Map
- Exhibit B: Applicant's Summary Letter
- Public Correspondence






Subject Tract

ZONING

ZONING CASE#: C14-2024-0140



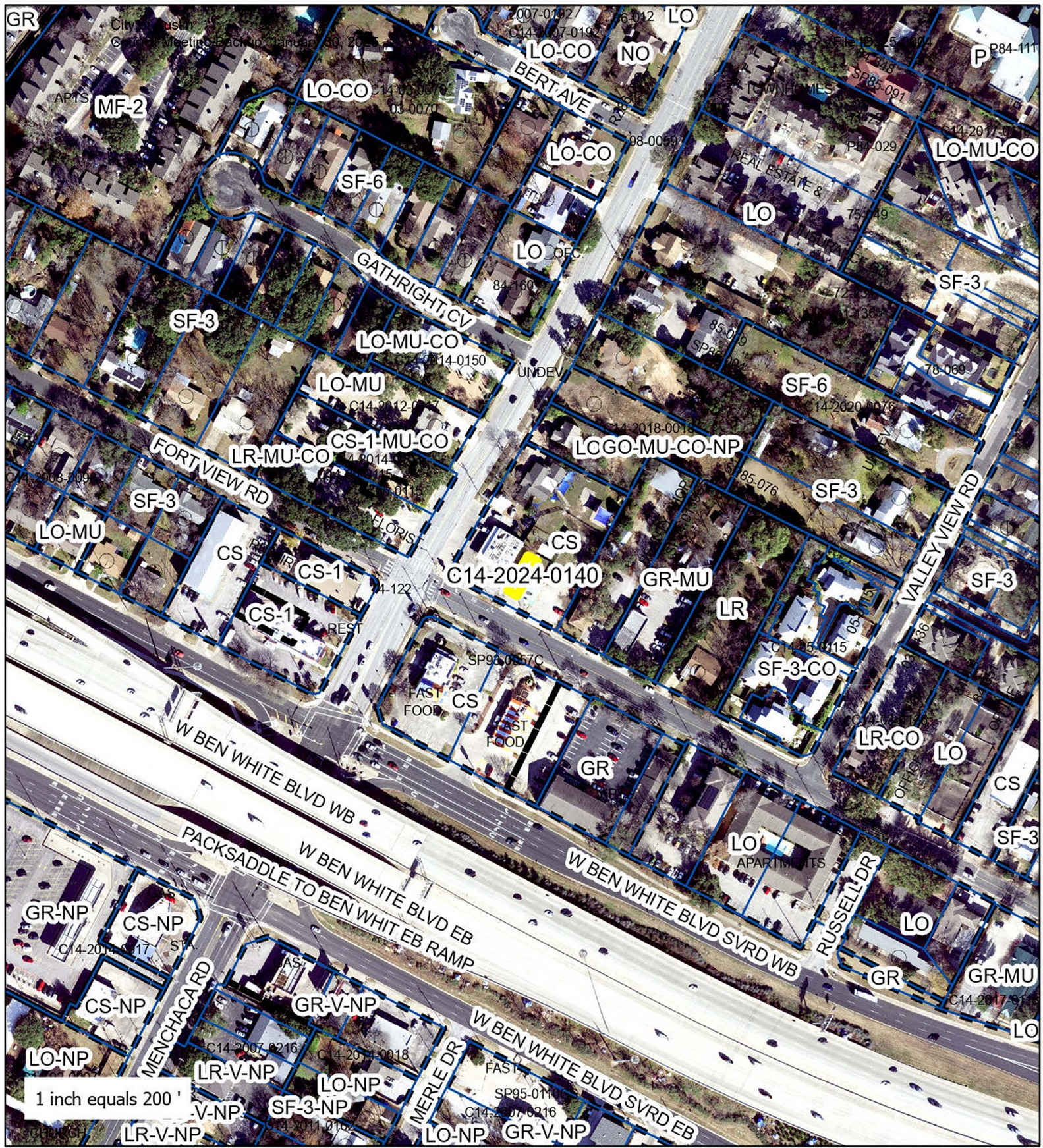
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

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.



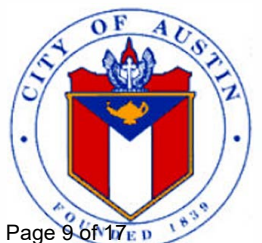


1 inch equals 200'

1916 Fort View Rezone

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

ZONING CASE#: C14-2024-0140
 LOCATION: 1916 Fort View Rd.
 SUBJECT AREA: 0.033 Acres
 MANAGER: Marcelle Boudreaux



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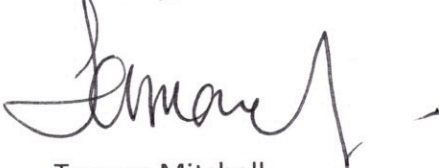
November 13, 2024

City of Austin
Development Services Dept
P.O. Box 1088
Austin, TX 78767

Re: 4205 Menchaca/1916 Fortview (C14-2024-0140)

The property owner wishes to amend this rezoning request to the 1,452 square foot lease space at 1916 Fortview, formerly known as the Thank You Spa, which has been permanently closed for business. We are requesting the same change, to CS1-CO, for the purpose of putting in a liquor store. The property owner already owns several liquor stores around town and maintains them in compliance with TABC requirements. Please don't hesitate to reach out if you would like additional information.

Sincerely,



Tamara Mitchell

Land Answers, Inc.

5311 Bull Run

Austin, TX 78727

(512) 920-7791

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: C14-2024-0140
Contact: Marcelle Boudreaux, 512-974-8094
Public Hearing: December 17, 2024, Planning Commission

Katherine Congdon

Your Name (please print)

4308 Menchaca Rd.

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

Kate Congdon

Signature

Date

12/10/24

Daytime Telephone (Optional): *512-448-3822*

Comments: *WE DO NOT NEED MORE BARROR*

Homeless that walk the streets here.

I am in favor
 I object

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

City of Austin, Planning Department
Marcelle Boudreaux
 P. O. Box 1088, Austin, TX 78767

Or email to:
Marcelle.boudreaux@austintexas.gov

From: [George Castillo](#)
To: [Boudreaux, Marcelle](#)
Subject: Case # - C14-2024-0140 -Opposition to Zoning Change to CS-1 and Alternative Recommendations
Date: Tuesday, December 17, 2024 5:27:27 PM

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External Email - Exercise Caution

Dear City Officials/Planning Commission,

I am writing to express my **strong opposition** to the proposed zoning change from **CS-General Commercial Services District** to **CS-1 Commercial Liquor Sales District** near my home. I just barely got this notice for rezoning and was unable to sign-up to speak against it. This change raises significant concerns regarding **safety, property values, and the long-term well-being** of our community.

Key Concerns with the Zoning Change

1. Exacerbation of Existing Safety Issues:

- The area already experiences challenges with **homeless individuals lingering** near businesses and public spaces. Adding a liquor-related establishment would likely worsen the situation, increasing loitering, public intoxication, and safety risks for families and residents.
- These issues would further undermine the sense of **security** for those who live, work, and commute nearby.

2. Increased Noise and Traffic:

- Liquor-related businesses often bring **increased noise and traffic**, particularly during evening hours, which disrupts the peace and quiet of nearby residential areas.
- Parking shortages may spill into residential streets, causing frustrations and creating safety hazards for homeowners and pedestrians.

3. Negative Impact on Property Values and Neighborhood Appeal:

- Liquor establishments are known to **lower residential property values** and deter prospective buyers who prioritize safe, family-friendly neighborhoods.
- The proposed zoning change threatens to shift the area's appeal away from its **residential character**, which has been a key strength of the community.

4. Oversaturation and Lack of Business Diversity:

- If liquor-related businesses already exist nearby, this rezoning would contribute to an **oversaturation**, reducing business diversity and limiting options for residents.
- A lack of diverse commercial offerings can make the neighborhood **less**

attractive to new businesses, families, and homeowners.

5. Missed Opportunity for a Community-Centered Development:

Rather than a liquor-related establishment, this space could bring significant **long-term value** to the community through a development that aligns with its needs and priorities. Positive alternatives include:

- A **community park or green space** that promotes healthier living and provides a safe, family-friendly gathering place.
- A **community center** offering programs, workshops, and activities for residents of all ages.
- **Family-friendly recreation areas** to encourage physical activity and social connection.
- **Health and wellness facilities** like a fitness center, yoga studio, or medical clinic to serve local residents.
- **Support for small businesses**, such as a farmers' market, neighborhood gym, or fresh produce stand, which would enrich the area while preserving its family-friendly atmosphere.

Conclusion

The proposed zoning change to CS-1 does not serve the best interests of our community. Instead, this land/space presents a **unique opportunity** to enhance safety, improve property values, and strengthen the neighborhood's family-friendly appeal. I urge you to **reject this rezoning request** and instead explore solutions that provide **positive, long-term benefits** for both residents and the city.

Thank you for your time and thoughtful consideration. I look forward to decisions that reflect the needs and priorities of our community.

Sincerely,

George Castillo

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For any additional questions or concerns, contact CSIRT at "cybersecurity@austintexas.gov".

Mr. George Castillo
2009 Gathright Cove
Austin, TX 78704

December 18, 2024

Re: City Rezoning Case C14-2024-0140

Dear Mr. Castillo,

I am the applicant for rezoning case C14-2024-0140. I am in receipt of your letter, and would like to provide you with my responses. As a zoning consultant in Austin for the past 42 years, I can tell you that I have processed more than 500 rezoning applications during this time period. Since I have raised my family here since 1982, the quality life of here is very important to me. I can tell you with confidence that I have never represented a zoning change application that I felt would compromise or adversely impact the safety, property values, and long term well-being of our community.

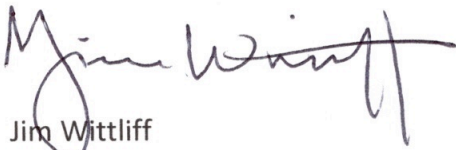
Our requested rezoning only involves the building footprint for an existing 1,400 square foot small retail structure. We are proposing a liquor store here, much like Twin Liquors. The property owner currently owns a liquor store on S. 1st Street at Oltorf. That store is very clean. They do not allow vagrants to linger on the property, and they do not sell alcohol to homeless individuals. This is an upscale liquor store for people to purchase their drink of choice and take it home. We do not believe that the proposed liquor store on Fortview will cause increased loitering, public intoxication, or safety risks for families and residences. Liquor stores only operate 6 days a week, from 10 am to 9 pm so increased noise and traffic will not occur. In fact, liquor stores tend to have much lower traffic volumes than other similarly sized retail establishments. Since your residence is located several blocks away and across Menchaca, I do not believe this liquor store will create any parking shortages that spill onto residential streets. Adequate parking is provided on-site for people during their short trips to the liquor store.

1

You speak of an over-saturation of liquor-related businesses that already exist nearby. The only business that I am aware of where alcohol is available would be Radio, and it is actually classified as a restaurant that happens to sell alcohol for on-site consumption. Although I share your opinion that the area could use more community-centered development, it is not realistic to think that this liquor store could instead serve as a community park or green space, or as a family friendly recreation area, since it is only a 1,400 square foot existing retail structure. It is certainly not of sufficient size to support a farmers market, a neighborhood gym, or a fresh produce stand.

In conclusion, please rest assured that this property owner has a proven track record for supporting the communities that his businesses are located in and for maintaining a high quality, crime free environment. I hope that you will reconsider your position of opposition to this proposed CS-1-CO rezoning.

With warm regards,



Jim Wittliff
President
Land Answers, Inc.
512-228-6022
landanswersinc@gmail.com

Cc: Marcelle Boudreaux, City Case Manager
Abdul Patel, Owner

From: [George Castillo](#)
To: [Boudreaux, Marcelle](#)
Subject: Case # - C14-2024-0140 -Opposition to Zoning Change to CS-1 and Alternative Recommendations
Date: Tuesday, December 17, 2024 5:27:27 PM

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External Email - Exercise Caution

2009 Gathright Cove 512-444-8434
574-360-2702

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