ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0141 – Wickersham Rezone DISTRICT: 3

ZONING FROM: GR-MU-CO ZONING TO: CS-1-CO

ADDRESS: 4544 East Oltorf Street and 2440 Wickersham Lane SITE AREA: 0.043 acres

(1,875 sq. ft.)

PROPERTY OWNER: Wickersham Enterprises, LLC

AGENT: Land Answers Inc. (Tamara Mitchell)

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

STAFF RECOMMENDATION:

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

Adult-Oriented BusinessIndoor sports and recreationAutomotive Repair ServicesOff-site accessory parkingAutomotive SalesOutdoor entertainmentCocktail LoungePawn shop services

Commercial off-street parking Private secondary educational

Community recreation (public) services

Congregate Living Private primary educational services

Drop-Off Recycling Collection Facility Residential treatment

Exterminating Services Service station

Hospital services-general Theater

Hotel/Motel

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 19, 2024: APPROVED THE APPLICANT'S REQUEST FOR CS-1-CO. [A. AZHAR; F. MAXWELL - 2ND] (9-0) G. ANDERSON, N. BARRERRA RAMIREZ, D. SKIDMORE, A. PHILLIPS – ABSENT

CITY COUNCIL ACTION:

January 30, 2024:

ORDINANCE NUMBER:

2

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is approximately 0.04 acres (1,875 sq. ft.), undeveloped, has access to East Oltorf Street (level 3) and Wickersham Lane (level 3), and is currently zoned community commercial – mixed use – conditional overlay (GR-MU-CO) combining district. The overall property is zoned GR-MU-CO and has an approved site plan (SP-2021-0091C) which provides for 88,709.77 square feet of commercial uses, along with associated parking and drainage facilities. The site is surrounded by residential (MF-2-NP, MF-2, ERC, SF-6-NP) uses and can benefit from the addition of the commercial uses in the area. *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) combined district zoning for a 1,875 square foot zoning. The applicant will be keeping the current prohibited uses and agreed to add cocktail lounge and adult oriented business to the prohibited uses.

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.

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 in a square footage of a building in the approved site plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES		
Site	GR-MU-CO	Undeveloped		
North	MF-2-NP, MF-2 and ERC	Residential		
South	MF-2-NP, MF-2 and SF-6-NP	Residential		
East	MF-2-NP and MF-2	Residential		
West	MF-2-NP and MF-2	Residential		

NEIGHBORHOOD PLANNING AREA: East Riverside/Oltorf Combined (Pleasant Valley)

CAPITOL VIEW CORRIDOR: No SCENIC ROADWAY: No

SCHOOLS: Del Valle Independent School District

WATERSHED: Country Club West Watershed (Suburban)

Smith Elementary School Ojeda Middle School Del Valle High School

COMMUNITY REGISTRY LIST:

1847 Friends of Austin Neighborhoods
Austin Independent School District Homeless Neighborhood Association

Austin Lost and Found Pets

Neighborhood Empowerment Foundation

Austin Neighborhoods Council Overton Family Committee

Austin Regional Group Pleasant Valley
Crossing Gardenhome Owners Assn. (The) Preservation Austin

Del Valle Community Coalition SELTexas

Del Valle Independent School District Save Our Springs Alliance

East Riverside/Oltorf Neighborhood Plan Sierra Club

Contact Team Southeast Austin Neighborhood Alliance

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0111 -	To rezone various	Approved ERC Zoning	Approved ERC zoning with
East Riverside	parcels to East	staff recommended.	conditions. (05/09/13)
Corridor	Riverside Corridor		
Regulating Plan	(ERC) zoning district		

RELATED CASES:

C14-05-0113: East Riverside/Oltorf Combined Neighborhood Plan – Based on the ordinance for this neighborhood plan, this tract is one of the parcels withdrawn for future consideration and does not have the "-NP" combining district zoning associated with the tract.

C14-2020-0056: Wickersham Retail Center – The applicant is requesting to rezone to GR-MU-CO to remove Part 2 (A) of the existing ordinance to allow for drive-in service as an accessory use to commercial uses. Staff recommended GR-MU-CO combining district zoning. The case was withdrawn before receiving a recommendation from Planning Commission.

C14-2012-0114: Monaco II - This property was rezoned from MF-2 to GR-MU-CO (Ordinance No. 20130214-066) in 2013. This rezoning case prohibited the following:

- Drive-in service use is prohibited as an accessory use to commercial uses;
- Development of the Property may not exceed 36 residential units per acre; and

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• A list of prohibited uses on the Property, see Exhibit D.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 4544 E OLTORF STREET. C14-2024-0141. Project: Wickersham Rezone 2024. 0.0430 (1,875.00 SF) acres from GR-MU to CS-1. Existing: Retail. Proposed: Liquor Store. Demolition is not proposed.

Yes	Imagine Austin Decision Guidelines			
Com	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 *:			
	• 0.20 miles to Pleasant Valley Activity Corridor			
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail			
	station.			
	Adjacent to bus stop on Wickersham Ln			
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.			
	Bike lane and sidewalk present along E Oltorf St and Wickersham Lane			
	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.			
	Connectivity and Education *: Located within 0.50 miles from a public school or university.			
	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation			
	area, park or walking trail.			
	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.)			
	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
4	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 in the Country Club West Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers		
One or Two Family Residential	30%	40%		
Multifamily Residential	40%	55%		
Commercial	40%	55%		

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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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:

6

There are 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.

FYI this tract is within the Pleasant Valley Neighborhood Planning area.

There is a site plan approved for this property SP-2021-0091C which provides for 88,709.77 square feet of Commercial uses, along with associated parking and drainage facilities.

Austin Transportation Department – Engineering Review:

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for E. Oltorf St. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for E. Oltorf St. 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 Wickersham Ln. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for Wickersham Ln. according to the Transportation Plan 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)
E. Oltorf St.	Level 3	116'	85'	60'	Yes	Yes	Yes
Wickersham Ln.	Level 3	80'	74'	42'	Yes	Yes	Yes

Austin Water Utility:

No comments on zoning change.

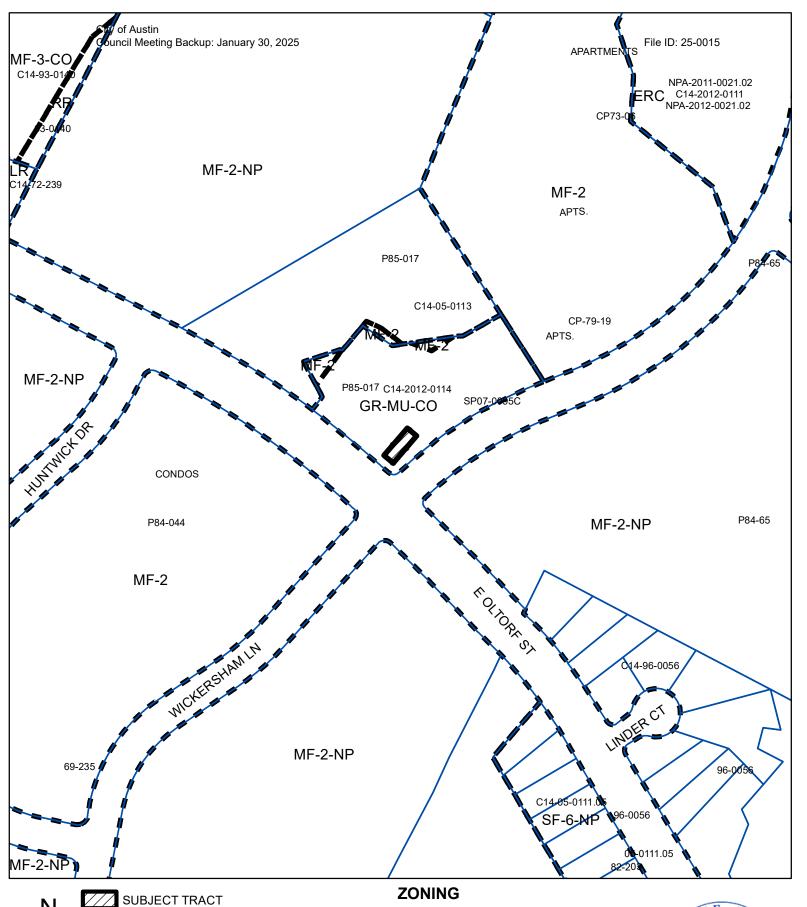
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

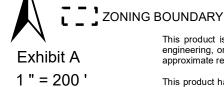
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact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

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Ordinance No. 20130214-066

Correspondence from Interested Parties





PENDING CASE

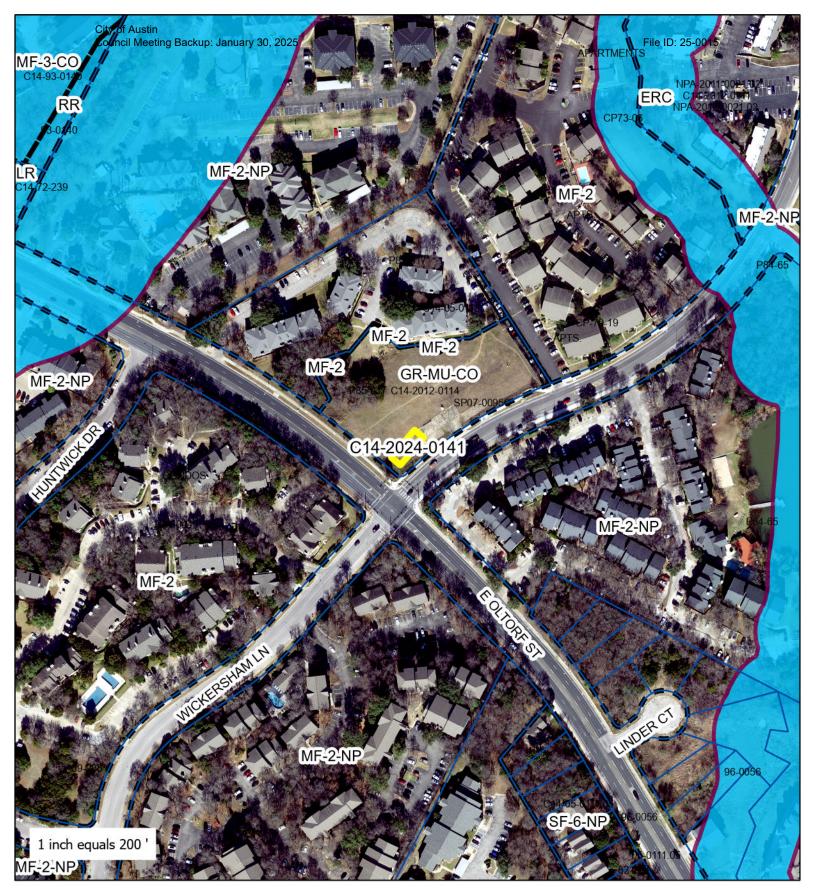
ZONING CASE#: C14-2024-0141

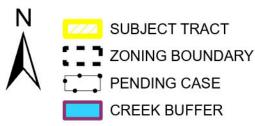
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



Created: 9/23/2024





Wickersham Rezone 2024

ZONING CASE#: C14-2024-0141 LOCATION: 4544 E. Oltorf St. SUBJECT AREA: 0.043 Acres MANAGER: Cynthia Hadri



Created: 9/24/2024

File ID: 25-0015

5311 Bull Run Austin, Texas 78727 (512) 228-6022

Land ANSWERS, Inc.

Development Planning Consultants

landanswersinc@gmail.com

October 17, 2024

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

Re: 2440 Wickersham Rezone/4544 E. Oltorf

The property owner wishes to rezone a 1,875 square foot footprint as shown on the attached exhibit to CS1-CO, for the purpose of putting in a liquor store. The adjacent Monaco Condominiums are in support of this rezoning because it will result in decreased traffic, shorter open hours, and will be closed on Sundays. The property owner already owns several liquor stores around town and maintains them in compliance with TABC requirements.

Sincerely,

Tamara Mitchell

Land Answers, Inc.

5311 Bull Run

Austin, TX 78727

(512) 920-7791

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ORDINANCE NO. 20130214-066

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2440 WICKERSHAM LANE FROM MULTI FAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from multi family residence low density (MF-2) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2012-0114, on file at the Planning and Development Review Department, as follows:

A 1.960 acre tract of land, more or less, out of the Santiago Del Valle Grant the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2440 Wickersham Lane in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

- **PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:
 - A. Drive-in service use is prohibited as an accessory use to commercial uses.
 - B. Development of the Property may not exceed 36 residential units per acre.

C. The following uses are prohibited uses of the Property:

Automotive repair services

Automotive sales Congregate living

Exterminating services

Hotel-motel

Off-site accessory parking

Pawn shop services

Private secondary educational services

Service station

Commercial off-street parking Community recreation (public) Drop-off recycling collection facility

Hospital services-general Indoor sports and recreation

Outdoor entertainment

Private primary educational services

Residential treatment

Theater

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district, the mixed use combining district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on February 25, 2013.

PASSED AND APPROVED

February 14 , 20

2013§_

e Leffingwell

Mayor

APPROVED:

Karen M Kenbard

City Attorney

ATTEST

Jannette S. Goodall

City Clerk



Landesign Services, Inc.

555 Round Rock West Drive Bldg. D, Suite 170 Round Rock, Texas 78681 512-238-7901 office 512-238-7902 fax

EXHIBIT "

METES AND BOUNDS DESCRIPTION

BEING 1.960 OF AN ACRE OF LAND, SURVEYED BY LANDESIGN SERVICES, INC., OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF LOT 4 CHEVY CHASE SOUTH PHASE SIX RECORDED IN BOOK 85, PAGE 127B OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.T.), A PORTION OF LOT 1, BLOCK A, MONACO SUBDIVISION OF RECORD IN DOCUMENT NUMBER 200200348 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.) AND BEING A PORTION OF A 2.04 ACRE TRACT DESCRIBED IN VOLUME 12345, PAGE 718 OF THE REAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (R.P.R.T.C.T.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the southeast corner of said Lot 1, the southeast corner of Lot 2, Chevy Chase South, Phase 2 a subdivision of record in Cabinet 78, Slide 138 of the P.R.T.C.T. and in the west right-of-way line of Wickersham Lane (70' R.O.W.)

THENCE South 70°28'35" West with the east line of said Lot 1 and the existing west right-of-way line of said Wickersham Lane a distance of 34.90 feet to an iron rod found:

THENCE continuing along with the east line of said Lot 1 and the existing west right-of-way line of said Wickersham Lane along a curve to the left, having a radius of 841.63 feet, a delta angle of 22°04'49", a length of 324.34 feet and a chord which bears South 59°16'54" West a distance of 322.34 feet to an iron rod found;

THENCE continuing along with the east line of said Lot 1 and the existing west right-ofway line of said Wickersham Lane along a curve to the right, having a radius of 15.00 feet, a delta angle of 86°40'52", a length of 22.69 feet and a chord which bears North 88°25'05" West a distance of 20.59 feet to an 1/2" iron rod with cap marked "LANDESIGN" found;

THENCE along with the south line of said Lot 1 and the existing north right-of-way line of East Oltorf Street (90' R.O.W.) along a curve to the left, having a radius of 2036.28,00 feet, a delta angle of 05°48'49", a length of 206.61 feet and a chord which bears North 47°59'03" West a distance of 206.52 feet to a 1/2" iron rod with cap marked "LANDESIGN" set:

THENCE North 39°56'04" East crossing through said Remainder Lot 4 a distance of 33.78 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the south line of said Lot 1;

THENCE North 25°37'48" West with the south line of said Lot 1 a distance of 27.06 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the west line of said 2.04 acre tract;

THENCE North 38°29'26" East with the west line of said 2.04 acre tract and crossing through said Lot 1 a distance of 90.62 feet to a 1/2" iron rod with cap marked "LANDESIGN" set;

THENCE with the west line of said Lot 1 and the east line of said Remainder of Lot 4 the following two (2) courses:

- 1. South 79°12'56" East a distance of 1.29 feet to a iron rod found;
- 2. North 42°18'22" East a distance of 66.49 feet to 1/2" iron rod with cap marked "LANDESIGN" set;

THENCE crossing through said Lot 1 the following two (2) courses:

- 1. South 53°29'40" East a distance of 74.09 feet to a 1/2" iron rod with cap marked "LANDESIGN" set:
- 2. North 84°20'44" East a distance of 39.13 fee to a 1/2" iron rod with cap marked "LANDESIGN" set in the west line of said Lot 1 and the east line of said Remainder of Lot 4 and the west line of said 2.04 acre tract;

THENCE with the west line of said 2.04 acre tract and crossing through said Lot 1 the following two(2) courses:

- 1. South 67°24'08" East a distance of 46.23 feet to a 1/2" iron rod with cap marked "LANDESIGN" set:
- North 59°57'23" East a distance of 52.99 feet to a 1/2" iron rod with cap marked "LANDESIGN" set in the west line of said Lot 1 and the east line of said Remainder of Lot 4;

THENCE along the west line of said Lot 1 and the east line of said Remainder of Lot 4 the following three (3) courses:

- North 84°20'44" East a distance of 11.49 feet to an iron rod found;
- 2. South 86°27'46" East a distance of 8.26 feet to an iron rod found;
- 3. North 63°07'55" East a distance of 91.86 feet to an iron rod found in the north line of said Lot 1 and the south line of said Lot 2;

THENCE South 30°03'52" East with the north line of said Lot 1 and the south line of said Lot 2 a distance of 165.60 feet to the POINT OF BEGINNING.

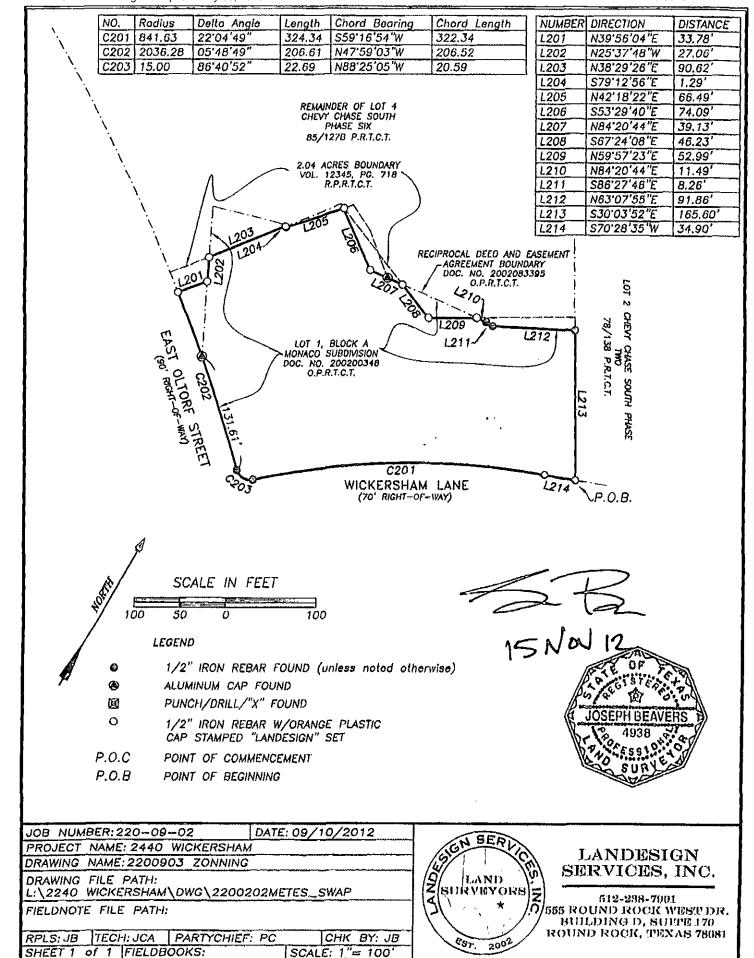
This parcel contains 1.960 of an acre of land, out of the Santiago Del Valle Grant, in Travis County, Texas. Description prepared from an on-the-ground survey made during September, 2012. All bearings are based on the north right-of-way line of Wickersham Lane as shown on the Monaco subdivision of record in Doc. No. 200200348 of the Official Public Records of Travis County, Texas.

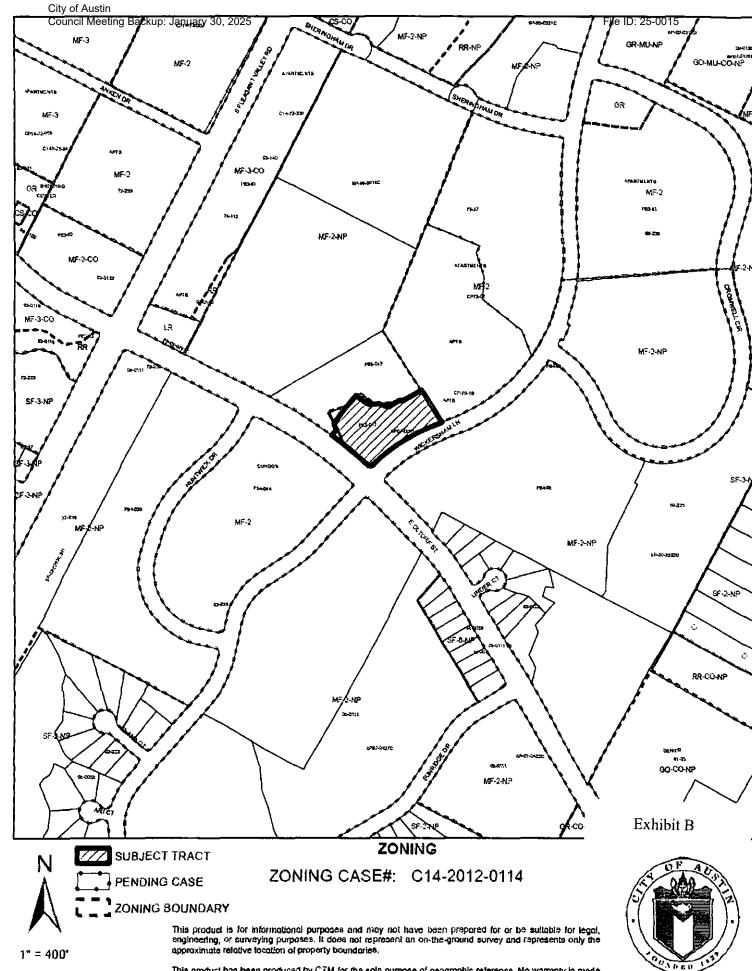
Joseph Beavers

Date

Registered Professional Land Surveyor

State of Texas No. 4938





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Outlook

Fwd: Monaco Support for Liquor License Application

From Land Answers <landanswersinc@gmail.com>
Date Thu 12/5/2024 4:16 PM
To Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

External Email - Exercise Caution

Hi Cynthia,

Please see below letter of support from the neighboring Monaco Condominiums.

Kind regards,

Tamara Mitchell Project Manager Land Answers, Inc. 3809 S Congress Ave Suite 123 Austin, TX 78704 (512) 920-7791

Please make note of our new email address and update us in your contacts. Landanswersinc@gmail.com is now our main/only company email address.

----- Forwarded message -----

From: Abdul Patel

Date: Thu, Dec 5, 2024 at 3:58 PM

Subject: Fwd: Monaco Support for Liquor License Application

To: Land Answers < landanswersinc@gmail.com>

----- Forwarded message -----

From: Allen Stephens

Date: Thu, Dec 5, 2024 at 1:57 PM

Subject: Monaco Support for Liquor License Application

To: Abdul Patel

CC: Connie Heyer , Ira Strange , Jennifer Martinez, Amanda Davis

To Whom It May Concern,

The Monaco Board of Directors has approved the construction of a liquor store and is in favor of Mr. Abdul Patel's application for a liquor license for the property located at Wickersham and Oltorf.

Thank you for your attention to this matter.

Sincerely, Monaco Board of Directors Allen Stephens, President Ira Strange, Treasurer Jennifer Martinez, Secretary

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