



## Legislation Details (With Text)

<b>File #:</b>	2015-2205	<b>Status:</b>	Passed
<b>Type:</b>	Ordinance	<b>In control:</b>	City Council
<b>File created:</b>	1/14/2015	<b>Final action:</b>	2/12/2015
<b>On agenda:</b>	2/12/2015		
<b>Title:</b>	Consider public testimony regarding and an ordinance rezoning a 0.38 acre tract of land located on the southeast corner of the intersection of S. Mays Street and Milam Street from the MU-2 (Mixed-use downtown medium density) zoning district to the Planned Unit Development (PUD) No. 99 zoning district. (First Reading)*		

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ordinance, 2. Exhibit A, 3. Exhibit B, 4. Aerial Photo, 5. Vicinity Map with zoning, 6. Ord. Rezoning of 0.3848 acres from MU-2 to PUD 99 (00327310xA08F8)

Date	Ver.	Action By	Action	Result
2/12/2015	1	City Council	approve	Pass
2/12/2015	1	City Council	dispense with the second reading and adopt	Pass

Consider public testimony regarding and an ordinance rezoning a 0.38 acre tract of land located on the southeast corner of the intersection of S. Mays Street and Milam Street from the MU-2 (Mixed-use downtown medium density) zoning district to the Planned Unit Development (PUD) No. 99 zoning district. (First Reading)\*

The property is currently zoned as MU-2 (Mixed-use downtown medium density). This district provides for mixed land uses primarily devoted to combining moderate density residential development with moderate density commercial development. Complementary residential and commercial uses can be in the same building, on the same site, or in the same block. With regard to eating establishments that serve alcohol, the district regulations require that the establishment must hold a food and beverage certificate issued by the Texas Alcoholic Beverage Commission. The certification requires that gross receipts from alcohol sales do not exceed 50% of the total gross receipts. The purpose of the requirement was to provide assurance to the current residents that certain areas within the MU-2 district would not be developed as stand-alone bars, as opposed to restaurants that serve alcohol with meals.

The proposal is for a wine bar currently operating at another location (next to Target) in Round Rock to relocate to this site. Although food is served at the establishment, gross receipts from wine sales exceed 50% of the total gross receipts, which does not meet the requirements of the MU-2 district. With the location on N. Mays Avenue, the wine bar will not be located within an area of concern with regard to neighborhood compatibility. In addition, all but two of the current uses on the block containing the site are currently non-residential.

Specific regulations in the PUD include that if an outdoor rear or side service area or patio is added, the owner will be required to install and maintain a landscape buffer along the eastern property line

where the property abuts a residence. In addition, the establishment will be dog and cat "friendly", with owners allowed to bring their animals on to the outdoor rear or side service areas.

Two citizens spoke at the public hearing, one opposed to the rezoning due to concerns about the number of bars in the downtown area, and one in favor of the rezoning. A letter was submitted by a property owner on the same block, stating support for the rezoning, with concerns expressed regarding the restraint of dogs. The City Code's requirement for dogs to be leashed will apply.

The Planning and Zoning Commission voted 8-0 at their meeting on January 7, 2015 to recommend approval of the rezoning from MU-2 (Mixed-use downtown medium density) to PUD No. 99.

Staff recommend approval.