

Georgetown Planning Department Staff Report

Report Date: January 14, 2016
File No.: REZ-2015-014
Project Planner: Valerie Kreger, AICP, Principal Planner

Item Details

Project Name: The Union on Eighth
Project Address: 224 East 8th Street
Location: Southwest Corner of 8th and Myrtle Streets (**Exhibit 1**)
Total Acreage: 0.3306 acres
Legal Description: Glasscock Addition, Block 9, Lots 1 & 2

Applicant: Justin Bohls
Property Owner: RNJ Bohls Family Enterprises, LLC
Contact: Justin Bohls

Existing Use: Event Facility
Existing Zoning: Mixed Use Downtown (MU-DT) with conditions / Downtown Overlay District (**Exhibit 3**)
Proposed Zoning: Mixed Use Downtown (MU-DT) (without conditions)
Future Land Use: Special Area Mixed Use (**Exhibit 2**)
Growth Tier: Tier 1A

Overview of Applicant's Request

The subject property is located at the eastern edge of the City's downtown area and has a conditional Mixed Use Downtown (MU-DT) zoning district, first established in 1992. In accordance with the imposed conditions on this zoning district, use of the property is restricted to automotive transmission repair and other automotive related uses, office up to 2,000 square feet, and single-family residential and other residential related uses (see **Exhibit 5**). The purpose of this conditional zoning district was to bring the zoning into conformance with the former use of the property (auto repair). Since the adoption of this zoning, the circumstances of the subject property as well as the downtown and surrounding areas have evolved making this conditional zoning no longer viable for the subject property or the area. Because of this, the applicant is requesting to remove the conditions of the current base zoning district to allow continued use of the subject property in accordance with the City's 2030 Comprehensive Plan and Downtown Master Plan.

Property History

The current structure was built in 1928 as a blacksmith shop. The site was used for automobile repair, Conway Transmission, until its recent purchase by the current property owner. The building is in its original configuration with little to no exterior changes over the years.

In 1968, the City adopted its first Zoning Ordinance and Map, designating the subject property as Residential Single-Family District (RS) zoning. A rezoning was later approved in 1992 changing the zoning district to Commercial First Height District (C2-A) with conditions to bring the zoning into

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conformance with the use, and enable the applicant at the time to obtain a small business loan and purchase the property. The C2-A district allowed auto repair, auto sales, bottling, testing laboratories, outdoor commercial recreational activities, lumber yards, and drive-in theaters, in addition to all of the uses allowed in the more restrictive commercial districts (retail, offices, personal services, hotels, vet clinics, hospitals, etc.). There were objections from some of the neighboring property owners, thus the Planning and Zoning Commission directed staff, the applicant and neighborhood representatives to facilitate a solution. The rezoning was eventually approved with conditions as follows:

1. The use of the property for the existing automotive transmission repair business may be continued, but the non-conforming status of the property shall be discontinued, except that the existing building may be converted to other automotive related activities as listed below; or to office use with a maximum floor area not to exceed 2,000 square feet within the current structure;
2. All RS-Residential Single Family uses are allowed-by-right and shall be approved in accordance with normal City procedures;
3. Any other use permitted by C-2A Commercial First Height zoning and except as allowed by RS-Residential Single Family zoning must first be approved by the Planning and Zoning Commission and City Council prior to its establishment;
4. In the event of total demolition or removal of the current structure on the property a new automotive repair garage for the uses identified below may be established with the floor area not to exceed 4,200 square feet or office uses not to exceed a maximum area of 2,000 square feet. As defined above, reasonable uses consisting of automobile related service and repair shall be contained within the structure. However, these allowable uses shall not include paint and body or salvage type operation, as well as those considered noxious due to noise, fumes, vibration, odor and glare; and
5. Any conversion of the existing building to office use or reconstruction on the site other than for RS-Residential Single Family uses allowed by right shall first receive design approval by the Planning and Zoning Commission as to design and compatibility of the project with the surrounding residential neighborhood. This will involve a design review process which allows for public review and comment through a hearing before the Planning and Zoning Commission.

With the adoption of the UDC in 2003, the C2-A zoning district within the Downtown Overlay district converted to the Downtown Commercial (C-2) zoning district. The name of the C-2 district was later changed to Mixed Use Downtown (MU-DT). At the time of this conversion, standards and land uses were also updated with the change, removing any of the more intense uses such as auto repair. However, specifically to the subject property, the conditions of the 1992 C2-A zoning district remain in effect, thus limiting the use of the property to those uses listed in the ordinance.

In 2012, the current property owner purchased the property, and proceeded to renovate it for an event facility. As part of this process and in conformance with the existing zoning conditions, in 2013, the City Council approved the proposed site changes, as well as use of the property for the Event Facility in accordance with the 1992 C2-A zoning ordinance as it was not an automotive, office, or

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residential use. City Council also approved a Special Use Permit (SUP) at that time to allow the Event Facility use on the subject property with conditions to reduce the impact this use may have on the adjacent residential properties and general public.

Site Information

Location:

The approximately 0.33-acre subject property is located at the southwest corner of East 8th Street and Myrtle Street. The property falls just within the eastern edge of the Downtown Overlay District, two blocks east of the town square.

Physical Characteristics:

The subject property measures approximately 120 feet by 120 feet, and consists of an approximate 4,200-square foot building and a walled courtyard (**Exhibit 4**). The property is flat with one tree located in the courtyard, and a row of ornamental trees located along the south property line.

The existing building is located approximately 50 feet from the south property line and 60 feet from the west property line. Approximately $\frac{1}{3}$ of the property appears to be covered by the building. The building is in its original configuration; however, it has undergone major interior renovations to accommodate the existing event facility use while maintaining some of its historic architectural features.

The south 50 feet of the subject property, surrounded by a 6-foot masonry wall, remains as an open space. No on-site parking exists on the property. There are six (6) marked on-street head-in parking spaces directly in front of the subject property along East 8th Street, and a smaller, unmarked on-street paved area along Myrtle Street.

Surrounding Properties:

The subject property is located on the eastern edge of the Downtown Overlay District. That boundary line continues directly north for a block and a half, and moves west half a block south of the property. Adjacent properties that are not part of the Downtown Overlay District are part of the Old Town Overlay District. The surrounding uses include both residential and non-residential uses as follows:

Location	Zoning	Future Land Use	Existing Use
North	Mixed Use Downtown (MU-DT)	Special Area Mixed Use	First Presbyterian Church, print shop and other commercial uses
South	Residential Single-Family (RS)	Moderate Density Residential	Single-Family Residences
East	Residential Single-Family (RS)	Moderate Density Residential	Single-Family Residences
West	Mixed Use Downtown (MU-DT)	Special Area Mixed Use	Restaurant

Utilities:

Water, wastewater, and electric are currently served by the City of Georgetown.

Transportation:

There is no vehicle access point onto the site as there is no on-site parking. Both East 8th Street and Myrtle Street are classified as local streets adjacent to this property with a speed limit of 30 miles per hour. Head-in on-street parking is located on both sides of 8th Street at this location.

Master Plan Guidance

2030 Comprehensive Plan:

This property is designated as a Specialty Mixed-Use Area on the 2030 Plan Future Land Use Map, due to its location within the Downtown Overlay District. Per the Plan, downtown should be a regional destination for business, retail, service, entertainment, cultural and civic uses. The Plan promotes a true mix and intensity of uses uniquely suited to the activity, scale and historic charm of downtown. The area should be a center of activity not only in the day, but also at night and on weekends, accomplished by promoting a mix of commercial, entertainment, residential, and civic uses as well as cultural activities and events. Additionally, the Plan promotes re-investment and re-use in Georgetown's older developed areas, including downtown, and states the City should remove impediments to such redevelopment.

Downtown Master Plan:

The Downtown Master Plan encourages the intensive use of land and structures, along with public parking and pedestrian-friendly design, to provide an active live/work environment. The Plan indicates the intensity of uses outside the square, in outlying areas, should be built up. Based on the community's need for space for performance art and conferences, the Plan sees opportunity for cultural uses, including additional arts spaces and meeting facilities.

The 2014 Downtown Master Plan Update categorizes the downtown into four major character areas to promote a concentration of uses and special features within a certain area. The subject property is located within the Downtown Core character area, described as the retail, dining and entertainment destination of Georgetown and Williamson County. Because of this, the Plan encourages specialty retail, dining and entertainment venues within this area to position the downtown core as an exciting place distinct from regional suburban shopping centers. Recommended projects within the Downtown Core include retail store rehabilitations, adaptive reuse of historic buildings and redevelopment of vacant lots, promote dining and special retail businesses, and development of more cultural facilities and entertainment venues, among other.

In addition to the above, the subject property is located within the Master Plan's Transition Area, which extends throughout the entire edge of downtown where it immediately abuts residential areas. The Transition Area was created to encourage unique design solutions for development to be compatible in design and scale with abutting residential uses. Compatible building designs that draw upon residential forms, vary in mass, and maintain view opportunities and pedestrian circulation are encouraged. Recommended projects and uses include residential development in various density (i.e. multi-family and townhomes), professional offices, neighborhood-based services and other light commercial uses, and small parks, plazas and courtyards.

In both the Downtown Core character area and Transition Area, the Plan encourages pedestrian circulation and enhances streetscape to be enjoyed by both downtown users and adjacent residents.

Zoning Districts

Mixed Use Downtown (MU-DT) Zoning District:

The Mixed Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, and office, as well as single-family and multi-family in an urban-style setting. Developments in the MU-DT district are typically smaller in size and scope, although there may be occasionally heavy traffic. The MU-DT district is only appropriate in the traditional downtown area of Georgetown within the Downtown Overlay District. Properties in MU-DT shall meet the design requirements of the Downtown Overlay District and Downtown and Old Town Design Guidelines.

The MU-DT district permits a range of land uses by right including single-family residences, restaurants, personal services and banks and some uses by right subject to limitations, including churches, bed and breakfasts (including those with events), micro-breweries and wineries, general offices and general retail. Additionally, some uses may be allowed through approval of a Special Use Permit by City Council such as apartments, day cares, hospitals, hotels, event facilities, drive-through restaurants, bars/taverns/pubs, medical clinics, and restricted personal services.

Downtown Overlay District:

Adopted in 2001, the Downtown Overlay District is intended to protect the aesthetic and visual character of downtown Georgetown.

Staff Analysis

Staff has reviewed this application with regard to the 2030 Plan, the Downtown Master Plan, and the provisions of the UDC and finds the following:

- The 2030 Plan emphasizes the desire for the downtown area to be a destination and activity area. To accomplish this, the Plan directs the City to support a mix of service, retail, and entertainment venues and to promote re-use and re-investment. Staff finds that the current conditions encourage an automotive use downtown and hinder re-use and re-development of the site. Removal of the conditions from the base zoning district further enables re-use of an existing commercial site in the downtown area and supports diversification of the types of uses available to this site and therefore downtown.
- The 2014 Downtown Master Plan Update encourages the extension of the traditional urban form and atmosphere of the town square into the surrounding blocks to strengthen the downtown's role as a regional shopping center, living place and destination. To accomplish this, the Plan directs the City to promote higher density residential, specialty retail, dining, entertainment, and other commercial uses with enhanced pedestrian circulation and streetscape within the Downtown Core Area, which includes the subject property. Additionally, while the Plan recognizes the needs to protect the residential areas adjacent to downtown, it promotes the use of unique design solutions for development to be compatible in scale and mass, while encouraging the development of both residential and non-residential uses. The current conditional zoning encourages the use of the subject property for automotive related uses, which is no longer consistent with the Downtown Master Plan or appropriate for the downtown and adjacent residential area. Thus, removal of the conditions will encourage

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the redevelopment of the subject property with commercial and other residential uses that will positively support the downtown and surrounding area.

- The MU-DT district is designed to provide a mix of uses. The applicable zoning district has changed over time from the original C2-A district and the uses that are allowed within the MU-DT are specifically tailored to the downtown area. The C2-A district allowed auto repair, auto sales, bottling, testing laboratories, outdoor commercial recreational activities, lumber yards, and drive-in theaters in addition to all of the uses allowed in the more restrictive commercial districts (retail, offices, personal services, hotels, vet clinics, hospitals, etc.). The uses permitted within the current MU-DT district are less automotive focused and more activity focused, which supports the desires of the 2030 Plan and the Downtown Master Plan for this area.
- The conditions assign design approval to the Planning and Zoning Commission, which provided a process for public review and comment. The City now has the Historic and Architectural Review Commission (HARC) in place to review design changes, providing for the public review and comment process that was desired at the time. Additionally, certain uses that may not always be appropriate downtown in all circumstances require consideration of a Special Use Permit that involves public review and comment before the Planning and Zoning Commission and City Council.

Staff Recommendation:

Staff supports the request to remove the conditions attached to the existing MU-DT zoning district by Ordinance 92-4.

Inter Departmental, Governmental and Agency Comments

None.

Related Application(s)

The applicant also submitted a request to amend the existing Special Use Permit (Ordinance 2013-15), which is being processed concurrently with this rezoning request. Any proposed changes to the subject property will require administrative approval and may include a Certificate of Appropriateness and Site Development Plan.

Public Comments

A total of 19 notices were sent out to the owners of property within 200 feet of the subject property. Public notice was posted in the Sun newspaper on November 1, 2015, November 29, 2015, and January 3, 2016. As of the date of this report, the City has received 11 written comments in opposition and 2 in favor of the request (**Exhibit 6**).

Meetings Schedule

December 15, 2015 – Planning and Zoning Commission
January 12, 2016 – City Council 1st Reading (pending)
January 26, 2016 – City Council 2nd Reading (pending)

Attachments

- Exhibit 1 – Location Map
- Exhibit 2 – Future Land Use Map
- Exhibit 3 – Zoning Map
- Exhibit 4 – Aerial Map
- Exhibit 5 – Ordinance 92-4
- Exhibit 6 – Public Comment(s) Received