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**AGENDA REPORT**

**Planning and Zoning:** 8/6/2012  
**City Council:** 8/28/2012  
**City Council:** 9/11/2012

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**SUBJECT:** To receive public comment and consider an application for a Specific Use Permit for a proposed Bar/Tavern in the Central Business District on Lots 14 & 15, Block 1 of the Pflugerville Subdivision; locally addressed as 111 E. Main St.; to be known as the Stein & Stem Specific Use Permit. (SUP1207-01)

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**BACKGROUND:**

The applicant has proposed a mixed use commercial business at 111 E. Main St, which currently contains the European-Bistro restaurant. A portion of the proposed business is to contain an establishment to be known as Stein & Stem which will serve food, wine and beer. Located within the Central Business District, a Bar/Tavern is only permitted if a Specific Use Permit (SUP) is approved. In order to ensure compliance, the applicant is proactively pursuing a SUP for the proposed establishment.

A Specific Use Permit is a land use tool which allows for a case-by-case review of a requested land use that has been specifically identified in the Unified Development Code as a potentially acceptable use. A Specific Use Permit is similar to a zoning request in which the application is considered at Public Hearings and allows for the Public, Planning and Zoning Commission and City Council to review and consider the proposed request based on specific criteria.

**PROJECT DESCRIPTION:**

The property addressed 111 E. Main St. consists of Lots 14 & 15, Block 1 of the Pflugerville Subdivision, which contains the existing European-Bistro building and an adjoining lot to the west. The existing building is approximately 3,000 square feet in size and is designed with a main floor and upper story loft/mezzanine. The building will be demised through the installation of a new half wall to allow the front portion of the building to be used as a professional office (approximately 1,150 sq. ft.), while the remainder of the building including loft/mezzanine will be used as the bar/tavern. The existing entrance will be used by the professional office and a new side entrance will be installed for the bar/tavern. Access to the side entrance will be via the adjoining lot which will be used as an outdoor patio/biergarten.

Land Use: According to the Unified Development Code, a bar/tavern is an establishment with more than fifty (50%) percent of total gross revenue from the sale of any alcoholic beverage. While food will be available at the proposed establishment, the

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ratio of alcohol and food sales is undeterminable at this time. As proposed, the venue will consist of three spaces serving wine, beer and food. The main floor of the building not devoted to the separate professional office space will contain two booths and a lounge setting while the upstairs mezzanine/loft area will remain as a bar. The adjoining lot will be improved with an approximate 2,000 sq. ft. patio area which will contain a “biergarten” with a bar, tables and seating for patrons. Privacy screens will be created along the west and south sides of the patio and a defining separating structure (i.e. fence/wall) will be established along the north side to distinguish the patio from the public sidewalk space. The Central Business District Overlay allows for outdoor dining provided the area is defined by a substantial perimeter such as fencing, stanchions and chains, or planters constructed with compatible materials and architectural style of the building.

The establishment is proposed to open throughout the week at 4 pm, which will generally offset the professional office hours and is generally consistent with the opening hours of the three other bar/taverns in the area. According to the Texas Alcohol and Beverage Commission (TABC), establishments with a wine and beer permit are permitted to serve daily until 2:00 am.

Parking: The Central Business District Overlay requires a minimum of 50% of the required parking to be provided off-site with preference given to parking in front of the site, within 200 feet of the site and in surface lots within 400 feet of the site. All right of way parking in front of the site has been constructed. The width of the unimproved lot precludes parking from being created that meets the minimum parking dimension and drive aisle requirements in the CBD. Two, 90-degree parking spaces are proposed to be established off of the alley through striping on the unimproved lot, however given site distance constraints due to the existing structure, it is recommended that these on-site parking spaces be limited to employee parking to reduce potential vehicle conflicts in the alley. While limited in quantity, Main Street, 1<sup>st</sup> Street, 2<sup>nd</sup> Street and Walnut St. have right of way parking that is shared and utilized by all the downtown businesses. The proposed hours of operation will assist in reducing parking conflicts as many of the retail, office and service uses that utilize the right of way parking tend to close around 5. As events occur in the evening and land uses continue to transition, unimproved right of way parking identified in the downtown parking plan will need to be evaluated.

Structural Modifications and Landscaping: Modifications to the existing building include adding a new door along the west side to create a separate entrance for the bar/tavern and the installation of a demising wall inside the building to separate the bar/tavern from the office use. The adjoining lot will be improved with new stained concrete and a screening wall/fence to define the boundary of the patio and to mitigate for noise. A bar will be added to the southern portion of the patio and additional aesthetic features including landscaping, string lighting and a fire place may be added. If the Specific Use

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Permit is approved, new development associated with the patio will be reviewed consistent with the minor site development permit process outlined in the Central Business District Overlay regulations and subject to administrative approval.

Signage: No signage has been proposed at this time. An existing sign is in place for the European-Bistro restaurant and may be refaced. The sign requirements of the Central Business District overlay will apply for any new or additional signage.

**LAND USE COMPATIBILITY:** The proposed use is surrounded by commercial uses including retail, personal service, financial, office, government and bar/tavern/entertainment. As with the subject property, the surrounding zoning is General Business 1 (GB1) with Central Business District Overlay (CBD). The site is located within close proximity to three other bar/taverns in the area, with Hanover's Draught Haus located directly across Main Street and Red Rooster and Players located to the south on Pecan Street. As proposed, Stein and Stem will sell wine, beer and food, and are required to obtain all required state permits for food and alcohol sales. The creation of an outdoor patio will encourage patron interaction outside and the applicant has identified measures will be taken to mitigate noise (e.g. hours of operation, screening walls). The proposed land use will be an additional destination land use in the downtown and is not anticipated to have a negative impact on surrounding land uses.

### **OLD TOWN VISION REPORT:**

As presented, the proposed small business use appears consistent with the stated desired characteristics for the development of Old Town which include:

- Be vibrant
- Be accessible
- Have a civic presence
- Be walkable
- Have a residential component
- Be a gathering place
- Be green
- Have a distinct image and draw
- Be attractive for business
- Maintain historic features

### **CRITERIA FOR APPROVAL OF A SPECIFIC USE PERMIT:**

The Commission and City Council shall consider the following criteria in determining the validity of the Specific Use Permit request:

- (a) Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;

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- (b) Whether the activities requested by the applicant are normally associated with the requested use;
- (c) Whether the nature of the use is reasonable; and
- (d) Whether any impact on the surrounding area has been mitigated.

In granting a Specific Use Permit, the City Council may impose written conditions that the owner or grantee must comply with before a Certificate of Occupancy for the use can be issued.

**STAFF RECOMMENDATION:**

Located centrally in the commercial core of Old Town where a restaurant has been located for approximately 11 years, a new establishment that sells food, wine and beer will be harmonious in the area. The hours of operation coincide with the other bars in the area and are generally opposite of the retail, office, government, service uses, which will reduce conflicts. Parking remains to be a challenge in the downtown, however on-street parking is provided within the right of way in front of the site and two additional spaces can be installed off of the alley. As depicted in the renderings provided by the applicant, the outdoor patio area will add improvement to an existing concrete lot in the downtown. Screening will be provided to provide privacy to patrons and to address noise associated with the outdoor venue. The proposed bar/tavern may achieve many of the desired characteristics as identified in the Vision Report for Old Town including the establishment of a small, locally owned destination business within the downtown. The proposed use will also add improvement to an existing concrete lot. Based on review of these conditions, Staff recommends approval of the request.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On August 6, 2012, the Planning and Zoning Commission conducted a public hearing and unanimously recommended approval of the Specific Use Permit without conditions.

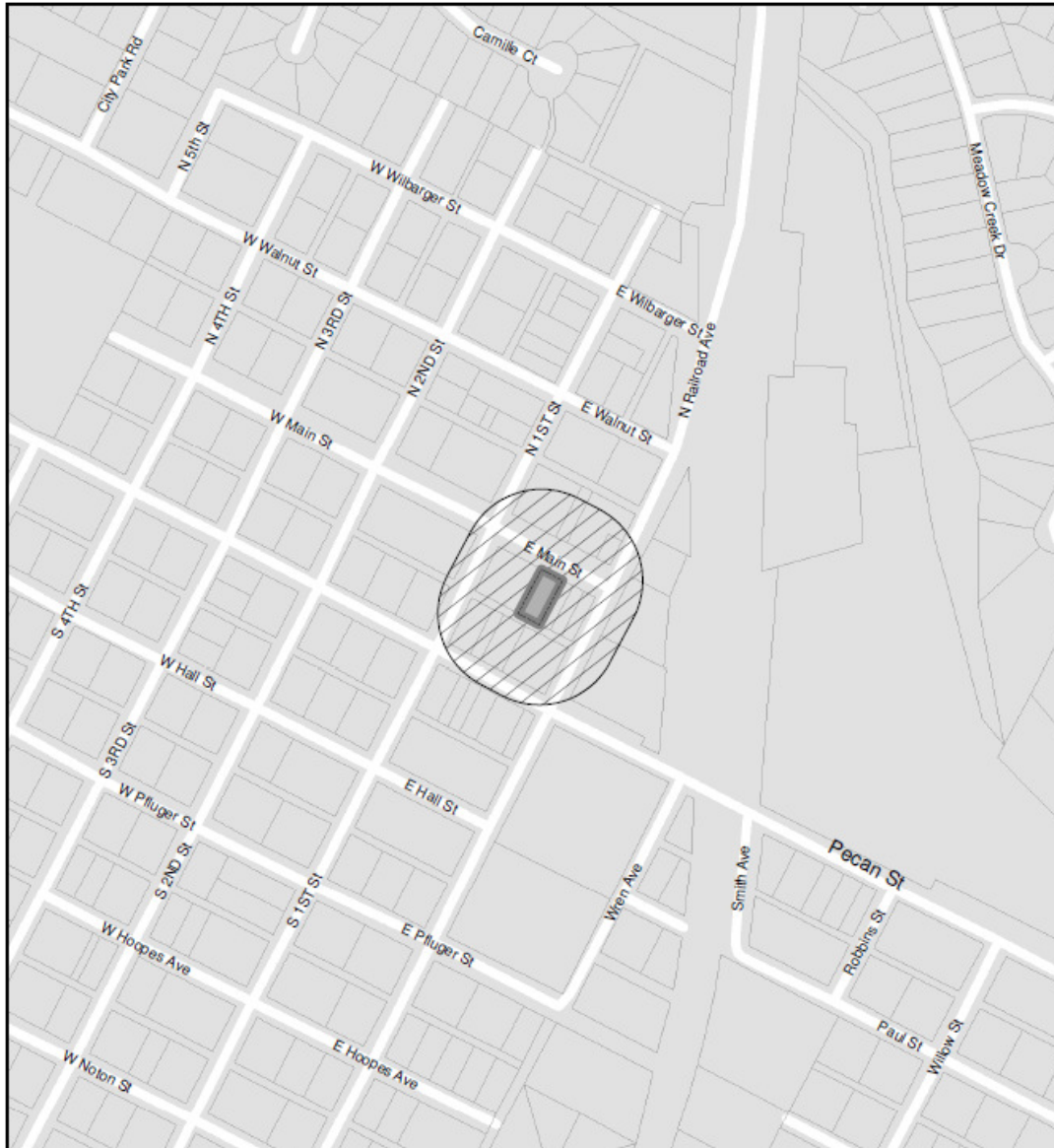
**NOTIFICATION:**






Notification letters were sent to property owners within 200-ft. of the proposed site, the Pflugerville Council of Neighborhood Associations, the Old Town Neighborhood Association and the Pflugerville Downtown Association. A sign was placed on the property and a public notice appeared in the Pflugerville Pflag newspaper on July 25, 2012.

**ATTACHMENTS:**

- Notification Map
- Applicant Project Description
- Building Floor Plan
- Conceptual Site Plan
- Conceptual Outdoor Patio Renderings

**NOTIFICATION MAP:**



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|---|---|--|--|
| <p><b>Stein &amp; Stem</b></p> <hr/> <p><b>Case #</b><br/> <b>SUP1207-01</b></p> <hr/> <p><b>7/3/2012</b></p> | <p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Specific Use Permit</li> <li> Notifications Area</li> <li> City Limits</li> </ul> <p style="text-align: right;">0      200      400<br/>     Feet</p> | <p style="text-align: center;">N</p> <p><small>When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification addresses are derived from tax role information that is certified annually.</small></p> <p style="text-align: center;"><br/> <b>PFLUGERVILLE</b><br/>     TEXAS</p> | <p style="text-align: center;">Locator Map</p>  |
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**APPLICANT PROJECT DESCRIPTION**

The name of the establishment to be located at 111 E Main St, Pflugerville, TX 78660 is not finalized but has been reserved through the Secretary of State to be: Stein & Stem. The establishment will serve wine, beer and food. At present I am unsure of the amount of receipts of wine & beer will exceed 50% and would like to proactively apply for the specific use permit.

1. The proposed use is harmonious and compatible with its surrounding existing uses or proposed uses, because it is located in a building that has operated as a restaurant, which also served beer/wine for a number of years. It is also located across the street from a local bar - Hanover's. Customers will have the option of an outside patio, lounge or wine/beer bar all within the same building.
  
2. The proposed activities are to operate the bar from 4 pm to close offering a selection of wine, beer and menu of appetizers, entrees and desserts.
  
3. The nature of the proposed used is reasonable, because it is located in the business district, and directly across from Hanover's Bar.
  
4. In order to mitigate impact on the surrounding area, the business will take the following measures:
  - a. Take measures to control the noise level
  - b. Create an outside patio/biergarten to allow customers to congregate in a specified area

**APPLICANT PROJECT DESCRIPTION CONT'D.**

My intent with regard to the property located at 111 E Main St Pflugerville, TX is to use the portion that is not being used by the Jeff Coleman State Farm Insurance Agency (all but 1150 square feet of the building) as a wine, beer and food establishment. I plan on accomplishing this by creating a wine & biergarten establishment. I will have over 50 wines by the glass/ bottle, up to 20 Texas Craft Beers on tap, various beer offered by the bottle/can. We will also offer a menu of appetizers, salads, entrees and desserts.

This location allows me to have the ability to create three venues in one location. The interior loft and mezzanine will house the wine bar. The downstairs area that surrounds the entrance and stairs, along with the two booth areas will be designated as the lounge area. The outside patio will be designated as the Biergarten.

My intention is to use the current building and to only make necessary changes. These changes include a divider wall between the insurance agency and the lounge, a new stained concrete patio in the adjoining lot, and an extension of the upstairs loft bar. The existing bar only has room for nine barstools. I would like to make the bar extend the entire 30 of the loft area which will allow seating for fifteen barstools.







**CONCEPTUAL OUTDOOR PATIO RENDERINGS**





**PHOTOS:**



SUBJECT SITE



SUBJECT SITE



GENERALLY NORTH OF SITE



GENERALLY WEST OF SITE



GENERALLY SOUTHEAST OF SITE



GENERALLY SOUTHWEST OF SITE



GENERALLY SOUTH OF SITE



GENERALLY SOUTH OF SITE