

**Planning and Zoning:** 11/4/2019  
**City Council:** 11/26/2019  
**City Council:** 12/10/2019

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**SUBJECT:** To receive public comment and consider an application for a Specific Use Permit for a proposed expansion of a Bar/Tavern in the Downtown District on an approximate 1-acre tract located generally northeast of the N. Railroad Ave and E. Pecan St intersection; locally addressed as 200 E. Pecan St.; to be known as the Three Legged Goat Expansion Specific Use Permit. (SUP1909-01)

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**PURPOSE OF SPECIFIC USE PERMIT:**

A specific use permit provides for a case by case review of the proposed land use to ensure compatibility with the surrounding uses as well as the Unified Development Code (UDC). A specific use permit is similar to a zoning request in that 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 the specific criteria outlined in the UDC.

The Planning and Zoning Commission and City Council shall consider the following criteria in determining the appropriateness of the specific use permit request:

1. Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
2. Whether the activities requested by the applicant are normally associated with the requested use;
3. Whether the nature of the use is reasonable; and
4. Whether any adverse impact on the surrounding area has been mitigated.

In granting a specific use permit, the City Council may impose conditions upon the proposed use.

**LOCATION:**

The subject property, 200 E. Pecan Street, is located generally northeast of the N. Railroad Ave and E. Pecan St intersection, in the Downtown District Overlay (DDO). The property consists of two commercial buildings with multiple tenant spaces, the subject tenant space is in the northeastern corner of the property.





**ZONING:**

The property is zoned General Business 1 (GB1) and is also within the Downtown District Overlay (DDO). The adjacent properties in all directions are also zoned GB1, with the exception of the Mo-Kan property which is not under the City’s jurisdiction.

**PROJECT DESCRIPTION:**

The applicant has proposed to expand the existing Three Legged Goat Specific Use Permit (SUP), ORD No. 1358-18-07-24, to include units to the south and the associated outdoor area surrounding the units to allow a future expansion of the bar/tavern.



The SUP approved in 2018 limited the bar/tavern use to the northernmost unit of the building that contains the El Rincon restaurant, Unit 5, with the associated outdoor patio area. The wine bar is proposed to expand to approximately 400 square feet of Unit 6 with the option to incrementally expand in the future. The scope of the outdoor patio area is also proposed to expand to wrap from the front to the rear of the unit. These expansions are the impetus for the current SUP request. The proposed expansion will continue to serve Texas wines and beer for on premise consumption and wine by the bottle for off premise consumption. Partnerships may be established for food sales and consumption, but no preparation of food is anticipated at this time. The business will continue to operate within the parameters set forth by the TABC license requirements.

**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 the existing

base zoning of General Business 1 (GB1) allows for a bar/tavern by right, located in the DDO, a bar/tavern may only be permitted if approved through a Specific Use Permit (SUP).

The establishment is proposed to open throughout the week at 4 pm, which is generally consistent with the opening hours of the three other bar/taverns in the area. The City does not currently restrict hours of operation for land uses, including bars. The Texas Alcohol and Beverage Commission (TABC) does enforce hours of sale/service of alcoholic beverages based on permit type, and therefore if approved, the proposed bar will be subject to the TABC requirements.

**Parking:** Based on a provided survey, the property currently has 38 total parking spaces. The current uses on-site require a total of 54 parking spaces per the DDO parking requirements. The proposed expansion of the bar/tavern use in the 400 square foot space of Unit 6 will require an additional 13 spaces. In total, the Three Legged Goat, will require 19 spaces. In the future, if the bar/tavern use expands, the parking requirements will increase. While the site is currently deficient in on-site parking, the DDO 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. Railroad, Main Street, and 1<sup>st</sup> Street have right of way parking that is shared and utilized by all the downtown businesses. Opportunities for obtaining additional parking could be provided through the construction of additional right of way parking and also through private agreements with property owners with surface lots that have uses with off-setting peak hours of business. Patrons to the site currently utilize the Mo-Kan right of way for parking, especially in the peak hours of the restaurants. Mo-Kan is owned and controlled by the State of Texas, to which the City cannot consider as an available parking option at this time.

**Structural Modifications and Landscaping:** No external structural modifications are proposed to the building at this time. Enhancements to the outdoor area have been proposed, including a deck at the side and rear of the building. Enhancements may include landscaping adjustments, seating, ambient site lighting, painting, and internal improvements to create the wine bar.

**Signage:** There is an existing sign in place for the tenant space near the outdoor patio area, no sign alterations have been proposed at this time. The sign requirements of the DDO will apply for any new or additional signage.

**LAND USE COMPATIBILITY:**

The proposed use is adjacent to the large green space encompassing Mo-Kan right of way and surrounded by commercial uses including restaurant, retail, personal service, government, and bar/tavern/entertainment. As with the subject property, the surrounding zoning is General Business 1 (GB1) with Downtown District Overlay (DDO). The site is located within close proximity to three other bar/taverns in the area, with Hanover's Draught Haus located on Main St, and Marshall's Tavern and Red Rooster located on Pecan Street. As proposed, Three Legged Goat will continue to sell a wider selection of Texas wine and beer, and a small selection of other spirits. The use is required to obtain all required state permits for alcohol sales. The enlarged use of the outdoor patio as part of the use will continue to encourage patron interaction outside. The proposed land use has been an additional

destination land use in the downtown and no reports have been made indicating that it has caused a negative impact on adjacent land uses.

**OLD TOWN VISION REPORT:**

As presented, the proposed small business use appears consistent with the stated desired characteristics for the development of the area per the Old Town Report 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

**STAFF RECOMMENDATION:**

The original Specific Use Permit (SUP) was passed and approved on July 24<sup>th</sup> of 2018. Since its approval, no concerns have been raised by neighboring businesses. The applicant would like to expand the SUP to allow for the business to expand incrementally. Staff recommends to expand the SUP to the entire lot in order to reduce limitations of a specific unit designation. The business is not proposing to alter its hours of operation or business model, thereby affecting the land use designation per the UDC. The hours of operation coincide with the other bars in the area and are generally opposite of the office/service uses, which will help to reduce conflicts. Parking remains a challenge in the downtown area however on-site parking is available, and immediate on-street parking is provided within the Railroad, Main Street, 1<sup>st</sup> Street right of way. The enhancement and use of the outdoor patio area is anticipated to add interest to the site, and offer an opportunity to attract patronage to the downtown. Given the hours of operation, noise is not anticipated to be an issue, but nothing provided herein precludes enforcement of the existing noise ordinance. The proposed bar/tavern achieves 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. As such, the original staff recommendation stands, staff recommends approval of the request with no specific conditions.

**EXPLANATION OF PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On November 4, 2019, the Planning and Zoning Commission conducted a public hearing and considered an expansion of the Three Legged Goat bar/tavern through the Specific Use Permit process. The recommendation that was presented by Staff was to apply the Specific Use Permit to the entire property at 200 E. Pecan Street, which was a deviation from the applicant's original request. The purpose for Staff's recommendation was intended to allow flexibility for the use to be applied to any location on the property which would remove the need for additional Specific Use Permits each time an incremental expansion was proposed. At the public hearing, a citizen spoke in opposition to the recommendation and through discussion, the Commission ultimately recommended approval for the Specific Use Permit

with the condition that the expansion only be applied to the Suite 5, 6, and 7 with associated outdoor area. The Commission's recommendation is consistent with the applicant's original request.

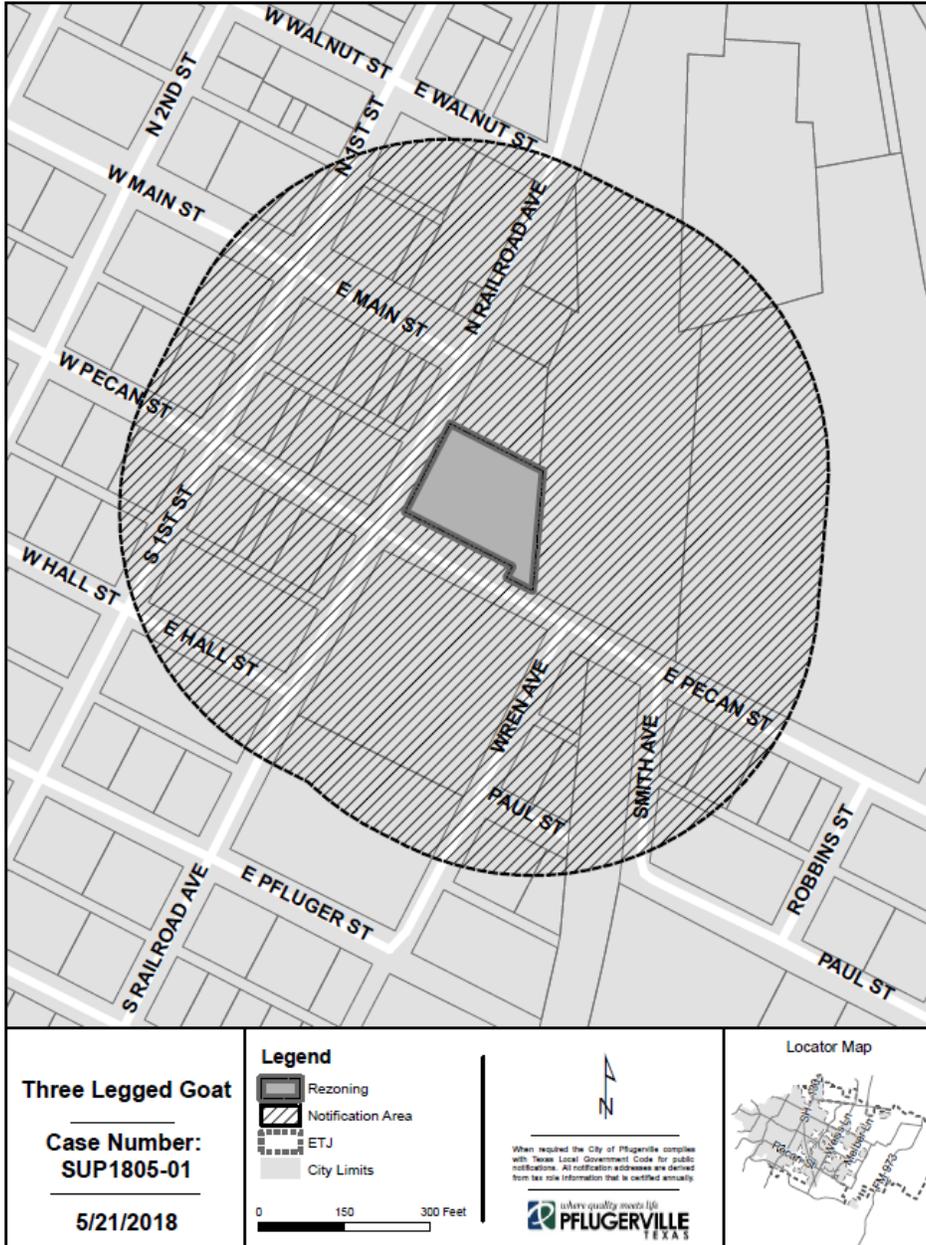
**NOTIFICATION:**

Notification letters were sent to property owners within 500-ft. of the proposed site. A sign was placed on the property and a public notice appeared in the Pflugerville Pflag newspaper.

**ATTACHMENTS:**

- Notification Map
- Applicant Request
- Planning and Zoning Commission Recommendation
- Survey

**NOTIFICATION MAP:**



**APPLICANT REQUEST:**

Honorable Mayor Victor Gonzales Honorable City Councilmembers

Honorable Planning and Zoning Commission

As we approach our first anniversary of the Three legged Goat, LLC, we are excited to announce our expansion into the adjacent Unit #6. Of the approximately 800 SF, about 400 SF of Unit #6 will remain a Commercial Kitchen and will be operated by a separate entity. The remaining 400 SF we intend to operate as the expansion to the Three Legged Goat. Additionally we intend to expand the patio area by building a deck connecting the front to the rear of the building. The deck will feature an ADA compliant ramp and handrail, providing additional access to the patio and improved safety.

Our hours of operation will continue to be consistent with the TABC license requirements and other business considerations. The premises will also be controlled by the TABC license and will include 200 E Pecan St Unit 5, part of Unit 6, the front patio area and the proposed deck (see attached map).

Our primary focus is and always will be to create a Family Friendly Downtown Destination for Texas wines. As such, we intend to create additional entertainment opportunities by hosting local and regional talent such as musical and vocal soloists, acoustic guitar, string quartets and other artists that will align with the environment to create an engaging and family friendly destination. As such, we will have games like "giant jenga", "cornhole" and a chalkboard wall for kids and adults to enjoy.

In reviewing the Criteria for Approval we feel that our proposed use is harmonious and compatible with the surrounding existing uses as it is located in Downtown Pflugerville and fits within the general concept of expected downtown businesses. We are excited and encouraged by the vast amount of Positive Feedback we have received and see our establishment creating an additive effect that will bring more pedestrian business to downtown.

The proposed activities are to operate the wine bar from 4:00 pm to close offering an expanded selection of Texas Wine, a smaller selection of Texas Craft Beer, featured Texas Spirits and a menu of appetizers and other food. Additionally we have partnered with numerous community groups to provide them with much needed space, including St. Joan of Arc Episcopal Church and the Pflugerville DAV to name but a few.

The nature of the proposed use is reasonable because it is located in the downtown business district near other establishments already serving similar items.

In order to mitigate any negative impact on the surrounding area, we intend to continue working with businesses to create partnerships that will benefit all. We will pay particular attention to monitoring and controlling noise levels. Exterior lighting will be added to provide adequate illumination and security of the deck.

Respectfully Submitted,

James Botek



**PLANNING AND ZONING COMMISSION RECOMMENDATION:**



**CONDITIONS:**

Item	Conditions of Approval	Purpose
1	The bar/tavern specific use permit will only be applicable to Units 5, 6, and 7 and the adjacent outdoor space as it extends to the property line to the north and east as shown in Exhibit A.	Consistency with Planning and Zoning Commission recommendation.

