



# City of Pflugerville

## Legislation Details (With Text)

<b>File #:</b>	ORD-0411	<b>Version:</b>	3	<b>Name:</b>	Three Legged Goat Specific Use Permit
<b>Type:</b>	Ordinance	<b>Status:</b>	Approved		
<b>File created:</b>	6/20/2018	<b>In control:</b>	Planning and Zoning Commission		
<b>On agenda:</b>	7/24/2018	<b>Final action:</b>			
<b>Title:</b>	Discuss and consider action to approve an ordinance on second and final reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A PROPOSED BAR/TAVERN ON AN APPROXIMATE 1-ACRE TRACT OF LAND ZONED GENERAL BUSINESS 1 DISTRICT (GB1) AND DOWNTOWN DISTRICT OVERLAY (DD) LOCATED GENERALLY NORTHEAST OF THE N. RAILROAD AVE. AND E. PECAN ST. INTERSECTION, LOCALLY ADDRESSED AS 200 E. PECAN ST, UNIT 5 TO BE KNOWN AS THE THREE LEGGED GOAT SPECIFIC USE PERMIT (SUP1805-01); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Three Legged Goat Specific Use Permit Staff Report, 2. Three Legged Goat Specific Use Permit Ordinance, 3. General Location Map

Date	Ver.	Action By	Action	Result
7/24/2018	3	City Council	Approved on Second Reading	Pass
7/10/2018	2	City Council	Action taken to close the Public Hearing	Pass
7/10/2018	2	City Council	Approved on First Reading	Pass
7/2/2018	1	Planning and Zoning Commission	Recommended for Adoption	Pass

Discuss and consider action to approve an ordinance on second and final reading with the caption reading: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A PROPOSED BAR/TAVERN ON AN APPROXIMATE 1-ACRE TRACT OF LAND ZONED GENERAL BUSINESS 1 DISTRICT (GB1) AND DOWNTOWN DISTRICT OVERLAY (DD) LOCATED GENERALLY NORTHEAST OF THE N. RAILROAD AVE. AND E. PECAN ST. INTERSECTION, LOCALLY ADDRESSED AS 200 E. PECAN ST, UNIT 5 TO BE KNOWN AS THE THREE LEGGED GOAT SPECIFIC USE PERMIT (SUP1805-01); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The address of 200 E. Pecan Street is located generally northeast of the N. Railroad Ave. and E. Pecan St. intersection, in the Downtown District (formerly known as the Central Business District). The property consists of two commercial buildings with multiple tenant spaces and the subject tenant space is in the northeastern corner of the development, Unit 5, and the adjacent outdoor area. The property is zoned General Business 1 (GB1) and is also within the Downtown District Overlay (DD). 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 Downtown District Overlay, a bar/tavern may only be permitted if approved through a Specific Use Permit (SUP).

The applicant has proposed to establish a wine bar at 200 E. Main St in Unit 5, which is located in the northern portion of the building that contains the El Rincon restaurant. The proposed wine bar is anticipated 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. In addition to occupying Unit 5, the applicant intends to utilize the existing patio area in front of the unit for outdoor seating and family friendly entertainment opportunities such as music and games. With success, opportunities for expansion may be pursued, which will result in an amendment to the Specific Use Permit. 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. A total of 38 parking spaces are provided on-site. While the parking is deficient for the uses proposed on the property, the Downtown 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. Parking is provided on-site and within the Railroad, Main Street, and First Street rights of way.

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.

### **Staff Recommendation**

Located centrally in the commercial core of the Downtown District, the proposed wine bar is anticipated to be a destination and gathering place that will attract patrons to the area. 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. On-site parking is available, and immediate on-street parking is provided within the Railroad, Main Street, and First Street rights 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 passersby. 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 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. Staff recommends approval of the request with no specific conditions.

### **Planning and Zoning Commission Action**

On July 2, 2018 the Planning and Zoning Commission conducted a public hearing and recommended approval of the proposed ordinance with a vote of 4-0.

**Previous City Council Action**

The City Council held a public hearing on July 10, 2018 as advertised and took action to approve the ordinance on first reading with a vote of 5-0.

**Deadline for City Council Action**

None.

**Drafter**

Emily Barron, AICP  
Planning Director