

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0113 (Parmer Crossing - Unit# 058) DISTRICT: 7

ADDRESS: 2500 West Parmer Lane, Unit # 05B

ZONING FROM: GR

TO: CS-1

SITE AREA: 0.69 acres

PROPERTY OWNER: Brixmor Holdings 12 SPE, LLC

APPLICANT: DB Liquor Parmer LLC (Vipul Patel)

AGENT: Dorsett Johnson LLP (S. Joseph Modric, Esq.)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit Adult Oriented uses and Cocktail Lounge use on the property.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

November 21, 2023: Approved staff' recommendation of CS-1-CO zoning by consent (9-0, S. Boone-off the dais); B. Greenberg-1st, L. Stern-2nd.

CITY COUNCIL ACTION:

January 18, 2024

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is a pad site that is currently developed with a restaurant use (Garbo's Fresh Maine Lobster), with accessory outdoor seating, that is within a large commercial center located at the northeast intersection of West Parmer Lane and the northbound feeder of the North Mopac Expressway. The site is surrounded by commercial zoning and restaurant, retail and office uses to the north, south, east and west. The applicant is requesting CS-1 zoning to allow for a liquor sales use on the property.

The staff recommends CS-1, Commercial-Liquor Sales District, zoning. The property meets the intent of the Commercial-Liquor Sales District as it is located within an existing retail center at the southeast intersection of two major arterial roadways. The CS-1 zoning district would be consistent with the surrounding uses because there is commercial zoning (GR, GR-CO, CS-CO, CS) zoning surrounding the subject tract within the Parmer Crossing retail center. The proposed zoning is compatible with the commercial character of this area. More intensive commercial zoning is appropriate for a property located at the intersection of two major highways within an area of concentrated commercial and retail development.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Commercial-liquor sales (CS-1) district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments. Liquor sales is one of the permitted uses in a CS-1 district.

2. *The proposed zoning should promote consistency and orderly planning.*

The CS-1 zoning district would be consistent with the zoning in this area because there is commercial zoning surrounding this tract of land. There is GR zoning and CS-CO zoning (the former Fry's Electronics site) that surround the subject tract within this existing commercial/retail center. The proposed CS-1 district would allow the applicant to utilize an existing restaurant structure to allow for new commercial uses on the site.

The property in question is part of the North Lamar Area Study, which was approved by the City Council on October 3, 1985. The area study recommends Commercial land use for this tract of land.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The site under consideration is a pad site that is located within a commercial development northeast intersection of West Parmer Lane and the northbound feeder of the Mopac Expressway.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-----------|---|
| <i>Site</i> | GR | Restaurant (Garbo's Fresh Maine Lobster, previously Opal Divine's Marina) |
| <i>North</i> | GR, LO | Retail Center (Parmer Crossing), Tx Tag Customer Service Center |
| <i>South</i> | GR | Retail Center (Parmer Crossing: Planet Fitness, Mega Furniture, Big Lots, Harbor Freight Tools, Half Price Books, Dollar Tree, Super Cuts, Thundercloud Subs, Sushi Juni, Hobby Town, Firestone Auto Care, Quality Nails, Taco Cabana, Jiffy Lube, PNC Bank, Zips Cleaners, etc.) |
| <i>East</i> | GR, CS-CO | Retail Center (Parmer Crossing), former Fry's Electronics |
| <i>West</i> | ROW | Burnett Road, North Mopac Expressway |

NEIGHBORHOOD PLANNING AREA: N/A

WATERSHED: Walnut Creek

SCHOOLS: Austin I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Growth Corridor Alliance
 SELTexas
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|--|--|--|
| C14-2017-0115 (2510 West Parmer Lane) | GR to CS | 10/17/17: Approved the staff's recommendation of CS zoning, with conditions (8-0, D. Breithaupt, Y. Flores and S. Trinh-absent); D. King-1 st , S. Lavani-2 nd . | 11/09/17: The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for CS district zoning was approved on Council Member Alter's motion, Council Member Houston's second on an 11-0 vote. 1/01/18: Ordinance No. 20180201-087 CS district zoning, with conditions was approved on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote. |
| C14-2011-0055(Kessler Zoning Change) | SF-1 to LR NO-MU | 7/19/11: Approved staff's recommendation for denial (6-0); D. Tiemann-1 st , B. Baker-2 nd . 10/18/11: Move to approve the staff's recommendation of NO-MU-CO zoning (3-3, B. Baker, P. Seeger, and G. Rojas-No) – Motion failed. The Commission forwarded the case to City Council with no recommendation. | 1/12/12: Approved staff's rec. of NO-MU-CO zoning on consent on 1 st reading (7-0); S. Cole-1 st , L. Morrison-2 nd . 2/09/12: Approved NO-MU-CO district zoning on 2 nd /3 rd readings on consent (6-0, S. Cole-off dais); B. Spelman-1 st , L. Morrison-2 nd . |
| C14-2010-0166 – (12412 Tomanet Trail) | NO to GR* *On 1/03/10, the applicant amended their request to the staff's rec. of GO-CO | 1/04/11: Approved the staff's recommendation of GO-CO zoning on consent (5-0, B. Baker-absent); G. Bourgeois-1 st , S. Baldrige-2 nd . | 2/10/11: Approved GO-CO zoning on consent on all 3 readings (6-0, Martinez- absent); Spelman-1 st , Morrison-2 nd . |
| C14-2010-0058 (2209 W. Parmer Lane) | NO to LR-CO | 6/15/10: Approved the staff's recommendation of LR-CO zoning by consent (7-0); P. Seeger-1 st , S. Baldrige-2 nd . | 7/29/10: Approved LR-CO on consent (7-0); L. Morrison-1 st , M. Martinez-2 nd . |
| C14-2010-0030 (12500 Limerick Ave.) | NO-MU to GO* *The applicant amended his re-zoning request to LO zoning at the 5/04/10 ZAP | 5/04/10: Approved LO-CO zoning with the following conditions: limit the building size on the site to 2,000 sq. ft. and limit the site to less 200 vehicle trips per day (4-3, D. Tiemann, P. Seeger and B. | 5/13/10: Denied LO-CO zoning (6-1, L. Leffingwell-No); B. Spelman-1 st , L. Morrison-2 nd . |

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| | Commission meeting. | Baker-No); S. Baldrige-1 st , T. Rabago-2 nd . | |
| C14-2009-0078 (Limerick: 12412 Limerick Ave.) | NO to LR* *The applicant sent an e-mail to the staff on 4/29/10 asking to amend his re-zoning request to the GO zoning. | 4/20/10: Recommended denial of the applicant's re-zoning request (7-0); D. Tiemann-1 st , P. Seeger-2 nd . | 9/23/10: Denied the re-zoning request (6-0, S. Cole-off dais); L. Morrison-1 st , M. Martinez-2 nd . |
| C14-2009-0005 (Tomanet: 12408 Tomanet Trail) | SF-1 to NO | 2/17/09: Approved staff's recommendation to deny 'NO' district zoning (6-0, R. Evans-absent); C. Hammond-1 st , B. Baker-2 nd . | 3/26/09: Denied the request for 'NO' zoning (6-0, B. McCracken-off the dais); J. Morrison-1 st , R. Shade-2 nd |
| C14-07-0027 | SF-2 to NO | 4/03/07: Approved the staff's recommendation of NO-MU zoning on consent (6-0, J. Gohil-absainted; K. Jackson and S. Hale-absent) | 5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings |
| C14-06-0097 (Cody Pools: 2300 West Parmer Lane) | I-RR to: GR CS* * On June 6, 2006, the staff received an e-mail from the agent for this case asking to amend the rezoning request for this property from 'GR' to 'CS'. The CS District will permit the Construction Sales and Services use that currently exists on the site. | 8/01/06: Approved LR-CO zoning with the following conditions: 700 vehicle trip limit per day and 100-feet of right-of-way reservation from the centerline of Parmer Lane (9-0); K. Jackson-1 st , B. Baker-2 nd . | 8/31/06: Approved LR-CO zoning on 1 st reading (7-0); J. Kim-1 st , L. Leffingwell-2 nd . 9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 nd /3 rd readings |
| C14-05-0054 (Tomanet Estates Zoning #4, City Initiated: 2206-2310 Cindy Lane) | I-RR to SF-1 | 5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent) | 6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings |

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| C14-05-0053 (Tomanet Estates Zoning #3, City Initiated: 12503-12609 Silver Spur) | I-RR to SF-1 | 5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent) | 6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings |
| C14-05-0052 (Tomanet Estates Zoning #2, City Initiated: 12505-12605 Tomanet Trail, 12502-12610 Silver Spur) | I-RR to SF-1 | 5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent) | 6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings |
| C14-05-0051 (Tomanet Estates Zoning #1, City Initiated: 12502-12604 Tomanet Trail) | I-RR to SF-1 | 5/03/05: Approved staff's recommendation of SF-1 zoning by consent (8-0, J. Martinez-absent) | 6/09/05: Approved SF-1 (6-0, McCracken-off dais); all 3 readings |
| C14-04-0201 (12503 Tomanet Trail) | I-RR to LR | 2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 st , B.Baker-2 nd . Motion made for staff to initiate a zoning case for all properties that are zoned I-RR on Cindy Lane, Tomanet Trail and Silver Spur Streets, to SF-1 zoning (9-0); B. Baker-1 st , K. Jackson-2 nd . | 3/03/05: Approved SF-1 on 1 st reading (7-0) 4/07/05: Approved SF-1 (7-0); 2 nd /3 rd readings |
| C14-04-0172 (Filipino Video and Oriental Store: 2309 W. Parmer Lane) | NO to LR | 11/16/04: Approved staff rec. of LR-CO (9-0), with the following condition: Drive-in service is prohibited as an accessory use to a commercial use. | 1/13/05: Approved LR-CO (7-0); all 3 readings |
| C14-04-0119 (Ivarra Zoning Change from NO to LR: 2303 W. Parmer Lane) | NO to LR | 9/21/04: Approved staff's rec. of LR (7-0) | 10/21/04: Approved LR (7-0); all 3 readings |
| C14-02-0135 (Perfect Shirt: 12500 Tomanet Trail) | NO to GR | 9/17/02: Approved staff's rec. of GR-CO zoning by consent (7-0) | 10/24/02: Granted GR-CO on all 3 readings (6-0, Dunkerley-absent) |
| C14-01-0184 (Perfect Shirt: 12500 Tomanet Trail) | NO to GR | 1/29/02: Postponed to 2/26/02 by applicant (8-0, A.Adams-absent) 2/26/02: Approved staff's recommendation of GR-CO zoning with the following conditions: Limit the | 4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room) |

| | | | |
|---|----------|--|---|
| | | development intensity to less than 2,000 vehicle trips per day; restrict vehicle access from the property to Tomanet Trail; permit Personal Services as the only 'GR' use; and limit the property to 'NO' uses. (6-0, K. Jackson-absent; N. Spelman, D. Castaneda-left early) | |
| C14-00-2045 (Perfect Shirt: 12500 Tomanet Trail) | NO to GR | 5/9/00: Approved GR-CO (6-2, JR/JM-Nay); for building footprint only for dry cleaning use; permitted 'NO' uses; no access to Tomanet Trail; 2,000 vehicle trip limit per day; limit landscape buffer between sidewalk and street; sidewalks on Tomanet Trail; building square feet not to exceed 2,000 sq. ft. | 6/8/00: Approved PC rec. of GR-CO w/ conditions on 1 st reading (7-0) 10/12/00: Approved GR-CO (7-0); 2 nd /3 rd readings |

RELATED CASES:

Subdivision: Lot 1, Parmer Crossing Subdivision, Section Two
 Site Plan Cases: SP-90-0222C, SP-91-0232C

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 12709 N MOPAC EXPY SERVICE RD. C14-2023-0113. Project: Parmer Crossing - Unit # 05B. 0.6860 acres from GR to CS-1. Liquor Sales

| Yes | Imagine Austin Decision Guidelines |
|-----|---|
| | Complete Community Measures |
| | Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers: |
| | Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. |
| Y | Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane. |
| Y | Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center. |
| Y | Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market. |
| | Connectivity and Education: Located within 0.50 miles from a public school or university. |
| | Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. |
| | Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.) |
| | Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint. |
| | Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. |
| | Mixed use: Provides a mix of residential and non-industrial uses. |
| | Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). |
| | Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site. |
| | Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.) |
| | Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training. |
| | Industrial Land: Preserves or enhances industrial land. |
| 3 | Total Number of "Yes's" |

Environmental

The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i> | <i>% of Gross Site Area</i> | <i>% of Gross Site Area with Transfers</i> |
|--|-----------------------------|--|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

According to floodplain maps there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments.

Parks and Recreation

Beginning January 1, 2024, there are no parkland dedication requirements for commercial uses as proposed in this rezoning application.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

The adjacent street characteristics table is provided below:

| Name | ASMP Classification | ASMP Required ROW | Existing ROW | Existing Pavement | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|-------------|--|--------------------------|---------------------|--------------------------|------------------|----------------------|--------------------------------------|
| Mopac | Level 4 (service road) and Level 5 (highway) | NA TX DOT | 398' | 388' | Yes | no | yes |

Water Utility

No comments on zoning change.

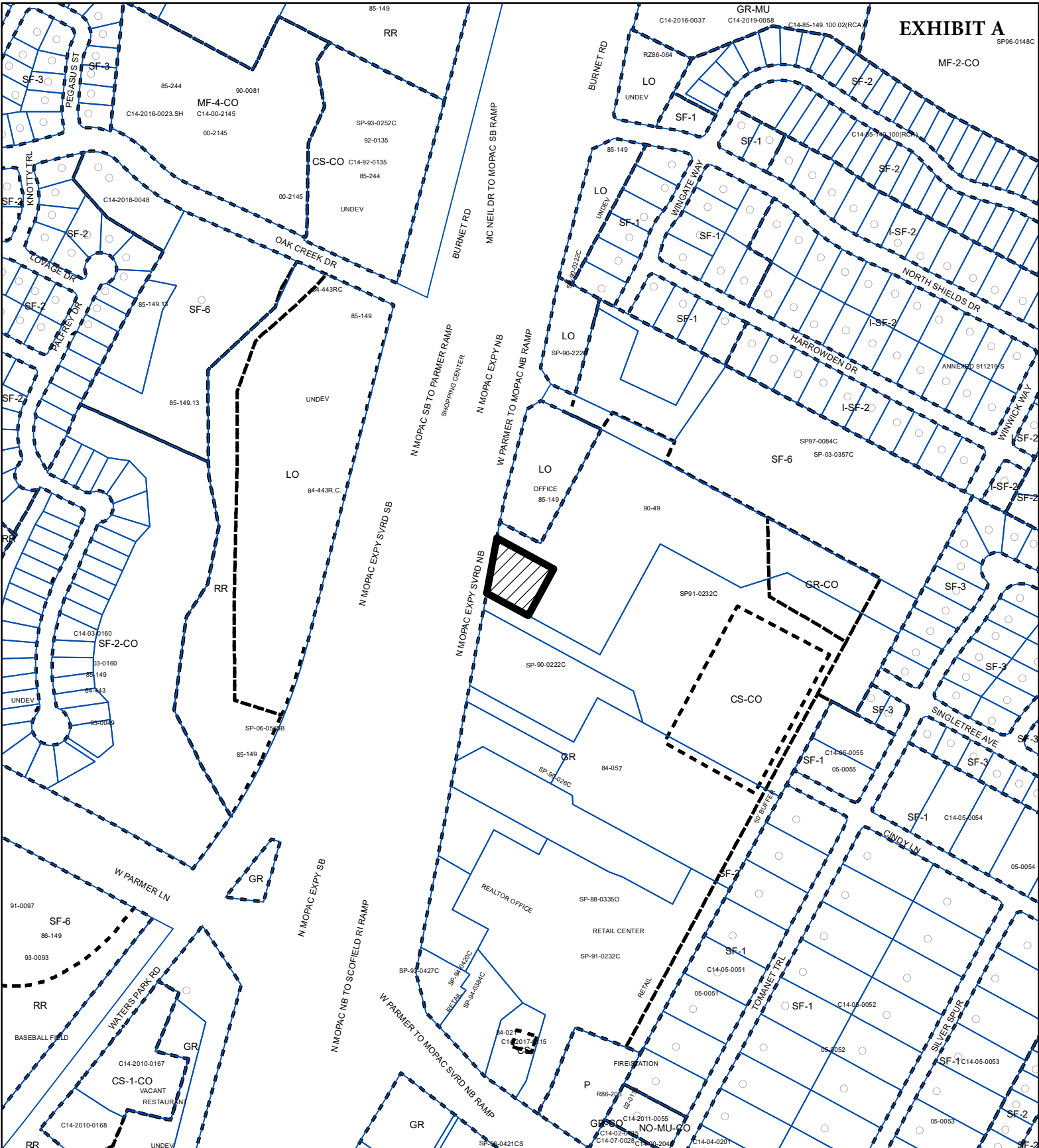
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

B. Aerial Map



ZONING

ZONING CASE#: C14-2023-0113



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



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