

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2010-0166

**Z.A.P. DATE:** January 4, 2011

**ADDRESS:** 12412 Tomanet Trail

**OWNER:** Umesh and Amrutha Murthy

**APPLICANT/AGENT:** Fourt Realty, LLC (Taylor Terkel)

**ZONING FROM:** NO

**TO:** GR\*

**AREA:** 0.4378 acres

\*On January 3, 2010, the applicant sent an e-mail to the staff requesting to amend their case to the staff's recommendation of GO-CO zoning (Please see Attachment B).

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than to less than 589 unadjusted vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

1/04/11: Approved the staff's recommendation of GO-CO zoning on consent (5-0, B. Baker-absent); G. Bourgeois-1<sup>st</sup>, S. Baldrige-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question currently contains a day care facility (Discovery Montessori School) that fronts onto Tomanet Trail, a residential collector street. The applicant is requesting a re-zoning to the Community Commercial District to allow for commercial uses to be developed on the site. There is a retail strip center to the north of the site, across Parmer Lane. The property to the south of the site is also developed with a day care facility (Edward's Word Learning Center). To the east, there is an office use (Citywide Realty Apartment Locators). To the west, there is a commercial retail center (The Market at Parmer Square).

The staff recommends GO-CO zoning at this location because this site meets the intent of the General Office District. GO-CO zoning will be compatible with surrounding commercial, office and residential land uses and will provide a transition in the intensity of permitted uses along Tomanet Trail, away from Parmer Lane, to the south. The property is located adjacent to office zoning to the south and east.

The applicant does not agree with the staff's recommendation.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	NO	Day Care (Discovery Montessori School)
<i>North</i>	GR-CO	Retail Center (EZ Loans, Jumbo Donuts, Cricket Wireless, Fed Ex/Kinko's)
<i>South</i>	NO	Day Care (Edward's Word Learning Center)

<i>East</i>	NO	Office (Citywide Realty-Apartment Locators)
<i>West</i>	GR	Retail Center (The Market at Parmer Square: Panda Express, Subway, Comet Cleaners, Sushi Restaurant, Parmer Eye Care, Check Co., HEB Grocery, Radio Shack, Uniform Sales, Baskin Robins Icecream, Wendy's, Chick-Fil-A, Starbucks Coffee)

**AREA STUDY:** North Lamar Area Study

**TIA:** Not Required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Austin Monorail Project  
Austin Neighborhoods Council  
Austin Parks Foundation  
Home Builders Association of Greater Austin  
Homeless Neighborhood Association  
Lamplight Village Area Neighborhood Association  
League of Bicycling Voters  
North Growth Corridor Alliance  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
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 <sup>st</sup> , S. Baldrige-2 <sup>nd</sup> .	7/29/10: Approved LR-CO on consent (7-0); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
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 Commission meeting.	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. Baker-No); S. Baldrige-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	5/13/10: Denied LO-CO zoning (6-1, L. Leffingwell-No); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2009-0078 - Limerick	NO to LR* *The applicant sent an e-mail to the staff on 4/29/10 asking to amend his	4/20/10: Recommended denial of the applicant's re-zoning request (7-0); D. Tiemann-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	9/23/10: Denied the re-zoning request (6-0, S. Cole-off dais); L. Morrison-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .

	re-zoning request to the GO zoning.		
C14-2009-0005	SF-1 to NO	2/17/09: Approved staff's recommendation to deny 'NO' district zoning (6-0, R. Evans-absent); C. Hammond-1 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	3/26/09: Denied the request for 'NO' zoning (6-0, B. McCracken-off the dias); J. Morrison-1st, R. Shade-2 <sup>nd</sup>
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-abstained; K. Jackson and S. Hale-absent)	5/03/07: Approved NO-MU zoning by consent (7-0); all 3 readings
C14-06-0097	I-RR to: <del>GR</del> 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 <sup>st</sup> , B.Baker-2 <sup>nd</sup> .	8/31/06: Approved LR-CO zoning on 1 <sup>st</sup> reading (7-0); J. Kim-1 <sup>st</sup> , L. Leffingwell-2 <sup>nd</sup> .  9/28/06: Approved LR-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-05-0054	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 dias); all 3 readings
C14-05-0053	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 dias); all 3 readings
C14-05-0052	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 dias); all 3 readings
C14-05-0051	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 dias); all 3 readings

C14-04-0201	I-RR to LR	2/01/05: Approved staff's recommendation for SF-1 zoning (9-0); J. Martinez-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> . 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 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	3/03/05: Approved SF-1 on 1 <sup>st</sup> reading (7-0)  4/07/05: Approved SF-1 (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0172	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	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	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	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 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)	4/4/02: Approved ZAP rec. of GR-CO with conditions on all 3 readings (6-0, Goodman out of room)
C14-00-2045	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 <sup>st</sup> reading (7-0)  10/12/00: Approved GR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-98-0082	NO to GR	8/4/98: Approved GR-CO w/ conditions (9-0)	9/10/98: Approved PC rec. of GR-CO w/ conditions (6-0); 1 <sup>st</sup> reading Administrative-EXPIRED 9/7/99, no 3 <sup>rd</sup> reading

C14-96-0037	NO to LR	5/7/96: Approved LR-CO subject to conditions of no more than 12 parking spaces on the site and a 300 vehicle trip per day limit (8-0)	5/23/96: Approved LR-CO subject to conditions (6-0); 1 <sup>st</sup> reading  8/8/96: Approved LR-CO subject to conditions (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-94-0042	NO to LO	4/26/94: Approved LO-CO (6-0); subject to ROW; medical offices as only permitted 'LO' use, permit 'NO' uses; 0.15 FAR; 'NO' development regulations	6/9/94: Approved LO-CO (5-0); 1 <sup>st</sup> reading  11/17/94: Approved LO-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** N/A

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Tomanet Trail	60'	40'	Collector	Not Available
FM 734 (Parmer Lane)	155'	2@41'	Arterial	42,000 (TXDOT,

**CITY COUNCIL DATE:** February 10, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

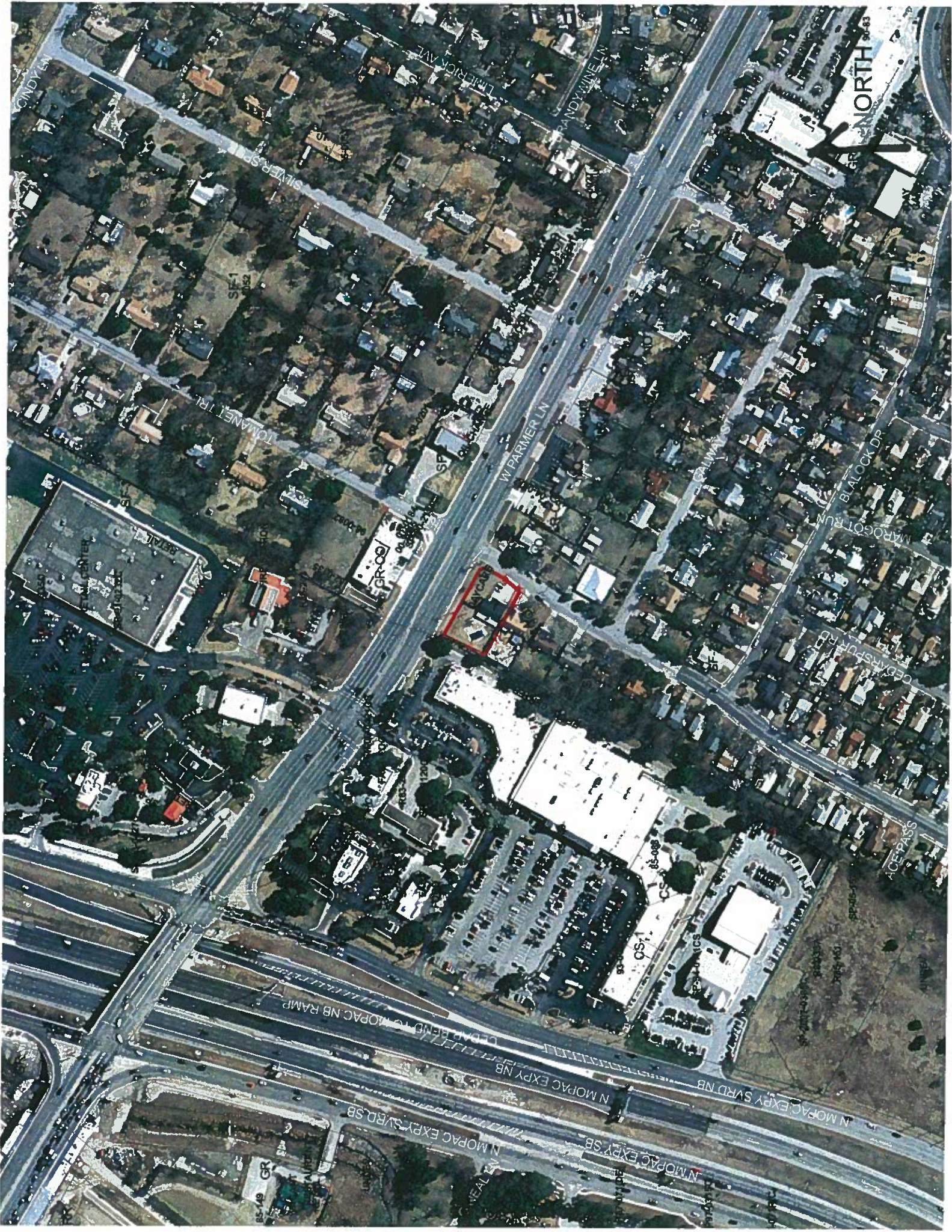
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)







NORTH

CINDY LN

SILVER SP

LIMERICK AVE

WANDY WINE LN

TOMANET TRL

W PARKER LN

W PARKWAY ST

BLACKLOCK DR

MAROGOT RUN

CEGARSFUR RD

ACE PASS

DEBAY BEND TO MOPAC NB RAMP

N MOPAC EXPR NB

N MOPAC EXPR SVRD NB

N MOPAC EXPR SVRD SB

N MOPAC EXPR SB

## **STAFF RECOMMENDATION**

The staff's recommendation is to grant GO-CO, General Office-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 589 unadjusted vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

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

GO-CO zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial, civic and residential land uses. The proposed zoning will provide a transition in the intensity of permitted uses along Tomanet Trail (a residential collector street), away from Parmer Lane, to the south. The property is located adjacent to office zoning to the south and east.

3. *The proposed zoning should allow for a reasonable use of the property.*

The GO-CO zoning district will allow the applicant to utilize this property for office and civic uses that will provide services for the residential areas located to the north and south of Parmer Lane.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently developed with a single-family residential structure that has been converted to a day care facility (Discovery Montessori School).

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. 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.

According to flood plain maps, there is no floodplain within or adjacent to the project boundary.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other

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 on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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 Net Site Area</i>	<i>% 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%

### **Site Plan / Compatibility Standards**

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

Any new development is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site

stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Transportation**

#### **Existing Street Characteristics:**

Name	ROW	Pavement	Classification	Daily Traffic
Tomanet Trail	60'	40'	Collector	Not Available
FM 734 (Parmer Lane)	155'	2@41'	Arterial	42,000 (TXDOT,

The Austin Metropolitan Area Transportation Plan calls for a total of 200 feet of right-of-way for FM 734 (Parmer Lane). TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan at the time of subdivision and/or site plan. [LDC, Sec. 25-6-51 and 25-6-55].

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 589 unadjusted vehicle trips per day [LDC, 25-6-117].

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo [LDC, Sec. 25-6-114] (Please see Attachment A). Please provide existing traffic counts for Tomanet Trail.

There are existing sidewalks along FM 734 (Parmer Lane). There are no existing sidewalks along Tomanet Trail.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle	Proposed Bicycle
Tomanet Trail	None	None
FM 734 (Parmer Lane)	Wide Shoulder	Wide Shoulder

Capital Metro bus service (route no. 240) is available along Tomanet Trail and FM 734 (Parmer Lane).

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



# MEMORANDUM

**TO:** Sherri Sirwaitis, Case Manager  
**CC:** Taylor Terkel, (Applicant)  
**FROM:** Candace Craig, Transportation Planner  
**DATE:** November 24, 2010  
**SUBJECT:** Neighborhood Traffic Analysis for 12412 Tomanet Trail  
 Zoning Case: 12412 Tomanet Trail Rezoning (Case #: C14-2010-0166)

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The 0.4378-acre property is a developed lot, the current use is office, and the existing zoning is LO (Limited Office). The applicant is requesting a change to GR (Community Commercial) zoning for a proposed retail land use. The site is located in north Austin at the southwest corner of FM 734 (Parmer Lane) and Tomanet Trail. Tomanet Trail is located less than 1000 feet from Loop 1 (North MOPAC Expressway). There is an existing single-family structure and driveway access to Tomanet Trail on the site. Surrounding the tract to the north is Parmer Lane, to the west is a shopping center, to the south is a childcare center, and across Tomanet Trail to the east is an office.

## Roadways

Tomanet Trail is a 44'-wide, two-lane residential collector with a 60'-wide right-of-way. Tomanet Trail carries approximately 3,411 vehicles per day (vpd) according to traffic counts collected on Tuesday, November 9, 2010. There are no existing sidewalks along Tomanet Trail.

The intersection of Tomanet Trail and Parmer Lane is controlled by a stop sign for Tomanet Trail. Parmer Lane is classified as a 6-lane divided major arterial with a 155'-wide right-of-way. The 2025 Austin Metropolitan Area Transportation Plan proposes an 8-lane divided major arterial and calls for a total of 200 feet of right-of-way for Parmer Lane. Texas Department of Transportation (TxDOT) may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55]. There are existing sidewalks along the Parmer Lane.

## Trip Generation and Traffic Analysis

The applicant has agreed to limit the vehicle trips generated by the site to 2,000 trips per day. Since driveway access is on Tomanet Trail, 100% of the site generated traffic distribution is assumed on Tomanet Trail as follows:

Street	Site Traffic
Tomanet Trail	100%
FM 734 (Parmer Lane)	0%

The following is a table containing the estimated number of trips that will affect each street:

Street	Existing Traffic (vpd)	Site Traffic (vpd)	Total Traffic after Project (vpd)	Maximum Desirable per LDC 25-6-116 (vpd)
Tomanet Trail	3,411	2,000	5,411	4000
FM 734 (Parmer Lane)	42,000	0	42,000	N/A

The Land Development Code specifies desirable operating levels for certain streets in Section 25-6-116. These levels are as follows: A residential local or collector street with a pavement width of 40' or less should carry 4,000 vehicles per day or less.

### **Conclusions**

1. The neighborhood traffic analysis was triggered because the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation. Tomanet Trail is classified as a residential collector.
2. The trip generation under the requested zoning of GR is estimated to be 2,313 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. Since the applicant agreed to limit the vehicle trips generated by the site to 2,000 trips per day, site traffic of 2,000 vpd was assumed in this analysis.
4. The existing traffic along Tomanet Trail does not exceed the maximum requirement established in the Land Development Code (LDC). However, if the site develops to the intensity allowed by the conditional overlay, the proposed traffic will exceed the maximum requirement established in LDC Section 25-6-116 by 1411 vpd.
5. In order to minimize traffic on surrounding streets, the intensity and uses for this development should be limited through a conditional overlay to less than 589 unadjusted vehicle trips per day. With this limitation, the roadway will not exceed the capacity requirements established in the Land Development Code 25-6-116.

---

If you have any questions or require additional information, please contact me 974-2788.



Candace Craig

Sr. Planner - Transportation Review

Planning and Development Review Department

**Sirwaitis, Sherri**

---

**From:** Taylor Terkel [taylor.terkel@fourtrealty.com]

**Sent:** Monday, January 03, 2011 4:48 PM

**To:** Sirwaitis, Sherri

**Subject:** 12412 Tomanet Trail

Sherri,

I would like to request an amendment to our zoning change request from GR, Community Commercial District to GO, General Office District. We are also in agreement with the staff's recommendation for a 589 vehicle trip limit on the site. We would like for you to read the amendment request into the record tomorrow night and offer the case for consent approval.

Thanks you,  
Taylor

Taylor Terkel  
Principal  
FourT Realty  
4101 Medical Parkway, Ste. 205  
Austin, Texas 78756  
Office: 512.590.7737  
Direct: 512.590.7739  
Mobile: 512.568.1313  
[www.fourtrealty.com](http://www.fourtrealty.com)

1/4/2011