

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0151 (North Mopac Liquor Store)      **Z.A.P. DATE:** December 6, 2011

**ADDRESS:** 12407 North Mopac Expressway Northbound, Unit 275

**OWNER:** LPC Capital Group, Ltd. (Steve Seitz)

**APPLICANT/AGENT:** Thrower Design (Ron Thrower)

**ZONING FROM:** GR

**TO:** CS-1

**AREA:** 0.050 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-1, Commercial-Liquor Sales District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

12/06/11: Approved staff's recommendation of CS-1 zoning by consent (7-0); P. Seeger-1<sup>st</sup>,  
G. Rojas-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question consists of a vacant suite within an existing commercial/retail center (The Market at Parmer Square). The applicant is requesting CS-1 zoning at this location because they would like to expand the existing liquor store that is currently located in the suite to the west of site.

The staff recommends CS-1 zoning at this location because the property meets the intent of the Commercial-Liquor Sales District. The site is a vacant unit/suite within an existing commercial-retail shopping center located at the intersection of two major arterial roadways, Parmer Lane and MOPAC Expressway Northbound. CS-1 zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial uses. The property in question is surrounded by retail sales, food sales, financial services, medical office, personal services, liquor sales and restaurant uses.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Commercial/Retail Center (The Market at Parmer Square: Panda Express, Smile Center Dental, Subway, We Buy Gold, Hot Boiled Crawfish, Oadaku Sushi, Check n' Go, Nail Studio, Radio Shack, HEB Grocery, La Morada Restaurant, Vet Clinic, Andy's Liquors, Taj Majal Indian Cuisine, Papa Murphy's Pizza, Great Clips, Baskin Robins Icecream, Wendy's, Chick-Fil-A, Starbucks Coffee, Bank of America)
<i>North</i>	GR	Commercial/Retail Center (Parmer Crossing: Opal Devine's Restaurant, Fry's Electronics, Roomstore Furniture Sales, Dollar General, Half Price Books, Tuesday Morning, Taco Cabana)

<i>South</i>	GR	Commercial/Retail Center (The Market at Parmer Square), Automotive Sales
<i>East</i>	GR, CS-1, SF-2	Commercial/Retail Center (The Market at Parmer Square: Vacant Suite, Vet Clinic, La Morada Restaurant, HEB Grocery), Single Family Residences
<i>West</i>	CS-1	Commercial/Retail Center (The Market at Parmer Square: Andy's Liquors, Taj Majal Indian Cuisine, Papa Murphy's Pizza, Great Clips, Baskin Robins Icecream), Mopac Expressway

**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 Heritage Tree Foundation  
Austin Independent School District  
Austin Monorail Project  
Austin Neighborhoods Council  
Austin Northwest Association  
Home Builders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
North Growth Corridor Alliance  
Sierra Club, Austin Regional Group  
The Real Estate Council of Austin, Inc.  
Walnut Crossing Neighborhood Association

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0166 (12412 Tomanet Trail Rezoning)		1/04/11: Approved the staff's recommendation of GO-CO zoning on consent, with a CO to limit development on the site to less than to less than 589 unadjusted vehicle trips per day (5-0, B. Baker-absent); G. Bourgeois-1 <sup>st</sup> , S. Baldrige-2 <sup>nd</sup> .	2/10/11: Approved GO-CO zoning on consent on all 3 readings (6-0, Martinez- absent); Spelman-1 <sup>st</sup> , Morrison-2 <sup>nd</sup> .
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	5/04/10: Approved LO-CO zoning with the following conditions: limit the building size on the site to 2,000 sq. ft.	5/13/10: Denied LO-CO zoning (6-1, L. Leffingwell-No); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .

	re-zoning request to LO zoning at the 5/04/10 ZAP Commission meeting.	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> .	
C14-2009-0078 - Limerick	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 <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> .
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-absainted; 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	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);

		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.	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:**

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Mopac/Loop 1	Varies	FWY-6	Freeway	144,000

**CITY COUNCIL DATE:** January 12, 2012

**ACTION:**

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

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

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## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-1, Commercial-Liquor Sales District, zoning.

## **BASIS FOR 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.

The proposed zoning meets the intent of the Commercial-Liquor Sales designation as the site is within an existing commercial-retail shopping center located at the intersection of two major arterial roadways, Parmer Lane and MOPAC Expressway Northbound.

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

CS-1-CO zoning will promote consistency and orderly planning as it will be compatible with surrounding commercial uses. The property in question is a vacant suite that is surrounded by retail sales, food sales, financial services, medical office, personal services, personal improvement services, liquor sales and restaurant uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is a vacant unit/suite within an existing commercial retail center (The Market at Parmer Square).

### **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 floodplain 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.

No trees are located on this property. 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 CS-1 zoning district would be 95%. 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**

Site plans will be required for any new development other than single-family or duplex residential. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

A Zoning Site Plan is currently on file for this site under C14r-83-291. According to the application the existing use is Retail. A Change of Use (Site Plan Correction) will need to be applied for once the zoning has been approved for a liquor store. Please visit our One Stop Shop, Development Assistance Center to process the Change of use (Site Plan Correction). A conditional use permit will be required if this changes to a cocktail lounge.

### **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**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113].

Mopac/Loop 1 is classified in the Bicycle Plan as Bike Route No. 434.

Capital Metro bus service (Route No. 240) is available along Mopac/Loop 1. There are no existing sidewalks along Mopac/Loop 1.

Existing Street Characteristics:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>ADT</u>
Mopac/Loop 1	Varies	FWY-6	Freeway	144,000

**Water and Wastewater**

FYI: The site is currently served 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 proposed land use. Water and wastewater utility plans 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.