

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0091 (Future Project)

DISTRICT: 10

ADDRESS: 12530 Research Boulevard

ZONING FROM: GR-MU, LO-MU

TO: CS-1

SITE AREA: 1.41 acres (61,419.6 sq. ft.)

PROPERTY OWNER/APPLICANT: Gyro Plus LLC (Mohammed Arami)

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

STAFF RECOMMENDATION:

Staff recommends denial of the applicant's request.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

September 3, 2024: Approve CS-1-MU-CO zoning for Tract 1 and LO-MU zoning for Tract 2, with the conditional overlay on Tract 1 to allow only Cocktail Lounge as a permitted CS-1 use, permit all other GR-MU uses and GR site development standards (9-0, S. Boone-absent); B. Greenberg-1st, F. De Portu -2nd.

CITY COUNCIL ACTION:

October 10, 2024

ORDINANCE NUMBER:

ISSUES: N/ACASE MANAGER COMMENTS:

The property in question is a 1.41 acre site that contains a vacant restaurant (former bicycle shop) and a small warehouse which fronts Research Boulevard/U.S. Highway 183 North. To the east, there is a retail center (Oak Knoll Village). The tract of land to the west contains an automotive repair use (Oak Knoll Automotive). The lots to the south, across Jollyville Road, are developed with duplex residences. The applicant is requesting CS-1 zoning to utilize the site with a restaurant or cocktail lounge use.

The staff recommends denial of the applicant's request. The proposed CS-1 zoning is not consistent with the US 183/Jollyville Road Area Study that was adopted by the City Council. The site under consideration is not located at an intersection of major streets where CS and CS-1 zoning is intended. In addition, the proposed zoning would contribute to an over zoning of the Commercial-Liquor Sales district in this area as there are already two CS-1 zoned pad sites adjacent to this tract in the Oak Knoll Village Shopping Center to the north. One of these suites is developed with a liquor sales use (Queen's Liquor) and the other is currently vacant. There is also CS-1-CO zoning to the southeast, zoned through case C14-2022-0168, that is undeveloped.

The current GR-MU zoning on Tract 1 and LO-MU zoning on Tract 2, that was approved by the City Council on October 13, 2022 through case C14-2021-0109, promotes consistency with the permitted uses developed adjacent to these parcels. Commercial-mixed use and office-mixed use zoning will permit the applicant to utilize vacant structures to allow for mixed use development on the site. The more intensive GR-MU zoning on Tract 1 is appropriate for a retail development fronting a major highway within an area of concentrated commercial and retail development. The staff recommends maintaining the 120-foot buffer of LO-MU zoning along Jollyville Road which is defined as Tract 2 in accordance with the intent of the U.S. 183/Jollyville Road Area Study. The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date to maintain a setback from the commercial uses fronting U.S. Highway 183 to the residential and office uses to the west across Jollyville Road.

BASIS OF RECOMMENDATION:

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

Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

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

The existing GR-MU zoning on Tract 1 will allow the applicant to redevelop the site with retail and residential uses. This tract of land fronts onto a major arterial roadway, Research Boulevard (U.S. Highway 183). The proposed rezoning will be compatible with surrounding land uses as there are retail and commercial uses to the east and west of the site along Research Boulevard.

The staff recommends maintaining a 120-foot buffer of LO-MU zoning along Jollyville Road for Tract 2 in accordance with the intent of the U.S. 183/Jollyville Road Area Study, which was adopted by the City Council in 1984. The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date to maintain a setback from the residential and office uses to the west across Jollyville Road.

The proposed LO-MU zoning on Tract 2 will provide a transition from the more intensive commercial uses fronting Research Boulevard/U.S. Highway 183 north to the residential uses on the western side of Jollyville Road.

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

The current commercial-mixed use and office-mixed use zoning will permit the applicant to utilize vacant structures to allow for mixed use development on the site. The site under consideration is located along the Jollyville Road Activity Corridor and is located approximately a quarter of a mile from the 183 & McNeil Neighborhood Center.

3. Rezoning should not contribute to the over zoning of the area.

The proposed CS-1 zoning would contribute to an over zoning of the Commercial-Liquor Sales district in this area as there are already two CS-1 zoned parcels adjacent to this tract in the Oak Knoll Village Shopping Center to the east. One of these suites is already developed with a liquor sales use (Queen's Liquor) and the other is currently vacant. In addition, there is CS-1-CO zoning to the southeast that is currently undeveloped.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU, LO-MU	Vacant Restaurant Use (former Tehran Café and previously Buck's Bikes Cycling Shop), Warehouse, Undeveloped Area
<i>North</i>	ROW/Highway, LI	Research Boulevard/ U.S. Highway 183, Office/Warehouse (Research Park Place)
<i>East</i>	GR, CS-1, LO, CS-1-CO	Retail Center (Oak Knoll Village: Apartment Locators, Armstrong McCall Beauty Supply, AMZ Salon , Subway Sandwiches, Queen's Liquor, Caspian Grill, Kelly Personal Training, Q Nails, Yumin Tacos and More, Jollyville Mattress & Furniture, The Convenient Store/ Shell Station), Undeveloped Tracts
<i>South</i>	SF-3	Duplex Residences
<i>West</i>	GR, LO	Automotive Repair (Sun Shades Window Tint, Oak Knoll Automotive)

AREA STUDY: U.S. 183/Jollyville Road Area Study

(This Area Study designates the property in question for commercial/GR district uses. The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

WATERSHED: Walnut CreekSCHOOLS: Round Rock I.S.D.NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets,
 Bull Creek Foundation,
 Friends of Austin Neighborhoods,
 Long Canyon Homeowners Assn.,
 Mountain Neighborhood Association (MNA),
 Neighborhood Empowerment Foundation,
 North Oaks Neighborhood Assn.,
 SELTexas,
 Sierra Club, Austin Regional Group,
 TNR BCP - Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0168 (Jollyville Oak Liquor Cabinet: 12029 and 12041 Jollyville Road)	LO to CS-1	<p>February 7, 2023: Motion to approve CS-1-CO zoning, with a conditional overlay to limit the property to Liquor Sales use, General Retail Sales-Convenience use and all other permitted LO district uses (Vote: 4-4, A. Denkler, D. King, L. Stern and C. Thompson-No, S. Boone-absent). Motion failed.</p> <p>Motion to approve staff recommendation to deny CS-1 zoning and maintain the existing LO zoning (Vote: 4-3, C. Acosta, N. Barrera-Ramirez and J. Kiolbassa-No, B. Greenberg-abstain, S. Boone-absent); C. Thompson-1st, D. King-2nd. Motion failed.</p>	<p>3/23/2023: Approved CS-1-CO zoning, with a conditional overlay to prohibit cocktail lounge, vehicle storage and alternative financial services uses on the property, by consent.</p> <p>April 20, 2023: Ordinance No. 20230418-039 for CS-1-CO combining district zoning was approved with the following amendment on Council Member Velasquez's motion, Mayor Pro Tem Ellis' second without objection. The amendment was to add the following conditional overlay to Part 2: "Except for side yard and rear yard setbacks of the Property, development of the Property must comply with</p>

		Forward to City Council without a recommendation.	Neighborhood Commercial (LR) site development regulations.
C14-2021-0109 (12530 Research Blvd Future Project)	GR, LO to GR-MU	9/07/21: Motion to approve staff's recommendation of GR-MU zoning for Tract 1 and LO-MU zoning for Tract 2 (10-0, B. Greenberg-off the dais); C. Thompson-1st, J. Kiolbassa-2nd.	10/14/21: The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only to GR-MU combining district zoning for Tract 1 and LO-MU combining district zoning for Tract 2 was approved on Council Member Renteria's motion, Council Member Ellis' second on an 11-0 vote. 10/13/22: Approved 2nd/3rd readings on consent (9-0 vote, N. Harper-Madison and V. Fuentes-off the dais).
C14-2019-0097 (Abhyas Kendra 1 Inc. - Part 2: 12636 Research Boulevard South Bound, Building C, Suite C-108)	LR to GR	9/03/19: Approved staff's recommendation of GR zoning by consent (9-0); A. Denkler-1 st , E. Goff-2 nd .	10/03/19: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20191003-088 for GR district zoning was approved on Council Member Alter's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.
C14-2016-0036 (Abhyas Kendra 1 Inc.: Best Brains Franchise – Tutoring Center, 12636 Research Boulevard South Bound, Building C, Suite C-108)	LO to LR	6/21/16: Approved staff's recommendation for LR zoning by consent (11-0); A. Denkler-1 st , G. Rojas-2 nd .	8/11/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20160811-054 for neighborhood commercial (LR) district zoning was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.
C14-2010-0176 (12636 Research Suite 109)	GR-CO to CS-1	12/07/10: Approved staff's rec. of CS-1 zoning on consent (5-0, Seeger, Tiemann-absent); Baldridge-1 st , Bourgeois-2 nd .	1/13/11: Approved CS-1 zoning on consent on all 3 readings (7-0); Spelman-1 st , Morrison-2 nd .
C14-05-0060	GR-CO to CS-1-CO	6/21/05: Postponed indefinitely at the applicant's request (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . 12/21/05: Case expired.	N/A
C14-99-0099	SF-3 to LI	6/29/99: Approved staff's alternate rec. of LI-CO, w/ 2,000 vtpd limit, by consent (8-0)	7/29/99: Approved PC rec. of LI-CO (6-0); all 3 readings

C14-98-0143	GR to CS-1	11/17/98: Approved LO (TR1) and CS-1-CO (TR2), prohibit Adult Oriented uses and limit development to 2,000 vtpd, by consent (9-0)	1/7/99: Approved PC rec. of LO (TR1) and CS-1-CO (TR2) w/conditions (7-0); 1 st reading 4/8/99: Approved retaining LO (TR1) and CS-CO on (TR2); (6-0); 2 nd /3 rd readings
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RELATED CASES:

C14-2021-0109, C14-77-101 - Previous Rezoning Cases

C8S-73-076 - Subdivision Case

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 12530 RESEARCH BLVD SERVICE ROAD SB. C14-2024-0091. Project: Future Project. 1.41 acres from GR-MU; LO-MU to CS1. Existing: commercial retail (9666 sq ft) and office. Proposed: commercial retail (9666 sq ft). Note that the site is located within the Edwards Aquifer Recharge Zone.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures *
Y	<p>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 *:</p> <ul style="list-style-type: none"> • Adjacent to Jollyville Road Activity Corridor; 0.27 miles 183 & McNeil Neighborhood Center
Y	<p>Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.</p> <ul style="list-style-type: none"> • Adjacent to bus stop along Research Blvd
Y	<p>Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.</p> <ul style="list-style-type: none"> • Sidewalk present along Research Blvd
Y	<p>Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.</p>
	<p>Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.</p>
	<p>Connectivity and Education *: Located within 0.50 miles from a public school or university.</p>
	<p>Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.</p>
Y	<p>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.)</p> <ul style="list-style-type: none"> • 0.5 miles to Total Men's Primary Care along Research Blvd
	<p>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.</p>
	<p>Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.</p>
	<p>Mixed use *: Provides a mix of residential and non-industrial uses.</p>
	<p>Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).</p>
	<p>Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.</p>
	<p>Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)</p>
	<p>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.</p>
	<p>Industrial Land: Preserves or enhances industrial land.</p>

Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone	
5	Number of “Yes’s”

Environmental

The site is located over the Edwards Aquifer Recharge 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. 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 no floodplain within or adjacent to 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

As of January 1, 2024, there are no parkland dedication requirements associated with the proposed commercial-retail use.

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.

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

This site is subject to compatibility on the South property line. On and after July 15th, 2024, this site will need to comply with compatibility requirements based on ordinance # 20240516-004.

Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Jollyville RD. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for Jollyville RD. according to the ASMP with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within $\frac{1}{4}$ mile)
Research BLVD SVRD SB	TxDOT Roadway	N/A	295' (including north bound and south bound service roads – Research BLVD SVRD – and north and south bound highway – Research BLVD)	52' (Research BLVD SVRD SB only)	7'	No	Yes
Jollyville RD	Level 3	116'	100'	60'	No	Yes	Yes

Water Utility

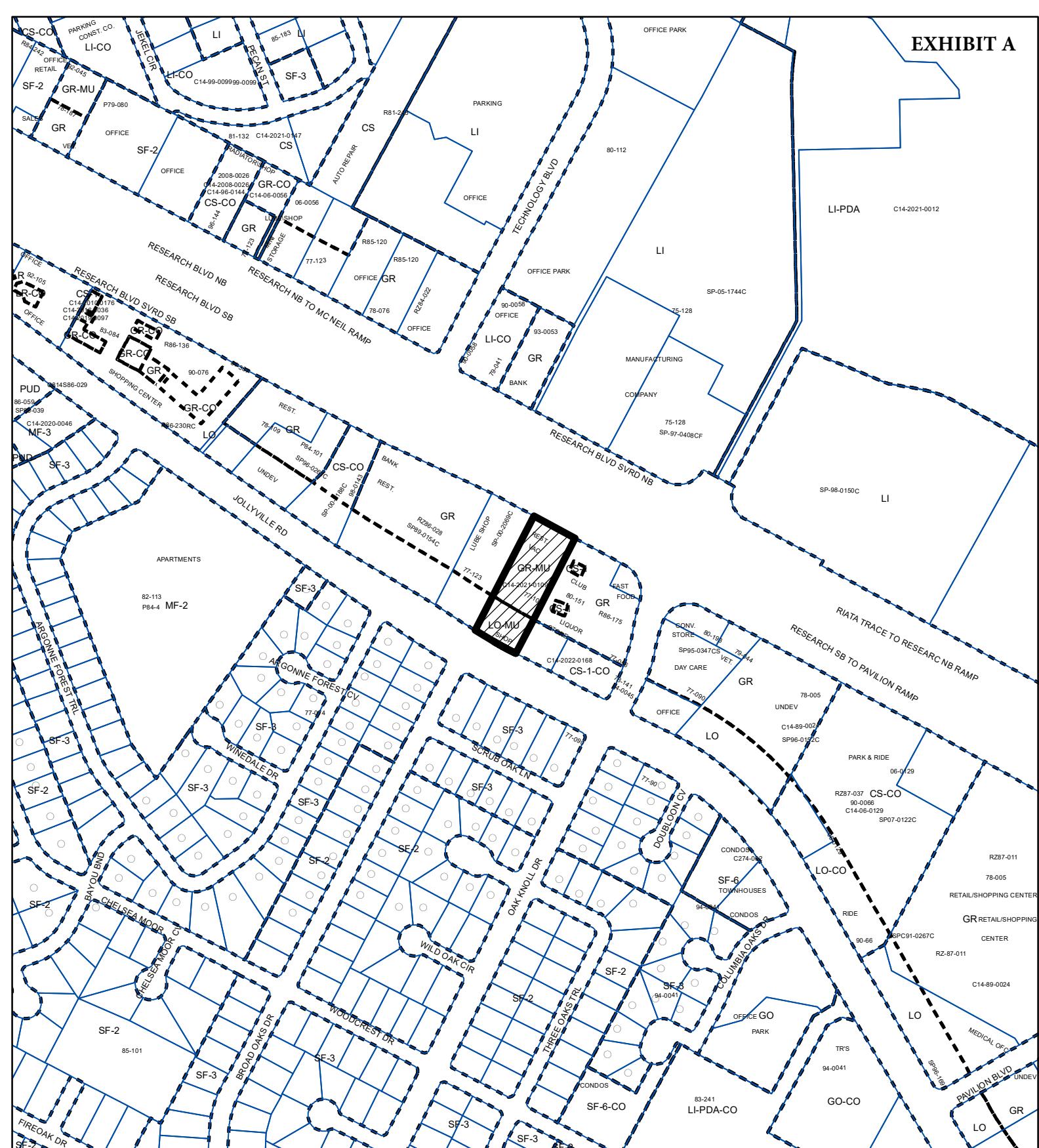
No comments on zoning change.

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#: C14-2024-0091



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY



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.

1" = 400'

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

Created: 6/11/2024



Future Project (12350 Research Boulevard)



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2024-0091
 LOCATION: 12350 Research Boulevard
 SUBJECT AREA: 1.41 Acres
 MANAGER: Sherri Sirwaitis

