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ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0164

Z.A.P. DATE: November 2, 2010

ADDRESS: 8610 North Mopac Expressway South Bound

OWNER/APPLICANT: Stephen Whatley

AGENT: Thrower Design (A. Ron Thrower)

ZONING FROM: LR-CO **TO:** GR **AREA:** 0.973 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to recommend GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The property in question is developed with a vacant drive-through bank (Financial Services use). There is a retail center and service station to the north and an office park to the south. To the east there are office, commercial, and industrial uses across North Mopac Expressway. The tract of land to the west remains undeveloped. The applicant is requesting GR, Community Commercial District, zoning so that he may have additional permitted uses to redevelop this site.

The staff recommends GR-CO zoning for this property because it meets the intent of the 'GR' district as it fronts onto a major arterial roadway, North Mopac Expressway (Loop 1). The proposed zoning would be consistent with existing zoning patterns in this area because there is GR zoning to the north of this site fronting Mopac all the way to Tallwood Drive. The current LO-CO zoned tract to west will provide a buffer and a transition to the single family uses to the west away from the Mopac Service Road between Cima Serena Drive and Hydrice Drive.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-CO	Vacant Bank
<i>North</i>	GR	Retail Center (Westover Square: Johnson Fine Floors, Hydrice Grocery and Service Station, Hydrice Salon, Allstate, Comet Cleaners, Piano Lessons)
<i>South</i>	LO	Office Park (The Woods II: Chiropractic Office, Architect Office, Dental Office, etc.)
<i>East</i>	MoPac Expressway, GR, CS-1	Vacant Retail (Harold's Warehouse), Automotive Repair (National Tire and Battery)
<i>West</i>	LO-CO	Undeveloped Tract

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AREA STUDY: N/A

TIA: Waived

WATERSHED: Shoal 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
- Greater Northcross Area
- Home Builders Association of Greater Austin
- Homeless Neighborhood Association
- League of Bicycling Voters
- North Austin Neighborhood Alliance
- North Shoal Creek Neighborhood Plan-COA Liaison
- North Shoal Creek Neighborhood Association
- Responsible Growth for Northcross
- 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
C14-2007-0085 (8888 Tallwood Drive)	CS to CS-MU	7/30/07: Approved staff rec. for CS-MU-CO with conditions (8-0)	8/09/07: Approved CS-MU-CO zoning, with CO to prohibit Adult Oriented Businesses and a 2,000 vehicle trip limit per day
C14-91-0013 (Horizon Savings Motorbank)	SF-3 to LO and LR	4/02/91: Denied LR-CO & LO-CO zoning	5/23/91: Approved LR-CO for Tract 1 and LO-CO zoning for Tract 2 w/ following conditions: 1) prohibit Food Sales, General Retail Sales (Convenience), Restaurant (Limited), Restaurant (Drive-In/Fast Food), and Service Station uses on Tract 1; 2) No vehicular access from Tract 2 to Camelia Lane; 3) Maintain the existing 40 ft vegetative buffer along the western property line of Tract 2; 4) Maintain a 25 ft vegetative buffer along the northern property line of Tract 2; 5) Structures on Tract 2 shall not exceed two stories or 35 ft in height

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RELATED CASES: C14-91-0013 (previous zoning case)
C8-91-0041.0A (subdivision)
SP-91-0113C (site plan)

ABUTTING STREETS:

Name	Row	Pavement	Classification	Daily Traffic
Cima Serena Drive	50 feet – 60 feet	30 feet – 41 feet	Collector	2,011+
Mopac (Loop 1)	400 feet	Varies	Expressway	144,000++

+ 3800 Block, West of Tallwood Drive on 09/06/2005

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS: 1st

2nd

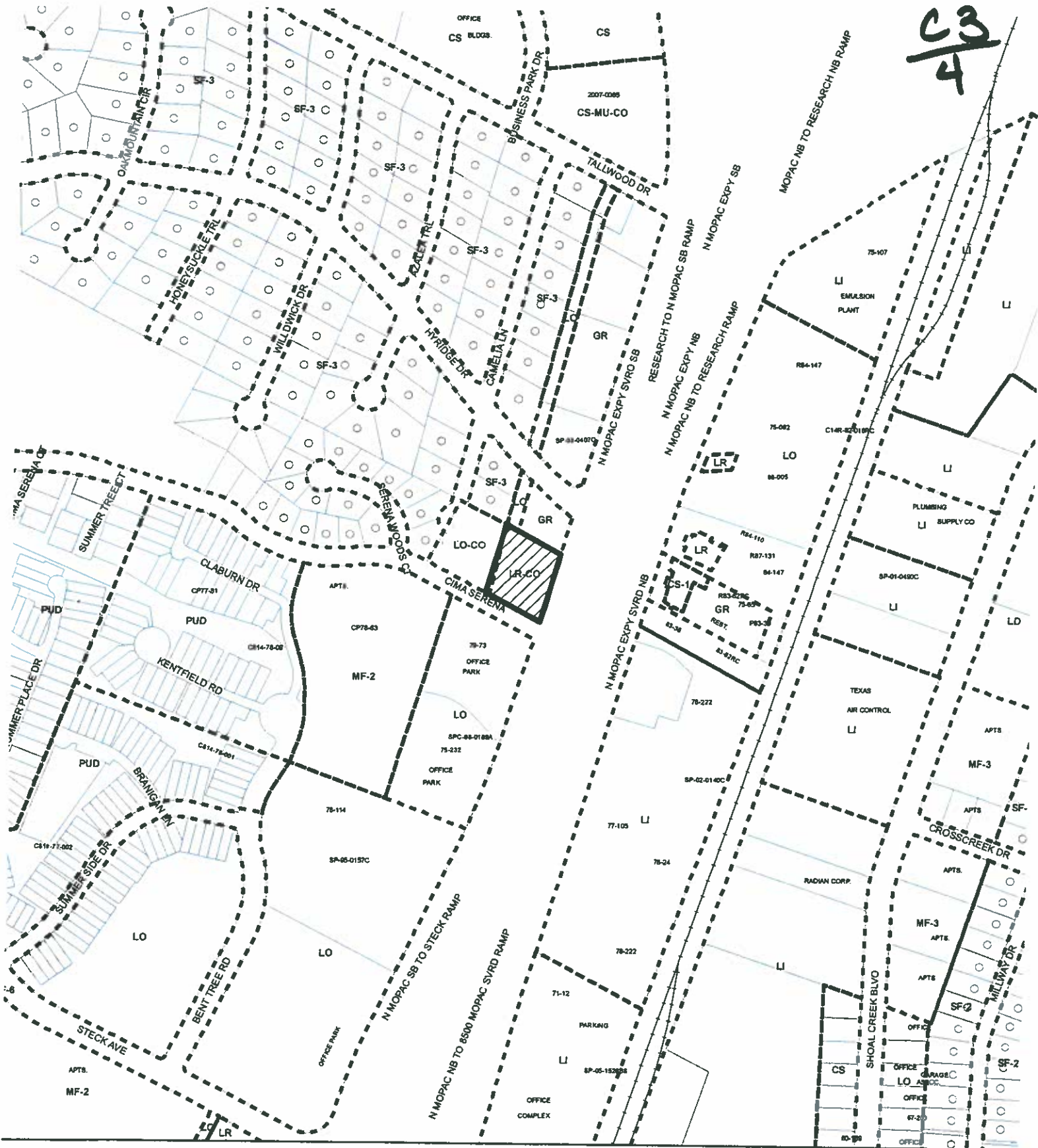
3rd

ORDINANCE NUMBER:





CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us

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ZONING

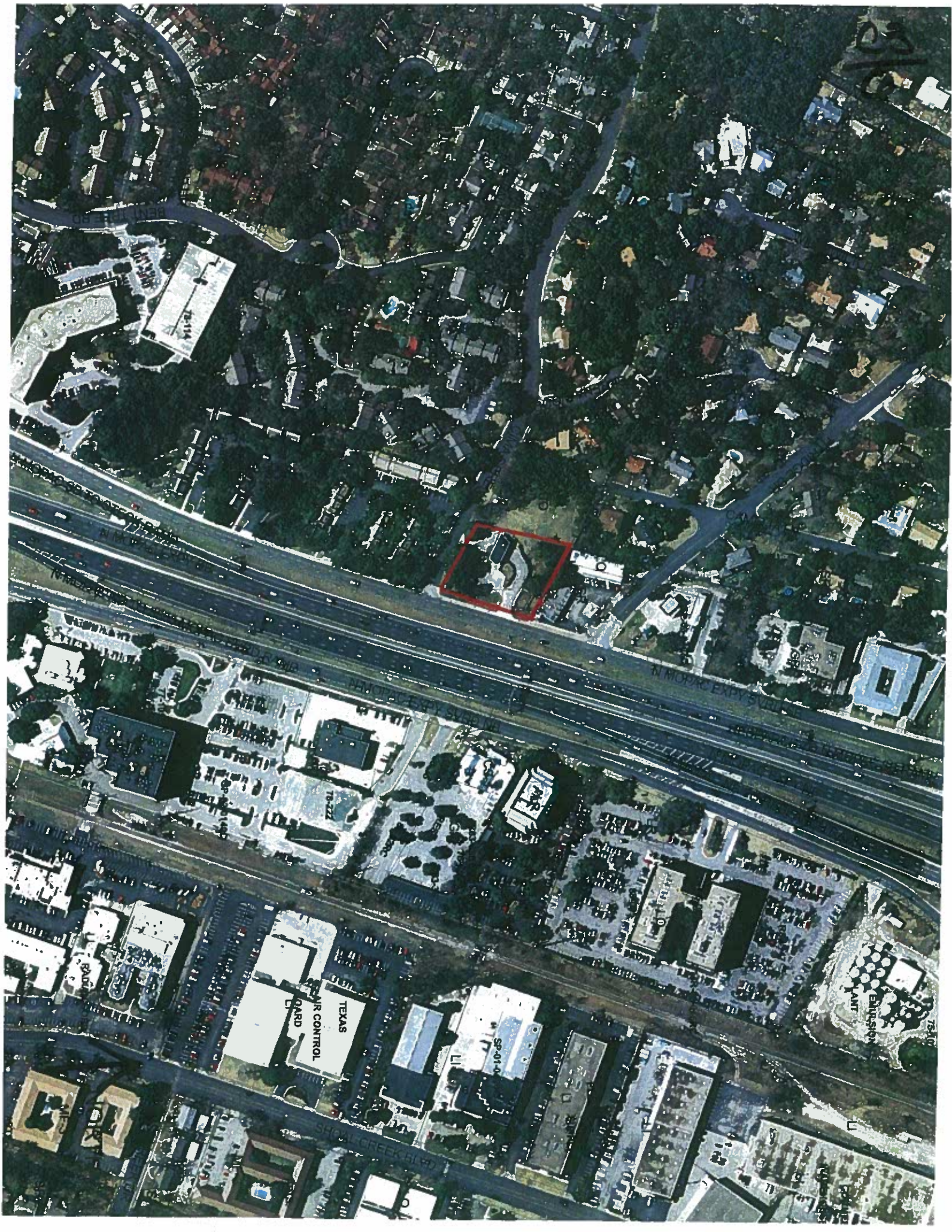
-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2010-0164
 LOCATION: 8610 N. MOPAC REZONING
 SUBJECT AREA: 0.973 ACRES
 GRID: J31
 MANAGER: SHERRI SIRWAITIS



1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



[Red rectangle highlighting a specific property]

TEXAS
AIR CONTROL
GARD

EMERSON

SP-01-06

N. MOHAWK EXPRESSWAY

OSCEOLA

12-114

12-222

12-110

12-111

12-112

12-113

12-114

12-115

12-116

12-117

12-118

12-119

12-120

STAFF RECOMMENDATION

The staff recommendation is to recommend GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

The Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property under consideration is accessible from major traffic ways as it fronts onto the feeder street North Mopac Expressway. The site is located at the northwest intersection of a major arterial roadway and a collector street.

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

The proposed zoning will promote consistency and orderly planning because there is existing GR zoning to north and east of the property. The current LO-CO zoned tract to west will provide a buffer and a transition from this lot to the single family uses to the west away from the Mopac Service Road between Cima Serena Drive and Hydride Drive.

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

The GR zoning district would allow for a fair and reasonable use of the site because it would allow the applicant to have additional permitted uses to redevelop a site that fronts onto a major arterial roadway.

EXISTING CONDITIONS

Site Characteristics

The site consists of vacant building that was previously used as a bank (financial institution use).

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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.

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

Site Plan/Compatibility Standards

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.

Compatibility standards apply to this site. The property to the Northwest corner is SF-3. Setbacks will apply to that Northwest corner of this site.

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 storm water runoff will be mitigated through on-site storm water 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 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 2,000 vehicle trips per day. [LDC, 25-6-117]

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There are existing sidewalks along Mopac (Loop 1) and Cima Serena Drive (south side).

Mopac (Loop 1) is classified in the Bicycle Plan as a Priority 2 bike route (path).

Capital Metro bus service is available along Mopac (Loop 1) with the #171 Oak Hill Flyer and the #970 Lantana Express.

Name	Row	Pavement	Classification	Daily Traffic
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Mopac (Loop 1)	400 feet	Varies	Expressway	144,000++

+ 3800 Block, West of Tallwood Drive on 09/06/2005

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.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2010-0164

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 2, 2010, Zoning & Platting Commission
Dec. 9, 2010, City Council

Martha Isabella Stewart
Your Name (please print)

I am in favor
 I object

8611 Camelia Lane, Austin TX 78759
Your address(es) affected by this application



Signature

Date

10.28.10

Daytime Telephone: 512/632-1984

Comments: I cannot in good conscience agree to a re-zoning that may adversely affect me, when the party requesting the re-zoning (Stephen Whalley) will not disclose the intended purpose for the application change. I would like to see dividing the commercial property (with zoning as is) from the neighborhood.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Nov. 2, 2010, Zoning & Platting Commission
Dec. 9, 2010, City Council

I am in favor
 I object

Your Name (please print) W.E. and IJA I. SHAVER

8610 Camelia LN Austin TX 78749-7507
Your address(es) affected by this application

W.E. and IJA I. Shaver 10-27-2010
Signature Date

Daytime Telephone: 512-345-4543

Comments: It is our understanding that the property owner cannot tell us what will happen with the property if their zoning change is approved / if the city falls short regarding is appropriate, could they at least require that a masonry wall be built at the back of the tract being rezoned to separate it from the residential area?

If you use this form to comment, it may be returned to:

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Planning & Development Review Department
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Case Number: C14-2010-0164

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 2, 2010, Zoning & Platting Commission
Dec. 9, 2010, City Council

ERIC HEINS

Your Name (please print)

3608 CIMA SERRANA DR.

Your address(es) affected by this application

[Handwritten Signature]

Signature

11/7/10

Date

Daytime Telephone: 512-587-3326

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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PUBLIC HEARING INFORMATION

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Case Number: C14-2010-0164

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov. 2, 2010, Zoning & Platting Commission

Dec. 9, 2010, City Council

Jim McLean

Your Name (please print)

8608 Camelia Ln, Austin, TX 78759

Your address(es) affected by this application

Jim McLean

Signature

Date

Daytime Telephone: 512-977-6206

Comments: I talked to the applicant Ron Throewer about their request for rezoning. I was excited to see that something might finally be built on this property. He said they had no idea what will be done with it but wanted to have more options. In my opinion the city zoned it CR-10 because they felt that was appropriate. Why should the neighbors support a zoning change with no idea of what might be done with the property.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

W/C