

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0156 (MoPac Rezoning)

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 8611 ½ and 8627 North Mopac Expressway from Limited Office (LO) District zoning to Community Commercial-Conditional Overlay (GR-CO) Combining District, zoning.

The ordinance reflects the conditions imposed by the City Council on 1st reading.

OWNER/APPLICANT: 8611 MoPac Investors, LP and U.S. REIF Eurus Austin, LLC

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

DEPARTMENT COMMENTS:

The property in question is developed with a surface parking area that serves an indoor entertainment use (Shoal Crossing Event Center). There are office uses to the north (Chancellor Centre) and across the railway to the east (Texas Department of Criminal Justice). To the west is the North Mopac Expressway. The tract of land to south is developed with an automotive repair use (NTB- National Tire & Battery). The applicant is requesting GR, Community Commercial District, zoning to allow for redevelopment of the site (Please see Applicant's Request Letter- Attachment A).

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 commercial (CS-1, GR, GR-CO) zoning to the north and west and industrial zoning (LI) to the south and east of this site. The GR zoning district would allow for a fair and reasonable use of the site because it would make it possible for the applicant to have additional permitted uses to redevelop a site that fronts onto a major arterial roadway.

The applicant agrees with the City Council's recommendation at 1st reading.

DATE OF FIRST READING/VOTE: November 20, 2014 / Approved GR-CO zoning, with additional conditions agreed to by the applicant and the neighborhood, on consent on all 3 readings (7-0)

CITY COUNCIL DATE: December 11, 2014

CITY COUNCIL ACTION:

ASSIGNED STAFF: Sherri Sirwaitis

PHONE: 512-974-3057

sherri.sirwaitis@ austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0156 (MoPac Rezoning)

P.C. DATE: October 14, 2014
October 28, 2014
November 12, 2014

ADDRESS: 8611 ½ and 8627 North Mopac Expressway

OWNER/APPLICANT: 8611 MoPac Investors, LP and U.S. REIF Eurus Austin, LLC

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

ZONING FROM: LO

TO: GR

AREA: 0.982 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.

PLANNING COMMISSION RECOMMENDATION:

10/14/14: Pulled and no action required. Case re-noticed for October 28, 2014 because of notification issue.

10/28/14: Postponed to the November 12, 2014 at the neighborhood's request on consent (8-0, B. Roark-absent); J. Stevens-1st, A. Hernandez-2nd.

11/12/14: Approved staff rec. of GR-CO zoning (8-0, L. Varghese-absent); R. Hattfield-1st, B. Roark-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with a surface parking area that serves an indoor entertainment use (Shoal Crossing Event Center). There are office uses to the north (Chancellor Centre) and across the railway to the east (Texas Department of Criminal Justice). To the west is the North Mopac Expressway. The tract of land to south is developed with an automotive repair use (NTB- National Tire & Battery). The applicant is requesting GR, Community Commercial District, zoning to allow for redevelopment of the site (Please see Applicant's Request Letter-Attachment A).

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 commercial (CS-1, GR, GR-CO) zoning to the north and west and industrial zoning (LI) to the south and east of this site. The GR zoning district would allow for a fair and reasonable use of the site because it would make it possible for the applicant to have additional permitted uses to redevelop a site that fronts onto a major arterial roadway.

The applicant agrees with the staff 's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO	Parking Area for Indoor Entertainment (Shoal Crossing Event Center)
<i>North</i>	CS-1, GR, LO	Indoor Entertainment (Shoal Crossing Event Center), Office (Chancellor Centre)
<i>South</i>	LI	Automotive Repair (NTB- National Tire & Battery)
<i>East</i>	LI	Railway, Office (Texas Department of Criminal Justice)
<i>West</i>	MoPac Expressway, GR, GR-CO	Food Sales, Personal Services, Office (Westhover Square: Hydrige Grocery, Tina Q's Salon, Medusa Skates, Allstate Insurance)

AREA STUDY: Burnet Road, Anderson Lane and the North Shoal Creek Neighborhood Planning Area

TIA: Waived

WATERSHED: Shoal 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 Neighborhoods Council
 Balcones Civic Association
 Bike Austin
 Friends of the Emma Barrientos MACC
 Friends of North Shoal Creek
 Homeless Neighborhood Association
 North Austin Neighborhood Alliance
 North Shoal Creek Neighborhood Association
 SELTEXAS
 Sierra Club, Austin Regional Group
 Super Duper Neighborhood Objectors and Appealers Organization
 Sustainable Neighborhoods
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0164 (8610 North Mopac Rezoning)	LR-CO to GR	11/16/10: Approved GR-CO zoning on consent, with the following additional conditions offered by the applicant: No Pawn Shop Services use and a public restrictive covenant to state that business will be closed	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 st , M. Martinez-2 nd .

		during the hours of 10:00 p.m. to 6:00 a.m. (6-0, Banks-absent); P. Seeger-1 st , D. Tiemann-2 nd .	
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

RELATED CASES: C14-83-062 (previous zoning case)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Loop 1 (Mopac)	310'	220'	Freeway	No	Yes	No

CITY COUNCIL DATE: November 20, 2014

ACTION: Approved GR-CO zoning, with additional conditions agreed to by the applicant and the neighborhood, on consent on all 3 readings (7-0)

December 11, 2014

ACTION:

ORDINANCE READINGS: 1st 11/20/14

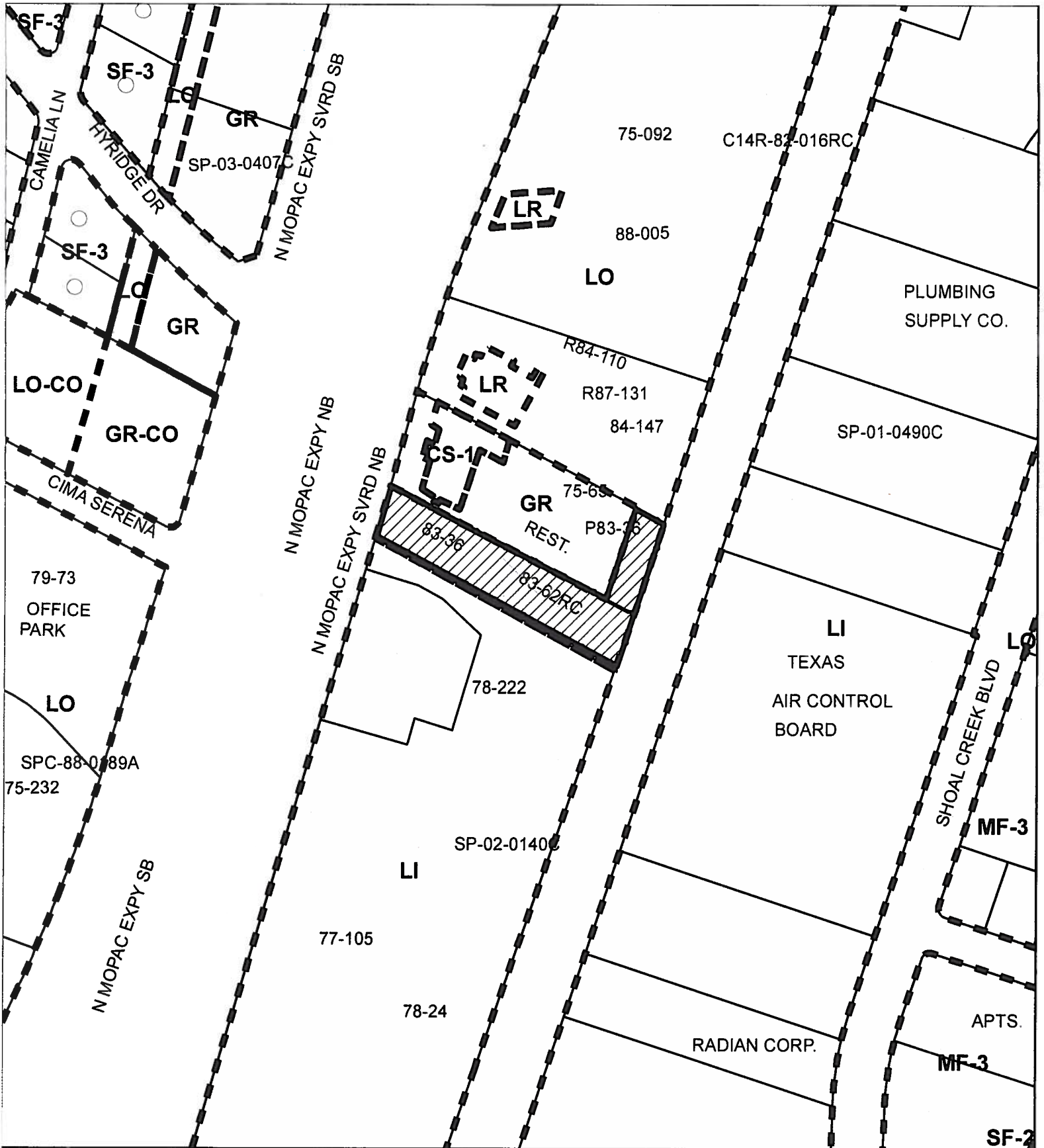
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov


$$1'' = 200'$$

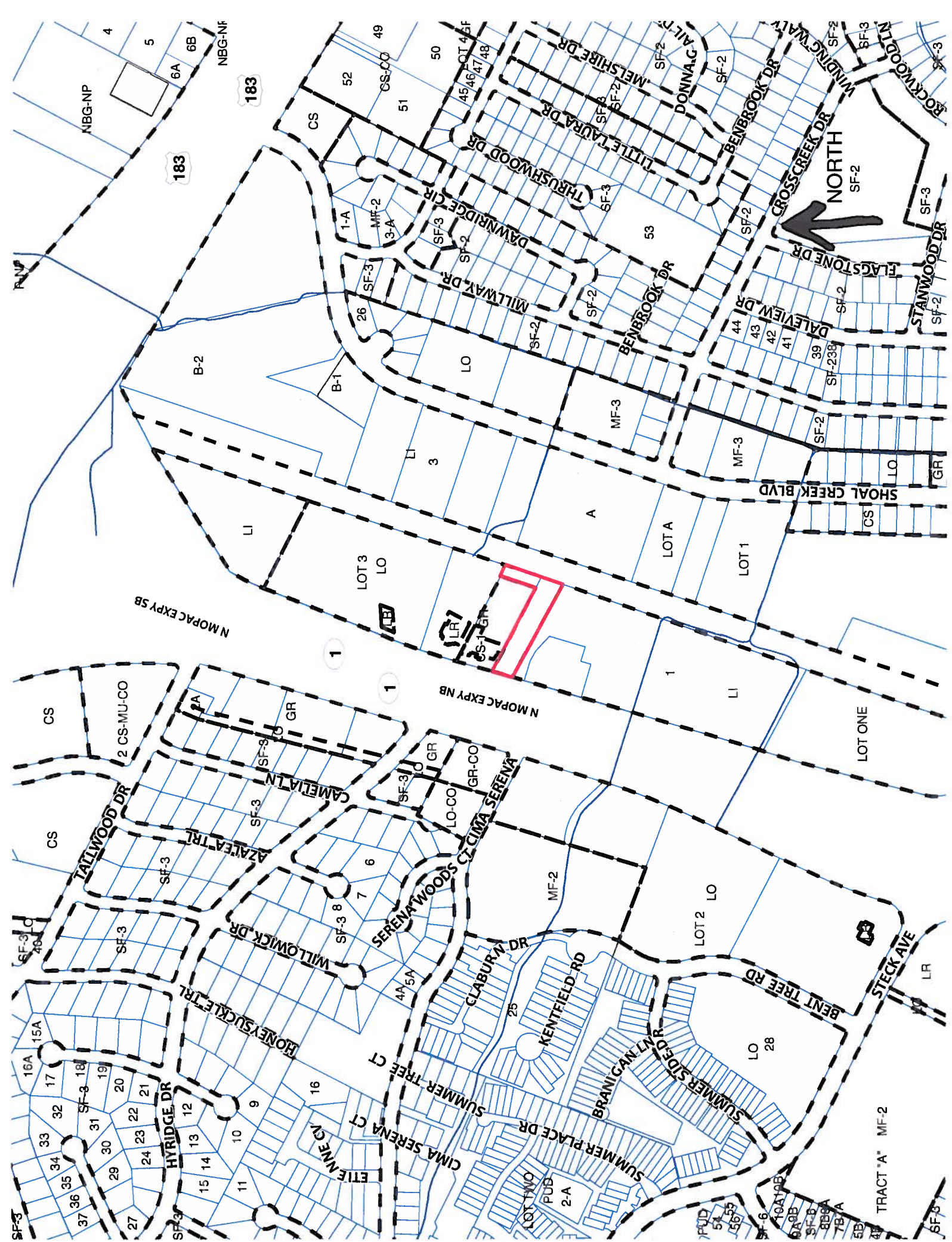
 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING CASE
C14-2014-0156

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







SHOAL CREEK BLVD

CROSSCREEK DR



N MOPAC NB TO RESEARCH RAMP

N MOPAC EXPY NB

N MOPAC EXPY SB

HYRIDGE DR

CIMA SERENA

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.

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

The proposed zoning would be consistent with existing zoning patterns in this area because there is commercial (CS-1, GR, GR-CO) zoning to the north and west and industrial zoning (LI) to the south and east of this site.

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

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

EXISTING CONDITIONS

Site Characteristics

The site consists of parking area that serves the adjacent building to the north that is now used for indoor entertainment (Shoal Crossing Event Center).

Comprehensive Planning

LO to GR

This zoning case is located on the east side of the N. Mopac Expressway, which is a busy corridor. It is also located within the boundaries of a planning area without an adopted neighborhood plan (the North Shoal Creek NPA.) The property contains an event center, and on a site that is approximately 1.6 acres in size. Surrounding land uses an office building to the north, an auto service shop to the south, Mopac to the west, and office buildings to the east. The proposed use is commercial.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located just outside the boundaries of a **Regional Center**. **Regional Centers** are intended to allow people to reside, work, shop, access services, people watch, recreate, and are characterized by a variety of activities and types of buildings located along the roadway.

However, based on the comparative scale of this site, and surrounding commercial and office uses, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

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.

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.

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 512-974-1876. 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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq .ft. cumulative is exceeded, and on site control for the two-year storm.

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.

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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

Site Plan

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.

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.

The site is subject to compatibility standards. Along the west 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.
- A landscape area at least 25 feet wide is required along 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 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

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]

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, Mopac serves route 434 with an existing Shared Lane and recommended Wide Curb.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Loop 1 (Mopac)	310'	220'	Freeway	No	Yes	No

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. Wastewater service is currently not to the property. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

AMANDA MORROW
(512) 435-2368
amorrow@abaustin.com

Attachment A

September 11, 2014

Greg Guernsey
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: MoPac Rezoning (the "Application"); 8611 ½ & 8627 N. MoPac Expressway,
being all of TCAD Parcel #02-4504-0404 and a portion of TCAD Parcel #02-
4504-0406 (the "Properties")

Dear Mr. Guernsey:

This letter is submitted on behalf of the applicant in the above referenced Application. The site is comprised of two parcels totaling .98 acres of land located at 8611 ½ & 8627 N. MoPac Expressway. A copy of the metes and bounds describing the properties are included in the Application.

The Properties current site improvements consist of surface parking. This Application is being filed to rezone the Property from LO to GR to allow for the redevelopment of the site as an office project.

Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2368.

Respectfully



Amanda Morrow
Land Development Consultant

SCANNED

Attachments

cc: Richard T. Suttle Jr.
Ted Mecklin
Luke Drolet
Ron Thrower

{W0632587.1}

Sirwaitis, Sherri

From: Mike Blood <mike.blood@gmail.com>
Sent: Friday, November 07, 2014 1:59 PM
To: Sirwaitis, Sherri
Cc: directors@nscna.org
Subject: Rezoning Case C14-2014-0156, Mopac Property

Ms. Sirwaitis,

On November 4th, the North Shoal Creek Neighborhood Association (NSCNA) held an open public meeting to discuss the proposed rezoning referenced above. In short, NSCNA is unable to support the rezoning as proposed. However, with modifications to the proposal, NSCNA is ready and willing to give its' support.

Ms. Amanda Morrow, the applicant's representative, delivered a presentation at that meeting. The public meeting was followed by a Members meeting in which the members voted to not support the rezoning without certain modifications. NSCNA does consider the modifications to be minor; NSCNA intends to work these out with the applicant as soon as practical prior to the City Council hearing scheduled for November 20.

It is important to note that without the modifications, NSCNA will not be able to support the rezoning proposal.

This correspondence has the concurrence of the Association Officers and Board of Directors.

Please let me know if you have any questions.

Thank you.

Michael Blood
Acting President, North Shoal Creek Neighborhood Association

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2380

Amanda Morrow
(512) 435-2368
amorrow@abaustin.com

November 14, 2014

VIA ELECTRONIC MAIL

Kevin Wier
Development Committee Chair
North Shoal Creek Neighborhood Association

MoPac Rezoning C14-2014-0156; 8611 1/2 and 8627 North MoPac Expressway (the "Property")

Dear Kevin:

This letter is written on behalf of 8611 MoPac Investors, LP and U.S. REIF Euris Austin, LLC, owners of the Property subject to zoning case C14-2014-0156 ("MoPac Rezoning"). More specifically, this letter is written to outline conditions the owners will agree to contingent on the North Shoal Creek Neighborhood Association ("NSCNA") supporting the MoPac Rezoning case.

The conditions are:

1. The following shall be permitted uses of the Property; as such uses are defined by the City of Austin Land Development Code:
 - a. Administrative and Business Offices
 - b. Communication Services
 - c. Medical Offices – not exceeding 5,000 square feet of gross floor space
 - d. Medical Offices – exceeding 5,000 square feet of gross floor space
 - e. Professional Offices
 - f. Software Development
 - g. Financial Services
 - h. Hospital Services (limited)

i. Communication Service Facilities

2. Rezone the building footprint of the Shoal Creek Events Center located at 8611 MoPac Expressway to Community Commercial (GR). This zoning application will be submitted to the City of Austin on or before December 1, 2014.
3. Subject to approval by the City of Austin, the east property line shall be screened with landscaping or a fence.

Please confirm that the NSCNA agrees to the conditions as outlined herein. Once I receive confirmation NSCNA is in agreement, I will coordinate with Sherri Sirwaitis, zoning case manager, to ensure these conditions are met.

If you have any questions, please do not hesitate to contact me.

Respectfully,



Amanda Morrow
Land Development Consultant

cc: Gerald Kucera
Richard T. Suttle Jr.
Ted Mecklin
Luke Drolet