

**ZONING CHANGE REVIEW SHEET**

C9/1

**CASE:** C14-2014-0192 (Harold's Rezoning)

**P.C. DATE:** January 13, 2015

**ADDRESS:** 8611 North Mopac Expressway

**OWNER/APPLICANT:** 8611 MoPac Investors, LP

**AGENT:** Armbrust & Brown, PLLC (Amanda Morrow)

**ZONING FROM:** CS-1

**TO:** GR

**AREA:** 2.144 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant 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:**

**DEPARTMENT COMMENTS:**

The property in question is developed an indoor entertainment use (Shoal Crossing Event Center). There are office uses to the north of the site (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 downzoning of the building footprint to GR, Community Commercial District, zoning to provide for uniform site development regulations with the surrounding parking area that was recently rezoned through zoning case C14-2014-0156 (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 is consistent with existing zoning patterns in this area because there is commercial (LR, GR, GR-CO) zoning to the north, south 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 redevelop a site that fronts onto a major arterial roadway with office/commercial uses.

The applicant agrees with the staff 's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Indoor Entertainment Use (Shoal Crossing Event Center)
<i>North</i>	LO	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: Hydridge Grocery, Tina Q's Salon, Medusa Skates, Allstate Insurance)

C9/2

**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
- North Austin Neighborhood Alliance
- North Shoal Creek Neighborhood Association
- SELTEXAS
- Sierra Club, Austin Regional Group
- Sustainable Neighborhoods
- The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2014-0156 (MoPac Rezoning: 8611 ½ and 8627 North Mopac Expressway)	LO to GR	11/12/14: Approved staff rec. of GR-CO zoning on consent (8-0, L. Varghese-absent); R. Hatfield-1 <sup>st</sup> , B. Roark-2 <sup>nd</sup> .	11/20/14: Approved GR-CO zoning, with additional conditions agreed to by the applicant and the neighborhood, on consent on 1 <sup>st</sup> reading (7-0)  12/16/14: Approved GR-CO zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0)
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 during the hours of 10:00 p.m. to 6:00 a.m. (6-0, Banks-absent); P. Seeger-1 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> .	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
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

ca  
3

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)  
C14-2014-0156 (adjacent zoning case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within 1/4 mile)
Loop 1 (Mopac)	310'	220'	Freeway	No	Yes	No

**CITY COUNCIL DATE:** February 12, 2015

**ACTION:**

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

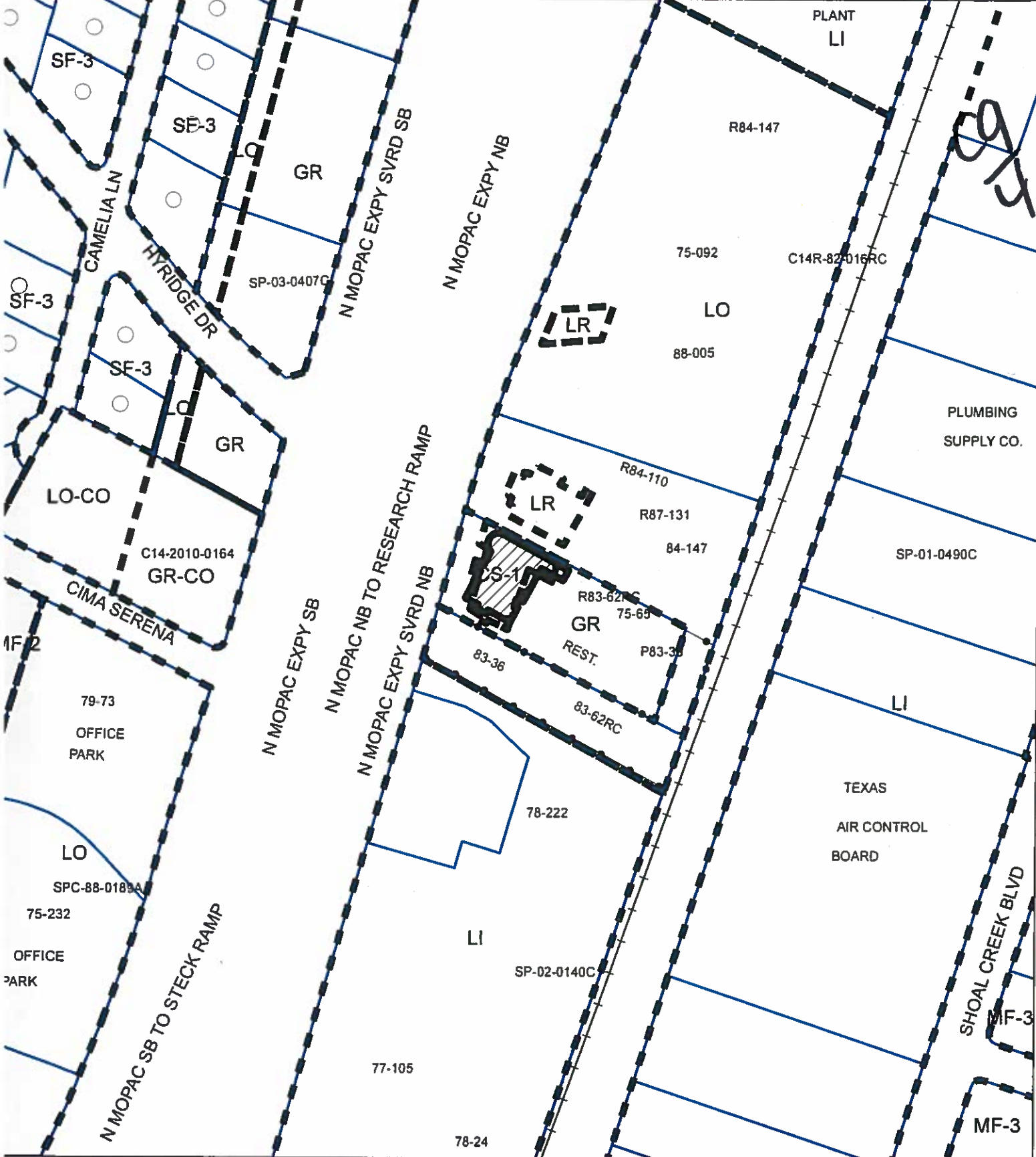
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis




**PHONE:** 512-974-3057,  
[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



**ZONING**

**ZONING CASE#: C14-2014-0192**



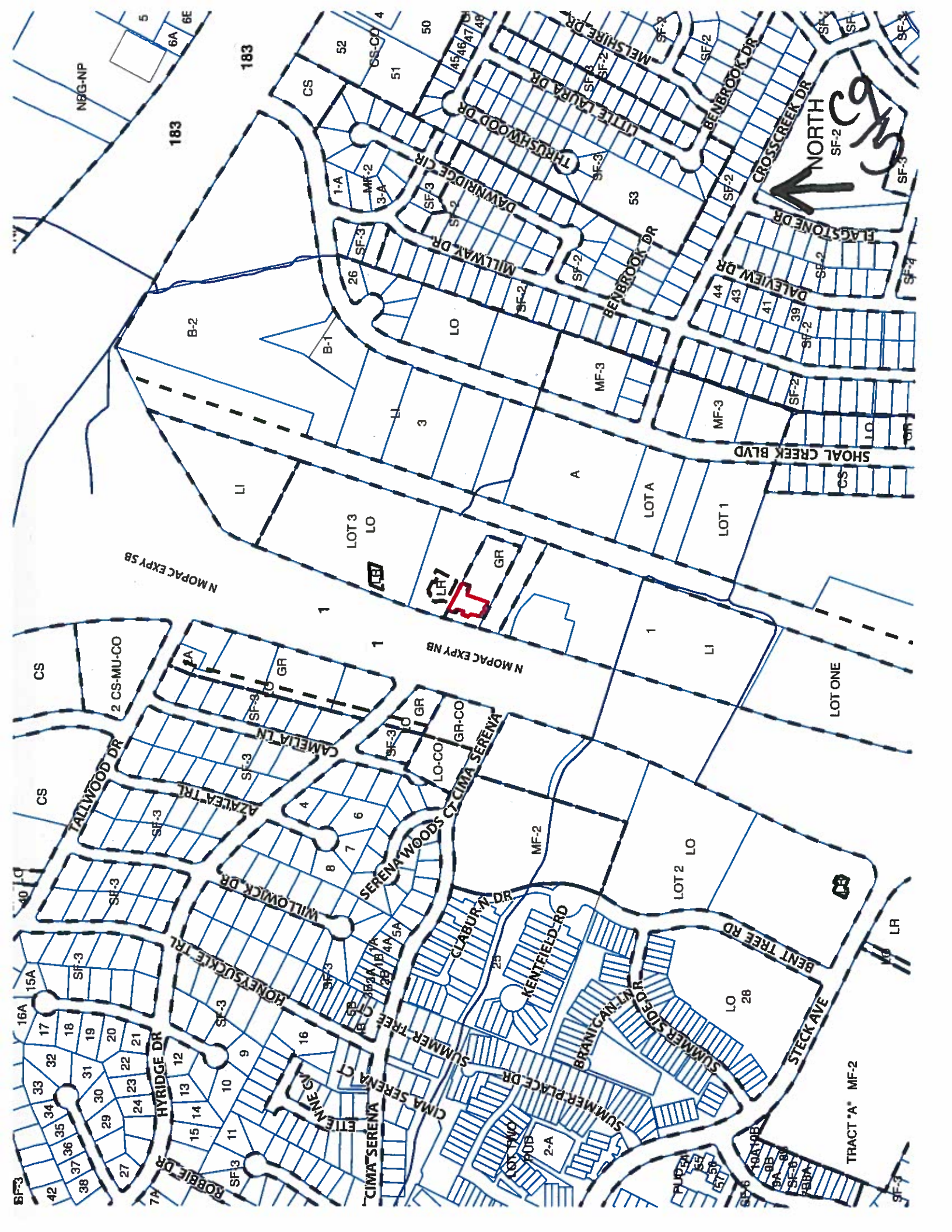
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

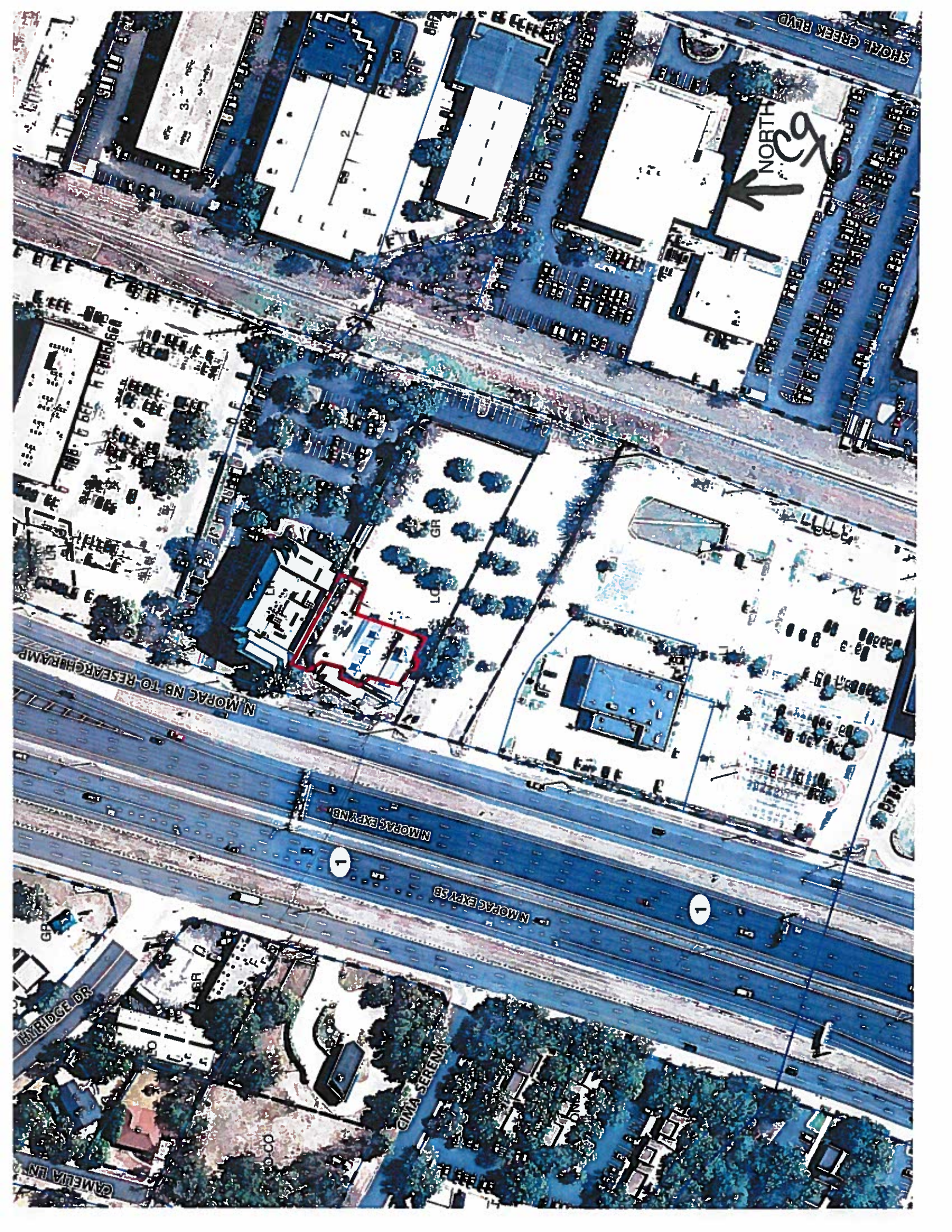
1" = 200'

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.







SHORT CREEK BLVD

NORTH

N MOPAC NB TO RESEARCH RAMP

NMOPAC EXPY NB

NMOPAC EXPY SB

CAMELIA LN

BRIDGE DR

GINA SERENA

SHERD

9/17

## 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 (LR, GR-CO, GR) zoning to the north, south 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 consistent site development regulations over the entire property (the existing structure and surrounding parking area). Thereby, making it possible for the applicant to redevelop a site that fronts onto a major arterial roadway with a variety of office/commercial uses.

## EXISTING CONDITIONS

### Site Characteristics

The site is developed with an indoor entertainment use (Shoal Crossing Event Center).

### Comprehensive Planning

This zoning case is located on the east side of the N. Mopac Expressway, which is a heavily travelled corridor. It is also located within the boundaries of the North Shoal Creek Neighborhood Planning Area, which does not have an adopted neighborhood plan. The property contains an event center, on a site that is approximately 2.14 acres in size. Surrounding land uses include a multi-story office building to the north, an auto service center to the south, Mopac Expressway to the west, and office buildings to the east, which are separated by railroad tracks. 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 outside the boundaries of a **Regional Center**, which is located to the north. **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 to adjoining properties, and a

C9/18

considerable number of office and commercial uses already located along this busy corridor, 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.

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

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.



C9/a

**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 no. 434 with an existing Shared Lane and recommended Wide Curb.

Capital Metro bus service is not available within ¼ mile of the site.

Please contact Nadia Barrera, Urban Trails Program Manager, Public Works Department regarding pedestrian connectivity per the Council Resolution.

F.Y.I. – Ms. Barrera has stated that the Bicycle Master Plan Update has been approved by the City Council. The map that designates the Plan’s recommendations shows Urban Trails/Shared Use Paths for this location. During the redevelopment of this site at the time of subdivision or site plan, this property shall be required to provide sidewalks to connect to the existing sidewalks to the south and to provide an easement on the east side of their property for the eventual construction of an Urban Trail. It appears there are existing easements on the eastern side of their property (drainage/utility). The Public Works Department would request a recreational easement overlaid on those easements (adjacent to the railroad tracks).

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Loop 1 (Mopac)	305'	210'	Parkway	No	Yes	No

**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 and suitability for operation and maintenance. 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. 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

C9/10

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

December 1, 2014

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

Re: Harold's Rezoning (the "Application"); 8611 MoPac Expressway, being all of  
TCAD Parcel #02-4504-0405 (the "Property")

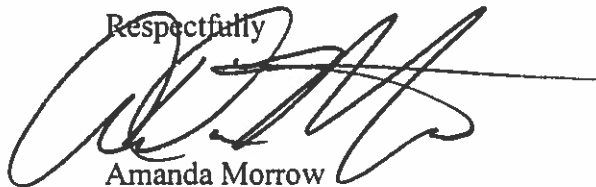
Dear Mr. Guernsey:

This letter is submitted on behalf of the applicant in the above referenced Application. The site is comprised of 1.36 acres of land located at 8611 MoPac Expressway. A portion of the Property is being rezoned to comply with an agreement with the North Shoal Creek Neighborhood Association ("NSCNA"). See attached correspondence. A copy of the field notes describing the area to be rezoned is included with the Application.

The Properties current site improvements consist of a commercial building with associated surface parking. The request is to rezone the building footprint from CS-1 to GR. In addition to complying with the agreement with NSCNA, approval of this request will provide for uniform site development regulations.

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

Attachments

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

{W0641237.1}