

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0056 (8240 N. Mopac Rezoning)

Z.A.P. DATE: June 16, 2015
July 7, 2015

CU
1

ADDRESS: 8240 North Mopac Expressway

DISTRICT AREA: 10

OWNER/APPLICANT: Lapeer Properties, Inc. (Luke Wood)

AGENT: Thrower Design (A. Ron Thrower)

ZONING FROM: LO

TO: LR

AREA: 0.10 acres (4,345 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to recommend LR, Community Commercial District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

6/16/15: Meeting cancelled due to bad weather.

DEPARTMENT COMMENTS:

The property in question is developed with an office building. There are office structures to the north and east, across North Mopac Expressway. To the south, on the other side of Steck Avenue, is a restaurant use (Luby's Cafeteria). The tract of land to the west is developed with a multifamily residential use (The Arbors). The applicant is requesting a footprint of LR, Neighborhood Commercial, at this location to develop a Personal Services use with a suite in the existing office building.

The staff recommends LR zoning for this property because it meets the intent of the Neighborhood Commercial 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 LR zoning to the south of this site, across Steck Avenue. The proposed footprint of LR zoning will permit the applicant to develop a low intensity commercial use that will provide services to the residential developments to the west.

The applicant agrees with the staff recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO	Office Buildings (Park North Office Park)
North	LO	Office (Sharmark West)
South	MF-2, LO	Multifamily (Le Montreaux Concierge Apartment Homes), Restaurant (Luby's Cafeteria)
East	MoPac Expressway, LI	Office Complex (8303 Mopac: United Lending, Adwords & PPC Management & SEO, Metlife Financial, Dahill Industries)
West	LO	Condominiums (The Arbors)

C4/2

AREA STUDY: N/A

TIA: Not Required

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
 Balcones West Neighborhood Association
 Friends of the Emma Barrientos MACC
 North Austin Neighborhood Alliance
 North Shoal Creek Neighborhood Association
 NW Austin Neighbors
 SELTEXAS
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 Summerwood II HOA of Austin, Inc.
 The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0149 (8200 North MoPac Rezoning: 8200 North Mopac Expressway South Bound	LO to LR	1/15/13: Approved the staff's recommendation of LR zoning by consent (6-0, P. Seeger-absent); G. Rojas-1 st , S. Compton-2 nd .	2/14/13: Approved LR zoning on consent on all 3 readings (7-0); S. Cole-1 st , B. Spelman-2 nd .
C14-2010-0164 (8610 North Mopac Expressway South Bound)	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 st , D. Tiemann-2 nd .	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); Spelman-1 st , Martinez-2 nd .

RELATED CASES: N/A

cy/m

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Steck Avenue	80'	50'	Arterial	No	No	Yes
MoPac SB	@390'	Varies	Freeway	Yes	No	No

CITY COUNCIL DATE: August 13, 2015

ACTION:

ORDINANCE READINGS: 1st

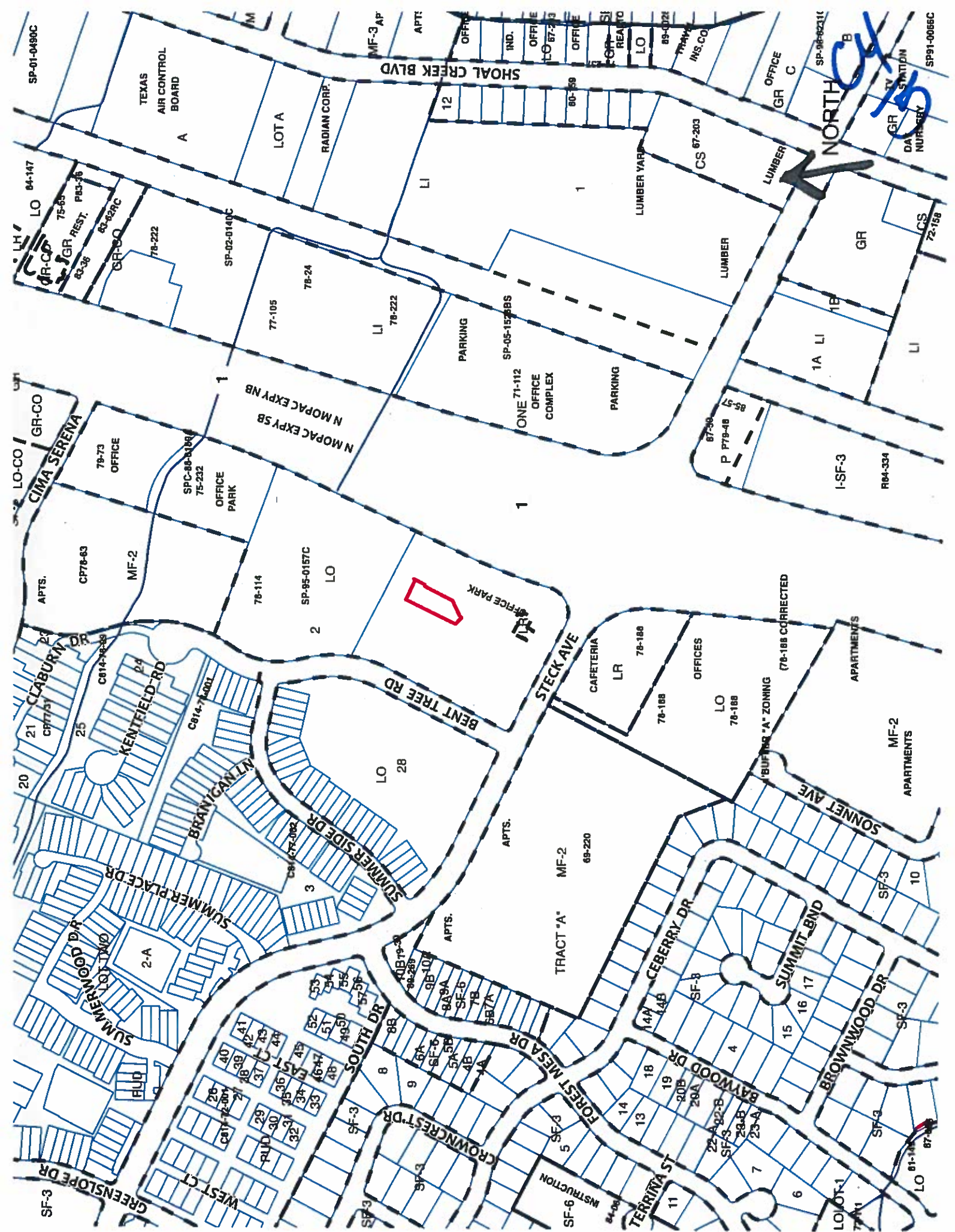
2nd

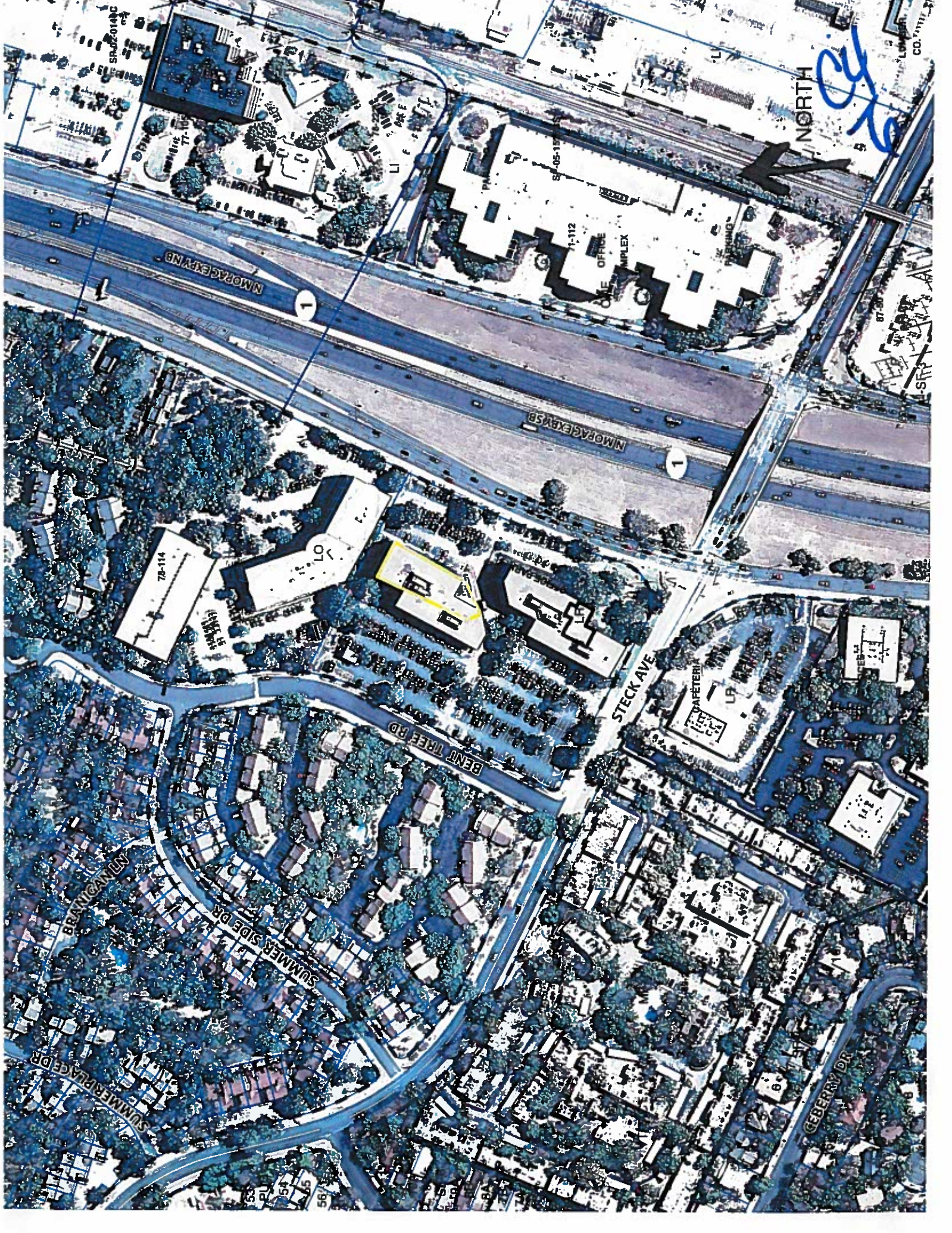
3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

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





STAFF RECOMMENDATION

The staff recommendation is to recommend LR, Community Commercial District, zoning.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property under consideration is located to the east of multifamily residential developments and is accessible from major traffic ways. The site fronts onto/takes access from the feeder road of Mopac Expressway South Bound.

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

The proposed zoning will promote consistency and orderly planning because there is existing LR zoning to south of the property, across Steck Avenue. There are low intensity office and commercial uses developed to the north, south and west of the site. The proposed LR zoning footprint is within an existing building located at the northwest intersection of a freeway and an arterial roadway.

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

The LR zoning district would allow for a fair and reasonable use of the site because it would give the applicant additional permitted uses that would provide for low intensity commercial services to the surrounding multifamily residential developments (The Arbors, Le Montreaux Concierge Apartment Homes, Summerwood, etc.)

EXISTING CONDITIONS

Site Characteristics

The site consists of vacant suite within an existing office building (Park North Office Park) located at the northwest intersection of Steck Avenue and Mopac Expressway.

Comprehensive Planning

LO (Limited Office) to LR (Neighborhood Commercial)

This zoning case is located on the northwest corner of Steck Avenue and the Mopac Expressway frontage road, and contains a large three story brick office building called 'Park North' situated on a 6 acre parcel. This rezoning is not located within the boundaries of a neighborhood planning area but is located just west of the boundaries of the North Shoal Creek Neighborhood Planning Area. Surrounding land uses includes an office building to the north; a restaurant and apartment complex to the south; an apartment complex to the west; and Mopac Expressway to the east. This case only

C4
1/1

concerns .10 acre of this property and the proposed personal service use, which requires a zoning change.

CU
A

Imagine Austin

The property is located to the north of a 'Neighborhood Center', as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map and provides retail and personal services to the surrounding neighborhood.

Based on the comparatively small scale of this retail use as compared to nearby commercial uses in the area, and the property not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope and consequently, the plan is neutral on the proposed rezoning. However, due to the site's location over an environmentally sensitive area (the Edwards Aquifer), there will be at the site planning stage (if any) an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

Environmental

The site is 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.

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.

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 s.f. 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 LR zoning district would be 80%. 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.

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

C4
1/9

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.

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 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.983) is available along Mopac (Loop 1) SB Frontage Road.

There are existing sidewalks along Mopac (Loop 1).

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Mopac (Loop 1)	400'	2 @ 36'	Expressway	144,000

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.

Sirwaitis, Sherri

From: Jay Sands [redacted]
Sent: Thursday, June 04, 2015 6:51 PM
To: Sirwaitis, Sherri
Cc: D Bailey
Subject: Re: 8240 N. Mopac

Cy
10

Sherri,

The Balcones Civic Association is supportive of the request to rezone Suite 340 at 8240 North Mopac from LO to LR. Our support is based on the change being applicable to this suite only and not the larger property.

Thanks for your assistance.

Jay Sands
Balcones Civic Association

Sent from my iPad

> On Jun 1, 2015, at 1:25 PM, "Sirwaitis, Sherri" <Sherri.Sirwaitis@austintexas.gov> wrote:

>

> Hi Mr. Sands,

>

> In case C14-2015-0056, the applicant is requesting a change from LO to LR for Suite 340 (4,345 sq. ft. space) to have a Personal Services use.

>

> Thanks,

>

> Sherri Sirwaitis

> City of Austin

> Planning & Zoning Department

> sherri.sirwaitis@austintexas.gov

> 512-974-3057(office)

>

> -----Original Message-----

> From: Jay Sands [redacted]

> Sent: Monday, June 01, 2015 1:18 PM

> To: Sirwaitis, Sherri

> Subject: 8240 N. Mopac

>

> Sherri,

>

> Can you confirm that the zoning request for this property is only to change zoning from LO to LR for one individual office?

>

> Thanks,

>

> Regards,

>

> Jay Sands

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:
<http://www.austintexas.gov/planning>.

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: C14-2015-0056

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jun 16, 2015, Zoning and Platting Commission

Aug 13, 2015, City Council

John Fisher



JOHN FISHER
8210 BENT TREE RD. APT. 222
AUSTIN, TX 78759-8352

Your address(es) affected by this application

☐ I am in favor
☒ I object

John Fisher

Signature

6-10-15

Date

Daytime Telephone: 512-417-9667

Comments: what kind of shopping facilities? what kind of store?
How much traffic will it add to my neighborhood?

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

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

CS

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: <http://www.austintexas.gov/planning>.

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: C14-2015-0056

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jun 16, 2015, Zoning and Platting Commission

Aug 13, 2015, City Council

McKown, Robert Dale

Your Name (please print)

*8210 Bent Tree 252
Austin, TX 78759*

Your address(es) affected by this application

Robert D. McKown 6-12-15

Signature

Date

Daytime Telephone: *512 415 8763*

Comments:

*I object ① Increased
Traffic in Area is Bent Tree
Street, + mapac - IT IS
difficult to get on street now
due to Traffic @ Business Office,
is ok drive to most employees
off by 6pm ③ Traffic works less
more cars, people being in Blvd
Cafe at night with more police and
more problems occurring than before*

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

12

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:
<http://www.austintexas.gov/planning>.

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: C14-2015-0056

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jun 16, 2015, Zoning and Platting Commission

Aug 13, 2015, City Council

Shirley Paz
Your Name (please print)

8222 Bent Tree Dr #246
Property address (as affected by this application)

18759
Case Number

Shirley Paz
Signature

512 689-7123
Daytime Telephone

6/11/15
Date

☐ I am in favor
☒ I object

Comments: *No High rise.*
No new construction.

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

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

C4
13

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:
<http://www.austintexas.gov/planning>.

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: C14-2015-0056

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jun 16, 2015, Zoning and Platting Commission

Aug 13, 2015, City Council

Dora Robinson
 Your Name (please print)

☐ I am in favor
☒ I object

3605 Steeple Ave #1017

Your address(es) affected by this application Austin 78785

D Robinson 6/14/15
 Signature Date

Daytime Telephone: (512) 785-4868

Comments:

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

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

74

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: C14-2015-0056

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: July 7, 2015, Zoning and Platting Commission
Aug 13, 2015, City Council

MANOOCHEHR KAVOSSI

Your Name (please print)

☒ I am in favor
☐ I object

8210 BENT TREE #217 AUSTIN, TX 78759

Your address(es) affected by this application

M-K

Signature

06-24-15

Date

Daytime Telephone: (512) 338-4525

Comments: IT IS NICE TO HAVE SHOPS AT WALKING
DISTANCE.

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810