

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: North Shoal Creek

CASE#: NPA-2020-0031.01

DATE FILED: January 31, 2020 (out-of-cycle)

PROJECT NAME: 8803 N. MOPAC

PC DATE: May 12, 2020

ADDRESS: 8803 N. MOPAC Expressway

DISTRICT AREA: 10

SITE AREA: 3.31 acs

OWNER/APPLICANT: SemMaterials Partners LLC % BKEP Materials

AGENT: Drenner Group, PC (Amanda Swor)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Industry

To: Commerce

Base District Zoning Change

Related Zoning Case: C14-2020-0013

From: LI

To: CS

NEIGHBORHOOD PLAN ADOPTION DATE: August 23, 2018

PLANNING COMMISSION RECOMMENDATION:

May 12, 2020 – Approved the applicant's request for Commerce land use on the consent agenda. [P. Seeger – 1st: G. Anderson – 2nd] Vote: 13-0.

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request for Commerce land use because Commerce land use is appropriate in this location along a highway.

Commerce land use meets the North Shoal Creek's Plan Vision for the area:

MOPAC FRONTAGE ROAD

VISION: Mopac's frontage road hosts highway-scale office and commercial uses that cater to workers and customers from all across Austin and Central Texas.

The Mopac Frontage Road is separated from the majority of the North Shoal Creek planning area by the Union-Pacific railroad tracks and is difficult to access other than by car. The Mopac Frontage Road, particularly north of Steck Avenue, is characterized by an increasing number of multi-story office buildings. The exception to this is at the northern edge of the frontage road where Mopac meets US 183 and there is a heavier industrial use—Ergon Asphalt and Emulsions, Inc.

As sites along the frontage road redevelop, a mix of four to six-story office building heights would be appropriate. Residential uses are not compatible with the fast-moving highway traffic and loud and frequent railroad traffic.

Land Use Policies for Mopac Frontage Road

MF P1 Encourage a balance of offices and services, discourage residential.

MF P2 Allow building heights of four to six-stories and vehicular-oriented site design.

MF P3 Integrate beautification of landscape areas and plant trees to provide shade along walk and bike paths.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Industry – The industry district is found in areas with established light industrial and office uses or in areas where those uses may be appropriate in the future. The district is generally not compatible with, nor should it be located adjacent to residential uses. Residential uses are not allowed in this district due to noise, vibrations, truck traffic, emissions, and storage of hazardous materials. This district is appropriate for individual sites or smaller groupings of industrial uses.

Character and Intent

- Entirely industrial/office/services, no residential uses.
- Typical Land Uses:

- *Primary Uses:* Light Manufacturing centers, distribution and warehousing, technology/data centers, flexible industrial spaces, contractor yards.
- *Secondary Uses:* Commercial, office, civic, and institutional uses; ponds and storm water facilities.

Industry District Features

The following features were identified as characteristics that should be typical to the Industry District:

- Offices, warehouses, industrial parks with truck loading facilities
- Building heights generally one to three stories
- Adequate parking, visible from street
- Storage yards or containers screened from view of street
- Deep front setbacks
- Landscaping along street frontages.

PROPOSED LAND USE ON THE PROPERTY

Commerce - This character district accommodates commercial activities such as retail entertainment venues, or campuses located mostly along highway frontage roads. Although these sites should allow for internal pedestrian connectivity, their overall design is fashioned to the needs of people arriving by car. Residential uses are inappropriate due to a lack of

Typical Land Uses

Primary Uses: Office, retail, restaurants, services, car dealerships and multi-tenant commercial.

Secondary Uses: Entertainment, recreation, institutional uses, ponds and storm water facilities.

COMMERCE DISTRICT FEATURES

The following features were identified as characteristics that should be typical to the Commerce District:

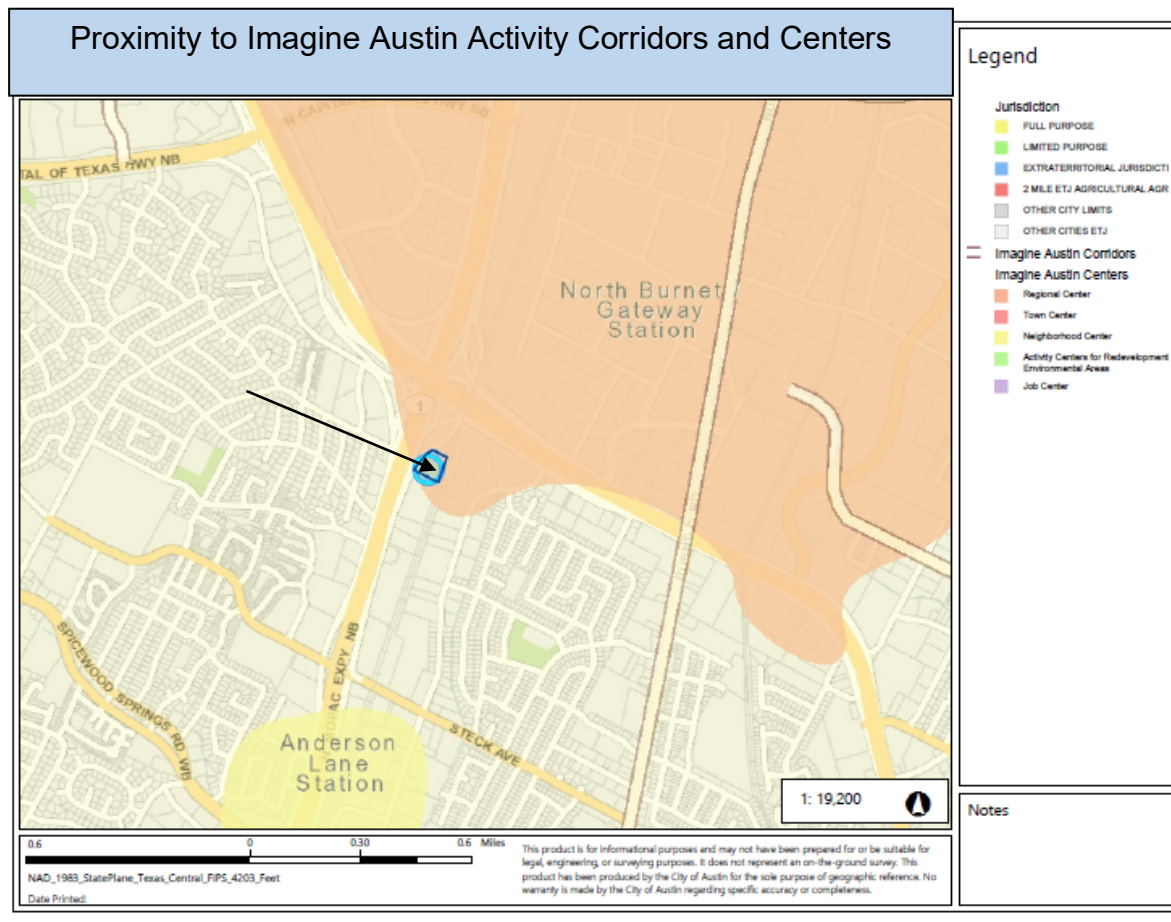
- Auto-oriented, region-serving commercial with frontage road access
- Building heights up to six stories where not adjacent to Residential Core
- Heights should step down to be compatible with adjacent residences
- Placement of windows should respect the privacy of neighboring residences
- Landscaping and fences to buffer adjacent residences
- Adequate parking, visible from street
- Multi-lane drive-thru facilities

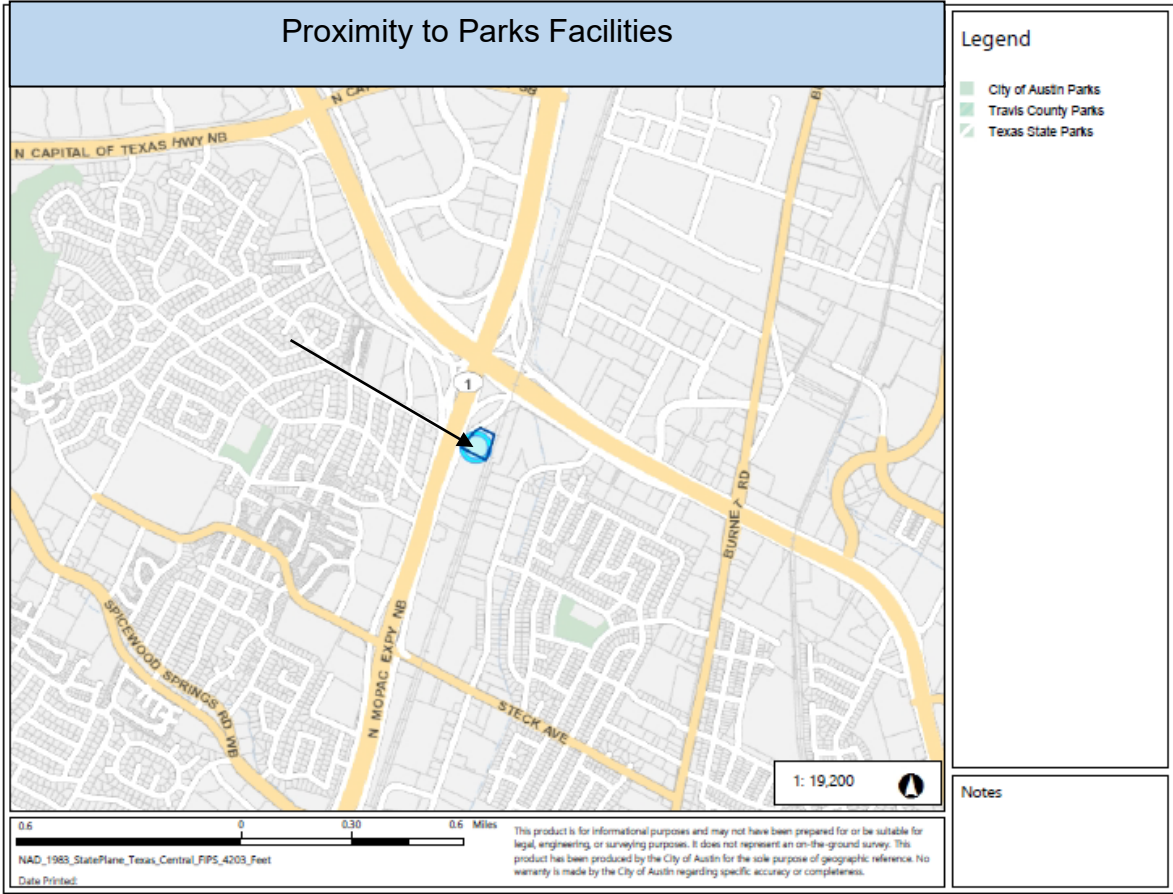
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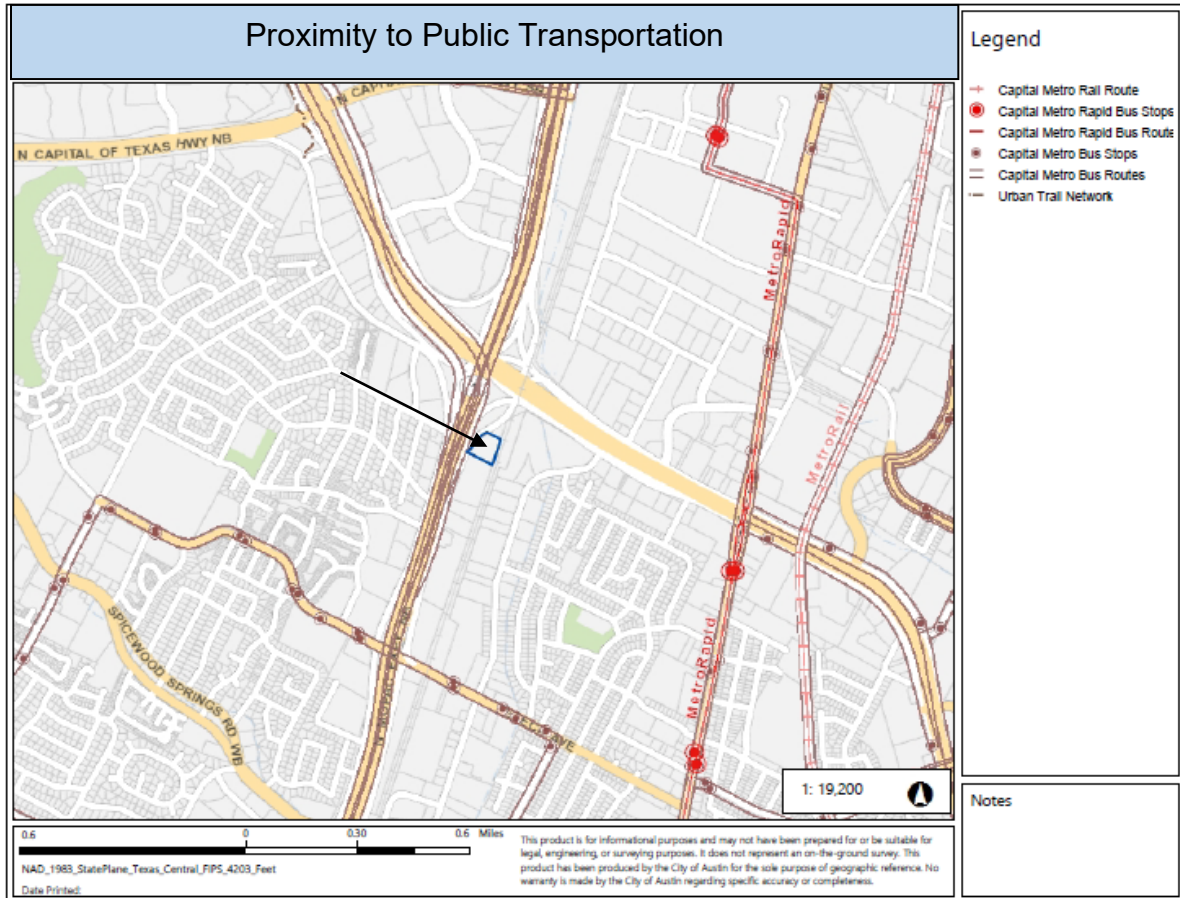
IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The property is located within the edge of the North Burnet Gateway Regional Activity Center. The proposed zoning of CS does not allow residential uses. Public transportation is not conveniently located near the property and is not conveniently located near schools, retail, parks, community services and recreation options, although it is near office buildings.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is located within the edge of the North Burnet Gateway Regional Activity Center. Public transportation is not conveniently located near the property and is currently not conducive for pedestrian or bicycling activities.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property is within the edge of the North Burnet Gateway Regional Activity Center where office and commercial uses are appropriate.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The applicant is not proposing residential uses.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***The proposed land use of Commerce is appropriate for this area.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - ***The property is not located in an environmentally sensitive area.***
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - ***Not applicable.***
8. Protect, preserve and promote historically and culturally significant areas.
 - ***To staff's knowledge at this time, this is not an historic or culturally significant property.***

9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***The property is located in an area that that is not conducive for walking and biking as it is developed now.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not directly applicable.***
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
 - ***Not applicable.***
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - ***Not applicable.***







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although

fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on January 31, 2020 which is out-of-cycle for neighborhood planning areas on the west side of I.H.-35. The applicant received permission to file out-of-cycle from the North Shoal Creek Neighborhood Plan Contact Team.

The applicant proposes to change the future land use map from Industry to Commerce for professional offices.

There is an associated zoning change request to change the zoning from LI – Limited Industrial to CS – Commercial Services. When the neighborhood plan was adopted, staff did

not add the NP to zoning to the properties in the planning area. For more information on the zoning request, please see the zoning case report C14-2020-0013.

PUBLIC MEETINGS: The ordinance-required community meeting was held on Monday, March 9, 2020. Approximately 273 meeting notices were mailed to people who own property or have utility accounts within 500 feet of the subject property, in addition to neighborhood organizations and environmental groups who requested notification for the area. Seven people attended the meeting, included two people representing the applicant and one city staff member.

After city staff gave a brief presentation on the planning process, the applicant's agent, Dave Anderson, gave the following presentation.

Dave Anderson, one of the agent's representing the property owner, said that property is currently an asphalt emulsion plant. It is a 3.3 acres tract zoned LI – Light Industrial. The proposed zoning is CS. The existing future land use is Industry and the proposed land use is Commerce for an office use. The proposed zoning with the land development code is MU-5B-Q which is the equivalent of CS zoning. The owner wants to move the use to a commercial/office use and away from an industrial use.

After his presentation, the following questions were asked:

Q. What kind of building will be built there?

A. An office building.

Q. You said the new code proposed zoning is MU-5B-Q. Can you talk more about that?

A. The new land development code is being written as we speak. If the property is rezoned to CS, the code staff said we would get the MU-5B-Q zoning. It is not our intent to build residential on the property because it is not a good location for residential. We are OK to prohibit residential uses. It could potentially be office or retail, but it would probably be office and not retail because of access issues would not make it a good location for retail.

Q. If the proposed use is an office use, why are you asking for CS? Why not, LO, GO, or GR?

A. Those zoning districts allow for light industrial uses.

Q. Who owns the property? Do they still own it?

A. Blueknight Energy owns the property. I don't know if they plan to flip it.

Q. I'm concerned about the high-traffic in this area. I could be dangerous to add more traffic.

A. I understand your concerns.

Q. The proposed zoning of CS allows for 95% impervious cover. MU-5B allows for a maximum of 90%.

A. If you look at the property today, it's probably at about 80-90% IC today because it's compacted gravel. We want to be consistent with other land uses for the area.

Q. The majority of the traffic from the property will have to go Braker Lane because it misses the overpass. That would add a lot of traffic.

A. Now we are still trying to figure out how to use the property for office and to look at setbacks, detention ponds, etc.

Q. Does the City look at these traffic issues?

A. We wouldn't be able to get a permit until the traffic impact is done and any mitigation is looked at to address any traffic impacts from the development.

Q. This is an unusual time to rezone because the new LDC is still in process. There are some CS uses that are not allowed in the MU-5B, like residential, hospital uses, and educational facilities.

A. The applicant would be happy to meet with you to limit uses.

Q. There would be a lot of noise because of the highway.

A. Noise would be another issue as to why residential would not work. Any developer would need to build to address this issue.

Comments:

- I would prefer office use.
- I would like some pedestrian and bike safety amenities, sidewalks and bike lanes.
- The issues we have are:
 - We prefer low-density uses
 - Why not light-industrial as a zoning option because of less traffic impact.
 - Concerns about the property flipping to new owner
 - Traffic issues
 - Impervious cover issues
 - Also, concerns about FAR. Not sure the property could support this much office use.

CITY COUNCIL DATE:

Not scheduled at this time.

ACTION:

ACTION:

Applicant Summary Letter from Application

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

**DRENNER
GROUP**

January 31, 2020

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 8803 N. Mopac – Rezoning and Neighborhood Plan Amendment applications for the 3.31-acre property located at 8803 N. Mopac Expressway, in the City of Austin, Travis County, Texas (the “Property”)

Dear Ms. Lucas:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning and neighborhood plan amendment application packages. The project is titled 8803 N. Mopac, consists of 3.31 acres, and is located at the southeast corner of Mopac and Research Boulevard, adjacent to the NB service road and Union Pacific Railway. The Property is in the full purpose jurisdiction of the City of Austin and is currently developed with an emulsion plant facility and a small warehouse office.

The Property is zoned LI-NP (Limited Industrial Services – Neighborhood Plan). The requested rezoning is from LI-NP to CS-NP (General Commercial Services – Neighborhood Plan) zoning district. The purpose of this rezoning is to allow for professional office use on the Property. This rezoning request is consistent with the land use to the adjacent property to the south, including a professional office use. Through conversations with the neighborhood, our desired zoning designation through the adoption of the Land Development Code Rewrite is MUSB-A (Mixed Use 5B – Subdistrict A), which is the desire of the neighborhood and consistent with the adjacent property to the south.

The Property is situated in the North Shoal Creek Neighborhood Planning Area. The North Shoal Creek Neighborhood Plan was adopted on August 23, 2018. The Future Land Use Map shows the Property as Industry, therefore, a Neighborhood Plan Amendment (“NPA”) is requested to change the designation of the Property from Industry to Commerce, as is consistent with the designation to the adjacent property to the south.

We met with the North Shoal Creek Neighborhood Planning Contact Team (“NSC-NPCT”) on November 11, 2019 to discuss the rezoning of the Property and an out-of-cycle NPA. Following our meeting, the NSC-NPCT voted to allow an out-of-cycle NPA and provided following attached written approval on November 20, 2019. We look forward to continuing to work with the neighborhood, Neighborhood Planning Contact Team, and area residents as we move through this process.

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | www.drennergroupp.com

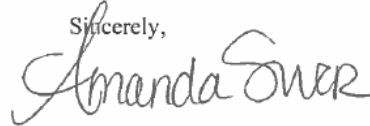
January 31, 2020

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In conjunction with the rezoning and NPA request a Traffic Impact Analysis ("TIA") is not required. See attached TIA determination form executed by Amber Mitchell dated September 25, 2019.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

A handwritten signature in black ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" being larger and more prominent than the last name "Swor".

Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)
Sherri Sirwaitis, Planning and Zoning Review Department (*via electronic deliver*)
Maureen Meredith, Planning and Zoning Review Department (*via electronic delivery*)

**Out-of-Cycle Letter Authorization from Neighborhood
Plan Contact Team (NPCT)**

**North Shoal Creek Neighborhood Plan Contact Team
8608 Donna Gail Drive
Austin, Texas 78757**

November 20, 2019

Re: Neighborhood Plan Amendment

Denner Group
ATTN: Amanda Swore
200 Lee Barton Drive, Suite 100
Austin TX 78704

Dear Amanda,

The North Shoal Creek Neighborhood Plan Contact Team has approved submission of an out of cycle application to amend the North Shoal Creek Neighborhood Plan regarding the property at 8703/8803 North MoPac Expressway.


Kenneth R. Webb,
Acting Chair,
NSCNP Contact Team
nsccontactteam@gmail.com
512-452-3251

Letter of Recommendation from the North Shoal Creek NPCT

From: NSC Contact Team

Sent: Thursday, April 02, 2020 3:42 PM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>

Cc: Greathouse, Stevie <stevie.greathouse@austintexas.gov>; Amanda Swor <aswor@drennergroupp.com>; District10 <District10@austintexas.gov>; District 7 <District7@austintexas.gov>

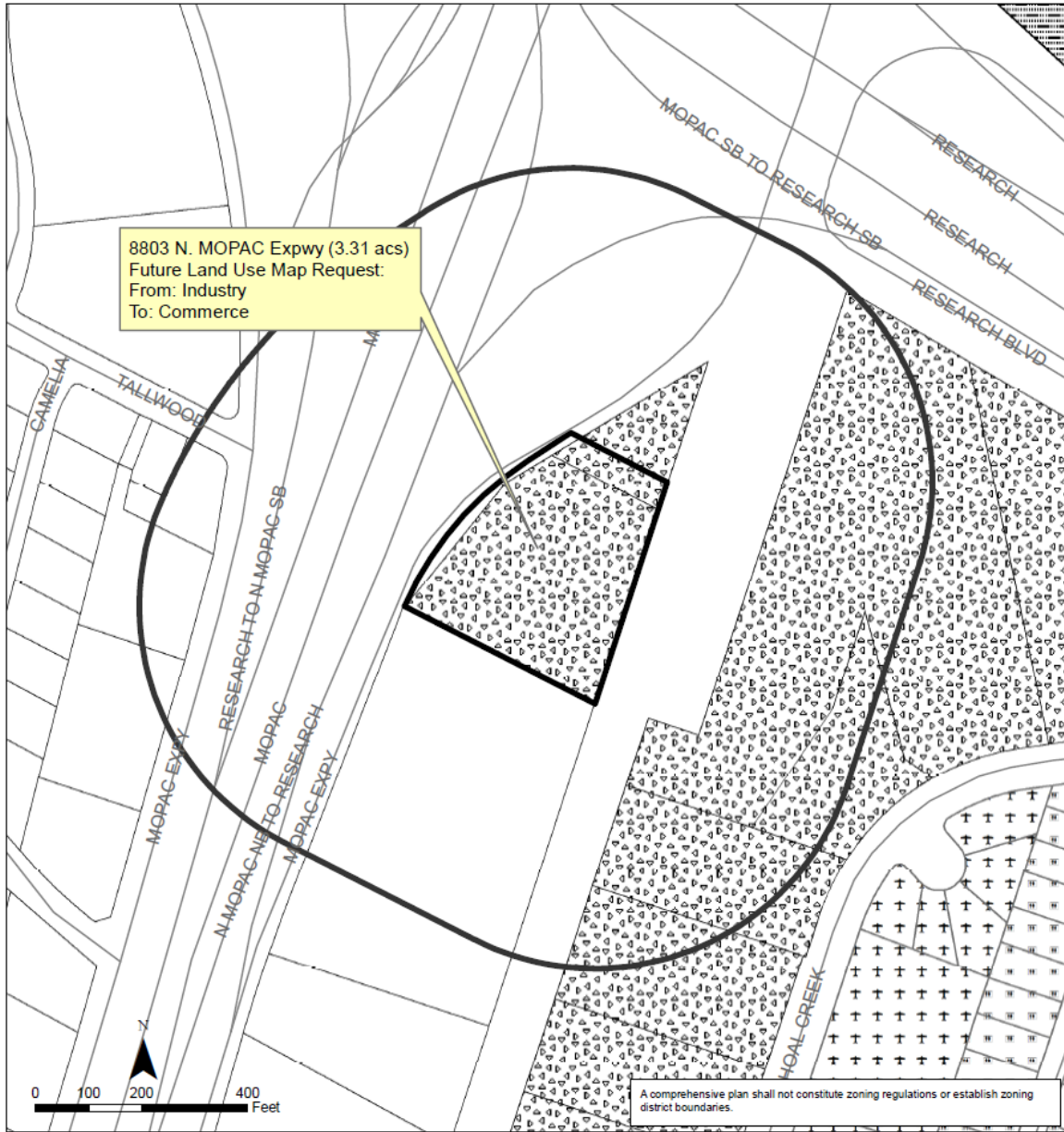
Subject: Re: Case Number NPA-2020-0013.01

This pertains to Case Number NPA-2020-0013.01, Application for Neighborhood Plan Amendment for 8803 N MOPAC EXPY SVRD,

On March 12, 2020, the North Shoal Creek Neighborhood Plan (NSCNP) Contact Team approved a resolution to recommend approval of the neighborhood plan amendment, identified as Case Number: NPA-2020-0031.01, to change the future land use/character districts for the property at 8803 N MOPAC EXPY within the North Shoal Creek neighborhood plan from Industry to Commerce.

Kenneth Webb,
Chair, NSCNP Contact Team





**North Shoal Creek Neighborhood Planning Area
NPA-2020-0031.01**

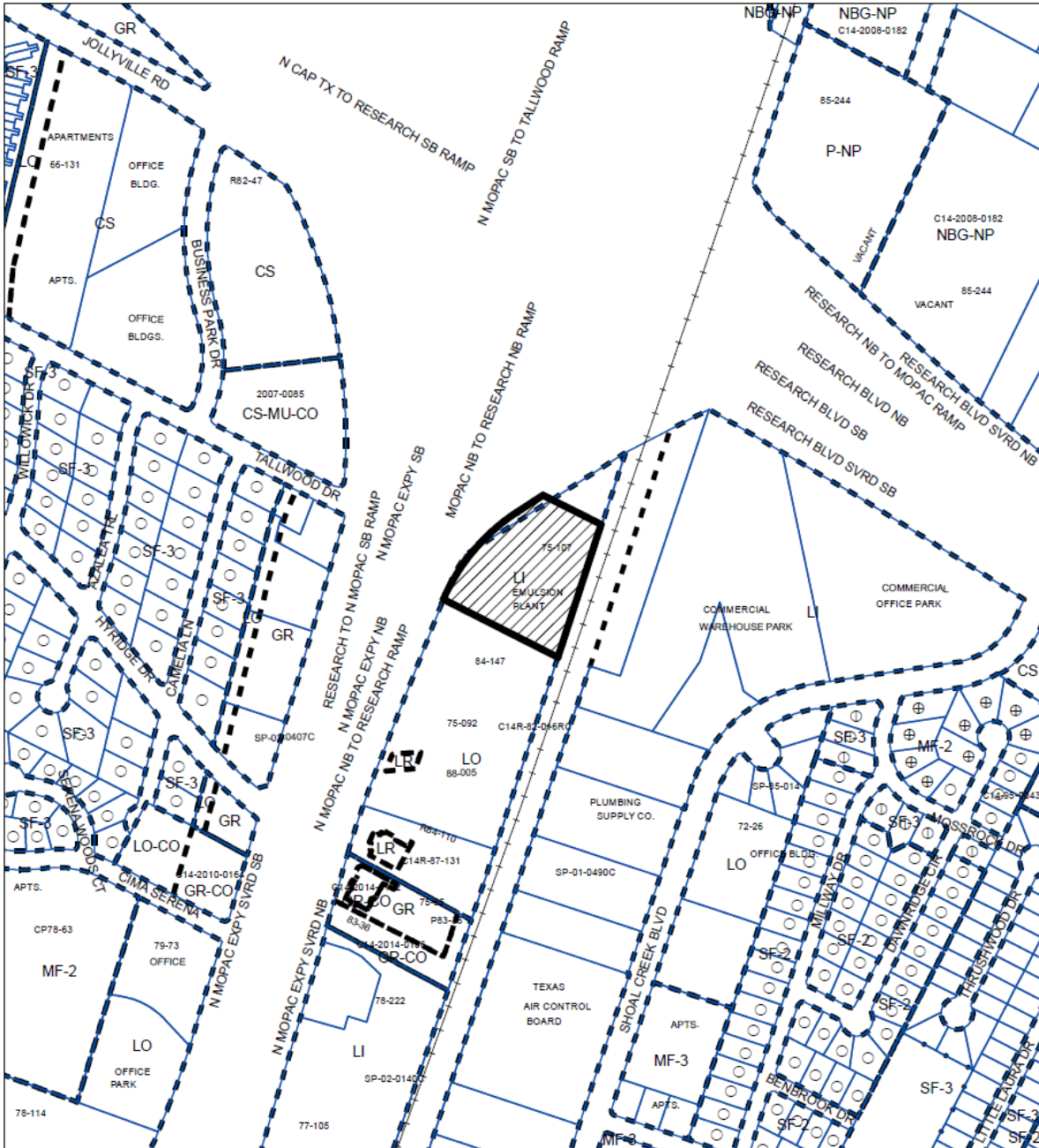
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This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Future Land Use			
500 ft. nottr. boundary	Subject Property	High Density Mixed-Use	
Residential Core		Neighborhood Node	
Neighborhood Transition		Mixed-use Activity Hub/Corridor	
305		Industry	



City of Austin
Planning and Zoning Department
Created on 2/12/2020, by: meredithm



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

ZONING

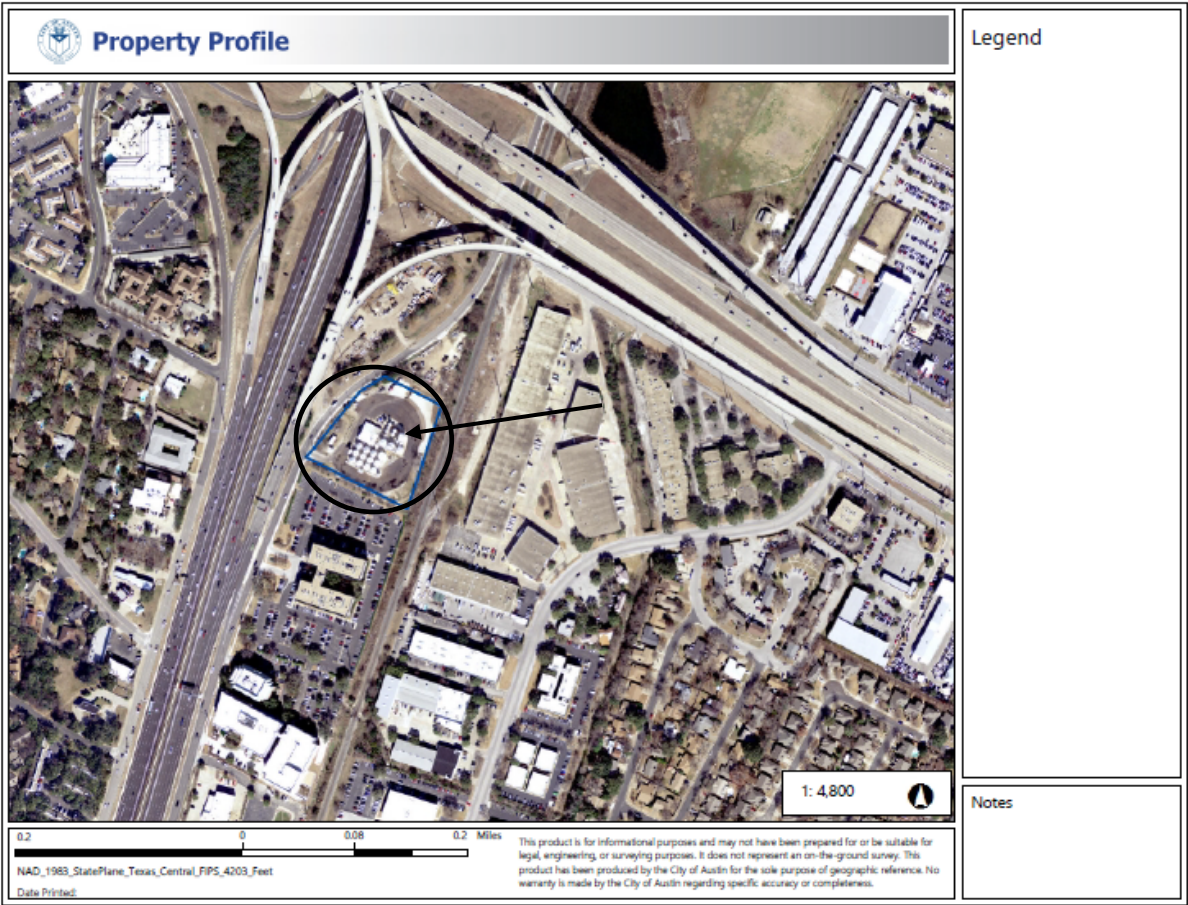
ZONING CASE#: C14-2020-0013

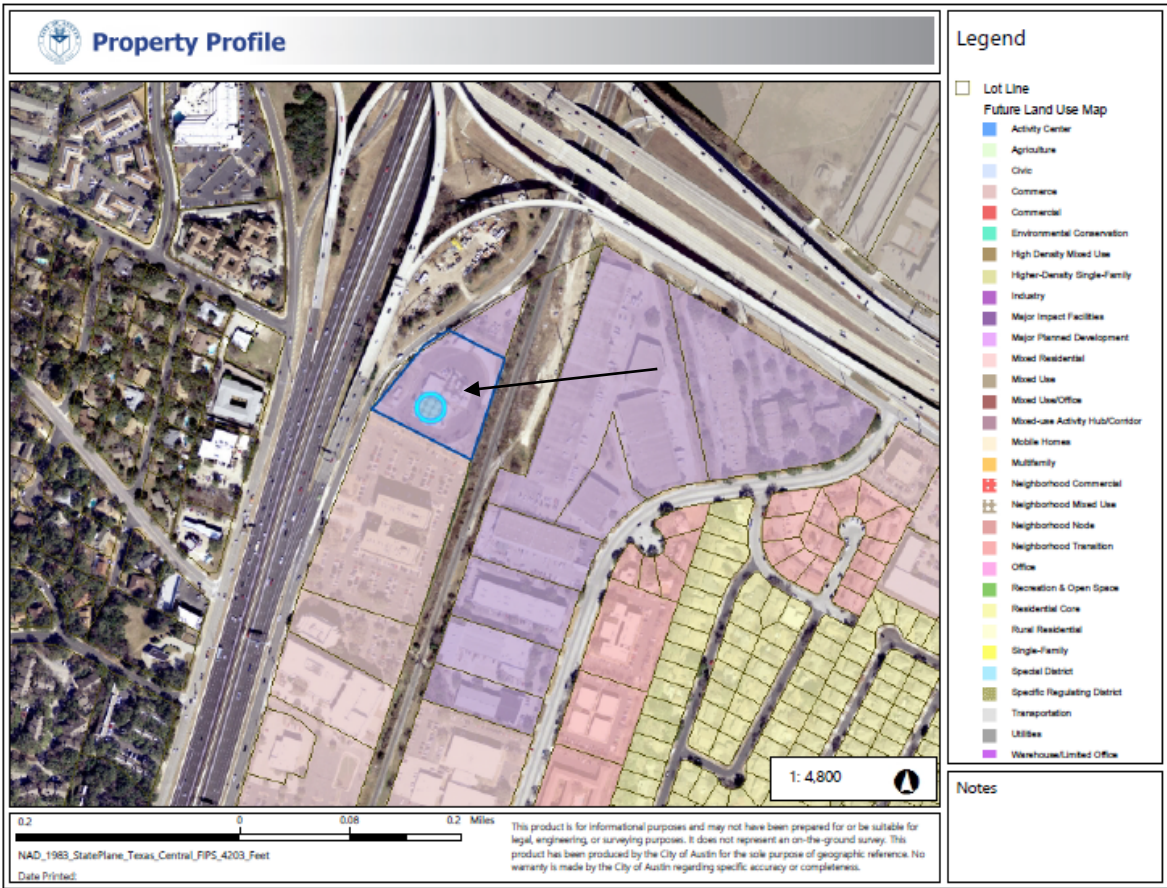
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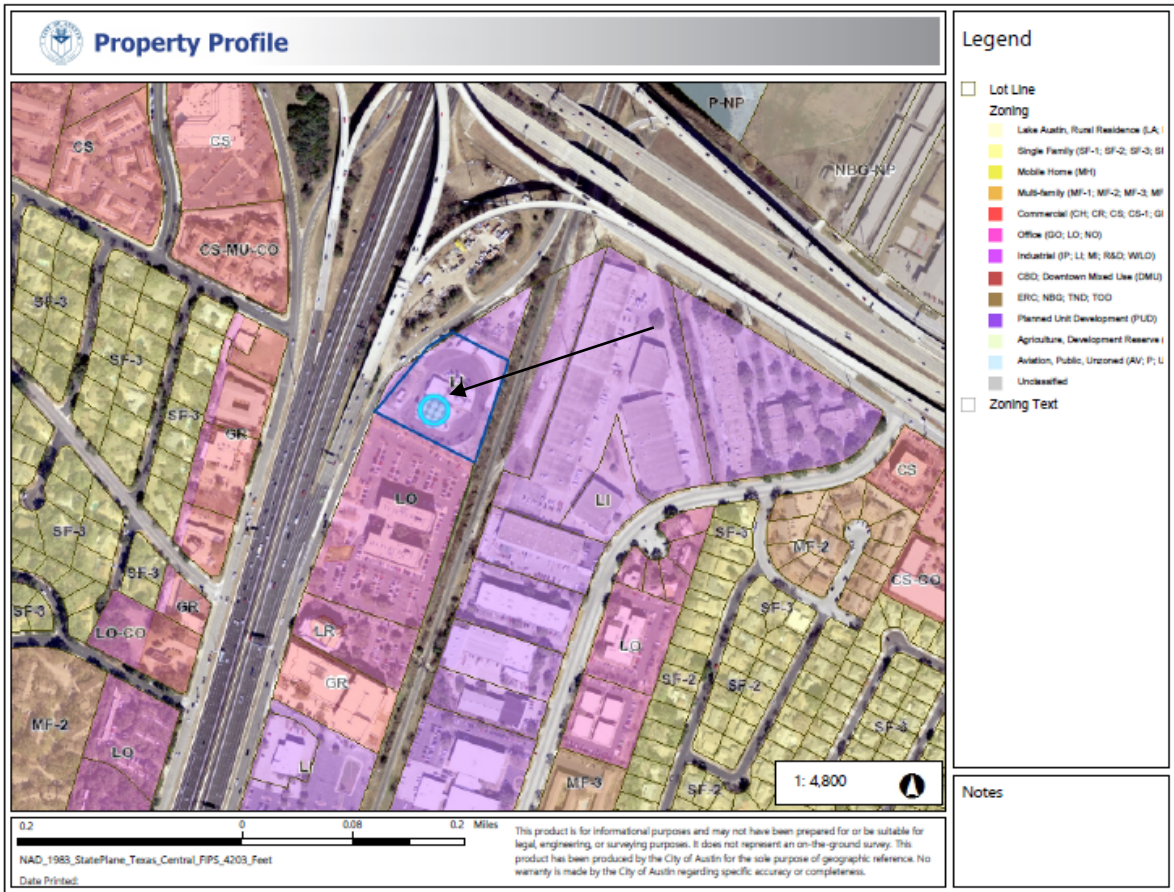
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Created: 2/11/2020







PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Zoning Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2020-0031.01

Contact: Maureen Meredith, PH: 512-974-2695

Public Hearings: May 12, 2020 - Planning Commission

☐ I am in favor
☒ I object

EDDIE JOSEPH

Your Name (please print)

8811 N. MOPAC EXPY AUSTIN, TX 78759

Your address(es) affected by this application

5/7/20

Date

Eddie Joseph

Signature

Comments: I OWN THE PROPERTY NEXT

DOOR AND HAVE BEEN TRYING FOR

YEARS TO GET UTILITIES ON MY

PROPERTY THAT MY FAMILY HAS BEEN

PAYING TAXES ON FOR OVER 50 YEARS

I OBJECT UNTIL THE PLANNING DEPARTMENT

LISTENS TO MY CONCERNS!