

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0117 (8640 and 8700 Shoal Creek Blvd.)

DISTRICT: 7

ADDRESS: 8640 and 8700 Shoal Creek Boulevard

ZONING FROM: LI

TO: LI-PDA

SITE AREA: 3.1047 acres

PROPERTY OWNER: Karnak Holdings LLC (Robert Lum)

AGENT: Dubois Bryant & Campbell (David Hartman)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends LI-PDA, Limited Industrial-Planned Development Area Combining District, zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 28, 2023: Approved staff's recommendation of LI-PDA zoning (11-0, Y. Flores-absent); J. Mushtaler-1st, J. Shieh-2nd.

CITY COUNCIL ACTION:

April 13, 2023

ORDINANCE NUMBER:

ISSUES:

During the Burnet Road, Anderson Lane and the North Shoal Creek Area neighborhood planning process, the long-range planning staff did not add the –NP combining district to the end of the zoning string for the properties in the planning area. Therefore, the rezoning request does not require the “NP” annotation.

CASE MANAGER COMMENTS:

The property in question is developed with two one-story industrial office/warehouse buildings (Hammil Center). The lots to the north and to the south are developed with office buildings that contain the Texas Department of Criminal Justice facilities. To the east, across Shoal Creek Boulevard, there are two office complexes (Creek Plaza and Shoal Creek IV). To the west, there is a railway and an office development (Chancellor Office Centre) fronting onto the Mopac Expressway northbound frontage road. In this case, the applicant is requesting to add a PDA, Planned Development District, overlay to the existing LI zoning to redevelop the property with multifamily residential uses (*Please see Applicant's Request Letter - Exhibit C*).

The staff recommends LI-PDA, Limited Industrial-Planned Development Area zoning. The proposed PDA overlay will add the following permitted residential uses: Bed and Breakfast Residential (Group 1 &2), Condominium Residential, Multifamily Residential and Townhouse Residential and an additional civic use, Hospital Services (Limited) on this property. In addition, the applicant is proposing to prohibit the following commercial and industrial uses: Monument Retail Sales, Scrap and Salvage, Basic Industry, General Warehousing and Distribution, Light Manufacturing, Recycling Center and Resource Extraction on the site (*Please see Applicant's Request Letter - Exhibit C*).

Upon discussions with the staff, the applicant is also proposing to prohibit these intensive commercial and industrial uses adjacent to the proposed residential development in the PDA (*Please see Applicant's Revised LI-PDA zoning Request Letter – Exhibit D and Proposed Permitted/ Conditional/Prohibited Use Table - Exhibit E*):

- Adult Oriented Businesses,
- Agricultural Sales and Services,
- Automotive Repair Services,
- Automotive Washing (of any type),
- Bail Bond Services,
- Club or Lodge,
- Commercial Off-Street Parking,
- Construction Sales and Services,
- Drop Off Recycling Collection Facility,
- Equipment Repair Services,
- Equipment Sales,
- Exterminating Services,
- Funeral Services,
- Kennels,

- Liquor Sales,
- Off-Site Accessory Parking,
- Outdoor Entertainment,
- Outdoor Sports and Recreation,
- Research Services,
- Service Station,
- Vehicle Storage and
- Limited Warehouse and Distribution.

The applicant will be maintaining the setbacks pursuant to LI (Limited Industrial Services) zoning development standards. LDC Sect. 25-2-601 provides that the minimum interior yard setback and rear setback is 10 feet, if adjacent to property zoned as or used for a use permitted in an L or less restrictive district.

The proposed LI-PDA zoning will be consistent with existing zoning patterns in this area because there is industrial (LI) zoning to the north and south, office and commercial (LO, LR) zoning to the east and west and multifamily zoning and uses (MF-3) to the southeast of this site. The LI-PDA zoning would allow for a fair and reasonable use of the site because it would make it possible for the applicant to develop additional residential units in this area along a Level 4/arterial roadway. The property is located within the North Burnet/Gateway Station Regional Center as designated by the Imagine Austin Comprehensive Plan.

The applicant agrees with the staff 's recommendation.

BASIS OF RECOMMENDATION:

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

Limited Industrial Service district is intended as an area primarily for commercial services and limited manufacturing uses, generally on moderately sized sites.

Planned Development Area combining district is intended for combination with selected commercial and industrial base districts, in order to modify base district provisions as necessary to allow for appropriate industrial and commercial uses or to reflect the terms of a Planned Development Area agreement following annexation of properties subject to such an agreement.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

The proposed LI-PDA zoning will be consistent with existing zoning patterns in this area because there is industrial (LI) zoning to the north and south, office and commercial (LO, LR) zoning to the east and west and multifamily zoning and uses (MF-3) to the

southeast of this site. Shoal Creek Boulevard is in the process of transitioning to a mixed use area that permits a variety of commercial and multifamily uses.

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

The LI-PDA zoning would allow for a fair and reasonable use of the site because it would make it possible for the applicant to develop additional residential units in this area along a Level 4/arterial roadway and within the North Burnet/Gateway Station Regional Center as designated by the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LI	Office/Warehouse (Hammil Center: Hammil Institute on Disabilities, Pro-ed, Inc.)
<i>North</i>	LI	Texas Department of Criminal Justice Victim Service Division
<i>South</i>	LI	TDCJ Pardons and Paroles Board
<i>East</i>	LO	Office (Creek Plaza), Office (Shoal Creek IV)
<i>West</i>	ROW, CS	Railway, Office (Chancellor Office Centre)

NEIGHBORHOOD PLANNING AREA:

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

TIA: Deferred to the time of Site Plan

WATERSHED: Shoal Creek

SCHOOLS: Austin I.S.D.

Pillow Elementary
Burnet Middle School
Anderson Hill School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Friends of Austin Neighborhoods
Friends of North Shoal Creek
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
North Austin Neighborhood Alliance
North Shoal Creek Neighborhood Association
North Shoal Creek Neighborhood Plan Contact Team
NW Austin Neighbors
SELTEXAS

Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 TNR BCP – Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0087 (8701 and 8627 N MoPac)	LO and LR to CS	9/13/22: Approved staff's recommendation of CS zoning by consent (8-0, J. Mushtaler-arrived late, G. Anderson, Y. Flores and J. Shieh-absent); C. Hempel-1st, J. Thompson-2nd.	10/13/22: Approved staff's recommendation of CS zoning by consent (9-0 vote, N. Harper-Madison and V. Fuentes - off the dais).
C14-2020-0013 (8803 N Mopac)	LI to CS	5/12/20: Approved staff's recommendation of CS zoning by consent (13-0); P. Seeger-1st, G. Anderson-2nd.	6/11/20: Approved CS district zoning, with additional condition agreed to by the neighborhood and the applicant is to prohibit Adult Oriented Businesses (11-0); all 3 readings
C14-2014-0156 (MoPac Rezoning: 8611	LO to GR	11/12/14: Approved staff rec. of GR-CO zoning on consent (8-0, L. Varghese-absent); R. Hatfield-1 st , B. Roark-2 nd .	11/ 20/14: Approved GR-CO zoning, with additional conditions agreed to by the applicant and the neighborhood, on consent on all 3 readings (7-0) 12/11/14: Approved GR-CO zoning on consent on 2 nd /3 rd 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 st , D. Tiemann-2 nd .	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 st , M. Martinez-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
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RELATED CASES:

NPA-2022-0031.01 - Related Neighborhood Plan Amendment Case
C8S-83-148 – Subdivision Case

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Shoal Creek Boulevard	Level 3	80'	88'	60'	No	Buffered Bike Lane	Yes

OTHER STAFF COMMENTS:Environmental

No comments. No review required.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The area is currently park deficient, defined as being outside walking distance to existing parks. The development as proposed will require parkland dedication for the new residential units that will serve the North Shoal Creek neighborhood through the additional park investment. The Parks and Recreation Department (PARC) would consider a connection along the Shoal Creek tributary to connect back to the Union Pacific railroad toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy an acquisition need for Shoal Creek and along a planned Urban Trail, recommendations identified in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARC can provide an early determination letter of the requirements as stated in this review.

Site Plan**General**

A site plan will be required for any new development other than single-family, two-family or duplex residential.

New development may be subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when a 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.

Compatibility Standards

The site is subject to compatibility height standards due to the presence of SF-2 zoning within 540 ft. to the east. Along the eastern property line, the following standards apply:

- For a structure more than 100 feet but not more than 300 feet from SF-2 zoned property, the height is limited to 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from SF-2 property.
- For a structure more than 300 feet but not more than 540 feet from SF-2 zoned property, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from SF-2 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Demolition

In the event that demolition or relocation of existing buildings is proposed, the applicant is responsible for requesting demolition or relocation permits upon site plan approval. The City Historic Preservation Office will review proposed building demolitions and relocations. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. **Transportation assessment/traffic impact analysis and transportation demand management plan shall** be required at the time of site plan if triggered per **LDC 25-6 and TCM 10.2.1**.

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for Shoal Creek Blvd. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for Shoal Creek Blvd. according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Water Utility

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

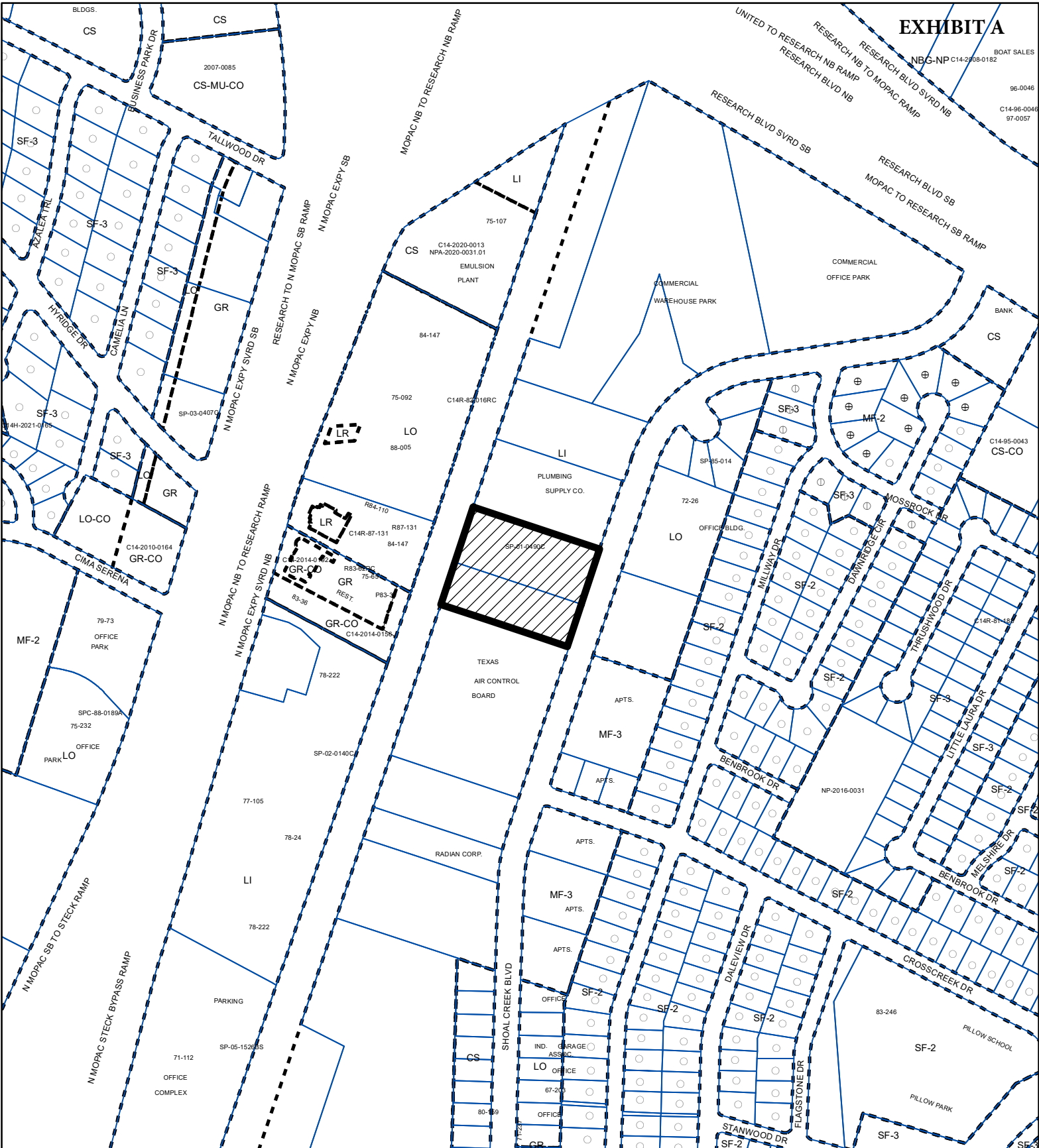
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Applicant's Revised LI-PDA Zoning Request Letter
- E. Proposed Permitted/Conditional/Prohibited Use Table
- F. Correspondence from Interested Parties

EXHIBIT A

BOAT SALES
96-0046
C14-96-0046
97-0057



ZONING

ZONING CASE#: C14-2022-0117

N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

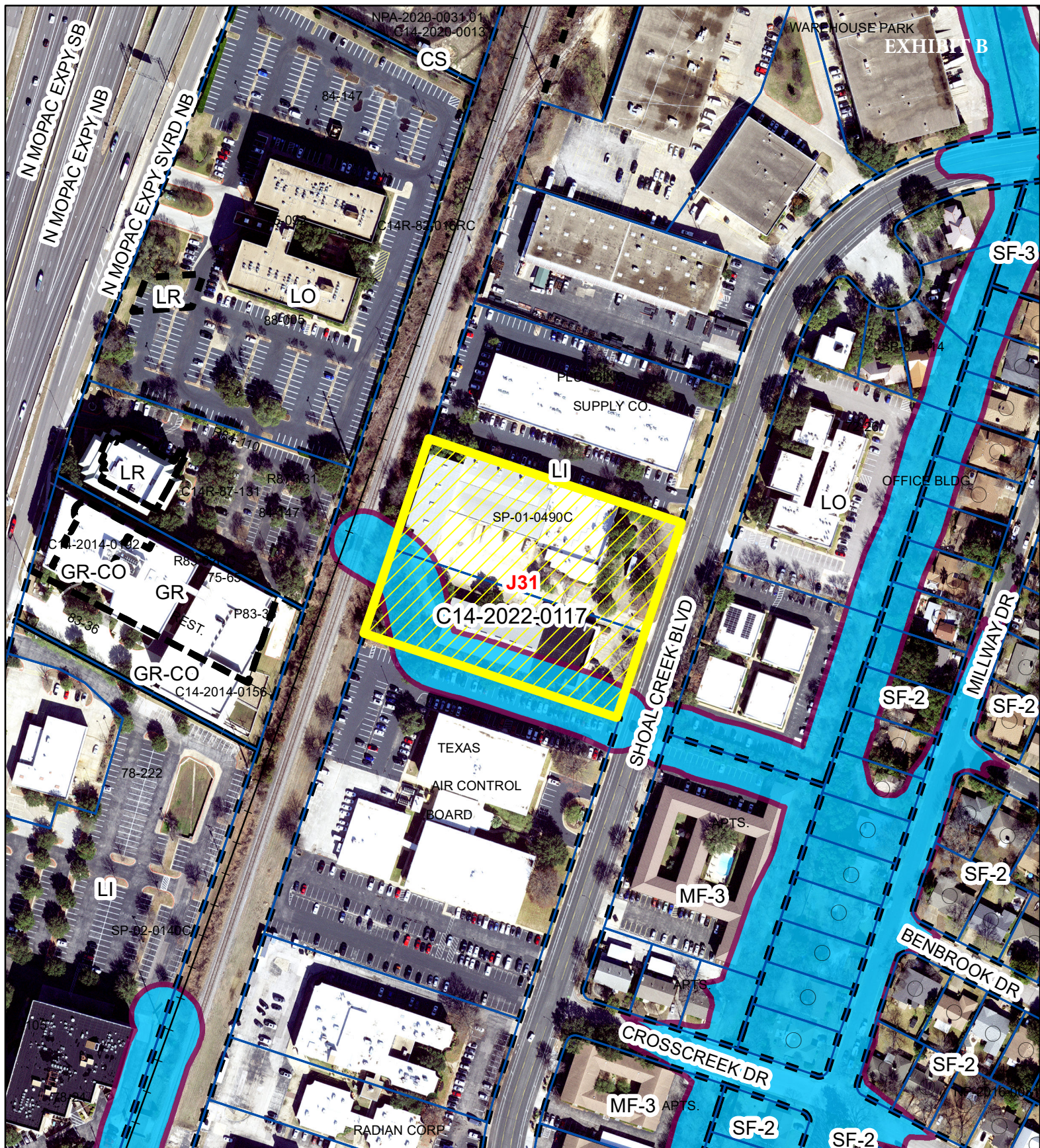
1" = 400'

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Created: 8/30/2022



8640 and 8700 Shoal Creek Blvd

ZONING CASE#: C14-2022-0117
 LOCATION: 8640 & 8700 Shoal Creek Blvd
 SUBJECT AREA: 3.1047 Acres
 GRID: J31
 MANAGER: Sherri Sirwaitis



Created: 8/30/2022
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DAVID HARTMAN
PARTNER

Direct Line 512.225.1704 • Direct Fax 512.225.1714
Email dhartman@smith-robertson.com

August 18, 2022

Rosie Truelove, Director
Housing and Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Rezoning and Neighborhood Plan Amendment Applications for 3.1047 acres located at 8640 and 8700 Shoal Creek Boulevard, Austin, Texas ("Property")

Dear Ms. Truelove:

We respectfully submit the enclosed Zoning and Neighborhood Plan Amendment (NPA) applications for 8640 and 8700 Shoal Creek Boulevard as representatives of the owner of the above stated Property.

The Property consists of two lots totaling approximately 3.1047 acres, comprised of an vacant office building and related structures. The current zoning of the Property is LI (Limited Industrial Services), and we are requesting LI-PDA (Limited Industrial Services-Planned Development Area) zoning for the entire Property to authorize a proposed multifamily development and associated parking. The proposed Planned Development Area standards for the Property in connection with the zoning application are set forth on attached Exhibit "A". Surrounding zoning includes MF-3, LO, LR, GR, and GR-CO. This rezoning request is consistent with surrounding land uses including multifamily residential to the northeast, east and southeast.

The Property is located within North Shoal Creek Neighborhood Plan Area. The Future Land Use Map shows the Property as Industry, therefore the NPA application is also requested to change the FLUM designation to "Mixed-Use Activity Corridor." The North Shoal Creek Neighborhood Plan Contact Team has voted to consent to file this out-of-cycle NPA, pursuant to the 8/1/22 email from J. Menegay, Contact Team Chair.

A Traffic Impact Analysis has been waived per the TIA Determination Worksheet dated 8-17-2022 from Justin Good, P.E., stating that a TIA is not required.

If you have any questions about these applications or need additional information, please do not hesitate to contact me at your convenience. We look forward to working with you to provide much needed housing for the City.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David Hartman", written over a horizontal line.

David Hartman

cc: Wendy Rhoades, Housing and Planning Department, via electronic mail
Maureen Meredith, Housing and Planning Department, via electronic mail
Ben Browder, OHT Partners, via electronic email

Exhibit "A"

Proposed Planned Development Area Development Standards for the 8640 and 8700 Shoal Creek Boulevard

The Proposed Planned Development Area standards for the Property in connection with the zoning application are as follows:

A. Uses. All permitted, conditional, and prohibited uses under LI zoning are permitted, conditional, and prohibited uses for the LI-PDA zoning for the subject tract with the following modifications in Section A(1) and A(2) below.

1. Permitted Uses. The following uses are additional permitted uses:

- a) Bed and breakfast residential (Group 1)
- b) Bed and breakfast residential (Group 2)
- c) Condominium residential
- d) Multifamily residential
- e) Townhouse residential
- f) Hospital services (Limited)

2. Prohibited Uses. The following uses are prohibited as principal uses:

- a) Monument retail sales
- b) Scrap and salvage
- c) Basic industry
- d) General warehousing and distribution
- e) Light manufacturing
- f) Recycling center
- g) Resource extraction

B. Site Development Standards. LI site development standards apply to the LI-PDA zoning for the subject tract, with the following modifications in Section B(1)-B(6) below.

- 1. Maximum Height: 75'
- 2. FAR: None
- 3. Impervious Coverage: 80%
- 4. Building Coverage: 75%
- 5. Setbacks:
 - a) Front yard: 0'
 - b) Street side yard: 0'
 - c) Interior side yard: 0'
 - d) Rear yard setback: 0'
- 6. There are no minimum site area requirements for residential uses.



David Hartman
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 303 Colorado, Suite 2300
 Austin, TX 78701
www.dbcllp.com

January 6, 2023

Ms. Sherri Sirwaitis, Planner Senior
 Housing & Planning Department
 City of Austin
 1000 E. 11th Street, Suite 200
 Austin, Texas 78702

Re: **Applicant's Additional Permitted and Prohibited Uses & confirming LI setbacks, LI-PDA Zoning Application, 8640 and 8700 Shoal Creek (#C14-2022-0117 and #NPA-2022-0031.1)**

Dear Sherri:

Thanks for the feedback by you and other Housing & Planning staff during recent meetings with our project team about the above-referenced applications. I'm writing to memorialize the following commitments on behalf of the Applicant.

1. Applicant's Additional Permitted Uses per 8/25/2022 LI-PDA Zoning Application;
 - a. Bed and breakfast residential (Group 1)
 - b. Bed and breakfast residential (Group 2)
 - c. Condominium residential
 - d. Multifamily residential
 - e. Townhouse residential
 - f. Hospital services (Limited)
2. Applicant's Prohibited Uses pursuant to 8/25/2022 LI-PDA Zoning Application;
 - a. Monument retail sales
 - b. Scrap and salvage
 - c. Basic industry
 - d. General warehousing and distribution
 - e. Light manufacturing
 - f. Recycling center
 - g. Resource extraction
3. Applicant's Additional Agreed Prohibited Uses;
 - a. Adult Oriented Businesses
 - b. Agricultural Sales and Services
 - c. Automotive Repair Services
 - d. Automotive Washing (of any type)

- e. Bail Bond Services
 - f. Club or Lodge
 - g. Commercial Off-Street Parking
 - h. Construction Sales and Services
 - i. Drop Off Recycling Collection Facility
 - j. Equipment Repair Services
 - k. Equipment Sales
 - l. Exterminating Services
 - m. Funeral Services
 - n. Kennels
 - o. Liquor Sales
 - p. Off-Site Accessory Parking
 - q. Outdoor Entertainment
 - r. Outdoor Sports and Recreation
 - s. Research Services
 - t. Service Station
 - u. Vehicle Storage
 - v. Limited Warehouse and Distribution
4. Setbacks: The Applicant agrees to setbacks pursuant to LI (Limited Industrial Services) zoning development standards. LDC Sect. 25-2-601 provides that the minimum interior yard setback and rear setback is 10 feet, if adjacent to property zoned as or used for a use permitted in an L or less restrictive district.

Thank you for your attention to this request.

Regards,



David Hartman

cc: Joi Harden
Ben Browder

1/6/2023

Applicant's Agreed Permitted/Conditional/Prohibited Uses LI-PDA Zoning Application
8640 AND 8700 SHOAL CREEK BLVD
C14-2022-0117 and NPA-2022-0033.01
ZONING USE SUMMARY TABLE

P = Permitted C = Conditional Use Permit N = Not Permitted
 PC = Permitted in district, but under some circumstances may be conditional
 CP = Conditional in the district, but under some circumstances may be permitted

	LI (Limited Industrial)
<i>Residential Uses</i>	
Bed & Breakfast (Group 1)	P P
Bed & Breakfast (Group 2)	P P
Condominium Residential	P P
Conservation Single Family Residential	N
Duplex Residential	N
Group Residential	N
Mobile Home Residential	N
Multifamily Residential	P P
Retirement Housing (Small Site)	N
Retirement Housing (Large Site)	N
Single-Family Attached Residential	N
Single-Family Residential	N
Small Lot Single-Family Residential	N
Townhouse Residential	P P
Two-Family Residential	N
Short-Term Rental	N
<i>Commercial Uses</i>	
Adult-Oriented Business	N
Administrative and Business Offices	P
Agricultural and Sales and Services	P N
Alternative Financial Services	N
Art Gallery	P
Art Workshop	P
Automotive Rentals	P
Automotive Repair Services	P N
Automotive Sales	P
Automotive Washing (of any type)	P N
Bail Bond Services	PC N

	LI (Limited Industrial)
Building Maintenance Services	P
Business or Trade School	P
Business Support Services	P
Campground	P
Carriage Stable	N
Cocktail Lounge	N
Commercial Blood Plasma Center	N
Commercial Off-Street Parking	Ⓢ N
Communication Services	P
Construction Sales and Services	Ⓢ N
Consumer Convenience Stores	P
Consumer Repair Services	N
Convenience Storage	P
Drop-Off Recycling Collection Facility	Ⓢ N
Electronic Prototype Assembly	P
Electronic Testing	P
Equipment Repair Services	Ⓢ N
Equipment Sales	Ⓢ N
Exterminating Services	Ⓢ N
Financial Services	P
Food Preparation	P
Food Sales	P
Funeral Services	Ⓢ N
General Retail Sales (Convenience)	P
General Retail Sales (General)	P
Hotel-Motel	P
Indoor Entertainment	P
Indoor Sports and Recreation	P
Kennels	Ⓢ N
Laundry Services	P
Liquor Sales	€ N
Marina	N
Medical Offices -- exceeding 5,000 sq. ft. gross floor area	P
Medical Offices -- not exceeding 5,000 sq. ft. gross floor area	P

	LI (Limited Industrial)
Monument Retail Sales	P
Off-Site Accessory Parking	Ⓟ N
Outdoor Entertainment	Ⓜ N
Outdoor Sports and Recreation	Ⓟ N
Pawn Shop Services	N
Pedicab Storage and Dispatch	P
Personal Improvement Services	P
Personal Services	P
Pet Services	N
Plant Nursery	P
Printing and Publishing	P
Professional Office	P
Recreational Equipment Maintenance & Storage	N
Recreational Equipment Sales	N
Research Assembly Services	N
Research Services	Ⓟ N
Research Testing Services	N
Research Warehousing Services	N
Restaurant (General)	P
Restaurant (Limited)	P
Scrap and Salvage	Ⓜ N
Service Station	Ⓟ N
Software Development	P
Special Use Historic	N
Stables	N
Theater	P
Vehicle Storage	Ⓟ N
Veterinary Services	P
Industrial Uses	
Basic Industry	Ⓟ N
Custom Manufacturing	P
General Warehousing and Distribution	Ⓟ N
Light Manufacturing	Ⓟ N
Limited Warehousing and Distribution	Ⓟ N
Recycling Center	Ⓟ N

	LI (Limited Industrial)
Resource Extraction	P N
<i>Agricultural Uses</i>	
Animal Production	N
Community Garden	P
Crop Production	N
Horticulture	N
Indoor Crop Production	P
Support Housing	N
Urban Farm	P
<i>Civic Uses</i>	
Administrative Services	N
Aviation Facilities	N
Camp	N
Cemetery	N
Club or Lodge	E N
College and University Facilities	P
Communication Service Facilities	P
Community Events	8*
Community Recreation (Private)	P
Community Recreation (Public)	P
Congregate Living	P
Convalescent Services	N
Convention Center	N
Counseling Services	P
Cultural Services	P
Day Care Services (Commercial)	P
Day Care Services (General)	P
Day Care Services (Limited)	P
Detention Facilities	N
Employee Recreation	P
Family Home	N
Group Home, Class I (General)	P
Group Home, Class I (Limited)	P
Group Home, Class II	P

* 8-Refers to 25-2-842

	LI (Limited Industrial)
Guidance Services	N
Hospital Services (General)	N
Hospital Services (Limited)	N P
Local Utility Services	P
Maintenance and Service Facilities	P
Major Public Facilities	N
Major Utility Facilities	N
Military Installations	N
Park and Recreational Services (General)	N
Park and Recreational Services (Special)	N
Postal Facilities	N
Private Primary Educational Facilities	N
Private Secondary Educational Facilities	N
Public Primary Educational Facilities	N
Public Secondary Educational Facilities	N
Railroad Facilities	P
Religious Assembly	P
Residential Treatment	P
Safety Services	P
Telecommunication Tower	PC
Transitional Housing	C
Transportation Terminal	C
All Other Civic Uses	N

November 11, 2022

To: City of Austin Planning Commission and City Council Members

Re: Proposed Neighborhood Plan Amendment Case (NPA-2022-0031.01) and Rezoning (C14-2022-117) for 8640 & 8700 Shoal Creek Boulevard.

This letter is in response to the above-referenced Neighborhood Plan Amendment (NPA) and Rezoning applications initiated by David Hartman on behalf of OHT Partners for the property located at 8640 & 8700 Shoal Creek Boulevard in Austin, Texas. The property is currently vacant and zoned “LI” (Limited Industrial Services), and the Future Land Use Map/Character District of the North Shoal Creek Neighborhood Plan designates the tract as “Industry.” The applicant is seeking to rezone the property to LI-PDA (Planned Development Agreement) and amend the FLUM/Character District to Mixed-Use Activity Corridor in order to proceed with development of a multifamily development.

Members of the North Shoal Creek Neighborhood Plan Contact Team (NSCNPCT), along with members of the North Shoal Creek Neighborhood Association (NSCNA) and other interested parties initially met with the applicant’s representatives to discuss these applications on September 1, 2022, and again in the City hosted community virtual meeting on October 4, 2022. Members of the NSCNPCT and NSCNA also met with the applicant October 20, 2022. Members of the Contact Team met with the applicant on October 12, October 19 and November 7, 2022. There have been numerous telephone conversations as well. This dialogue between members of the applicant’s development team and members of our community included discussion of many facets of the proposed development. A key component of these conversations has been to focus on solutions the development team have agreed to provide for the proposed development. The team has worked with us in a collaborative manner to address issues we have raised. We have enclosed the applicant’s list of Proposed Development Standards to be incorporated with the approval of this project, as agreed with the applicant, and the NSCNPCT.

The North Shoal Creek Neighborhood Plan (NSCNP) added approximately 151 acres that could be used as housing, focusing on the perimeter of NSCNP including Shoal Creek Boulevard. As such, the proposed multifamily development fulfills and enhances the vision of the NSCNP. Although the Neighborhood Plan reflects on page 34 that the “Mixed-Use Activity Corridor: Pedestrian-oriented mixed-use, residential or commercial buildings, with a variety of heights up to 5 stories” due to changes which have occurred since the plan was written and approved, and the current emphasis on additional housing, the Contact Team believes that the increased height of 75 feet is warranted.

Further, the proposed multifamily project also meets the following NSCNP Housing Opportunity Goals and Policies:

Housing Goal: Maintain a balance of housing types for a variety household sizes and incomes.

Housing Policy 1 (HP1): Meet the housing needs of people of all races/ethnicities, ages, abilities, and other protected classes with a variety of housing options within North Shoal Creek.

Housing Policy 2 (HP2): Encourage and support a range of affordable housing in appropriate locations.

Housing Policy 3 (HP3): Encourage location of residential units near transit to improve overall housing and transportation affordability.

It is noted that the Character District (Future Land Use) *Allowed Zones* on page A15 of the Neighborhood Plan shows that PDA is an allowed use under Mixed-Use Activity Corridor.

The North Shoal Creek Neighborhood Plan Contact Team met on October 20, 2022 and again on November 10, 2022 in accordance with our bylaws to discuss the applicant's proposed future land use amendment from Industry to Mixed-Use Activity Corridor and rezoning from "LI" (Limited Industrial Services), to LI-PDA (Planned Development Agreement). On November 10, 2022 The Contact Team approved a resolution to recommend approval of the proposed North Shoal Creek Neighborhood Plan Amendment, NPA-2022-0031.01—To amend the future land use map (FLUM) from Industry to Mixed-Use Activity Corridor land use of 8640 and 8700 Shoal Creek Blvd and that the proposed rezoning of 8640 and 8700 Shoal Creek Blvd, **C14-2022-0177—To change the zoning on the property from LI-NP (Limited Industrial Services—Neighborhood Plan) to LI-PDA-NP (Limited Industrial Services—Planned Development Area—Neighborhood Plan)** including the attached Proposed Development Standards for a proposed multifamily apartment complex and associated parking contingent upon ten percent (10 %) of the housing units be affordable at 80 % MFI.

A copy of the resolution is enclosed.

For the reasons discussed above, we support the proposed redevelopment of these vacant tracts to a multifamily development. We support the applicant's request to rezone from LI to LI-PDA including the attached Proposed Development Standards, and the request to change the FLUM/Character District from Industry to Mixed Use Activity Corridor to provide much needed apartments (including affordable units) to meet the City's growing demand for housing.

Sincerely,

Jon Menegay
Jon Menegay,
Chair, NSC NP Contact Team

Enclosures

1. Contact Team Resolution
2. Proposed Development Standard

Enclosure 1

RESOLUTION REGARDING PROPERTY AT 8640 AND 8700 SHOAL CREEK BLVD

Be it resolved that the North Shoal Creek Neighborhood Plan Contact Team recommends that

The proposed North Shoal Creek Neighborhood Plan Amendment, NPA-2022-0031.01—To amend the future land use map (FLUM) from Industry to Mixed-Use Activity Corridor land use be approved and that

The proposed rezoning of 8640 and 8700 Shoal Creek Blvd, **C14-2022-0177**— To change the zoning on the property from **LI-NP (Limited Industrial Services—Neighborhood Plan)** to **LI-PDA-NP (Limited Industrial Services—Planned Development Area—Neighborhood Plan)** for a proposed multifamily apartment complex and associated parking be approved and that

This recommendation is contingent upon ten percent (10 %) of the housing units be affordable at 80 % MFI.

Approved November 10, 2022

PROPOSED DEVELOPMENT STANDARDS

8640 & 8700 North Shoal Creek Blvd. (C14-2022-117, NPA-2022-0031.01)

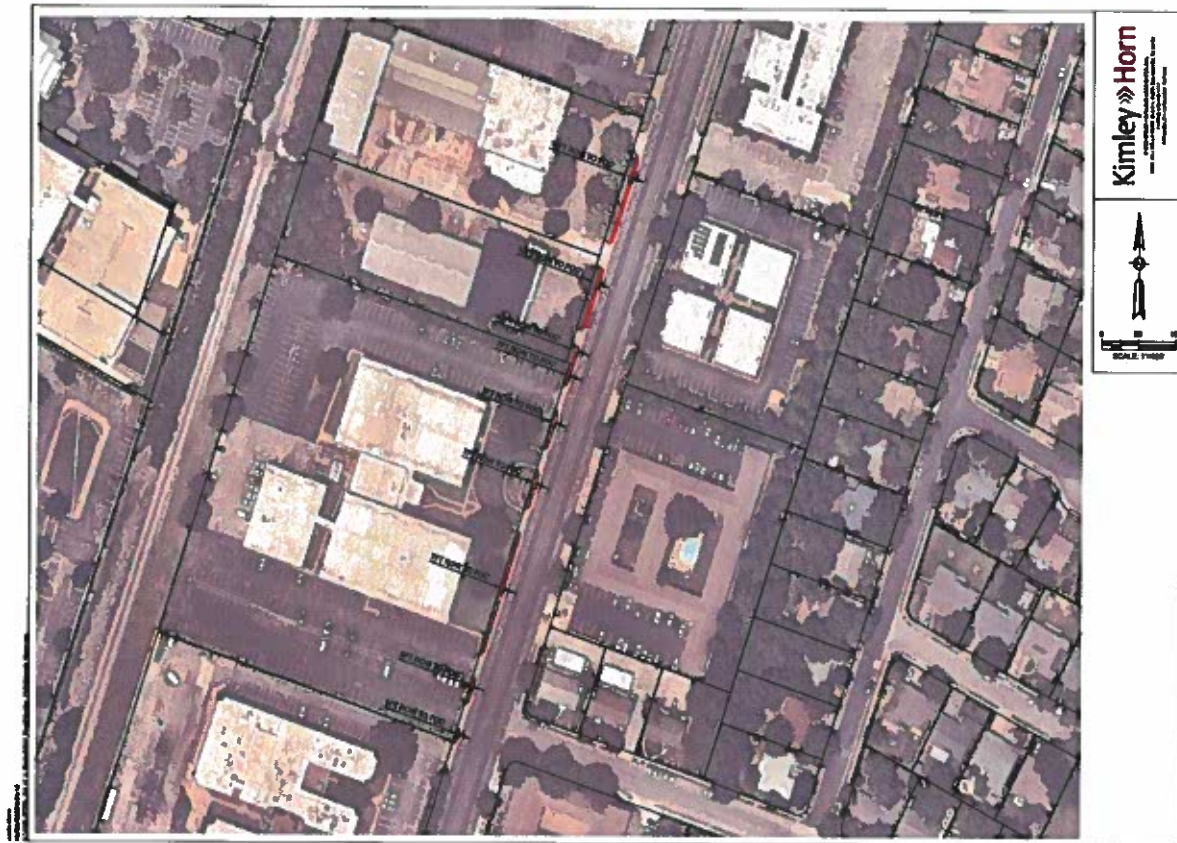
- 1). Approximately 330 Multifamily Units.
- 2) Project shall provide 10% of total units affordable at 80% MFI.
- 3) Maximum height of 75' (6 stories).
- 4) Onsite detention and water quality pond will comply with current City Code (currently no detention or water controls).
- 5). At time of site plan application, applicant will take commercially reasonable efforts to incorporate installation or funding of sidewalks along the west side of Shoal Creek Boulevard as agreed by the Austin Transportation Department ("ATD"), as generally shown on attached Exhibit "A".

Exhibit A

copy

Exhibit "A"

Potential Sidewalk Improvements Along the West Side of
Shoal Creek Boulevard (Subject to City of Austin/ATD approval).



Signature: Jon Menegay
Jon Menegay (Nov 12, 2022 21:39 CST)

Email: jon.menegay@gmail.com

From: [aleda.thweatt](#)
To: [Sirwaitis, Sherri](#)
Subject: Case C14-2022-0117
Date: Monday, February 27, 2023 3:04:40 PM

*** External Email - Exercise Caution ***

February 27, 2023

Dear Ms. Sirwaitis,

I received the Public Hearing Comment Form pertaining to case number C14-2022-0117 in the mail. The hearing is to be held on Feb. 28, 2023 with the Planning Commission. My form says you, Ms Sirwaitis, are the contact person in this matter.

I OBJECT to the zoning change for the following reasons:

1. This section of Shoal Creek from 8200-8900 allows only two lanes for vehicle traffic with a bicycle lane on each side. Originally, there were 4 lanes for traffic use before the bicycle lanes were added years ago. The changing of the zoning from an Industry District to a Mixed-Use Activity Corridor will increase the traffic flow tremendously on this section of Shoal Creek. It is already very difficult to exit my neighborhood on to Shoal Creek now. There are no traffic lights only stop signs. One located on Mossrock Dr. and the other is on Crosscreek Dr. A traffic impact analysis is not required as I understand but not to do one in this area seems ludicrous. Shoal Creek is a major street to MOPAC as well as to Hwy.183.
2. The small businesses presently on Shoal Creek will over time be forced to relocate outside of Austin or close permanently due to this zoning change. More developers will want to build additional apartments forcing these businesses to close. These small businesses provide a service to my neighborhood as well as to this area of Austin. Small businesses are what makes my neighborhood unique and over the years these businesses have been good neighbors.
3. There are no sidewalks for pedestrian use at all on either side of Shoal Creek. Currently the people who walk, jog for exercise or walk their dogs on this section of Shoal Creek must walk in the bike lanes or on the street. The increasing of traffic caused by a zoning change would create walking even more hazardous to pedestrians than it is now as well as those who bike along this section.
4. LI is intended to be for manufacturing businesses on moderately sized sites. Building apartments will not be on moderately sized lots. The Karnak Holdings, LLC and Robert Lum are wanting to build their apartments on 3 acres of land!

I am asking the Planning Commission to DENY this requested change from Limited Industrial Service to a Planned Development Area combining district by Karnark Holdings and Robert LUM.

Sincerely,

Aleda Thweatt
aledathweatt@yahoo.com
8708 Millway Dr.
Austin, Texas 78757

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:
<https://bit.ly/ATXZoningComment>



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.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0117

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: February 28, 2023, Planning Commission

PATRICIA SULLIVAN

Your Name (please print)

☐ I am in favor
☒ I object

8912 MILLWAY DRIVE, AUSTIN

Your address(es) affected by this application (optional)

Patricia Sullivan

Signature

2/21/23

Date

Daytime Telephone (Optional): 512-458-4480

Comments: See attached notes

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

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

sherri.sirwaitis@austintexas.gov

Comments: case # C14-2022-0017

1. We worked very hard on our neighbor-hood plan - which was approved. And, now, this complete disruption.
2. I am concerned this change is an precedence, indication of things to come for all of Shoal Creek Boulevard - and, our small neighborhood and the businesses that thrive here.
3. I am very concerned about the east side of Shoal Creek Blvd and its future.
4. This change will cause drainage issues with more impervious cover. Are the developers required to address this - prevent run off?
5. Traffic - Two lanes on Shoal Creek ^{Blvd} have been restriped as bike lanes. So, basically, it is a 2 (two) lane street. Those apartment dwellers will have cars.

get to
② Shoal Creek Blvd is the street to ^{get to} MoPac.
Drivers can and will use Cross Creek instead of Steek Avenue because there are no signals.
Properly it now: A new apartment dwelling is on Burnet Road + Rockwood. - There is a school on Cross Creek - Pillow.

North
(b) 5:10 PM or so - a line forms on Shoal Creek for drivers to get to Burnet Road. ^{North} Line for residents to get home.

(c) Due to accessible bike transportation at 9100 Reservoir + 2900 Shoal Creek the intersection is not safe. Have had to back up for some trucks entering Shoal Creek Blvd.

Thank you for
"listening"

Patricia Sullivan

View results

Respondent

147

Anonymous

06:43

Time to complete

1. What is the Zoning/Rezoning Case Number? *

Only Zoning/Rezoning Cases open for public comment at this time are available in this list. Not all cases may be scheduled on the PC/ZAP agendas at this time, but here are helpful links to those agendas.

You can find Zoning and Platting Commission Agendas here:

http://austintexas.gov/cityclerk/boards_commissions/meetings/54_1.htm

You can find Planning Commission Agendas here:

http://austintexas.gov/cityclerk/boards_commissions/meetings/40_1.htm

C14-2022-0117 (8640 and 8700 Shoal Creek Boulevard)✓

2. Your name (providing this information will be part of the public record and will be available online)

3. Your address (providing this information will be part of the public record and will be available online)

4. Your zip code (providing this information will be part of the public record and will be available online)

78757

5. Position on Zoning/Rezoning *

I object



6. Daytime telephone number (providing this information will be part of the public record and will be available online)

7. Comments

This project will increase traffic flow and residential noise and has the potential to increase rain water runoff into shoal creek and cause more flooding