

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2012-0149

**Z.A.P. DATE:** January 15, 2013

**ADDRESS:** 8200 North Mopac Expressway South Bound

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

**AGENT:** Thrower Design (A. Ron Thrower)

**ZONING FROM:** LO

**TO:** LR

**AREA:** 0.086 acres

### SUMMARY STAFF RECOMMENDATION:

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

### ZONING AND PLATTING COMMISSION RECOMMENDATION:

### 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 bank (Financial 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, etc.)
West	LO	Condominiums (The Arbors)

**AREA STUDY:** N/A

**TIA:** Not Required

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**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 Monorail Project  
 Austin Neighborhoods Council  
 Balcones Civic Association  
 Balcones West Neighborhood Association  
 Greater Northcross Area  
 Home Builders Association of Greater Austin  
 Homeless Neighborhood Association  
 League of Bicycling Voters  
 North Austin Neighborhood Alliance  
 North Shoal Creek Neighborhood Association  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Summerwood II HOA of Austin, Inc.  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
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 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> .	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); Spelman-1 <sup>st</sup> , Martinez-2 <sup>nd</sup> .

**RELATED CASES:** N/A

**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:** February 14, 2013

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

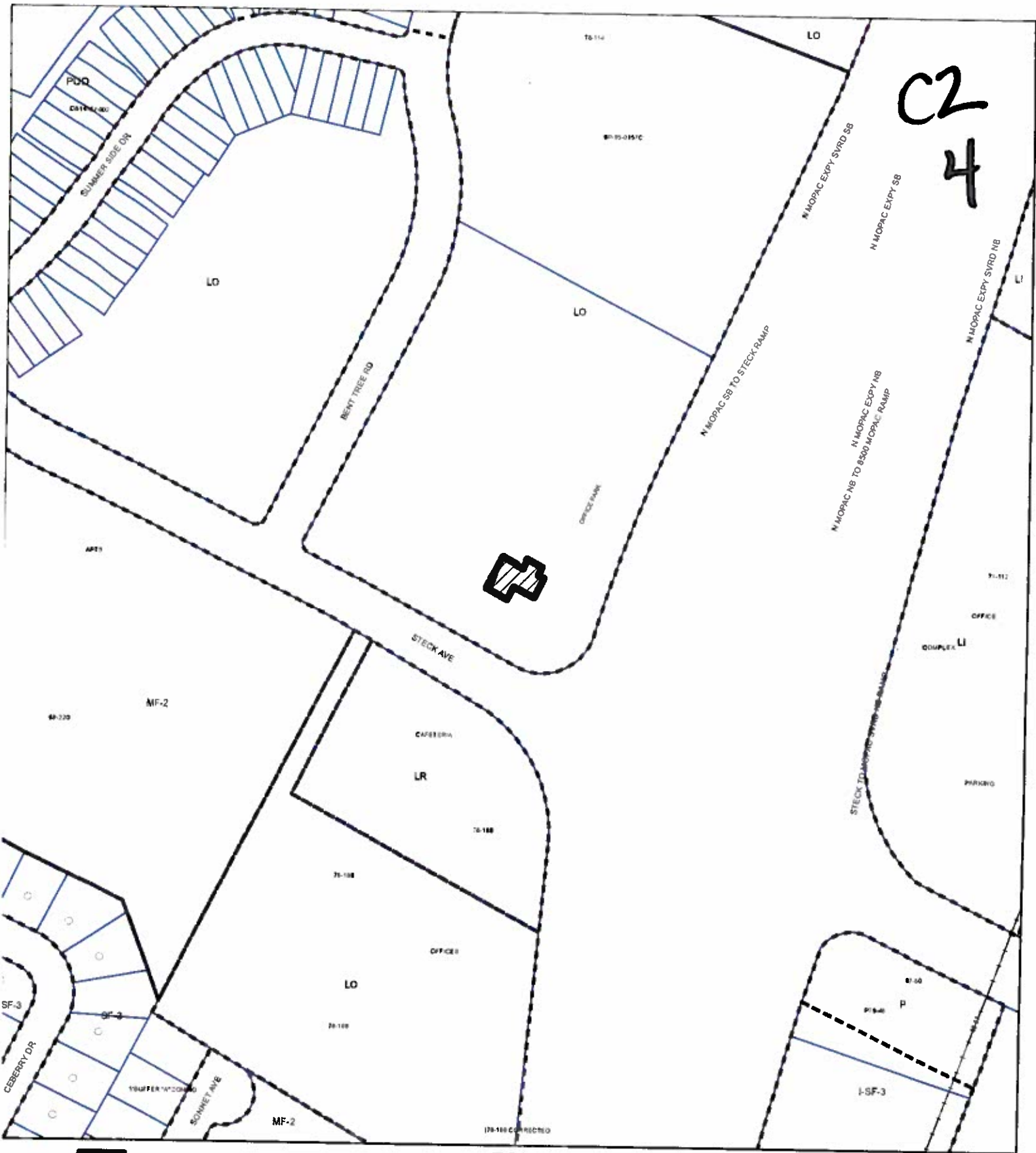
3<sup>rd</sup>

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

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### ZONING

ZONING CASE#: C14-2012-0149

N  
  
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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









## STAFF RECOMMENDATION

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

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## 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

This zoning case is located on the west side of the North Mopac Expressway, on the north side of Steck Avenue. The property contains a large multi-storied office building. The proposed use is financial services. This rezoning is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes an office building to the north, a restaurant and offices to the south, a multi-family apartment complex to the west, and Mopac Expressway to the east.

The property is located just 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

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smallest and least intense of the three types of activity centers outlined in the Growth Concept Map. Of the three, these will have a more local focus. Businesses and services—doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses commercial development:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on the property being located adjacent to a neighborhood center; adjacent to Mopac Expressway; and the Imagine Austin policies referenced above, staff believes that the proposed commercial use is consistent with the Imagine Austin Comprehensive Plan.

### **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.

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

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 sq. ft. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

No trees are located within the proposed rezoning area 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **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.

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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.

### **Site Plan/Compatibility Standards**

Alternative Financial Services not permitted in same structure with other uses.

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.

### **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]

Existing Street Characteristics:

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

### **Water and Wastewater**

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.



## 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:

[www.austintexas.gov](http://www.austintexas.gov)

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: C14-2012-0149

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan 15, 2013, Zoning and Platting Commission

Feb 14, 2013, City Council

Blaine A. Helwig  
Your Name (please print)

☐ I am in favor  
☒ object

8210 BENT TREE RD #210

Your address(es) affected by this application

Blaine A. Helwig

Signature

12/21/2012

Date

Daytime Telephone: 512-669-3678

Comments: I AM AGAINST THE DECISION

TO REZONE. THE INCREASED FOOT TRAFFIC  
AS WELL AS VEHICULAR TRAFFIC THROUGH  
AN AREA A RESIDENTIAL AREA WILL  
HAVE NEGATIVE PROPERTY VALUE IMPLICATION  
AS WELL AS QUALITY OF LIFE IN THE  
NEIGHBORHOOD. THE PROPERTY SHOULD NOT  
BE REZONED BASED ON A OWNER'S LACK  
OF REVENUE STREAMS ON THEIR CURRENT  
PROPERTY. THIS ACTION SHOULD BE DENIED.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Thank you  
Blaine A. Helwig  
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Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Jan 15, 2013, Zoning and Planning Commission

Feb 14, 2013, City Council

Your Name (please print)

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

Comments:

Change of zoning  
Merris Daskale  
changing in building  
Merris Daskale  
in income, meaning  
more people and  
more traffic, +  
stock is too congested  
with cars + traffic as it is  
now.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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