

## SECOND/THIRD READING SUMMARY SHEET

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

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 8611 North Mopac Expressway from commercial-liquor sales (CS-1) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning.

The ordinance reflects the conditions imposed by the City Council on 1<sup>st</sup> reading.

**DISTRICT AREA:** 10

**PROPERTY OWNER:** 8611 MoPac Investors , LP

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

**DEPARTMENT COMMENTS:**

The property in question is developed an indoor entertainment use (Shoal Crossing Event Center). There are office uses to the north of the site (Chancellor Centre) and across the railway to the east (Texas Department of Criminal Justice). To the west is the North Mopac Expressway. The tract of land to south is developed with an automotive repair use (NTB- National Tire & Battery). The applicant is requesting downzoning of the building footprint to GR, Community Commercial District, zoning to provide for uniform site development regulations with the surrounding parking area that was recently rezoned through zoning case C14-2014-0156.

The staff recommends GR-CO zoning for this property because it meets the intent of the 'GR' district as it fronts onto a major arterial roadway, North Mopac Expressway (Loop 1). The proposed zoning is consistent with existing zoning patterns in this area because there is commercial (LR, GR, GR-CO) zoning to the north, south and west and industrial zoning (LI) to the south and east of this site. The GR zoning district would allow for a fair and reasonable use of the site because it would make it possible for the applicant to redevelop a site that fronts onto a major arterial roadway with office/commercial uses.

The applicant agrees with the City Council's recommendation at 1<sup>st</sup> reading.

**DATE OF FIRST READING/VOTE:** February 12, 2015/ Approved GR-CO zoning, with additional conditions, on consent on 1<sup>st</sup> reading (11-0), A. Kitchen-1<sup>st</sup>, S. Gallo-2<sup>nd</sup>.

**CITY COUNCIL DATE:** February 26, 2015

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

**PHONE:** 512-974-3057

sherri.sirwaitis@ austintexas.gov

## **ZONING CHANGE REVIEW SHEET**

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

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

**ADDRESS:** 8611 North Mopac Expressway

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

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

**ZONING FROM:** CS-1

**TO:** GR\*

**AREA:** 0.24 acres  
(approximately 10,419 sq. ft.)

\*On February 4, 2015, the applicant sent an e-mail to the staff stating that the applicant has agreed with the neighborhood to add a prohibition of the following uses on the property through the conditional overlay in this re-zoning case (Please see Applicant's Correspondence - Attachment A): Bed & Breakfast (Group 1), Bed & Breakfast (Group 2), Alternative Financial Services, Art Gallery, Art Workshop, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Consumer Convenience Services, Consumer Repair Services, Drop-Off Recycling Collection Facility, Exterminating Services, Food Preparation, Food Sales, Funeral Services, General Retail Sales (Convenience), General Retail Sales (General), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Pedicab Storage and Dispatch, Personal Improvement Services, Personal Services, Pet Services, Plant Nursery, Printing and Publishing, Research Services, Restaurant (General), Restaurant (Limited), Service Station, Special Use Historic, Theater, Custom Manufacturing, Community Garden, Urban Farm, Club or Lodge, College and University Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Congregate Living, Counseling Services, Cultural Services, Day Care Services (Commercial), Day Care Services (General), Day Care Services (Limited), Family Home, Group Home-Class I (General), Group Home-Class I (Limited), Group Home-Class II, Guidance Services, Hospital Services (General), Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment, Safety Services.

**DISTRICT AREA:** 10

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

### **PLANNING COMMISSION RECOMMENDATION:**

1/13/15: Approved the staff's recommendation of GR-CO zoning by consent (8-0, S. Oliver-absent); J. Stevens-1<sup>st</sup>, R. Hattfield-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is developed an indoor entertainment use (Shoal Crossing Event Center). There are office uses to the north of the site (Chancellor Centre) and across the railway to the east (Texas Department of Criminal Justice). To the west is the North Mopac Expressway. The tract of land to south is developed with an automotive repair use (NTB- National Tire & Battery). The applicant is requesting downzoning of the building footprint to GR, Community Commercial District, zoning to provide for uniform site development regulations with the surrounding parking area that was recently rezoned through zoning case C14-2014-0156.

The staff recommends GR-CO zoning for this property because it meets the intent of the 'GR' district as it fronts onto a major arterial roadway, North Mopac Expressway (Loop 1). The proposed zoning is consistent with existing zoning patterns in this area because there is commercial (LR, GR, GR-CO) zoning to the north, south and west and industrial zoning (LI) to the south and east of this site. The GR zoning district would allow for a fair and reasonable use of the site because it would make it possible for the applicant to redevelop a site that fronts onto a major arterial roadway with office/commercial uses.

The applicant agrees with the Zoning and Platting Commission's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-1	Indoor Entertainment Use (Shoal Crossing Event Center)
<i>North</i>	LO	Office (Chancellor Centre)
<i>South</i>	LI	Automotive Repair (NTB- National Tire & Battery)
<i>East</i>	GR-CO, LI	Parking Area, Railway, Office (Texas Department of Criminal Justice)
<i>West</i>	MoPac Expressway, GR, GR-CO	Food Sales, Personal Services, Office (Westhover Square: Hydridge Grocery, Tina Q's Salon, Medusa Skates, Allstate Insurance)

**AREA STUDY:** Burnet Road, Anderson Lane and the North Shoal Creek Neighborhood Planning Area

**TIA:** Waived

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Independent School District  
Austin Neighborhoods Council  
Balcones Civic Association  
Bike Austin  
Friends of the Emma Barrientos MACC  
Friends of North Shoal Creek

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

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0156 (MoPac Rezoning: 8611 ½ and 8627 North Mopac Expressway)	LO to GR	11/12/14: Approved staff rec. of GR-CO zoning on consent (8-0, L. Varghese-absent); R. Hattfield- 1 <sup>st</sup> , B. Roark-2 <sup>nd</sup> .	11/20/14: Approved GR-CO zoning, with additional conditions agreed to by the applicant and the neighborhood, on consent on 1 <sup>st</sup> reading (7-0)  12/16/14: Approved GR-CO zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0)
C14-2010-0164 (8610 North Mopac Rezoning)	LR-CO to GR	11/16/10: Approved GR-CO zoning on consent, with the following additional conditions offered by the applicant: No Pawn Shop Services use and a public restrictive covenant to state that business will be closed during the hours of 10:00 p.m. to 6:00 a.m. (6-0, Banks-absent); P. Seeger-1 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> .	12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2007-0085 (8888 Tallwood Drive)	CS to CS-MU	7/30/07: Approved staff rec. for CS-MU-CO with conditions (8-0)	8/09/07: Approved CS-MU-CO zoning, with CO to prohibit Adult Oriented Businesses and a 2,000 vehicle trip limit per day
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:** C14-83-062 (previous zoning case)  
C14-2014-0156 (adjacent zoning case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Loop 1 (Mopac)	310'	220'	Freeway	No	Yes	No

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

**ACTION:** Approved GR-CO zoning, with the additional conditions agreed to by the applicant and neighborhood, on consent (11-0); A. Kitchen-1<sup>st</sup>, S. Gallo-2<sup>nd</sup>.

February 24, 2015

**ACTION:**

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

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

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

## STAFF RECOMMENDATION

The staff recommendation is to recommend GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

## BASIS FOR RECOMMENDATION

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

The Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property under consideration is accessible from major traffic ways as it fronts onto the feeder street North Mopac Expressway.

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

The proposed zoning would be consistent with existing zoning patterns in this area because there is commercial (LR, GR-CO, GR) zoning to the north, south and west and industrial zoning (LI) to the south and east of this site.

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

The GR, Community Commercial, zoning district would allow for a fair and reasonable use of the site because it would provide consistent site development regulations over the entire property (the existing structure and surrounding parking area). Thereby, making it possible for the applicant to redevelop a site that fronts onto a major arterial roadway with a variety of office/commercial uses.

## EXISTING CONDITIONS

### Site Characteristics

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

### Comprehensive Planning

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

### Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located outside the boundaries of a **Regional Center**, which is located to the north. **Regional Centers** are intended to allow people to reside, work, shop, access services, people watch, recreate, and are characterized by a variety of activities and types of buildings located along the roadway. However, based on the comparative scale of this site to adjoining properties, and a



considerable number of office and commercial uses already located along this busy corridor, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Transportation**

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, Mopac serves route no. 434 with an existing Shared Lane and recommended Wide Curb.

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

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

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

Existing Street Characteristics:

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

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



**Sirwaitis, Sherri**

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**Subject:** FW: Harold's Rezoning - C14-2014-0192  
**Attachments:** Harold's Zoning Ord.pdf

**From:** Amanda Morrow [mailto:amanda.morrow@armbrust.com]  
**Sent:** Wednesday, February 04, 2015 3:26 PM  
**To:** Sirwaitis, Sherri  
**Cc:** [mailto:jerry.rusthoven@cityofaustin.com] Rusthoven, Jerry  
**Subject:** RE: Harold's Rezoning - C14-2014-0192

Hi Sherri,

My client has agreed with the neighborhood to restrict the uses listed as prohibited uses under zoning case C14-2014-0156. For your reference I have attached a copy of the zoning ordinance associated with that case.

Please let me know if you have any questions.

*Amanda Morrow  
Armbrust & Brown, PLLC  
Land Development Consultant  
100 Congress Ave. Suite 1300  
Austin, Texas 78701  
512-435-2368 Direct Line  
512-435-2360 Fax*

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**ORDINANCE NO. 20141211-149**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 8611 ½ AND 8627 NORTH MOPAC EXPRESSWAY FROM LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from limited office (LO) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No. C14-2014-0156, on file at the Planning and Development Review Department, as follows:

0.172 acre tract of land, more or less, out of the James P. Wallace Survey No. 18 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and ,

0.810 acre tract of land, more or less, out of the James P. Wallace Survey No. 18 the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (cumulatively referred to as the "Property"),

locally known as 8611 ½ and 8627 North Mopac Expressway in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Except as otherwise provided in this section, vegetative screening or a 6 foot solid or ornamental fence shall be provided and maintained along the eastern property line. Vegetation is subject to the screening standards under Section 2.9.1 of the Environmental Criteria Manual. The screening is not required if city staff determines the vegetative screening or fence should not be constructed because it is in a floodplain.

- B. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- C. The following uses are not permitted uses of the Property:

Bed & breakfast (Group 1)  
Alternative financial services  
Art workshop  
Automotive repair services  
Automotive washing (of any type)  
Business or trade school  
Commercial off-street parking  
Consumer repair services

Exterminating services  
Food sales  
General retail sales (convenience)  
Hotel-motel  
Indoor sports and recreation  
Outdoor entertainment  
Pawn shop services  
Personal improvement services  
Pet services  
Printing and publishing  
Restaurant (general)  
Service station  
Theater  
Community garden  
Club or lodge  
Community events  
Community recreation (public)  
Counseling services  
Day care services (commercial)  
Day services (limited)  
Group home, class I (general)  
Group home, Class II  
Hospital services (general)

Bed & breakfast (Group 2)  
Art gallery  
Automotive rentals  
Automotive sales  
Bail bond services  
Business support services  
Consumer convenience services  
Drop-off recycling collection facility  
Food preparation  
Funeral services  
General retail sales (general)  
Indoor entertainment  
Off-site accessory parking  
Outdoor sports and recreation  
Pedicab storage and Dispatch  
Personal services  
Plant nursery  
Research services  
Restaurant (limited)  
Special use historic  
Custom manufacturing  
Urban farm  
College and university facilities  
Community recreation (private)  
Congregate living  
Cultural services  
Day care services (general)  
Family home  
Group home, Class I (limited)  
Guidance services  
Local utility services

Private primary educational  
facilities  
Public primary educational  
facilities  
Residential treatment

Private secondary educational  
facilities  
Public secondary educational  
facilities  
Safety services

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

**PART 3.** This ordinance takes effect on December 22, 2014.

**PASSED AND APPROVED**

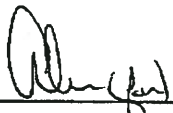
December 11, 2014

§  
§  
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Lee Leffingwell  
Mayor

**APPROVED:**



Karen M. Kennard  
City Attorney

**ATTEST:**



Jannette S. Goodall  
City Clerk



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**0.172 ACRES – PORTION OF LOT 2  
JAMES P. WALLACE SURVEY NO. 18**

A DESCRIPTION OF 0.172 ACRES (APPROXIMATELY 7,475 SQ. FT.) IN THE JAMES P. WALLACE SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, THE ATRIUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT, OF RECORD IN VOLUME 83, PAGE 125C, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO CHANCELLOR MOPAC INVESTMENTS, LTD, BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED JUNE 14, 2005 AND RECORDED IN DOCUMENT NO. 2005108634 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.172 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at an 1/2" rebar found for an angle point in the south line of said Lot 2, being the northeast corner of Lot 1, said The Atrium subdivision, from which a 1/2" rebar with "Chaparral" cap found in the east right-of-way line of Mopac Expressway (right-of-way width varies), being the southwest corner of said Lot 2 and also being the northwest corner of said Lot 1, bears North 61°24'35" West, a distance of 391.24 feet;

**THENCE** South 61°24'35" East, crossing said Lot 2, a distance of 50.84 feet to a calculated point in the west right-of-way line of the Union Pacific Railroad (100' right-of-way width), described in Volume 36, Page 83 of the Deed Records of Travis County, Texas, same being the east line of said Lot 2, from which a 1/2" rebar found in the west right-of-way of the Union Pacific Railroad, being the northeast corner of said Lot 2 and also being the southeast corner of Lot 3, said The Atrium subdivision, bears North 18°32'06" East, a distance of 234.95 feet;

**THENCE** South 18°32'06" West, with the west right-of-way line of the Union Pacific Railroad, same being the east line of said Lot 2, a distance of 145.77 feet to an "X" in concrete found for the southeast corner of said Lot 2, being the northeast corner of a 0.798 acre tract described in Volume 11764, Page 3140 of the Real Property Records of Travis County, Texas;

**THENCE** with the south line of said Lot 2, same being the north line of said 0.798 acre tract, the following two (2) courses and distances:

1. North 83°39'22" West, a distance of 10.65 feet to a 1/2" rebar with "Chaparral" cap found;

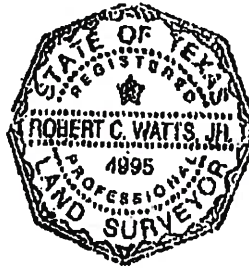
Page 2 of 2

2. North  $61^{\circ}53'37''$  West, a distance of 40.04 feet to a mag nail with "Chaparral" shiner found for the southernmost southwest corner of said Lot 2, being the southeast corner of said Lot 1;

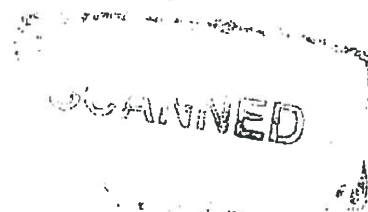
THENCE North  $18^{\circ}28'14''$  East, with a west line of said Lot 2, same being the east line of said Lot 1, a distance of 150.23 feet to the POINT OF BEGINNING, containing 0.172 acres of land, more or less.

Surveyed on the ground February 13, 2014 Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 040-055-TR1.

*Watts*  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995  
T.B.P.L.S. Firm No. 10124500



2-14-14





SKETCH TO ACCOMPANY A DESCRIPTION OF 0.172 ACRES (APPROXIMATELY 7,475 SQ. FT.) IN THE JAMES P. WALLACE SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 2, THE ATRIUM, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT, OF RECORD IN VOLUME 83, PAGE 125C, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO CHANCELLOR MOPAC INVESTMENTS, LTD. BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED JUNE 14, 2005 AND RECORDED IN DOCUMENT NO. 2005108634 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

CHANCELLOR MOPAC  
INVESTMENTS, LTD.  
(2005108634)

LOT 2  
THE ATRIUM  
(83/125C)

N61°24'35"W 391.24'  
(N60°04'33"W 391.24')

P.O.B.

S61°24'35"E  
50.84'

0.172 AC.  
APPROX.  
7,475 SQ. FT.

LOT 2  
THE ATRIUM  
(83/125C)

N18°28'14"E 150.23'  
(N18°51'10"E 180.40')

S18°32'06"W 145.77'  
(N18°52'43"E 380.90')

UNION PACIFIC RAILROAD  
(100' RIGHT-OF-WAY WIDTH)  
(36/83)

#### LEGEND

- 1/2" REBAR FOUND (OR AS NOTED)
- <sup>CH</sup> 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
- △ MAG NAIL WITH "CHAPARRAL" WASHER FOUND
- ⊗ X IN CONC. FOUND
- △ CALCULATED POINT
- ( ) RECORD INFORMATION

LINE TABLE			
LINE	BEARING	DISTANCE	(RECORD)
L1	N83°39'22"W	10.65'	(N82°41'44"W 10.70')
L2	N61°53'37"W	40.04'	(N60°33'35"W 40.04')

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83),  
CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL  
GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-055-TR1

DATE OF SURVEY: 02/13/14

PLOT DATE: 02/14/14

DRAWING NO.: 040-055-TR1

PROJECT NO.: 040-055

T.B.P.L.S. FIRM NO. 10124500

DRAWN BY: JDB



2-14-14

0.798 ACRES  
(11764/3140)

Chaparral



1" = 40'



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-389-0943

3500 McCall Lane  
Austin, Texas 78744

**0.810 ACRES - UNPLATTED  
JAMES P. WALLACE SURVEY NO. 18**

A DESCRIPTION OF 0.810 ACRES (APPROXIMATELY 35,283 SQ. FT.) IN THE JAMES P. WALLACE SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING ALL OF A 0.798 ACRE TRACT DESCRIBED IN VOLUME 11764, PAGE 3140 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 8611 MOPAC INVESTORS, LP, IN A SPECIAL WARRANTY DEED DATED OCTOBER 3, 2007 AND RECORDED IN DOCUMENT NO. 2007185405 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.810 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at an 1/2" rebar found in the east right-of-way line of Mopac Expressway (right-of-way width varies), being the southwest corner of said 0.798 acre tract and also being the northwest corner of Lot 1, Block A, Reunion Park Subdivision, a subdivision of record in Document No. 200200253 of the Official Public Records of Travis County, Texas, from which an "X" in concrete found in the east right-of-way line of Mopac Expressway, same being the west line of said Lot 1, bears South 15°55'16" West, a distance of 51.23 feet;

**THENCE** North 15°58'04" East, with the east right-of-way line of Mopac Expressway, same being the west line of said 0.798 acre tract, a distance of 83.05 feet to a calculated point for the northwest corner of said 0.798 acre tract, being the southwest corner of Lot 1, The Atrium, a subdivision of record in Volume 83, Page 125C of the Plat Records of Travis County, Texas, from which a 1/2" rebar found in the east right-of-way line of Mopac Expressway, same being the west line of said Lot 1, The Atrium, bears North 15°58'04" East, a distance of 141.67 feet;

**THENCE** with the north line of said 0.798 acre tract, same being the south line of said Lot 1, The Atrium, the following two (2) courses and distances:

1. South 61°45'55" East, a distance of 150.91 feet to a calculated point;
2. South 62°01'33" East, a distance of 232.89 feet to a mag nail with "Chaparral" washer found for the southeast corner of said Lot 1, The Atrium, being the southernmost southwest corner of Lot 2, said The Atrium subdivision;

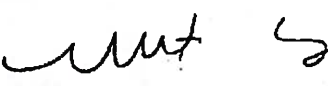
**THENCE** continuing with the north line of said 0.798 acre tract, same being the south line of said Lot 2, the following two (2) courses and distances:

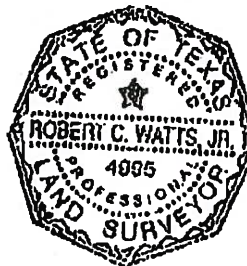
1. South 61°53'37" East, a distance of 40.04 feet to a 1/2" rebar with "Chaparral" cap found;
2. South 83°39'22" East, a distance of 10.65 feet to an "X" in concrete found in the west right-of-way line of the Union Pacific Railroad (100' right-of-way width), described in Volume 36, Page 83 of the Deed Records of Travis County, Texas, being the northeast corner of said 0.798 acre tract and also being the southeast corner of said Lot 2, from which a 1/2" rebar found in the west right-of-way line of the Union Pacific Railroad, being the northeast corner of said Lot 2 and also being the southeast corner of Lot 3, said The Atrium subdivision, bears North 18°32'06" East, a distance of 380.71 feet;

**THENCE** South 17°53'25" West, with the west right-of-way line of the Union Pacific Railroad, same being the east line of said 0.798 acre tract, a distance of 87.34 feet to a 1/2" rebar found for the southeast corner of said 0.798 acre tract, being the northeast corner of said Lot 1, Block A, Reunion Park Subdivision;

**THENCE** North 61°48'44" West, with the south line of said 0.798 acre tract, same being the north line of said Lot 1, Block A, a distance of 431.75 feet to the **POINT OF BEGINNING**, containing 0.810 acres of land, more or less.

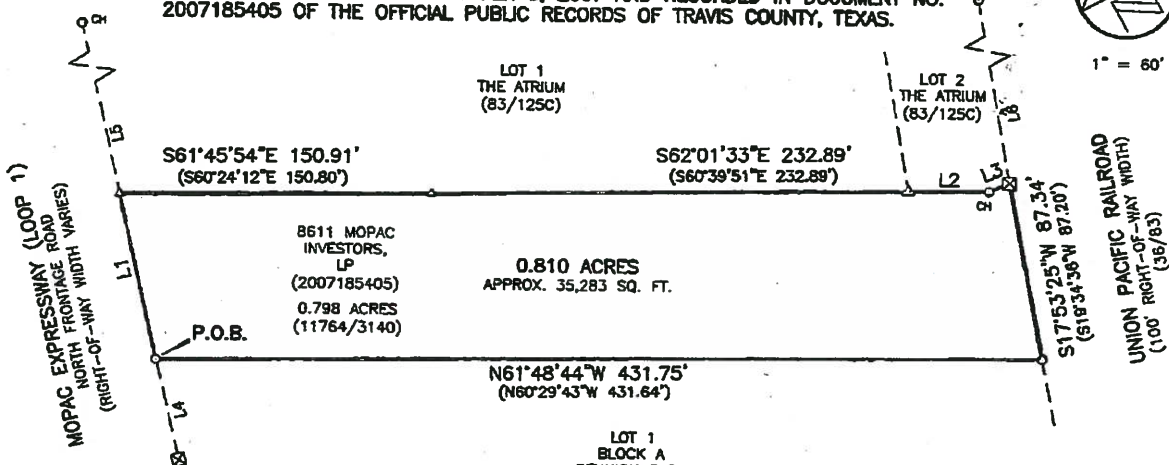
Surveyed on the ground February 13, 2014 Bearing Basis: Grid azimuth for Texas Central Zone state plane coordinates, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS). Attachments: Drawing 040-055-TR2.

  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995  
T.B.P.L.S. Firm No. 10124500



2-14-14

SKETCH TO ACCOMPANY A DESCRIPTION OF 0.810 ACRES (APPROXIMATELY 35,283 SQ. FT.) IN THE JAMES P. WALLACE SURVEY NO. 18, TRAVIS COUNTY, TEXAS, BEING ALL OF A 0.798 ACRE TRACT DESCRIBED IN VOLUME 11764, PAGE 3140 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO 8611 MOPAC INVESTORS, LP, IN A SPECIAL WARRANTY DEED DATED OCTOBER 3, 2007 AND RECORDED IN DOCUMENT NO. 2007185405 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

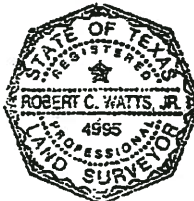


LINE TABLE			
LINE	BEARING	DISTANCE	(RECORD)
L1	N15°58'04"E	83.05'	(N18°18'E 83.05')
L2	S61°53'37"E	40.04'	(S60°33'35"E 40.04')
L3	S83°39'22"E	10.65'	(S82°41'44"E 10.70')
L4	S15°55'16"W	51.23'	(S17°49'00"W 51.26')
L5	N15°58'04"E	141.67'	(N17°18'06"E 141.67')
L6	N18°32'06"E	380.71'	(N19°52'43"E 380.90')

BEARING BASIS: THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83),  
CENTRAL ZONE, BASED ON GPS SOLUTIONS FROM THE NATIONAL  
GEODETIC SURVEY (NGS) ON-LINE POSITIONING USER SERVICE (OPUS)

ATTACHMENTS: METES AND BOUNDS DESCRIPTION 040-055-TR2

LOT 1  
BLOCK A  
REUNION PARK  
SUBDIVISION  
(200200253)



Chaparral

LEGEND	
○	1/2" REBAR FOUND (OR AS NOTED)
○ <sup>CH</sup>	1/2" REBAR WITH "CHAPARRAL" CAP FOUND
△	MAG NAIL WITH "CHAPARRAL" WASHER FOUND
⊗	X IN CONC. FOUND
△	CALCULATED POINT
( )	RECORD INFORMATION

DATE OF SURVEY: 02/13/14  
PLOT DATE: 02/14/14  
DRAWING NO.: 040-055-TR1  
PROJECT NO.: 040-055  
T.B.P.L.S. FIRM NO. 10124500  
DRAWN BY: JDB

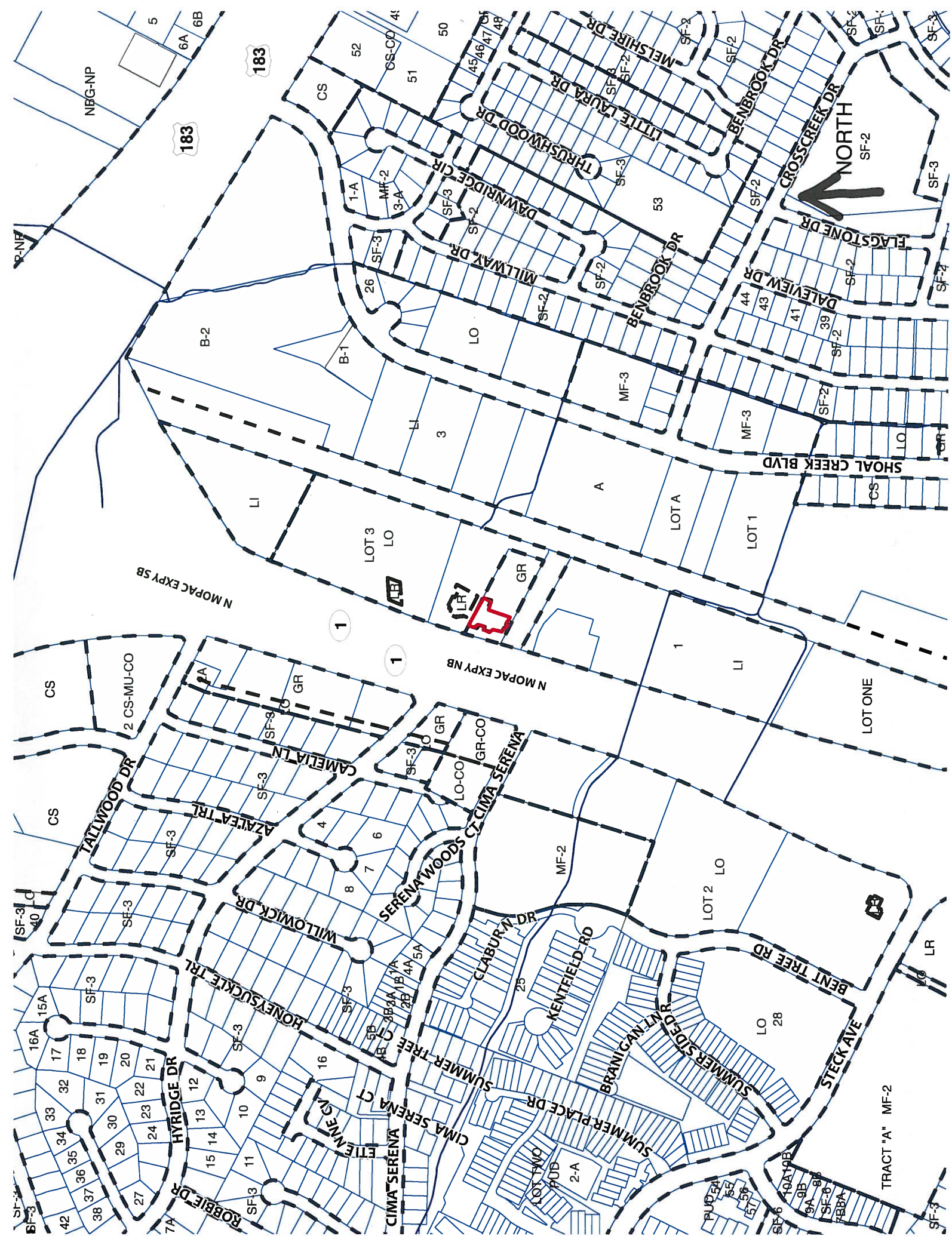
Unit 7  
2-14-14

Exhibit C















## STAFF RECOMMENDATION

The staff recommendation is to recommend GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

## BASIS FOR RECOMMENDATION

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

The Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property under consideration is accessible from major traffic ways as it fronts onto the feeder street North Mopac Expressway.

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

The proposed zoning would be consistent with existing zoning patterns in this area because there is commercial (LR, GR-CO, GR) zoning to the north, south and west and industrial zoning (LI) to the south and east of this site.

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

The GR, Community Commercial, zoning district would allow for a fair and reasonable use of the site because it would provide consistent site development regulations over the entire property (the existing structure and surrounding parking area). Thereby, making it possible for the applicant to redevelop a site that fronts onto a major arterial roadway with a variety of office/commercial uses.

## EXISTING CONDITIONS

### Site Characteristics

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

### Comprehensive Planning

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

### Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being located outside the boundaries of a **Regional Center**, which is located to the north. **Regional Centers** are intended to allow people to reside, work, shop, access services, people watch, recreate, and are characterized by a variety of activities and types of buildings located along the roadway. However, based on the comparative scale of this site to adjoining properties, and a

considerable number of office and commercial uses already located along this busy corridor, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Transportation**

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, Mopac serves route no. 434 with an existing Shared Lane and recommended Wide Curb.

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

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

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

Existing Street Characteristics:

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

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

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

December 1, 2014

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

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

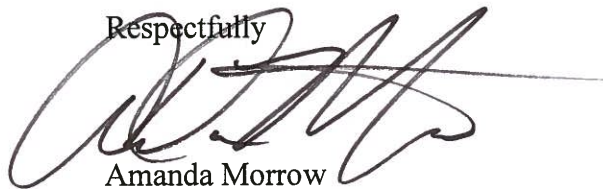
Dear Mr. Guernsey:

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

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

Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me at (512) 435-2368.

Respectfully



Amanda Morrow  
Land Development Consultant

Attachments

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

{W0641237.1}