

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2020-0013 (8803 N Mopac)**P.C. DATE:** May 12, 2020**ADDRESS:** 8803 North Mopac Expressway**DISTRICT:** 10**OWNER/APPLICANT:** Semmaterials Energy Partners, LLC % BKEP Materials**AGENT:** Drenner Group, PC (Amanda Swor)**ZONING FROM:** LI**TO:** CS**AREA:** 3.31 acres (144,184 sq. ft.)**SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant CS, General Commercial Services District, zoning.

**PLANNING COMMISSION RECOMMENDATION:****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.

**DEPARTMENT COMMENTS:**

The property in question is developed with an industrial use/emulsion plant (Ergon Asphalt & Emulsions, Inc.). There is outdoor storage for TxDOT to the north. The property to the south is developed with an office building (The Atrium Office Centre). To the east, there is a railway and an industrial/warehouse park (Shoal Creek Business Park). To the west is the North Mopac Expressway. The applicant is requesting CS, General Commercial Services District, zoning to allow for redevelopment of the site with an office use (Please see Applicant’s Request Letter-Exhibit C).

The staff recommends CS zoning for this property because it meets the intent of the ‘CS’ 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 industrial (LI) zoning to the north and east), office and commercial (LO, CS-MU-CO, GR) zoning to the south and west of this site. The CS zoning would allow for a fair and reasonable use of the site because it would make it possible for the applicant to redevelop a site with a use that is consistent with the office development to the south.

The applicant agrees with the staff ‘s recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LI	Industrial (Ergon Asphalt & Emulsions, Inc.)
<i>North</i>	LI	Outdoor Storage
<i>South</i>	LO	Office (The Atrium Office Centre)
<i>East</i>	LI	Railway, Warehouse (Shoal Creek Business Park)
<i>West</i>	MoPac Expressway, CS-MU-CO, GR	Apartments (8888 Tallwood Condominiums), Office (USA Training Co, Inc.)

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

**TIA:** Waived

**WATERSHED:** Shoal Creek

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
 Austin Neighborhoods Council  
 Bike Austin  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 North Austin Civic Association  
 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

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
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. 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 all 3 readings (7-0)

			12/11/14: 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

**RELATED CASES:** C14-75-107 (Previous 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:**

**ACTION:**

**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 grant CS, General Commercial Services District, zoning.

## **BASIS FOR RECOMMENDATION**

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

General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

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 CS zoning would be consistent with existing zoning patterns in this area because there is industrial (LI) zoning to the north and east), office and commercial (LO, CS-MU-CO, GR) zoning to the south and of this site.

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

The CS, General Commercial Services, zoning district would allow for a fair and reasonable use of the site because it would provide the applicant with additional permitted uses to redevelop a site that fronts onto a major arterial roadway.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is developed with an industrial use/emulsion plant (Ergon Asphalt & Emulsions, Inc.).

### **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.

At this time, site specific information is unavailable regarding 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.

### **Site Plan**

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

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

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

### **SCREENING REQUIREMENTS**

FYI: Screening is required for off-street parking, the placement of mechanical equipment, storage, and refuse collection if a person is constructing a building (25-2-1066).

### **SCENIC ROADWAYS**

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at (512) 974-2941 for more information.

### **DEMOLITION AND HISTORIC RESOURCES**

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

### **RESIDENTIAL DESIGN STANDARDS OVERLAY**

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

### **Transportation**

Additional right-of-way maybe required at the time of subdivision and/or site plan. A traffic impact analysis will be required at the time of site plan when we the land use intensities are known.

The adjacent street characteristics table is provided below:

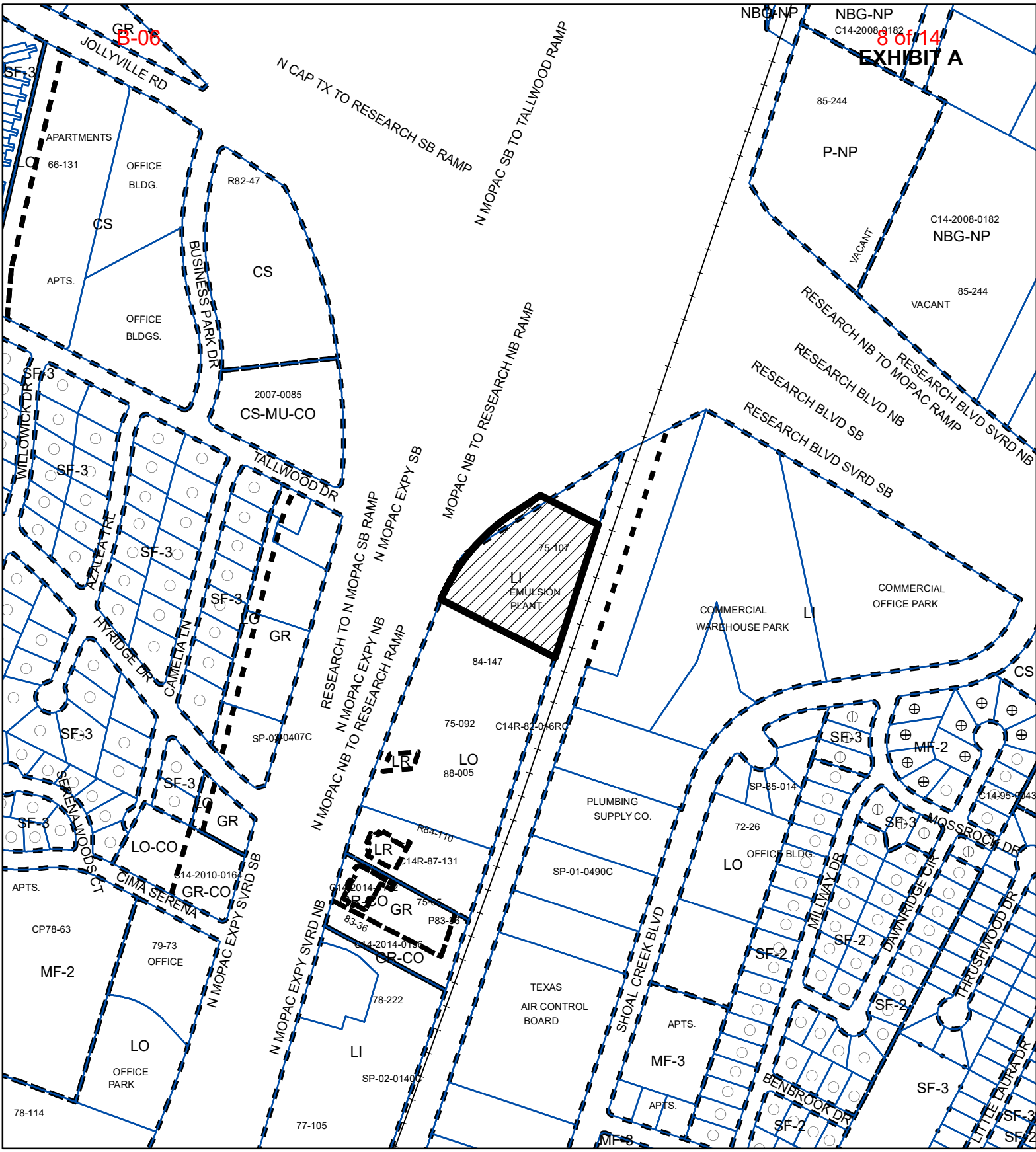
<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
MOPAC Expressway	350'	Highway multiple lanes	Level 5	Yes	Yes	No

### **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 Austin Water 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.



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

## ZONING

### ZONING CASE#: C14-2020-0013

1" = 400'

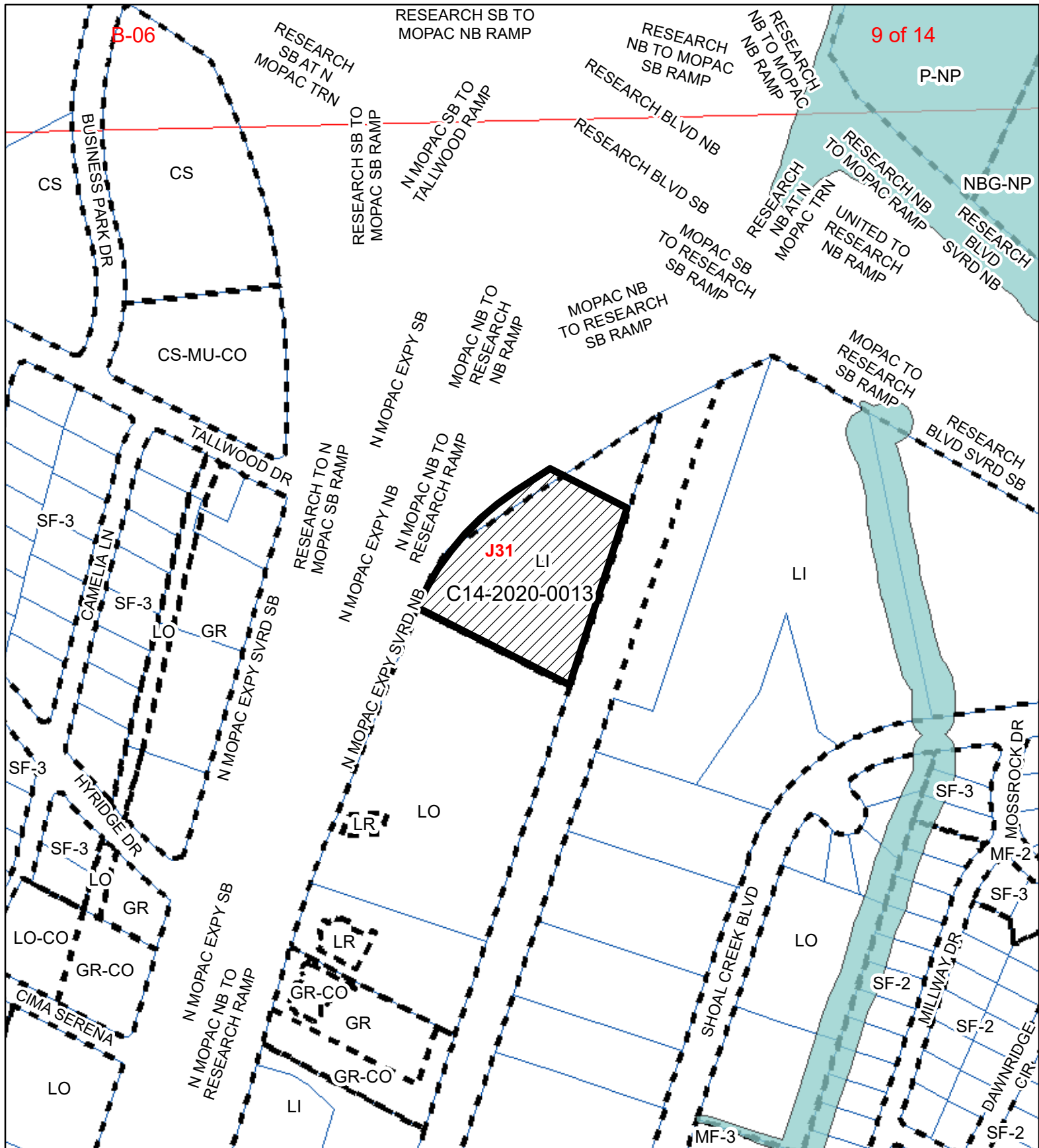
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**Created: 2/11/2020**





N



1" = 300'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

## 8803 N MoPac

ZONING CASE#: C14-2020-0013

LOCATION: 8803 N MoPac EXPY SERVICE RD NB

SUBJECT AREA: 3.31 ACRES

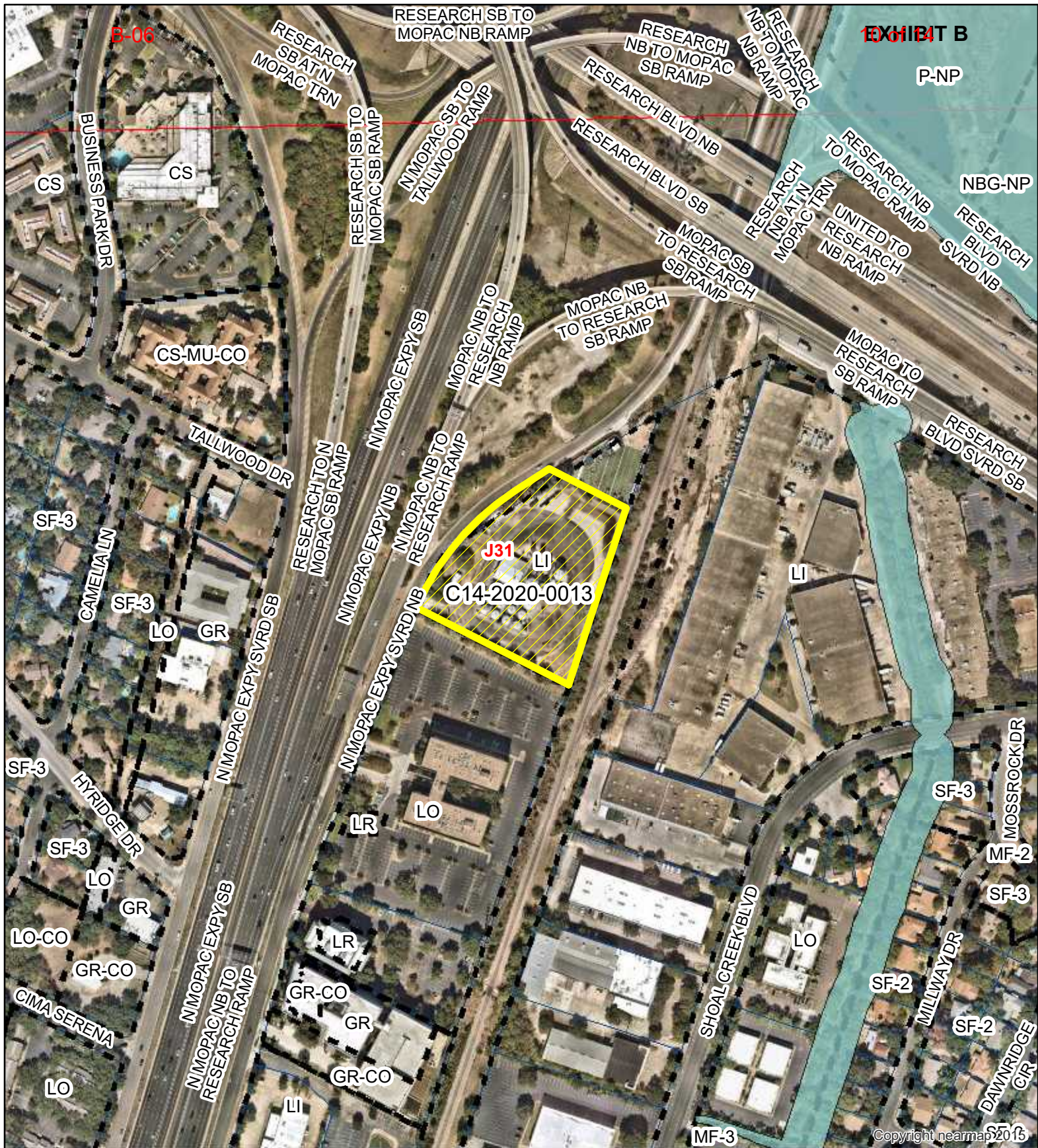
GRID: J31

MANAGER: Sherri Sirwaitis



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





N



1" = 300'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

## 8803 N MoPac

ZONING CASE#: C14-2020-0013

LOCATION: 8803 N MoPac EXPY SERVICE RD NB

SUBJECT AREA: 3.31 ACRES

GRID: J31

MANAGER: Sherri Sirwaitis



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# DRENNER GROUP

January 31, 2020

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

Via Hand Delivery

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

Dear Ms. Lucas:

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

The Property is zoned LI-NP (Limited Industrial Services – Neighborhood Plan). The requested rezoning is from LI-NP to CS-NP (General Commercial Services – Neighborhood Plan) zoning district. The purpose of this rezoning is to allow for professional office use on the Property. This rezoning request is consistent with the land use to the adjacent property to the south, including a professional office use. Through conversations with the neighborhood, our desired zoning designation through the adoption of the Land Development Code Rewrite is MU5B-A (Mixed Use 5B – Subdistrict A), which is the desire of the neighborhood and consistent with the adjacent property to the south.

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

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

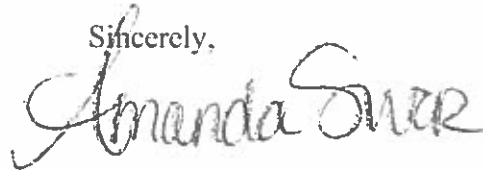
January 31, 2020

Page 2

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

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

Sincerely,

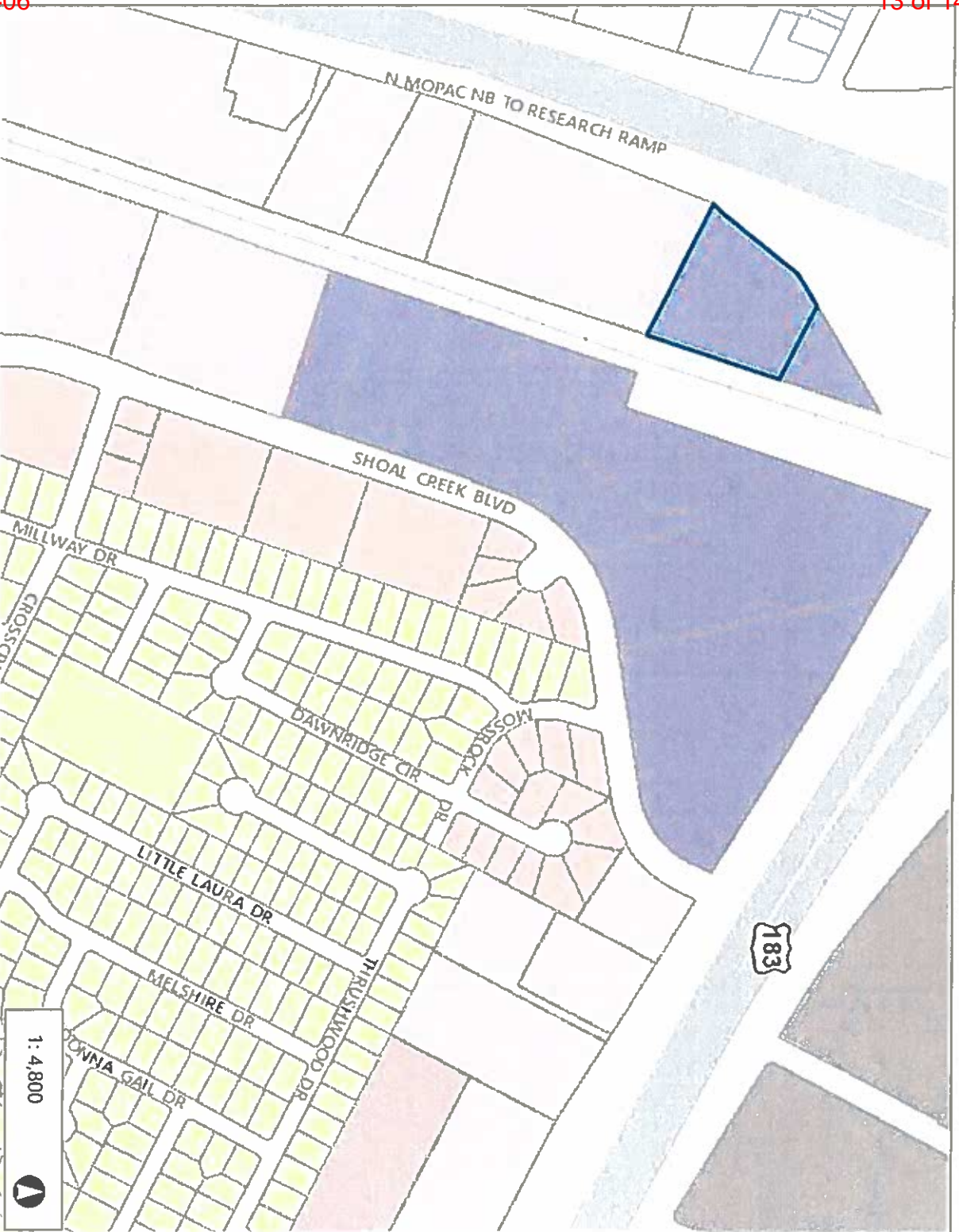
A handwritten signature in dark ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" being larger and more prominent than the last name "Swor".

Amanda Swor

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



# Property Profile



1:4,800



NAD 1983 StatePlane, Texas, Central, FIPS 4203, Feet

Date Printed:

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## Legend

- TCAD Parcels
- Future Land Use Map
- Activity Center
- Agriculture
- Civic
- Commerce
- Commercial
- Environmental Conservation
- High Density Mixed Use
- Higher-Density Single-Family
- Industry
- Major Impact Facilities
- Major Planned Development
- Mixed Residential
- Mixed Use
- Mixed Use/Office
- Mixed-use Activity Hub/Corridor
- Mobile Homes
- Multifamily
- Neighborhood Commercial
- Neighborhood Mixed Use
- Neighborhood Node
- Neighborhood Transition
- Office
- Recreation & Open Space
- Residential Core
- Rural Residential
- Single-Family
- Special District
- Specific Regulating District
- Transportation
- Utilities
- Warehouse/Limited Office

## Notes

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**From:** NSC Contact Team []  
**Sent:** Thursday, April 02, 2020 3:42 PM  
**To:** Meredith, Maureen  
**Cc:** Greathouse, Stevie ; Amanda Swor; District 10; District 7  
**Subject:** Re: Case Number NPA-2020-0013.01

\*\*\* External Email - Exercise Caution \*\*\*

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

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

Kenneth Webb,  
Chair, NSCNP Contact Team

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