

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2007-0189.SH – Residences at  
Onion Creek

**Z.A.P. DATE:** November 6, 2007

**ADDRESS:** 2500 Brandt Road

**OWNER:** 22.55 Acres Limited  
(Kenny Dryden)

**AGENT:** Brown McCarroll L.L.P.  
(Alison Gardner)

**ZONING FROM:** I-RR (upon annexation)

**TO:** MF-3

**AREA:** 22.55 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant multi-family residence (low density) – conditional overlay (MF-2-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 motor vehicle trips per day.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

November 6, 2007: *APPROVED STAFF'S RECOMMENDATION OF MF-2-CO ZONING.*  
[J. MARTINEZ, T. RABAGO 2<sup>ND</sup>] (7-0) S. HALE – ABSENT

*\* RIGHT-OF-WAY FOR BRANDT ROAD DEFERRED TO SITE PLAN, AS  
TRANSPORTATION STAFF RECOMMENDED.*

### **ISSUES:**

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment A.

On September 4, 2007, the Applicant held a public meeting at Akins High School to present the proposed multi-family project.

### **DEPARTMENT COMMENTS:**

The rezoning area is undeveloped, will be zoned interim – rural residence (I-RR) district upon its annexation into the City limits and has access to East Slaughter Lane. The Crossing at Onion Creek subdivision is located across Slaughter Lane to the east (GR; SF-4A), and there are undeveloped multi-family residence zoned properties that have frontage on Slaughter Lane to the north (MF-2, MF-2-CO). To the east, the zoning area is adjacent to properties within the County including a contractor's office and undeveloped land. Please refer to Exhibits A (Vicinity Map) and A-1 (Zoning Map).

The Applicant has requested multi-family residence (medium density) district zoning to provide the opportunity for a 224-unit multi-family residential development to occur. In the context of the adjacent roadway, surrounding land uses and other rezoning applications in process, the Staff recommends MF-2 zoning given: 1) it accesses East Slaughter Lane, an improved arterial roadway; 2) there are similarly situated properties with MF-2 base district zoning to the north and northeast; and 3) the Conditional Overlay addresses a 2,000 vehicle trip limit, thereby maintaining acceptable conditions on adjacent roadways. Staff is also recommending additional right-of-way dedication along Brandt Road, to be completed with the site plan application in process.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR (upon annexation)	Undeveloped
<i>North</i>	I-RR; MF-2	Undeveloped
<i>South</i>	County	Undeveloped
<i>East</i>	County	Contractor's office; Indoor entertainment; Single family residence
<i>West</i>	GR; SF-4A; MF-2-CO	Undeveloped; Single family residences within the Crossing at Onion Creek subdivision

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

777 – Parkside at Slaughter Creek HOA

786 – Home Builders Association of Greater Austin

954 – East Slaughter Lane Neighborhood Association

1037 – Homeless Neighborhood Organization

**SCHOOLS:**

Blazier Elementary School

Bedichek Middle School

Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0120a.SH – Crossing at Onion Creek	I-RR to GR; SF-4A	To Grant GR and SF-4A with a Restrictive Covenant for the Traffic Impact Analysis	Approved GR for Tract One and SF-4A for Tract 2 and a Restrictive Covenant for the TIA (11-20-03).
C14-02-0081 – Stone Creek Ranch Apartments Phases II and III	I-RR to MF-2	To Grant MF-2-CO with a CO for the TIA	Approved MF-2-CO as ZAP recommended (4-3-03).
C14-02-0080 – 8 acres Slaughter Lane	I-RR to MF-2	To Grant MF-2	Approved MF-2 (8-29-02).

**RELATED CASES:**

The property is in the process of being annexed into the City limits with final ordinance readings scheduled for City limits on December 6, 2007. A copy of the proposed site plan layout is provided as Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Capital Metro
East Slaughter Lane	140 feet	2 @ 36 feet	Major Arterial Divided, 6 lanes	No	Yes, #201 – South Park Meadow Feeder Route
Brandt Road	50 – 55 feet	20 feet	Collector	No	No

**CITY COUNCIL DATE:** December 6, 2007**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@ci.austin.tx.us](mailto:wendy.rhoades@ci.austin.tx.us)

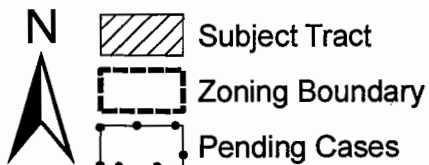
**PHONE:** 974-7719



# ZONING

Exhibit A

ZONING CASE#: C14-2007-0189.SH  
 ADDRESS: 2500 BRANDT RD  
 SUBJECT AREA: 22.55 ACRES  
 GRID: G13  
 MANAGER: W. RHOADES



1" = 400' OPERATOR: S MEEKS

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.









# City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

## Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager  
(512) 974-3180, Fax: (512) 974-3112, [regina.copic@ci.austin.tx.us](mailto:regina.copic@ci.austin.tx.us)

September 11, 2007

### S.M.A.R.T. Housing Certification Residences at Onion Creek

#### TO WHOM IT MAY CONCERN:

Onion Creek Housing Partners, Ltd (development contact Dan Allgeier, 972-573-3411 (o); [dallgeier@nurock.com](mailto:dallgeier@nurock.com)) is planning to build a **224-unit multi-family development** on property located on Slaughter Lane approximately 1/2 mile east of IH-35. Zoning fees for this development may be waived if the applicant has met (or has demonstrated a good-faith effort to offer to meet) with applicable neighborhood associations.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since **100%** of the units will serve households with incomes at or below **60%** MFI, the development will be eligible for **100%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. This certification is conditional upon successful completion of annexation, establishment of the necessary zoning, and attainment of an agreement from Capital Metro regarding transit service. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees  
Building Permit  
Site Plan Review  
Construction Inspection  
Demolition Permit

Concrete Permit  
Electrical Permit  
Subdivision Plan Review  
Regular Zoning Fee  
Board of Adjustment Fee

Mechanical Permit  
Plumbing Permit  
Zoning Verification  
Land Status Determination  
Building Plan Review  
Parkland Dedication Fee

#### Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katie Jensen, 482-5407).

#### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that accessibility standards have been met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification and any other applicable penalties.

Please contact me at 974-3126 if you need additional information.

  
Steve Barney  
Neighborhood Housing and Community Development

Cc: Gina Copic, NHCD  
John Umphress, Austin Energy  
Robby McArthur, WWW Taps  
Maureen Meredith, NPZD

Maneesh Chaku, NHCD  
Danny McNabb, WPD  
Dick Peterson, Austin Energy

Yolanda Parada, WPD  
Guy Brown, WPD  
Lisa Nickle, WPD

ATTACHMENT A

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant multi-family residence (low density) – conditional overlay (MF-2-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 2,000 motor vehicle trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

*Applicant's request:* The multi-family residence (medium density) (MF-3) district is intended for multifamily developments with a maximum density of up to 36 units per acres located near supporting transportation and commercial facilities.

*Staff recommendation:* The multi-family residence (low density) (MF-2) district is intended to accommodate multi-family use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate given its location near supporting transportation and commercial facilities. The property has frontage on East Slaughter Lane, a major arterial roadway, and is in proximity to IH-35.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

In the context of the adjacent roadway, surrounding land uses and other rezoning applications in process, the Staff recommends MF-2 zoning given: 1) it accesses East Slaughter Lane, an improved arterial roadway; 2) there are similarly situated properties with MF-2 base district zoning to the north and northeast; and 3) the Conditional Overlay addresses a 2,000 vehicle trip limit, thereby maintaining acceptable conditions on adjacent roadways. Staff is also recommending additional right-of-way dedication along Brandt Road, to be completed with the site plan application in process.

**EXISTING CONDITIONS****Site Characteristics**

The property is undeveloped and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the MF-3 district would be 60%, which is based on the more restrictive watershed regulations. The maximum impervious cover allowed by the MF-2 district would be 60%, which is a consistent figure between the zoning and watershed regulations.



### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Onion Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within the project boundary. Offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

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 existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

### **Transportation**

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Brandt Road in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. [LDC, 25-6-55; TCM, Tables 1-7, 1-12.]

Note: This requirement has been deferred to the site plan application process, as a condition of site plan approval.

No additional right-of-way is needed for East Slaughter Lane.

The trip generation under the requested zoning is estimated to be 5,412 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. Unless otherwise exempted, the landowner must pay the City inspection fee with the utility construction. The landowner must pay tap fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit. Unless otherwise exempted, the landowner must pay impact fee.

### **Compatibility Standards**

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.

# RESIDENCES AT ONION CREEK

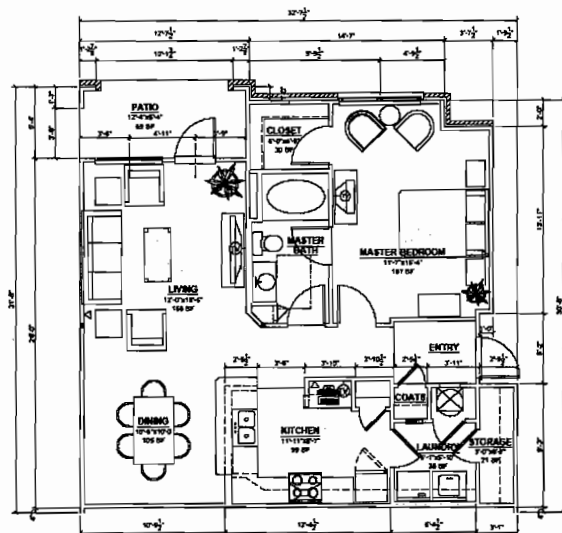
## Property Features

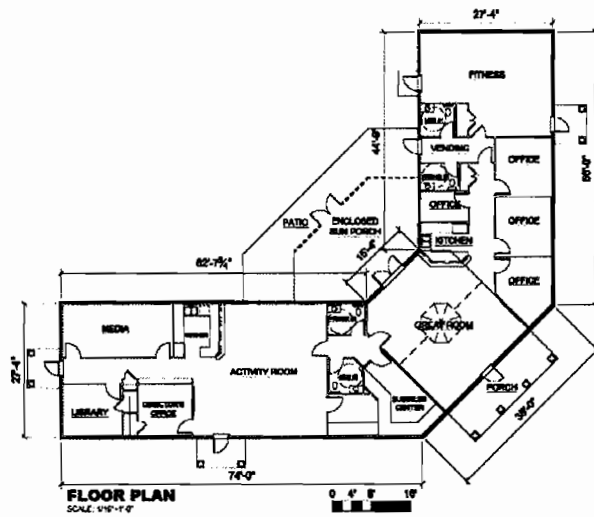
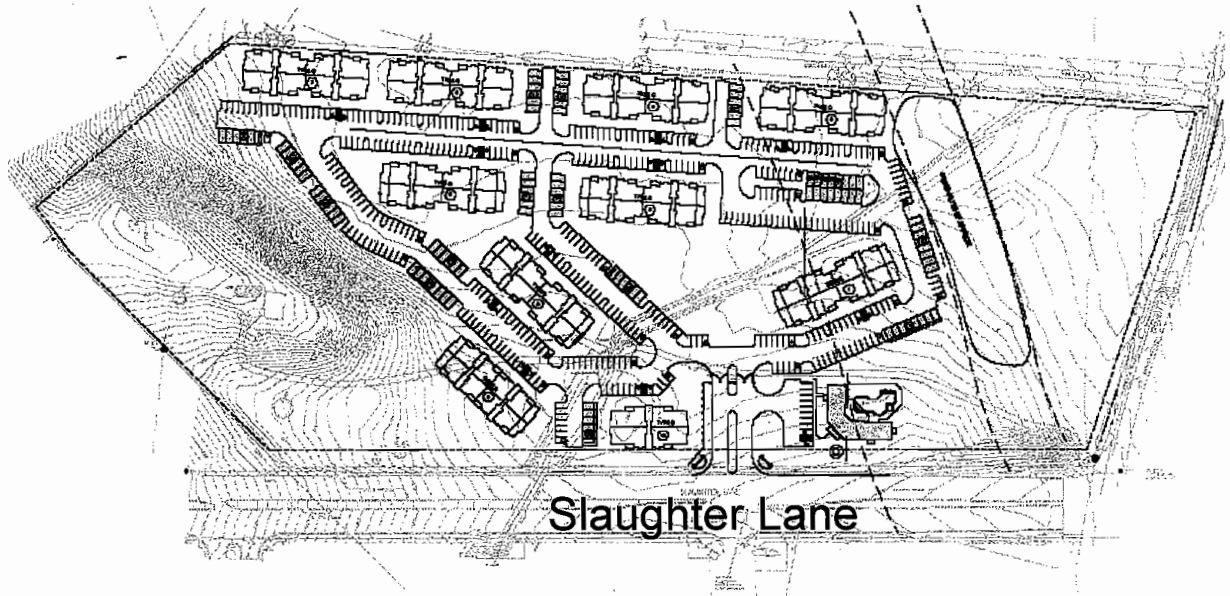
- 224 apartment homes
  - 32 1 bedroom – 1 bath
  - 96 2 bedroom – 2 bath
  - 88 3 bedroom – 2 bath
  - 8 4 bedroom – 3 bath
- Rents from \$727 to \$1,070
- Features
  - Gated and fenced
  - Clubhouse with Breakout program
  - Pool, workout facility, business center, playgrounds, detached garages
  - Large units, washer/dryer connections, built-ins
- Residents initially restricted to less than 60% of the median income for the area



## NuRock Development Team

- Developer, contractor, operator all same company
- Hold properties for long term – better construction, operation
- 13th largest in Nation





November 5, 2007

**VIA EMAIL - wendy.rhoades@ci.austin.tx.us**

City of Austin  
c/o Wendy Rhoades  
505 Barton Springs Road  
Austin, Texas 78704

Re: 2500 Brandt / 801 E Slaughter Lane Zoning Case No. C14-2007-0189.SH

Dear Ms. Rhoades:

On behalf of East Slaughter Lane Property Owners Association, I am writing this letter to indicate our support of the requested zoning change for the above referenced property. We understand that a rezoning of this property from I-RR upon annexation to MF-3-CO would allow for a medium density district and would provide a 224-unit multi-family residential development. We believe that the proposed development for this location is appropriate and will serve to further provide additional attractive housing that is affordable within the boundaries of the City.

We support this rezoning request. Please feel free to contact me should you need any further information from us or have any questions.

Sincerely,

Bill Faust, President

**H & H Ballroom**  
4404 / 4402 Brandt Rd  
Austin TX. 78744  
(512-282-1143)

Owner: Kenny Dryden  
Agent: Brown McCarroll (Alison Gardner)  
Land Use Commission  
City Council

Case Number: C14-2007-0189.SH

To whom it may concern,

I'm Hector Reyes, current owner of **H & H Ballroom** (4404 / 4402 Brandt Rd) and have left a message to Agent Brown McCarroll (Alison Gardner) to call me back to discuss my concerns of proposed multifamily residences at 2500 Brandt Rd. which is next door to my property.

My Venue provides rental to the public for private parties, weddings, quinceaneras, as well as special functions such as fund raisers / live music / etc. My location holds a TABC license to sell Alcoholic beverages until 2:00 AM every day.

The facility is a 12,000 sq foot and currently has a contract with Travis County Sheriff department for security to help and comply with TABC regulations.

My concern as follows:

- ◆ Will new property owner be advised of our venue?
- ◆ Any extra steps to have sound proofing install?
- ◆

I wish to discuss this further with the new property owner before any major work commences.

Thank you,  
Hector Reyes



*Plan  
Establisher*

**H & H Ballroom**  
4404/4402 Brandt Road ♦ Austin, Texas 78744  
(512) 282-1143

November 13, 2007

**Planning Commission Members via email:** [dora.anguiano@ci.austin.tx.us](mailto:dora.anguiano@ci.austin.tx.us)

**Dave Sullivan, Chair**  
**Saundra Kirk, Secretary**  
**Perla Cavazos**  
**Cid Galindo**

**Mandy Dealey, Parliamentarian**  
**Tracy Atkins**  
**Chris Ewen**  
**Paula Hui**

City of Austin, Neighborhood Planning and Zoning Department  
P.O. Box 1088  
Austin, Texas 78767

Re: Proposed Multi-family Residence Project  
*CASE NUMBER: SP-2007-0585D, SH*

Dear Planning Commission Members;

My name is Hector Reyes and I am the owner of the H & H Ballroom located at 4404 and 4402 Brandt Road.

My establishment (12,000 square feet) provides rental space to the public for private parties, weddings, fundraisers, dances and the like. We hold a Texas Alcoholic Beverage Commission (TABC) license to sell alcoholic beverages until 2:00 a.m. every day. We often have live music and the parking lot holds up to 300 vehicles. To comply with TABC and other regulations, we hold a contract with the Travis County Sheriffs deputies for security purposes.

It is my understanding that there is a proposal to build multi-family residences at 2500 Brandt Road. This location is next to my facility and causes me some concern.

These questions arise:

- Will the housing development owners be advised of my facility business?
- Will I be later forced to do any sound proofing?
- Will my traffic and parking be negatively affected?
- Will the proposed development negatively affect my business?

After successfully operating this business for 5 years, I am sure you can understand my concerns. Please take my communication into consideration and advise me of any decisions affecting me.

Respectfully,

Hector Reyes (512) 299-5925

cc: Mayor and Council Members via email: <http://www.ci.austin.tx.us/council/groupemail.htm>

Mayor Will Wynn	Mayor Pro Tem Betty Dunkerley
Council Member Mike Martinez	Council Member Jennifer Kim
Council Member Lee Leffingwell	Council Member Brewster McCracken
Council Member Sheryl Cole	
Alison Gardner, Brown McCarroll via email: <a href="mailto:agardner@mail.bmc.com">agardner@mail.bmc.com</a>	

**16. Zoning:** **C14-2007-0189.SH - Residences at Onion Creek**  
**Location:** 2500 Brandt Road, Onion Creek Watershed  
**Owner/Applicant:** 22.55 Acres Limited (Kenny Dryden)  
**Agent:** Brown McCarroll, L.L.P. (Alison Gardner)  
**Request:** Unzoned (I-RR upon annexation) to MF-3  
**Staff Rec.:** **Recommendation of MF-2-CO with conditions**  
**Staff:** Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION OF MF-2-CO ZONING.**  
**[J.MARTINEZ, T.RABAGO 2<sup>ND</sup>] (7-0) S.HALE – ABSENT**

**- RIGHT-OF-WAY FOR BRANDT ROAD DEFERRED TO SITE PLAN, AS  
 TRANSPORTATION STAFF RECOMMENDED.**

### **SUMMARY**

Wendy Rhoades gave Staff presentation.

*Commissioner Rabago – I want to emphasize how important the H&H Ballroom is to the Latino community who has relied on this location for numerous family affairs; it is imperative that this location is given sincere and absolute consideration for ensuring that for any residence that are expect to purchase these homes, are not planning to..... I want to make sure that this business in not impacted negatively in the future. I want the homeowners to realize who was there first; this is a crucial location for the cultural activities that occur there. I feel that there should have been major communication with the owner of this business about what is going to be built there; so that people know what to expect from this ballroom, when they purchase these homes and live in the community. I do not want the future owners of these homes complaining later that this ballroom is too loud, too close etc. I'm just afraid that there will be some serious issues down the road.*

*Commissioner Baker – I appreciate what you said Commissioner; what you're saying we can not do anything about, but I will say that they are not building homes, they are building apartments. So maybe the apartment managers can make the renters aware of the uses surrounding the apartment complex.*

*Commissioner Rabago – Just for the record; the owner of the H&H Ballroom is here tonight.*

*Nikelle Meade, applicant – This is a apartment development; I apologized to Mr. Reyes for not contacting him earlier; I did give him my card this evening and stated that we can sit down and have a discussion before we start construction. We have been aware of that use and we do not think it is incompatible; we are looking at how we can screen the apartments from the ballroom. We do not plan on running off this business and I think it is not incompatible.*

*Commissioner Martinez – This business is a location where there are bands playing and at times there's 400 to 500 cars outside; our concern is that the applicant be aware of that, so that when they design the apartments, they don't create a problem for themselves and for the people who*

Facilitator: Sangeeta Jain, 974-2219

City Attorney: Clark Cornwell, 974-6482; Sharon Smith, 974-7773

*are going to rent those apartments. There is going to be noise coming from this location and a lot of traffic on the weekend.*

*Commissioner Rabago – When people open the door at the ballroom, loud music will escape from this location and I do not want for people to complain later that it is too loud and they start raising the issue of having the ballroom close earlier etc. I do not want those issues to occur, so how do we know if and when the renters will accept that.... It's like taking a chance with a residential development nearby.*

*Ms. Meade – It is in their owner's interest to keep his tenants, so I'm sure he will be willing to work out any issues with Mr. Reyes.*

*Commissioner Hammond – This is an unusual case, I'm sure the owners of the ballroom are aware of all the City Ordinances.*

*Commissioner Jackson – They are outside the City; it is not in our scope to do anything about the noise... because they are out of the City Limits.*

*Ms. Meade – They do have County Sheriff's out who monitor the noise level and provide security.*

*Commissioner Baker – You might ask the developer to put up a sound barrier or a wall, trees etc.*

*Ms. Meade – I agree; a way where it doesn't look bad; add landscaping etc.*

*Mr. Hector Reyes, owner of H&H Ballroom – We do not oppose the project in any way; we would just like to work with the land owner and be notified in the future. We do have shows outside the ballroom and have fundraising events outdoors; we have records of our sound decibels if there are any concerns.*

*Commissioner Baker – So you just want to be absolutely sure that everyone knows what your business does and what is involved, correct?*

*Mr. Reyes – Correct.*

*Commissioner Martinez and Rabago moved to close the public hearing.*

*Commissioner Rabago – I move to approve Staff's recommendation.*

*Commissioner Martinez – Second.*

*Motion carried.*