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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2011-0029

**Z.A.P. DATE:** June 7, 2011

**ADDRESS:** 6263 McNeil Drive

**OWNER/APPLICANT:** CMF 15 Portfolio LLC, c/o Colonial Properties Trust (Ed Wright)

**AGENT:** Kimley-Horn and Associates, Inc. (Joseph Willrich)

**ZONING FROM:** MF-3-CO      **TO:** MF-3-CO      **AREA:** 23.59 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant MF-3-CO, Multi-Family Residence –Medium Density-Conditional Overlay District, zoning. The conditional overlay would limit the site to uses that generate no more than 3,545 vehicle trips per day and the property would be subject to the conditional overlay conditions set out in Ordinance No. 940203-I and in Ordinance No. 930610-M, with the exception of Part 2.4., that states "No multifamily development of Tract 2, or any portion thereof, shall be constructed or maintained within 25 feet of Melrose Trail." In addition, the recommendations for the Neighborhood Traffic Analysis in this case (please see NTA Memorandum – Attachment B) will be placed in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The property in question is currently developed with a multifamily complex (Colonial Village at Quarry Oaks Apartments). There are multifamily uses to the north (McNeil Ranch Apartment Homes), south and west (Melrose Place Four Plexes and Duplexes) of this tract of land. To the east there are commercial (Wendy's restaurant) and multifamily uses (Camden Apartments). The applicant is requesting to MF-3-CO district zoning to change one of the conditions in the existing conditional overlay for this site (please see Request Letter-Attachment A).

The staff recommends the applicant's request to amend the existing conditional overlay on this property. In this request, the applicant is asking to amend a condition from the existing conditional overlay placed on the site in 1991 in Ordinance No. 930610-M that states, "No multifamily development of Tract 2, or any portion thereof, shall be constructed or maintained within 25 feet of Melrose Trail." Basically, the applicant currently cannot build within 25 feet of Melrose Trail and they would like to remove the restriction. The staff believes this request is justified because the properties to the south, across Melrose Trail, are zoned for MF-2, Multifamily-Residence-Low Density District, uses. These lots are currently developed with duplex and fourplex housing, which is compatible with the proposed development on this site under consideration.

The applicant agrees with the staff's recommendation.

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**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3-CO	Multifamily (Colonial Village at Quarry Oaks Apartments)
<i>North</i>	MF-2, County	Multi-family (McNeil Ranch Apartment Homes), Millwood Single Family Residential Neighborhood
<i>South</i>	MF-2, I-SF-2	Multi-family, Duplexes (Melrose Place Four Plexes and Duplexes), Undeveloped Tract
<i>East</i>	GR-CO, CS-1-CO, GR	Restaurant (Wendy's), Commercial Center (McNeil Crossing Retail Center), Multi-family (Camden Apartments)
<i>West</i>	MF-2	Multi-family, Duplexes (Melrose Place Four Plexes and Duplexes)

**AREA STUDY:** N/A

**TIA:** Not required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Monorail Project  
Home Builders Association of Greater Austin  
Homeless Neighborhood Association  
League of Bicycling Voters  
Pond Springs Neighborhood Association  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Real Estate Council of Austin, Inc.

**SCHOOLS:**

Jollyville Elementary School  
Deer Park Middle School  
McNeil High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0211 (Clear Water: 5701-5725 Diehl Trail)	GO-MU-CO to MF-4	12/18/07: Approved the staff recommendation of MF-4-CO zoning with the additional conditions agreed upon by the applicant and the adjacent single-family residents (7-0, J. Martinez-off dias)	1/10/08: Approved MF-4-CO zoning by consent, with the following amendment to allow additional trees to be planted in the vegetative buffer and the necessary improvements to allow trees to be planted(7-0); 1 <sup>st</sup> reading  1/31/08: Approved MF-4-CO zoning by consent, prohibiting

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			structures within a limited area as the neighborhood had requested (7-0)
C14-06-0131 (Riata, Phase 9: 5701-5725 Diehl Trail)	GO-CO to GO-MU	6: Approved the staff's recommendation of GR-MU-CO zoning by consent (6-0, B. Baker, J. Gohil, J. Martinez- absent); M. Hawthorne-1 <sup>st</sup> , C. Hammond-2 <sup>nd</sup> . The conditional overlay will impose the following conditions on the site: 1) The property shall be restricted to 'LO' district development standards and regulations, with the exception of height limitations. 2) Development on the site shall be limited to less than to less than 2,260 trips per day. 3) There shall be a 25-foot vegetative buffer (within the required compatibility setback) along the property line adjacent to the existing SF-2 zoning/ single family residential uses to the north, west and east. 4) Residential development on the property shall be limited to 18 units per acre. In addition, the applicant agreed to post fiscal for improvements at the intersection of Riata Vista West and Parmer Lane, Riata Vista East and Parmer Lane, and Delcour Drive and Parmer Lane in association with zoning case C14-00-2188.	8/10/06: Approved GO-MU-CO zoning with building coverage increased to 60% and impervious coverage increased to 80% (7-0); all 3 readings
C14-05-0086 (McNeil House Apartments: 6280 McNeil Drive)	I-RR to MF-2	8/16/05: Approved staff's recommendation for MF-2 zoning by consent (8-0, K. Jackson- absent); J. Gohil-1 <sup>st</sup> , M. Hawthorne-2 <sup>nd</sup> .	9/29/05: Approved MF-2 zoning by consent (7-0); all 3 readings
C14-02-0184 (HEB Austin #20 Store: 6001 W. Parmer Lane)	GR-CO to CS-1-CO	1/7/03: Approved staff's rec. of CS-1-CO zoning with off-site consumption only (9-0)	2/06/03: Granted CS-1-CO as recommended by staff on all 3 readings(7-0)
C14-01-0063 (Baunach Neighborhood Office - 12719 Dakota Lane)	SF-3 to LO	6/26/01: Approved staff's alternate rec. of NO-MU-CO zoning, with a CO to limit the permitted uses to Administrative and Professional Office and Software Development, allow for a rollback provision to SF-1 if the office use ceases, and limit the site to 20 trips per day; by	8/02/01: Approved PC rec. of NO-MU (6-0); all 3 readings

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		consent (8-0)	
C14-00-2219 (12716-12728 Dakota Lane)	RR, SF-1 to GO	2/13/01: Approved staff alternate rec. of GO-CO (TR1) & LO-CO (TR2) with conditions (9-0)	3/22/01: Approved GO-CO (TR1) & LO-CO (TR2) with conditions (7-0); all 3 readings
C14-00-2218 (6514 McNeil Drive)	I-RR to GO	2/13/01: Approved staff alternate rec. of GO-CO by consent (9-0)	Approved GO-CO w/other conditions (7-0); all 3 readings
C14-98-0131 (Twin Liquors – 6001 W. Parmer Lane)	GR-CO to CS-1	11/10/98: Withdrawn	N/A
C14-98-0024 (New Image – 6410 Block of McNeil Road)	I-RR to GR	4/07/98: Approved staff's alternate rec. of GR-CO by consent (8-0)	4/30/98: Approved PC rec. GR- CO w/conditions (7-0); all 3 readings
C14-96-0066 (Neil's Car Wash – 6748 Corpus Christi)	I-RR to GR	6/25/96: Approved GR-CO for Tracts 1 & 2 (7-1); w/ 25 ft. undisturbed buffer along north property line	7/25/96: Approved PC rec. of GR-CO (5-0); all 3 readings
C14-93-0146 (6263 McNeil)	GR-CO to MF-3-CO	1/4/94: Approved staff rec. of MF- 3-CO, subject to IPM (8-0)	2/3/94: Approved MF-3-CO with conditions

**RELATED CASES:**

C14-93-0146 (Previous Zoning Case)  
SP-94-0449C (Site Plan)

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Melrose Trail	70	42	Collector	Yes	No	No
Heinemann Drive	70	42	Collector	Yes	No	Yes
McNeil Road	100	MAD 4	Arterial	Yes	No	Yes

**CITY COUNCIL DATE:** June 23, 2011

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**




**CASE MANAGER:** Sherri Sirwaitis

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



## ZONING



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

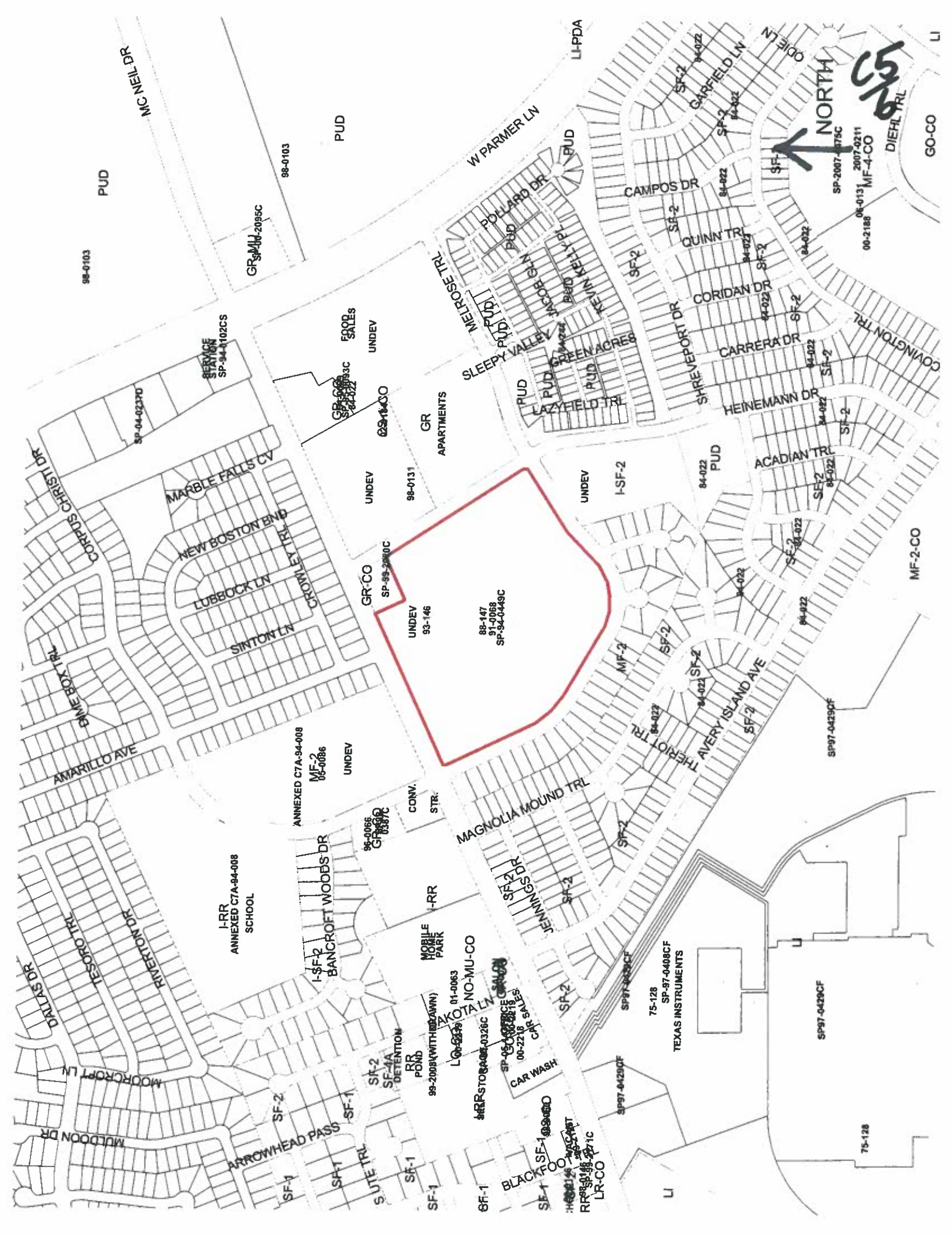
ZONING CASE#: C14-2011-002  
 LOCATION: 6263 MC NEIL DR  
 SUBJECT AREA: 23.590 AC.  
 GRID: J37  
 MANAGER: S. SIRWAITIS



1" = 400'

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.







CS



75-128  
SP-37-400-  
TEXAS INSTRUMENT



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## STAFF RECOMMENDATION

The staff's recommendation is to grant MF-3-CO, Multi-Family Residence –Medium Density-Conditional Overlay District, zoning. The conditional overlay would limit the site to uses that generate no more than 3,545 vehicle trips per day and the property would be subject to the conditional overlay conditions set out in Ordinance No. 940203-I and in Ordinance No. 930610-M, with the exception of Part 2.4., that states "No multifamily development of Tract 2, or any portion thereof, shall be constructed or maintained within 25 feet of Melrose Trail." In addition, the recommendations for the Neighborhood Traffic Analysis in this case (please see NTA Memorandum – Attachment B) will be placed in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

## BASIS FOR RECOMMENDATION

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

Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.

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

The MF-3-CO zoning district would be compatible and consistent with the surrounding uses because there is MF-2 zoning to the north, south, and west of this tract of land. There are currently residential uses to the south, east, and west of the site under consideration.

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

The proposed change to the conditional overlay on this property will permit the applicant to construct a driveway access onto Melrose Trail. This would allow additional access, thereby providing the residents of this apartment complex with two points of entry/exit from the site.

## EXISTING CONDITIONS

### Site Characteristics

The site in question is currently developed with an apartment complex (Colonial Village at Quarry Oaks Apartments). There are multifamily uses to the north (McNeil Ranch Apartment Homes), south and west (Melrose Place Four Plexes and Duplexes) of this tract of land. To the east there are commercial (Wendy's restaurant) and multifamily uses (Camden Apartments).

### Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut 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.

According to flood plain maps, there is a floodplain within or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether



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transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

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 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.

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.

### **Impervious Cover**

The maximum impervious cover allowed by the MF-3 zoning district would be 65%. 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.

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%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

No comments received.

### **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.

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## Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for McNeil Road. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from the existing centerline of McNeil Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)\*

\*On May 24, 2011, the Transportation review staff decided to waive the right-of way dedication requirement in this zoning case. In an e-mail to the case manager, the George Zapalac stated, "We are in agreement that since the purpose of the zoning request was to remove a restriction on access to Melrose Trail and will not result in any increase in development on the tract, it is not necessary to request additional right-of-way from the property owner at this time. However, the owner should be advised that the Transportation Plan calls for 140 feet of right-of-way for McNeil Dr. in order to widen the road in the future and that a portion of this right-of-way may have to be acquired from this tract. The owner may also be subject to recommendations of the Neighborhood Traffic Analysis because traffic is being redirected onto residential streets."

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114 (Please see NTA Memorandum-Attachment B).

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Melrose Trail	70	42	Collector	Yes	No	No
Heinemann Drive	70	42	Collector	Yes	No	Yes
McNeil Road	100	MAD 4	Arterial	Yes	No	Yes

## 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 the water and wastewater utility improvements, system upgrades, utility adjustment, and offsite main extension to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.



Kimley-Horn  
and Associates, Inc.

10415 Morado Circle  
Building I, Suite 300  
Austin, Texas  
78759

CS/11

April 1, 2011

City of Austin  
Planning and Development Review  
505 Barton Springs Road  
Austin, Texas 78704

Re: Colonial at Quarry Oaks  
Rezoning of MF-3-CO to MF-3-CO

To Whom It May Concern:

CMF 15 Portfolio LLC (c/o Colonial Properties Trust) is the owner of approximately 23.59 acres at 6263 McNeil Drive. The property is an existing 533 unit developed and built-out apartment community that was constructed in 1996. Colonial was not the original owner/developer of the property and acquired the asset in the mid 2000s. The property has two zoning ordinances that are both MF-3-CO:

1. C14-93-0146, Ordinance #940203-I
2. C14-91-0068, Ordinance #930610-M

On behalf of our Client, we are requesting to rezone 23.59 acres from MF-3-CO to MF-3-CO. The request is to maintain the existing conditional overlays except for the request to remove condition 4 from Ordinance #930610-M. This condition states: "No multifamily development of Tract 2, or any portion thereof, shall be constructed or maintained within 25 feet of Melrose Trail."

The purpose to rezone and remove this restriction is to allow for the construction of a new driveway access point on Melrose Trail for the existing apartment community. The project currently has one access driveway on McNeil Drive and one access driveway on Heinemann Drive. Residents of the community have expressed a desire for an additional driveway on Melrose Trail since ingress/egress on the McNeil driveway is not signalized and can be challenging during peak traffic volumes on McNeil. Currently the intersection of McNeil and Melrose and McNeil and Heinemann are signalized. Allowing a new access driveway to Melrose Trail will provide an additional means of access for the project to a signalized intersection.





Kimley-Horn  
and Associates, Inc.

April 1, 2011 Page 2

Please let me know if you need any additional information to process the application  
and we appreciate in advance a positive staff recommendation.

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Very truly yours,  
KIMLEY-HORN AND ASSOCIATES, INC.

*Joseph Willrich*  
Joseph G. Willrich, P.E.

Attachments: Ordinance No. 940203-I  
Ordinance No. 930610-M

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**MEMORANDUM**

**TO:** Sherri Sirwaitis, Case Manager  
**CC:** Members of the City Council

**FROM:** Shandrian Jarvis, Transportation Planner  
**DATE:** April 20, 2011  
**SUBJECT:** Neighborhood Traffic Analysis for Colonial Quarry Oaks # C14-2011-0029

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The transportation section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 23.59-acre tract is located in northwest Austin near the intersection of McNeil Drive and Parmer Lane. The site is currently zoned Multi-Family Residence (MF-3-CO) and it is the location for the Colonial at Quarry Oaks Apartments. Multi-family residential uses are located to the north and south of the property. General retail uses are located east of the tract, across Heinemann Drive. The zoning request is for Multi-Family Residence (MF-3-CO) to allow access from the site to Melrose Trail. In order to get a more accurate analysis of the potential impact of site traffic on Melrose Trail, the neighborhood traffic analysis incorporates the entire site that consists of 533 apartment units.

**Roadways**

The site currently has access to McNeil Drive and Heinemann Drive. The applicant is proposing access to Melrose Trail.

McNeil Road provides access to the site from the north. It is classified as a four-lane divided major arterial in the Austin Metropolitan Area Transportation Plan (AMATP). The road currently has a right-of-way width of approximately 100 feet; however, the AMATP calls for approximately 140 feet of ROW, to accommodate a six-lane divided section. McNeil Drive is served by bicycle route #114, but there is currently no Capital Metro bus service along the roadway.

Heinemann Drive provides access to the site from the east. It is classified as a neighborhood collector. The road currently has a right-of-way width of approximately 70 feet and a pavement width of approximately 40 feet. There is a three-way traffic signal located at the intersection of McNeil and Heinemann Drive. Heinemann Drive is served by bicycle route #302. There is currently no Capital Metro bus service along the roadway.

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Melrose Trail borders the site on the south and west. It is classified as a neighborhood collector. The road currently has a right-of-way width of approximately 70 feet and a pavement width of approximately 40 feet. There is a four-way traffic signal located at the intersection of McNeil and Melrose Trail. Melrose Trail is not currently listed as a route in the City of Austin Bicycle plan and there is currently no Capital Metro bus service along the roadway.

### **Trip Generation and Traffic Analysis**

Based on the Institute of Transportation Engineer's publication Trip Generation, the existing site generates approximately 3,545 per day (vpd).

Table 1 represents the expected distribution of the 3,545 trips:

<b>Table 1.</b>	
<b>Street</b>	<b>Traffic Distribution by Percent</b>
McNeil Drive	40
Heinemann Drive	30
Melrose Trail	30

Table 2 represents a breakdown of existing traffic on McNeil Drive and Heinemann Drive, proposed site traffic, total traffic after development and percentage increase in traffic on adjacent streets.

<b>Table 2.</b>				
<b>Street</b>	<b>Existing Traffic (vpd)</b>	<b>Proposed New Site Traffic to each Roadway</b>	<b>Overall Traffic</b>	<b>Percentage Increase in Traffic</b>
McNeil Drive	39,193 <sup>1</sup>	-284	38,484	-0.7%
Heinemann Drive	12,317 <sup>1</sup>	-355	11,962	-2.9%
Melrose Trail	4,333 <sup>2</sup>	1063	5,396	24.5%

<sup>1</sup> Source: COA Traffic Counts 2003. [http://www.campotexas.org/programs/rd\\_traffic\\_counts.php](http://www.campotexas.org/programs/rd_traffic_counts.php). These rates have been projected to 2011.

<sup>2</sup> Source: GRAM Traffic Counting, Inc. April, 6 2011.

It is assumed that approximately 30 percent (1063 vpd) of the site traffic would access the property from the Melrose Trail entrance. Approximately 60 percent of these trips (425 vpd) would travel north to McNeil Drive. Under this scenario, traffic on Melrose Trail would increase by approximately 25 percent. Site traffic on McNeil Drive and Heinemann Drive is expected to decrease by approximately 0.7 percent and 2.9 percent, respectively.

According to Section 25-6-116 of the Land Development Code, collector streets which are 40 feet or wider are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 4,000 vehicles per day. In its current configuration, Melrose Trail would operate at an unacceptable level for this portion of the roadway.



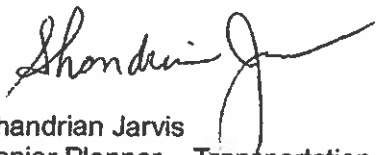
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### Recommendations/Conclusions

1. The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for McNeil Road. [LDC, Sec. 25-6-51 and 25-6-55). A portion of this right-of-way may be acquired from this tract.
2. Due to the estimated increase in traffic along Melrose Trail, a four-way stop may be warranted at the Melrose Trail and Heinemann Drive intersection. The Austin Transportation Department will monitor traffic at this location after the proposed improvements are completed to determine the need for additional improvements, if any.
3. Development of this property should also be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis, including traffic distribution, roadway conditions, and other traffic related characteristics.
4. All driveways would need to comply with current City of Austin Type II Commercial Driveway standards and would need to meet minimum requirements for driveway width; throat length, driveway spacing, offset, and curb return radii. The owner will be responsible for obtaining permit approval for the driveways prior to site plan approval.

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If you have any questions or require additional information, please contact me at 974-2628.



Shandrian Jarvis  
Senior Planner ~ Transportation Review  
Planning and Development Review Department

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**Sirwaitis, Sherri**

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**From:** Zapalac, George  
**Sent:** Monday, May 23, 2011 3:10 PM  
**To:** Sirwaitis, Sherri  
**Cc:** Jarvis, Shandrian; Almazan, Joe; Jain, Sangeeta  
**Subject:** C14-2011-0029, Colonial at Quarry Oaks

I have spoken with Teri McManus about the additional right-of-way that was requested for this zoning. We are in agreement that since the purpose of the zoning request was to remove a restriction on access to Melrose Trail and will not result in any increase in development on the tract, it is not necessary to request additional right-of-way from the property owner at this time. However, the owner should be advised that the Transportation Plan calls for 140 feet of right-of-way for McNeil Dr. in order to widen the road in the future and that a portion of this right-of-way may have to be acquired from this tract. The owner may also be subject to recommendations of the Neighborhood Traffic Analysis because traffic is being redirected onto residential streets.

George Zapalac  
Development Services Manager  
Planning & Development Review Department  
(512) 974-2725  
george.zapalac@ci.austin.tx.us

ORDINANCE NO. 940203- I

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: LOT 3, BLOCK A, AMENDED PLAT OF LOTS 3 AND 4, MILWOOD SECTION 21-A, FROM "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS 6263 McNEIL DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTION 2-2-3 OF THE AUSTIN CITY CODE OF 1992; AND DECLARING AN EMERGENCY.

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

**PART 1.** That Chapter 13-2 of the Austin City Code of 1992 is amended to change the zoning districts from: "GR-CO" Community Commercial district-Conditional Overlay combining district to: "MF-3-CO" Multifamily Residence (Medium Density) district-Conditional Overlay combining district on the property described in File: C14-93-0146, as follows:

Lot 3, Block A, Amended Plat of Lots 3 and 4, Milwood Section 21-A, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 87, Pages 10C and 10D, of the Plat Records of Travis County, Texas,

locally known as 6263 McNeil Drive, in the City of Austin, Travis County, Texas.

**PART 2.** That the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following condition:

Multifamily development on the Property shall not exceed a density of 30 units per acre.

Except as specifically restricted pursuant to this ordinance, the property may be developed and used in accordance with the regulations established for the "MF-3" Multifamily Residence (Medium Density) base district and other applicable requirements of the Land Development Code.

**PART 3.** That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

**PART 4.** That the requirements imposed by Section 2-2-3 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

**PART 5.** That the City Council declares that an emergency exists concerning the safe, orderly, and healthful growth and development of the City in order to assure the immediate preservation of the public peace, health, and safety; therefore this ordinance shall become effective immediately upon its passage as required by this emergency and as provided by the City Charter of the City of Austin.



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PASSED AND APPROVED:

February 3, 1994

507 509 529 530

*Bruce Todd*

Bruce Todd  
Mayor

APPROVED:

*Diana L. Granger*

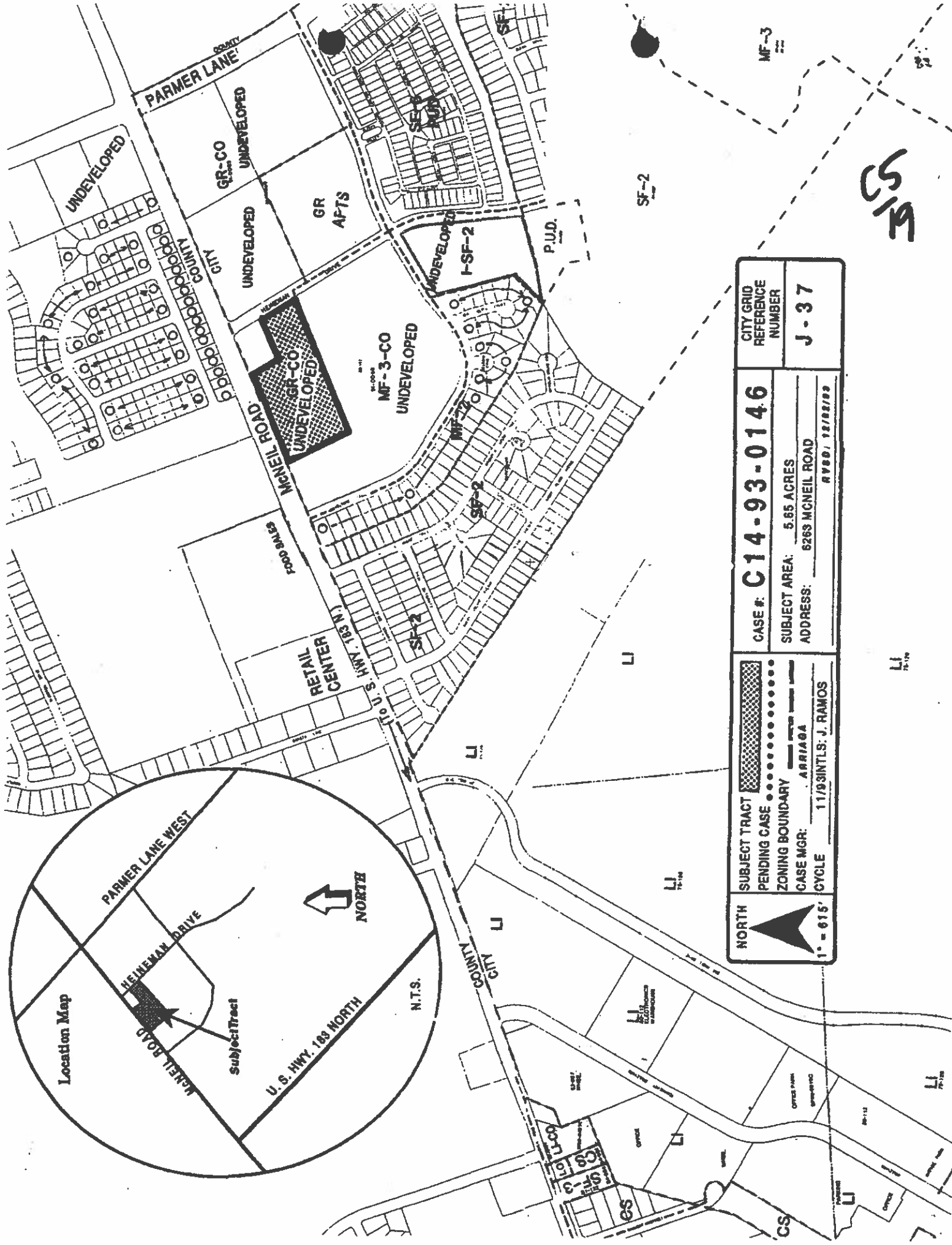
Diana L. Granger  
City Attorney

ATTEST:

*James E. Aldridge*

James E. Aldridge  
City Clerk

3Feb94  
ME/jj



<b>CASE #:</b> C14-93-0146		<b>CITY GRID REFERENCE NUMBER:</b> <b>J-37</b>
<b>SUBJECT AREA:</b> 5.85 ACRES		<b>ADDRESS:</b> 5263 MCNEIL ROAD ARVOD, 12/02/03
<b>SUBJECT TRACT:</b> [Hatched Box]		
<b>PENDING CASE:</b> [Dotted Line]	<b>ZONING BOUNDARY:</b> [Dashed Line]	<b>CASE MGR:</b> ARRIAGA <b>CYCLE:</b> 11/93INTLS: J. RAMOS
<b>1" = 615'</b>		
<b>LI 12-14</b>		

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AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: LOTS 3 AND 4, AMENDED PLAT OF LOTS 3 AND 4, MILWOOD SECTION 21-A, FROM INTERIM "RR" RURAL RESIDENCE DISTRICT TO "GR-CO" COMMUNITY COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: LOTS 1 AND 2, BLOCK A, MILWOOD SECTION 21-A, FROM INTERIM "RR" RURAL RESIDENCE DISTRICT TO "MF-3-CO" MULTIFAMILY RESIDENCE (MEDIUM DENSITY) DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 6245-6289 McNEIL ROAD, 13000-13032 HEINEMANN DRIVE [EVEN NUMBERS ONLY], 6018-6024, 6100-6110, 6200-6208, 6300-6320, 6400-6416, AND 6500-6512 MELROSE TRAIL, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5 AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-91-0068, as follows:

Tract 1: From Interim "RR" Rural Residence district To "GR-CO" Community Commercial district-Conditional Overlay combining district.

Lots 3 and 4, Amended Plat of Lots 3 and 4, Milwood Section 21-A, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 87, Page 100C-100D, of the Plat Records of Travis County, Texas.

Tract 2: From Interim "RR" Rural Residence district To "MF-3-CO" Multifamily Residence (Medium Density) district-Conditional Overlay combining district.

Lots 1 and 2, Block A, Milwood Section 21-A, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 86, Page 110A-110B, of the Plat Records of Travis County, Texas.

locally known as 6245-6289 McNeil Road, 13000-13032 Heinemann Drive [EVEN NUMBERS ONLY], 6018-6024, 6100-6110, 6200-6208, 6300-6320, 6400-6416, and 6500-6512 Melrose Trail, in the City of Austin, Travis County, Texas.

PART 2. That the property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:



CITY OF AUSTIN, TEXAS

1. Development of Tracts 1 and 2, or any portion of Tracts 1 and 2, shall conform to the site development regulations authorized in the "LR" Neighborhood Commercial base district as set forth in Sec. 13-2-630 of the Austin City Code.
2. The following uses shall be prohibited on Tracts 1 and 2:
  - (a) Automotive rentals,
  - (b) Automotive repair services,
  - (c) Automotive sales,
  - (d) Commercial off-street parking,
  - (e) Funeral services,
  - (f) Hotel-motel,
  - (g) Pawn shop services,
  - (h) Theater,
  - (i) Outdoor entertainment,
  - (j) Indoor entertainment, and,
  - (k) Indoor sports and recreation, and
  - (l) Hospital services (general)
3. Multifamily development on Tract 2 shall not exceed a density of 30 units per acre.
4. No Multifamily development of Tract 2, or any portion thereof, shall be constructed or maintained within 25 feet of Melrose Trail.

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. It is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5 and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five (5) members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten (10) days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

June 10, 1993

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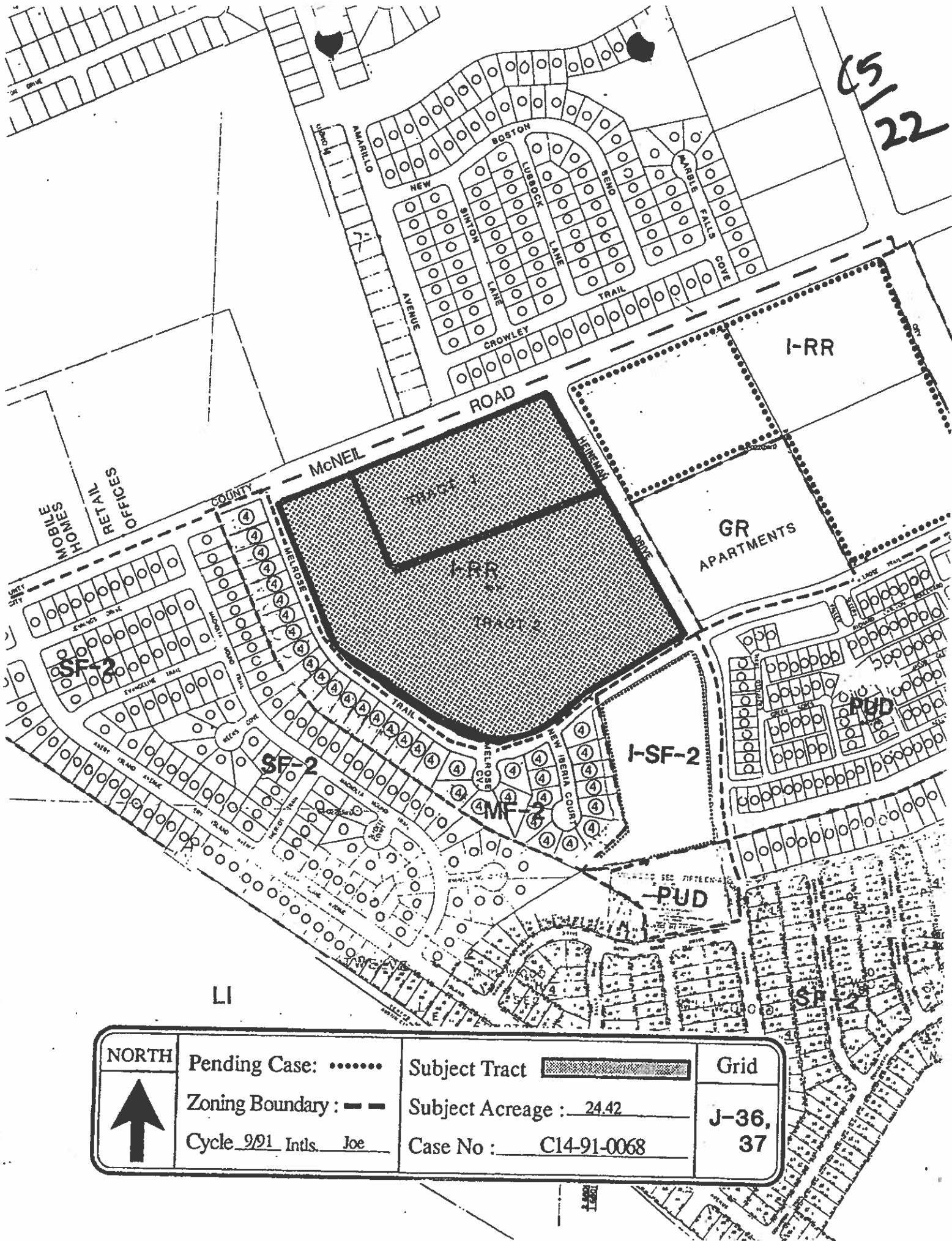
Bruce Todd  
Mayor



APPROVED:   
Diana L. Granger  
City Attorney

ATTEST:   
James E. Aldridge  
City Clerk

10June93  
ME/jj

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<b>NORTH</b> 	Pending Case: .....	Subject Tract 	Grid
	Zoning Boundary : — —	Subject Acreage : 24.42	<b>J-36, 37</b>
	Cycle <u>9/91</u> Intls. <u>Joe</u>	Case No : C14-91-0068	