

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0196 (Polo Club)

**Z.A.P. DATE:** January 20, 2015

**ADDRESS:** 8519 Cahill Drive

**DISTRICT AREA:** 6

**OWNER/APPLICANT:** Investors Capital Group, LLC (Michael Christian/ Lindsay Gilmore)

**ZONING FROM:** I-RR

**TO:** MF-3

**AREA:** 14.36 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant MF-3, Multifamily Residence-Medium Density District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

1/20/15: Approved staff's recommendation of MF-3 zoning by consent (5-0, B. Baker and S. Compton-absent); R. McDaniel-1<sup>st</sup>, C. Banks-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question is currently developed with a multifamily residential use (Polo Club Apartments). This property was annexed by the City of Austin in 1998 through Ordinance No. 981210-C. The applicant is requesting MF-3 zoning to bring the existing use into conformance with City of Austin Land Development Code land use regulations.

The staff recommends Multifamily Residence-Medium Density zoning for this tract of land because the property meets the intent of MF-3 district as the property is located in an area near supporting transportation and commercial facilities and for which medium density multifamily use is desired. The proposed MF-3 zoning will be compatible and consistent with the surrounding uses because there are currently multifamily uses located northwest and south of this tract of land. In addition, there is an office/retail center and GR-CO zoning to the southwest along Pond Springs Road.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Multifamily (Polo Club Apartments)
<i>North</i>	I-RR, I-SF-2	Multifamily, Single-Family Residences
<i>South</i>	I-RR	Multifamily (Hunter's Chase Apartments)
<i>East</i>	I-SF-2	Duplexes
<i>West</i>	I-RR	Office/Retail Complex (Sentronics, Topaz Technologies, Ten X Technologies, Conestog-Rovers & Associates) Multifamily (Hunter's Chase Apartments)

**AREA STUDY:** N/A

**TIA:** Not Required at this time

**WATERSHED:** Rattan Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Northwest Association  
Bike Austin  
Sierra Club, Austin Regional Group  
The Real Estate Council of Austin, Inc.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0155 (Pond Springs Challenger School: 13015 Pond Springs Road)		2/04/14: Approved GR-CO zoning, with additional condition to prohibit Pawn Shop Services, on consent (6-0, R. McDaniel-absent); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	2/27/14: Approved GR-CO zoning on consent on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , S. Cole-2 <sup>nd</sup> .
C14-2012-0132 (Kenneth L. Bishop: 13039 Pond Springs Road)	I-RR to CS-MU	12/04/12: Approved the staff's recommendation of GR-MU zoning by consent (6-0, S. Compton-absent); C. Banks-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	12/13/12: Approved GR-MU zoning on 1 <sup>st</sup> reading (7-0); L. Morrison-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .  4/11/13: Approved GR-MU zoning on consent on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (6-0, K. Tovo- absent); B. Spelman-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .
C14-2012-0017 (San Felipe Boulevard Re- Zoning)	GR to GR-MU	3/20/12: Approved staff's recommendation of GR-MU-CO zoning, with the following conditions: add Restaurant (Limited) and Urban Farm back as permitted uses and prohibit Drive-in Services (7-0); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	4/26/12: Approved GR-MU-CO zoning on consent, with conditional overlay to limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services, Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Drive-in Services, and require a 10-foot landscape buffer along the eastern property line, on all 3 readings (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .

C14-06-0236 (13201 Pond Springs Road)	I-SF-2 to Tract 1: GR, Tract 2: CS-1	4/17/07: Approved the staff's rec. of GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type); adding Pawn Shop Services as a prohibited use (7-0, Jackson and Hammond-absent)	5/17/07: Approved GR-CO zoning for Tract 1 and CS-1-CO for Tract 2, with a CO for the following: limit the development intensity on the site to less than 2,000 vehicle trips per, prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type), Pawn Shop Services (7-0); all 3 readings
C14-06-0157 (Pond Springs Plaza: 13233 Pond Springs Road)	I-SF-2 to Tract 1: CS, Tract 2: CS-1	<p>11/07/06: Approved staff's recommendation of GR-CO zoning for Tract 1 (shopping center), CS-1-CO zoning for Tract 2 (bar area), and GR-CO zoning for newly created Tract 3 (deck area). The conditional overlay would limit the site to uses that generate no more than 2,000 vehicle trips per day and prohibit Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing-of any type, and Service Station uses on the property. The Commission added the following conditions to Tract 2: 1) Prohibit Adult Oriented Businesses; 2) To require double door access to the deck from the bar (if allowable by Code and Building Permit regulations); 3) To place permanent signage on the property at the driveway entries to restrict motorcycle parking in the rear/alleyway. 4) To place permanent signage along the fence/property line between the residential site to the west and the property in question designating the parking spaces in the rear/alleyway as, "Employee Parking Only". 5) To construct an 8-foot masonry/or sound retardant fence around the deck to mitigate sound emanating from the deck.</p> <p>The Commission also placed the following conditions on Tract 3</p>	<p>12/07/06: Approved the ZAP recommendation, striking the requirement for double door access from the bar (Tract 2) to the deck (Tract 3) and adding a condition for speakers be removed from the deck area (7-0).</p> <p>4/12/06: Approved GR-CO zoning for Tract 1, CS-1-CO zoning for Tract 2, and GR-CO zoning for Tract 3 (6-0); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>

		(the deck area): 1) Place an 85 decibel limit (in accordance with LDC Sec. 9-2-4) on the deck to reduce noise emanating from the deck. 2) Restrict amplified sound on the deck. 3) Place permanent signage on the deck for noise mitigation. 4) Remove the pool table off of the deck. Vote: (7-2, B. Baker, J. Martinez- No); J. Shieh-1 <sup>st</sup> , S. Hale-2 <sup>nd</sup> .	
C14-04-0157 (Nouri Project: 186 Pond Springs Road)	I-RR to CS	11/2/04: Approved staff's recommendation of CS-CO zoning, the CO would limit the site to uses that generate no more than 2,000 vehicle trips per day by consent (9-0); J. Martinez-1 <sup>st</sup> , J. Gohil-2 <sup>nd</sup> .	12/02/04: Approved CS-CO (7-0); all 3 readings
C14-04-0070 (12952 Pond Springs Road)	I-RR to GR-CO	7/20/04: Approved staff's recommendation of GR-CO zoning, with CO to impose the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Restaurant (General); Restaurant (Limited); 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require a 25' vegetative buffer along the northern property line; by consent (8-0, J. Pinnelli-absent)	8/26/04: Granted GR-CO (7-0); all 3 readings
C14-03-0080 (Goodson 4.4 acres: San Felipe Blvd)	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: 1) Limit the site to 2,000 vehicle trips per day; 2) Prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm, and 3) Require a 10-foot landscape buffer	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use). 8/14/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.

		along the Eastern property line. Vote: (8-0, J. Martinez-absent); M. Whaley-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	
C14-02-0132 (Goodson 8 Acres: Pond Springs Road at San Felipe Boulevard)	MF-3-CO to GR	<p>10/22/02: Approved GR-CO zoning with the following conditions:</p> <ol style="list-style-type: none"> <li>1) The only permitted GR uses are Automotive Sales and Automotive Repair Services;</li> <li>2) Permit LR uses, with the exception of the following uses: <ol style="list-style-type: none"> <li>a) Service Station</li> <li>b) Food Sales</li> <li>c) Accessory Off-Site Parking</li> <li>d) Restaurant (Drive-In, Fast Food)</li> <li>e) Restaurant (Limited);</li> </ol> </li> <li>3) 2,000 vehicle trip per day limit;</li> <li>4) Require that protected trees shall remain undisturbed;</li> <li>5) Require that Compatibility Standards be applied along the eastern property line;</li> <li>6) Require a 25' vegetative buffer along the eastern property line;</li> <li>7) Limit structures to 40' in height, with an increase in height according to Compatibility Standards;</li> <li>8) Require that all Automotive Maintenance and Repair be contained within a structure;</li> <li>9) Restrict access to San Felipe Boulevard to emergency access only;</li> <li>10) Allow no inoperable vehicle storage on the site;</li> <li>11) Parking lot not allowed adjacent to the proposed vegetative buffer along the eastern property line.</li> </ol>	<p>11/21/02: Granted ZAP rec. of GR-CO zoning w/ conditions and a public restrictive covenant (6-0, Goodman-absent); 1<sup>st</sup> reading</p> <p>12/5/02: Granted GR-CO zoning (7-0); 2nd reading, with the following conditions:</p> <ol style="list-style-type: none"> <li>1) No structural detention or water quality facility shall be allowed within the proposed 25' vegetative buffer;</li> <li>2) Grow green standards shall be utilized;</li> <li>3) Structural parking shall be prohibited</li> </ol> <p>12/12/02: Granted GR-CO zoning (7-0); 3<sup>rd</sup> reading [valid petition withdrawn]</p>

**RELATED CASES:** C7A-98-001 (Annexation Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cahill Drive	70'	46'	Collector	No	No	Yes
Pond Springs Road	100'	MAD-4	Arterial	No		

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

**ACTION:**

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

2<sup>nd</sup>

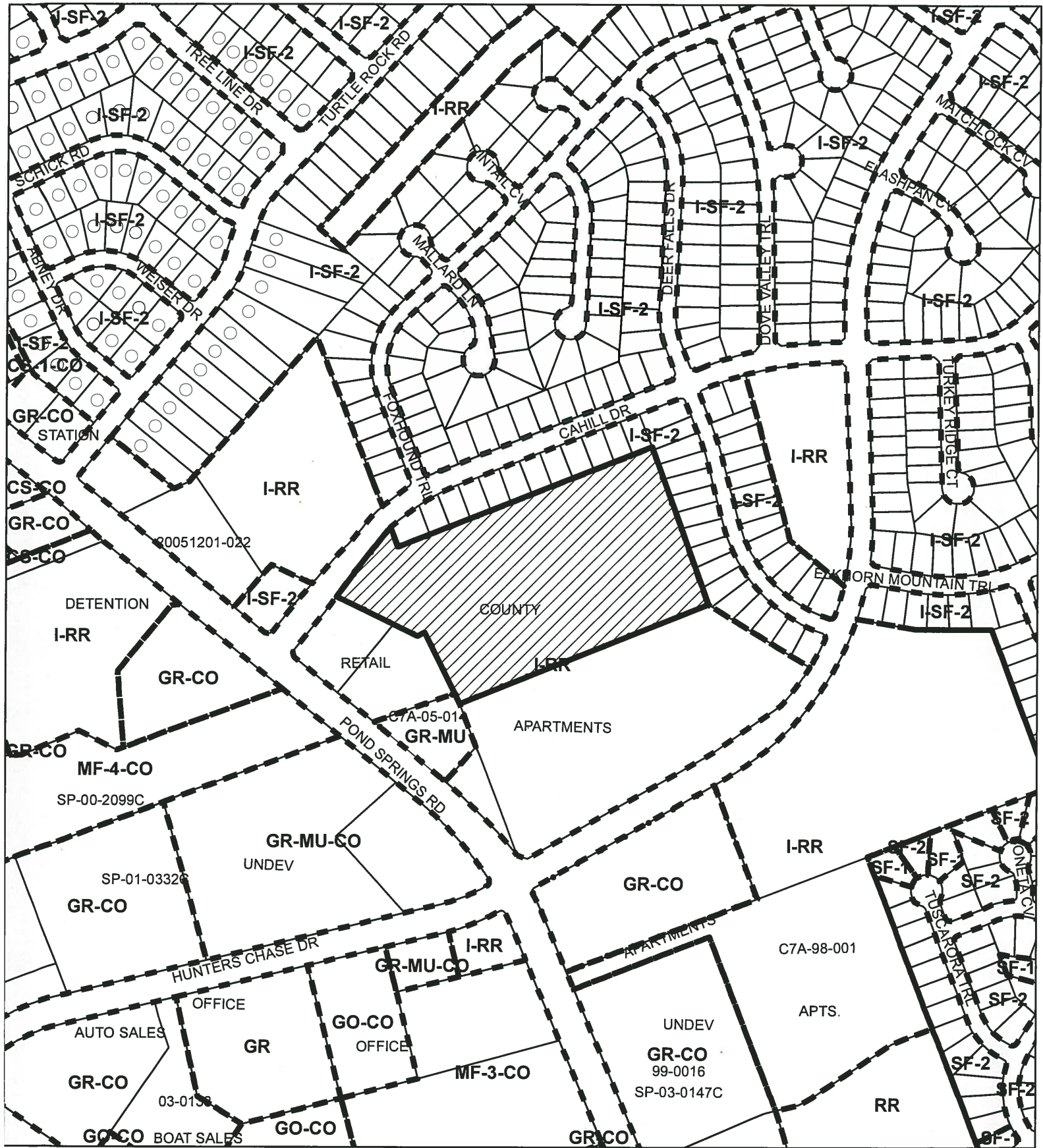
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

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





N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

**ZONING CASE**  
**C14-2014-0196**

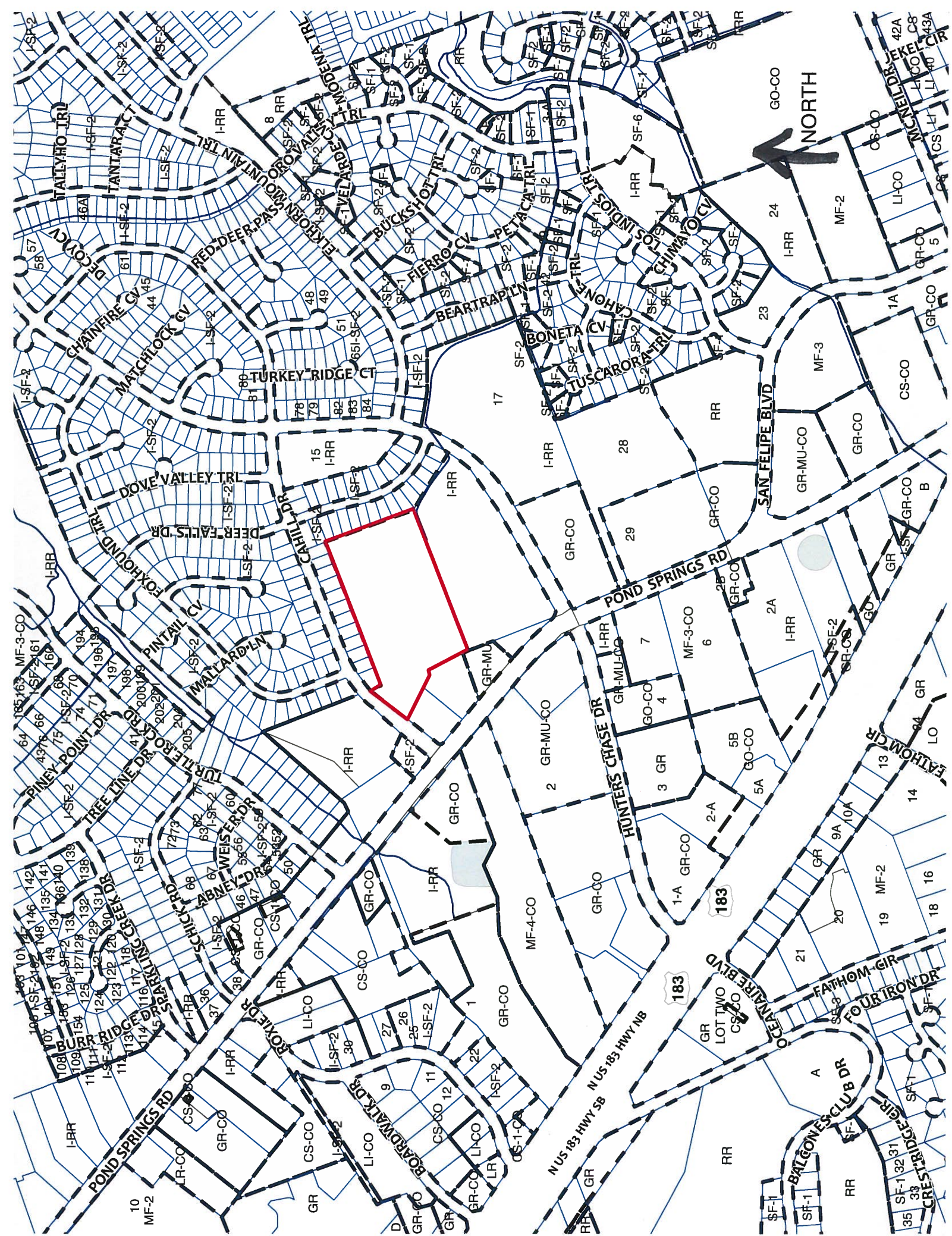


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

1" = 400'











## **STAFF RECOMMENDATION**

The staff's recommendation is to grant MF-3, Multifamily Residence-Medium Density District, zoning.

## **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 proposed MF-3 zoning will be compatible and consistent with the surrounding uses because there are currently multifamily uses located northwest and south of this tract of land. In addition, there is an office/retail center and GR-CO zoning to the southwest along Pond Springs Road.

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

The proposed zoning will permit the applicant to bring the existing multifamily use on the property into conformance with the City of Austin Land Development Code land use regulations.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently developed with a 304 unit multifamily residential use (Polo Club Apartments).

### **Comprehensive Planning**

#### **I-RR to MF-3**

This zoning case is located on the east side of Cahill Drive, on a 14.3 acres parcel that contains a large multi-family apartment complex. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single family housing to the north, another large apartment complex and a retail/office complex to the south, single family housing to the east, and another apartment complex and more single family houses to the west. The proposal is to rezone the property to reflect the existing use on the property, which is a multi-family apartment complex.

#### **Imagine Austin**

The site is located over the Edwards Aquifer Recharge Zone. An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer and additional environmental ordinances pertain to the development.

Based on comparative scale of the site relative to several other multifamily uses located near Cahill Drive and Pond Spring Road, and the property not being located within the boundaries of an Imagine Austin Growth Center or along an Activity Corridor, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location in an environmentally sensitive area, there will be at the site planning stage if this property is ever redeveloped, an environmental review to determine if any critical environmental features are located on the site.

### **Environmental**

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek and Rattan Creek Watersheds, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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.

Numerous 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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 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 Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

Note: The most restrictive impervious cover limit applies.

### **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.

### **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 may be required at the time of site plan if more than 2000 trips will be generated by existing and proposed uses [LDC, 25-6-117].

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Cahill Drive.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cahill Drive	70'	46'	Collector	No	No	Yes

### **Water and Wastewater**

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



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
**<http://www.austintexas.gov/development>**.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2014-0196**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Jan 20, 2015, Zoning and Platting Commission**

**Feb 26, 2015, City Council**

Tania Deaton  
Your Name (please print)

☐ I am in favor  
☒ I object

12342 Hunters Chase Dr 3324

Your address(es) affected by this application

Tania Deaton  
Signature

1-20-15  
Date

Daytime Telephone: (512) 316-7877

Comments:

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

City of Austin  
Planning & Development Review Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number: C14-2014-0196**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Jan 20, 2015, Zoning and Platting Commission**

**Feb 26, 2015, City Council**

MAEZ TAYLOR

Your Name (please print)

8518 CAHILL DR #52

Your address(es) affected by this application

MAEZ TAYLOR

Signature

Daytime Telephone: 512-402-3140

Date

1/16/15

Comments:

MUST HAVE EXTENSIVE "GREEN" SPACES & "GREEN FEATURES"

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810