

ZONING CHANGE REVIEW SHEET**CASE:** C14-2015-0136 (6914 McNeil Dr.)**Z.A.P. DATE:** November 17, 2015

December 15, 2015

January 5, 2016

January 19, 2016

DISTRICT AREA: 6**ADDRESS:** 6914 McNeil Drive**OWNER/APPLICANT:** Douglas L. Reynolds**AGENT:** Bury, Inc. (Derek Villemez)**ZONING FROM:** I-RR**TO:** GR**AREA:** 1.357 acres**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant LR, Neighborhood Commercial District, zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

11/17/15: Postponed at the applicant's request to December 15, 2015 (10-0); A. Denkler-2nd, B. Evans-2nd.

12/15/16: Postponed at the applicant's request to January 5, 2016 (7-0, D. Breithaupt, Y. Flores, S. Harris-absent); B. Evans-1st, S. Lavani-2nd.

01/05/16: Postponed at the applicant's request to January 19, 2016 (8-0, S. Lavani-absent, J. Goodman-arrived late); T. Webber-1st, A. Denkler-2nd.

DEPARTMENT COMMENTS:

The property in question is currently developed with a vacant garden center/plant nursery use. The site is surrounded by an assisted living use to the north and east (The Clairmont Retirement Community) and a multifamily use to the west (Madison at Stone Creek Apartments). The properties to the south, across McNeil Drive, are developed with a dog training facility/kennel use (Taurus Dog Training & Day Care), an office use (Werner Design Group) and a veterinary clinic (Balcones Animal Hospital). The applicant is requesting GR, Community Commercial District, zoning to redevelop the site with an automotive parts sales business (General Retail Sales-General) use.

The staff recommends LR zoning because the site meets the intent of the Neighborhood Commercial District designation. The proposed LR zoning will promote consistency and orderly planning as it will provide a transition in the intensity of uses away from McNeil Drive to the north. Neighborhood Commercial zoning is compatible with the assisted living and multifamily residential uses surrounding the site. LR zoning will permit low intensity commercial, office and civic uses that will provide services for residential developments to the north, east and west of the property under consideration.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Vacant (former Great Hills Garden Center)
<i>North</i>	I-RR	Assisted Living (The Clairmont Retirement Community)
<i>South</i>	CS-CO, LO, LI-CO	Taurus Dog Training & Day Care, Office (Werner Design Group), Veterinary Services (Balcones Animal Hospital)
<i>East</i>	RR	Multi-family/Apartments (Madison at Stone Creek Apartments)
<i>West</i>	I-RR	Assisted Living (The Clairmont Retirement Community)

AREA STUDY: N/A**TIA:** Waived**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
 Friends of Austin Neighborhoods
 SELTEXAS
 Sierra Club, Austin Regional Group

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2012-0099 (Myers Zoning Change: 6810 McNeil Drive)	I-SF-2 to CS GR	11/06/12: Approved GR-CO zoning (6-0, G. Rojas-absent); P. Seeger-1 st , J. Meeker-2 nd , with the following conditions 1) Limit the development intensity for the site to less than 2,000 vehicle trips per day, 2) Prohibit the following uses as offered by the applicant: Automotive Repair Services, Automotive Washing (of any kind), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Food Sales, Funeral Services, Hotel/Motel, Indoor Entertainment, Indoor Sports and Recreation, Off-Site Accessory Parking, Outdoor Entertainment, Outdoor Sports and Recreation,	11/08/12: Approved GR-CO zoning on consent on 1 st reading (6-0, S. Cole-off dais); L. Morrison-1 st , M. Martinez-2 nd . 12/13/12: Approved GR-CO zoning on consent on 2 nd /3 rd readings (7-0), L. Morrison-1 st , B. Spelman-2 nd .

		Plant Nursery, Theater, Custom Manufacturing, College and University Facilities, Communication Service Facilities, Community Recreation (Private & Public), Counseling Services, Guidance Services, Hospital Services (General), Hospital Services (Limited), Local Utility Services, Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Residential Treatment, Safety Services; 3) Add Automotive Sales and Service Station as prohibited uses. 4) Prohibit/restrict hours of operation between 12:00 a.m. and 6:00 a.m.	
C14-2008-0098 (12205 Pecan Street)	SF-3 to LI	7/01/08: Approved staff's rec. of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1 st , J. Shieh-2 nd .	8/07/08: Approved LI-CO district zoning, with the following conditions: 2,000 vtpdl, prohibit Adult Oriented Businesses and 35-feet of right-of-way should be dedicated from the centerline of Pecan Street through a street deed, by consent (7-0); B. McCracken-1 st , S. Cole-2 nd .
C14-2008-0095 (Jekel Rezoning: 12214 Jekel Circle)	SF-3 to LI	7/01/08: Approved staff's recommendation of LI-CO zoning, with added condition to prohibit Adult Oriented Businesses, by consent (6-0, J. Martinez, K. Jackson-absent) T. Rabago-1 st , J. Shieh-2 nd .	8/07/08: Approved LI-CO district zoning, with the following conditions: 2,000 vtpdl, prohibit Adult Oriented Businesses and 35-feet of right-of-way should be dedicated from the centerline of Jekel Circle through a street deed, by consent (7-0); B. McCracken-1 st , S. Cole-2 nd .
C14-2008-0069 (IABA Phase-1: 12460 Los Indios Trail)	I-RR to MF-3	6/17/08: Approved SF-6-CO district zoning with conditions of: Restricting to no duplexes, multi-family, town homes or condominiums; Maximum of 30 units; 25' undisturbed vegetative setback and a 50' building setback from the northern property line; 300 vehicle trips per day; Commissioner Keith Jackson's motion, Commissioner	7/24/08: Approved the ZAP Commission's rec. of SF-6-CO zoning, with restrictions as follows: no attached single family dwellings and 35' height limitation with exceptions allowed under the Code up to 40'. The parking will be agreed upon by involved parties. (7-0); Council Member Cole-1 st , Council Member Martinez-2 nd , 1 st reading

		Joseph Martinez second the motion on a vote of 8-0; with 1 vacancy on this commission.	7/23/09: Approved SF-6-CO zoning on consent on 2 nd /3 rd readings (7-0); Morrison-1 st , Martinez-2 nd .
C14-03-0107 (Los Indios Lift Station: 12507 Oro Valley Trail)	SF-4A to P	8/26/03: Approved staff's recommendation of 'P' zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	9/25/03: Granted 'P' (7-0); all 3 readings
C14-03-0074 (Gateway Community Church: 7014 McNeil Drive)	SF-6-CO to GO	6/3/03: Approved GO-CO zoning, with the following conditions: 1) Limit the development intensity on the site to less than 2,000 vehicle trips per day. 2) Allow GO, General Office district, zoning height (60 feet) and impervious cover (80%) standards. Limit all other site development regulations to LO, Limited Office district, zoning standards. 3) Permit LO district uses (prohibit the following GO district uses): Business or Trade School, Business Support Services, College and University Facilities, Congregate Living, Hospital Services (General), Hospital Services (Limited), Private Secondary Education Facilities, Off-Site Accessory Parking, Personal Services, Restaurant (Limited); 4) Provide a 25-foot setback (buffer zone) from the North property line for the area that is zoned SF-1. 5) Provide a 25-foot setback from the East property line for the area that is zoned SF-1 and the lot zoned SF-2.	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings
C14-03-0059 (McNeil Deal: 6917 McNeil Drive)	SF-3 to CS	5/6/03: Approved staff's rec. of CS-CO zoning with condition to prohibit the following uses: <ul style="list-style-type: none"> • Drop-off Recycling Collection Facility • Scrap and Salvage • Convenience Storage • Pawnshop Services 	6/5/03: Approved CS-CO (7-0); all 3 readings

		(8-0, K. Jackson-absent)	
C14-00-2218 (6514 McNeil Drive)	I-RR to GO	2/13/01: Approved staff rec. of GO-CO by consent (9-0)	3/22/01: Approved GO-CO zoning, with the following conditions: 660 vehicle trip limit and 40 foot height limit (7-0); all 3 readings
C14-99-0095	SF-3 to CS	6/29/99: Approved staff's alternate rec. of CS-CO (8-0)	7/29/99: Approved PC rec. of CS-CO (6-0); all 3 readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Mc Neil Drive	67 feet	60 feet	Arterial	No	No	No
Los Indios Trail	65 feet	45 feet	Collector	Yes	No	No

CITY COUNCIL DATE: December 10, 2015

ACTION: Postponed to February 11, 2016 at the staff's request (10-0, S. Adler-absent)

February 11, 2016

ACTION:

ORDINANCE READINGS: 1st

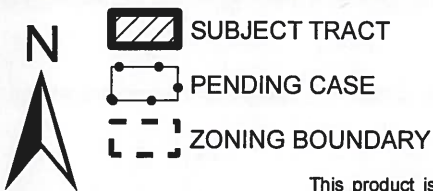
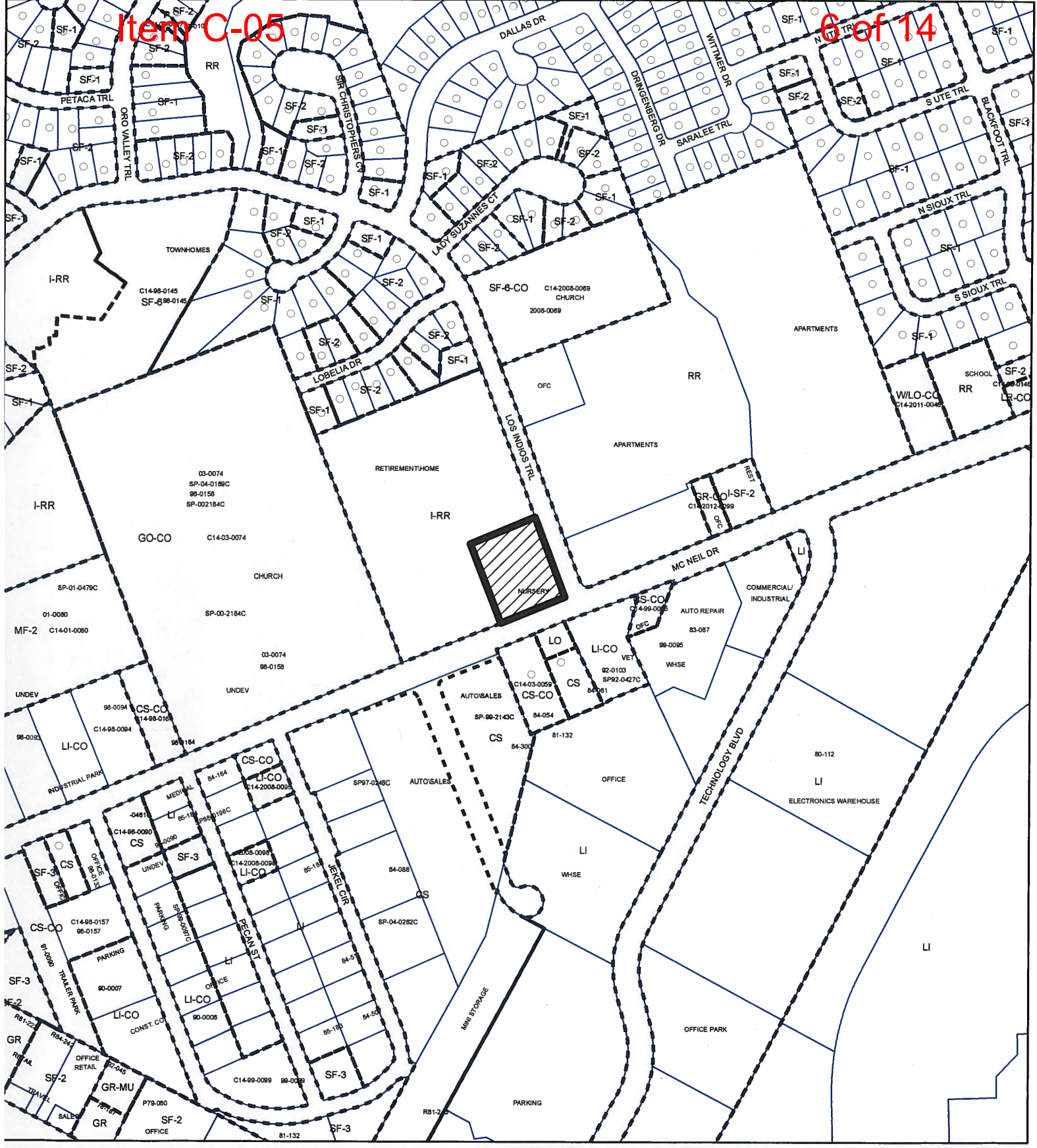
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057,
sherri.sirwaitis@austintexas.gov



ZONING

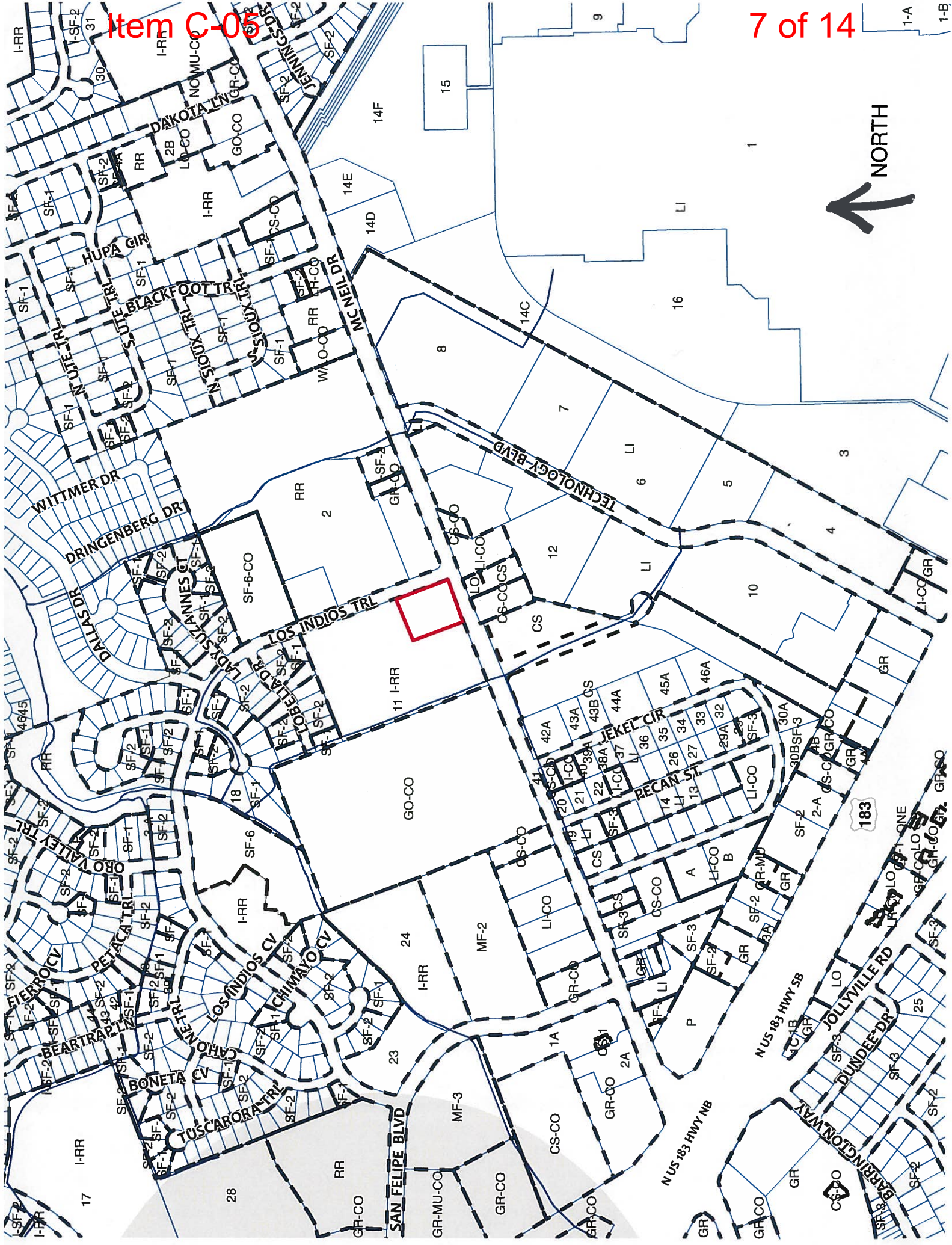
ZONING CASE#: C14-2015-0136

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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 LR, Neighborhood Commercial District, zoning.

BASIS FOR RECOMMENDATION

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

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property in question is located at the entrance to a residential neighborhood at the northwest corner of McNeil Drive and Los Indios Trail.

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

The proposed LR zoning will promote consistency and orderly planning as it will provide a transition in the intensity of uses (from low intensity commercial to multifamily to single-family uses) away from McNeil Drive to the north. The proposed zoning is compatible with the surrounding assisted living use and multifamily residential use located to the north, east and west of the site.

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

The proposed LR zoning will allow for neighborhood friendly commercial, office and civic uses that will provide services for the multifamily residential complex and single-family residential neighborhood to the north of this site.

EXISTING CONDITIONS**Site Characteristics**

The site under consideration is developed with a vacant garden center/plant nursery use (formerly Great Hills Garden Center). The site is surrounded by an assisted living use to the north and east (The Clairmont Retirement Community) and a multifamily use to the west (Madison at Stone Creek Apartments). The properties to the south, across McNeil Drive, are developed with a dog training facility/kennel use (Taurus Dog Training & Day Care), an office use (Werner Design Group) and a veterinary clinic (Balcones Animal Hospital).

Comprehensive Planning

IRR to GR

This zoning case is located on the northwest corner of McNeil Drive and Los Indios Trail, on a parcel that is approximately 1.37 acres in size and contains a house that has been converted to a commercial property (a former garden center). The property is not located with the boundaries of a neighborhood planning area. The property is surrounded by a senior living center to the north and west, an

apartment complex to the east, and small businesses and a large animal hospital to the south. The proposal is to obtain commercial zoning for a general retail use.

Imagine Austin

The site is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). 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.

It is adjacent to the 183/McNeil '**Neighborhood Center**', as identified on the Imagine Austin's Growth Concept Map. A Neighborhood Center is the smallest and least intense of the three types of activity centers outlined in the Growth Concept Map, with a focus on **creating local businesses and services**—including doctors and dentists, shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses that generally serve the center and surrounding neighborhoods. The following IACP policies are also relevant to this case:

- **LUT P3.** Promote development in **compact centers**, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities **that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.**
- **N P1.** Create complete neighborhoods across Austin that have a **mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.**

Based on the comparative scale of the site relative to nearby commercial uses, 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, staff highly recommends that the developer install a public sidewalk along McNeil Drive, which stops at this property, and repair the public sidewalk along Los Indios Trail to enable safe and protected pedestrian on both these streets. Installing a public sidewalk would also provide further connectivity to the Cap Metro transit stop located a half a mile away to the west, on Research Blvd. Additionally, due to the site's location in an environmentally sensitive area, there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required.

Environmental

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

According to floodplain maps, there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

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

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 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 GR zoning district would be 90%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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%

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.

The site is subject to compatibility standards. Along the North property line, the following standards apply:

- No structure may be built within 25 feet of the triggering property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the triggering property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the triggering property line.
- No parking or driveways are allowed within 25 feet of the triggering property line.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
Additional design regulations will be enforced at the time a site plan is submitted.

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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

If the requested zoning is granted, it is recommended that access to Mc Neil Drive be prohibited as a condition of zoning because there is insufficient frontage to have a compliant driveway. Additionally, per our Imagine Austin, curb cuts should be limited on arterials.*

*On December 15, 2015 the Transportation Review division sent the staff and e-mail updating this access condition. "It has been determined that we will not recommend a CO to prohibit access to McNeil. However, based on current conditions of the site, access to McNeil will be prohibited during the Site Plan Review based on our TCM and LDC standards." Therefore, the comment has been revised to state the following:

FYI – Based on the site's current conditions, a driveway access is prohibited to McNeil Drive based on the Transportation Criteria Manual and Land Development Code.

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for Mc Neil Drive. The right-of-way dedication can be deferred to the time of Subdivision and/or Site Plan Review. [LDC, Sec. 25-6-51 and 25-6-55).

Additional right-of-way maybe required at the time of subdivision and/or site plan.

A Traffic Impact Analysis may be required at the time of site plan review.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Mc Neil Drive.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a buffered bike lane is recommended for Los Indios Trail.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Mc Neil Drive	67 feet	60 feet	Arterial	No	No	No
Los Indios Trail	65 feet	45 feet	Collector	Yes	No	No

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.

October 7, 2015

Mr. Gregory I. Guernsey
Director
City of Austin Planning & Development Review
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Regarding: 6914 McNeil Drive
+/- 1.36 acres
Austin, Williamson County, Texas

Dear Mr. Guernsey:

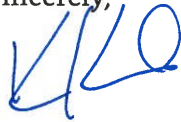
As representatives of the current property Owner, we respectfully submit the enclosed zoning application packet for the property located at 6914 McNeil Drive. The subject property is within the City of Austin's full purpose jurisdiction and is zoned Interim – Rural Residential (I-RR). We propose to rezone the property to Community Commercial (GR) to accommodate for future general retail development.

Surrounding uses include multifamily residential to the west and to the north, and to the east across the Los Indios Trail right-of-way, and office land uses to the south across the McNeil Drive right-of-way. Adjacent and surrounding zoning districts include: Interim – Rural Residential (I-RR) to the north and west, Rural Residential (RR) to the east across the Los Indios Trail right-of-way, and General Commercial Services – Conditional Overlay (CS-CO), Limited Office (LO), and Limited Industrial – Conditional Overlay (LI-CO) to the south across the McNeil Drive right-of-way.

Given the location of the site adjacent to existing commercial uses near the site, the need for additional commercial amenities for nearby Austin residents, and the site's location at the intersection of McNeil Drive and Los Indios Trail, we believe the application to rezone 1.36 acres from I-RR to GR for additional commercial development is a reasonable request.

Please do not hesitate to contact me with questions, and I look forward to working with you on this zoning request. Thank you in advance for your time and attention to this project.

Sincerely,



Kate Kniejski
LAND USE PLANNER

221 West Sixth Street
Suite 600
Austin, Texas 78701

P 512.328.0011
F 512.328.0325

Arizona
Florida
Texas