

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-15
AGENDA DATE: Thu 09/29/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0086 - McNeil House Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 6280 McNeil Drive (Walnut Creek Watershed) from rural residence (I-RR) district zoning to multi-family residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density (MF-2) district zoning. Applicant: Union Creek Partners, L.P. (Danuel R. Stanger, General Partner); Allara Family Living Revocable Trust (Raymond J. Allara & Janet Allara, Trustees). Agent: Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro). City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0086

Z.A.P. DATE: July 5, 2005
July 19, 2005
August 16, 2005

ADDRESS: 6280 McNeil Drive

OWNER/APPLICANT: CDS Union Creek Partners, L.P. (Danuel R. Stanger, General Partner), Allara Family Living Revocable Trust (Raymond J. Allara & Janet Allara, Trustees)

AGENT: Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)

ZONING FROM: I-RR **TO:** MF-2 **AREA:** 10.905 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant MF-2, Multi-Family Residence –Low Density District, zoning.

If the requested zoning is granted for this site, then the applicant should dedicate 70 feet of right-of-way from the existing centerline for McNeil Drive in accordance with the Austin Metropolitan Area Transportation Plan. This requirement will be met through a public street deed that must be completed before third/final reading of the zoning case at City Council.*

*On July 26, 2005, the Transportation reviewer forwarded a letter to staff stating the following, "No additional right-of-way is required at this time. Additional right-of-way may be required if this site is redeveloped". Therefore, the ROW requirement is waived at this time.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

7/05/05: Postponed to July 19, 2005 by staff (7-0, M. Whaley-Hawthorne-absent; T. Rabago-arrived late); J. Martinez-1st, J. Gohil-2nd.

7/19/05: Postponed to August 16, 2005 by the applicant (7-0, J. Martinez/ J. Pinnelli – absent); J. Gohil-1st, M. Whaley-Hawthorne-2nd.

8/16/05: Approved staff's recommendation for MF-2 zoning by consent (8-0, K. Jackson-absent); J. Gohil-1st, M. Hawthorne-2nd.

ISSUES:

On August 8, 2005, the staff received a letter from the Rattan Creek Neighborhood Association in support of the applicant's request for MF-2 zoning (Attachment B).

DEPARTMENT COMMENTS:

The property in question is currently developed with a 192-unit apartment complex (Site Plan for the McNeil House Apartment Homes – Attachment A). This tract of land was full purpose annexed by the city on December 6, 1994 (annexation case: C7A-94-008). The previous property owner submitted a site plan for the multifamily project to the city in 1996 (site plan case: SP-96-0260D). The site plan was released on December 12, 1996 and the apartment complex was constructed in interim zoning. Therefore, the existing multifamily use on the site is considered illegal and nonconforming. The applicant is requesting MF-2 district zoning to bring the existing use on the site into conformance with the City of Austin Land Development Code requirements.

The staff recommends the applicant's request for MF-2 zoning because the property meets the intent of the purpose statement for the proposed zoning district. The site is located adjacent to residential uses to the south, east, and west and takes access from Mc Neil Drive, an arterial roadway. The property in question meets the minimum lot size requirements for the MF-2 zoning district and the proposed MF-2 district zoning will bring the existing multifamily use on the site into conformance with the City of Austin Land Development Code requirements.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|-------------------------------------------------------------------------------------------------------------------|
| <i>Site</i> | I-RR | Multi-family (McNeil House Apartment Homes) |
| <i>North</i> | I-RR | Jollyville Elementary School |
| <i>South</i> | MF-3-CO | Multifamily (Colonial Village Apartment Complex) |
| <i>East</i> | County | Single Family Neighborhood |
| <i>West</i> | GR-CO, I-RR | Car Wash, Automotive Repair (Oil/Lube Service), Convenience Store (Wag-A-Bag), Service Station (Diamond Shamrock) |

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:

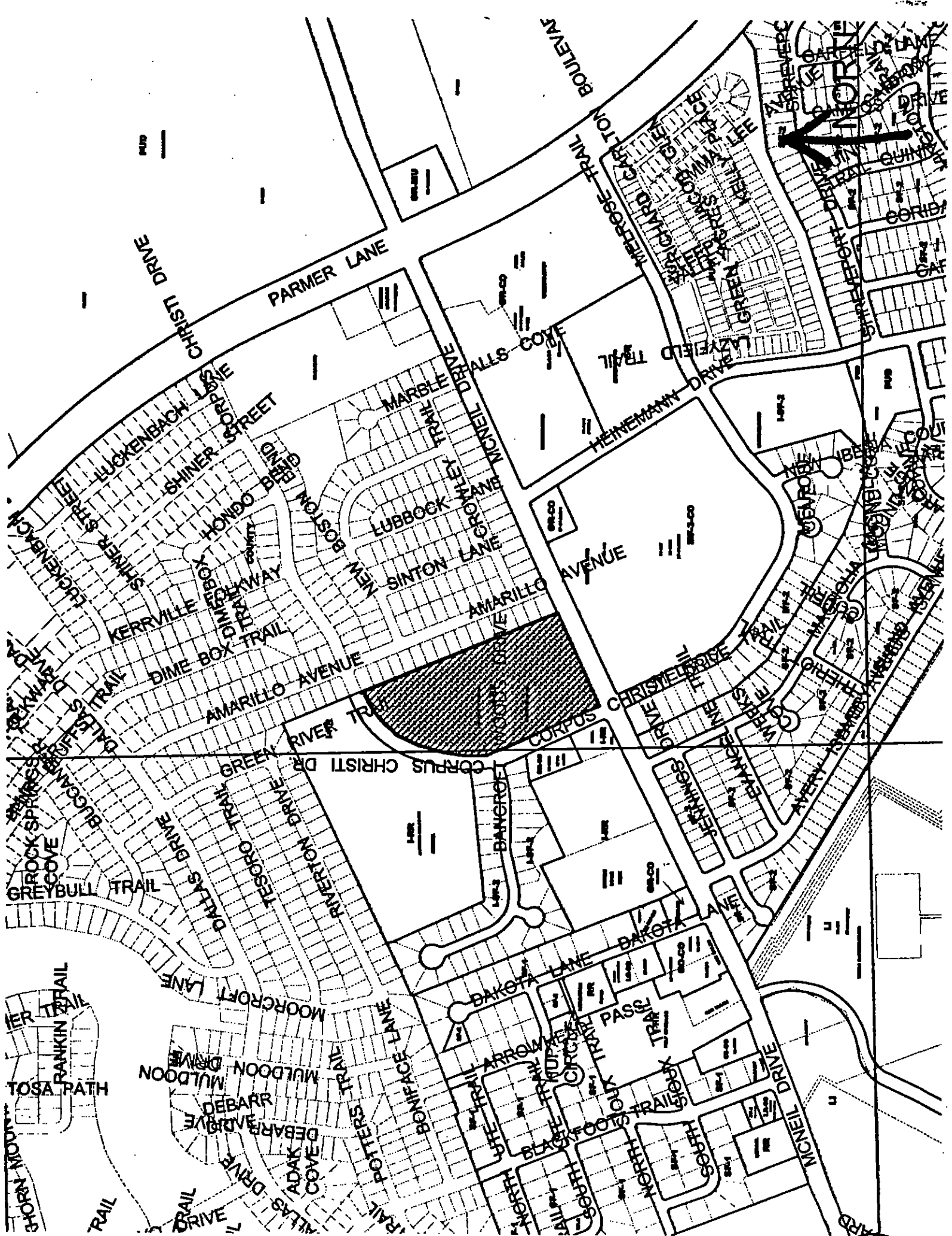
265 – Rattan Creek Neighborhood Association

SCHOOLS:

Jollyville Elementary School
Deer Park Middle School
McNeil High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|-------------|------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C14-02-0184 | 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) |
| C14-01-0062 | SF-3 to LO | 6/26/01: Approved staff's alternate rec. of NO-MU by consent (8-0) | 8/02/01: Approved PC rec. of NO-MU (6-0); all 3 readings |
| C14-00-2219 | 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 | 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 |
| C14-99-2125 | SF-3 to CS | 2/08/01: Withdrawn | N/A |
| C14-99-2008 | RR, SF-1 to CS | 1/04/00: Approved NO-CO limited to 500vehicle trips per day and dedication of ROW | 4/20/00: Withdrawn. NO district zoning unacceptable to applicant |
| C14-98-0148 | GR to CS | 11/17/98: Approved CS-CO (7-1, DS-Nay) | 1/07/99: Approved PC rec. of CS-CO w/additional conditions (6-0); 1 st reading 1/21/99: Approved CS-CO w/conditions (7-0); 2 nd /3 rd readings |
| C14-98-0131 | GR-CO to CS-1 | 11/10/98: Withdrawn | N/A |
| C14-98-0060 | I-RR to CS-CO | 9/22/98: Approved staff alternate rec. of GR-CO (5-0) | 10/22/98: Approved CS-CO w/conditions: GR site development standards, prohibited uses from Exhibit A, limit site to 2,000 vtpd (5-0); 1 st reading 12/10/98: Approved CS-CO w/conditions (7-0); 2 nd /3 rd readings |
| C14-98-0024 | 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 |



STAFF RECOMMENDATION

The staff's recommendation is to grant MF-2, Multi-Family Residence –Low Density District, zoning.

If the requested zoning is granted for this site, then the applicant should dedicate 70 feet of right-of-way from the existing centerline for McNeil Drive in accordance with the Austin Metropolitan Area Transportation Plan. This requirement will be met through a public street deed that must be completed before third/final reading of the zoning case at City Council.*

*On July 26, 2005, the Transportation reviewer forwarded a letter to staff stating the following, "No additional right-of-way is required at this time. Additional right-of-way may be required if this site is redeveloped". Therefore, the ROW requirement is waived at this time.

BASIS FOR RECOMMENDATION

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

Multifamily residence low density (MF-2) district is the designation for a multifamily use with a maximum density of up to 23 units per acre, depending on unit size. An MF-2 district designation may be applied to a use in a multifamily residential area located near single-family neighborhoods or in an area for which low density multifamily use is desired.

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

The MF-2-CO zoning district would be compatible and consistent with the surrounding uses because there is MF-2 and MF-3-CO zoning to the south, directly across Mc Neil Drive. There are 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 property in question meets the minimum lot size requirements for the MF-2 zoning district. The proposed MF-2 district zoning will bring the existing multifamily use on the site into conformance with the City of Austin Land Development Code requirements.

EXISTING CONDITIONS

Site Characteristics

The site in question is currently developed with an apartment complex.

Impervious Cover

The maximum impervious cover allowed by the MF-2 zoning district would be 60%. However, because the Watershed impervious cover is more restrictive than the CS 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% |

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge 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 flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall 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.

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.

Transportation

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for McNeil. If the requested zoning is granted for this site, then 70 feet of right-of-way from the existing centerline should be dedicated for McNeil Drive according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]*

*On July 26, 2005, the Transportation reviewer forwarded a letter to staff stating the following, "No additional right-of-way is required at this time. Additional right-of-way may be required if this site is redeveloped". Therefore, the ROW requirement is waived at this time.

The trip generation under the requested zoning is estimated to be 1,963 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).

Capital Metro bus service is not available within 1/4 mile of this property.

There are existing sidewalks along McNeil Drive.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

| NAME | ROW | PAVEMENT | CLASSIFICATION |
|----------------|------|----------|----------------|
| McNeil Drive | 100' | Varies | Arterial |
| Corpus Christi | 70' | 45' | Collector |

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.

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

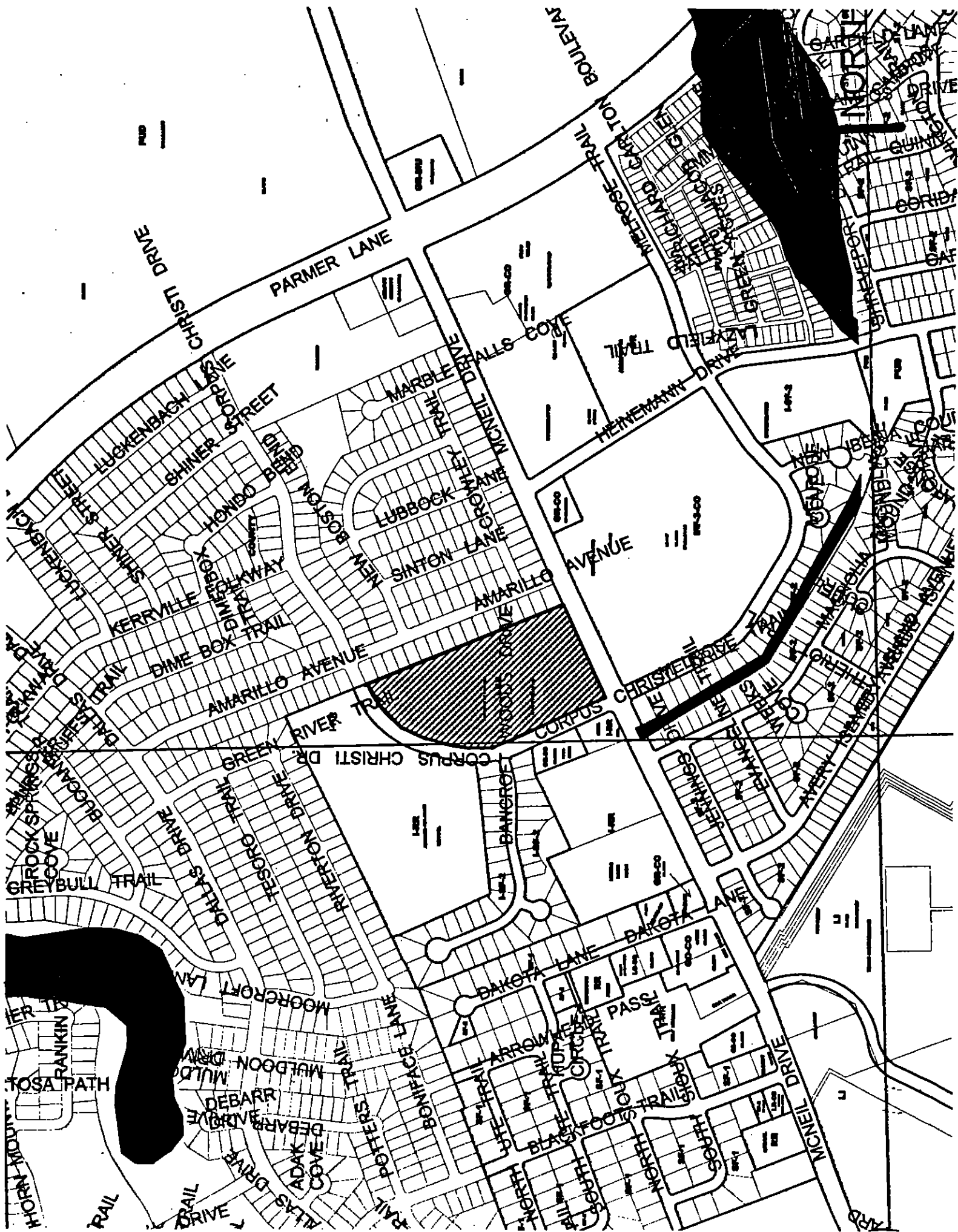
through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This tract is already developed with an existing site plan on this property (SP-96-0260D). A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to the existing SF-2 used property to the west, and would be subject to the following requirements:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF zone or used property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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





BRIEFING

4. **Briefing:** C2O-05-009
Request: Briefing on code amendments to bring Title 30 of the City Code into conformance with the third amendment to the interlocal with Travis County regarding joint subdivision review.
Staff: Trann Lackey, 974-3341, trann.lackey@ci.austin.tx.us
 Watershed Protection & Development Review

REPORT GIVEN BY TRANN LACKEY.

Commissioner Baker – "Would this make our job easier?"

Trann – "No, there will be no difference".

DISCUSSION AND ACTION ON ZONING CASES

5. **Zoning:** C14-05-0086 - McNeill House Apartments
Location: 6280 McNeil Drive, Walnut Creek Watershed
Owner/Applicant: CDS Union Creek Partners, L.P. (Daniel R. Stanger, General Partner) and Allara Family Living Revocable Trust (Raymond J. Allara, Trustee & Janet Allara, Trustee)
Agent: Graves, Dougherty, Hearon & Moody, P.C. (Peter J. Cesaro)
Postponements: Postponed from 7/5/05 (staff); Postponed from 7/19/05 (applicant)
Request: I-RR to MF-2
Staff Rec.: RECOMMENDED
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR MF-2 ZONING; BY CONSENT.
[J.G; M.H 2ND] (8-0) K.J – ABSENT

6. **Rezoning:** C14-05-0121 - Delmonico Rezoning
Location: 5505 Montview Street, Shoal Creek Watershed
Owner/Applicant: Anthony Delmonico
Agent: Mike McHone Realestate (Mike McHone)
Request: SF-3-CO to SF-3-CO; Change to existing Conditional Overlay
Staff Rec.: RECOMMENDED
Staff: Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 09/06/05 (NEIGHBORHOOD)
[J.M; J.G 2ND] (8-0) K.J – ABSENT

McNEIL HOUSE APARTMENT HOMES

(PREVIOUSLY CALLED MAC-48 APARTMENT)
6280 McNEIL DRIVE
TRAVIS COUNTY, TEXAS

SUBMITTED BY:
[Signature]
DATE: 11-16-96

APPROVED BY:

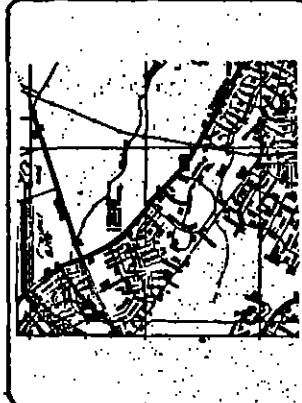
FOR SALE BY:
[Signature]
DATE: 11-16-96

PERMITS
SP-96-0250D
96-3099
0-4-96
08-91-00431C
0-14-1991

| NO. | REVISION | DATE | BY | REASON |
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PROJECT MAP
P.L.S.



LOCATION MAP
P.L.S.

GRAY JENNINGS & ASSOCIATES, INC.
AUSTIN, TEXAS

GRAY JENNINGS & ASSOCIATES, INC.
1817 BRIDAL CREEK BLVD., SUITE 200
AUSTIN, TEXAS 78701
(512) 443-8871
FAX (512) 443-8888

SHEET INDEX

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2. GENERAL NOTES
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12. SWANAGE AND WATER QUALITY CONSTRUCTION PLAN
13. WATER QUALITY/RETENTION PLAN
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19. WATER QUALITY/RETENTION PLAN
20. WATER QUALITY/RETENTION PLAN

ALL DRAWINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS ENGINEERING AND SURVEYING BOARD'S STANDARDS AND SPECIFICATIONS FOR THE PROFESSION OF ENGINEERING AND SURVEYING.



U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

GENERAL NOTES

McNEEL HOUSE
APARTMENT HOUSE
8200 McNEEL DRIVE
DALLAS COUNTY, TEXAS



McNEEL HOUSE
APARTMENT HOUSE
8200 McNEEL DRIVE
DALLAS COUNTY, TEXAS

Form with fields for Name, Address, City, State, Zip, and other identifying information.

Main body of the document containing multiple columns of text, likely a report or transcript. The text is dense and appears to be a transcription of a document.



1/2" = 1'

PHASING PLAN

McNEIL HOUSE
APARTMENT HOMES
8000 McNEIL DRIVE
TAYLOR COUNTY, TEXAS

McNEIL HOUSE
APARTMENT HOMES
8000 McNEIL DRIVE
TAYLOR COUNTY, TEXAS
1/2" = 1'

1. The proposed development is located within the McNeil House Apartment Homes Subdivision, which is subject to a restrictive covenant recorded in the public records of Taylor County, Texas.

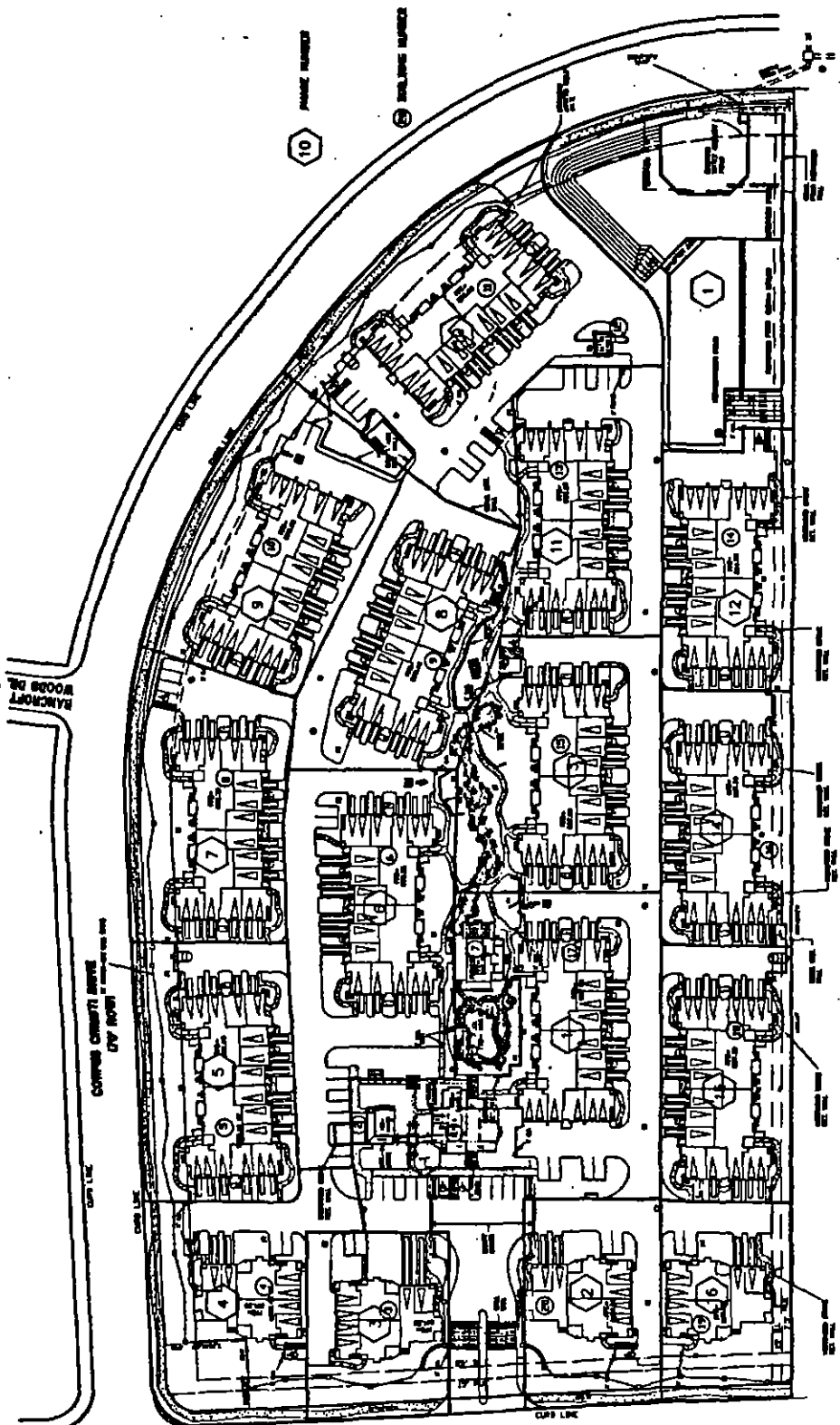
2. The proposed development is located within the McNeil House Apartment Homes Subdivision, which is subject to a restrictive covenant recorded in the public records of Taylor County, Texas.

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5. The proposed development is located within the McNeil House Apartment Homes Subdivision, which is subject to a restrictive covenant recorded in the public records of Taylor County, Texas.

6. The proposed development is located within the McNeil House Apartment Homes Subdivision, which is subject to a restrictive covenant recorded in the public records of Taylor County, Texas.



McNEIL CUT-OFF ROAD
100' ROW

RANCH CREEK DRIVE
100' ROW

RANCH CREEK DRIVE
100' ROW



1/2" = 1'



Rattan Creek Neighborhood Association

P.O. Box 200584
Austin, Tx 78720-0584

5 August 2005

City of Austin
Neighborhood Planning and Zoning Department
Attn: Sherri Sirwaitis; C14-05-0086
505 Barton Springs Road
Austin, Texas 78704

Re: C-14-05-0086; The rezoning of the McNeil House Apartments, located at 6280 McNeil Drive, Austin, Texas 78729

Dear members of the Zoning and Platting Commission and City Council:

The Rattan Creek Neighborhood Association met on Thursday, 16 June 2005, and heard a presentation from Peter Cesaro, with Graves, Dougherty, Hearon & Moody, regarding the above-referenced case. Based on the presentation, it is our understanding that the rezoning is to bring the interim RR zoning to MF-2 zoning and allow McNeil House Apartments to become a conforming use.

We fully support the rezoning (to MF-2) of the McNeil House Apartments to make them a conforming use. We hope that the Zoning and Platting Commission and City Council approve the rezoning of the McNeil House Apartments.

Sincerely,

RATTAN CREEK NEIGHBORHOOD ASSOCIATION

By:

A handwritten signature in dark ink, appearing to read 'David Cazares', written over a horizontal line.

David Cazares
Secretary, Rattan Creek Neighborhood Association

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 6280 MCNEIL DRIVE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY (MF-2) DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim rural residence (I-RR) district to multifamily residence low density (MF-2) district on the property described in Zoning Case No. C14-05-0086, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 1 of the Adey Subdivision, Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 89, Page 396 of the Plat Records of Travis County, Texas,

locally known as 6280 McNeil Drive in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

§
§
§

_____, 2005
Will Wynn
Mayor

APPROVED: _____

ATTEST: _____

David Allan Smith
City Attorney

Shirley A. Brown
City Clerk

