ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0099 (Myers Zoning Change)

Z.A.P. DATE: September 18, 2012
October 2, 2012
October 16, 2012
November 6, 2012

ADDRESS: 6810 McNeil Drive

OWNER/APPLICANT: Connie and Cheryl Myers

AGENT: Crocker Consultants (Sarah Crocker)

ZONING FROM: I-SF-2 **TO:** ~~CS~~* GR **AREA:** 0.316 acres

*The applicant sent the staff a letter on September 18, 2012 asking to amend their rezoning request to GR, Community Commercial District, zoning (Please see Amendment Request Letter as "Attachment A").

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay, Combining District zoning. The conditional overlay will limit the development intensity for the site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

9/18/12: Postponed to October 2, 2012 at the applicant's request (4-0, G. Rojas and P. Seeger-absent).

10/02/12: Case continued by the Zoning and Platting Commission until October 16, 2012 (5-0, C. Banks-absent); P. Seeger-1st, S. Compton-2nd.

10/16/12: Case continued to November 6, 2012 at the applicant's request (6-0, G. Rojas-not yet arrived); P. Seeger-1st, C. Banks-2nd.

11/06/12: Approved GR-CO zoning (6-0, G. Rojas-absent); P. Seeger-1st, J. Meeker-2nd, 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, 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.

DEPARTMENT COMMENTS:

The property in question is currently developed with a vacant office structure. The site is surrounded by a multifamily use to the north and west (Madison at Stone Creek Apartments). To the east there is a restaurant use (Sonic Drive-In). The properties to the south, across McNeil Drive, are developed with automotive repair uses (Goodyear, Custom Car Crafters Collision Repair, and Performance Automotive and Transmission). The applicant is requesting CS, General Commercial Services District, zoning to sell or lease the site for office, civic or commercial uses.

The staff recommends LR-CO zoning because the site meets the intent of the Neighborhood Commercial District designation. The proposed LR-CO 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. The proposed zoning is compatible with the surrounding multifamily residential use (Madison at Stone Creek Apartments) located to the north, east and west of the site. LR-CO zoning will permit low intensity 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.
The applicant does not agree with the staff's recommendation.

ISSUES:

The applicant has submitted a list of uses that he would be willing to prohibit in a conditional overlay on the site. This list is included as "Attachment B" to this report.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-SF-2	Office
North	RR	Multi-family/Apartments (Madison at Stone Creek Apartments)
South	LI	Automotive Repair (Goodyear, Performance Automotive and Transmission, Custom Car Crafters Collision Repair), Contractor (Blue Air Heating and Air Conditioning)
East	RR	Multi-family/Apartments (Madison at Stone Creek Apartments)
West	SF-2	Restaurant (Sonic Drive-In)

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 Monorail Project
Austin Northwest Association
Home Builders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
Pond Springs Neighborhood Association
SELTEXAS

Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
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-1st, J. Shieh-2nd.	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-1st, S. Cole-2nd.
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-1st, J. Shieh-2nd.	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-1st, S. Cole-2nd.
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 Joseph Martinez second the motion on a vote of 8-0; with 1 vacancy on this commission.	7/24/08: Approved the ZAP Commission's rec. ofSF-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-1st, Council Member Martinez-2nd; 1st reading 7/23/09: Approved SF-6-CO zoning on consent on 2nd/3rd readings (7-0); Morrison-1st, Martinez-2nd.
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-1st, J. Gohil-2nd.	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.	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings

		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.	
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: • Drop-off Recycling Collection Facility • Scrap and Salvage • Convenience Storage • Pawnshop Services (8-0, K. Jackson-absent)	6/5/03: Approved CS-CO (7-0); all 3 readings
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	Class	Sidewalk?	Bus Route?	Bike Route?
McNeil Drive	90	MAD 4	Arterial	Yes	No	No

CITY COUNCIL DATE: October 18, 2012

ACTION: Postponed to November 8, 2012 at the staff's request (6-0, S. Cole-off dais); B. Spelman-1st, C. Riley-2nd.

November 8, 2012

ACTION: Approved GR-CO zoning on consent on 1st reading (6-0, S. Cole-off dais); L. Morrison-1st, M. Martinez-2nd.

December 13, 2012

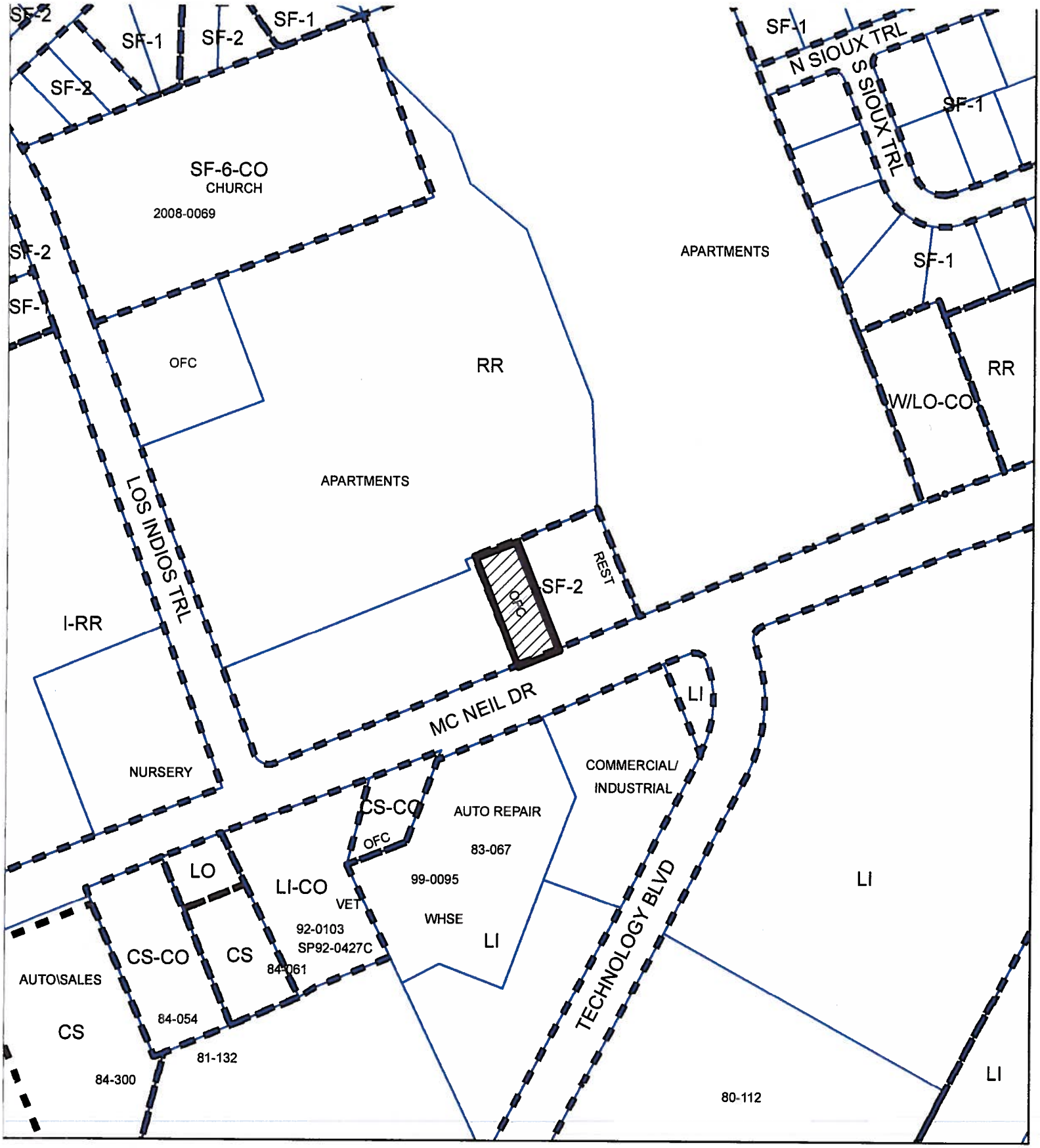
ACTION:

ORDINANCE READINGS: 1st 11/08/12 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057, sherri.sirwaitis@ci.austin.tx.us



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

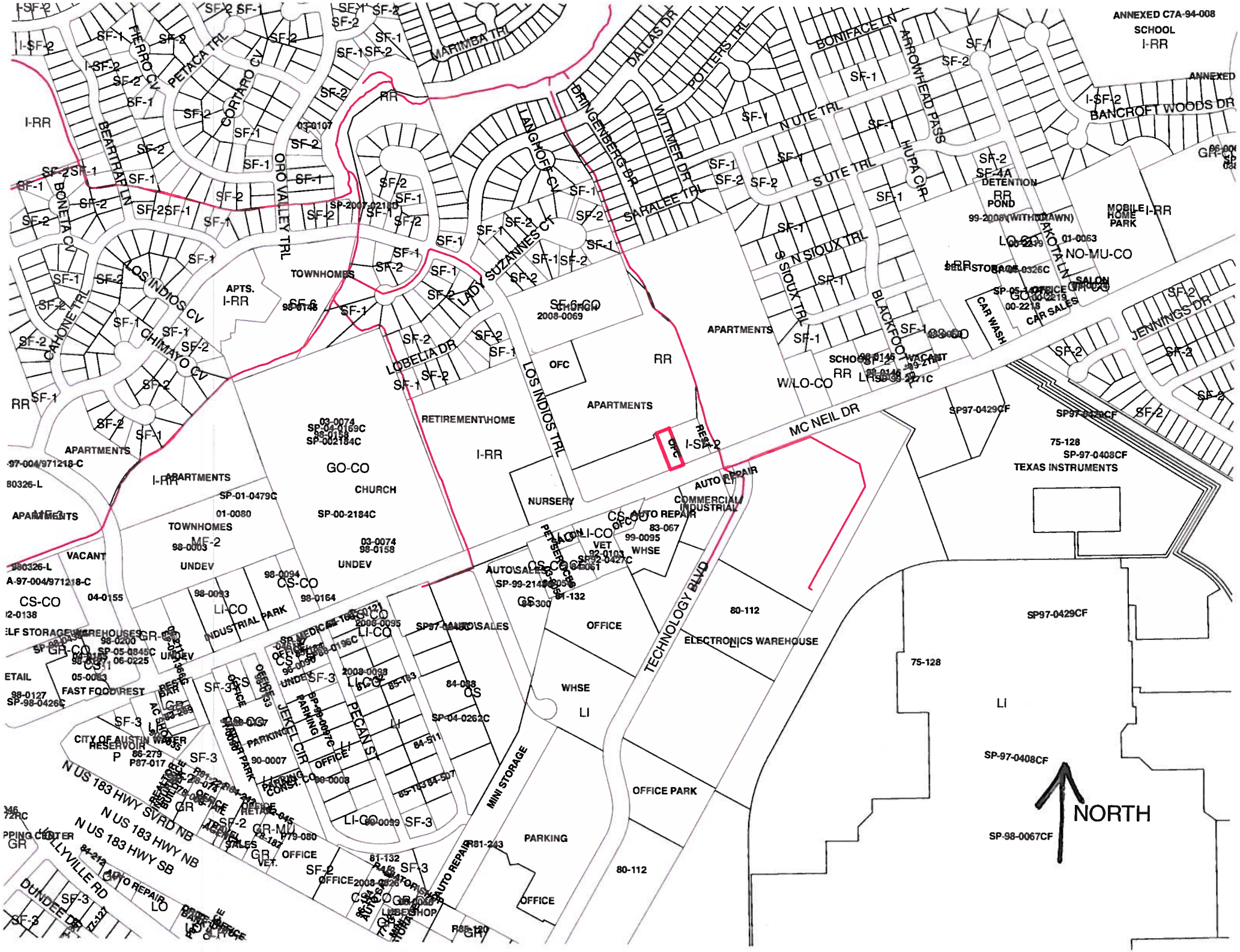
1"= 200"

ZONING

ZONING CASE#: C14-2012-0099

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.


ANNEXED C7A-94-008
SCHOOL
I-RR
ANNEXED
BANCROFT WOODS DR
N UTE TRL
S UTE TRL
HUPA CIR
ARROWHEAD PASS
BONIFACE LN
POTTERS TRL
DALLAS DR
BRINGENBERG BR
WITTMER DR
SARALEE TRL
LANGHOFF CV
LADY SUZANNES CK
MARIMBA TRL
PETACA TRL
FERRO CV
CORTARO CV
BEARTRAP LN
BONETA CV
ORO VALLEY TRL
LOS INDIOS CV
CAHONE TRL
CHIMAYO CV
LOBELIA DR
LOS INDIOS TRL
N SIOUX TRL
S SIOUX TRL
BLACKFOOT TRL
DETENTION POND
99-2008(WITHDRAWN)
MOBILE HOME PARK
NO-MU-CO
CAR WASH
CAR SALES
JENNINGS DR
MC NEIL DR
TECHNOLOGY BLVD
TEXAS INSTRUMENTS
SP97-0429CF
SP97-0408CF
75-128
SP-98-0067CF
NORTH
APTS.
TOWNHOMES
APARTMENTS
CHURCH
2008-0069
OFC
RR
RETIREMENT\HOME
I-RR
NURSERY
GO-CO
CHURCH
SP-00-2184C
SP-01-0479C
01-0080
TOWNHOMES
VACANT
UNDEV
CS-CO
LI-CO
INDUSTRIAL PARK
AUTO\SALES
FAST FOOD\REST
CITY OF AUSTIN WATER RESERVOIR
N US 183 HWY SVRD NB
N US 183 HWY NB
N US 183 HWY SB
HOLLYVILLE RD
DUNDEE DR
AUTO REPAIR
LUBE SHOP
PECAN ST
JEKYL CIR
MINI STORAGE
OFFICE
WHSE
LI
OFFICE PARK
PARKING
80-112
ELECTRONICS WAREHOUSE
COMMERCIAL/INDUSTRIAL
AUTO REPAIR
SP-99-2140C
SP-04-0262C
SP-05-0845C
06-0225
05-0053
98-0127
SP-98-0426C
CITY OF AUSTIN WATER RESERVOIR
P
86-279
P87-017
90-0007
99-0008
84-511
85-163
84-507
81-243
R86-120
SP-97-0408CF
SP97-0429CF
75-128
LI
SP-97-0408CF
SP-98-0067CF

APARTMENTS
APARTMENTS
I-SF-2
I-RR
MC NEIL DR
AUTO REPAIR
COMMERCIAL/
INDUSTRIAL
AUTO REPAIR
83-067
WHSE
TECHNOLOGY BLVD
LI
LI
NORTH
80-112
CS
CS
OFFICE
ELECTRONICS WAREHOUSE

STAFF RECOMMENDATION

The staff's recommendation is to grant LR-CO, Neighborhood Commercial-Conditional Overlay, Combining District zoning. The conditional overlay will limit the development intensity for the site to less than 2,000 vehicle trips per day.

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.

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

   The proposed LR-CO 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 multifamily residential use (Madison at Stone Creek Apartments) 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-CO 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 office structure. To the north and west there is a multifamily use (Madison at Stone Creek Apartments). The lot to the east is developed with a restaurant use (Sonic Drive-In). To the south, across McNeil Drive, there are automotive repair uses (Goodyear, Custom Car Crafters Collision Repair, and Performance Automotive and Transmission).

Environmental

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

According to floodplain maps there is no floodplain within or adjacent to the project boundary.

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 CS zoning district would be 95%. 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:

Development Classification	*% of Net Site Area*	*% NSA with Transfers*
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%

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

Site Plan Comments

This tract is already developed and the proposed zoning will bring the use into compliance with the proposed zoning district.

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

This site is not located within any Neighborhood Plans.

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

The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for McNeil Drive, therefore 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]. The staff will defer the right of way dedication to the subdivision and/or site plan application for this site.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
McNeil Drive	90	MAD 4	Arterial	Yes	No	No

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

Attachment A

Sherri,

After our conversation I would like to amend my application to zone 6810 McNeil Austin Texas 78729, from CS to GR. I realize that it has been recommended to be zoned LR but we would like to possibly put a small car lot on our property and the LR designation will not permit that. We believe that a CS designation would be the best for everyone concerned. Thank you for your help.

Sincerely,

Shane Myers

Attachment B

C14-2012-0099 6810 McNeil Drive

X=Permitted in LR&GR

X or C= Permitted in GR only

C= Conditional in LR

Willing to Prohibit

Commercial Uses	**Permitted**	**Conditional**
Administrative & Business Offices	X	
Art Gallery	X	
Art Workshop	X	
Automotive Rentals	X	
Automotive Repair Services	X	
Automotive Sales	X	
Automotive Washing (of any kind)	X	
Bail Bond Services	PC*	
Business or Trade School	X	
Business Support Services	X	
Commercial Off Street Parking	X	
Communication Services	X	
Consumer Convenience Services	X	
Consumer Repair Services	X	
Drop-Off Recycling Facility	PG	
Exterminating Services	X	
Financial Services	X	
Food Preparation		X
Food Sales	X	
Funeral Services	X	
General Retail Sales (Convenience)	X	
General Retail Sales (General)	X	25-2-587 LR
Hotel/Motel	X	
Indoor Entertainment	X	
Indoor Sports and Recreation	X	
Medical Offices > 5000sf	X	X
Medical Offices < 5000sf	X	
Off-Site Accessory Parking	X	
Outdoor Entertainment	C	
Outdoor Sports and Recreation	X	
Personal Improvement Services	X	25-2-587 LR
Personal Services	X	
Pet Services	X	
Plant Nursery	C	
Printing and Publishing	X	
Professional Offices	X	
Restaurant (General)	X	25-2-587 LR
Restaurant (Limited)	X	
Service Station	X	
Software Development	X	
Special Use Historic		X
Theatre	X	
Industrial Uses	**Permitted**	**Conditional**
Custom Manufacturing	X	
Civic Uses	**Permitted**	**Conditional**

Club or Lodge		X
Civic Uses cont.	**Permitted**	**Conditional**
College/University Facilities	X	X
Communication Services Facilities	X	
Community Recreation (Private &Public)	X	X
Congregate Living	X	X
Counseling Services	X	
Cultural Services	X	
Day Care (Commercial)	X	
Day Care (General)	X	
Day Care (Limited)	X	
Family Home	X	
Group Home Class 1 (General)	X	
Group Home Class 1I (Limited)	X	
Group Home Class II	X	X
Guidance Services	X	
Hospital Services General	C	
Hospital Services Limited	X	X
Local Utility Service	X	
Private Primary Educational Facilities	X	
Private Secondary Educational Facilities	X	
Public Primary Educational Facilities	X	
Public Secondary Educational Facilities	X	
Religious Assembly	X	
Residential Treatment	X	X
Safety Services	X	
Telecommunications Towers	p/c 25-6-224 LDC	

25-2-587 REQUIREMENTS FOR CERTAIN USES IN A NEIGHBORHOOD COMMERCIAL (LR) DISTRICT.

This section applies in a neighborhood commercial (LR) district.

(B) A personal improvement services use may not exceed 5,000 square feet (gross)

(C) This subsection applies to a general retail sales (general) use.

(1) The gross floor area may not exceed 5,000 square feet.

(2) Access to the site from a local street is prohibited.

(D) This subsection applies to a restaurant (general) use.

(1) The gross indoor floor area may not exceed 4,000 square feet.

(2) A restaurant (general) use may operate only after 7:00 a.m. and before 11:00 p.m.

(3) An outdoor seating area may not:

(a) exceed 500 square feet of area; or

(b) be located within 50 feet of property with a single-family use or property zoned as a townhouse and condominium residence (SF-6) or more restrictive district.

(4) Outdoor entertainment as an accessory use is prohibited.

(5) Outdoor amplified sound is prohibited.

(6) A drive-through facility is prohibited.

Source: Ord. 20080131-135; Ord. 20090521-017; Ord. 20120614-055.