

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0123 (6914 McNeil Dr.)

Z.A.P. DATE: December 20, 2016
January 3, 2017

DISTRICT AREA: 6

ADDRESS: 6914 McNeil Drive

OWNER/APPLICANT: Douglas L. Reynolds

AGENT: Thrower Design (A. Ron Thrower)

ZONING FROM: I-RR

TO: GR

AREA: 1.357 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses:

Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Bail Bond Services
Commercial Off-Street Parking
Drop Off Recycling Facility
Exterminating Services
Funeral Services
Pawn Shop Services
Research Services
Service Station

ZONING AND PLATTING COMMISSION RECOMMENDATION:

12/20/16: Postponed to January 3, 2017 by the Zoning and Platting Commission (8-0, D. Breithaupt, A. Denkler, S. Harris-absent); T. Weber-1st, G. Rojas-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 GR-CO zoning because the site meets the intent of the Community Commercial District designation. The proposed GR-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. Community Commercial zoning is compatible with the assisted living and multifamily residential

uses surrounding the site. GR-CO zoning will permit commercial, office and civic uses that will provide services for residential developments to the north, east and west of the property under consideration.

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
C14-2015-0136 (6914 McNeil Dr.)	I-RR to GR	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.	12/10/15: Postponed to February 11, 2016 at the staff's request (10-0, S. Adler-absent) 02/11/16: Postponed indefinitely at the request of the applicant (11-0); L. Pool-1st, D. Zimmerman-2nd.

		01/19/16: Postponed at the applicant's request to February 2, 2016 (10-0); T. Webber-1st, S. Lavani-2nd. 02/02/16: Approved applicant's request for an indefinite postponement (10-0); J. Goodman-1st, J. Kiolbassa-2nd. Case expired on July 31, 2016 in accordance with LDC Section 25-2-246(A)(2).	
C14-2012-0099 (Myers Zoning Change: 6810 McNeil Drive)	I-SF-2 to €S GR	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	11/08/12: Approved GR-CO zoning on consent on 1st reading (6-0, S. Cole-off dais); L. Morrison-1st, M. Martinez-2nd. 12/13/12: Approved GR-CO zoning on consent on 2nd/3rd readings (7-0), L. Morrison-1st, B. Spelman-2nd.

		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 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. 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 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)	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings

		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: C14-2015-0136 (Previous Zoning Case)

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: January 26, 2017

ACTION:

ORDINANCE READINGS: 1st

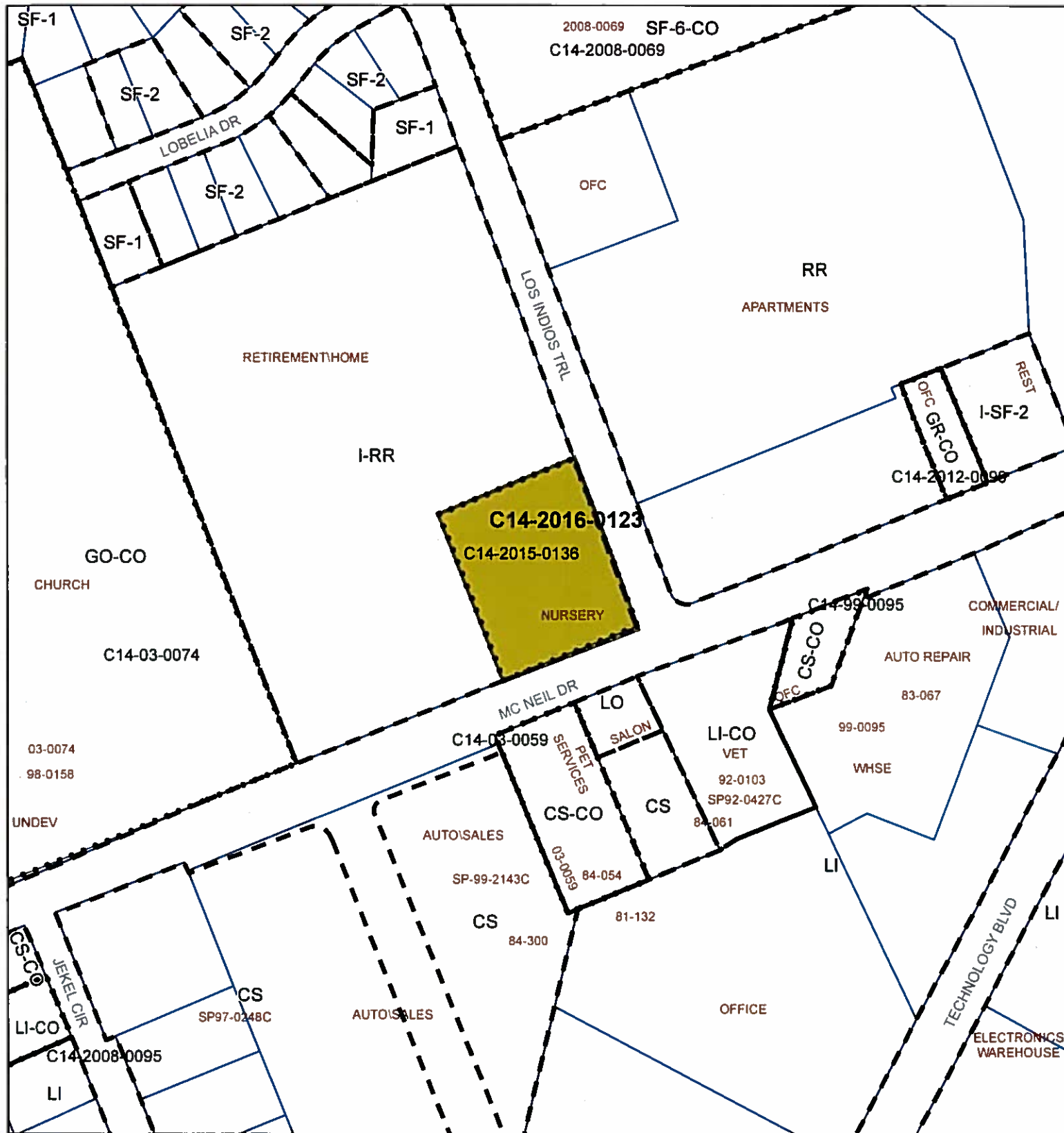
2nd

3rd

ORDINANCE NUMBER:

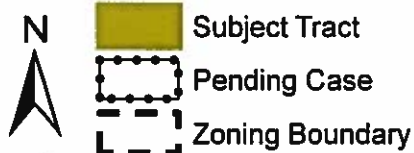
CASE MANAGER: Sherri Sirwaitis

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



ZONING

Case#: C14-2016-0123



0 200 Feet

1" = 200'

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 the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 11/7/2016





STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses:

Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Bail Bond Services
Commercial Off-Street Parking
Drop Off Recycling Facility
Exterminating Services
Funeral Services
Pawn Shop Services
Research Services
Service Station

BASIS FOR RECOMMENDATION

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

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

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

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

The proposed GR-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 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 GR-CO zoning will allow for 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

I-RR 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 within 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.

Connectivity

There is a CapMetro stop located less than a mile away from the subject property but the intermittent public sidewalk infrastructure along McNeil Drive makes walking in this area problematic. The Walkscore for this area is 51/100, meaning some errands may be accomplished on foot.

Imagine Austin

The subject property is adjacent to a **'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.
- **HN P10.** 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 and office uses along McNeil Drive, 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 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 ensure safe pedestrian access on both these streets.

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 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.

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.

Development on this site will be subject to Subchapter E: Design Standards and Mixed Use. Additional comments will be provided upon submittal of site plans by the applicant.

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

FYI – Based on the site’s current conditions, a driveway access is prohibited from McNeil Drive to the site 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 Application, whichever comes first. [LDC, Sec. 25-6-51 and 25-6-55).

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

A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113. LDC, Sec. 25-6-113.

Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

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, and 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 Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

Thrower Design

510 S. Congress Avenue, Ste. 207
P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

November 21, 2016

Mr. Greg Guernsey
Director
Planning and Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767

RE: C14-2016-0123
6914 Mc Neil Drive

Dear Mr. Guernsey,

This firm represents the owners of the property associated with the rezoning for the above referenced application and address. While we recognize that City staff has determined that the requested zoning district of "GR", Community Commercial is not suitable for this location, we strongly disagree. Planning principals, existing zoning, and longstanding uses along Mc Neil Drive conclude that this arterial roadway has an established pattern of office, commercial and industrial uses at varied intensities. Therefore, we believe that the zoning district and use that our client seeks is consistent and highly suitable for the subject property.

The subject property was developed and used as a Plant Nursery and greenhouse in 1975. In 1997, the City of Austin annexed over 500 acres in the general area of and including the subject property. At the time of annexation, the City established Interim Rural Residential (I-RR) zoning as a place holder until permanent zoning was sought. Commercial Services (CS) zoning would be the appropriate zoning district for the Plant Nursery use. However, since the use was established prior to annexation, a rezoning to CS was never necessitated and that use continued as a legal, non-conforming use for nearly 40 years. Had the owners of the Plant Nursery sought zoning to be in compliance to the zoning code in order to satisfy conditions of a loan, add on to their operations, or to sell the property in a complying state, the City of Austin would have very likely granted the CS to rectify the non-compliance. While the site does not meet the intentions for CS zoning, it is likely that CS zoning would have been granted with

restrictions that most CS uses would be prohibited with the exception of the existing Plant Nursery use and most GR uses would have remained as permitted.

Since the time of annexation, most properties along this portion of Mc Neil Drive have established permanent zoning with intensities ranging from limited industrial districts to major commercial districts and neighborhood scaled office districts. Many properties had established uses at the time of annexation whereby the permanent zoning granted matched the long standing uses that were in place prior to annexation. There is a clear pattern of industrial and commercial zoning districts generally mirroring each other along Mc Neil Drive.

The Community Commercial (GR) zoning district is intended for office or other commercial uses that serve the neighborhood and community needs and that is generally accessible from major traffic ways. The location of the subject site on the corner of an arterial (McNeil Drive) and a collector (Los Indios Trail) in conjunction with permitted uses, will appropriately satisfy and meet the intention of the zoning district and is justified by the established land use principle that zoning should promote the policy of locating retail and more intensive zoning near intersections of arterial roadways or at the intersections of arterials and major collectors.

Subdivision and rezoning of properties over the decades has created a significant buffer in both distance and use between the interior, residential districts to the north and the non-residential uses immediately fronting Mc Neil Drive. Large lots of multiple acres have been developed with low intensity, non-residential uses and intense, multifamily uses creating an orderly relationship among land uses while transitioning to a greater intensity of non-residential uses on Mc Neil Drive. As the zoning districts immediately fronting Mc Neil Drive vary from LO, GO, LR, GR, CS, CS-1, and LI, a rezoning to GR is consistent with approved rezonings and will continue to promote a balance of intensities and densities.

Further, per the Imagine Austin Comprehensive Plan, the subject property is located in between a *Neighborhood Center* and a *Regional Center*. Mc Neil Drive connects the two *Centers* and is projected to become a Major Arterial Divided (MAD) 6 lane road per the 2025 Austin Metropolitan Area Transportation Plan (AMATP). Existing MAD 6 classified roadways such as portions of William Cannon Drive, Slaughter Lane, and East Riverside Drive have a significant amount of GR and CS zoning districts and uses on both sides of the roadway.

While the GR zoning district permits greater intensity of uses than the LR zoning district, GR zoning will permit the same low intensity commercial, office and civic uses of LR. To be consistent with approved zonings near-by, our client may agree to prohibit certain uses to facilitate the rezoning and the process to develop the property appropriately. Some uses that could be prohibited are:

Alternative Financial Services

Automotive Rentals

Automotive Sales

Automotive Washing

Communication Services

Exterminating Services

Pawn Shop Services

Hospital Services (General)

For these reasons, a rezoning to GR should be supported for the subject property and we respectfully request that the City of Austin Planning & Zoning Department promote land uses that align with best practices for zoning and land use planning of arterial roadways.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

[illegible]

A map of the study area showing the location of the study site (black square) relative to the highway and the river. The map includes labels for 'RIVER' and 'HIGHWAY'.

with regard to the First Amendment Free Association Clause.
The amendments issued by Resolution 110, Dated, March, with
effective date of May 1, 1964, did not the word "or" after the
following Subsections in connection with the
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Boundary/Topographic Survey - 1.356 Acre Tract
Henry Rhodes Survey. Abstract No. 522
6914 McNeil Drive
City of Austin, Williamson County, Texas

SV1