

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0051 – 8916 1/2 Brodie Lane / 3601 Davis Lane, Bldg 3 DISTRICT: 8

ZONING FROM: LR

ZONING TO: GR-CO

ADDRESSES: 8916 1/2 Brodie Lane / 3601 Davis Lane, Building 3

SITE AREA: 0.852 acres (37,113 square feet)

PROPERTY OWNER: W.W. Deerfield, Ltd. (William S. Walters, III)

APPLICANT / AGENT: Smith Robertson LLP (David Hartman)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay 1) establishes the following uses as prohibited uses of the property: automotive repair services, automotive sales, automotive washing (of any type), commercial off-street parking, exterminating services, off-site accessory parking, and service station; 2) limits the maximum building coverage to 50 percent; 3) limits floor-to-area ratio to 0.5 : 1; and 4) limits building height to 40 feet or 3 stories. The basis of Staff's recommendation is provided on page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

June 21, 2022: APPROVED GR-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT

[H. SMITH; J. KIOLBASSA – 2ND] (11-0)

CITY COUNCIL ACTION:

July 28, 2022:

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The subject undeveloped platted lot is zoned neighborhood commercial (LR) district and contains a portion of a driveway that extends north to Davis Lane and intersects with another driveway that extends west to Brodie Lane. Along the south property line, Deer Lane has been vacated and serves as a private driveway to adjacent commercial uses, both existing and

future development. The lot is part of a site plan that includes four other contiguous lots situated at the southwest intersection of Brodie Lane and Davis Lane. There is a service station, as well as restaurants, retail sales, a medical office, and personal services along the Brodie Lane frontage (LR; GR; CS-1). The western three lots, including this lot are undeveloped. There are medical offices and financial services to the south within the Brodie 31 PUD. *Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).*

The Applicant proposes community commercial – conditional overlay (GR-CO) district zoning in order to construct an approximate 7,000 square foot swim instruction facility, which is classified as a personal improvement services use. As information, the existing LR zoning limits the use to a maximum of 5,000 square feet per LDC Section 25-2-587(B) (*Requirements for Certain Uses in a Neighborhood Commercial (LR) District*). The proposed Conditional Overlay prohibits automotive repair services, automotive sales, automotive washing (of any type), commercial off-street parking, exterminating services, off-site accessory parking, and service station, and limits property development to LR standards for building coverage (50%), floor-to-area ratio (0.5 : 1), and height (40 feet or 3 stories).

BASIS OF RECOMMENDATION:

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

The community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. The conditional overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

2. *Zoning should allow for reasonable use of the property.*

The adjacent commercial uses along the Brodie Lane frontage include retail, personal care, restaurants, and a medical office. The requested zoning would permit a tenant to the lot for swimming instruction. Staff recommends the Applicant's request for GR-CO zoning based on the property's access to two arterial roadways which contain a mix of commercial uses and corresponding zoning, separation from residential uses, and prohibition of more intensive, automotive-related uses in the GR district, and maintaining the LR site development standards for building coverage, FAR and height.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Undeveloped
<i>North</i>	LR	Undeveloped
<i>South</i>	PUD	Undeveloped; Financial services; Medical offices
<i>East</i>	LR; GR; CS-1	Restaurants; Retail sales; Medical office, Personal services
<i>West</i>	LR; P	Water quality and detention ponds; Fire station

AREA STUDY: Not ApplicableTIA: Is not requiredWATERSHED: Williamson Creek Watershed – Barton Springs ZoneCAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoCOMMUNITY REGISTRY LIST:

12 – Brodie Lane Homeowners Association
 298 – Oak Hill Association of Neighborhoods (OHAN) 384 – Save Barton Creek Assn.
 511 – Austin Neighborhoods Council 627 – Onion Creek HOA
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 947 – Deer Park Owners Association Inc. 967 – Circle C Neighborhood Association
 1059 – Maple Run – Wheeler Creek – Woodstone Village
 1228 – Sierra Club, Austin Regional Group 1343 – Oak Hill Trails Foundation
 1363 – SEL Texas 1424 – Preservation Austin
 1429 – Go Austin Vamos Austin (GAVA) - 78745 1530 – Friends of Austin Neighborhoods
 1531 – South Austin Neighborhood Alliance (SANA)
 1550 – Homeless Neighborhood Association 1559 – Palomino Park HOA 1596 –
 TNR BCP – Travis County Natural Resources
 1616 – Neighborhood Empowerment Foundation 1617 – Brodie Heights Condominiums
 1774 – Austin Lost and Found Pets

SCHOOLS:

Cowan Elementary School Covington Middle School Bowie High School

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0068 – Davis Lane Residences – 3416 Davis Ln	GR-CO to GR-MU	Scheduled for 8-16-2022	Scheduled for 9-15-2022
C14-2017-0095 – Brodie Marketplace – 8916 Brodie Lane, Suite 500	LR; GR to CS-1	To Grant CS-1	Apvd CS-1 as Commission recommended (10-5-2017).
C14-2009-0111 – 8919 Brodie Ln – Brodie Park Shopping Center	GR-CO to GR-CO, to change a condition of zoning	To Grant GR-CO and remove from the prohibited use list drive-in services as an accessory use to a restaurant use, limited to 3,500 s.f.	Apvd GR-CO as Commission recommended (11-19- 2009).
C814-04-0024 –	DR to PUD for	To Grant PUD w/	Apvd PUD w/addl

Brodie 31 – 9000-9600 Blk of Brodie Ln	retail uses, automotive repair service; convenience storage, 2 restaurants and 2 conservation easement areas on 30 acres	conditions of the TIA	conds of drive-in services as an accessory use to a restaurant is prohibited; maximum building height is 40' and 2 stories. Restrictive Covenant is for the TIA; IPM Plan, native and adapted plant materials, coal tar-based sealants, off-site conveyance of storm runoff, fencing along the west property line and operational restrictions for the automotive repair services user. (9-2-2004).
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RELATED CASES:

The proposed rezoning area was covered by a zoning case that was approved for LR and GR zoning in February 1992 (C14-90-0053 – Cullen Center Bank).

The rezoning area is a portion of Lot 1C-C, Block D, Resubdivision of Lot 1C, Block D, Replat of the Deerfield at Brodie Subdivision Section II, recorded on January 10, 2018 (C8-2017-0159.0A). On Building 3, an administrative site plan for a single story building that would contain 5,000 square feet of retail sales (general), 1,050 square feet of retail sales (convenience), and 5,000 square feet of medical offices was approved on November 7, 2018, with two subsequent administrative corrections approved on August 14, 2020 and March 13, 2022 (SP-2017-0248C – Deerfield Lot 1C). Please refer to Exhibit B (***Approved Site Plan***).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Deer Lane	54 feet	22 feet	Local (Level 1)	No	No	No
Brodie Lane	87 feet	25 feet (divided)	Arterial (Level 3)	Yes	Yes, Bike Lane	No
Davis Lane	106 feet	40 feet (divided)	Arterial (Level 3)	Yes	Yes, Bike Lane	No

ADDITIONAL STAFF COMMENTS:Inclusive Planning

Yes	Imagine Austin Decision Guidelines
	Compact and Connected Measures
	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center:
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
3	Total Number of "Yes's"

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

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

Impervious Cover

Development of the property is subject to the Amended and Restated Compromise Settlement Agreement dated August 13, 1998. The amount of impervious cover on the approved site plan for Lot 1C is 90.44 percent. As information, the amount of impervious cover for all five lots covered by the site plan is 62.23 percent.

PARD – Planning & Design Review

Parkland dedication may be required for the new applicable uses proposed by this development, GR-CO zoning, at the time of subdivision or site plan. There are currently no parkland requirements for uses other than residential and hotel, per City Code § 25-1-601.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family, two-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 due to the proximity of the SF-2 district to the northwest.

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

Austin Transportation Department – Engineering Review

Assessment of required transportation mitigation, including the potential dedication of right-of-way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

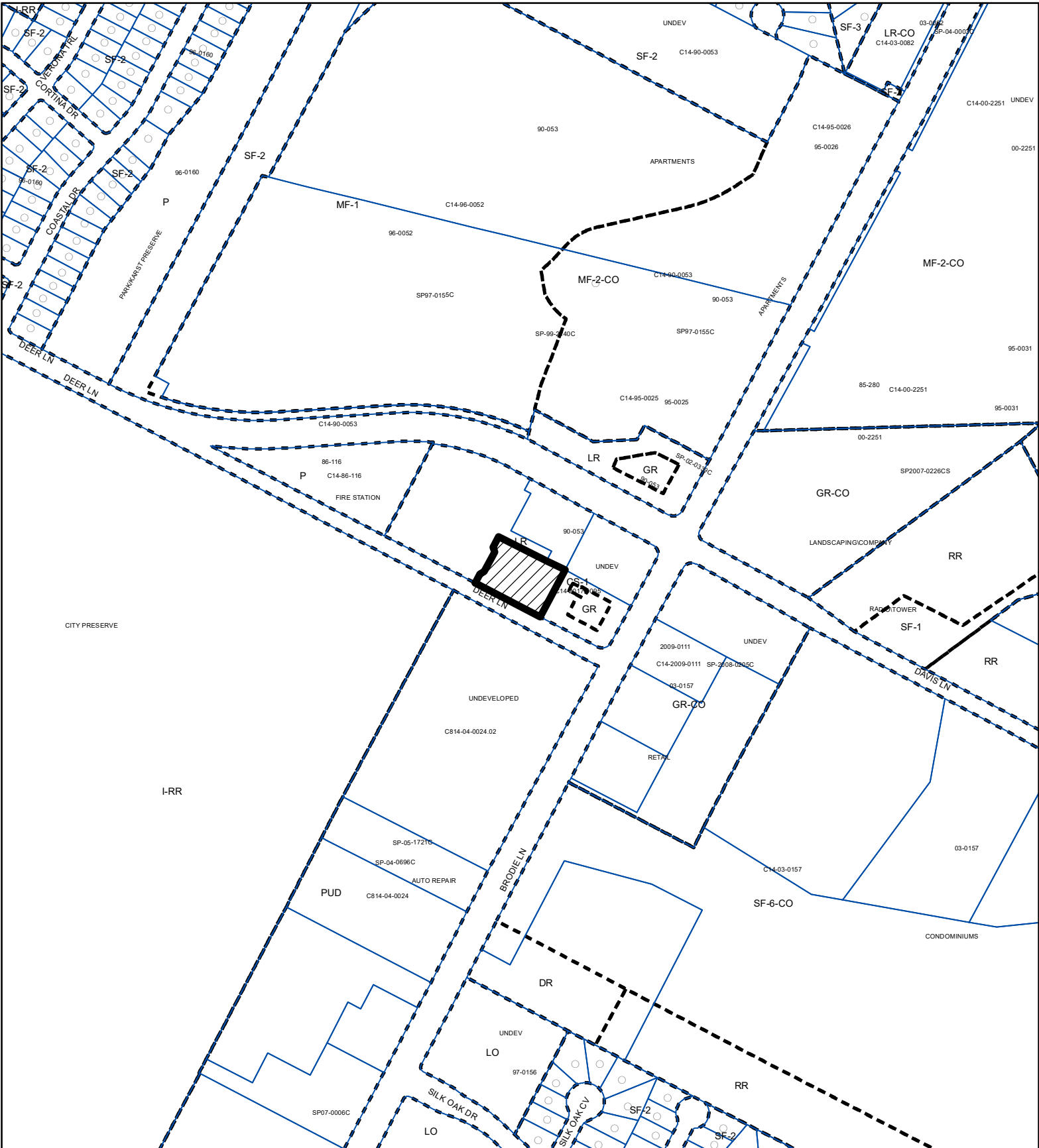
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.




INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibits A and A-1: Zoning Map and Aerial View

Exhibit B: Approved Site Plan

Applicant's Correspondence



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

Exhibit A

ZONING CASE#: C14-2022-0051

1" = 400'

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



Created: 4/14/2022



8916 1/2 Brodie Lane/3601 Davis Lane, Bldg 3

ZONING CASE#: C14-2022-0051
 LOCATION: 8916 1/2 Brodie Lane/
 3601 Davis Lane, Bldg 3
 SUBJECT AREA: .852 Acres
 GRID: D16
 MANAGER: WENDY RHOAD

Exhibit A - 1



1" = 100'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

May 10, 2022

Ms. Rosie Truelove, Director
Housing and Planning Department
City of Austin
1000 E. 11th Street
Austin, Texas 78702

Via electronic submittal

Re: Rezoning Application for 0.852 acres located at 8916 1/2 Brodie Lane/3601 Davis Lane, Bldg 3, Austin, Texas, 78748 (the "Property")

Dear Ms. Truelove:

We respectfully submit the enclosed rezoning application for 8916 1/2 Brodie Lane/3601 Davis Lane, Bldg 3, Austin, Texas, 78748 as representatives of the owner of the above stated Property.

The 0.852 acre Property is comprised of one undeveloped lot that is part of 4.6 acres covered by site development permit #SP-2017-0248C approved for development of a mixed use retail and commercial project. The Property is currently zoned LR, and is not located within a Neighborhood Plan. The following zoning categories are located on property adjacent to the Property: PUD zoning to the south; GR and CS-1 zoning to the east; LR, GR, and MF-2-CO zoning to the north; and P zoning to the west. The surrounding uses include commercial, convenience store, and multifamily.

We are requesting GR-CO (Community Commercial – Conditional Overlay) rezoning for the Property, to authorize construction and use of the Property as an approximately 7,000 sq. ft. indoor swim instruction studio, which is classified as a Personal Improvement Services commercial use. Existing LR zoning district regulations restrict Personal Improvement Services use to a maximum 5,000 sq. ft. (LDC, Sec. 25-2-587 – Requirement for Certain Uses in a Neighborhood Commercial (LR) District). The GR-CO zoning application would authorize Personal Improvement Services/personal instruction area to exceed 5,000 sq. ft. The proposed Conditional Overlay (CO) would limit development of the Property to LR development standards for the following: maximum building coverage (50%), building mass/FAR (0.5:1), and height (40 feet or 3 stories). Therefore the foregoing site development standards under the proposed GR-CO zoning would remain identical to these same development standards for maximum building coverage, FAR, and height as under the current LR zoning. A Traffic Impact Analysis has been waived per the TIA Determination Worksheet dated 4-5-2022 from Justin Good, P.E., stating that a TIA is not required.

If you have any questions about the rezoning application or need additional information, please do not hesitate to contact me. Thanks in advance for your assistance with this project.

Very truly yours,



David Hartman

cc: Wendy Rhoades
Zach Lyman