

ZONING CHANGE REVIEW SHEETCASE: C14-2023-0068DISTRICT: 8ZONING FROM: LRZONING TO: GR-COADDRESS: 3601 Davis Lane, Building 1SITE AREA: 2.886 acres of 4.6 acres
(125,714 sq. ft.)PROPERTY OWNER: W W Deerfield, Ltd., a Texas limited partnershipAGENT: DuBois, Bryant & Campbell, L.L.P., (David Hartman)CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.govSTAFF RECOMMENDATION:

The staff recommendation is to grant community commercial – conditional overlay (GR-CO) district zoning. The conditional overlay would limit development of the Property to LR development standards for the following:

- **Maximum height - 40 feet or 3 stories**
- **Maximum floor area ratio – 0.5:1**
- **maximum building coverage - 50%**
- **prohibited use - medical offices - exceeding 5,000 sf/ft of gross floor space**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**October 17, 2023:**CITY COUNCIL ACTION:ORDINANCE NUMBER:ISSUES:

The applicant amended their request on October 9, 2023, to include an additional Conditional Overlay (CO) once fire comments were received. The additional CO added a condition to prohibit a medical office use exceeding 5,000 s.f. ***Please refer to Exhibit D (Applicants Amended Request Letter).***

CASE MANAGER COMMENTS:

The property in question is approximately 2.89 acres, undeveloped, has access to both Davis Lane and Deer Lane, and is currently zoned neighborhood commercial (LR) district. The property has commercial services (GR-CO, LR, CS-1) to the east and a fire station to the west (P). To the north, across Davis Lane, there is multifamily residential and undeveloped neighborhood commercial (MF-1 & LR). To the south, across Deer Lane, there is a single-family home and medical offices (I-RR & PUD).

Staff is recommending community commercial (GR-CO) since it is consistent with the adjacent zonings. The conditional overlay (CO) is consistent with the adjacent property. In addition, staff recommended the prohibited use of medical offices exceeding 5,000 sq/ft., see below for additional information on fire comments.

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.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends the applicant's request since the lot meets the intent of the GR district as it is near other medical offices and a pharmacy. The rezoning would be consistent with that of the established parcels to the south and east of the property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Undeveloped
<i>North</i>	MF-1 LR	Multifamily Residential Undeveloped
<i>South</i>	I-RR PUD	Single Family Medical Offices
<i>East</i>	LR GR-CO CS-1	Swim School Pharmacy and Gas Station Bar
<i>West</i>	P	Austin Fire Station 29

NEIGHBORHOOD PLANNING AREA: No

WATERSHED: Williamson Creek – Barton Spring Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Cowan Elementary School Covington Middle School Bowie High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Brodie Heights Condominiums
Brodie Lane Homeowners Assoc.
Circle C Neighborhood Assn.
Deer Park Owners Association, Inc.
Friends of Austin Neighborhoods
Go Austin Vamos Austin 78745
Homeless Neighborhood Association
Maple Run-Wheeler Creek-Woodstone
Village
Neighborhood Empowerment Foundation

Oak Hill Association of Neighborhoods
(OHAN)
Onion Creek Homeowners Assoc.
Palomino Park HOA
Preservation Austin
SELTexas
Save Barton Creek Assn.
Save Our Springs Alliance
Sierra Club
Austin Regional Group
South Austin Neighborhood Alliance
(SANA)
TNR BCP - Travis County Natural
Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2022-0051	LR to GR-CO.	To Grant GR-CO (06/21/2022)	Approved GR-CO (07/28/2022)
C14-2017-0095	LR to GR-CO.	To Grant GR-CO (09/05/2017)	Approved GR-CO (10/05/2017)
C814-04-0024	DR to PUD Brodie 31 c/o Walters Southwest	To Grant PUD (07/29/2004)	Approved PUD (09/02/2004)
C14-90-0053	Amending Chapter 13-2 of the Austin City Code rezoning property locally known as 8500-8900 Brodie Lane from DR, development Reserve, to: LR, Neighborhood Commercial Tract 1: GR, Tract 2: LR, Tract 3: GR, Tract 4: GR, Tract 5: MF-2-CO (Low Density), Tract 6: SF-2 (Standard lot), Tract 7: Cullen Center Bank & Trust By Brad Burns.	To Grant Amendment (01/10/1991)	Approved Amendment (02/06/1992)
C14-95-0025	SF-2 (Standard Lot), LR & GR to MF2-CO	Approved MF-2-CO	Approved MF-2-CO (06/01/1995)
C14-96-0052	SF-2 (Standard Lot) to MF-1-CO	Approved MF-1-CO	Approved MF-1-CO (08/15/1995)

RELATED CASES: There are no related cases.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning:

Project Name and Proposed Use: 3601 DAVIS LN. C14-2023-0068. Project. 3601 Davis Lane Building 1. 2.886 acres from LR to GR-CO. Construction of an approximately 8400 sq. ft. medical office, which is classified as a Medical Offices commercial use. Existing LR zoning district regulations restrict Medical Offices use to a maximum 5,000 sq. ft. without a Conditional Use Permit (LDC, Sec. 25-2- 491 – Permitted, Conditional, and Prohibited Uses). The GR-CO zoning application would authorize the medical office 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).

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers:
	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: 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 recreation area, park or walking trail.
Y	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	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.
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
Y	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.

	Industrial Land: Preserves or enhances industrial land.
5	Total Number of “Yes’s”

Drainage:

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

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.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge 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.

At this time, site specific information is unavailable regarding 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. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

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.

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area 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%

Fire:

The City of Austin Pipeline Ordinance prohibits a use requiring evacuation assistance within 500 ft of a hazardous pipeline. This includes Medical Offices exceeding 5,000 ft of gross floor area.

PARD – Planning & Design Review:

Parkland dedication fees may be required for any new applicable commercial uses resulting from this rezoning; requirement would only apply to a new site plan or subdivision application for such applicable uses.

Site Plan:

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:

The Austin Strategic Mobility Plan (ASMP) calls for 116 feet of right-of-way for Davis Lane. It is recommended that 58 feet of right-of-way from the existing centerline should be dedicated for Davis Lane according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Deer Lane. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Deer Lane according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Existing Street Characteristics:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Davis Lane	Level 3	116'	86'	68'	Yes	Yes	No
Deer Lane	Level 1	58'	52'	20'	No	No	No

TIA: It is not required.

Austin Water Utility:

No comments on zoning change.

The landowner intends to serve the site with existing City of Austin water utilities.

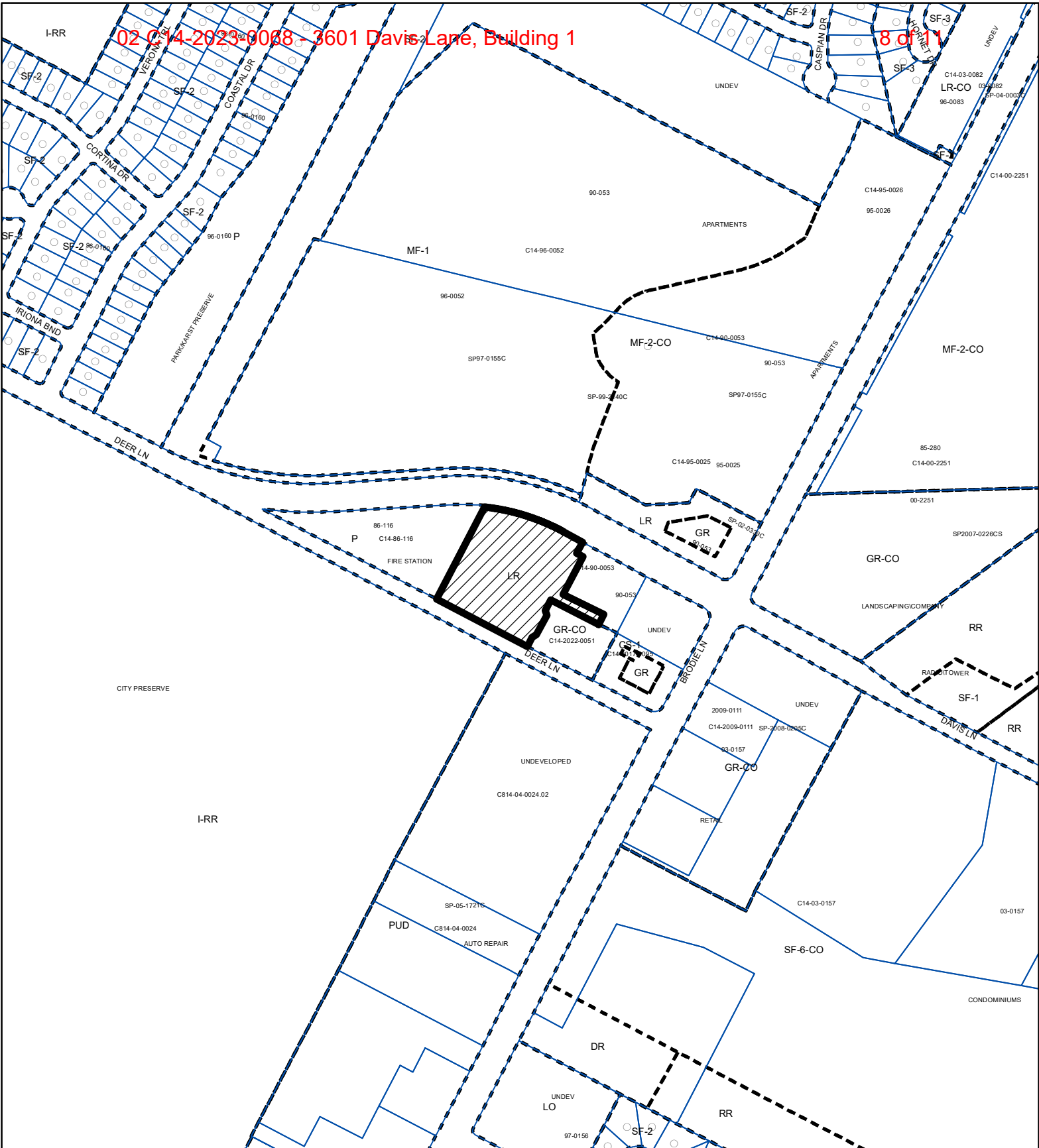
Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicants Summary Letter
- D. Applicants Amended Request Letter

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ZONING

ZONING CASE#: C14-2023-0068



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

Exhibit A

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: 6/2/2023

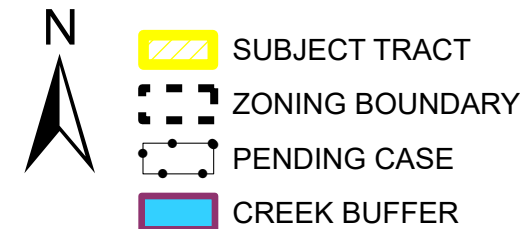
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3601 Davis Lane, Building 1

ZONING CASE#: C14-2023-0068
LOCATION: 3601 Davis Lane, Building 1
SUBJECT AREA: 2.886 Acres
GRID: D16
MANAGER: Nancy Estrada





David Hartman
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www.dbcllp.com

May 25, 2023

Lauren Middleton-Pratt
Director, Housing and Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Rezoning Application for 2.886 acres located at 3601 Davis Lane, Building 1, Austin, Texas 78749 ("Property")

Dear Ms. Middleton-Pratt:

We respectfully submit the enclosed rezoning application for 3601 Davis Lane, Building 1, Austin, Texas, 78749 as representatives of the above-stated Property.

The 2.886 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: I-RR and PUD zoning to the south; GR and GR-CO zoning to the east; LR, MF-1, SF-2 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 8400 sq. ft. medical office, which is classified as a Medical Offices commercial use. Existing LR zoning district regulations restrict Medical Offices use to a maximum 5,000 sq. ft. without a Conditional Use Permit (LDC, Sec. 25-2- 491 – Permitted, Conditional, and Prohibited Uses). The GR-CO zoning application would authorize the medical office 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. In addition, the proposed CO would prohibit the following uses on 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. The foregoing uses were prohibited in the rezoning case approved unanimously on the consent agenda by City Council in 2022 for GR-CO zoning for the immediately adjacent lot (Ordinance No. 20220728-153). The TIA Determination form dated May 9, 2023, and signed by Adrianna Morrow states that Traffic Impact Analysis is not required.

If you have any questions about the applications or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David Hartman", is written over a horizontal line.

David Hartman

cc: Joi Harden
3824012.1



David Hartman
(512) 685-3409
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303 Colorado, Suite 2300
Austin, TX 78701
www.dbcllp.com

October 9, 2023

Joi Harden
Zoning Director, Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Request to Amend Rezoning Application for 2.886 acres located at 3601 Davis Lane, Building 1, Austin, Texas 78749 ("Property") – Case C14-2023-0068

Dear Ms. Harden:

I'm writing in regard to zoning case C14-2023-0068 filed May 17, 2023. The original request set forth in the zoning application was for GR-CO (Community Commercial – Conditional Overlay) rezoning for the Property, as more particularly described in my letter dated May 16, 2023. I'm writing to formally amend the zoning application to add a Conditional Overlay to make the use of Medical Offices – exceeding 5,000 sq. ft. gross floor area a prohibited use.

Let me know if you have questions or if anything further is needed to make the above-requested amendments to the zoning application. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David Hartman", is written over a horizontal line.

David Hartman

cc: Cynthia Hadri