

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0111 – Brodie Park
Shopping Center

Z.A.P. DATE: October 20, 2009

ADDRESS: 8919 Brodie Lane

OWNER/APPLICANT: CMC Brodie, Ltd.
(Ken Carr)

AGENT: Jim Bennett Consulting
(Jim Bennett)

ZONING FROM: GR-CO **TO:** GR-CO,
to change a condition
of zoning

AREA: 0.95 acres
(41,382 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay removes drive-in services as an accessory use to a restaurant use from the prohibited use list at this location and retains all other conditional overlays associated with Ordinance Number 040930-92.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 20, 2009: *TO GRANT GR-CO DISTRICT ZONING AS STAFF RECOMMENDED, WITH AN ADDITIONAL CONDITIONAL OVERLAY THAT A RESTAURANT WITH A DRIVE-IN SERVICE AS AN ACCESSORY USE IS LIMITED TO 3,500 SQUARE FEET IN SIZE.*

[G. BOURGEOIS, S. BALDRIDGE – 2ND] D. TIEMANN, P. SEEGER – NAY

ISSUES:

The Brodie Heights Condominium Community, Inc. has provided a letter of support for the proposed change to a condition of zoning. Please refer to correspondence attached at the back of the packet.

DEPARTMENT COMMENTS:

The subject platted lot is undeveloped and zoned community commercial – conditional overlay (GR-CO) combining district. There is undeveloped land to the north and directly east (GR-CO) within the Brodie Ranch development (identified as Tract 1 in the rezoning ordinance), condominiums to the east (Tract 2 of Brodie Ranch zoned SF-6-CO), retail to the south (GR-CO) and undeveloped land across Brodie Lane to the west (LR; GR; PUD).

The existing Conditional Overlay for Tract 1 prohibits drive-in services as an accessory use to a restaurant use, and prohibits automotive sales, automotive rentals, automotive repair services, automotive washing (of any type), off-site accessory parking, pawn shop services

and service station. Please refer to Exhibit B. The Applicant has proposed to modify the Conditional Overlay to remove drive-in services as an accessory use to a restaurant as a prohibited use for this lot only. The approved site plan shows a 5,060 square foot building that is designated for restaurant use. Staff supports the Applicant's request as it is an incremental change within a planned commercial area that provides services to the surrounding neighborhoods, and has frontage on a major arterial roadway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Undeveloped
<i>North</i>	GR-CO	Undeveloped
<i>South</i>	GR-CO	Retail
<i>East</i>	GR-CO; SF-6-CO	Retail; Condominiums
<i>West</i>	LR; GR; PUD	Undeveloped; Automotive repair

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Williamson Creek –
Barton Springs Zone –
Contributing Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association
217 – Tanglewood Forest Neighborhood Association
298 – Oak Hill Association of Neighborhoods (OHAN)
511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
742 – Austin Independent School District
786 – Home Builders Association of Greater Austin
943 – Save Our Springs Alliance 947 – Deer Park Owners Association
967 – Circle C Neighborhood Association 997 – Tanglewood Oaks Owners Association
1037 – Homeless Neighborhood Association 1059 – Maple Run – Wheeler Creek
1075 – League of Bicycling Voters 1113 – Austin Parks Foundation
1134 – Oak Parke / Brodie Wild Preservation Group, Inc.
1164 – Austin Southwest Association
1200 – Super Duper Neighborhood Objectors and Appealers Organization
1224 – Austin Monorail Project

SCHOOLS:

Cowan Elementary School

Covington Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-04-0024 – Brodie 31 - 9000 – 9600 Block of Brodie Lane	DR to PUD for retail uses, automotive repair service; convenience storage, 2 restaurants and 2 conservation easement areas on 30 acres	To Grant PUD with conditions of the TIA	Approved PUD with additional conditions 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. (9-2-04).
C14-02-0118 – Shady Hollow Retail Center – 9700 Block of Brodie Lane	LO-CO to GR	Recommended GR-CO with CO to prohibit Automotive washing (automatic or mechanical); Automotive repair services; Commercial off-street parking; Extermination services; Funeral services; Pawn shop services; and Service station; 2,000 trips; and maximum height of 40 feet	Approved GR-CO district zoning as recommended by ZAP. (7-31-03)
C14-00-2251 – W.W. Brodie – 3416 – 3424 Brodie Lane	RR; DR; SF-6; SF-6-CO; LR; LR-CO; GR to GR; MF-2-CO	Recommended GR-CO with CO for TIA; prohibit pawn shops; provide 50’ wide vegetative buffer on the east property line.	Approved GR-CO for Tract 1 with the following CO: drive- in service is prohibited as an accessory use to commercial uses; prohibit service station; automotive

			<p>sales; automotive rentals; automotive repair service; automotive washing (any type); off-site accessory parking; communication service facilities; safety services; local utility services; pawn shops; FAR limited to 0.07847; FAR for general retail sales (general and convenience) is limited to 0.05336 to 1; and FAR for restaurant general is limited to 0.04709 to 1.</p> <p>Approved MF-2-CO for Tract 2. CO limits property to 8 units per acre; 250' vegetative buffer along the north property line and extending eastward to the northeast corner of the tract; 50' wide vegetative buffer along the east property line; improvements within buffer zones limited to drainage, underground utility improvements or those required by the City; construction of water quality and detention facilities is prohibited within 50' of the entire north property line. (10-4-01)</p>
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RELATED CASES:

The subject property is located within Tract 1 and was rezoned to GR-CO on September 30, 2004 (C14-03-0157 – Harris Ranch). The Conditional Overlay covers the following items:

1. prohibits drive-in services as an accessory use to a restaurant use,
2. prohibits automotive sales, automotive rentals, automotive repair services, automotive washing (of any type), off-site accessory parking, pawn shop services and service station;
3. Limits the maximum number of dwelling units of Tract 2 (zoned SF-6-CO) to 350;
4. Establishes a 50 foot building setback along the south property line of Tract 2.

A copy of the rezoning ordinance is provided as Exhibit B. The Restrictive Covenant covers the Traffic Impact Analysis, IPM, Grow Green and prohibiting coal tar based asphalt sealants.

The subject zoning area is platted as Lot 1B of Harris Ranch II, A Replat of Lots 1-5, Harris Ranch, a subdivision recorded on August 14, 2008 (C8-2008-0061.0A). Please refer to Exhibit C.

The rezoning area is within the site plan for Brodie Ranch Phase C, approved administratively on April 29, 2009 (SP-2008-0205C). Please refer to Exhibit D.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Brodie Lane	90 feet	2 @ 24 feet	Arterial	19,260 (2002)
Davis Lane	Varies	Varies	Arterial	N/A

- There are sidewalks along Brodie Lane, but not along Davis Lane or West Gate Boulevard.
- Capital Metro bus service is not available within 1/4 mile of this property.
- Brodie and Davis Lanes are listed in the Bicycle Plan.

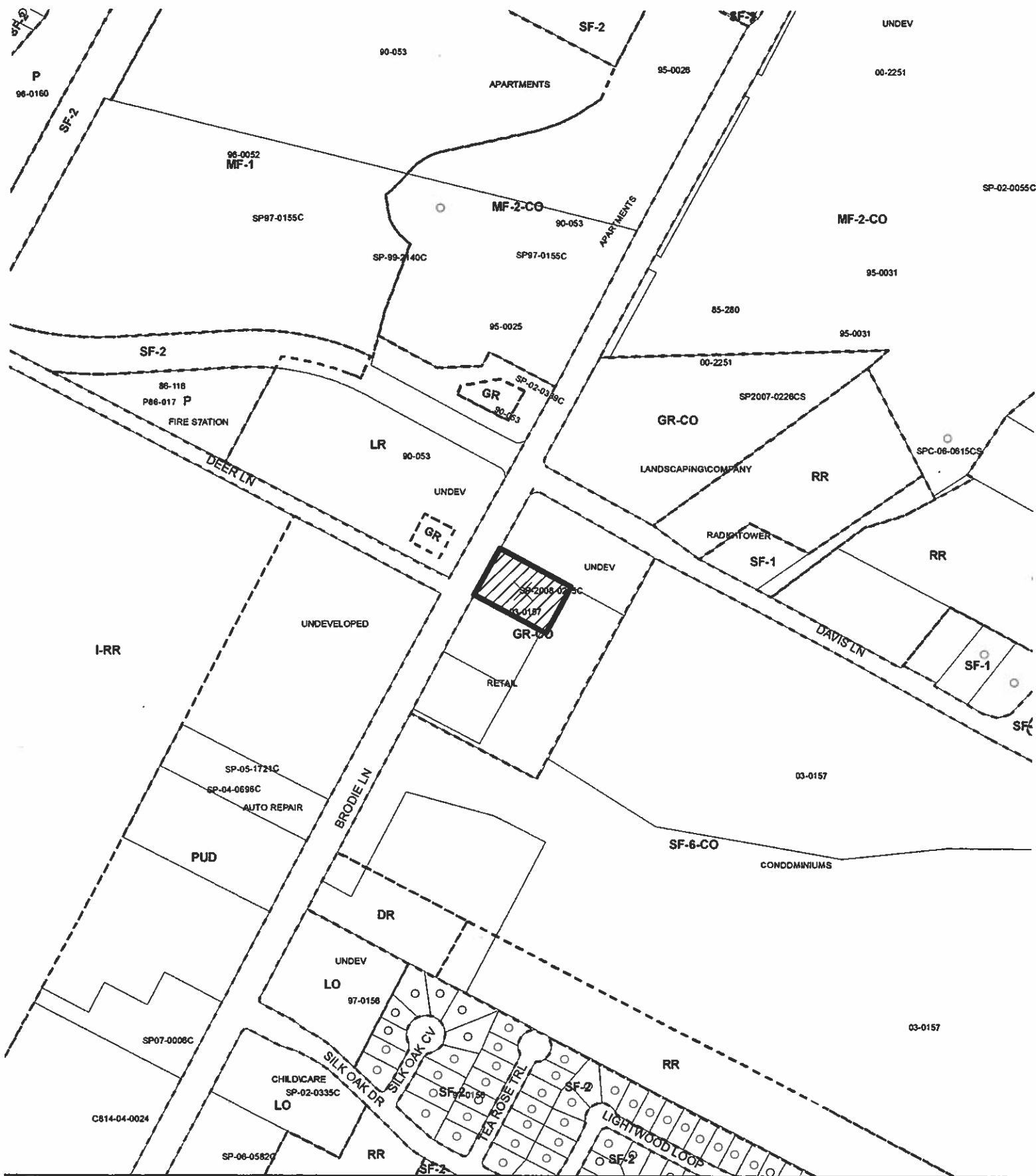
CITY COUNCIL DATE: November 19, 2009 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



N

1" = 400'

LEGEND:

- SUBJECT TRACT**
- ZONING BOUNDARY**
- PENDING CASE**

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2009-0111

ADDRESS: 8919 BRODIE LANE

SUBJECT AREA: 0.95 ACRES

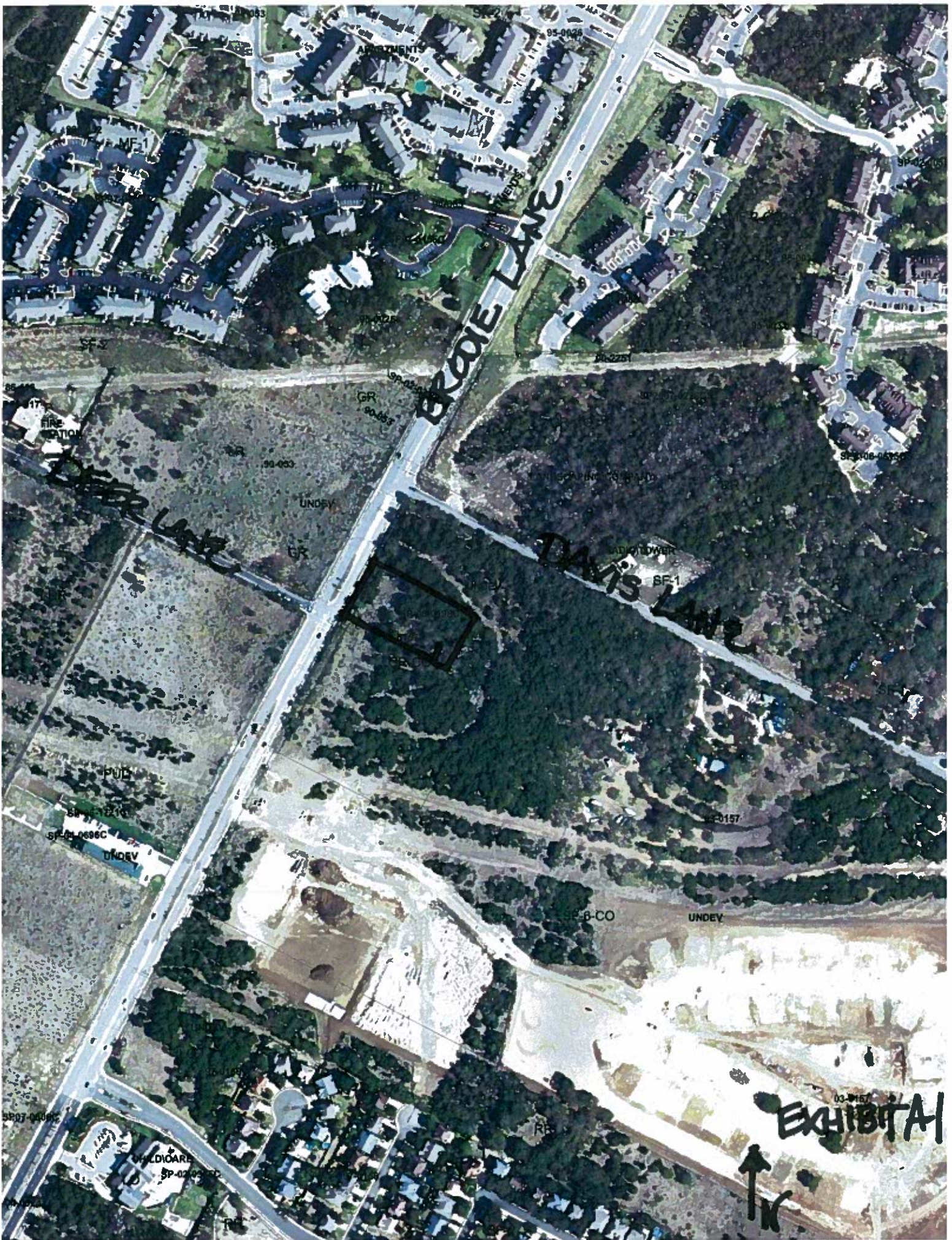
GRID: D16

MANAGER: W. RHOADES

Exhibit A



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding accuracy or completeness.



ORDINANCE NO. 040930-92

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE SOUTH SIDE OF DAVIS LANE BETWEEN BRODIE LANE AND WESTGATE BOULEVARD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND RURAL RESIDENCE (RR) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT FOR TRACT ONE AND TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in Zoning Case No. C14-03-0157, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to community commercial-conditional overlay (GR-CO) combining district.

An 8.040 acre tract of land, more or less, out of the Theodore Bissell League Survey No. 18, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and rural residence (RR) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district.

An 81.499 acre tract of land, more or less, out of the Theodore Bissell League Survey No. 18, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as the south side of Davis Lane between Brodie Lane and Westgate Boulevard, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of Tract One:

Service station	Automotive sales
Automotive rentals	Automotive repair services
Automotive washing (of any type)	Off-site accessory parking
Pawn shop services	Guidance services

2. Drive-in services use is a prohibited use of a restaurant use on Tract One.

3. The maximum number of residential dwelling units on Tract Two is 350 units.

4. A 50-foot building setback shall be established and maintained along the south property line of Tract Two.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on October 11, 2004.

PASSED AND APPROVED

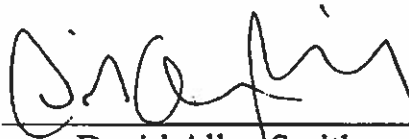
_____, September 30, 2004

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§
§



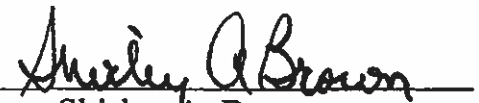
Will Wynn
Mayor

APPROVED:

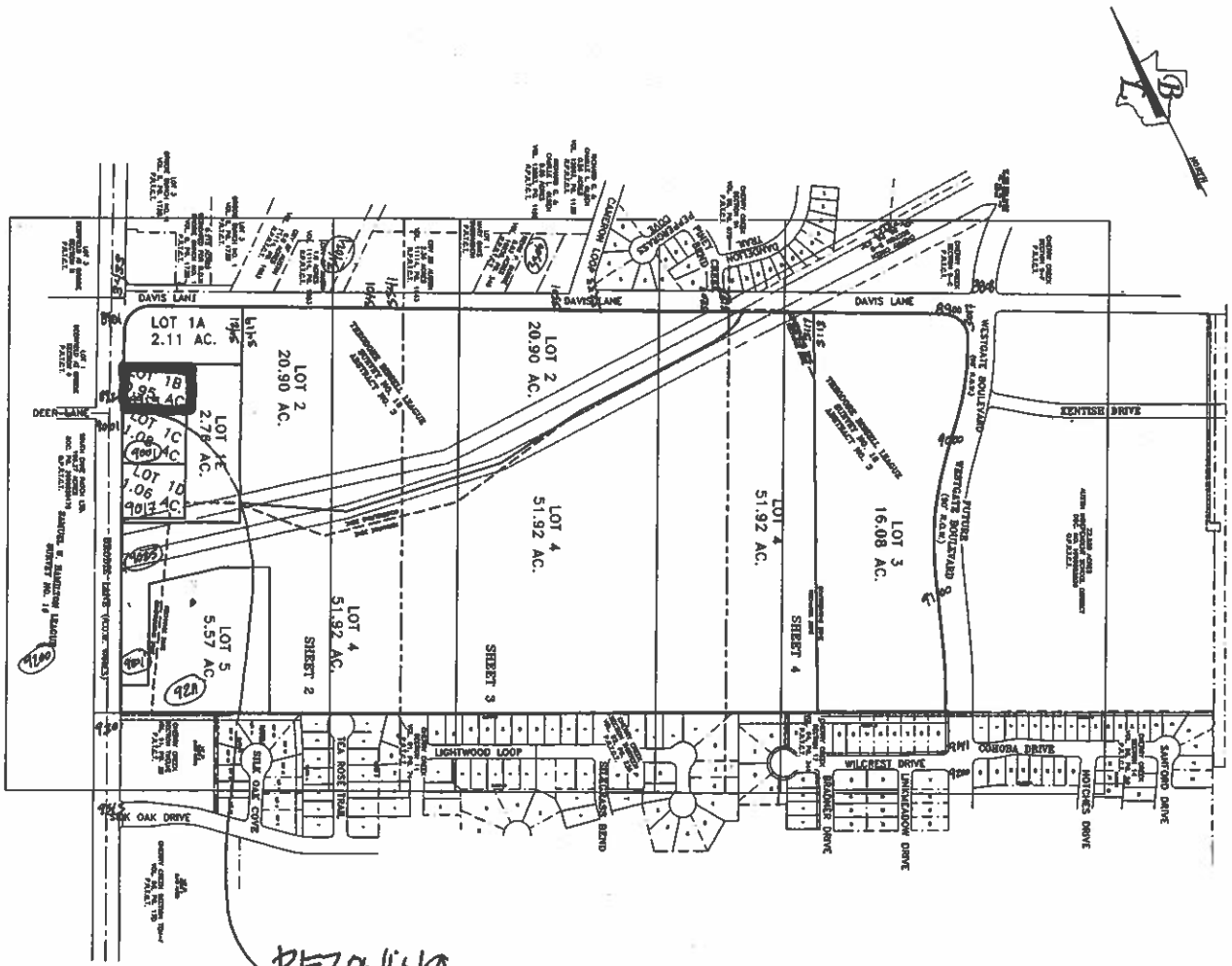


David Allan Smith
City Attorney

ATTEST:



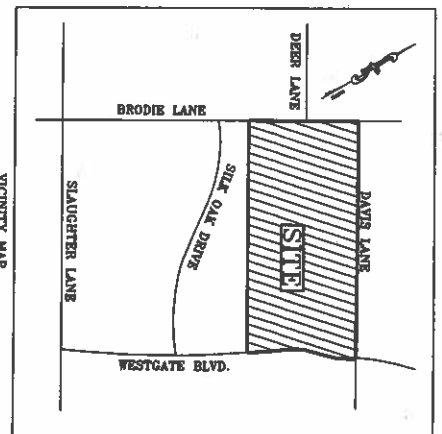
Shirley A. Brown
City Clerk



**REZONING
AREA**

SINGLE FAMILY (SF-4) LOTS 1-5
WITH QUALITY 8' DETENTION LOT 5
CONCRETE LOTS 1-5
TOTAL 9 LOTS

OWNERS: ONE BROOK LTD.
HARRIS RANCH PROPERTY OWNERS
ADJACENT: 102-12 ACRES
TRUCKEE RESIDENT LEASE, SURVEY NO. 18, ABSTRACT NO. 3
DATE: 1 MAY 2008
SURVEYOR: BASELINE LAND SURVEYING, INC.
BENCHMARK INFORMATION: "X" CUT IN CENTER SOUTHWEST ALONG WEST BACK OF
CLUB OF BROOK LANE, IN LINE WITH WEST BOUND LANE OF DAVIS
BLVD. (ELEVATION = 803.17)



FOR MAINTENANCE OF THE WATER QUALITY AND/OR DETENTION
CAPACITY, THE ADJACENT FIELD IN OCCUPANT NO. 200204000,
OFFICIAL PUBLIC RECORD, TRAVIS COUNTY, TEXAS.
THE USE OF RESOURCES WILL BE IN ACCORDANCE WITH SPECIFICATION
OF THE ADJACENT FIELD IN OCCUPANT NO. 200204000,
SECTION 1.3.2.2 OF THE ENVIRONMENTAL DESIGN SPECIFICATIONS,
DOCUMENT NO. 200204000, OFFICIAL PUBLIC RECORDS, TRAVIS
COUNTY, TEXAS.

HARRIS RANCH II A REPLAT OF LOTS 1-5, HARRIS RANCH

HANRAHAN-Pritchard ENGINEERING, INC.
CONSULTING ENGINEERS
8333 Cross Park Drive
AUSTIN, TEXAS 78754
OFFICE: 512.459-4724 FAX: 512.459-4752
info@hp-eng.com

HPE

BASELINE LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYING SERVICES
8333 CROSS PARK DRIVE
AUSTIN TEXAS 78754
OFFICE: 512.374.9722 FAX: 512.673-9743
ron-baseline@austin.tx.us

**EXHIBIT C
DECEMBER DIAT**

File: Projects/Harris Ranch/Dwg/REPLAT Harris Ranch	Snapshot:
Job No.	Scale (Hor.): 1"=100'
Date: 06/25/08	Scale (Vert.):
Revision 1:	Checked By: JSL
Revision 2:	Drawn By: RLW
Revision 3:	
Revision 4:	

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay removes drive-in services as an accessory use to a restaurant use from the prohibited use list at this location and retains all other conditional overlays associated with Ordinance Number 040930-92.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed GR, community commercial 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 trafficways.

The property has access to Brodie Lane, a major arterial roadway.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff supports the Applicant's request as it is an incremental change within a planned commercial area that provides services to the surrounding neighborhoods, and has frontage on a major arterial roadway.

EXISTING CONDITIONS**Site Characteristics**

The subject property is undeveloped and generally flat.

Impervious Cover

The maximum impervious cover shown on the approved site plan for Tract 1 is 62.06%, and for the entire Harris Ranch site is 18.5%. The site plan includes both contributing zone and recharge zone areas.

Environmental

This site is located over the Edwards Aquifer Recharge Zone, within the Contributing Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. 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, 20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone.

According to flood plain maps, there is no flood plain within the project location.

The site is not located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

No trees are located on this property. 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 providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

Transportation

A TIA was performed with Zoning Case # C14-03-0157. The AM and PM peak hours trips generated with the proposed zoning change are within the peak hour trip limits established with the TIA staff memo dated August 2004. Pass-by and internal capture reductions were taken into account to determine peak hours trips, as recommended by ITE.

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.

Site Plan and Compatibility Standards

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

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.

Brodie Heights Condominium Community, Inc
9201 Brodie Ln.
Austin, TX 78745

c/o: RealManage, Inc.
10800 Pecan Park Blvd.
Suite 100
Austin, TX 78750

6/11/09

To Whom It May Concern:

This letter is in reference to the variance request proposed by CMC Brodie, Inc. concerning the conditional overlay involving the commercial site (7.962ac Commercial Lot 1 on Harris Ranch Final Plat) at the SE intersection of Brodie Ln. and Davis Ln. The Brodie Heights Condominium Community, Inc. is in full support of the proposed variance request by CMC Brodie, Inc. to include one drive through type business to exist on this commercial site.

Sincerely,



Board of Directors, President

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0111

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Oct. 20, 2009, Zoning & Platting Commission

Nov. 19, 2009, City Council

Your Name (please print)
Bice Walters

Ansie & Davis & Basie & Silk Oak

Your address(es) affected by this application

☒ I am in favor
☐ I object

Signature

Daytime Telephone: *481-0404*

Date

Comments:

*With Today's market and
Needs on convenience, this is a good
idea. Wendy, it should be supported.*

Thank,

Bice

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2009-0111

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: Oct. 20, 2009, Zoning & Platting Commission
Nov. 19, 2009, City Council

Dana Valverde-Hummer
Your Name (please print) + Karl Hummer

☐ I am in favor
☒ I object

9201 Broedel Ln 1401 Austin, TX 78748
Your address(es) affected by this application

[Signature] 10/22/09
Signature Date

Daytime Telephone: 512-410-6678

Comments: 1. Consider the traffic problem that already exists - a drive thru would compound it. 2. The area is mainly residential, w/ sunset valley as a business location. Keep the area "home-y"!!

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810