

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0027 – Kincheon Neighborhood
Commercial Center

Z.A.P. DATE: May 21, 2013

ADDRESS: 7905 Brodie Lane

OWNER: Shelby Michael Minns and
Katherine T. Minns

AGENT: Land Answers, Inc.
(Jim Wittliff)

ZONING FROM: NO-CO

TO: LR

AREA: 0.43 acres
(18,730 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny neighborhood commercial (LR) district zoning.

If the Owner/Applicant's request for LR zoning is granted, then development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

May 21, 2013:

ISSUES:

The Applicant would like to discuss the Staff recommendation.

DEPARTMENT COMMENTS:

The subject two platted lots are undeveloped and are zoned neighborhood office – conditional overlay – conditional overlay (NO-CO) combining district zoning. The property has frontage on Brodie Lane, a major arterial, and Elija Street and Dalton Street, both local streets. The site is just north of the T-intersection formed by Brodie Lane's intersection with Eskew Drive (a collector). Surrounding zoning includes NO-MU and SF-3 to the north (child care facility, church and residences); SF-3 to the east (residences); NO-MU-CO and SF-3 to the south (offices, residences); and SF-3 on the west side of Brodie Lane (retail, commercial and offices). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View) and B (Recorded Plat).

The property was zoned NO-CO in August 2000 and the Conditional Overlay limits height of a structure to 30 feet, prohibits access to Dalton Street and requires a 30-foot wide vegetative buffer along the east property line (C14-00-2040). Please refer to Exhibit C (2000 Rezoning Ordinance). The Applicant has requested to the neighborhood commercial (LR) district with the intent of developing office and retail uses.

Staff recommends maintaining the NO base district for the subject property as it fits the purpose statement and continues to be appropriate in the context of: 1) the NO-MU and NO-MU-CO zonings granted in 2001 and 2004 on similarly situated lots to the north and south, and 2) maintaining compatibility with the established single family residential neighborhood to the east.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO-CO	Two undeveloped platted lots
<i>North</i>	NO-MU; SF-3	Child care facility; Church; Single family residences
<i>South</i>	NO-MU-CO; LR	Realty office; Insurance offices; Jewelry shop; Salon; Child care facility
<i>East</i>	SF-3	Single family residences
<i>West</i>	SF-3; LR; CS-1; GR	Single family residences

AREA STUDY: Brodie Lane Study (1975) **TIA:** Is not required

WATERSHED: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone – Recharge Zone

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association
 298 – Oak Hill Association of Neighborhoods (OHAN)
 384 – Save Barton Creek Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 943 – Save Our Springs Alliance 947 – Deer Park Owners Association, Inc.
 967 – Circle C Neighborhood Association 997 – Tanglewood Oaks Owners Association
 1037 – Homeless Neighborhood Organization 1075 – Bike Austin
 1134 – Oak Parke/Brodie Wild Preservation Group, Inc.
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project 1236 – The Real Estate Council of Austin, Inc.
 1228 – Sierra Club, Austin Regional Group 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1409 – Beyond2ndNature

SCHOOLS:

Boone Elementary School Covington Middle School Crockett High School

08/3

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0047 – Brodie Property Zoning Change – 8001 Brodie Lane	SF-3 to NO-MU, as amended	To Grant NO-MU-CO w/CO for 300 trips per day	Approved NO-MU- CO as Commission recommended with RC for IPM & Grow Green (6-17-2004).
C14-01-0062 – Brodie Zoning – 7809 Brodie Lane	SF-3 to LO	To Grant NO-MU	Approved NO-MU (8- 2-2001).
C14-96-0084 – Eskew Zoning Change – 8212 Block of Brodie Lane	SF-2 to GR	To Grant LR-CO with conditions	Approved LR-CO with CO for 2,000 trips; 25' buffer along west property line; i.c. of 45% (1-30-1997).
C14-79-248 – Kinchon Subd No. 2, Lot 1, Block 2 – 7711 Brodie Lane at Blumie Street	Interim “A” Residence, Interim First Height & Area to GR First Height and Area	To Grant GR First Height and Area	Approved GR First Height and Area (4- 17-1980).

RELATED CASES:

The property is platted as Kincheon Subdivision Section 1; Block 2, Lots 1 and 18, recorded in July 1950 (C8-1950-1957). Please refer to Exhibit B.

Although the area of the Brodie Lane Study (1975) includes this property, the scope of this study was limited and does not pertain to this property.

In 2000, a rezoning application from SF-3 to LO was made for both lots facing Brodie Lane (C14-00-2040 – 3426 Dalton and 3427 Elijah Street). The Applicant amended the request to NO and the Planning Commission recommended and City Council approved NO-CO, with the Conditional Overlay for 2,000 trips per day and prohibiting access to Dalton Street.

There are no related site plan cases on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Brodie Lane	Varies	MAD-4	Arterial	36,684
Elija Street	50 feet	Varies	Local	N/A
Dalton Street	50 feet	Varies	Local	N/A

- Brodie Lane is classified in the Bicycle Plan as Route No. 17.
- Capital Metro bus service (Route No. 333) is available along Brodie Lane.
- There are existing sidewalks along Brodie Lane and Dalton Street. However, there are no sidewalks along Elija Street.

CITY COUNCIL DATE: June 27, 2013

ACTION:

ORDINANCE READINGS: 1st

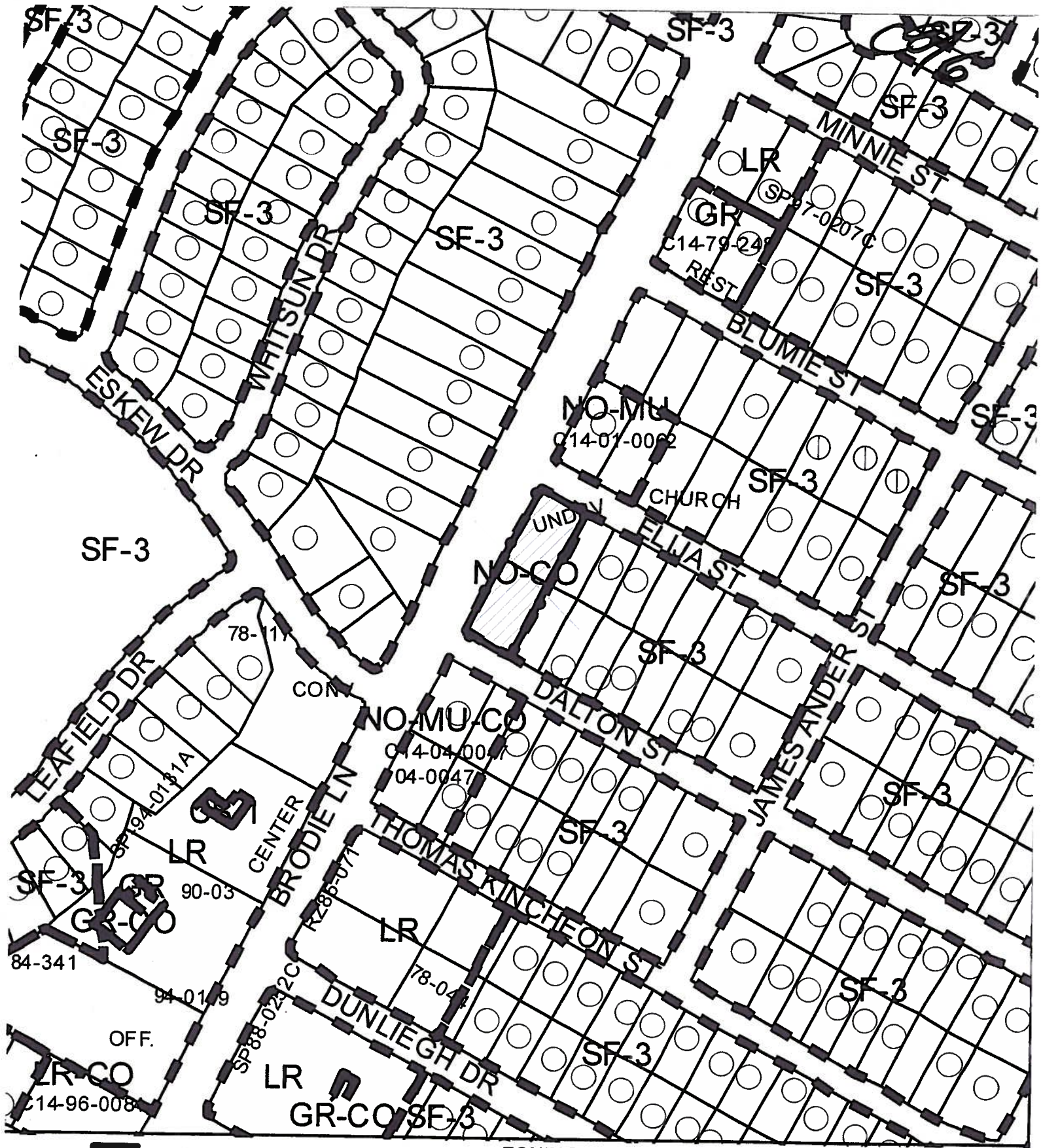
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0027

Exhibit A

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.

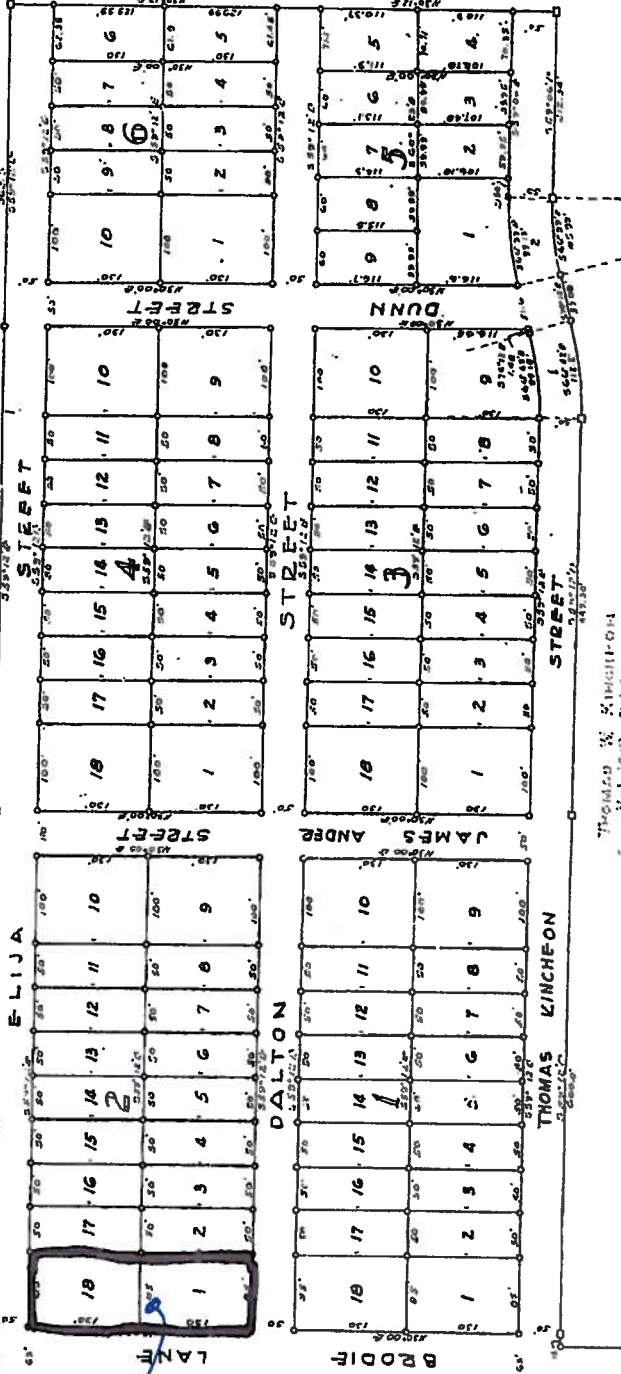
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





KINCHEON SUBDIVISION SECTION 1

THOMAS W. KINCHEON
Vol. 107, P. 270



CURVE DATA
N 15° 00' E 150.00'
S 15° 00' E 150.00'
S 79° 19' E 150.00'
S 79° 19' E 150.00'
S 79° 19' E 150.00'
S 79° 19' E 150.00'

LEGEND
O-10 ft
O-10 ft

SCALE 1"=100'

THE STATE OF TEXAS
COUNTY OF TRAVIS
Know all men by these presents, that I, Thomas W. Kincheon, do hereby certify that the within and foregoing plat of the Kincheon Subdivision, Section 1, is a true and correct copy of the original plat as the same appears in the records of the County Clerk of Travis County, Texas, and that the same is subject to the provisions of the Act of the Legislature of the State of Texas, passed May 11, 1929, relating to the subdivision of land.

APPROVED BY CITY PLANNING COMMISSION
Date: July 20, 1950. *Walter D. Dyer*
City Planning Commission
City of Austin, Texas

FILED FOR RECORD
ALL at 10:40 P. M. this 29th day of July, A.D. 1950.
Miss Emily Lumber, Clerk of the County of Travis, Texas.

THE STATE OF TEXAS
COUNTY OF TRAVIS
Before me, the undersigned authority, on this day personally appeared Thomas W. Kincheon, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Emily Lumber, County Clerk of Travis County, Texas, do hereby certify that on the 29th day of July, A.D. 1950, the County Clerk of Travis County, Texas, passed an order authorizing the filing of this plat and that said order has been duly entered in the minutes of said Court in Book No. 11, Page 115.

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Emily Lumber, Clerk of the County of Travis, Texas, do hereby certify that the within and foregoing plat of the Kincheon Subdivision, Section 1, is a true and correct copy of the original plat as the same appears in the records of the County Clerk of Travis County, Texas, and that the same is subject to the provisions of the Act of the Legislature of the State of Texas, passed May 11, 1929, relating to the subdivision of land.

APPROVED FOR ACCEPTANCE
Date: 7-20-50
Chas. E. Dyer
City Planning Commission
City of Austin, Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Emily Lumber, County Clerk of Travis County, Texas, do hereby certify that on the 29th day of July, A.D. 1950, the County Clerk of Travis County, Texas, passed an order authorizing the filing of this plat and that said order has been duly entered in the minutes of said Court in Book No. 11, Page 115.

THE STATE OF TEXAS
COUNTY OF TRAVIS
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SURVEYED BY
D. Dyer
City Planning Commission
City of Austin, Texas

EASEMENT
An easement of five (5) feet along the rear of all lots is reserved for Public Utility.

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Emily Lumber, County Clerk of Travis County, Texas, do hereby certify that on the 29th day of July, A.D. 1950, the County Clerk of Travis County, Texas, passed an order authorizing the filing of this plat and that said order has been duly entered in the minutes of said Court in Book No. 11, Page 115.

APPROVED FOR ACCEPTANCE
Date: 7-20-50
Chas. E. Dyer
City Planning Commission
City of Austin, Texas

**EXHIBIT B
RECORDED PLAT**

for Return to the Clerk of the County of Travis, Texas

09/8

ORDINANCE NO. 000803-93

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

LOTS 1 AND 18, BLOCK 2, KINCHEON SUBDIVISION SECTION ONE, FROM FAMILY RESIDENCE (SF-3) DISTRICT TO NEIGHBORHOOD OFFICE-CONDITIONAL OVERLAY (NO-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 3426 DALTON STREET AND 3427 ELIJA STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

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 district from family residence (SF-3) district to neighborhood office-conditional overlay (NO-CO) combining district on the property described in File C14-00-2040, as follows:

Lots 1 and 18, Block 2, Kincheon Subdivision Section One, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 5, Page 115, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 3426 Dalton Street and 3427 Elija Street, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "A".

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

1. A structure or portion of a structure may not exceed a height of 30 feet above ground level.
2. There shall be no vehicular access from the Property to Dalton Street. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
3. A 15-foot wide vegetative buffer shall be provided along the east property line. Improvements permitted on the vegetative buffer zone shall be limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.

08/19

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood office (NO) base district and other applicable requirements of the City Code.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on August 14, 2000.

PASSED AND APPROVED

August 3, 2000

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§
§



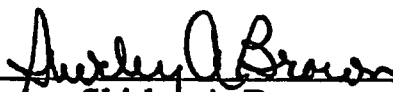
Kirk Watson
Mayor

APPROVED:

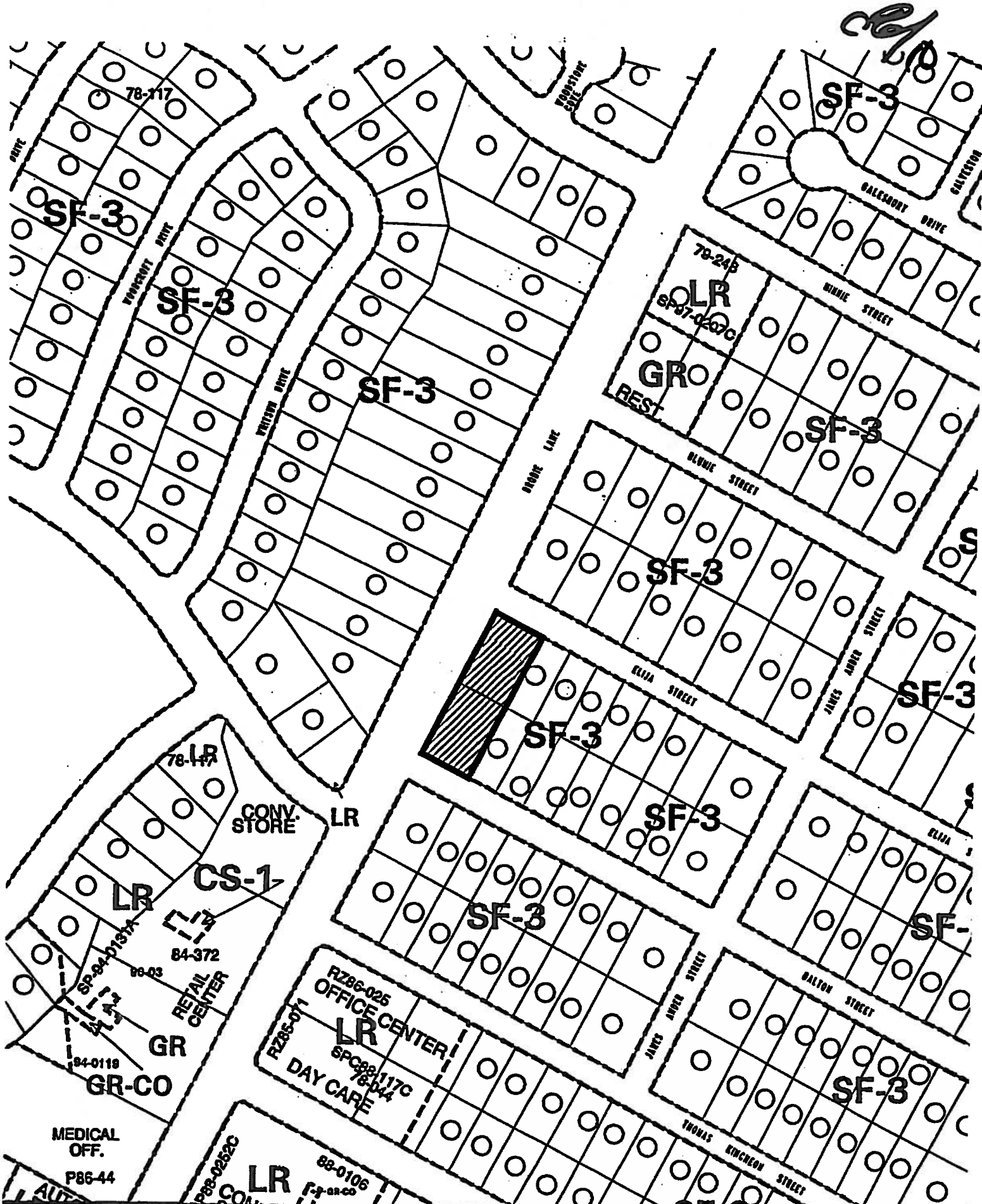


Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



	SUBJECT TRACT		000803-93	ZONING EXHIBIT A	CITY GRID REFERENCE NUMBER D16,17
	PENDING CASE				
	CASE #: C14-00-2040 ADDRESS: DALTON & ELJAH @				
ZONING BOUNDARY 	DATE: 00-05				
CASE MGR: TLACKEY					

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny neighborhood commercial (LR) district zoning.

If the Owner/Applicant's request for LR zoning is granted, then development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant's request: The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial 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."

Staff recommendation: The neighborhood office (NO) district is intended for offices predominantly serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. Offices in the NO district would typically locate on collector streets with a minimum of 40 feet of pavement width, and would not unduly affect traffic in the area. The NO district is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

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

Staff recommends maintaining the NO base district for the subject property as it fits the purpose statement and continues to be appropriate in the context of: 1) the NO-MU and NO-MU-CO zonings granted in 2001 and 2004 on similarly situated lots to the north and south, and 2) maintaining compatibility with the established single family residential neighborhood to the east.

EXISTING CONDITIONS

Site Characteristics

The subject property is undeveloped, is generally flat and sparsely vegetated.

CB/12

Impervious Cover

The maximum impervious cover allowed by the *LR zoning district* is 15%, which is based on the more restrictive watershed regulations.

Comprehensive Planning

The zoning case is located on the southeast side of Brodie Lane and Elija Street and is not located within the boundaries of a neighborhood planning area. The property is undeveloped. Surrounding land uses includes a Montessori School to the north, a small real estate office to the south, and single family houses to the east and west. Brodie Lane is a heavily travelled north-south arterial road that includes a variety of retail, office, multi-family, offices and single family houses. The request is to build an office/retail shopping center.

The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve 'complete communities' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. On page 107, found in Chapter 4 of the IACP it states, "*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.*" The property is also located within the boundaries of the Barton Springs Overlay Zone, which is intended to protect the image and character of the neighborhoods in the district, and reduce the negative effects of urbanization by restricting the scale and intensity of retail development. The Barton Springs Overlay Zone applies to the portion of the Barton Springs Zone which is within the City's zoning jurisdiction

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **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.

- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **NP1.** 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 this property being located along a major arterial road and adjacent to an existing office, school and a nearby shopping centers along Brodie Lane, and the Imagine Austin policies referenced above, which encourages complete communities and infill development, Staff believes that the proposed neighborhood retail office or the existing neighborhood office use are both supported by the Imagine Austin Comprehensive Plan, as long as environmental ordinances are considered and enforced.

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 (BSZ) watershed. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance. Impervious cover is limited to 15%.

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.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Transportation

No additional right-of-way is needed at this time.

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]

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

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

A site plan will be subject to compliance with Subchapter E.

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. Along the East property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
 - An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

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.austintexas.gov

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: C14-2013-0027

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 21, 2013, Zoning and Platting Commission
June 27, 2013, City Council

Sharon Croissant

Your Name (please print)

3416 Dalton Street 78745

Your address(es) affected by this application

Sharon Croissant

Signature

5-14-2013

Date

Daytime Telephone: 512-689-8791

Comments: I live within 500 ft of this. It is a residential neighborhood. I am concerned that no traffic impact analysis was submitted. This residential side street is not designed for thousands of cars per day. Also, there is nothing saying what kind of business they intend to put here. I object to this zoning change.

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

[Handwritten signature]