



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-3**  
**AGENDA DATE: Thu 06/17/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0047 - Brodie Lane Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8001 Brodie Lane; 3425 Dalton Street; and 3424 and 3426 Thomas Kincheon Street (Williamson Creek Watershed-Barton Springs Zone) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Applicants: Tamara and James Piper; Teresa L. Hankins Agent: Tamara Piper. City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0047

**Z.P.C. DATE:** April 20, 2004  
May 4, 2004  
May 18, 2004

**ADDRESS:** 8001 Brodie Lane; 3425 Dalton Street; 3424 & 3426 Thomas Kincheon Street

**OWNERS AND APPLICANTS:** Tamara & James Piper; Teresa L. Hankins

**ZONING FROM:** SF-3

**TO:** LR      **AREA:** 0.620 acres (27,007.20 square feet)  
**\*\*\*AMENDED TO: NO-MU\*\*\***

### **SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant neighborhood office – mixed use – conditional overlay (NO-MU-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 300 motor vehicle trips per day.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

April 20, 2004: *POSTPONED TO 05/04/04 (STAFF)*  
*[K.J; J.G 2<sup>ND</sup>] (7-0) B.B – ABSENT*

May 4, 2004: *POSTPONED TO 05/18/04 (APPLICANT)*  
*[J.G; J.D 2<sup>ND</sup>] (5-0) C.H; J.M; J.P – ABSENT*

May 18, 2004: *APPROVED STAFF'S RECOMMENDATION FOR NO-MU-CO ZONING; BY CONSENT.*  
*[J.M; J.G 2<sup>ND</sup>] (8-0)*

### **ISSUES:**

The applicants have met with the Kincheonville Neighborhood Association to discuss the requested rezoning and subsequently agreed to amend the application to the NO-MU district. The Kincheonville Neighborhood Association has provided a letter expressing support for NO-MU district zoning.

The applicant has entered into a Restrictive Covenant with the City that provides that at the time a site plan is submitted, it will include an Integrated Pest Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials.

### **DEPARTMENT COMMENTS:**

The subject four platted lots are developed with two single family residences, and three small sheds, and carry family residence (SF-3) district zoning. Surrounding zoning includes NO-CO and SF-3 to the north (undeveloped land and residences); SF-3 to the east (residences); LR and SF-3 to the south (offices, residences); and LR and footprints of GR and CS-1 on the west side of Brodie Lane (retail, commercial and offices). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Survey of Property).

The applicants have amended their original rezoning request to the neighborhood office – mixed use (NO-MU) combining district with the intent of converting the existing residence located at the corner of Brodie Lane and Dalton Street and providing administrative and business offices for a photographer (preparing photo albums, consultations for weddings, family sittings, and all photography work will be done off-site).

It is staff's opinion that the site is no longer well-suited for single family residential use due to its location adjacent to a T-intersection of Eskew Drive (a collector) and Brodie Lane (a major arterial).

The NO-MU zoning district for the subject property fits the purpose statement and may be appropriate in the context of: 1) the property's frontage on Brodie Lane; 2) the NO-CO and NO-MU zonings granted in 2000 and 2001 on similarly situated lots to the north; and, 3) the office development and child care facility to the south (zoned LR). Adding the MU, Mixed Use overlay to the NO zoning would allow for residential use to occur on the property if at some time the office use was discontinued. The Conditional Overlay would limit the number of daily motor vehicle trips to 300. Given that the residence is 1,100 square feet, six parking spaces would be required which could be provided by upgrading Dalton Street adjacent to the property and the existing driveway to commercial standards.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Two single family residences; three small sheds; One undeveloped lot
<i>North</i>	NO-CO; SF-3; NO-MU; GR	Undeveloped; Single family residences; Child care facility; Church; Restaurant
<i>South</i>	LR	Office center; Child care facility; Convenience store; Auto washing; Shopping center
<i>East</i>	SF-3	Single family residences
<i>West</i>	SF-3; LR; CS-1; GR; GR-CO; LR-CO	Single family residences; Convenience store; Retail center; Medical offices; Auto repair

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Williamson Creek –  
Barton Springs Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

12 - Brodie Lane Homeowners Association

384 – Save Barton Creek Association

385 – Barton Springs Coalition

428 – Barton Springs / Edwards Aquifer Cons. District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assn.

649 – Plantation Neighborhood Association

943 – Save Our Springs Alliance

946 – Kincheonville Neighborhood Association

967 – Circle C Neighborhood Association

997 – Tanglewood Oaks Owners Association

**SCHOOLS:**

Boone Elementary School

Covington Middle School

Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-01-0062	SF-3 to LO	To Grant NO-MU	Approved NO-MU (8-2-01)
C14-00-2040	SF-3 to NO	To Grant NO-CO w/conds.	Approved NO-CO with CO for 30' height limit; no access to Dalton; 15' vegetative buffer on east property line (8-3-00)
C14-96-0084	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% (1-30-97)
C14-79-248	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 (4-17-80)

**RELATED CASES:**

The property is platted as Kincheon Subdivision Section1; Block I, Lots 1, 2, 17 and 18.

In 1997, a rezoning application was made for both lots facing Brodie Lane and the lot facing Thomas Kincheon (C14-97-0013). The previous property owners applied for GR district zoning and envisioned developing a restaurant. The staff's alternate recommendation was for LO-CO, with the Conditional Overlay for 2,000 trips per day and prohibiting access to Thomas Kincheon and Dalton Streets. The Planning Commission's recommendation was to grant NO-CO for the two lots facing Brodie Lane only, and adopting the same Conditional Overlay as recommended by the staff. The property owners withdrew the request prior to City Council consideration.

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

**ABUTTING STREETS:**

<b>STREET</b>	<b>RIGHT-OF-WAY</b>	<b>PAVEMENT WIDTH</b>	<b>CLASSIFICATION</b>	<b>DAILY TRAFFIC</b>
Brodie Lane	80 feet	60 feet	Major Arterial Divided	19,260
Thomas Kincheon Street	40 feet	28 feet	Residential	N/A
Dalton Street	50 feet	22 feet	Residential	N/A

- There are existing sidewalks along Brodie Lane, Thomas Kincheon and Dalton Streets.
- Brodie Lane is classified in the Bicycle Plan as a Priority 2 bike route.
- Capital Metro bus service is available along Brodie Lane.

**CITY COUNCIL DATE:** June 17, 2004**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719





THOMAS KINCHEON

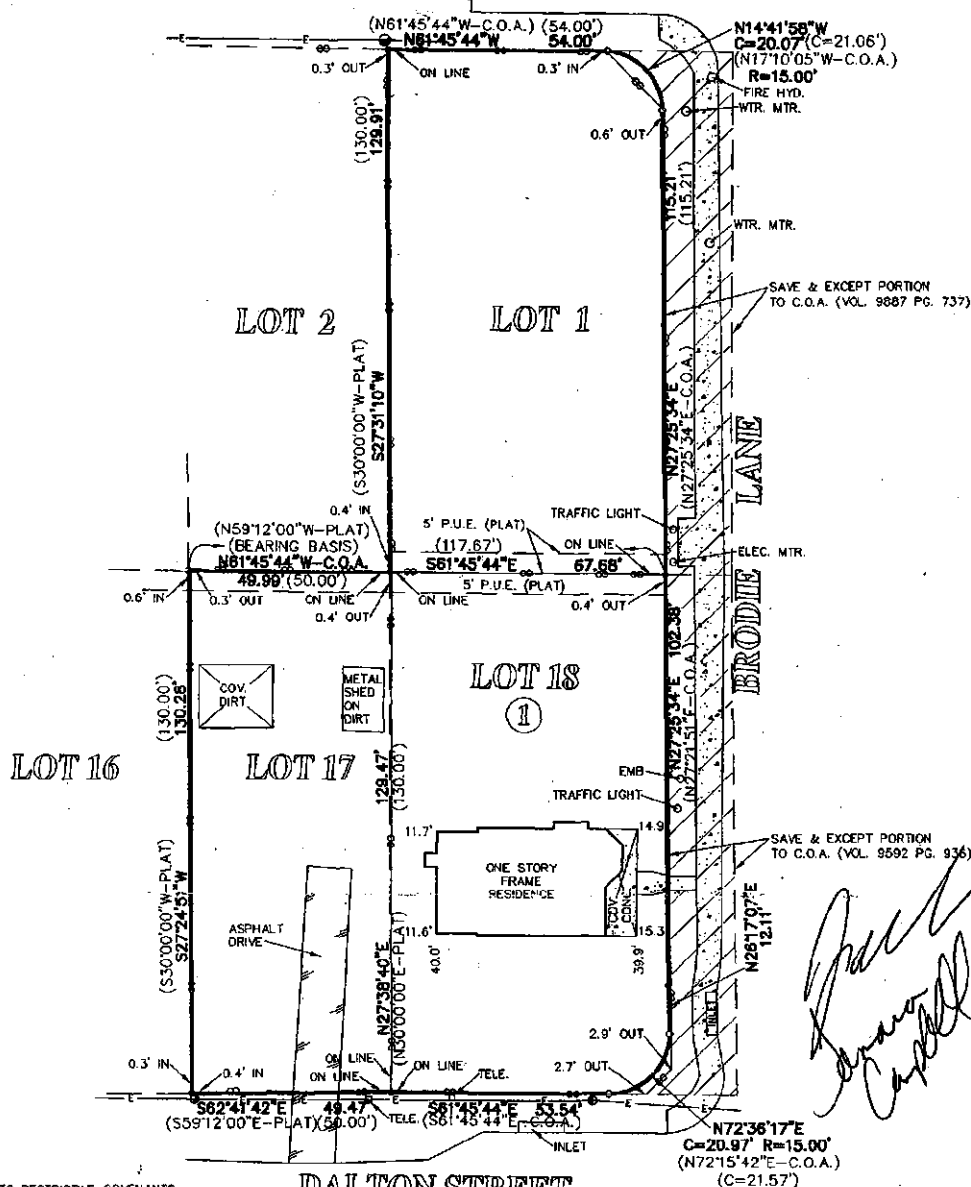


EXHIBIT B  
SURVEY OF  
THE PROPERTY



**SUMMARY STAFF RECOMMENDATION:**

The staff's alternate recommendation is to grant neighborhood office – mixed use – conditional overlay (NO-MU-CO) combining district zoning. The Conditional Overlay limits development of the property to less than 300 motor vehicle trips per day.

**BACKGROUND**

The subject four platted lots are developed with two single family residences, and three small sheds, and carry family residence (SF-3) district zoning. Surrounding zoning includes NO-CO and SF-3 to the north (undeveloped land and residences); SF-3 to the east (residences); LR and SF-3 to the south (offices, residences); and LR and footprints of GR and CS-1 on the west side of Brodie Lane (retail, commercial and offices).

The applicants have amended their original request to the neighborhood office – mixed use (NO-MU) combining district with the intent of converting the existing residence located at the corner of Brodie Lane and Dalton Street and providing administrative and business offices for a photographer (preparing photo albums, consultations for weddings, family sittings, and all photography work will be done off-site).

It is staff's opinion that the site is no longer well-suited for single family residential use due to its location adjacent to a T-intersection of Eskew Drive (a collector) and Brodie Lane (a major arterial).

The NO-MU zoning district for the subject property fits the purpose statement and may be appropriate in the context of: 1) the property's frontage on Brodie Lane; 2) the NO-CO and NO-MU zonings granted in 2000 and 2001 on similarly situated lots to the north; and, 3. the office development and child care facility to the south (zoned LR). Adding the MU, Mixed Use overlay to the NO zoning would allow for residential use to occur on the property if at some time the office care use was discontinued. The Conditional Overlay would limit the number of daily motor vehicle trips to 300. Given the square footage of the residence, six parking spaces would be required which could be provided by upgrading Dalton Street adjacent to the property and the existing driveway to commercial standards.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The neighborhood office (NO) district is intended for small office use and also allows for child care facilities that serves neighborhood or commercial needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may not contain more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The MU, Mixed-Use district is intended to allow for office and residential uses to be combined in a single development.

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

The NO-MU zoning district for the subject property fits the purpose statement and may be appropriate in the context of: 1) the property's frontage on Brodie Lane; 2) the NO-CO and NO-MU zonings granted in 2000 and 2001 on similarly situated lots to the north; and, 3. the office

development and child care facility to the south (zoned LR). Adding the MU, Mixed Use overlay to the NO zoning would allow for residential use to occur on the property if at some time the office care use was discontinued. The Conditional Overlay would limit the number of daily motor vehicle trips to 300. Given the square footage of the residence, six parking spaces would be required which could be provided by upgrading Dalton Street adjacent to the property and the existing driveway to commercial standards.

With the required compatibility standards, the NO zoning district would continue to be compatible with the surrounding land uses.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject four platted lots are developed with two single family residences and three small sheds. There appear to be no topographical constraints on this tract.

### **Impervious Cover and Environmental**

The site is in a portion of the Williamson Creek Watershed, of the Colorado River Basin, that is classified as a Barton Springs Zone (BSZ) watershed. Based on the City of Austin GIS maps, the site is over the Edwards Aquifer Recharge Zone.

The existing lots were platted prior to November 1, 1991, and as such are subject to the provision referenced in LDC 25-8-516 (within Article 12: Save Our Springs Initiative) with respect to existing tracts and platted lots. This limits development of each lot to a maximum of 8,000 square feet of impervious cover, including that existing before and after the development. Therefore, if the platted lots remain zoned SF-3, then a maximum of 8,000 square feet of impervious cover is allowed on each lot, and this includes renovation, additions to, repair and construction of improvements incidental to that residential use. However, in this case, the impervious cover established by zoning is more restrictive and a maximum of 45% is allowed under the existing SF-3 zoning. The same provisions apply with NO district zoning, and the maximum impervious cover would be 60% percent.

According to flood plain maps, there is no flood plain within 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 existing trees and 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 that requires a site plan 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**

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

The trip generation under the requested zoning is estimated to be 1,882 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

The applicant does not propose access to Brodie Lane but rather via Dalton so development should be limited to those uses that generate less than 300 trips per day. (The applicant agrees to this limitation).

**Information:** Alignment of driveways with opposing streets is discouraged for signalized intersections unless approved by the Department of Public Works and Transportation. Written approval from DPWT will be required as a condition of site plan approval.

#### **TPSD Right-of-Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

#### **Water and Wastewater**

City of Austin water and wastewater service is available for all four lots. All on-site or off-site improvements, as well as connection and impact fees will be the responsibility of the applicant.

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

#### **Compatibility Standards**

The site is subject to compatibility standards. Along the east and north 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.

- A landscape area along the north and east property line is required. 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.

Additional design regulations will be enforced at the time a site plan is submitted.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0047-WW *Charles E. Wright Sr.* Zoning & Platting Commission Hearing Date: April 20, 2004

Name (please print) *Lonnie M. Wright*

☐ I am in favor  
(Estoy de acuerdo)

Address *3424 Dalton Austin TX 78745*

☒ I object  
(No estoy de acuerdo)

*Kincheonville is a residential neighborhood and in which a lot of edlerly people live and the rezoning will be condusive to a greater amount of traffic, resale which will allow other and unwanted businesses; noise polution and increase in taxes.*

## Walsh, Wendy

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**From:** Tamara Campbell [tamara@tamaracampbell.com]  
**Sent:** Tuesday, April 27, 2004 10:41 AM  
**To:** wendy.walsh@ci.austin.tx.us  
**Subject:** zonong amendment/ postponement

Wendy,

I would like to request a postponement to May 18th of my hearing with the commission. I have a prior engagement on May 4th which I am unable to reschedule. I would also like to change my request for the zoning from LR to NO-MU for all four lots. Please let me know if you need any additional information from me.

Thanks so much for all your help!

Tamara  
203-0810

--  
Tamara Campbell  
Tamara Campbell Photography  
512-292-6485

# Kincheonville Neighborhood Association

May 16, 2004

Chairwoman Baker and Members of the Zoning And Platting Commission  
C/o Wendy Walsh, COA NPZD  
505 Barton Springs Rd  
Austin, Texas

Dear Commissioners,

As a representative of the Kincheonville Neighborhood Association I am writing to express our support for zoning case C14-04-0047 (item 5 on your agenda). The applicant has amended the request to NO-MU zoning which we believe is compatible as a buffer between Brodie Lane and our existing single family zoning.

The Neighborhood Association believes that the NO zoning would be appropriate based upon the definition in the Land Development Code- "The NO Neighborhood Office district is intended for offices predominately 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." The property is located over the Barton Springs Recharge Zone and the SOS ordinance applies to the property. The SOS ordinance limits impervious cover on the tract to 8,000 sq ft or 15%.

Sincerely,



Jerry Rusthoven  
3410 Blumie St.