



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-20
AGENDA DATE: Thu 06/24/2004
PAGE: 1 of 1

SUBJECT: C814-04-0024 - Brodie 31 c/o Walters Southwest - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9000-9600 Block of Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from development reserve (DR) district zoning to planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: 31 Deerfield Ltd. c/o William S. Walters, III (William S. Walters, III). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C814-04-0024

Z.P.C. DATE: June 1, 2004

ADDRESS: 9000 – 9600 Block of Brodie Lane

OWNER & APPLICANT: 31 Deerfield Ltd.
c/o William S. Walters, III
(William S. Walters, III)

AGENT: Land Strategies, Inc.
(Paul W. Linehan)

ZONING FROM: DR

TO: PUD

AREA: 31 acres

SUMMARY STAFF RECOMMENDATION: The staff's recommendation is to grant planned unit development (PUD) district zoning, as further illustrated in Exhibit B.

The Restrictive Covenant over the entire property would limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (May 26, 2004).

ZONING AND PLATTING COMMISSION RECOMMENDATION:

June 1, 2004: *APPROVED STAFF'S RECOMMENDATION FOR PUD DISTRICT ZONING;
INCLUDING THE CONDITIONS OF THE T.I.A.*

[K.J; M.W 2ND] (5-3) J.M; B.B, J.D – NAY; J.P – ABSENT

ISSUES:

At their meeting on June 2, 2004, the Environmental Board voted 8-0 to recommend the proposed PUD consistent with the staff recommendation. Please refer to Attachment D.

The applicant has requested a postponement of this case until July 29, 2004. Please refer to postponement request at the back of the staff report.

The Cherry Creek on Brodie Neighborhood Association has provided an e-mail stating that they are unable to endorse the proposed project. Please refer to attachment at the back of the staff report.

DEPARTMENT COMMENTS:

Project Overview

The subject property is undeveloped, located on Brodie Lane and zoned development reserve (DR) district. See Exhibits A (Zoning Map) and A-1 (Aerial View). The applicant has requested rezoning to the planned unit development (PUD) district so that the property may be developed with commercial uses, including retail, automotive repair, convenience storage and restaurants, as well as open space. The applicant has provided four driveways along Brodie Lane, one of which will be shared. Please refer to Exhibit B (PUD Plan) and C (letter from the applicant outlining PUD uses, site development standards, layout and drainage).

The Brodie 31 c/o Walters Southwest PUD, as proposed by the applicant and supported by staff: 1) allows for convenience storage as the only commercial services (CS) use; 2) prohibits all auto-related uses (with the exception of automotive repair), in addition to plant nursery, drop-off recycling collection, agricultural sales and services, pawn shops and other land use classifications; and 3)

establishes neighborhood commercial (LR) development standards (with the exception of impervious cover in which the more restrictive watershed regulations of 25% apply).

Specifically, the PUD consists of the following uses, from north to south:

- a 4.5 acre future commercial parcel to be developed in conjunction with property north of the site. Deer Lane is planned for realignment with Davis Lane to the north that would enable development to occur in this manner.
- a 4.2 acre conservation easement which includes two hazardous pipelines, as recognized by City Code, which traverse the property in a southwest to northeast direction. New development must be set back 200 feet from hazardous pipelines, unless approval is obtained from the Fire Chief or development complies with standards for construction near a pipeline as prescribed by the Fire Criteria Manual.
- a 1.7 acre single facility automotive repair use which includes operational restrictions, a setback that prohibits building and parking within 100 feet of the west property line, and a maximum building size of 5,500 square feet.
- a 4.1 acre convenience storage use
- one restaurant with fast food, drive-in service
- a sit-down restaurant
- a 10.7 acre conservation easement at south side of the property.

Environmental Overview

Given the property's location within the Barton Springs Zone, the Brodie 31 PUD will comply with the Save Our Springs (SOS) Ordinance as outlined in Chapter 25-8, Article 12 of the Land Development Code. The applicant is willing to enter into a Restrictive Covenant with the City to incorporate native and adaptive planting techniques in order to further assist in erosion control and an Integrated Pest Management Plan, secure the Preserve area adjacent to the west property line with fencing, cluster detention and filtration facilities as far as possible from the Conservation Easement; and minimize irrigation and re-irrigation in the area of the Easement.

As further described in Attachment B, City Environmental staff supported the applicant's plans to cluster development away from several critical environmental features (CEFs) located within the City's Nature Preserve adjacent to the west, enter into a Restrictive Covenant with the City to minimize pollutant risks, including prohibiting the use of coal-tar based asphalt sealants, and assurances that off-site conveyance of stormwater runoff will be directed away from the City's Nature Preserve to Brodie Lane. The applicant details the operation and practices of the end user of the automotive repair facility, as provided in Attachment C.

Staff supports the applicant's proposed PUD based on: 1) clustering commercial services in combination with providing additional environmental-related protections from nearby CEFs and providing a significant amount of open space, and 2) location on an arterial roadway and providing commercial services in proximity to nearby residential neighborhoods and multi-family developments.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	DR	Undeveloped
North	GR; LR; P; SF-2; MF-2-CO; MF-1	Undeveloped; City of Austin Fire station; Apartments
South	P; GR-MU-CO	City of Austin electric substation
East	I-RR	City of Austin Nature Preserve – Undeveloped
West	DR; RR; LO; SF-2; P	Undeveloped; Child care facilities; Single family residences; Stormwater detention facility

AREA STUDY: N/A**TIA:** Is required – Please refer to Attachment A**WATERSHEDS:** Williamson Creek –
Barton Springs Zone – Contributing Zone**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

217 – Tanglewood Forest Neighborhood Assn.	384 – Save Barton Creek Association
385 – Barton Springs Coalition	427 – Circle C Homeowners Association
428 – Barton Springs / Edwards Aquifer Conservation District	
465 – Cherry Creek on Brodie Neighborhood Association	
511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Assn.
918 – Davis Hills Estates	943 – Save Our Springs Alliance
967 – Circle C Neighborhood Association	997 – Tanglewood Oaks Owners Assn.

SCHOOLS:

Cowan Elementary School

Covington Middle School

Bowie High School

CASE HISTORIES:

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION / PLANNING COMMISSION	CITY COUNCIL
C14-03-0157	DR; RR to GR; MF-2; SF-6, as amended	To Grant GR-CO for 8.04 acres at the southeast corner of Davis and Brodie Lanes – CO prohibits automotive – related uses; pawn shops; guidance services; SF-2 for the remainder of the properties. RC for the Traffic Impact Analysis	Scheduled for June 17, 2004.

C14-02-0118	LO-CO to GR	Recommended GR-CO with CO to prohibit automotive washing (all types); 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	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.	<p>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 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</p>

			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)
C14-98-0049	DR to P	To Grant P	Approved P (9-12-96)
C14-97-0156 (Southland Oaks MUD - Brodie at West Slaughter Lane)	I-RR & I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-5; SF-6; MF-1; MF- 2; MF-3; MF-4; NO; LO; GO; LR; GR; CS; P	To Grant staff recommendation	Approved RR; SF-2; SF- 4A; LO; P with conditions. (6-25-98)
C14-97-0155 (Southland Oaks MUD - Cameron Loop at Davis Lane)	I-RR & I-SF-2 to RR; SF-1; SF-2; SF-3; SF-4; SF-5; SF-6; MF-1; MF- 2; MF-3; MF-4; LR; GR; P	To Grant staff recommendation of RR; SF-1 through SF-6; MF-1 through MF-4; LR; GR; CS; P with conditions	Approved PC recommendation of SF- 2; SF-3; MF-2-CO; LR- CO; P. (7-9-98)
C14-95-0025	SF-2, LR & GR to MF-2	To Grant MF-2-CO, w/conditions (4/18/95)	Granted MF-2-CO with CO limiting development to 17 units per acre. (6/1/95)
C14-94-0092	I-RR to SF-4A	To Grant SF-4A and SF- 2-CO with CO prohibiting direct access from Crownspoint to West Gate	Approved SF-4A-CO with CO requiring connection through the property between Crownspoint Drive and Firecrest Drive to West Gate shall incorporate a 90 degree turn before connection to West Gate. (9-1-94)

RELATED CASES:

A Development Assessment was completed on the property in January 2004 following several months of discussion between the applicant and City staff (CD-03-0004). The subject PUD application received by the City was consistent with the staff-supported conditions established by the Development Assessment.

HEX 911Z19-W

CITY PRESERVE

SF-2

00-116
00-017 P
FIRE
STATION

LR

UNDEVELOPED

GR-1
UNDEVELO

UNDEVELOPED

DR

DE

UNCLASSIFIED

DR

UNDEVELOPED

LO
ITALIA

CHILD CARE
87-02-4334

SP-02-00000

UNDEVELOPED

~~LQ~~
~~87-0158~~

DEVELOPED

附

0PCH7-00189

p

SUBSTATION

LO-CO

PLANNED UNIT DEVELOPMENT

EXHIBIT A

DATE: 04-03

INTLS: SM

CITY GRID
REFERENCE
NUMBER

D15-16

SUBJECT TRACT.

PENDING CASE:

ZONING BOUNDARY

CASE MGR: W. WALSH

CASE #: C814-04-0024

ADDRESS: 8000-9600 BLK BRODIE

LANE
SUBJECT AREA (acres): 31

 $1'' = 400'$



LAND STRATEGIES INC.

PAUL LINEHAN & ASSOCIATES

January 7, 2004

Attn: Wendy Walsh
City of Austin
Zoning Review Department
505 Barton Springs, 5th Floor
Austin, Texas 78701

Re: W.W. Deerfield - Applicant (LSI #1146.01)
Brodie 31 c/o Walters Southwest

Dear Wendy:

Land Strategies, Inc. (LSI) respectfully submits this letter describing the proposed 31-acre PUD development located at the southwest corner of Brodie Lane and Deer Lane. It is my understanding that there will be a meeting regarding this proposed development this week to discuss the Development Assessment submitted to the City of Austin on August 29, 2003. You will find below information regarding zoning uses, site standards, and user information. We look forward to bringing the project assessment to a conclusion so that we may expeditiously move forward with the PUD zoning case.

Zoning

The proposed Brodie 31 Walters Southwest development will be zoned as a PUD. However, LSI will refer to the General Commercial (CS) zoning standards as the base district for general site information. Although many uses are allowed under CS zoning, a majority of them will not apply to the proposed development. Through zoning, the applicant will eliminate the following uses:

Bed & Breakfast
Automotive Rentals
Automotive Washing (of any kind)
Carriage Stable
Drop-Off Recycling Collection
Pawn Shop

Agricultural Sales & Services
Automotive Sales
Bail Bond
Cocktail Lounge
Kennels
Scrap & Salvage

EXHIBIT C

Site Standards

Under General Commercial (CS) zoning, the following site standards will be followed:

Minimum Lot Size	5,750 s.f.
Minimum Lot Width	50 ft
Maximum Height	60 ft
Minimum Setbacks	
Front Yard	10 ft
Street Side Yard	10 ft

The applicant will also volunteer the following additional restrictions to the site:

- Maximum Building Footprint Square Footage of 40,000 square feet
- IPM using Native Texas plants (refer to Section 609S list)
- Landscape buffer along Brodie Lane
- Signage for individual users will be on berms
- Neither conservation easement will contain any applicant development, water quality, or detention facilities

User Information

One issue of concern with City staff is the automotive service facility. I have attached for your review a letter from Christian Brother Automotive Corporation that details their operating practices, as well as their general site description. You will see that Christian Brothers Automotive differs from other typical automotive service facilities in appearance and business practice. Their services do not include; internal engine parts: cam shafts, bearings, engine blocks, piston, rings, valves, lifters, etc., internal transmission: dive gears, plenum gears, valve body, bearing seals, shafts, etc., paint and body repair of any kind.

Other users include a convenience storage facility, two sit-down restaurants, and a small retail development (in conjunction with the proposed Deer Lane realignment), and will be coupled with W.W. Deerfield to the north.

Site Layout (refer to attached site drawing for orientation)

The proposed development encompasses 31 acres at the southwest intersection of Brodie Lane and Deer Lane. Soil borings have been completed verifying that the site is in the Contributing Zone with an impervious cover limitation of twenty-five percent (25%). At the extreme southern portion, LSI has allotted ±10.7 acres of land as a Conservation Easement, as well as an additional ±4.2 acres to the north. This easement may provide access to the existing City of Austin parkland (165.27 acres) behind the proposed development in the future, if the City deems it necessary. This City of Austin parkland contains several environmental features, including several sink holes (Blowing Sink, Sinky Dinky, Winterwoods Sink, Flat Sink, Sink in the Woods, and Wyoaka Sink), as well as Brownlee Cave (see attached Balcones Canyonlands Preserve Resources exhibit). The proposed Conservation

Easement, as well as heavy landscape buffering and fencing, when necessary, will protect these features.

The detention ponds will be fenced appropriately, and buffered with landscaping to act as a visual barrier from Brodie Lane and the existing neighborhoods.

North of the Conservation Easement are the two restaurant tracts (± 2.7 acres and ± 3.1 acres, respectively). These restaurants will also be fenced and heavily buffered with landscaping. Following these tracts northerly are the ± 4.1 -acre convenience storage facility, and the ± 1.7 -acre automotive service facility.

To the north of these tracts is a ± 4.2 -acre Conservation Easement, which includes a buffer for the pipeline running through the site (land allotted for the buffer area is more than the required fifty (50) feet). Finally, future retail development (similarly buffered and fenced) will be located at the extreme north of the site, encompassing the remaining ± 4.5 acres. This retail development is desired to work with the future realignment of Deer Lane with Davis Lane.

A shared frontage driveway will run along Brodie Lane, connecting the restaurant tracts, convenience storage, and automotive tracts. This drive will be buffered with landscaping to shield the collective development from Brodie Lane and the neighboring development at Brodie Lane and Silk Oak Lane.

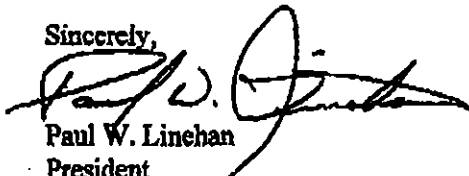
Site Drainage

Preliminary drainage analysis from Bury & Partners clearly shows that drainage patterns on the site will follow parallel to Brodie Lane in a naturally southward condition. All storm water runoff will be directed back to Brodie Lane into an existing drain. Along with natural drainage patterns and on-site water quality ponds, we will ensure that water runoff will be directed away from the sinks to the west of the site, and therefore will not be adversely affected.

I believe this information is above and beyond normal development standards and will be a positive asset to the area. We look forward to your review and determination of the Development Assessment. If you need more information or have any questions, please do not hesitate to contact me.

Thank you for your time and assistance.

Sincerely,



Paul W. Linehan
President
Land Strategies, Inc.

PWL:enw



Date: May 26, 2004
To: Wendy Walsh, Case Manager
CC: Members of the Zoning and Platting Commission
Rashed Islam, P.E. WHM Transportation Engineering
Reference: Deerfield 31 Tract TIA, C814-04-0024

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Deerfield 31 Tract, dated May 2004, prepared by Rashed Islam, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

Deerfield 31 Tract is a 31-acre development located in south Austin at the southwest corner of Brodie Lane and Deer Lane.

The property is currently undeveloped and zoned Development Reserve (DR). The applicant has requested a zoning change to Planned Unit Development (PUD). The estimated completion of the project is expected in the year 2006.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 5,464 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation						
			AM Peak		PM Peak	
LAND USE	Size	ADT	Enter	Exit	Enter	Exit
Shopping Center	20,000	1,439	22	14	62	67
Auto Care Center	4,990	160	10	5	8	8
Mini-Warehouse	92,000	230	8	6	12	12
High Turnover Restaurant	7,500	557	21	19	28	19
Fast Food Restaurant w/ Drive Thru	3,375	845	44	42	30	27
Total		3,231	105	86	140	133

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	4%

2. In addition to these growth rates, background traffic volumes for 2003 included estimated traffic volumes for the following projects:

SP-01-0157C
SP-02-0055C

Ridgeview Apartments Phase Two
WW Brodie Multi Family Development

ATTACHMENT
A

SP-02-0339C	Deerfield Commercial
SP-02-0335C	Stepping Stone School
SP-00-2385C	Shady Hollow AKA Randall's Cherry Creek (Rev. 0, 1, & 2)
SP-03-0064C	CCR108 Development
SP-03-0099C	Shady Hollow Office
C14-02-0173	Tristan
C8-02-0225	Brodie Springs II Preliminary Plan

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By and Internal Capture Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Shopping Center	34%	34%
High Turnover Restaurant	43%	43%
Fast Food Restaurant w/ Drive Through	49%	50%

4. A 10% reduction was taken for internal capture for the shopping center.

5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

Table 4. Roadway Information						
NAME	ROW	PAVEMENT	CLASSIFICATION	Capital Metro Route	DAILY TRAFFIC	BICYCLE PLAN
Brodie Lane	90'	2@24'	MAD4	No	19,260	Priority 1 Route #17
Slaughter Lane	120'	Varies	MAD4	No	21,365	Priority 1 Route #86
Deer Lane	60'	24'	Collector	No	1,910	Priority 1 Route #84
Davis Lane	90'	30'	MNR2	No	4,460	Priority 1 Route #84
Silk Oak Drive	60'	Varies	Collector	No	N/A	No

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 7 intersections, 3 of which are signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. Level of Service				
Intersection	2003		2006	
	AM	PM	AM	PM
Slaughter Lane @ Brodie Lane*	F	E	D	D
Davis Lane @ Brodie Lane*	C	B	C	C
Deer Lane @ Brodie Lane*	B	B	C	C

Driveway D/Silk Oak Drive @ Brodie Lane**	F	F	F	F
Driveway A @ Brodie Lane			A	A
Driveway B @ Brodie Lane			A	A
Driveway C @ Brodie Lane			A	A

* = SIGNALIZED ** SEE RECOMMENDATIONS

RECOMMENDATIONS

- 1) Prior to 3rd reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements
Brodie Lane and Slaughter Lane	Signal Timing Optimization; WB Right Turn Bay; Changeable Lane assignment sign
Driveway D/Silk Oak and Brodie Lane	Traffic Signal*; Striping
Davis Lane and Brodie Lane	WB Right Turn Lane

* A traffic signal will not be installed at this intersection until traffic warrants are met per COA ~ TPSD

- 2) The proposed turn lane at the intersection of Driveway D/Silk Oak Drive and Brodie Lane is subject to review and approval by the Transportation Planning and Sustainability Department at the time of site plan. The turn lane should be included within the limits of construction of the site plan.
- 3) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Transportation Review Staff
Watershed Protection and Development Review



MEMORANDUM

To: Wendy Walsh, Senior Planner
Neighborhood Planning and Zoning

From: Patrick Murphy, Environmental Officer
Watershed Protection and Development Review

Date: January 12, 2004

Subject: Recommendation W.W. Deerfield (Brodie 31) PUD Application

I have completed my review of the proposed Planned Unit Development zoning for the WW Deerfield tract located at the intersection of Brodie Lane and Deer Lane. The tract is located over the Edwards aquifer contributing zone within the Barton Springs Zone. The site is immediately west of the recharge zone, which is roughly the property boundary of the Blowing Sink Nature Preserve on the west. The development would be required to comply with the SOS impervious cover and water quality control requirements. Site impervious cover is limited to a maximum net site area impervious cover of 25%.

The site is immediately adjacent to the Blowing Sink Cave preserve that contains what is generally agreed to contain the most sensitive recharge features in the Barton Springs segment of the aquifer. I support the applicant's agreement to cluster the proposed development pads and to provide a 10.7 acre conservation easement on the lower portion of the tract to provide additional buffering for Blowing Sink Cave and associated features.

As you know, I have been concerned about the proposed automotive use on this tract due to the sensitivity of the tract and the adjacent cave preserve to potential hazardous pollutants. In order to address my concerns the applicant has provided extensive information regarding the proposed Christian Brothers Automotive use on the site. The information provided demonstrates that Christian Brothers runs a responsible, clean operation that would serve to reduce potential spills or discharges of hazardous materials that are commonly associated with automotive uses. I have also confirmed with the WPDR staff that enforce the Stormwater Discharge Permit requirements that the existing Christian Brothers Automotive located at 12,014 North FM 620 has not had any violations.

The applicant has provided site drainage "investigation" by Bury and Partners in order to address my concern about potential discharge of hazardous materials to the Blowing Sink preserve. The

ATTACHMENT B

investigation concludes that the stormwater runoff from the tract flows southward parallel to Brodie Lane and is discharged into the Brodie Lane drainage system. The applicant has agreed to provide whatever additional measures would be necessary when engineering construction plans are available to insure that the stormwater bypass from the water quality and detention controls will not be discharged into the preserve.

I am impressed with what I have learned about Christian Brothers Automotive, but I have been uncomfortable recommending the automotive use based on a specific end user. There is no assurance that Christian Brothers will remain the automotive user in the future. I appreciate that the applicant has agreed to address my concern by adopting restrictive covenants to ensure that a future user would be required to comply with the same operational procedures as Christian Brothers.

In summary, I am recommending the proposed PUD zoning because it provides: clustering of development away from Blowing Sink and locating the automotive use on the portion of the tract abutting the petroleum pipeline easement; dedication of a 10.7 acre conservation easement adjacent to Blowing Sink; adoption of restrictive covenants (included in attached December 3, 2003 letter from Land Strategies Inc. to Wendy Walsh) to minimize pollutant risks associated with the automotive use; assurance that offsite conveyance of stormwater runoff will be directed away from the preserve to Brodie Lane; and, development in full compliance with SOS requirements.

Please let me know if you have any questions or require further assistance.

A handwritten signature in black ink, appearing to read 'P. Murphy', with a stylized flourish at the end.

Patrick Murphy, Environmental Officer
Watershed Protection and Development Review

JPM/jpm

cc: Joseph G. Pantaloni, P.E., Acting Director, WPDR
Greg Guernsey, NPZ

LAND STRATEGIES INC.

PAUL LINEHAN & ASSOCIATES

November 14, 2003

DRAFT

Attn: Wendy Walsh & Greg Guernsey
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: W.W. Deerfield (Brodie 31 c/o Walters Southwest)
Christian Brothers summary

Dear Wendy:

Per your request in our November 10th meeting, the following is an operations and practices summary for Christian Brothers Automotive, a proposed tenant for the W.W. Deerfield project located at the southwest intersection of Brodie Lane and Deer Lane in Austin, Travis County, Texas. Please refer to the drawings and pictures from Lewis Ten Have at that November 10th meeting for specifics on any of the following information.

Historical Data

Christian Brothers has been in operation since 1982. Since that time, they have opened 23 locations, none of which have closed or changed business ownership to-date. Each location has an attractive waiting area, like no other automotive service facility, with hardwood floors and comfortable furniture. The exterior of the building is a mixture of native limestone and brick, with architectural interest in design. There are no automotive service facilities similar to Christian Brothers in design, personnel or safety practices. At each location, the owner is required to be on-site. This allows the company to ensure honesty and integrity in their operations and practices, which is of the highest importance to Christian Brothers.

During the first few months, the location will be open Monday through Saturday. After the first three to four months of operation, the location will be open only five (5) days each week, to allow all personnel to be with their families on the weekends.

Building Interior and Safety Precautions

The interior floors of the nine (9) auto service bays are covered with epoxy similar to that of airplane hangars. This epoxy is impervious to fluids, ensuring that no contaminants may seep through to the ground. All oils are captured and stored in 250-300 gallon above-ground containers. Transmission and radiator fluids are captured and stored in 55-gallon drums. (Christian Brothers is willing to

attachment C

reduce the number of containers on-site by increasing the frequency of deliveries (oils, fluids, etc.) to the site.) As an extra safeguard, all containers will be concentrated in Bay 10, which will have sealed walls and floor with City-approved drains with grease traps, to prevent spillage. All cleaning fluids used at Christian Brothers are biodegradable. Christian Brothers is devoted to using environmentally safer products and practices.

In addition to the nine auto service bays, a tenth bay is proposed to act as a secondary safeguard. All captured fluids will be stored in this bay. Please see information below for details.

Oil changes can be done at the location, but are not the "bread-and-butter" of the company. Christian Brothers is devoted to automotive service and repair. (No body work will be done at the location.) The proposed location will have nine (9) bays for auto service. At night, up to eighteen (18) automobiles will fit inside the building, ensuring that few cars, if any, will remain outside over night.

Operating Commitments

Christian Brothers and Land Strategies would like to create a Restrictive Covenant to address the concerns of City staff. The following can be discussed as part of this covenant:

- Location owner must be on-site. This will help to promote the honesty and integrity that is of utmost importance to Christian Brothers.
- A building setback of one hundred feet (100') from the adjacent City of Austin property line can be incorporated into the Restrictive Covenant.
- Christian Brothers will maintain the proposed site in every way to ensure that safeguards established up-front will be there for the duration of the business.
- A size restriction for the location can be set at 1.7 acres (single facility only on-site) and between 5,200-5,500 square feet for the building itself. A height limitation of forty feet can be incorporated as well.
- A tenth bay will be included in the building to act as a separate backup containment area for all fluids. This bay will have the epoxy floor, and may have epoxy sidewalls, to ensure safety from spillage inside the building. In this bay, all fluids will be stored in containers as described under Building Interior and Safety Precautions.
- Only biodegradable cleaning fluids will be used on-site.

I hope the foregoing information gives you an idea of Christian Brothers' dedication to honest service, personal integrity, and quality in design and operation. If you have any questions regarding any of the information above, please do not hesitate to call me.

Sincerely,



Paul W. Linehan

President

Land Strategies, Inc.

PWL:enw



ENVIRONMENTAL BOARD MOTION 0060204-B1

Date: June 2, 2004

Subject: Brodie 31/Walters Southwest PUD

Motioned By: Phil Moncada

Seconded By: Lee Leffingwell

Recommendation

The Environmental Board recommends **conditional approval** of the Brodie 31/Walters Southwest PUD with staff conditions:

Staff conditions:

1. Development will be clustered, and drainage will be directed away from the preserve containing Blowing Sink and other important geologic features by means including, but not limited to, stormwater pipes, swales, and berms as appropriate.
2. Tracts 2 and 7 will be dedicated as conservation easements, and all development on these tracts is prohibited including water quality and detention facilities (except re-irrigation).
3. Provision will be made for an approved IPM plan.
4. Landscaping will be native and adapted plants selected from the Grow Green specification.
5. Coal-tar based parking lot sealants will be prohibited.
6. A Restrictive Covenant that ensures that any future automotive user on the Christian Brothers site will comply with standards specified by staff will be adopted. These standards will include but are not limited to the following:
 - a) Location owner must be "on-site".
 - b) Building(s) will be set back at least 100 ft. from the adjacent City of Austin property line.
 - c) A tenth bay will be included in the building to act as a separate backup containment area for all fluids. This bay will have an epoxy floor and protective sidewalls to ensure safety from spillage inside the building. In this bay, all fluids will be stored in containers as described under Building Interior and Safety precautions in the letter of November 14, 2003.
 - d) Only biodegradable cleaning fluids will be used on site.

Rationale

The Board recommends PUD zoning for the site based upon staff's conditions as agreed upon by the applicant. The PUD zoning will provide additional buffering of Blowing Sink Cave and the other important geologic features on the adjacent City preserve by clustering development away from these features and by dedicating a 10.7 acre conservation easement between the proposed development and the portion of the City preserve that contains these features. Moreover there is a nearby fire station to significantly shorten response time in the event a spill occurs. In addition, staff informed Board Members that the applicant has satisfactorily addressed pollution risks associated with the proposed automotive use, and all development will be in full compliance with SOS regulations.

Vote 7-0-0-1

For: Ascot, Anderson, Leffingwell, Holder, Maxwell, Moncada, Riley

Against: None

Abstain: None

Absent: Curra

Approved By:

Lee Leffingwell, Chair

STAFF RECOMMENDATION

The staff's recommendation is to grant planned unit development (PUD) district zoning, as further illustrated in Exhibit B.

The Restrictive Covenant over the entire property would limit the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA memorandum provided as Attachment A (May 26, 2004).

BACKGROUND

Project Overview

The subject property is undeveloped, located on Brodie Lane and zoned development reserve (DR) district. See Exhibits A (Zoning Map) and A-1 (Aerial View). The applicant has requested rezoning to the planned unit development (PUD) district so that the property may be developed with commercial uses, including retail, automotive repair, convenience storage and restaurants, as well as open space. The applicant has provided four driveways along Brodie Lane, one of which will be shared. Please refer to Exhibit B (PUD Plan) and C (letter from the applicant outlining PUD uses, site development standards, layout and drainage).

The Brodie 31 c/o Walters Southwest PUD, as proposed by the applicant and supported by staff: 1) allows for convenience storage as the only commercial services (CS) use; 2) prohibits all auto-related uses (with the exception of automotive repair), in addition to plant nursery, drop-off recycling collection, agricultural sales and services, pawn shops and other land use classifications; and 3) establishes neighborhood commercial (LR) development standards (with the exception of impervious cover in which the more restrictive watershed regulations of 25% apply).

Specifically, the PUD consists of the following uses, from north to south:

- a 4.5 acre future commercial parcel to be developed in conjunction with property north of the site. Deer Lane is planned for realignment with Davis Lane to the north that would enable development to occur in this manner.
- a 4.2 acre conservation easement which includes two hazardous pipelines, as recognized by City Code, which traverse the property in a southwest to northeast direction. New development must be set back 200 feet from hazardous pipelines, unless approval is obtained from the Fire Chief or development complies with standards for construction near a pipeline as prescribed by the Fire Criteria Manual.
- a 1.7 acre single facility automotive repair use which includes operational restrictions, a setback that prohibits building and parking within 100 feet of the west property line, and a maximum building size of 5,500 square feet.
- a 4.1 acre convenience storage use
- one restaurant with fast food, drive-in service
- a sit-down restaurant
- a 10.7 acre conservation easement at south side of the property.

Environmental Overview

Given the property's location within the Barton Springs Zone, the Brodie 31 PUD will comply with the Save Our Springs (SOS) Ordinance as outlined in Chapter 25-8, Article 12 of the Land Development Code. The applicant is willing to enter into a Restrictive Covenant with the City to incorporate native and adaptive planting techniques in order to further assist in erosion control and an Integrated Pest Management Plan, secure the Preserve area adjacent to the west property line with

fencing, cluster detention and filtration facilities as far as possible from the Conservation Easement; and minimize irrigation and re-irrigation in the area of the Easement.

As further described in Attachment B, City Environmental staff supported the applicant's plans to cluster development away from several critical environmental features (CEFs) located within the City's Nature Preserve adjacent to the west, enter into a Restrictive Covenant with the City to minimize pollutant risks, including prohibiting the use of coal-tar based asphalt sealants, and assurances that off-site conveyance of stormwater runoff will be directed away from the City's Nature Preserve to Brodie Lane. The applicant details the operation and practices of the end user of the automotive repair facility, as provided in Attachment C.

Staff supports the applicant's proposed PUD based on: 1) clustering commercial services in combination with providing additional environmental-related protections from nearby CEFs and providing a significant amount of open space, and 2) location on an arterial roadway and providing commercial services in proximity to nearby residential neighborhoods and multi-family developments.

BASIS FOR RECOMMENDATION

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

Staff supports the applicant's proposed PUD based on: 1) clustering commercial services in combination with providing additional environmental-related protections from nearby CEFs and providing a significant amount of open space, and 2) location on an arterial roadway and providing commercial services in proximity to nearby residential neighborhoods and multi-family developments.

2. Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.

The conditions outlined in the Traffic Impact Analysis memo will address the traffic impact of this development.

EXISTING CONDITIONS

Site Characteristics

The property is undeveloped and may be characterized as generally flat and gently sloping to the south. The property is adjacent to a 165.27 acre City of Austin Nature Preserve which contains several significant Critical Environmental Features (CEFs) and the applicant has provided a 10.7 acre conservation easement on the south side of the PUD.

Impervious Cover

The entire P.U.D. development will comply with Chapter 25-8, Article 12 of the Land Development Code (Save Our Springs Ordinance). Impervious cover is limited to a maximum of 25% in the Contributing Zone.

Environmental

The Brodie 31 c / o Walters Southwest P.U.D. project was forwarded to the Environmental Board on June 2, 2004 for a courtesy review. Please refer to the Issues section on Page 1.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater lines. Water and wastewater utility improvements are required. The landowner will be responsible for providing all required water and wastewater utility improvements to serve the site, land use and each lot.

The water and wastewater utility system must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approved by the Austin Water Utility. The construction must be inspected by the City.

Compatibility Standards

The site is subject to compatibility standards. Along the west property lines, 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.
- 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.

Zoning - Planned Unit Development

- Neighborhood Commercial (LR) zoning standards will be the base district for general site information, excluding land uses.
- Convenience storage will be the only commercial services (CS) use.
- All other land uses will comply with those allowed under Community Commercial (GR).
- The following uses are prohibited: auto-related uses (excluding auto repair), plant nursery, drop-off recycling collection, agricultural sales/services, pawn shops, service station, bed and breakfast, carriage stables, bail bond services.

Site Standards

Under Neighborhood Commercial (LR) zoning, the following site standards will be followed:

- Maximum Height 40 ft
- Minimum Setbacks
 - Front Yard 25 ft
 - Street Side Yard 15 ft
 - Rear Yard (Tract 3 only) 100 ft

Additional Restrictions

- Maximum Building Footprint Square Footage of 40,000 square feet
- IPM using Native Texas plants (refer to Section 609S list)
- Landscape buffer along Brodie Lane
- Signage for individual users will be on berms
- Neither conservation easement will contain any applicant development, water quality, or detention facilities. However, re-irrigation may be used on these tracts (2 and 7).

Operating Commitments - Automotive User (Restrictive Covenant to go with land)

Christian Brothers Automotive and Land Strategies, Inc. may enter into a Restrictive Covenant (RC) to address the concerns of City staff and neighborhood members. The following may be included:

- Location owner must be on-site. This will help to promote the honesty and integrity that is of utmost importance to Christian Brothers.
- A building setback of one hundred feet (100') from the adjacent City of Austin property line can be incorporated into the RC.
- Christian Brothers will maintain the proposed site in every way to ensure that safeguards established up-front will be there for the duration of the business.
- A size restriction for the location can be set at 1.7 acres (single facility only on-site) and between 5,200-5,500 square feet for the building itself. A height limitation of forty feet (40') can be incorporated as well.
- A tenth bay will be included in the building to act as a separate backup containment area for all fluids. This bay will have the epoxy floor, and may have epoxy sidewalls, to ensure safety from spillage inside the building. In this bay, all fluids will be stored in containers as described under Building Interior and Safety Precautions in the letter of November 14, 2003.
- Only biodegradable cleaning fluids will be used on-site.

Walsh, Wendy

From: John Larkin [jklarkin@austin.rr.com]
Sent: Wednesday, May 19, 2004 5:13 PM
To: Bill Walters; lsi@landstrat.com; ewelch@landstrat.com
Cc: Steven Metcalfe; Wendy.Walsh@ci.austin.tx.us; MaggieArmstrong@hotmail.com
Subject: Brodie 31 PUD

Greetings Bill, Paul, and Erin,

I am writing to inform you that the CCOBNA will be unable to endorse your project as currently proposed.

As you know, we have been analyzing the results of our recent neighborhood survey regarding the Brodie 31 PUD in conjunction with an ongoing dialogue with the local community. The findings of the survey indicate our immediate population approves of only one of the proposed uses, the sit-down restaurant.

Our conversation with the local community indicates that folks prefer to engage in the Comprehensive Neighborhood Planning process rather than continuing to address development projects without the guidance of a framework adopted and supported by all the stakeholders within the local community. Last night at ZAPCO, the commissioners unanimously endorsed a formal recommendation to the Austin City Council to focus the necessary resources to initiate the planning process for our local community.

I would like to note the appreciation of the Cherry Creek on Brodie Development Committee for your willingness to meet and discuss the Brodie 31 PUD, and we are hopeful that we will be able to continue the positive dialogue we have enjoyed to this point within the framework of the planning process.

Our aim is to build and implement a consensus vision that will lead to the desired beneficial and sustainable development of our local community.

Please feel free to contact me at anytime at 970-8157 or jklarkin@austin.rr.com to discuss our position and our options addressing the planning process. We look forward to continuing the good work we've begun.

Sincerely,

John K. Larkin
Vice President Cherry Creek on Brodie Lane NA
CCOBNA Development Committee Chair and Community Planning Liaison

5/19/2004

Walsh, Wendy

From: Erin Welch [ewelch@landstrat.com]
Sent: Thursday, June 17, 2004 8:00 AM
To: Walsh, Wendy
Cc: Bill Walters (E-mail); Paul Linehan (E-mail); Steve Metcalfe (E-mail)
Subject: Brodie 31 PUD; C814-04-0024

Wendy:

Per the voicemail I left you this morning: In light of yesterday's e-mail from John Larkin with CCOBNA, and per a telephone conversation with Bill Walters regarding the same, we would prefer to postpone our City Council hearing from June 24th to the July 29th agenda for all three readings. We do not wish to be in the same category as the Harris Ranch development, which has great opposition, especially since we have enjoyed Staff recommendation and good communication with the neighborhood. It appears that CCOBNA wishes to use our case in conjunction with Harris Ranch as a sounding board for their own motive of a neighborhood plan which, as you know, is a lengthy process, and would negate the work done to-date with the neighborhood as well as City staff. We would rather have extra time to work with the neighborhood and reach an agreement prior to the three readings of the case so that most, if not all, loose ends may be tied up. By the June 29th hearing, we expect to be able to go in on consent (we have Staff recommendation of the PUD zoning and unanimous Environmental Board approval of the overall plan).

I will prepare a formal postponement request letter as soon as possible. Bill Walters will be out of the country as of June 24th, so should you have any questions or need more information to make a postponement determination, please do not hesitate to contact me.

Best regards,

Erin Welch
Project Coordinator
Land Strategies, Inc.
1010 Land Creek Cove, Suite 100
Austin, Texas 78746
512/328-6050 (tel)
512/328-6172 (fax)
www.landstrat.com