

ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0095 – Brodie Marketplace

Z.A.P. DATE: September 5, 2017

ADDRESS: 8916 Brodie Lane, Suite 500

DISTRICT: 8

OWNER/APPLICANT: Brodie Marketplace
Capital LLC (Tylere Brennan)

AGENT: Gertie Wilson

ZONING FROM: LR; GR

TO: CS-1

AREA: 0.031 acres (1,348 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales (CS-1) district zoning.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

September 5, 2017: *APPROVED CS-1 DISTRICT ZONING, AS STAFF RECOMMENDED*
[A. DENKLER; D. BREITHAUPT – 2ND] (11-0)

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject rezoning area is a 1,348 square foot vacant lease space in a commercial center containing medical office, retail and restaurant uses, and zoned neighborhood commercial (LR) and community commercial (GR). It is situated on the west side of Brodie Lane, in proximity to its intersection with Davis Lane. Deer Lane to the south has been vacated, and serves as a private driveway to the commercial center. The commercial center also has access to Davis Lane through an adjoining lot developed with a service station/food sales use as well as an adjoining lot to the east which is under construction for retail and restaurant uses (both zoned LR). There are commercial uses at the intersection of Brodie / Davis Lanes (GR-CO) and undeveloped land to the south within the Brodie 31 PUD. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes commercial – liquor sales (CS-1) district zoning in order to occupy the lease space with retail sales as well as the service of onsite alcoholic beverages, which is a cocktail lounge use. A conditional use permit for the cocktail lounge will also be required prior to establishing the use. Staff recommends the Applicant's request based on the property's access to two arterial roadways which contain a mix of commercial uses and corresponding zoning. As information, the closest residences are located more than 600 feet away.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR	Vacant lease space in a commercial center
<i>North</i>	LR	Service station and food sales
<i>South</i>	LR; GR; PUD	Lease spaces for medical office, retail and restaurant uses; Undeveloped
<i>East</i>	GR-CO	Restaurants; Retail; Medical office, Personal improvement services; Personal services
<i>West</i>	LR	Water quality and detention ponds; Retail and restaurant uses under construction

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Williamson Creek –
Barton Creek Zone – Recharge Zone**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**SCHOOLS:**

Cowan Elementary School Covington Middle School Bowie High School

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association
 217 – Tanglewood Forest Neighborhood Association
 298 – Oak Hill Association of Neighborhoods (OHAN)
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Assoc.
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 947 – Deer Park Owners Association Inc. 967 – Circle C Neighborhood Association
 1059 – Maple Run – Wheeler Creek – Woodstone Village
 1228 – Sierra Club, Austin Regional Group 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas 1424 – Preservation Austin
 1429 – Go!Austin/Vamos!Austin (GAVA)-78745 1528 – Bike Austin
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1559 – Palomino Park HOA 1596 – TNR BCP – Travis County Natural Resources

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0111 – 8919 Brodie Ln – Brodie Park Shopping Center	GR-CO to GR-CO, to change a condition of zoning	To Grant GR-CO and remove from the prohibited use list drive-in services as an accessory use to a	Apvd GR-CO as Commission recommended (11-19-2009).

		restaurant use, limited to 3,500 s.f.	
C814-04-0024 – Brodie 31 – 9000-9600 Blk of Brodie Ln	DR to PUD for retail uses, automotive repair service; convenience storage, 2 restaurants and 2 conservation easement areas on 30 acres	To Grant PUD w/ conditions of the TIA	Apv'd PUD w/ add'l conds of drive-in services as an accessory use to a restaurant is prohibited; maximum building height is 40' and 2 stories. Restrictive Covenant is for the TIA; IPM Plan, native and adapted plant materials, coal tar-based sealants, off-site conveyance of storm runoff, fencing along the west property line and operational restrictions for the automotive repair services user. (9-2-2004).

RELATED CASES:

The proposed rezoning area was covered by a zoning case that was approved for LR and GR zoning in February 1992 (C14-90-0053 – Cullen Center Bank).

The rezoning area is a portion of Lot 1B of the Deerfield at Brodie Subdivision Section II, Replat, recorded in June 2014 (C8-2013-0230.0A). On Lot 1B an administrative site plan for a retail and restaurant building was approved on October 20, 2016 (SP-2015-0580C – Deerfield Lot 1B). Please refer to Exhibits B and C.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Deer Lane	54 feet	22 feet	Local	No	No	No
Brodie Lane	87 feet	25 feet (divided)	Arterial	Yes	Yes, Bike Lane	No
Davis Lane	106 ft.	40 ft. (divided)	Arterial	Yes	Yes, Bike Lane	No

Both Davis Lane and Brodie Lane have recently been reconstructed /upgraded with striping and bike facilities.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Brodie Lane and a buffered bike lane is recommended for Davis Lane.

CITY COUNCIL DATE: October 5, 2017

ACTION:

ORDINANCE READINGS: 1st

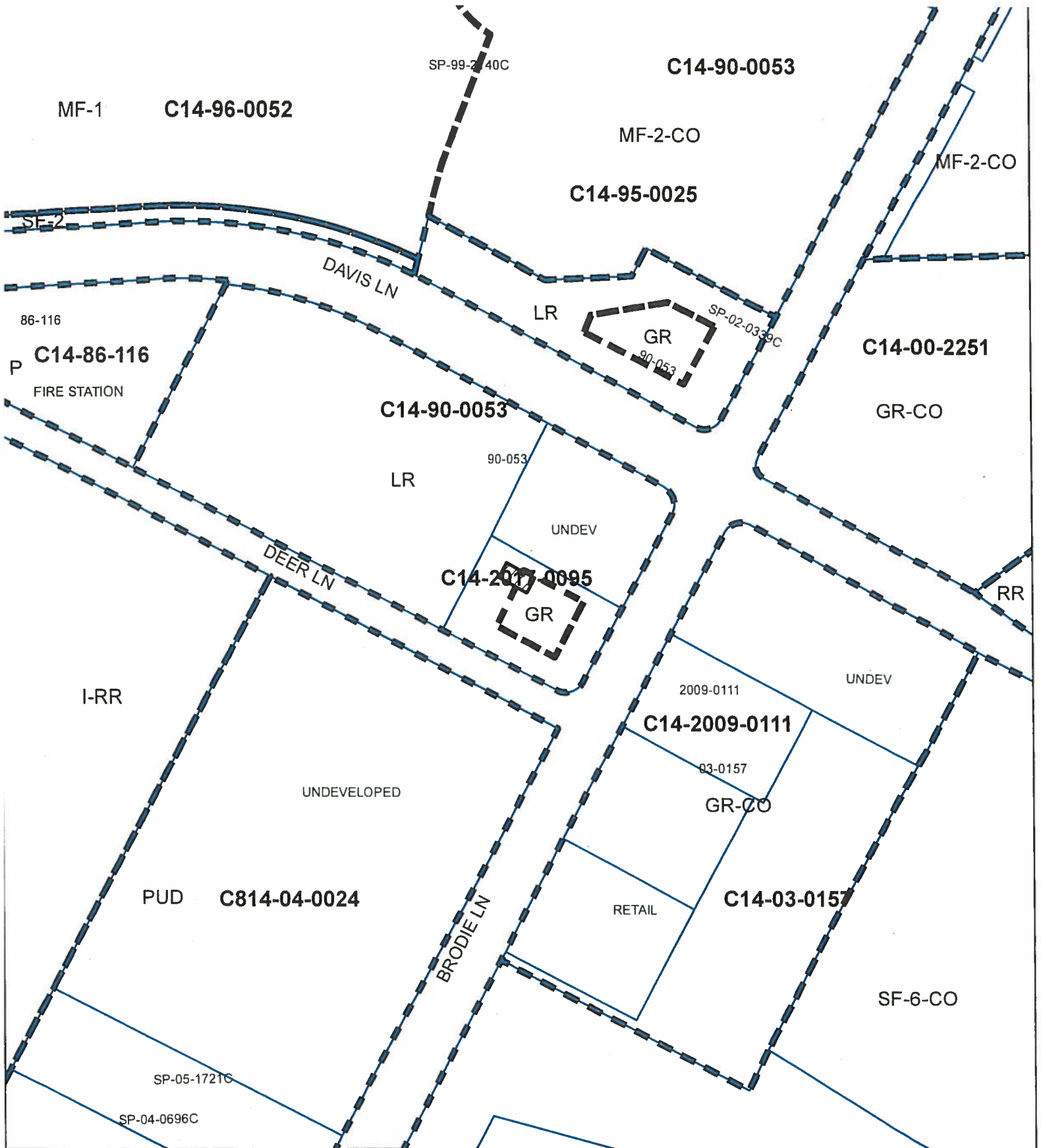
2nd

3rd

ORDINANCE NUMBER:

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

PHONE: 512-974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
Zoning Case: C14-2017-0095

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.



96-0052

MF-1

SP97-0155C

MF-2-CO

90-053

SP-99-2140C

SP97-0155C

SF-2

95-0025

MF-2-

DAVIS LN

LR

Williamson Creek

GR

SP-02-0339C

GR-CO

86-116

P86-017

FIRE STATION

P

LR

90-053

GR

UNDEV

1A

2009-0111

UNDEV

SP-2008-0205C

GR-CO

RETAIL

PUD

UNDEVELOPED

SP-05-1721C

SP-04-0698C

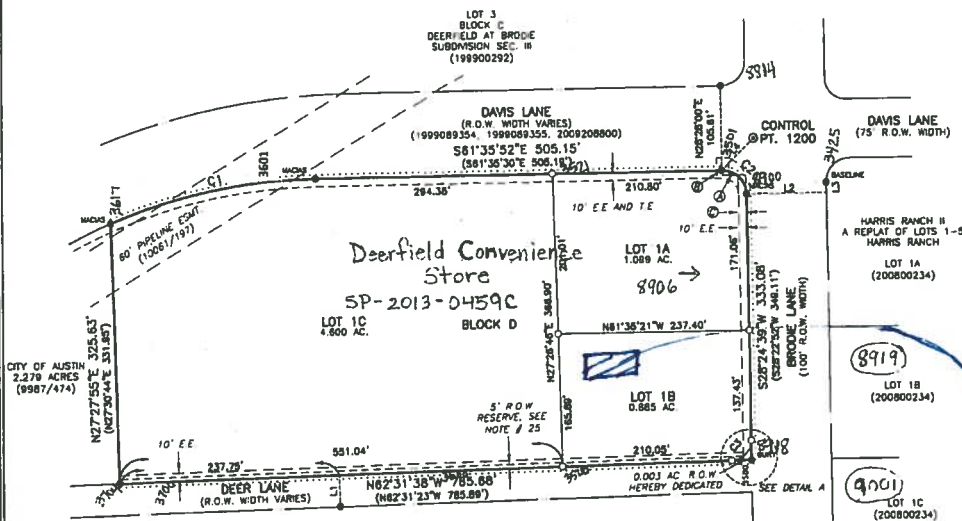
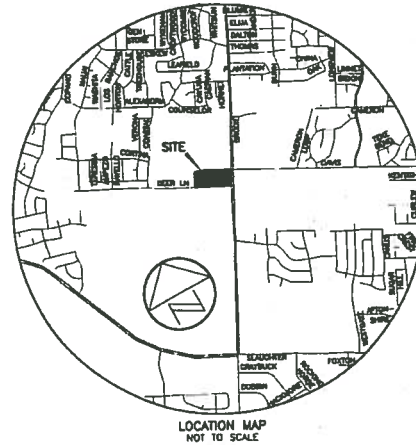
AUTO REPAIR

Slaughter Creek

SF-6-CO

NORTH

REPLAT OF DEERFIELD AT BRODIE SUBDIVISION SECTION II

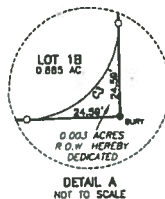


EASEMENT INDEX

②
WASTEWATER
EASEMENT
(2000198287)

③
TEMPORARY
CONSTRUCTION
EASEMENT
(2000198292)

④
10' TELEPHONE
EASEMENT
(339.3/84.3)



LEGEND	
●	1/2" REBAR FOUND (OR AS NOTED)
○	1/2" REBAR WITH "BASELINE" CAP FOUND
●	1/2" REBAR WITH "BURY" CAP FOUND
○	1/2" REBAR WITH "MACIAS" CAP FOUND
○	1/2" REBAR WITH "CHAPARRAL" CAP SET
○	CITY OF AUSTIN CONTROL POINT
○	CONTROL POINT/BENCHMARK LOCATION
E.E.	ELECTRIC EASEMENT
T.E.	TELECOMMUNICATION EASEMENT
D.E.	DRAINAGE EASEMENT
T.C.E.	TEMPORARY CONSTRUCTION EASEMENT
W.W.E.	WASTEWATER EASEMENT
R.O.W.	RIGHT-OF-WAY
()	RECORD INFORMATION
-----	SIDEWALK

LINE TABLE				
LINE	BEARING	DISTANCE		
L1	S27°28'22"W	39.46'		
L2	S81°35'21"E	99.96'		
L3	N26°24'39"E	12.68'		
L4	N73°20'43"E	56.00'		

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	BEARING	CHORD	RECORD CHORD
C1	675.00'	22°16'07"	282.34'	S72°41'58"E	260.70'	(S73°43'36"E 260.73')
C2	30.00'	89°53'30"	47.07'	S16°37'05"E	42.38'	(S16°37'08"E 42.43')
C3	25.00'	89°03'43"	36.86'	S72°56'30"W	35.08'	

LOT SUMMARY:

TOTAL NUMBER OF LOTS: 3

BLOCK D:

LOT 1A: 1.089 ACRES (47,666 SQ. FT.)

LOT 1B: 0.885 ACRES (38,566 SQ. FT.)

LOT 1C: 4.600 ACRES (200,365 SQ. FT.)

TOTAL ACRES: 6.584 (286,617 SQ. FT.)

THIS IS A SURFACE DRAWING.

BEARING BASIS: BEARINGS NOTED ON THIS SURVEY ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID, TEXAS, CENTRAL ZONE (NAD-83 HARN) DATUM. THESE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT(S), "T301168", "C-12-3002", AND "B-17-4002".

CITY OF AUSTIN CONTROL POINT "1200" IS A NAIL IN CONCRETE FOUND

SURFACE COORDINATES:
N 10044098.28
E 3063616.80

TEXAS STATE PLANE COORDINATES:
N 10043545.84
E 3063447.20

ELEVATION = 804.20'
VERTICAL DATUM: BASED ON CITY OF AUSTIN GPS CONTROL, PROVIDED BY LJA, IN CONJUNCTION WITH DAVIS LANE RE-ALIGNMENT

COMBINED SCALE FACTOR = 0.999945
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.00005
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
THETA ANGLE: 1°16'58"

SUBMITTAL DATE: DECEMBER 3, 2013



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124300

PROJECT NO.:
582-025
DRAWING NO.:
582-025-PL1
PLOT DATE:
8/17/2014
PLOT SCALE:
1"=100'
DRAWN BY:
JPA
SHEET
01 OF 02

D44 7/16/14 QC-gm 7/16/14 CB-2013-02330.0A

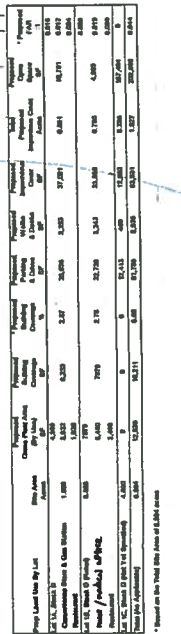
14527
EXHIBIT B
RECORDED PLAT



REVIEWED
OCT 13 2016
Austin Water Utility
7-28

[illegible]

Know what's below.
Call 811.



PROPOSED
REZONING
AREA

I-RR
CITY PRESERVE
CITY OF AUSTIN
165.27 AC.
485854

Silo Plan Calculations

EXHIBIT C
APPROVED
SITE PLAN

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant commercial – liquor sales (CS-1) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The commercial – liquor sales (CS-1) zoning district is intended for commercial and industrial activities of a service nature which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, and specifically includes liquor sales as a permitted use.

- 2. The proposed zoning should allow for a reasonable use of the property.*

Staff recommends the Applicant's request based on the property's access to two arterial roadways which contain a mix of commercial uses and corresponding zoning. As information, the closest residences are located more than 600 feet away.

EXISTING CONDITIONS**Site Characteristics**

The subject lot is developed and there are no significant topographical constraints on the site.

Impervious Cover

Development of the property is subject to the Amended and Restated Compromise Settlement Agreement dated August 13, 1998. The amount of impervious cover on the approved site plan for Lot 1B is 88.09 percent.

Comprehensive Planning

This rezoning case is located on the northwest corner of Brodie Lane and Deer Lane, on a portion of a 0.86 acre property that is currently being developed as a commercial project. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes undeveloped land to the north, south and west, and a small shopping center to the east. The commercial property will include a convenience store and two retail bays, and one of the bays is the proposed location of a wine bar, which requires CS-1 zoning.

Connectivity

There is a public sidewalk located along both sides of Brodie Lane in this location but no public sidewalks along Deer Lane. There is no CapMetro stop near this location. The Walkscore for this site is 44/100, meaning most errands are car dependent.

Imagine Austin

Based on the comparative scale of the site relative to nearby commercial uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

No trees are located on this property.

Site Plan

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

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

Please be aware that State Law governs the location of the sale of alcohol; it may not be sold within 300 feet of a church, public or private school or public hospital. Please refer to Subchapter C Local Regulation of Alcoholic Beverages.

Transportation

FYI – Driveways, sidewalks, accessibility requirements, etc. shall comply with current Land Development Code and Criteria at the time of the Site Plan Applications.

Water / Wastewater

FYI: 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 Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. 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.

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/planning.

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: C14-2017-0095

Contact: Wendy Rhoades, 512-974-7719

**Public Hearings: September 5, 2017, Zoning and Platting Commission
October 5, 2017, City Council**

William S. Walker, III
Your Name (please print)

☒ I am in favor
☐ I object

8906 Brodie Lane (NW Deafield)

Your address(es) affected by this application

[Signature] 9/5/17
Signature Date

Daytime Telephone: _____

Comments: _____

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

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

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**Public Hearings: September 5, 2017, Zoning and Platting Commission
October 5, 2017, City Council**

William S. Walters, III
Your Name (please print)

31 Deafield & 7th acc tract
Your address(es) affected by this application

☒ I am in favor ☐ I object
--

9/5/17
Date

[Signature]
Signature

Daytime Telephone: _____

Comments: _____

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

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 Wendy Rhoades
 P. O. Box 1088
 Austin, TX 78767-8810

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October 5, 2017, City Council**

William S. Walters III
Your Name (please print)

8813 Bodie Lane (NW Bodie)
Your address(es) affected by this application

☒ I am in favor
☐ I object

9/5/17
Date

Signature

Daytime Telephone: (512) 481-0404

Comments:

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

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

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**Public Hearings: September 5, 2017, Zoning and Platting Commission
October 5, 2017, City Council**

Nancy Fall
Your Name (please print)

8700 Brodie Ln - 1024
Your address(es) affected by this application

Nancy Fall
Signature

9-5-2017
Date

Daytime Telephone: (737) 203-5289

Comments: _____

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

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

☐ I am in favor ☒ I object
--