

THIRD READING SUMMARY SHEET

CASE: C814-2021-0099 – Brodie Oaks Redevelopment PUD DISTRICT: 5

ADDRESS: 4021, 4025, 4029, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound

PROPERTY OWNER: Lionstone Investments, LCFRE Austin Brodie Oaks, LLC
(Andrew J. Bruce; John W. Enerson)

AGENT: Lionheart Places (Rebecca Leonard)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

REQUEST: **Approve Third Reading**
 From Unzoned; community commercial (GR); general
 commercial services (CS); commercial – liquor sales (CS-1)
 To planned unit development (PUD), with conditions
 This ordinance may include waiver of fees, alternative funding
 methods, modifications of City regulations, and acquisition of
 property. This action concerns land located in the Barton
 Springs Zone.

CITY COUNCIL ACTION:
July 20, 2023:

May 18, 2023: *APPROVED PUD DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS THE PLANNING COMMISSION RECOMMENDED WITH TWO ADDITIONAL CONDITIONS OUTLINED BELOW, ON SECOND READING.*

March 23, 2023: *APPROVED AN APPLICANT POSTPONEMENT REQUEST TO MAY 18, 2023.*

February 9, 2023: *APPROVED AN APPLICANT POSTPONEMENT REQUEST TO MARCH 23, 2023.*

January 26, 2023: *APPROVED A POSTPONEMENT TO FEBRUARY 9, 2023.*

December 8, 2022: *APPROVED PUD DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS THE PLANNING COMMISSION RECOMMENDED WITH TWO ADDITIONAL CONDITIONS OUTLINED BELOW, ON FIRST READING.*
VOTE: 11-0.

CONDITION #1: DIRECT THE APPLICANT AND AUSTIN ENERGY TO RESOLVE THE SUBSTATION LOCATION IN A WAY THAT SERVES THE BRODIE DEVELOPMENT WITHOUT IMPACT TO THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS AND ADDITIONAL IMPERVIOUS COVER IN PARKLAND AND THE EDWARDS AQUIFER RECHARGE ZONE AS FOLLOWS:

- AUSTIN ENERGY SUBSTATION LOCATION SHALL BE RESOLVED IN SUCH A WAY AS TO NOT IMPACT THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS, REDUCE THE PROJECT'S PARKS AND OPEN SPACE DEDICATION OF 13.2 ACRES OR INCREASE THE IMPERVIOUS COVER BEYOND THE 56% NET SITE AREA PROPOSED TO DATE TO THE PUBLIC, BOARDS AND COMMISSIONS, AND COUNCIL.
- THE DEVELOPER SHALL WORK WITH AUSTIN ENERGY TOWARD A TIMELY SOLUTION THAT ENSURES SAFE, RELIABLE, AND EFFICIENT POWER. THE SOLUTION MAY INCLUDE A SUBSTATION WITHIN THE CONSTRAINTS OF THE SITE OR ON AN ALTERNATIVE SITE.
- IF NECESSARY TO SERVE BRODIE, AUSTIN ENERGY SHALL DESIGN A GAS-INSULATED SUBSTATION WITH A MINIMAL FOOTPRINT.

CONDITION #2: PROVIDE A SOLUTION TO SOLVE FOR THE FUNDING GAP REQUIRED TO ADDRESS THE TRAIL AND GREENBELT NEEDS IDENTIFIED BY THE PLANNING AND ENVIRONMENTAL COMMISSIONS WITHOUT THE USE OF THE PARKLAND DEDICATION FEE IN-LIEU OF PARK DEVELOPMENT AS THOSE FUNDS ARE DEDICATED FOR THE BUILD OUT OF THE PARKLAND ONSITE.

STAFF AND THE APPLICANT ARE DIRECTED TO DETERMINE AND PURSUE A BEST MECHANISM SUCH AS:

- PARKLAND IMPROVEMENT AND MAINTENANCE AGREEMENT;
- PUBLIC IMPROVEMENT DISTRICT (PID); OR
- OTHER STRATEGIES TO PROVIDE THE NECESSARY FUNDING NEEDED TO ACCESS, PRESERVE, AND MANAGE THE TRAIL AND GREENBELT ASSETS

December 1, 2022: APPROVED A POSTPONEMENT BY COUNCIL MEMBER KITCHEN TO DECEMBER 8, 2022. VOTE: 11-0.

ORDINANCE NUMBER:

ISSUES:

The draft ordinance for PUD zoning and the Restrictive Covenant referencing the conditions of the Traffic Impact Analysis reflects Council action taken on First Reading.

Austin Energy has requested that the Applicant dedicate a 1.5 acre site for an above-ground, gas insulated substation on the Property in order to address load capacity limitations in the existing area. The Applicant has addressed Austin Energy's specific comment and included major utility facilities as a permitted civic use within Land Areas 1 and 2 on Exhibit C, but

does not agree to dedicate a site. The Applicant has submitted an updated comment log listing the recommendations of the Parks and Recreation Board, Environmental Commission, Planning Commission, and action taken by City Council on First Reading, as well as the status of incorporation into the PUD documents.

Correspondence received from representatives of the Austin Parks Foundation, the Hill Country Conservancy, Save Our Springs Alliance, Zilker Neighborhood Association Zoning Committee, and Barton View Neighborhood Association, as well as nearby property owners and residents is attached at the back of this packet.

ZONING CHANGE REVIEW SHEET

CASES: C814-2021-0099 – Brodie Oaks Redevelopment PUD DISTRICT: 5
C14R-81-033(RCA) – Brodie Oaks Restrictive Covenant Amendment

ZONING FROM: Unzoned; GR; CS; CS-1

TO: PUD

ADDRESS: 4021, 4025, 4029, 4107, 4109, 4115, and 4141 South Capital of Texas Highway
Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard
Southbound

SITE AREA: 37.606 acres

PROPERTY OWNER: Lionstone Investments, LCFRE Austin Brodie Oaks, LLC
(Andrew J. Bruce; John W. Enerson)

AGENT: Lionheart Places (Rebecca Leonard)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATIONS:

The Staff recommendation is to grant planned unit development (PUD) district zoning, as shown in the Land Use Plan as provided Exhibits C, D, E, F, G, H, I, J, and K. For a summary of the basis of Staff's recommendation, see pages 3 - 14.

The Restrictive Covenant includes all recommendations listed in the Transportation Impact Analysis Memo, dated August 31, 2022, as provided in Attachment A.

The Staff recommendation is to grant an amendment of the 1981 Restrictive Covenant and terminate the height limitations for Tracts A1, A2, A3, A4, and B as it applies to this property. For a summary of the basis of Staff's recommendation, see pages 3 - 14.

PARKS AND RECREATION BOARD:

September 26, 2022: RECOMMENDED TO THE CITY COUNCIL THE BRODIE OAKS PUD AS SUPERIOR IF THE APPLICANT AGREES TO: 1) WORK WITH STAFF AND ATD TO PROVIDE 10 FREE PARKING SPACES TO THE NEIGHBORHOOD PARK SITE; 2) AMEND THE APPLICATION TO STATE THERE WILL BE A PUBLICLY AVAILABLE RESTROOM AT THE NEIGHBORHOOD PARK; 3) CONTINUE TO WORK WITH THE HILL COUNTRY CONSERVANCY AND AUSTIN PARKS FOUNDATION TO ENSURE THIS IS A SUSTAINABLE TRAIL ACCESSING THE BARTON CREEK GREENBELT, AND 4) INVESTIGATE AND REPORT BACK ON METHODS TO FUND OFF-SITE BARTON CREEK GREENBELT PRESERVATION AND MANAGEMENT THROUGH COMMERCIAL DEVELOPMENT AT THE SITE (refer to Attachment C)

[S. FAUST; N. BARNARD – 2ND] (9-0) D. LEWIS AND K. TAYLOR – ABSENT

ENVIRONMENTAL COMMISSION RECOMMENDATION:

November 2, 2022: PLEASE REFER TO ATTACHMENT B

PLANNING COMMISSION ACTIONS:

November 15, 2022: APPROVED PUD DISTRICT ZONING WITH A RESTRICTIVE COVENANT FOR THE CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS STAFF RECOMMENDED, AND ALL CONDITIONS OF THE PARKS AND RECREATION BOARD, AND ALL CONDITIONS OF THE ENVIRONMENTAL COMMISSION EXCEPT FOR 1) REDUCTION OF HEIGHT OF BUILDINGS TO CREATE CANYON EFFECTS AND BIRD STRIKES WITHIN THE BCP, AND 2) CONSIDERATION OF MITIGATION IN BARTON CREEK WATERSHED TO BRIDGE THE GAP BETWEEN SOS IMPERVIOUS COVER.

THE COMMISSION ALSO APPROVED THE FOLLOWING SEVEN (7) AMENDMENTS: 1) APPROVAL OF A SITE PLAN SHALL BE CONTINGENT UPON SUCCESSFULLY SECURING POWER SUPPLY TO SERVE THE BRODIE OAKS DEVELOPMENT; 2) RECOMMEND INCREASING BUILDING HEIGHTS AS AN OPTION TO ALLOW SPACE WITHIN THE BUILDABLE AREA FOR AN ELECTRIC SUBSTATION TO BE SITED ON THE PROPERTY WITHOUT EXCEEDING THE ALLOWABLE IMPERVIOUS COVER LIMITS; 3) REQUIRE THAT THE APPLICANT WORK WITH APPLICABLE NON-PROFIT GROUPS AND APPLY FOR A TRAIL MASTER PLAN PERMIT THROUGH BCP PRIOR TO APPROVAL OF THE FIRST SITE PLAN; 4) REQUIRE PUBLIC RESTROOMS AT CLOSEST ALLOWABLE LOCATIONS TO TRAILHEADS OR GREEN SPACE; 5) REQUIRE THIRD PARTY OVERSIGHT OF WATER QUALITY FACILITIES DURING AND AFTER CONSTRUCTION; 6) REQUIRE THAT THE APPLICANT PROVIDE SCOOP THE POOP STATIONS AND TRASH CANS THROUGHOUT GREEN SPACES; AND 7) REQUIRE EXECUTION OF AN ACCESS EASEMENT WITH BCP TO CAVE NETWORKS PRIOR TO THIRD READING.

[C. HEMPEL; G. ANDERSON – 2ND] (8-1) C. LLANES PULIDO – NAY; G. COX, R. SCHNEIDER, J. SHIEH – ABSENT; ONE VACANCY ON THE COMMISSION

APPROVAL OF AN AMENDMENT TO THE RESTRICTIVE COVENANT, AS STAFF RECOMMENDED

[C. HEMPEL; G. ANDERSON – 2ND] (8-1) C. LLANES PULIDO – NAY; G. COX, R. SCHNEIDER, J. SHIEH – ABSENT; ONE VACANCY ON THE COMMISSION

November 8, 2022: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO NOVEMBER 15, 2022

[C. HEMPEL; J. SHIEH – 2ND] (11-0) R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS

May 24, 2022: APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF R. SCHNEIDER; J. THOMPSON – 2ND] (9-0) Y. FLORES, C. HEMPEL,

J. MUSHTALER – ABSENT

December 14, 2021: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF*

*[A. AZHAR; R. SCHNEIDER – 2ND] (11-0) P. HOWARD – OFF THE DAIS;
J. SHIEH – ABSENT*

CITY COUNCIL ACTION:
July 20, 2023:

May 18, 2023: *APPROVED PUD DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS THE PLANNING COMMISSION RECOMMENDED WITH TWO ADDITIONAL CONDITIONS OUTLINED BELOW, ON SECOND READING.*

March 23, 2023: *APPROVED AN APPLICANT POSTPONEMENT REQUEST TO MAY 18, 2023.*

February 9, 2023: *APPROVED AN APPLICANT POSTPONEMENT REQUEST TO MARCH 23, 2023.*

January 26, 2023: *APPROVED A POSTPONEMENT TO FEBRUARY 9, 2023.*

December 8, 2022: *APPROVED PUD DISTRICT ZONING WITH CONDITIONS OF THE TRAFFIC IMPACT ANALYSIS, AS THE PLANNING COMMISSION RECOMMENDED WITH TWO ADDITIONAL CONDITIONS OUTLINED BELOW, ON FIRST READING.
VOTE: 11-0.*

CONDITION #1: *DIRECT THE APPLICANT AND AUSTIN ENERGY TO RESOLVE THE SUBSTATION LOCATION IN A WAY THAT SERVES THE BRODIE DEVELOPMENT WITHOUT IMPACT TO THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS AND ADDITIONAL IMPERVIOUS COVER IN PARKLAND AND THE EDWARDS AQUIFER RECHARGE ZONE AS FOLLOWS:*

- *AUSTIN ENERGY SUBSTATION LOCATION SHALL BE RESOLVED IN SUCH A WAY AS TO NOT IMPACT THE NON-DEGRADATION SOS WATER QUALITY REQUIREMENTS, REDUCE THE PROJECT'S PARKS AND OPEN SPACE DEDICATION OF 13.2 ACRES OR INCREASE THE IMPERVIOUS COVER BEYOND THE 56% NET SITE AREA PROPOSED TO DATE TO THE PUBLIC, BOARDS AND COMMISSIONS, AND COUNCIL.*
- *THE DEVELOPER SHALL WORK WITH AUSTIN ENERGY TOWARD A TIMELY SOLUTION THAT ENSURES SAFE, RELIABLE, AND EFFICIENT POWER. THE SOLUTION MAY INCLUDE A SUBSTATION WITHIN THE CONSTRAINTS OF THE SITE OR ON AN ALTERNATIVE SITE.*
- *IF NECESSARY TO SERVE BRODIE, AUSTIN ENERGY SHALL DESIGN A GAS-INSULATED SUBSTATION WITH A MINIMAL FOOTPRINT.*

CONDITION #2: PROVIDE A SOLUTION TO SOLVE FOR THE FUNDING GAP REQUIRED TO ADDRESS THE TRAIL AND GREENBELT NEEDS IDENTIFIED BY THE PLANNING AND ENVIRONMENTAL COMMISSIONS WITHOUT THE USE OF THE PARKLAND DEDICATION FEE IN-LIEU OF PARK DEVELOPMENT AS THOSE FUNDS ARE DEDICATED FOR THE BUILD OUT OF THE PARKLAND ONSITE.

STAFF AND THE APPLICANT ARE DIRECTED TO DETERMINE AND PURSUE A BEST MECHANISM SUCH AS:

- PARKLAND IMPROVEMENT AND MAINTENANCE AGREEMENT;*
- PUBLIC IMPROVEMENT DISTRICT (PID); OR*
- OTHER STRATEGIES TO PROVIDE THE NECESSARY FUNDING NEEDED TO ACCESS, PRESERVE, AND MANAGE THE TRAIL AND GREENBELT ASSETS*

December 8, 2022: APPROVED A POSTPONEMENT OF THE RESTRICTIVE COVENANT AMENDMENT TO JANUARY 26, 2023. VOTE: 11-0.

December 1, 2022: APPROVED A POSTPONEMENT BY COUNCIL MEMBER KITCHEN TO DECEMBER 8, 2022. VOTE: 11-0.

ORDINANCE NUMBER:

ISSUES:

The draft ordinance and Restrictive Covenant for PUD zoning reflects Council action taken on First Reading.

Austin Energy has requested that the Applicant dedicate a 1.5 acre site for an above-ground, gas insulated substation on the Property in order to address load capacity limitations in the existing area. The Applicant has addressed Austin Energy's specific comment and included major utility facilities as a permitted civic use within Land Areas 1 and 2 on Exhibit C, but does not agree to dedicate a site. The Applicant has submitted an updated comment log listing the recommendations of the Parks and Recreation Board, Environmental Commission, Planning Commission, and action taken by City Council on First Reading, as well as the status of incorporation into the PUD documents.

Correspondence received from representatives of the Austin Parks Foundation, the Hill Country Conservancy, Save Our Springs Alliance, Zilker Neighborhood Association Zoning Committee, and Barton View Neighborhood Association, as well as nearby property owners and residents is attached at the back of this packet.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibits A and A-1: Zoning Map and Aerial

Exhibit B: Applicant's Transmittal Letter, Austin Energy Substation Request, Board and Commission Recommendations, and action taken by City Council on First Reading

(identifies each Board / Commission / Council action, and how and where it was addressed in the PUD documents), Tier One / Tier Two (Superiority) Chart, and Code Modification Table

Exhibits to the PUD:

- Exhibit B: Context Map
- Exhibit C: Land Use Plan
- Exhibit D: Parks and Open Space Plan
- Exhibit E: Transportation Plan
- Exhibit F: Water Quality and Environment
- Exhibit G: Grading Plan
- Exhibit H: Phasing Plan
- Exhibit I: Arts Master Plan
- Exhibit J: Water and Wastewater Plan
- Exhibit K: Existing Slope Map

Attachment A: Transportation Impact Analysis Memo

Attachment B: Environmental Commission Recommendation and support material (*posted separately*)

Attachment C: Parks and Recreation Board Recommendation

Attachment D: Educational Impact Statement

Attachment E: Carbon Impact Statement

Meeting Notes (Applicant – Staff), November 10, 2022 – Austin Energy substation

Exhibits to the Restrictive Covenant Amendment:

Restrictive Covenant Amendment Map

Applicant's Transmittal Letter

1981 Restrictive Covenant (Selected pages from Volume 7479; Pages 24-53)

Correspondence Received

Questions and Answers from Planning Commission and City Council

CASE MANAGER COMMENTS:

The Brodie Oaks Redevelopment PUD is located at the northwest corner of the South Capital of Texas Highway Northbound (aka Loop 360, also a Hill Country Roadway) and South Lamar Boulevard, a major arterial roadway and designated Core Transit Corridor with a Capital Metro MetroRapid Route 803 transit stop located near an existing driveway. The property contains a vacated section of TxDOT right-of-way (Unzoned) and a commercial shopping center surrounded by surface parking areas with community commercial (GR), general commercial services (CS) and commercial-liquor sales (CS-1) zonings. The site is located in an urban area that also includes portions of the Edwards Aquifer Recharge Zone and the Contributing Zone, and thus is environmentally sensitive. The Brodie Oaks shopping center was developed in 1981 and serves the south Austin area with retail spaces, restaurants, a grocery store, medical office, and fitness gym. The Barton Creek Greenbelt and trail is to

the northwest (SF-2), apartments are to the northeast on South Lamar (MF-4, MF-2), and undeveloped (vacated) TxDOT right-of-way and a commercial shopping center with similar uses is to the southeast across South Lamar (CS-V, CS-1-V, CS-1-V-CO). ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

PROJECT DESCRIPTION

The Brodie Oaks Redevelopment PUD is proposed for a mixed use development that would consist of up to 1,700 residential units, 1,260,000 square feet of office, 200 hotel keys, 110,000 square feet of retail, and 30,000 square feet of restaurant uses. Three driveways to South Lamar are proposed (including one shared access) and one driveway is proposed to Loop 360. Internal circulation routes consist of private streets with public access easements. The proposed density is approximately 54 units per acre which meets a benchmark for transit supportive density. The maximum height proposed is 275 feet at the South Lamar and Loop 360 intersection, with three other lesser height limits on the remainder of the South Lamar and Loop 360 frontage, and still lower interior portions of the property.

Land Use Plan

The PUD contains two land use areas: Land Use Area 1 (25.9 acres) and Land Use Area 2 (11.7 acres).

- Land Use Area 1 is generally located along all of the South Lamar Boulevard frontage and most of the Loop 360 frontage, and is proposed to be developed with nearly all of the development described above, including residential and non-residential square footage, and hotel keys. A Central Green area is located in the center of the site and propose to include a performance pavilion. Height ranges from 160 feet at the northeast corner of the property to 275 feet (hotel / residential, approximately 24 stories) at the South Lamar / Loop 360 intersection. The Applicant estimates that construction of Phase 1 would begin in 2025 and ready for occupancy in 2027.
- Land Use Area 2 is located along the northwest portion of the property adjacent to Barton Creek Greenbelt and is limited to 5,000 square feet of impervious cover. Height is limited to 28 feet and includes a portion of the Hill Country Roadway area. ***Please refer to Exhibit C – Land Use Plan.***

GENERAL TO PLANNED UNIT DEVELOPMENTS

Per the Land Development Code, PUD district zoning was established to implement goals of preserving the natural environment, encouraging high quality, sustainable development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and thus is superior to development which could occur under conventional zoning and subdivision regulations. The PUD provides a canvas for the design of a large scale project, with the end goal to allow flexibility, and also inform and communicate the possibilities for development. Additional effort is required by all parties to ensure that development standards are clear and municipal and citizen needs are addressed. The PUD ordinance and related exhibits are key because once approved, they provide the regulations

under which the project will be built, which provides certainty for developers and their agents.

City Council approved revisions to the PUD regulations that became effective June 29, 2008. To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier One, which is requirements that all PUDs must meet, and Tier Two which provides criteria in 13 topical areas in which a PUD may exceed Code requirements and therefore demonstrate superiority. A PUD need not address all criteria listed under Tier Two, and there is no minimum number of categories or individual items required.

SUPERIORITY ELEMENTS

As more fully detailed in the Tier Table and Land Use Plan, the proposed Brodie Oaks Redevelopment PUD meets all 12 of the applicable Tier One items and offers some elements of superiority in several of the 13 Tier Two categories and subcategories (*Affordable Housing; Art; Great Streets Development Program; Green Building Program; Non-Protected Trees; Open Space; Protected Trees; Parking Structure Frontage; Primary Irrigation Source; Stormwater Runoff; Tree Species List; Trailhead along Creek or Waterways, Transportation; Water Quality Treatment – Off-site; Water Quality Treatment – On-site*). ***Please refer to Exhibit B – Superiority Chart.***

The proposed PUD offers a development on the subject property that creates a distinct community and gateway to south Austin. The PUD provides a pedestrian-oriented development that promotes living, including affordable housing initiatives, employment and shopping opportunities, as well as accessible open space and connected trail improvements within a planned community.

The corresponding Traffic Impact Analysis memo provides for a suite of transportation improvements needed to accommodate the additional density, including 1) improvements to roadway infrastructure (reconstruction of the Brodie Oaks driveway and South Lamar intersection; construction of a dedicated right-turn lane in to the site at the driveway on the Loop 360 frontage road); 2) improvements to transit (incorporating the southbound Brodie Oaks Station stops into the site design per the South Lamar Boulevard corridor plan), and 3) improvements to active pedestrian and bicycle infrastructure to address gaps (including construction of a 12-foot wide shared use path along the south / west side of the private road connecting the development to the adjacent office complex; construction of all South Lamar Boulevard corridor improvements along the property frontage, including sidewalks and protected bicycle lane; and construction of sidewalks, crosswalks, curb ramps, and stamped concrete to provide pedestrian routes across the west and east sides of the South Lamar Boulevard and US 290 frontage roads intersection.

Given the number and breadth of items offered in the PUD that exceed current code standards, Staff believes the proposal can result in superior mixed use development. The following factors make this project superior:

Affordable Housing

- A stand-alone affordable housing site (roughly estimated at 1.5 acres) is located at the northeast corner of the site (an existing restaurant pad site), to be constructed in Phase II of the development (2027 or later), as shown on ***Exhibit C – Land Use Plan and Exhibit H – Phasing Plan***. The site is adjacent to a planned neighborhood park, along the South Lamar frontage and adjacent to the planned transit stop. The base height used to calculate affordable housing bonus area is based on the maximum height allowable under the current zoning, including applicable overlays established through the 1981 Restrictive Covenant.
- ***Residential Bonus Area:*** To the extent that any residential buildings exceed the base heights established on ***Exhibit C***, the Landowner shall provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (*Requirements for Rental Housing*) or Section 2.5.4 (*Requirements for Ownership Housing*) equal to 10 percent of the total amount of occupiable square feet which exceeds the established base height. Such calculation shall be made for each building at the time a building permit is issued.
- ***Phasing of Residential Bonus Area:*** In recognition that some buildings will contain more residential units than others, such obligation may be transferred between buildings as they come on line as long as the number of units never falls below the required obligation. The total residential affordable housing square foot obligation shall be tracked on each site plan in accordance with ***Exhibit C***.
- ***Non-Residential Bonus Area:*** To the extent that any non-residential buildings exceed the base height, the developer shall convey land to a non-profit organization for a stand-alone, family-oriented affordable housing project built on-site that must include a minimum of 125 units with a mix of 2 and 3-bedroom units, and is affordable to a household whose income is between 30% and 60% of the MFI in the Austin metropolitan statistical area, remain affordable for 40 years from the date a Certificate of Occupancy is issued, and be eligible for federal housing choice vouchers.
- The affordable housing requirement for non-residential bonus area will be satisfied through the recordation of a land use restriction with the deed to restrict the site (Block 4) to an affordable housing project in perpetuity. The restrictive covenant will be subject to the existing retail lease to the restaurant. If the non-profit organization is unable to develop the family-oriented project, then the City will still have the commitment that an alternative affordable housing project will be constructed.

Art

- The Brodie Oaks Redevelopment PUD shall participate in the Art in Public Places Program. As shown in ***Exhibit I – Arts Master Plan*** identifies opportunities and locations within the PUD for outdoor art installations to be implemented and managed by the Landowner. The Arts Master Plan shall consist of a minimum of two (2) significant art pieces.

Austin Energy – Green Building

- All buildings in the Brodie Oaks Redevelopment PUD shall achieve a three-star or greater rating under the Austin Energy Green Building program using the applicable rating version in effect at the time a rating registration application is submitted for the building.

Austin Fire Department

The Applicant has worked with AFD and ATCEMS to provide a new fire and EMS station to serve this new development and the surrounding area. The fire and EMS station will be located within a mixed-use building and provide better access to the Barton Creek Greenbelt including the potential for search and rescue staging areas.

- The Landowner shall provide a 9,000 to 11,000 SF unfinished space within the level of discharge (“ground floor”) and floor above of a building located upon Block 6, Block 8, or Block 9 to be used as a Fire/EMS station as shown in ***Exhibit C (Page 5)***. The Fire/EMS station shall include a private convenience stair, an external wall, adequate space on the level of discharge for apparatus bays and appropriate apron for Fire/EMS apparatus, and adhere to Austin Fire Department (AFD) and Austin-Travis County EMS (ATCEMS) design standards.
- The unfinished space will be provided at no rental cost to AFD/ATCEMS in a 40-year building lease with a unilateral 40 year right to renew. Any foreclosure or sale of the building will require the lender or buyer to honor the lease. Ongoing costs of operating the space (utilities, maintenance, repair, etc.) will be at the expense of AFD/ATCEMS. All property taxes and building overhead costs will be at the expense of the building owner, unless the space is conveyed to the City of Austin in lieu of a lease. AFD/ATCEMS will be permitted to operate, use, and maintain necessary facilities and equipment as needed to conduct daily operations.
- Final selection of the location must be approved by the Austin Fire Department, Austin-Travis County EMS, the Development Services Department, and the Developer. Every effort will be made to provide access at a controlled intersection, with a preference for direct access to Lamar Blvd. The location will be finalized prior to the submission of any building permit applications beyond those representing a cumulative total of 40% of all building square footage within the entire Brodie Oaks Redevelopment PUD development. The lease will be executed and/or the space will be conveyed prior to 55% of certificates of occupancy for the development having been issued.

Austin Water Utility

- The project will capture and beneficially reuse all rooftop rainwater from the water quality event for beneficial use in cooling towers and traditional landscape irrigation.
- The building will provide low-flow and efficient fixtures to reduce demand beyond minimum requirements in the Austin Energy Green Building star rating system.

- The project is subject to the AC condensate beneficial use requirement (UMC 310.8) and therefore will capture and beneficially use condensate generated on site to supply any non-potable demand available to the maximum extent practicable.

Great Streets

- The project will provide a 25-foot wide Clear Zone across the street section of pedestrian and raised bicycling space, as shown in ***Exhibit E – Transportation Plan***.
- The project will provide a 21-foot wide Planting Zone across the street section and three planting zones.
- All utilities will be underground.

Native Vegetation

Two acres of the tract shall be restored to Hill Country and Native Prairie landscape, as shown in ***Exhibit C***.

Non-Protected Trees (Up to 18.9 caliper inches)

- The project will preserve up to 77 percent of all trees meeting preservation criteria that are up to 18.9 caliper inches.

Open Space

The project will provide 11.6 acres of open space as shown on ***Exhibit D – Parks and Open Space Plan*** (equivalent to 45% of the developed area). In addition, nearly 8.1 acres of open space is located adjacent to the Barton Creek Greenbelt creating a 75' to 250' naturally vegetated buffer is provided within the proposed overlook/ trailhead park. The naturally vegetated area minimizes impervious cover, programming, and improvements to provide passive recreation such as soft trails, benches, picnic tables, and interpretive signage. The natural area buffer may include green infrastructure such as SOS reirrigation, rain gardens, or other functional green infrastructure. Revegetation with native plantings will provide valuable habitat and ecosystem services better supporting the transition from urban transit supportive development to the Barton Creek Greenbelt.

Parking Structure Frontage

- At least 75 percent of the building frontage of all parking structures along the internal circulation route will be designed for pedestrian-oriented uses. Special treatments such as false façades, vertical art or green walls will be utilized on parking garages visible from Loop 360 and South Lamar Boulevard.

Protected Trees (19 – 23.9 caliper inches)

- The project will preserve up to 79 percent of all protected trees meeting preservation criteria that are up to 23.9 inches. This includes the relocation of 10 trees into the newly created parkland onsite. Brodie Oaks Redevelopment PUD is also committed to implementing a tree care plan identified in the Arborist report to maintain the health of trees that are planned to be preserved in the ultimate development.

Primary Irrigation Source

- A rooftop rainwater harvesting system will serve not less than 50 percent of the landscaped areas where irrigation is required.

Stormwater Runoff

- Rooftop rainwater and AC condensate wastewater will be collected for reuse in traditional landscaping irrigation purposes and cooling tower makeup water.

Trailhead along Creek or Waterways

- The project will provide a formal and universally accessible trailhead to the Barton Creek Greenbelt and Violet Crown Trail, including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. Any construction of a trail within the Barton Creek Greenbelt will require approval of a permit by the Balcones Canyonlands Conservation Plan (BCCP) Coordinating Committee under a separate approval process.

Transportation

- The project will provide a series of bicycle facilities for all types of users along the internal circulation route and will provide a shared use path adequate for recreational cycling that will connect through the site and to off-site trail networks.
- The project will provide pedestrian and bicycle connection to adjacent residential development.

Tree Species List

- The project will use Central Texas native seed stock with adequate soil volume.

Water Quality Treatment (Off-site)

- The project will implement water quality treatment facilities so that impervious cover will not drain off-site.

Water Quality Treatment (On-site)

- One hundred (100) percent of the water quality volume will use green stormwater controls which will include all or some of the following methods: retention / irrigation, retention / infiltration, cooling tower makeup water, conventional irrigation.

CODE MODIFICATIONS

There are numerous modifications to Code requirements (43) requested by the Applicant and recommended by Staff. As summarized below, these include Code definitions (3), and requirements for Zoning (24), Subdivision (2), Site Plan (3), Transportation and the Transportation Criteria Manual (4), Environment and the Environmental Criteria Manual (6, including one as a separate, yet interdependent agenda item), and the Drainage Criteria Manual (1). ***Please refer to Exhibit B – Code Modification Table.***

The proposed modifications to the Brodie Oaks Redevelopment PUD and accompanying land use plan are summarized below:

General Requirements and Procedures

- Section 25-1-21 (*Definitions*) – Modification: Block means one or more lots, tracts, or parcels of land bounded by streets (public or private), 30’ wide or larger pedestrian paseo or courtyard with a minimum 12’ sidewalk or trail, public or private park space / open space easement or plaza space, railroads, or subdivision boundary lines.
- 25-1-21 (*Definitions*) – Modification: Gross floor area is modified to include parking structures.
- 25-1-21 (105) (*Definitions*) – Addition: A site within the Brodie Oaks Redevelopment PUD boundary may cross a private street with public access easements.

Zoning

- Remove – 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.2 (C) (*Residential Uses*) does not apply to the Brodie Oaks Redevelopment PUD.
- Remove – 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3 (B) (*Non-Residential Uses*) does not apply to the Brodie Oaks Redevelopment PUD.
- Modification – 25-2, Subchapter B, Article 2, Subpart C, Section 3.2.3 (D) (*Non-Residential Uses*) is modified so that the minimum front yard and street side yard setbacks apply as shown in ***Exhibit C – Land Use Plan***.
- Modification – 25-2, Subchapter B, Article 2, Subpart B, Section 2.5.2. (B) (2) (*Requirements for Exceeding Baseline*) is modified for developments with no residential units, either provide contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3 (*Requirements for Rental Housing*) and Section 2.5.4 (*Requirements for Ownership Housing*) within the boundaries of the Brodie Oaks Redevelopment PUD.
- Section 25-2-491 (*Permitted, Conditional, and Prohibited Uses*) – Modification – ***Exhibit C*** establishes the permitted, conditional, and prohibited uses of the Property.
- Section 25-2-492 (*Site Development Regulations*) – Modification – ***Exhibit C*** establishes the principal site development regulations applicable to the Property.
- Section 25-2, Subchapter E, Section 2.2.1.B – Modification – The priority street for the Brodie Oaks Redevelopment PUD is the Internal Circulation Route. The sentence “If the roadways do not have transit service or the level of transit service is equal, the roadway is designated by the lot owner” does not apply.

- Section 25-2, Subchapter E, Section 2.2.1.B – Modification – For large sites subject to Section 2.2.5 or for sites abutting more than one roadway type, the Sidewalk and Supplemental Zone requirements (but not the Building Placement and Parking Requirements) shall apply along the Internal Circulation Route frontages, with the applicable requirements determined by the roadway type.
- Section 25-2, Subchapter E, Section 2.2.2.B.1 – Modification – The planting zone shall have a minimum width of seven (7) feet from face of curb) and shall be continuous and located adjacent to the curb or cycle track.
- Section 25-2, Subchapter E, Section 2.2.5 C – Modification – The perimeter of a block is defined by private streets with a public access easement, public streets, and public open spaces that include a pedestrian path. The maximum length of any block shall be 800 feet.
- Section 25-2, Subchapter E, Section 2.2.5 G – Modification – If the Internal Circulation Route is intended to accommodate bicycles, head in and angle parking is not permitted except when the cycle tract is provided between the clear zone and the head-in or angle parking.
- Section 25-2, Subchapter E, Section 2.2.5 G – Modification to add: A residential use or amenity space for residential uses may occupy a space that is designed for commercial uses. Modification to remove and add: A lobby serving another use in a VMU building shall ~~not~~ count as a pedestrian-oriented commercial use for the purposes of this section if it is designed to meet the standards of this section. Remove: ~~The requirement that a front façade that meets the glazing requirements of Section 3.2.2 does not apply. Glazing requirements for a front façade do not apply.~~
- Section 25-2, Subchapter E 4.3.3. F. – Modification – To be eligible for the dimensional or parking standards exemptions in Subchapter E of this section, the residential units in the Brodie Oaks Redevelopment PUD shall meet the affordability requirements identified in the Superiority item.
- Section 25-2-1104 (*Hill Country Roadway Overlay Exceptions*) – Addition – This article applies to the Brodie Oaks Redevelopment PUD and designated Land Use Areas as specifically indicated in this Code Modification section and as represented in ***Exhibit C***.
- Section 25-2-1122 (*Floor-to-Area Ratio of a Nonresidential Building*) – Addition – This section does not apply to the Brodie Oaks Redevelopment PUD.
- Section 25-2-1123 (*Construction on Slopes*) – Addition – This section does not apply to property in Land Use Area 2 of the Brodie Oaks Redevelopment PUD.
- Section 25-2-1124 (*Building Height*) – Addition – (D) The height of a building within the Brodie Oaks Redevelopment PUD will comply with ***Exhibit C***.

- Section 25-2-1126(A) (*Building Materials*) – Modification – Each building shall be designed to use, to the greatest extent feasible, building materials that are compatible with the environment of the Hill Country, including rock, stone, brick, and wood on the ground floor of a building in the Brodie Oaks Redevelopment PUD.
- Section 25-2-1022 (B) (*Native Trees*) – Modification – A site plan within the Hill Country Roadway ordinance area for the Brodie Oaks Redevelopment PUD must preserve all Heritage and Protected Trees identified as suitable in the Arborist Report submitted with this PUD and compensate for the removal of the following native or small native trees at a rate of 60 percent: (1) each small native tree; (2) each native tree with a trunk diameter greater than six (6) inches; and (3) each cluster of three or more native trees located within ten (10) feet of each other with trunk diameters greater than two (2) inches.
- Section 25-2-1023 (*Roadway Vegetative Buffer*) – Modification – Except in the Brodie Oaks Redevelopment PUD and as otherwise provided by this section, vegetation within 100 feet of the dedicated right-of-way may not be cleared, unless the clearing is necessary to provide utilities and access to the site.
- Section 25-2-1024 (C) (*Restoring Roadway Vegetative Buffer*) – Addition – In the Brodie Oaks Redevelopment PUD, revegetation of the Roadway Vegetation Buffer will be consistent with the commitments made in ***Exhibit C***.
- Section 25-2-1025 (E) (*Natural Area*) – Addition – Within Land Use Area 2 of the Brodie Oaks Redevelopment PUD, representing at least 45 percent of the Hill Country Roadway Overlay (HCRO) Area, existing surface parking, perimeter walls, and buildings will be removed and two (2) acres or 12 percent of the total area within the HCRO area will be restored to meet the Revegetation Standards outlined in ***Exhibit C***.
- Section 25-2-1026 (*Parking Lot Medians*) – Modification – A permanent parking lot must have a median at least ten (10) feet wide containing existing native trees or dense massing of installed trees between each distinct parking area.
- Section 25-2-1027 (*Visual Screening*) – Modification – Visual screening required by this article is not required in Land Use Area 1. Visual screening in Land Use Area 2 must: (1) use existing vegetation or installed landscaping; (2) include dense massing of trees, native understory vegetation, shrub massing, or berms; and (3) allow for topographic changes.

Subdivision

- Section 25-4-62 (*Expiration of an Approved Preliminary Plan*) – Modification – An approved preliminary plan expires seven (7) years after the date the application for approval of the preliminary plan is submitted.
- Section 25-4-411 (A) (*Access to Lots*) – Modification – Each lot in a subdivision shall abut a dedicated public street, or a private street with public access easement or Internal Circulation Route.

Site Plan

- Section 25-5-81 (B) (*Expiration of an Approved Preliminary Plan*) – Modification – Except as provided in Subsections (C), (D), and (E) of this section, a site plan expires eight (8) years after the date of its approval.
- Section 25-5-21 (B) (*Phased Site Plan*) – Modification – The director may approve development phasing if the date proposed for beginning construction on the final phase is not more than five (5) years after the approval of the site plan. Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than five (5) years after approval date of the site plan.
- Section 25-5-142 (*Land Use Commission Approval*) – Modification – Land Use Commission approval of site plan is required for: (1) a conditional use; (2) except for the Brodie Oaks Redevelopment PUD and as provided in Section 25-5-2 (*Site Plan Exemptions*), development in a Hill Country Roadway Corridor; and (3) if otherwise required by this title.

Transportation

- Section 25-6-411 (*Access to Hill Country Roadways*) – Modification – Applicability: This division applies to property located in a hill country roadway corridor and within the zoning jurisdiction of the City with the exception of the Brodie Oaks Redevelopment PUD.
- Sections 25-6-477, 25-6-478, 25-6-532, and Appendix A (*Off-Street Parking and Loading*) – Addition – The minimum off-street parking, bicycle parking, and loading requirements shall be determined by the Director subject to a Transportation Demand Management (TDM) Plan approved as part of the Brodie Oaks Redevelopment PUD.
- Section 25-6-473 (*Modification of Parking Requirements*) – Addition – In the Brodie Oaks Redevelopment PUD, for a site plan that complies with a TDM Plan and the site's approved Traffic Impact Analysis, the minimum off-street parking requirement is 60 percent of that prescribed by Appendix A (*Tables of Off-Street Parking and Loading Requirements*).
- Transportation Criteria Manual 1.3.1 (A) *General Design Criteria - Grades* – Addition – Existing streets that do not meet the standards for maximum grade may be improved as described in ***Exhibit E – Brodie Transportation Plan***.

Environment

- Environmental Criteria Manual (ECM) 1.6.7.5 (D) – Modification – to provide options for cooling tower makeup water and a design option for beneficial reuse. Option C – Captured runoff for beneficial reuse. This option proposes to capture rooftop rainwater from each building for reuse as traditional landscape irrigation and cooling tower makeup water. The rooftop rainwater will be collected in subsurface tank(s) and treated downstream of storage with filtration and potentially ultraviolet

light for specific applications prior to use. The Landowner may achieve compliance through Section 25-8-151 (*Innovative Management Practices*) for innovative water quality controls as a practice that is not specifically prescribed in the ECM, but is designed to address the requirements of Article 6 (*Water Quality Controls*), subject to review and approval by the Watershed Protection Department. Results will be modeled to demonstrate a reduction in pollutant load from the predeveloped condition in accordance with the Save Our Springs requirements. Residence and drawdown times may differ from typical ECM requirements based on technical merit, resource protection and improvement, and advantages over standard practices. Real time controls may be used to improve the runoff capture efficiency and optimize beneficial reuse.

- Section 25-8-341 (*Cut Requirements*) – Modification – Cuts on a tract of land may not exceed a minimum of 14 feet as shown on ***Exhibit G – Grading Plan***.
- Section 25-8-342 (*Fill Requirements*) – Modification – Fill on a tract of land may not exceed 14 feet as shown on ***Exhibit G***.
- Section 25-8-514 (A) (*SOS Ordinance, Pollution Prevention Required*) – Modification – In order to prevent pollution, impervious cover for the Brodie Oaks Redevelopment PUD shall be limited to a maximum of 56 percent Net Site Area. ***Please note that an amendment to the SOS Ordinance is covered as a separate agenda item.***
- Section 25-8-281 (A) (*Critical Environmental Features*) – Addition – The Brodie Oaks Redevelopment PUD will be permitted to encroach on Airman’s Cave a maximum of 80 feet provided there is a minimum of 20 feet of Del Rio Clay remaining between any encroachment into the CEF buffer and the vertical extent of the cave.

In addition, the Brodie Oaks Redevelopment PUD is permitted to encroach 50 feet into the spring labeled as 5-1 as shown on ***Exhibit F – Water Quality and Drainage Plan (Page 2)***.

Drainage Criteria Manual

- Section 5.3.2 (*Maximum Velocities*) – Addition – The Brodie Oaks Redevelopment PUD will be permitted to exceed 20 feet per second for the 25-year event for Storm drain trunks with a proposed velocity of 21.6 feet per second.

RESTRICTIVE COVENANT AMENDMENT REQUEST

On April 30, 1981, Council approved office and commercial zonings for the area covered by the request for PUD zoning (C14R-81-033). The 1981 rezoning case also included four (4) adjacent tracts to the northwest and northeast as well that are outside of the PUD boundary and will remain unchanged. As information, the Conditional Overlay mechanism did not exist in the Zoning Code in the early 1980s, hence a Restrictive Covenant was placed on the property to establish the maximum height by designated tract area. The PUD zoning case covers five (5) Tracts: A1 (GR – 35 feet), A2 (CS – 35 feet), and A4 (CS-1 – 35 feet), Tract

A3 (GR – 40 feet), and Tract B (LO by C14R-81-033, and the Restrictive Covenant continued to apply upon Council approval of GR zoning on January 10, 1985 by C14R-83-166 – 60 feet). As information, the height limitation of the GR, CS and CS-1 districts is 60 feet.

The related Restrictive Covenant Amendment request is to terminate the maximum height limits as it pertains to five (5) Tracts: A1, A2, A3, A4, and B in order to allow for the taller, denser mixed use project proposed by the PUD. Please note that the existing height limits for the four (4) remaining Tracts: C1 and C2 (MF-4 – 50 feet), C3 (MF-2 – 35 feet), and D (LO – 40 feet or 3 stories) will remain unchanged and continue to be subject to the 1981 Restrictive Covenant.

The Restrictive Covenant Amendment requires the approval of the adjacent property owners within the Covenant area prior to final Council approval.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	Unzoned; GR; CS; CS-1	Vacated TxDOT right-of-way; Commercial shopping center: financial services, food sales, indoor sports and recreation, medical office, personal services, restaurants, retail sales
<i>Northwest</i>	SF-2	Barton Creek Greenbelt and trail
<i>Southeast</i>	CS-V; CS-1-V	Vacated TxDOT right-of-way; Commercial shopping center: financial services, food sales, hospital services (limited), indoor sports and recreation, medical office, personal services, personal improvement services, restaurants, retail sales
<i>Northeast</i>	MF-4	Apartments
<i>Southwest</i>	Not applicable	South Capital of Texas Highway Northbound frontage road and main lanes (Loop 360)

NEIGHBORHOOD PLAN AREA: South Lamar Combined (Barton Hills) (Suspended)

TRANSPORTATION IMPACT ANALYSIS: Is required – ***Please refer to Attachment A.***

WATERSHED: Barton Creek Watershed – Barton Springs Zone –
Recharge Zone; Contributing Zone

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes, Loop 360

HILL COUNTRY ROADWAY: Yes, Loop 360 – High Intensity

SCHOOLS:

An Educational Impact Statement is required. ***Please refer to Attachment D.***

Barton Hills Elementary School O. Henry Middle School

Austin High School

COMMUNITY REGISTRY LIST:

381 – Barton View Neighborhood Association 384 – Save Barton Creek Assn.
 498 – South Central Coalition 511 – Austin Neighborhoods Council
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 1107 – Perry Grid 614 1228 – Sierra Club, Austin Regional Group
 1363 – SEL Texas 1424 – Preservation Austin
 1429 – Go Austin Vamos Austin 78745 1530 – Friends of Austin Neighborhood
 1531 – South Austin Neighborhood Alliance (SANA)
 1550 – Homeless Neighborhood Association
 1596 – TNR - BCP Travis County Natural Resources
 1616 – Neighborhood Empowerment Foundation
 1714 – East Oak Hill Neighborhood Association 1774 – Austin Lost and Found Pets
 1795 – Westgate Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0149 – 4215 S Lamar Blvd and 2428 W Ben White Blvd WB	Unzoned; CS to CS-V	To Grant CS-V	Apvd CS-V as Commission recommended (7-29-2021).
C14-2018-0094 – 2432 W Ben White Boulevard Service Road Westbound	Unzoned to CS	To Grant CS	Apvd CS as Commission recommended (11-15-2018).
C14-2016-0091 – ASC / Bearcreek Properties – 4001 S Lamar Blvd	CS-V to CS-1-V	To Grant CS-V-CO w/CO for list of prohibited uses	Apvd CS-V-CO as Commission recommended (12-8-2016).
C14-2008-0019 – South Lamar Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/ Opt-Out	To add -V (Vertical Mixed Use) zoning to various properties.	To Grant adding (V) to various tracts	Apvd adding (V) as Commission recommended (6-18-2008).
C14-2008-0043 – Barton Hills Neighborhood Planning Area Vertical Mixed Use Bldg (V) Zoning Opt-In/ Opt-Out	To add -V (Vertical Mixed Use) zoning to various properties.	To Grant adding (V) to various tracts	Apvd adding (V) as Commission recommended (6-18-2008).

RELATED CASES:

The Development Assessment for a PUD was filed on December 21, 2020 and Staff conducted a briefing to the Environmental Commission on March 3, 2021 and to Council on March 23, 2021 (CD-2020-0002). The Applicant filed the PUD zoning application on December 21, 2021.

On October 13, 2022, Council approved a Resolution initiating site-specific amendments to City Code Chapter 25-8, Subchapter A, Article 13 (*Save Our Springs Initiative*) as minimally required to address development related to the proposed Brodie Oaks Redevelopment PUD (Resolution No. 20221013-076). A supermajority vote of Council is required for approval.

The rezoning area is platted as Lots A and B of the Barton Creek Plaza, a subdivision recorded on December 23, 1981 (C8-81-063.1).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
South Lamar Boulevard	230' – 1,800'	Varies, divided	Level 4	Yes	Shared Lane	Yes
South Capital of Texas Highway Northbound	154'	Varies	Level 4	No	Shared Lane	Yes
West Ben White Boulevard	350'	Varies, divided	Level 4	Yes	Shared Lane	Yes

ADDITIONAL STAFF COMMENTS:Site Characteristics

The property contains a commercial shopping center and parking lot, with sparse vegetation. Topography is flat to slightly sloping. Surface elevations range from approximately 664 to 712 feet above mean sea level with surface water flowing from south to north toward Barton Creek.

Inclusive Planning

The proposed PUD is located on the northeast corner of Capital of Texas Highway and South Lamar Boulevard, on an approximately 37.61-acre site, that currently contains a variety of commercial and retail uses, including a grocery store, retail and office uses, restaurants and a Hobby Lobby. The property consists of multiple address points, is located within the boundaries of an Activity Center for Redevelopment in Sensitive Environmental Areas

(Lamar & Ben White) and along the South Lamar Activity Corridor. This rezoning case is not located within the boundaries of an adopted small area plan. Surrounding land uses include the Barton Creek Greenbelt and Trail and an apartment complex to the north; to the south is a shopping center; to the east is an apartment complex and commercial uses; and to the west is the Barton Creek Greenbelt, an office building and commercial uses.

The development proposal calls for clearing the site and *“transforming it from a suburban shopping center and surface parking lots to a compact, vibrant, transit-oriented, and mixed-use center that includes 13.2 acres of new publicly accessible open space (which is 35 percent of the site and 5 times the amount of greenspace required under Tier 2) with views of the downtown skyline and Hill Country forming a new gateway to the Barton Creek Greenbelt.”* Specifically, this project proposes approximately 1,233 mid-rise multifamily residential units, 467 high-rise dwelling units (up to 275 feet tall), 1,260,000 square feet of office space, 200 hotel rooms, 140,000 square feet of retail and restaurant uses located along private streets with public access easements including an Internal Circulator Route meeting Great Streets standards with activated ground floor uses.

The following points are taken from the applicant’s rezoning application highlighting some of the proposed improvements and features of the planned project:

- Reposition the retail environment from single-use, auto-oriented to mixed-use and walkable will align the physical environment with the social and environmental trends. The density and height proposed for the Brodie Oaks Redevelopment enable the project to meet the vision established in Imagine Austin Comprehensive Plan of an “Activity Center for Redevelopment in Sensitive Environmental Areas” including state-of-the-art development practices to improve stormwater retention and water quality flowing into the Edwards Aquifer Recharge Zone and Barton Creek Zone. The Brodie Oaks Redevelopment will provide an environmentally superior project that complies with the SOS Water Quality Standards. Reducing impervious cover from 84 percent to 54 percent, complying with SOS water quality standards. Eliminate nearly 4 acres of untreated runoff from buildings and parking currently draining directly into the Barton Creek Greenbelt. The proposed plan will allow only water from open space to leave the site. Plant native or native adaptive trees and vegetation and be committed to a Tree Health and Maintenance Plan. Save or move the many of the heritage trees on the site.
- Restore over 25 percent of the site to open space adjacent to the Barton Creek Greenbelt, which is made possible through building up to 275’ tall along the Loop 360 and S. Lamar Boulevard frontage.

PUD

- All buildings will have direct pedestrian connections from entrance to adjacent streets. Provide shade trees or shade structures along all streets. The Brodie Oaks Redevelopment provides transit-supportive densities within walking distance of the high-capacity MetroRapid Route 803 transit stop as called for in Imagine Austin. Discuss the coordination of a Purple Line high capacity MetroRapid Route 803 transit stop. A shared parking strategy and a travel demand management plan is included in PUD Submission 1.
- Create a shared-use path of approximately 2,500 linear feet extending from S. Lamar Boulevard to Park Road that will run along the park's edge and be used for mobility and recreation uses. Constructing a designated trailhead and connection to the Barton Creek Greenbelt with signage, trash disposal and parking. Provide a network of active trails, public sidewalk, and install a publicly accessible trailhead into the Barton Creek Greenbelt.
- At least 80 percent of the parking will be underground or in parking structures. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles. The project will also provide a network of up to 6,000 feet of active trails, 10,000 feet of sidewalk, and an intentional trailhead to the Barton Creek Greenbelt and Violet Crown Trail including trail access, wayfinding, and interpretive materials, as well as access to parking and restrooms. Restore and transform approximately 21-acres of surface parking lots and drive aisles and approximately 8-acres of single use office and retail buildings to a vibrant neighborhood and destination for South Austin.
- Provide a bike share station, bike parking, lockers, and showers. Pedestrian and bicycle access and connectivity strategies include the funding or construction of pedestrian and bicycle amenities and infrastructure on roadways and at intersections that people would use to access the Project site. Examples of pedestrian and bicycle access and connectivity features include bike lanes, bike boxes, sidewalks, curb ramps, crosswalks, bicycle signal heads, and pedestrian-hybrid beacons.

- Designate 10 percent of the ‘bonus’ area of both residential and non-residential square footage for affordable housing on-site regardless of ownership or rent.
- Track and Certify each building to meet 3-star minimum Austin Energy Green Building Star Rating System.
- Track development-wide performance using latest applicable version of the LEED ND and commit to full LEED ND submission after PUD approval. Brodie is currently formally registered with LEED ND as of 9/22/2021.
- Commit to SITES Silver certification for Parkland.
- Commit to the installation of a minimum of two art installations from local artists and the incorporation of performance venues. A central green will be developed and programmed for events and entertainment acting as the central core of food and beverage options. Parkland dedication will be met through parks that enlarge Gus Fruh Park. The remainder of the parkland dedication requirement will be paid with fee-in-lieu. Use creative design and the incorporation of public art and performance venues. Biophilic design, energy and water conservation and the use of regional architectural styles and materials will all help contribute to the South Austin character.

Connectivity

This site is adjacent to CapMetro’s Metro Rapid Route 803, along the South Lamar Imagine Austin Corridor. Per the applicant’s agent: *“The Brodie Oaks Redevelopment will support ridership on Capital Metro’s existing high capacity transit route (MetroRapid Route 803) on S. Lamar Boulevard with the development of a high-density, mixed-use project. Shared parking and travel demand management strategies will reduce reliance on single-occupancy vehicles.”* Existing mobility and connectivity options in and around the site are below average and considered unsafe for pedestrians.

Imagine Austin

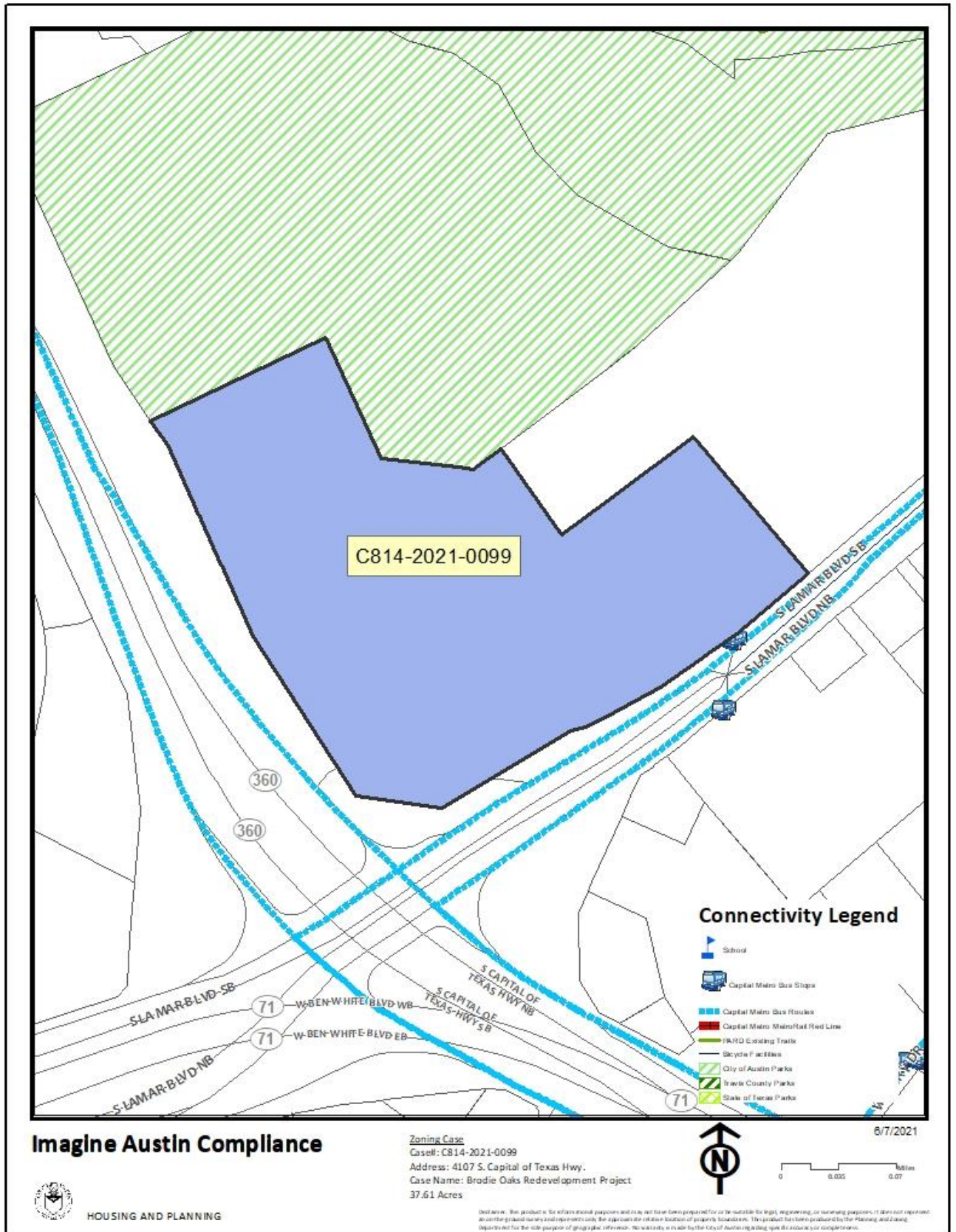
The *Imagine Austin Growth Concept Map* identifies this property as being near one of the five *Activity Center for Redevelopment in Sensitive Environmental Area* as identified on the Imagine Austin Growth Concept Map, found in the *Image Austin Comprehensive Plan (IACP)*. Page 106 of the IACP states, “Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context”. One of the Land Use and Transportation policies, LUT P21 (page 102), clarifies the intent, “Ensure that redevelopment in the Edwards Aquifer’s recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.” Activity Centers are supposed to be walkable, bikeable, and supported by transit.

The property is also located along the South Lamar Activity Corridor. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway - shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings and offices.

The following IACP policies are also applicable to this rezoning case:

- LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based upon the proposed project's *Superiority Table* stating it will meet or exceed a variety of environmental standards, improve connectivity and mobility options in the area, add cultural amenities, and provide an affordable housing component, this PUD appears to support the Imagine Austin Comprehensive Plan policies.



Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

The existing amount of impervious cover on the Brodie Oaks site is approximately 84% and the Applicant proposes to reduce the maximum impervious cover to 56% of the net site area and comply with SOS ordinance standards for non-degradation of water quality. Impervious cover will be tracked by site plan in compliance with Exhibit H – Phasing Plan and will be higher on a site-by-site basis.

Modification of the maximum impervious cover allowed by the SOS Ordinance results in a Code amendment and is posted as a separate agenda item. A supermajority vote of the City Council is required.

Environmental Office – Watershed Protection Department

Please refer to Attachment B.

Environmental Review – Development Services Department

Please refer to Attachment B.

Floodplain:

37.6-acre redevelopment site at S Lamar Blvd and US290/Loop360 in the Barton Creek watershed. Proposed redevelopment is not making improvements in the floodplain; as such no defined floodplain exists on the property since drainage area less than 64 acres. No floodplain review required for this case based on submitted documents. Comments below are standard FYIs.

FYI: As the PUD does not request changes or amendments to floodplain code and criteria, all future applications in the PUD area will be required to meet floodplain regulations in effect at the time of application including but not limited to: prohibition of new buildings and parking located in the floodplain, requirements to demonstrate that all proposed development activities located within the floodplain do not adversely impact the floodplain on other property and all other floodplain regulations.

FYI: Our understanding of flood risk in Austin is changing. What is now known as the 500-year floodplain is a good representation of what the 100-year floodplain will be according to a National Weather Service publication called Atlas 14. This could affect the layout of this development, including the location of lots, drainage easements, buildings, parking, and

roadways. The City will likely be using the current 500-year floodplain as the design floodplain for residential and commercial building permit review in the near future. In order to minimize flood risk to our community and better ensure that all the lots in this PUD can be developed in the future, the City of Austin recommends that you consider the 500-year floodplain as a surrogate for the 100-year floodplain when designing this development within the PUD area.

Office of Sustainability:

The *Brodie Oaks Redevelopment Superiority Table* submitted with the PUD application outlines strategies to incorporate many of the elements in the Carbon Impact Statement (CIS), including:

- Location of transit on the adjacent Lamar Blvd
- Creating of bicycle facilities
- Creating a walkable landscape with access to trails
- Provide showers and indoor bicycle parking
- Location in an Imagine Austin activity center or corridor. ***Please refer to Attachment E.***

Site Plan

Staff has verified that per LDC Section 25-2-1051(B) (*Applicability*), parkland does not trigger compatibility standards.

As shown below, compatibility standards to parkland are exempted based on LDC Section 25-2-1052 (D) (*Exceptions*).

(D) This article does not apply to a passive use, including a park and hike and bike trail, in the 100-year flood plain if:

- (1) the requirements of Chapter 25-8 (*Environment*) are met; and
- (2) The use is within an easement dedicated to the City, if applicable.

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, Section 25-6-142]. ***Please refer to Attachment A.***

Austin Water Utility

The Brodie Oaks PUD submitted a completed version of Austin Water's Water Balance Calculator tool to assess non-potable demands and determine available alternative water supplies for the development.

The Brodie Oaks PUD shall use alternative water sources, either onsite sources or municipal reclaimed water, within the development for all non-potable uses such as irrigation, cooling and toilet/urinal flushing applications.

FYI: Service Extension Requests 4969 and 4970 are currently in review and must be approved prior to formal development plan approval per Utilities Criteria Manual 2.5.1(F)(13). For status, contact Katie Frazier at (512)-972-0232 or Katie.Frazier@austintexas.gov.

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, water or wastewater easements, utility relocations and/or abandonments required by the proposed land uses. It is recommended that Service Extension Requests be submitted to Austin Water (AW) at the early stages of project planning. Water and wastewater utility plans must be reviewed and approved by Austin Water in compliance with Texas Commission on Environmental Quality rules and regulations, the City's Utility Criteria Manual, and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fees 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.

Typical water system operating pressures in the area are above 65 psi. Pressure reducing valves reducing the pressure to 65 psi (552 kPa) or less to water outlets in buildings shall be installed in accordance with the plumbing code.

All AW infrastructure and appurtenances must meet all TCEQ separation criteria.

Additionally, AW must have adequate accessibility to safely construct, maintain, and repair all public infrastructure. Rules & guidelines include:

1. A minimum separation distance of 5 feet from all other utilities (measured outside of pipe to outside of pipe) and AW infrastructure.
2. A minimum separation distance of 5 feet from trees and must have root barrier systems installed when within 7.5 feet.
3. Water meters and cleanouts must be located in the right-of-way or public water and wastewater easements.
4. Easements AW infrastructure shall be a minimum of 15 feet wide, or twice the depth of the main, measured from finished grade to pipe flow line, whichever is greater.

5. A minimum separation of 7.5 feet from center line of pipe to any obstruction is required for straddling line with a backhoe.
6. AW infrastructure shall not be located under water quality or detention structures and should be separated horizontally to allow for maintenance without damaging structures or the AW infrastructure.
7. The planning and design of circular Intersections or other geometric street features and their amenities shall include consideration for access, maintenance, protection, testing, cleaning, and operations of the AW infrastructure as prescribed in the Utility Criteria Manual (UCM)
8. Building setbacks must provide ample space for the installation of private plumbing items such as sewer connections, customer shut off valves, pressure reducing valves, and back flow prevention devices in the instance where auxiliary water sources are provided.