ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0042 – 1300 West Dittmar

Z.A.P. DATE: June 5, 2012

Road Rezoning

ADDRESS: 1300 West Dittmar Road

OWNERS: Graham Mortgage Corp.

AGENT: Thrower Design

(Grant S. Morrow) (Ron Thrower)

ZONING FROM: SF-6-CO

TO: SF-6-CO,

AREA: 42.029 acres

to change a condition of zoning

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant the Applicant's request to remove the Conditional Overlay that limits height for a building or structure to 20 feet.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

June 5, 2012: TO GRANT THE APPLICANT'S REQUEST TO REMOVE THE CONDITIONAL OVERLAY THAT LIMITS HEIGHT FOR A BUILDING OR STRUCTURE TO 20 FEET, AS RECOMMENDED BY STAFF.

[S. BALDRIDGE; G. ROJAS - 2ND] (7-0)

ISSUES:

The Matthews Lane Neighborhood Association (MLNA) has provided a letter of support for the Applicant's request to remove the Conditional Overlay that limits height for a building or structure to 20 feet.

DEPARTMENT COMMENTS:

The rezoning area extends between Dittmar Road on the south, and Damon Road, Albert Lane and Sherwood Road on the north, and the Missouri-Pacific railroad tracks on the west. The remainder of the former Brown School property forms the east boundary, along with manufactured homes of the Brownleaf Estates subdivision. South Boggy Creek, the Longhorn pipeline and an active natural gas pipeline extend through the southern portion of the site, at its narrowest width. The creek and pipelines present a challenge in site layout, but also provide the opportunity to cluster residential development. With the exception of the school facility, the surrounding area consists of residential uses, on lots of varying sizes.

The subject rezoning area represents a portion of the former Brown School facility (a hospital services (general) use), is undeveloped and zoned townhouse and condominium residence – conditional overlay (SF-6-CO) district by a 2005-06 case. The Conditional Overlay limits development of the property to 252 dwelling units (6 u.p.a.), establishes a height limit of 20

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feet, prohibits access to Damon Road, and establishes that vehicular access to Sherwood Road shall function as a secondary access point only. A Restrictive Covenant for the conditions of the Neighborhood Traffic Analysis accompanied the rezoning to SF-6-CO. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (2006 Rezoning Ordinance).

The Applicant has requested a change to the Conditional Overlay to remove the provision which limits height of a building or structure to 20 feet. All other provisions of the Conditional Overlay would remain unchanged. The Staff is recommending the Applicant's request for the following reasons: 1) the maximum height allowed by the adjacent development reserve (DR) and all single family (SF-1 through SF-6) zoned properties is 35 feet; and 2) compatibility standards which limit placement and height of the townhouse /condominium use and its accessory structures will be applied to properties zoned or used for single family residential purposes.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES	
Site	SF-6-CO	Undeveloped	
North	DR	Single family homes; Manufactured homes	
South	SF-4A; SF-2; P	Single family residences; City park and recreation facility	
East	GO; MH; SF-2	Neurological treatment center; Manufactured homes; Single family residences	
West	SF-2-CO; SF-2; SF- 3; DR; W/LO-CO; LO-CO	Railroad tracks; Single family residences; Church; Undeveloped; Manufactured homes	

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 26 Far South Austin Community Association
- 39 Matthews Lane Neighborhood Association
- 511 Austin Neighborhoods Council
- 627 Onion Creek Homeowners Association
- 658 Texas Oaks North Neighborhood Association
- 742 Austin Independent School District
- 786 Home Builders Association of Greater Austin 1075 League of Bicycling Voters
- 1037 Homeless Neighborhood Association
- 1200 Super Duper Neighborhood Objectors and Appealers Organization
- 1224 Austin Monorail Project
- 1228 Sierra Club, Austin Regional Group
- 1236 Real Estate Council of Austin, Inc. 1340 Austin Heritage Tree Foundation

SCHOOLS:

Casey Elementary School

Bedichek Middle School

Charles Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0096 -	DR; SF-2; SF-3	To Grant GO-CO	Apvd. GO-CO as
Legacy Oaks	to GO-CO	w/CO for max. 45',	Commission rec. (7-
Christian School -		prohibit several uses,	26-06).
7915 Manchaca Rd.		access to Baxter	
		Springs Rd., 2,000	
		vehicle trips/day	
C14-02-0103 -	DR to SF-3;	To Grant SF-4A	Approved SF-4A (11-
Dittmar Rezoning -	Amended to SF-		21-02).
1700-1800 Blk. of	4A		
Dittmar Rd.			

RELATED CASES:

The proposed rezoning area, as well as the adjacent property to the east, was part of the Brown School facility, a hospital services (general) use, and rezoned from general office (GO) to SF-6-CO district in April 2006 (C14-05-0091 – Lelah's Crossing).

A Restrictive Covenant Amendment was considered in conjunction with the 2005 rezoning case to delete a 1985 provision that if the hospital (general) use was discontinued, then the owner would not object to a zoning rollback to the rural residence (RR) district (C14-85-055(RCA)). The Restrictive Covenant Amendment only applied to this portion of the former Brown School facility.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
West Dittmar Road	90 feet	MAD2	Arterial (4,319)
Damon Road	50 feet	28 feet	Local
Sherwood Road	56 feet	20 feet	Local
Albert Road	50 feet	Not constructed	Local
	(18)	through property	

- Dittmar Road has been reconstructed (widened) from a minor 2-lane arterial, undivided road to a major 2-lane arterial, divided road, between Manchaca Road and South First Street.
- There are existing sidewalks along Dittmar Road.
- Capital Metro bus service is not available within 1/4 mile of this property.
- Dittmar Road is classified in the Bicycle Plan as a Bike Route No. 84.

CITY COUNCIL DATE: August 2, 2012

ACTION:

ORDINANCE READINGS: 1st

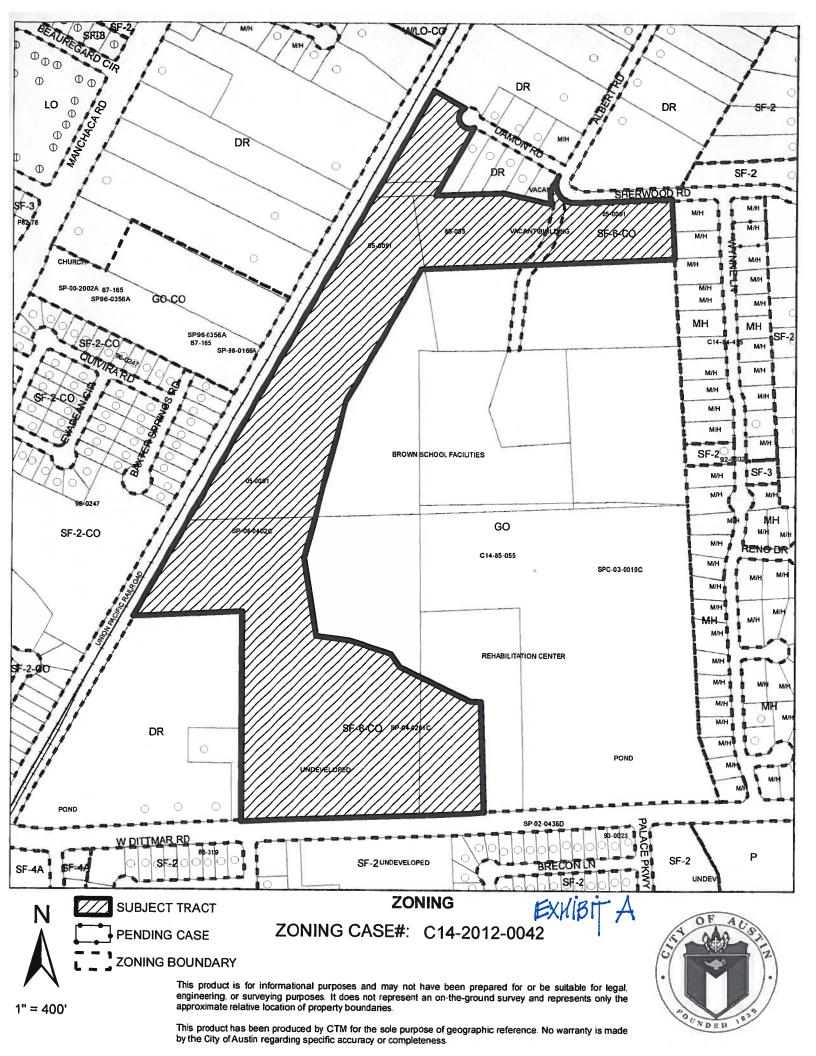
2nd

3rd

ORDINANCE NUMBER:

<u>CASE MANAGER:</u> Wendy Rhoades e-mail: wendy.rhoades@austintexas.gov

PHONE: 974-7719





ORDINANCE NO. 20060427-045

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1300 WEST DITTMAR ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND GENERAL OFFICE (GO) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from development reserve (DR) district and general office (GO) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-05-0091, on file at the Neighborhood Planning and Zoning Department, as follows:

A 42.029 acre tract of land, more or less, out of the William Cannon League, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 1300 West Dittmar Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

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

- 1. Development of the Property may not exceed 252 dwelling units.
- 2. Development of the Property may not exceed 6 dwelling units per acre.
- 3. The maximum height of a building or structure on the Property is 20 feet from ground level.
- 4. Except as provided in Subsection 5 of this Part 2, vehicular access from the Property to Damon Road and Sherwood Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- 5. Vehicular access from the Property to Sherwood Road shall function as a secondary access point only.

EXHIBITB

6. A site plan or building permit for the Property may not be approved, released or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the townhouse and condominium residence (SF-6) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on May 8, 2006.

PASSED AND APPROVED

, 2006	8 8 	Win Wu	
		Will Wynn Mayor	
David Allan Smith City Attorney	ATTEST:	Shirley A. Gentry City Clerk	



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SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant the Applicant's request to remove the Conditional Overlay that limits height for a building or structure to 20 feet.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The SF-6, townhouse and condominium residence district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The applicant intends to develop the property with a condominium project consisting of two attached condominium units per structure.

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

The Staff is recommending the Applicant's request for the following reasons: 1) the maximum height allowed by the adjacent development reserve (DR) and all single family (SF-1 through SF-6) zoned properties is 35 feet; and 2) compatibility standards which limit placement and height of the townhouse /condominium use and its accessory structures will be applied to properties zoned or used for single family residential purposes.

EXISTING CONDITIONS

Site Characteristics

The site is undeveloped. South Boggy Creek extends through the southern portion of the site There are two active, underground pipelines that extend through this property and continue to the northwest: one is natural gas liquids and the other carries refined products (Longhorn). The Pipeline Ordinance applies to all new construction and establishes a 200-foot wide setback from a hazardous pipeline.

Impervious Cover

The maximum impervious cover allowed by the SF-6 zoning district would be 55%, which is a consistent figure between the zoning and watershed regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the South Boggy Creek and Williamson Creek Watersheds of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps, there is a floodplain within the project boundary. Based upon the close proximity of floodplain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

• Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

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

Transportation

No additional right-of-way is required.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117].

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water and wastewater utility plans must be reviewed and approved

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by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

This tract is undeveloped. Any new construction on this site would be subject to compatibility development regulations due to the existing DR, SF-2-CO and SF-2 zoned properties to the north, south, east and west, and would be subject to the following requirements:

The site is subject to compatibility standards. Along the north, south, east and 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.
- \cdot 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.

June 4, 2012

RE:

C14-2012-0042

Corly

1300 West Dittmar Road

Rezoning - Removal of Conditional Overlay

To: Zoning And Platting (ZAP) Commission:

The purpose of this letter is to notify ZAP that we held a neighborhood meeting to discuss the proposed removal of the 20' height restriction (Conditional Overlay) and the Neighborhood Association finds the removal of the height restriction to be acceptable. We are in favor of the zoning change from SF-6-CO to SF -6.

Sincerely,

Carol Moya

Acting President - Matthews Lane Neighborhood Association

Rhoades, Wendy

From:

Prettyman, Ed <Ed.Prettyman@uhsinc.com>

Sent:

Tuesday, June 05, 2012 2:34 PM

To:

Rhoades, Wendy

Subject:

Notice of Public Hearing For Rezoning Case Number: C14-2012-0042

Attachments:

20120531142857840.pdf

Ms. Rhoades,

I am in support of the change referenced in this attachment.

Thank you,

Ed Prettyman, Psy.D. Chief Executive Officer Texas NeuroRehab Center 1106 W. Dittmar Road Austin, Tx 78745

Tel.: 512-444-4835 Fax: 512-462-6709

UHS of Delaware, Inc. Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution of this information is prohibited, and may be punishable by law. If this was sent to you in error, please notify the sender by reply e-mail and destroy all copies of the original message.



NOTICE OF PUBLIC HEARING FOR REZONING

Mailing Date: May 25, 2012

Case Number: C14-2012-0042

Este aviso le informa de una audiencia pública tratando de un cambio de zonificación dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-7668.

The City of Austin has sent this letter to inform you that we have received an application for rezoning of a property. We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Project Location:	1300 West Dittmar Road
Owner:	Graham Mortgage Corp., Grant S. Morrow, 214-522-6400
Applicant:	Thrower Design, A. Ron Thrower, 512-476-4456

Proposed Zoning Change:

From: SF-6 -CO - Townhouse and Condominium Residence district is intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use, without the spacing and locational requirements for townhouses and condominiums that apply in SF-5. This district is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate. CO - Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

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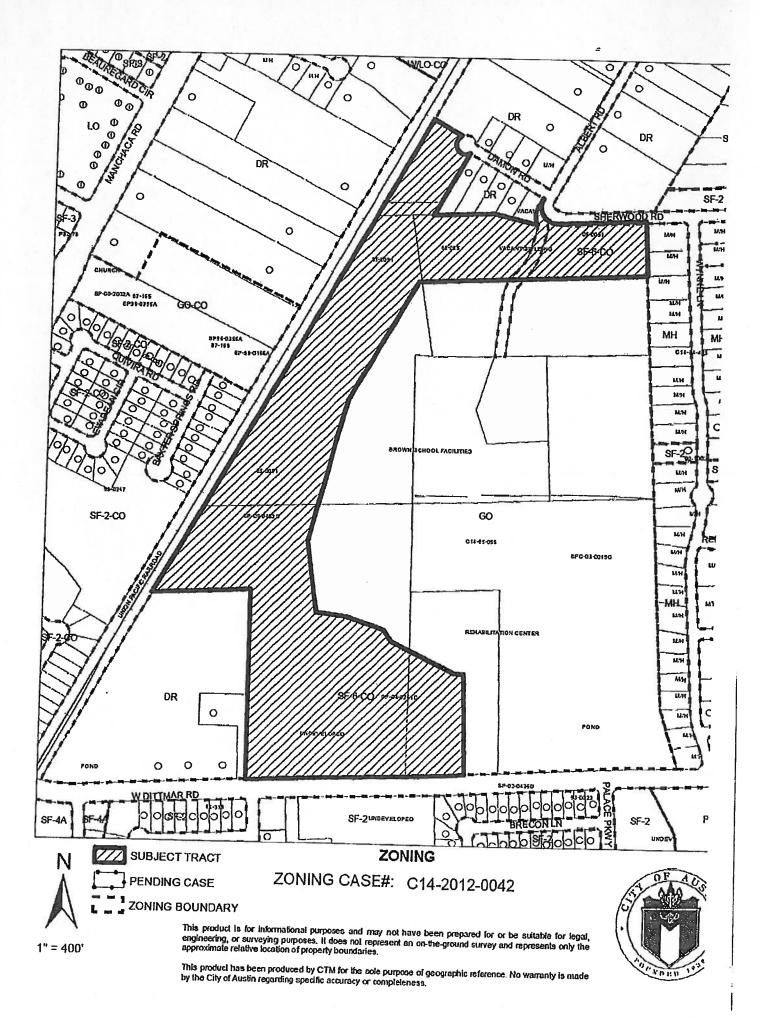
Nature of Rezoning: The Applicant proposes to change a Conditional Overlay which would allow for an increase in the height limit of a building or structure from 20 feet up to 35 feet.

This application is scheduled to be heard by the Zoning and Platting Commission on June 5, 2012. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

This application is scheduled to be heard by the City Council on August 2, 2012 at City Hall Council Chambers, 301 West 2nd Street beginning at 2:00 p.m.

You can find more information on this application by inserting the case number at the following Web site: https://www.ci.austin.tx.us/devreview/a queryfolder permits.jsp. If you have any questions concerning the zoning change application please contact, Wendy Rhoades of the Planning and Development Review Department at 974-7719 or via email at Wendy.Rhoades@austintexas.gov and refer to the Case Number at the top right of this notice. The case manager's office is located at One Texas Center, 5th Floor, 505 Barton Springs Road, Austin, Texas. You may examine the file at One Texas Center between the hours of 7:45 a.m. and 4:45 p.m., Monday through Friday.

For additional information on the City of Austin's land development process, please visit our web site at: www.ci.austin.tx.us/development.



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:

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

City of Austin

Austin, TX 78767-8810

www.ci.austin.tx.us/development

comments should include the board or commission's name, the scheduled am in favor Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your ROAD V I object Date Public Hearing: June 5, 2012, Zoning and Platting Commission If you use this form to comment, it may be returned to: c obstacles August 2, 2012, City Council Contact: Wendy Rhoades, 512-974-7719 2 A *yication* SARO 5/2 444 STRIDED Case Number: C14-2012-0042 Signature 0 Your address(es) affected by this * Crit 6/2me Volume 1269 Dungs/eps ARe 1001 TAD lease print Rober listed on the notice. Ko Jech bak Daytime Telephone: Your Name (y N YRROW Comments: 15 NOT Bulc

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www.ci.austin.tx.us/development

I am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your object Public Hearing: June 5, 2012, Zoning and Platting Commission Brisker If you use this form to comment, it may be returned to: Daytime Telephone: 512-642-5526 August 2, 2012, City Council Contact: Wendy Rhoades, 512-974-7719 HAYFORET WOOD R Planning & Development Review Department Your address(es) affected by this application NATH AT JENNINGS Case Number: C14-2012-0042 Signature Your Name (please prin Austin, TX 78767-8810 listed on the notice. Wendy Rhoades City of Austin P. O. Box 1088 Comments:

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Wendy Rhoades

P. O. Box 1088

City of Austin

Austin, TX 78767-8810

www.ci.austin.tx.us/development

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Austin, TX 78767-8810

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WANT TO LINE THEIR POCKETS WITH MONEY, Comments: PLEASE DON'T RUIN MY NEIGHBORKOD! TO PUT 3 STORY HIGH APARTMENTS PAVED PARADISE PUT UP A DARKING LOT!" JANIS JOPEIN SANG SOMETHING LIKE" THEY JUNE 5 2012 TREE, FOX, HAWKS AND ONE AND TWO WITH HUGE PARKING LOTS WHERE THERE'S comments should include the board or commission's name, the scheduled ☐ I am in favor Written comments must be submitted to the board or commission (or the 175 A QUIET PLACE, THESE DEVELOPERS date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your HOUSES. THESE PEOPLE 305T S-fobject Public Hearing: June 5, 2012, Zoning and Platting Commission Daytime Telephone: (STA) 669 - 2360 If you use this form to comment, it may be returned to: August 2, 2012, City Council Contact: Wendy Rhoades, 512-974-7719 Your address(es) affected by this application 7506 WYNNE LN Signature Case Number: C14-2012-0042 JEFFREY JUST Your Name (please print) listed on the notice. Family WANT