

**ZONING CHANGE REVIEW SHEET****CASE:** C14-2015-0129 – 7804 Cooper Lane**Z.A.P. DATE:** December 15, 2015

January 19, 2016

February 16, 2016

March 1, 2016

**ADDRESS:** 7804 Cooper Lane**DISTRICT AREA:** 5**OWNER/APPLICANT:** Kimo Mortgage Realty  
Inspection PLLC (Chi-mo Dai)**AGENT:** Rivera Engineering  
(Michael A. Rivera, P.E.)**ZONING FROM:** SF-2-CO**TO:** SF-3-CO**AREA:** 1.402 acres**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant family residence – conditional overlay (SF-3-CO) combining district zoning. The Conditional Overlay limits the number of residential units to four.

**ZONING & PLATTING COMMISSION RECOMMENDATION:**

December 15, 2015: *THE MOTION TO CLOSE THE PUBLIC HEARING AND TO GRANT THE APPLICANT'S REQUEST FOR POSTPONEMENT OF THIS ITEM TO JANUARY 19, 2016 WAS APPROVED BY COMMISSIONER ANN DENKLER, COMMISSIONER THOMAS WEBER SECONDED THE MOTION ON A VOTE OF 7-0; COMMISSIONER DUSTIN BREITHAUP, COMMISSIONER YVETTE FLORES AND COMMISSIONER SUSAN HARRIS ABSENT; 1 VACANCY ON THE COMMISSION.*

*MOTION BY CHAIR GABRIEL ROJAS TO RESCIND AD RECONSIDER PREVIOUS ACTION TO CLOSE THE PUBLIC HEARING AND MOTION TO OPEN THE PUBLIC HEARING WAS SECONDED BY COMMISSIONER BRUCE EVANS, COMMISSIONER SUNIL LAVANI SECONDED THE MOTION ON A VOTE OF 7-0; COMMISSIONER DUSTIN BREITHAUP, COMMISSIONER YVETTE FLORES AND COMMISSIONER SUSAN HARRIS ABSENT; 1 VACANCY ON THE COMMISSION.*

**PUBLIC HEARING TO BE HELD ON JANUARY 19, 2016.**

**STAFF INSTRUCTED TO INVITE REPRESENTATIVES FROM THE FIRE DEPARTMENT TO ANSWER QUESTIONS INCLUDING GUIDELINES FOR AN EVACUATION PLAN.**

January 19, 2016: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO FEBRUARY 16, 2016*

*[T. WEBER; S. LAVANI – 2<sup>ND</sup>] (10-0) 1 VACANCY ON THE COMMISSION*

February 16, 2016: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MARCH 1, 2016*

*[A. DENKLER; J. KIOLBASSA – 2<sup>ND</sup>] (9-0) J. GOODMAN – ARRIVED LATE; S. LAVANI – ABSENT*

March 1, 2016:

**ISSUES:**

The Applicant revised the lot layout after the December 15<sup>th</sup> Zoning and Platting Commission meeting after reviewing the provisions of Land Development Code Section 25-4-134 (*Hazardous Pipelines*) which does not permit a residential lot to include a hazardous pipeline if it is less than one acre in size.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of an unplatted, undeveloped tract that sits at the northwest corner of West Dittmar Road and Cooper Lane and is zoned single family residence-standard lot – conditional overlay (SF-2-CO) district zoning by a 1996-1997 case. Dittmar Road is a divided arterial road at this location. The Conditional Overlay as it applies to this property 1) prohibits vehicular access to Cooper Lane, 2) prohibits driveway access to Dittmar Road, 3) limits daily vehicle trips, and 4) requires right-of-way dedication on Cooper Lane and Dittmar Road. It should be noted that the entire site is located within a hazardous pipeline overlay and a petroleum pipeline extends through the northern portion of the site and a natural gas liquids pipeline extends through the very northernmost portion of the site.

There is a separate pipeline easement, religious assembly and church to the north (DR; NO-MU-CO; SF-6-CO); warehouses, pipelines and a condominium development under construction to the east (DR; SF-2, MF-1-CO); single family residences, a couple of manufactured homes, a two-family residence and South Boggy Creek to the south (SF-4A-CO; I-RR; SF-3-CO and SF-2); and a detention and water quality facility and single family residences to the west (SF-2-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (1997 Rezoning Ordinance).

The Applicant has requested family residence (SF-3-CO) district zoning in order to enable the property to be built with two duplex lots, for a total of four units. As shown in the conceptual subdivision and building pad layouts, the duplex lots would be located outside of the easement and along Dittmar Road, and would either be served by a joint driveway allowing right turn in, right turn out along Dittmar Road (Exhibit C) or a second option of providing one driveway for the lot with its sole frontage on Dittmar Road and one driveway for the corner lot located at Cooper Lane and Dittmar (Exhibit D). A non-residential lot containing the pipeline and related easements would also be created.

Regarding the proposed dwelling units, a 50-foot building setback is required from the gas lines (as verified by a survey), and additional building construction and design standards are

required for the residential units, such as sprinklering, restriction on location of and materials to be used such as rated glass windows, steel clad / solid core doors, and non-combustible material (such as metal) roofs.

The SF-3 district allows for a greater variety of housing types to occur, including single family residences, two-family use (defined as one single family residence, plus a second detached unit not to exceed 1,100 square feet) and duplex use. As information, the SF-3 district does not permit an accessory dwelling unit in addition to duplex construction. A multi-family residence (MF) zoning district is necessary for the construction of more than two dwelling units on a lot or site.

Staff believes duplexes and two family residences are not incompatible with detached single family residences, and can be successfully incorporated into the existing residential area which includes SF-2, SF-4A and SF-6-CO zoned land and lots. Staff recognizes the additional encumbrances created by the adjacent pipelines, but thinks that SF-3 zoning limited to four residential units is a reasonable use of the property, given that additional construction and design standards will be required.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2-CO	Undeveloped
<i>North</i>	DR; NO-MU-CO; SF-6-CO;	Pipeline easement; Church; Telecommunications tower; Single family residences and outbuildings on large tracts
<i>South</i>	SF-4A-CO; I-RR; SF-3-CO	Single family residences; Manufactured home; Two family residence
<i>East</i>	MF-1-CO; SF-2; DR	Under construction for 41 condominium units; Pipeline easement; Warehouses; A couple of single family residences on large lots
<i>West</i>	SF-2-CO	Detention and water quality pond; Single family residences within the Taylor Estates Section I subdivision

**AREA STUDY:** N / A

**TIA / NTA:** Is not required at this time

**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

742 – Austin Independent School District

1228 – Sierra Club, Austin Regional Group

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1374 – Friends of Williams Elementary

1424 – Preservation Austin

1429 – Go!Austin / Vamos!Austin (GAVA) – 78745

1447 – Friends of the Emma Barrientos MACC      1528 – Bike Austin

1530 – Friends of Austin Neighborhoods

### **SCHOOLS:**

Williams Elementary School

Bedichek Middle School

Crockett High School

### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2015-0061 – Townbridge Homes Rezoning – 7513 and 7603 Cooper Ln	DR; SF-2 to SF- 6	To Grant SF-6-CO w/CO for 30 stand- alone units, 10' vegetative buffer along the southernmost property line w/replacement provisions, pedestrian and bike access along the north, east and south property lines	Apvd SF-6-CO w/an add'l provision to prohibit the use of gated access on the property on 1 <sup>st</sup> Rdg (11-12-2015). Scheduled for 2 <sup>nd</sup> /3 <sup>rd</sup> Rdgs on 12-10-2015.
C14-2014-0052 – Cooper Lane Rezoning – 7405, 7409 and 7415 Cooper Ln	DR; SF-2 to SF- 6-CO, as amended	To Grant SF-6-CO w/CO for a max of 65 units, 25' vegetative buffer along the north property line, restrict uses to sf, townhouse/condo, and the conds. of the Neighborhood Traffic Analysis, and add'l conds. for full access to Sir Gawain, sidewalks to Sir Gawain and Cooper Ln, stub-out to property to south between Lots 43 and 54 (refer to Concept Plan), traffic calming device on private street close to Sir Gawain, and secondary entrance/exit to Cooper Ln.	Apvd as SF-6-CO with a Restrictive Covenant as Commission recommended (8-28- 2014). <u>Note:</u> Site plan apvd for 65 two-story condo units w/drives, sidewalks, utilities, drainage and other associated improvements on 9.86 acres.
C14-2014-0049 – Cooper Villas –	CS-CO to MF-1	To Grant MF-1-CO w/CO prohibiting	Apvd MF-1-CO as ZAP recommended (6-

7805 Cooper Ln		residential uses	26-2014).
C14-05-0161 – Prunty Tracts – 7720 S 1st St; 7801-7805 Cooper Ln; 630-640 Dittmar Rd	DR; LO to CS for Tract 1; MF- 1 for Tract 2	To Grant CS-CO for convenience storage and plant nursery and all W/LO uses on Tract 1, and MF-1-CO for Tract 2; 2,000 trips across Tracts 1 & 2	Apvd CS-CO and MF- 1-CO as ZAP recommended (12-15- 2005). Note: Site Plan apvd for 41 one-story condo units w/parking, pond, rain garden, pool & amenity center on 3.82 acres.
C14-02-0069 – New Life Assembly of God, Inc. – 7612 Cooper Ln	DR to LO	To Grant NO-MU-CO w/CO limited to day care (general) and permitted SF-2 uses with building and impervious cover limited to SF-2 development regulations.	Apvd NO-MU-CO as ZAP recommended (8- 29-2002).
C14-02-0039 – Della – 7600 ½ Cooper Ln	DR to SF-6	To Grant SF-6-CO, to allow for a telecommunications tower, with SF-2 development standards.	Apvd SF-6-CO zoning as ZAP recommended (6-27-2002).
C14-02-0018 – Della – 7600 ½ Cooper Ln	DR to MF-1	Withdrawn	N/A

**RELATED CASES:**

The property was annexed into the full purpose City limits on November 15, 1984 (C7A-83-017 A).

The subject property as well as the property within the Taylor Estates Section I subdivision to the west was rezoned to SF-2-CO in April 1997 (C14-96-0126 – Cedar Khayat Properties). The Conditional Overlay prohibits vehicular access to Cooper Lane and Reno Drive, prohibits driveway access to Dittmar Road, limits daily vehicle trips to 2,000 and requires right-of-way dedication on Cooper Lane and Dittmar Road.

There are no subdivisions or site plans in process on the subject property.

**EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cooper Lane	53 – 137 feet	36 feet	Collector	Yes	Yes; shared lane; Route # 82	Yes
Dittmar Road (Davis Lane in AMATP)	90 feet	60 feet	Arterial	Yes	Yes; bike lane; Route # 84	Yes

**CITY COUNCIL DATE:** February 11, 2016**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov**PHONE:** 512-974-7719



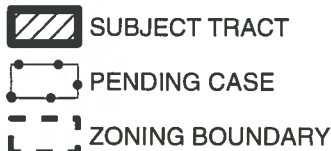


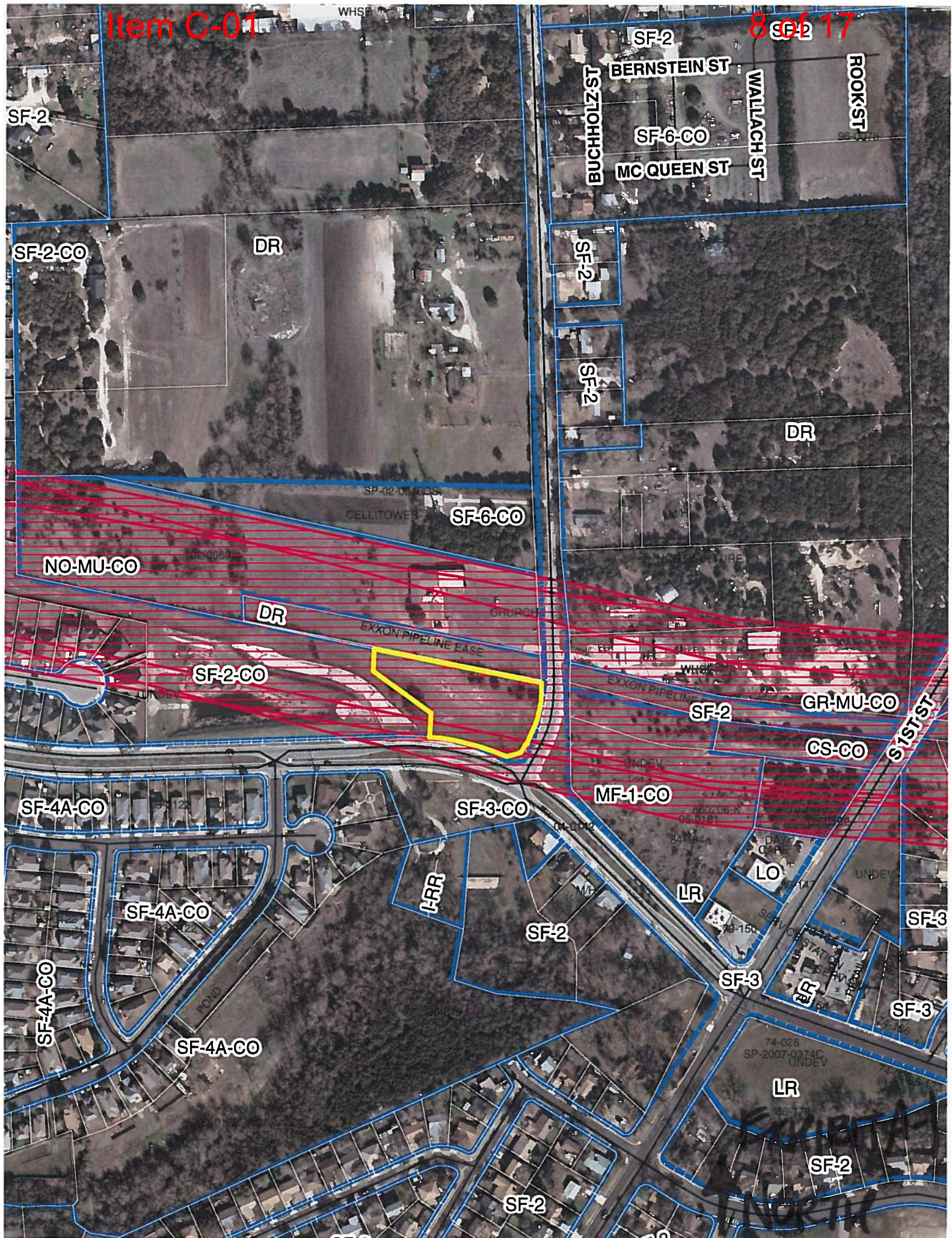
EXHIBIT A



This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made

1"-2000'







**ORDINANCE NO. 970424-K**

**AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE CITY CODE AS FOLLOWS:**

**23.355 ACRE TRACT OF LAND OUT OF THE WILLIAM CANNON LEAGUE, FROM "I-RR" INTERIM RURAL RESIDENCE DISTRICT TO "SF-2" SINGLE FAMILY RESIDENCE DISTRICT (STANDARD LOT)-CONDITIONAL OVERLAY COMBINING DISTRICT, LOCALLY KNOWN AS THE PROPERTY LOCATED AT WEST DITTMAR ROAD AND COOPER LANE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.**

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

**PART 1.** The Zoning Map established by Chapter 13-2-22 of the City Code is amended to change the base zoning district from "I-RR" Interim Rural Residence district to "SF-2" Single Family Residence (Standard Lot) district-Conditional Overlay combining district on the property (the "Property") described in File C14-96-0126, as follows:

23.355 acre tract of land out of the William Cannon League, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance,

locally known as the property located at West Dittmar Road and Cooper Lane, in the City of Austin, Travis County, Texas, and as more particularly 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. There shall be no motor vehicular access from the Property to Cooper Lane and to Reno Drive. All motor vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
2. Driveway access from the Property to Dittmar Road is prohibited.

3. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

4. No site plan for development of the Property or any portion of the Property may be approved or released, and no building permit for construction of a building on the Property may be issued, before the dedication of right-of-way in accordance with Section 13-5-9 of the City Code, as follows: 1) up to and including 35 feet of right-of-way from the center line of Dittmar Road, and, 2) up to and including 30 feet of right-of-way of Cooper Lane.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the "SF-2" base district and other applicable requirements of the Land Development Code.

**PART 3.** The Council waives the requirements of Sections 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

**PART 4.** This ordinance takes effect on May 5, 1997.

**PASSED AND APPROVED**

\_\_\_\_\_, April 24, 1997.

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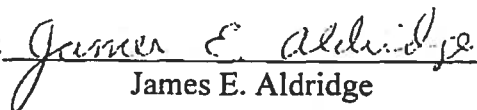
Bruce Todd  
Mayor

APPROVED:

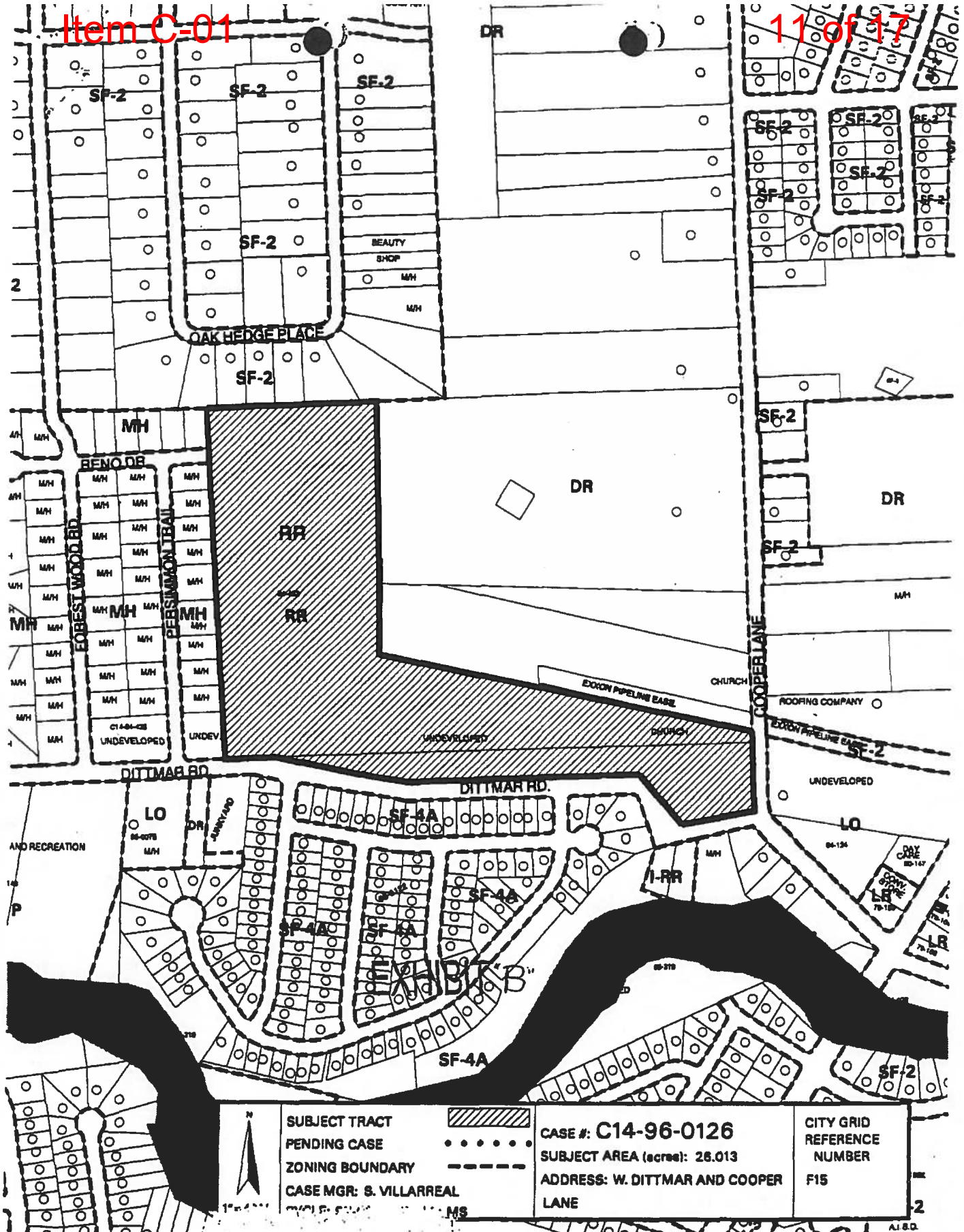


Andrew Martin  
City Attorney

ATTEST:



James E. Aldridge  
City Clerk

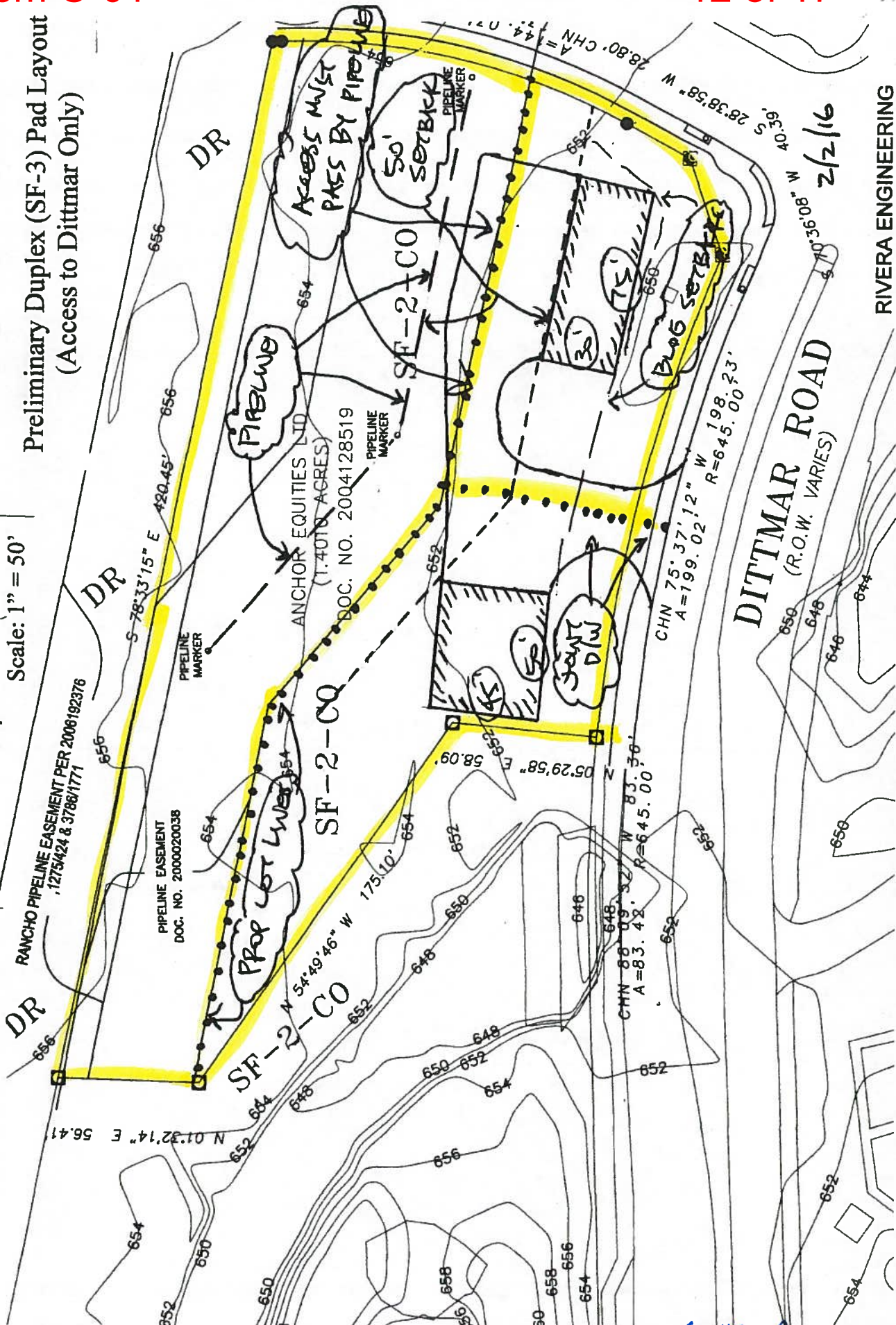




Anchor Equities 1.4 Acre Tract  
Dittmar Road @ Cooper Lane

Anchor Subdivision  
Dittmar Road @ Cooper Lane

Preliminary Duplex (SF-3) Pad Layout  
(Access to Dittmar Only)



RIVERA ENGINEERING

DITTMAR ROAD  
(R.O.W. VARIES)

2/2/16

EXHIBIT C  
JOINT ACCESS TO DITTMAR RD

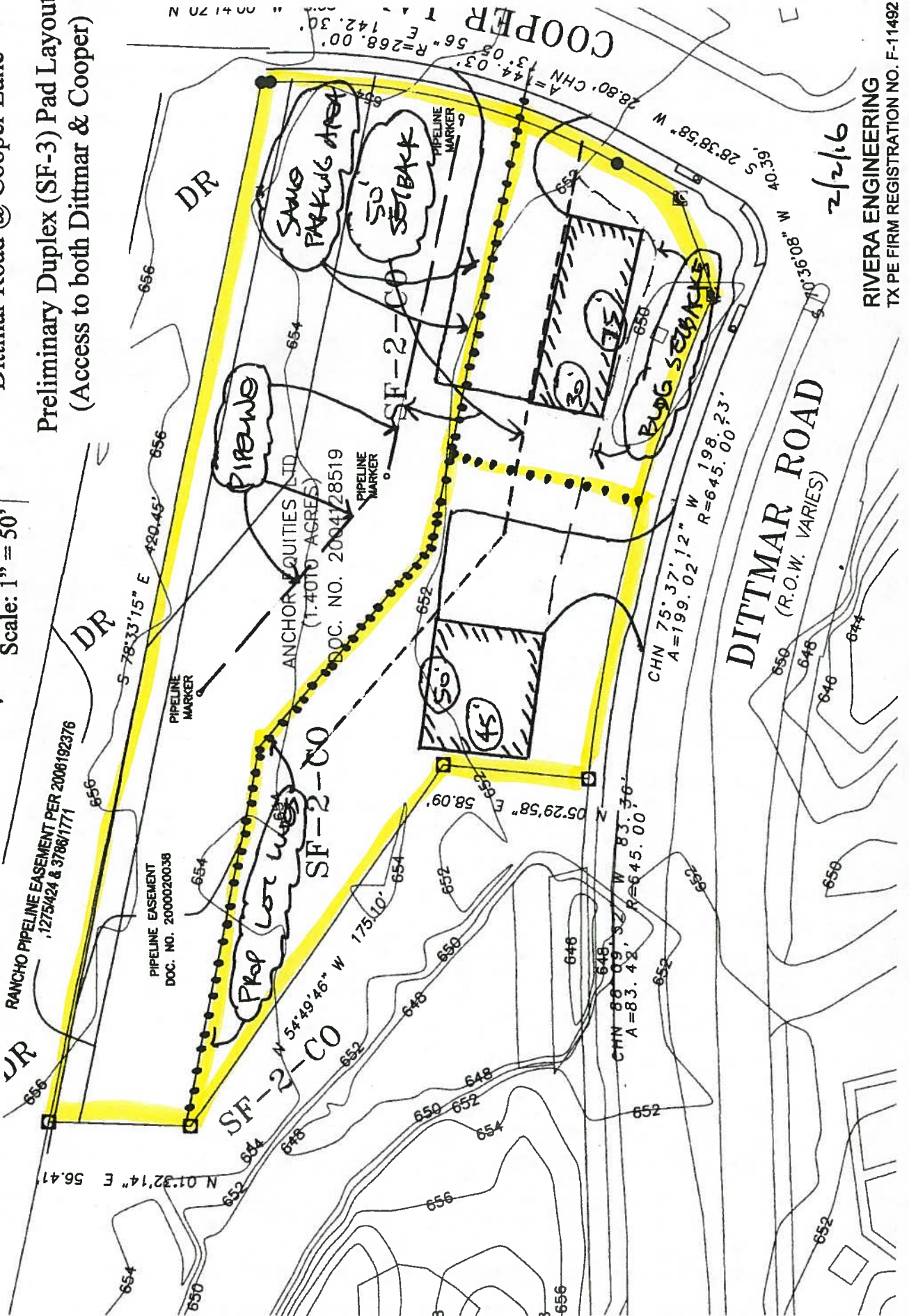


Anchor Equities 1.4 Acre Tract  
Dittmar Road @ Cooper Lane

Anchor Subdivision  
Dittmar Road @ Cooper Lane

Preliminary Duplex (SF-3) Pad Layout  
(Access to both Dittmar & Cooper)

Scale: 1" = 50'



2/2/16

RIVERA ENGINEERING  
TX PE FIRM REGISTRATION NO. F-11492

EXHIBIT D  
ACCESS TO DITTMAR AND COOPER

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant family residence – conditional overlay (SF-3-CO) combining district zoning. The Conditional Overlay limits the number of residential units to four.

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

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

The family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated in an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

- 2. Zoning changes should promote compatibility with adjacent and nearby land uses.*  
*3. Zoning should allow for reasonable use of the property.*

The SF-3 district allows for a greater variety of housing types to occur, including single family residences, two-family use (defined as one single family residence, plus a second detached unit not to exceed 1,100 square feet) and duplex use. Staff believes duplexes and two family residences are not incompatible with detached single family residences, and can be successfully incorporated into the existing residential area which includes SF-2, SF-4A and SF-6-CO zoned land and lots. Staff recognizes the additional encumbrances created by the adjacent pipelines, but thinks that SF-3 zoning limited to four residential units is a reasonable use of the property, given that additional construction and design standards will be required.

**EXISTING CONDITIONS****Site Characteristics**

The site is undeveloped, contains a limited number of trees and is relatively flat. There appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the *SF-3 zoning district* is 45%, which is based on the more restrictive *zoning* regulations.



### **Comprehensive Planning**

This rezoning case is located on the northwest corner of Cooper Lane and Dittmar Road, on an undeveloped piece of property that is approximately 1.38 acres in size. The property is not located with the boundaries of a neighborhood planning area and is surrounded by undeveloped land in all four directions. The existing conditional overlay prohibits vehicular access onto Cooper Lane and Reno Drive and no driveway access onto Dittmar Road, making development on this site difficult. The proposed use is for duplexes.

### **Imagine Austin**

Based on the comparative scale of the site relative to nearby housing and commercial uses, as well as the site not being located along an Activity Corridor (although S. 1<sup>st</sup> Street is located approximately 175 ft. east and is an Activity Corridor) or within an Activity Center as identified on the Imagine Austin Growth Concept Map, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.

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

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

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**

Additional right-of-way may be required at the time of subdivision and/or site plan.

A Neighborhood Traffic Analysis may be required for Cooper Lane and Dittmar Road and is deferred until the time of site plan.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Cooper Lane.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for West Dittmar Road.

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

### **Water and Wastewater**

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his 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 use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria 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 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**

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

This site is subject to the Hazardous Pipeline Ordinance. Review by the Fire Department will be required during the site plan review. The site is located within a pipeline restricted area for the following pipelines: Equilon, Williams, and Southtex.

Development in a restricted pipeline area is regulated by Section 25-2-516. Identification of the actual location of the pipeline will be required during the site plan process.

During site plan review, a certification by a registered engineer stating that the proposed construction activity and structure are designed to prevent disturbing the pipeline or impeding its operation. This will be required before a person may place a road, surface parking lot, or utility line in a restricted pipeline area, LDC, 25-2-516(D)(2).

The site is subject to compatibility standards. Along the west and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- 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.