

## ZONING CHANGE REVIEW SHEET

CASE: C14-2021 -0119 – McHeath 1.48

DISTRICT: 2

ZONING FROM: DR & SF-2 (Tract 1)  
DR (Tract 2)

TO: MF-2

ADDRESS: 911 West Dittmar (Tract 1)  
915 West Dittmar (Tract 2)

SITE AREA: 0.99 acres (Tract 1)  
0.49 acres (Tract 2)  
Total 1.48 acres (64,555 sq. ft.)

PROPERTY OWNER:  
McHeath Ventures, LLC  
(Chris McClearin)

AGENT:  
Bennett Consulting  
(Rodney Bennett)

CASE MANAGER Mark Graham (512-974-3574, [mark.graham@austintexas.gov](mailto:mark.graham@austintexas.gov) )

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant multifamily residence low density (MF-2) district zoning.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

### ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**September 7, 2021**

### CITY COUNCIL ACTION:

**September 30, 2021**

### ORDINANCE NUMBER:

## ISSUES

No issues have been identified at this time.

## CASE MANAGER COMMENTS:

Applicant requests multifamily residence - low density (MF-2) district zoning to build 30 dwelling units on 1.48 acres (64,468 sq. ft.). The rezoning tract has frontage on and access to West Dittmar Road. The rezoning tract is located about 0.5 miles west of South 1<sup>st</sup> St. and almost a mile east of Menchaca Rd. The subject rezoning site is a few hundred feet east of the Dittmar Park and Recreation Center.

The rezoning tract was annexed into the City in November of 1984 with full jurisdiction. The site has two existing zone types: single family residence standard lot (SF-2) district zoning; and development reserve (DR) district zoning. For a buildable lot SF-2 zoning requires a minimum lot size of 5,750 square feet and allows 1 dwelling per lot. Building height in SF-2 is 2 stories and 35 feet. Buildings in MF-2 require a minimum of 8,000 square feet, and multiple dwellings can be built on a lot. Maximum density is 23 dwelling units per acre. The land area of the lot limits the number of dwellings based on the number of bedrooms:

Number of Bedrooms	Required land (square feet)
Efficiency	1,200
1	1,500
2 or more	1800

The applicant is proposing to build up to 30 dwelling units on 1.48 acres of land. One existing dwelling unit would be razed with development. Unit sizes, room counts, and affordability were not addressed in the application.

There is some variety in the neighborhood housing including detached manufactured and mobile homes in the MH zoning north of W. Dittmar Road which is next to SF-2 zoned neighborhoods with single family residences on standard lots. South of W Dittmar Rd., the neighborhood adjacent to the east has single family residence small lot – conditional overlay (SF-4A-CO) district zoning with detached 1 and 2 story residences. Minimum lot size is 3,600 square feet with one dwelling unit per lot. Housing density is about 12 dwelling units per acre. There are a few small developments with MF-1 and MF-2 in the vicinity. One MF-1 development is at Dittmar Rd. and S. 1<sup>st</sup> St called Cooper Villas, built as townhome style, two story homes. Another example is a development north of W. Dittmar Rd. at S. Congress Ave. called Highmark. This example is more recent with 2018 construction in buildings of 2 to 4 dwellings all two story.

### BASIS OF RECOMMENDATION:

The Staff recommendation is to grant the multifamily residence low density (MF-2) district zoning.

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

**Multifamily Residence (Low Density) district** is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single-family neighborhoods, and in selected areas where low density multifamily use is desirable.

The applicant is proposing to develop multifamily residences at about 20 units per acre on the 1.48 acre rezoning tract. The total number of residential units proposed is 30. There are single family neighborhoods in the SF-4A zone district on adjoining properties to the south and east. There are also single family neighborhoods on MH and SF-2-CO zoned land across West Dittmar Rd.

2. *The proposed zoning should satisfy a real public need and not provide special privilege to the owner.*

Increasing housing choice and supporting housing that is more affordable are both housing goals. This location on W. Dittmar Rd. is in a neighborhood that has almost exclusively single family detached housing. The proposed 30 dwelling units would increase housing choice.

This is a good location for this kind of development. It has direct access to a level 2 street serving local mobility and is walkable with sidewalks along both sides of the street. W. Dittmar Rd is also bikeable with on-street paths striped on both sides. While there are no Dittmar bus stops, the CapMetro Trip Planner suggests the 12-minute walk to S. 1<sup>st</sup> Street and then a 26-minute ride on the #10 bus to One Texas Center. First Street is an Imagine Austin Activity Corridor that also provides good bus access into the Central Business District.

3. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Compatibility standards will apply so that there will be increased setbacks and vegetative buffer to the east and south. Building heights will be compatible with the adjacent one and two story homes and promote compatibility with adjacent and nearby uses.

### EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	Tract 1: SF-2 & DR Tract 2: DR	Detached residence (to be razed)
North	(across W. Dittmar Road) SF-2-CO & MH	Single family residences, Mobile home residences

	Zoning	Land Uses
South	SF-4A-CO	Single family residence small lot
East	SF-4A-CO	Single family residence small lot
West	LO, P	Church, Dittmar Park & Recreation Center

NEIGHBORHOOD PLANNING AREA: None

TIA: The Transportation Impact Analysis has been waived for the Zoning Application. The determination is deferred to the Site Plan Application, when land use and intensity will be finalized.

WATERSHED: South Boggy Creek - Suburban

OVERLAYS: None

SCHOOLS: AISD: Casey Elementary, Bedichek Middle, Akins H.S.

#### NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District  
 Austin Lost and Found Pets  
 Austin Neighborhoods Council  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association

Neighborhood Empowerment Foundation  
 Onion Creek Homeowners Assoc.  
 Preservation Austin  
 SELTexas  
 Sierra Club, Austin Regional Group  
 South Austin Neighborhood Alliance (SANA)

#### AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2014-0122 Leboeuf Rezoning 7900 Wynne Ln	MH to SF-1	To grant	Apvd. Ord.# 20140925-129
C14-2021-0105 Wynne Ln Rezoning 7702 Wynne Ln	Rezone 0.42 ac from SF-2 to SF-3	To grant	Scheduled for Council 09/02/21

Number	Request	Commission	City Council
C14-2019-0090 Cooper Lane Rezoning 7410 Cooper Ln	Rezone 5.001 ac from DR to SF-6	To grant	Apvd SF-6-CO on 2 <sup>nd</sup> & 3 <sup>rd</sup> Rdg. Condition: Nbhd Traffic Analysis with site plan. Apvd. 11/14/2019 Ord.# 20191114-075
C14-2015-0129 7804 Cooper Ln	Rezone 1.402 ac from SF-2-CO to SF-3	To grant SF-3-CO with conditions: limit to 4 dwelling units; prohibit vehicular access to Cooper Ln	Apvd. 03/24/2016 Ord.# 20160324-032
C14-96-0126 Cedar Khayat Properties W. Dittmar Rd	Rezone 23.355 ac from I-RR to SF-2	SF-2-CO. Conditions relate to access: 1. No access to Cooper Lane and Reno Drive; 2. No driveway access to Dittmar Rd.; 3. Maximum 2,000 daily vehicle trips; 4. No development until dedication for Dittmar Rd. and Cooper Ln.	Apvd. 04/24/1997 Ord.# 970424-K
C14-04-0142 Dry Creek 639 W Dittmar Rd	From SF-2 to SF-3	To grant SF-3-CO with a condition that requires one joint driveway.	Apvd. 11/18/2004 Ord.# 0411118-Z5
C14-2015-0061 Townbridge Homes Rezoning 7513 & 7603 Cooper Lane	Rezone 4.67 ac from DR & SF-2 to SF-6	To grant SF-6-CO. Conditions: maximum 30 stand-alone units, 10' vegetative buffer, pedestrian and bicycle connections along north, south, and east property lines.	Apvd. 12/17/2015 Ord.# 20151217-087
C14-05-0161 Prunty Tracts 7720 S. 1 <sup>st</sup> St.; 7801- 7805 Cooper Ln; 630- 640 Dittmar Rd	Tract 1: DR to CS. Tract 2: DR & LO to MF- 1	Staff recommended W/LO-CO for Tract 1. Commission approved CS-CO for convenience storage and plant nursery as only CS uses. Tract 1: Rezone from DR to CS-CO. Tract 2:	Council approved Apvd. 12/15/2005 Ord.#20051215-Z006

Number	Request	Commission	City Council
		Rezone from DR & LO to MF-1 CO. Conditions: Both Tracts: maximum daily vehicle trips is 2000. Tract 1 list of 52 Prohibited uses; list of 9 Conditional uses.	
C14-2016-0076 7605 Wynne Ln	Rezone single platted lot from MH to SF-3	To grant	Apvd. 10/13/2016 Ord.# 20161013-035
C14-03-0095 Tolliver Zoning 7705 Wynne Ln	MH to SF-3	To grant	Apvd: 08/28/2003 Ord.# 030828-Z-1
C14-2008-0001	MH to SF-3	To grant	Apvd: 03/06/2008 Ord.# 20080306-062
C14-02-0039 DELLA 7600 ½ Cooper Ln	Rezone 2.71 ac DR to SF-6-CO. Conditions: maximum impervious coverage of 45%; max 7 dwelling units/acre; 8 Prohibited uses.	Approved SF-6-CO with CO for SF-2 site development regulations.	Apvd. 06/29/2002 Ord.# 020627-Z-8
C14-2019-0100 7501, 7503, 7505, 7507, 7511 Cooper Ln	Rezone 9.85 ac from DR and SF-2 to SF-6	To grant SF-6-CO. Condition: amended neighborhood traffic analysis is required with site plan application.	Apvd. 01/23/2020 Ord.#20200123-076
C14-2019-0139 7708 Forest Wood Rd	Rezone 0.571 ac from SF-2 to SF-3	Rezone single lot from SF-2 to SF-3	Apvd. 01/23/2020 Ord.#20200123-103
C14-05-0162 Prunty Tracts 7800-7804 S. First St.	Rezone 0.914 ac DR to GR	To grant GR-MU-CO. The Condition is that restaurant (general) as the only GR use and all permitted LR uses; prohibit drive-thru uses; maximum 2000 trips/day; 24 Prohibited uses; 7 Conditional uses	Apvd. 12/15/2005 Ord.# 20051215-Z007
C14-2016-0046 7720 & 7800 S. 1 <sup>st</sup> St	Tract 1:CS-CO from and to CS-CO to change a condition of zoning. Tract 2: GR-MU-CO from and to GR-MU-CO	Approved Tract 1: CS-CO and Tract 2: GR-MU-CO as staff recommended except for establishing outdoor entertainment	Apvd. 01/13/2016 Ord.# 20161013-015

Number	Request	Commission	City Council
	to change a condition of zoning.	and outdoor sports and recreation as conditional uses. Condition:42 prohibited uses in Tract 1; 10 Conditional uses in Tract 1. 15 Prohibited uses in Tract 2: 8 Conditional uses.	
C14-96-0075 Living Faith Baptist Church 1007 W. Dittmar Rd.	Rezone 1.499 ac DR to LO		Apvd. 08/08/1996 Ord.#960808-M
C14-2014-0049 Cooper Villas - 7805 Cooper Lane	Rezone from CS-CO to MF-1	To grant MF-1-CO. Condition prohibits residential uses permitted in MF-1 district: bed and breakfast (group 1) , bed and breakfast (group 2) ; condominium residential; duplex residential, multifamily residential, retirement housing (small site), retirement housing (large site), singlefamily attached residential, single family residential, townhouse residential, two-family residential and short term rental.	Apvd. 06/26/2014 Ord.# 20140626-124

RELATED CASES: None

LEGAL DESCRIPTION:

BEING 0.99 ACRES OF LAND, BEING ALL OF LOT A, A.B. DITTMAR SUBDMSION NO. 2, RECORDED IN VOLUME 50, PAGE 73, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 381.31 SQUARE FOOT TRACT RECORDED IN VOLUME

13109, PAGE 1779, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.99 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED.

BEING 0.49 ACRES OF LAND, OUT OF LOT 1, A.B. DITTMAR SUBDIVISION, RECORDED IN VOLUME 23, PAGE 14, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING ALL OF THAT CERTAIN RICHARD A. HUNTER AND LAURA HUNTER 0.50 ACRE TRACT RECORDED IN VOLUME 5835, PAGE 2360, DEED RECORDS, TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 476.50 SQUARE FOOT TRACT RECORDED IN VOLUME 13109, PAGE 1779, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.49 ACRES OF LAND TO BE MORE PARTICULARLY DESCRIBED.

CONVEYING DEED: 2021089177

OTHER STAFF COMMENTS:

Comprehensive Planning

The zoning case is situated on a 1.48 acre site, located on the south side of West Dittmar Road, which contains a house and is otherwise undeveloped. The property is not located within a small planning area and is located a half of a mile west of the **South First Street Activity Corridor**. Surrounding land uses include vacant land and a single-family subdivision to the north; to the south and east is a single-family subdivision; to the west is a church and the Dittmar Recreation Center and District Park. Approximately 500 feet south is the South Boggy Creek Greenbelt. The proposal is to obtain a multifamily zoning designation and construct a multifamily project at a density of 20 units per acre.

**Connectivity**

Both sides of West Dittmar Road have public sidewalks and unprotected bike lanes. There is no public transit stop located within a half mile from the subject property. Mobility and connectivity options are fair within a quarter of a mile from the property with the presence of public sidewalks, unprotected bike lanes and a district park and recreation center.

**Imagine Austin.**

The property is located approximately one half of a mile from an **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.

The following Imagine Austin policies are also applicable to this case:

- **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.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.



- **HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and **access to schools, retail, employment, community services, and parks and recreation options.**

Based upon:

- Dittmar Road acting as a local arterial corridor with some civic and mobility options available in the area;
- The opportunity to expand housing choice, which is supported by Imagine Austin and the Strategic Housing Blueprint;
- but the area lacking of goods and services and public transit within a quarter mile radius, this proposal partially supports the policies of the Imagine Austin Comprehensive Plan.

Environmental

1. 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.
2. 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%

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

### Park and Recreation:

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-2 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### Site Plan

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

SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Compatibility Standards**

SP 4. The site is subject to compatibility standards. Along the eastern and southern 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 property zoned SF-5 or more restrictive.
- 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.
- A landscape area at least 25 feet wide is required along 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.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.

- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

### **Zoning**

SP 5. MF-2 zoning has density limits and will need to comply with 25-2-561 unless site is participating in Affordability Unlocked.

### **Transportation**

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, calls for 84 feet of right-of-way for Dittmar Road. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Dittmar Road.

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

<b>Name</b>	<b>Existing ROW</b>	<b>ASMP Required ROW</b>	<b>Pavement</b>	<b>ASMP Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Dittmar Road	~83'-88'	84'	46'	2	Yes	Yes	No

### **Austin Water Utility**

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

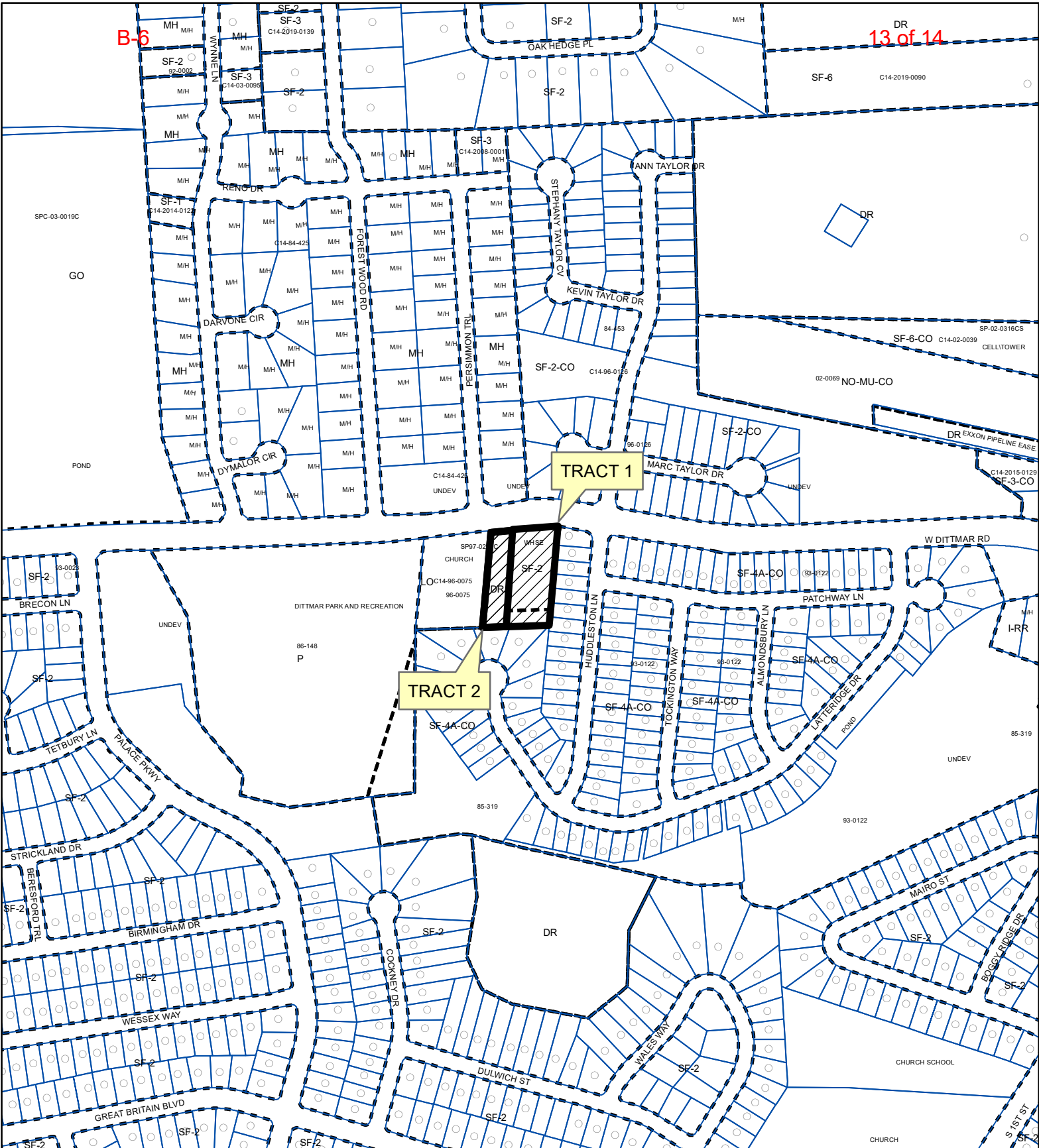
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

B-6

13 of 14



## ZONING

## Exhibit A

ZONING CASE#: C14-2021-0119

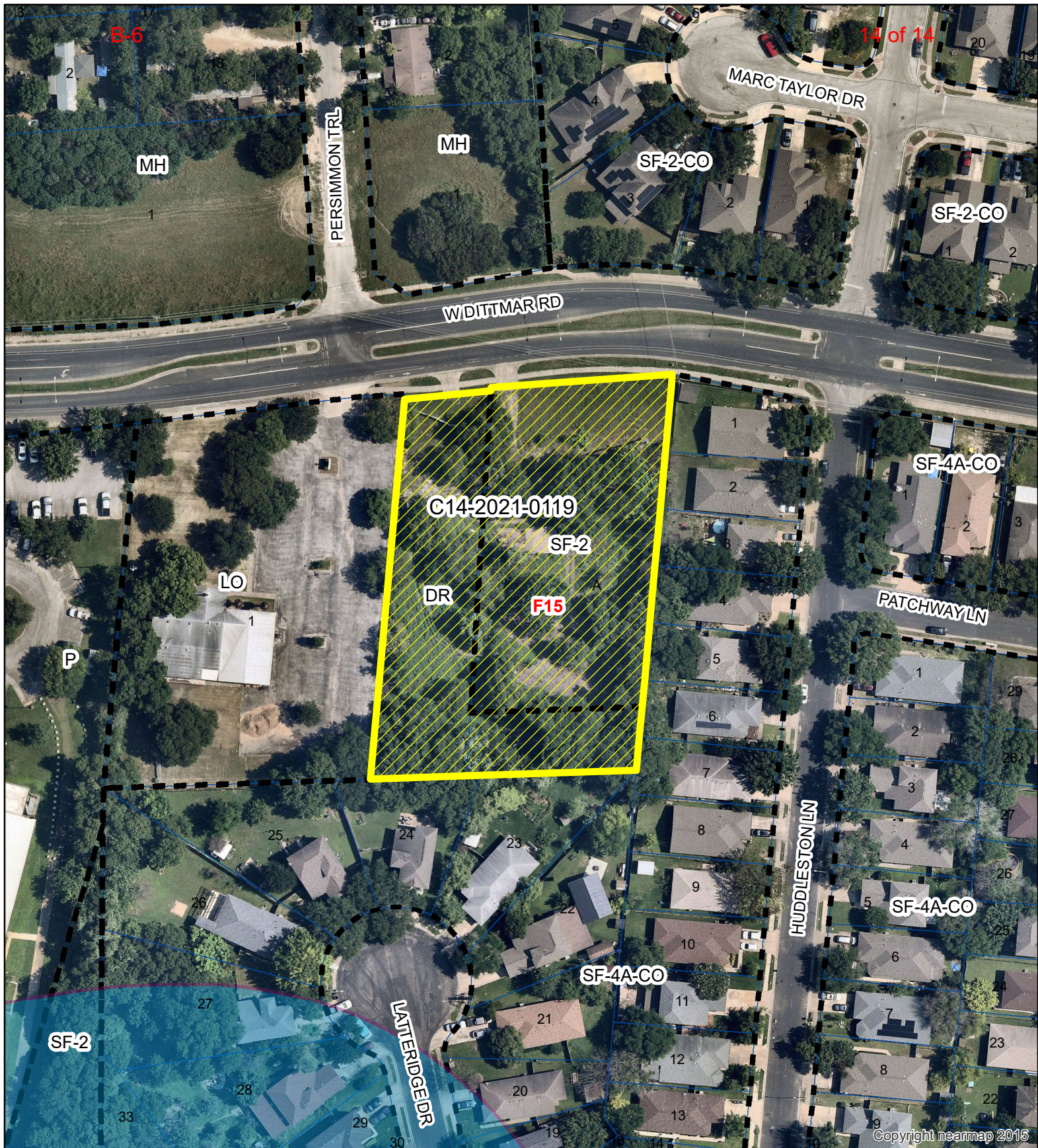


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

Created: 7/15/2021





Copyright nearmap 2015

N



1" = 100'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

McHeath 1.48

ZONING CASE#: C14-2021-0119

LOCATION: 911 and 915 West Dittmar Road

SUBJECT AREA: 1.48 Acres

GRID: F16

MANAGER: Wendy Rhoades

Exhibit B



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.