



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-10
AGENDA DATE: Thu 11/04/2004
PAGE: 1 of 1

SUBJECT: C14-04-0142 - Dry Creek – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 639 West Dittmar Road (Boggy Creek Watershed) from single family residence standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Owner and Applicant: Larry Chabira. City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0142

Z.P.C. DATE: October 5, 2004

ADDRESS: 639 West Dittmar Road

OWNER AND APPLICANT: Larry Chabira

ZONING FROM: SF-2

TO: SF-3

AREA: 0.248 acres (10,802.88 square feet)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant family residence (SF-3) district zoning.

ZONING & PLATTING COMMISSION RECOMMENDATION:

October 5, 2004: *APPROVED STAFF'S RECOMMENDATION OF SF-3 ZONING; WITH A CONDITIONAL OVERLAY THAT REQUIRES ONE JOINT DRIVEWAY.*

[T.R.; M.W 2ND] (9-0)

ISSUES:

The applicant is in agreement with the recommendation of the Zoning and Platting Commission.

DEPARTMENT COMMENTS:

The subject rezoning area consists of one undeveloped lot that has frontage on West Dittmar Road and is zoned single family residence (SF-2) district. This segment of West Dittmar Road between South First Street and Latteridge Drive consists of undeveloped land (zoned SF-2; SF-2-CO; LO), single family residences (SF-2; SF-4A-CO), two manufactured homes (I-RR; SF-2) and a service station with convenience store (LR). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the lot to the family residence (SF-3) district to accommodate the development of two small residences (which fall under the two-family residence classification, first allowed in SF-3). SF-3 zoning for the development of a two-family residential lot is compatible with the adjacent single family residences and manufactured homes on the south side of Dittmar Road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Undeveloped
<i>North</i>	SF-2-CO; DR; NO-MU-CO; SF-6-CO; SF-2; LO; LR	Undeveloped; Church; Pipeline easement; Single family residences on standard and large lots; Service station with convenience store
<i>South</i>	SF-2; SF-4A-CO	Undeveloped; Single family residences
<i>East</i>	SF-2	Single family residences; Manufactured home
<i>West</i>	SF-2; I-RR; SF-4A-CO	Undeveloped; Manufactured home; Single family residences

AREA STUDY: N / A

TIA: Is not required

WATERSHED: 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

262 – Beaconridge Neighborhood Association

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Assocn.

948 – South by Southeast Neighborhood Organization

SCHOOLS:

Odom Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0069	DR to LO	To Grant NO-MU-CO with CO limited to day care (general) and permitted SF-2 uses with building and impervious cover limited to SF-2 development regulations	Approved NO-MU-CO as ZAP recommended (8-29-02)
C14-02-0039	DR to SF-6	To Grant SF-6-CO, to allow for a telecommunications tower, with SF-2 development standards	Approved SF-6-CO zoning as recommended by the Zoning and Platting Commission (6-27-02)
C14-02-0018	DR to MF-1	Withdrawn	N/A
C14-96-0126	I-RR to SF-2	To Grant SF-2-CO w/conds. to prohibit access to Reno Drive and Cooper Lane	Approved SF-2-CO as recommended by PC with additional conditions of prohibit driveway access to Dittmar, 2,000 trip limit, and require r-o-w dedication for Cooper and Dittmar (4-24-97)
C14-93-0122	SF-2 to SF-4A	To Grant SF-4A w/ max. of 209 units	Approved SF-4A as recommended by PC (11-18-93)

RELATED CASES:

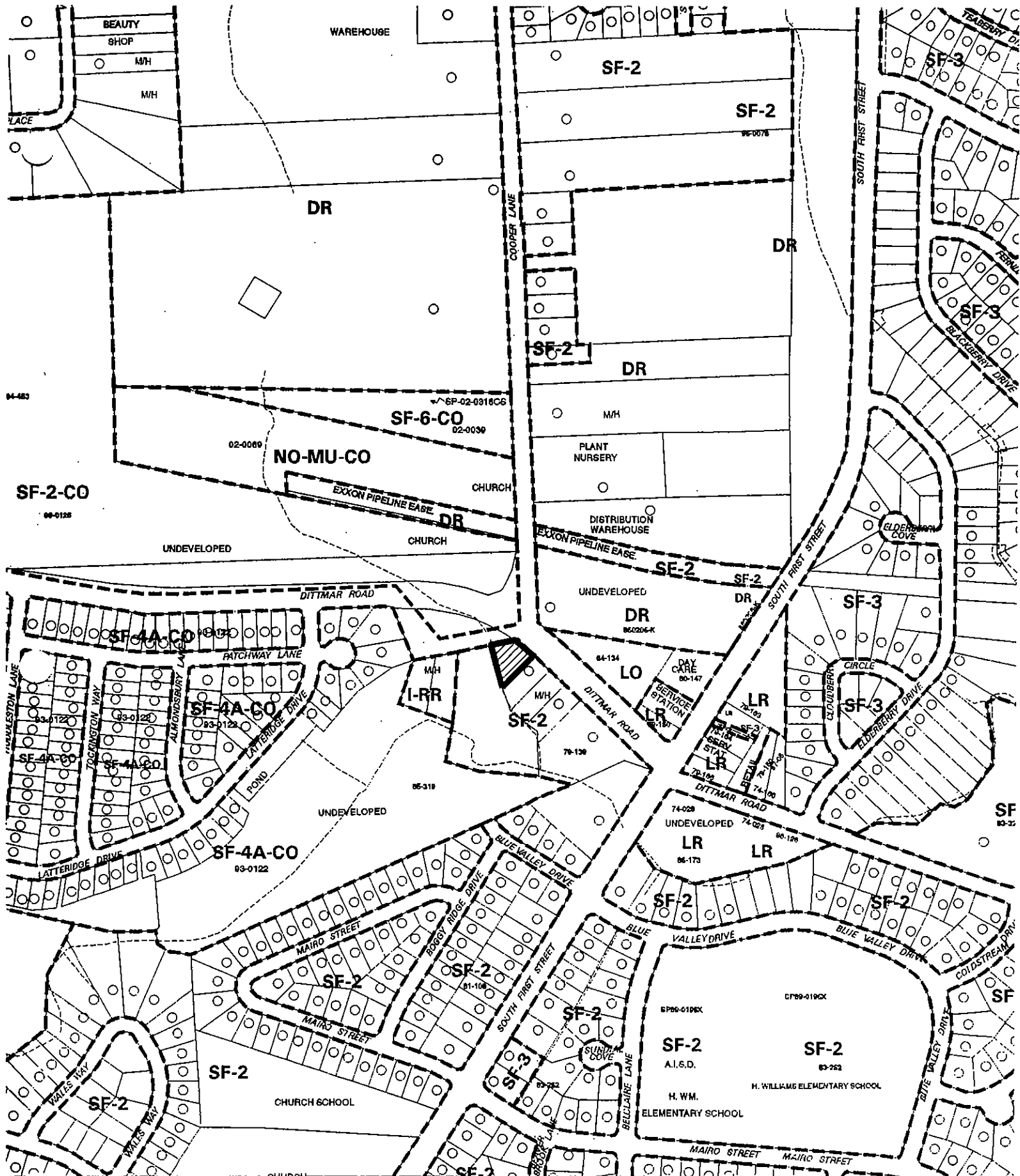
The rezoning area is Lot 5 of T.Z. Evans Subdivision that was recorded in September 1969 and is provided as Exhibit B (C8s-69-156).

ABUTTING STREETS:

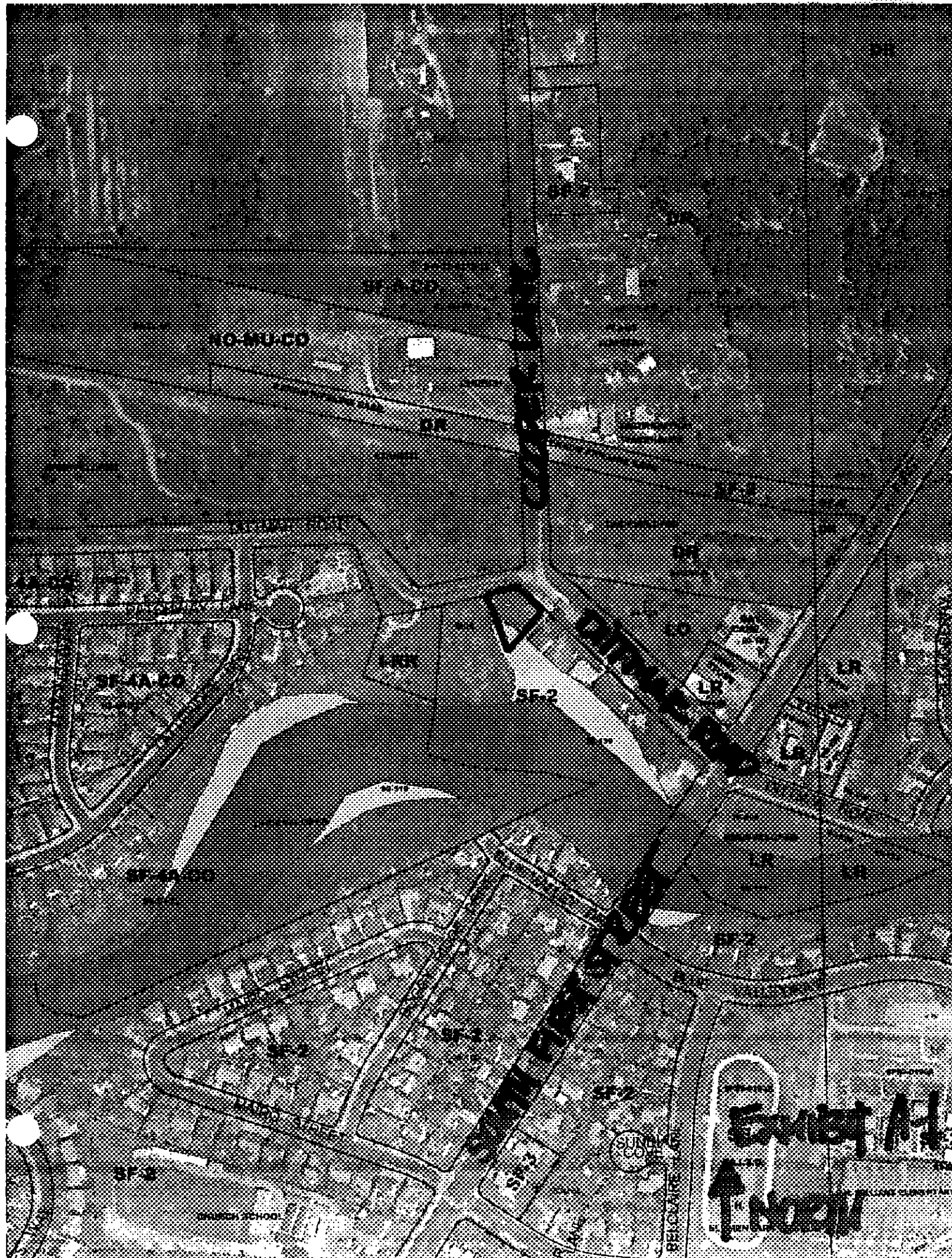
STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
Dittmar Road	93 feet	40 feet	Collector	3,330

- There are existing sidewalks along both sides of West Dittmar Road.
- Dittmar Road is under street reconstruction (widening) from a minor 2-lane arterial, undivided road to a major 2-lane arterial, divided road, between Manchaca Road and South First Street. Construction is anticipated to be completed in April 2005.
- The road widening project has resulted in a right-of-way acquisition of approximately 18 feet along the Dittmar Road frontage of the subject property.
- Capital Metro bus service is available along South First Street.

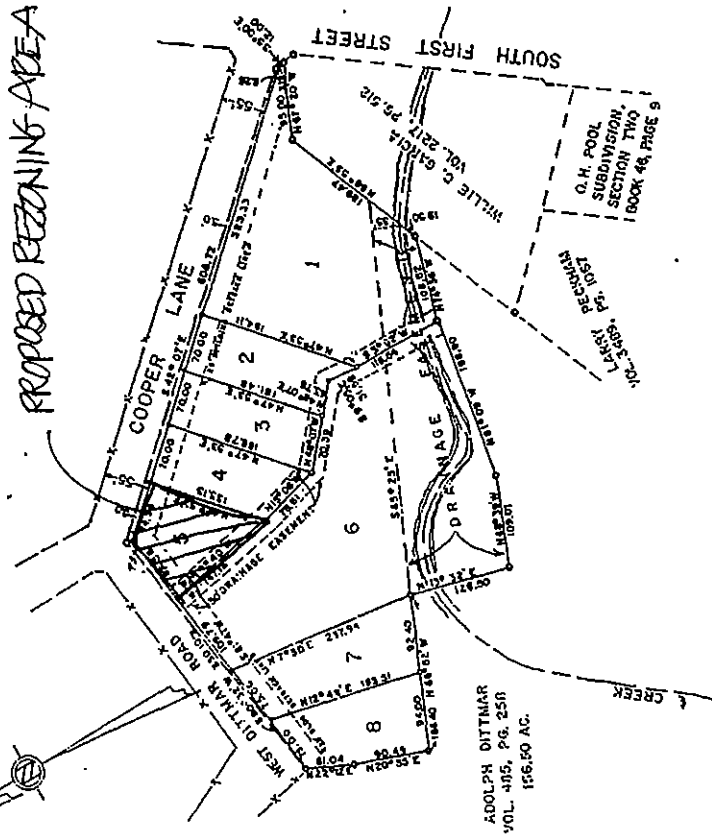
CITY COUNCIL DATE: November 4, 2004**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER F15
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-04-0142	DATE: 04-10	
	CASE MGR: W. WALSH	ADDRESS: 639 W DITTMAR RD	INTLS: SM	
		SUBJECT AREA (acres): 0.248		



T. Z. EVANS SUBDIVISION



In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares shown on this plat, or any bridges or culverts necessary to be placed in such streets, roads, or other public thoroughfares or in connection therewith, shall be the responsibility of the plat owner, and shall be approved by the Commissioners Court of Travis County, Texas, and the specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assume no responsibility to build any of the streets, roads, or other Public Thoroughfares shown on this plat, or any bridges or culverts in connection therewith.

SEPTIC TANK NOTE: Each house constructed in this subdivision shall be connected to a septic tank with a capacity of not less than 500 gallons and with a drain field of not less than 150 feet and shall be installed in accordance with the regulations of the City-County Health Officer, and shall be inspected and approved by such Officer. This restriction is enforceable by the City of Austin-Texas County Health Unit and/or the subdivider.

UN331

- IRON STAKE PLACED
• IRON STAKE FOUND

SCALE 1st - 100th

F. B. I. , P. 47 - 50

PLAN-1087

783-69-156

STATE OF TEXAS:

COUNTY OF 'FAVVIS,
KNOW ALL MEN BY THESE PRESENTS,

That W. Thomas T. Evans and wife, Anne E. Evans, owners of that certain tract of land out of the William Hansen League in Travis County, Texas, conveyed to us by deed as recorded in Volume 274C, Page 330, of the said Record of Travis County, Texas, and joined by Austin Savings and Loan Association of Austin, Texas, acting hereon by and through its duly authorized officer, J. A. Seger, Vice President, do hereby subscribe to and do hereby dedicate to the public all division to be known as T. T. EVANS SUBDIVISION, and do hereby dedicate to the public all streets and easements shown hereon.

WITNESS OUR HANDS this 3rd day of ~~January~~ February A. D. 1969.

Charles E. Evans
ALICE E. EVANS

J. A. Raper Vice President

STAT 07 TEXAS:

COUNTY OF TRAVIS: Before me, the undersigned authority, on this day personally appeared Thomas Z. Evans and wife, Anne E. Evans, known to me to be the persons whose names are subscribed to the foregoing instrument and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

3 day of *Feb* 1960

STATE OF TEXAS

SECRET 'CATIONA STAGE 20: 011 111 ATOMZ FI-001

Before me, the undersigned authority, on this day personally appeared A. Raper, Vice President of Austin Savings and Loan Association of Austin, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same as the act and deed of Austin Savings and Loan Association for the purposes and consideration therein expressed and in the capacity therein stated. GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30 day of February, A. D. 1969.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3 day of ~~March~~ April 1969.

STATE OF TEXAS:

I, Miss Mallie Linberg, County Clerk of Travis County, Texas, do hereby certify that on the 22 day of September, A. D. 1969, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing of record of this plan and that said order has been duly entered in the public records of said County, this 22 day of September, A. D. 1969.

WITNESS MY HAND AND SEAL OF COURTY OF SAID COUNTY, THIS 22 day of Sept, A. D. 1969.

Miss Mallie Linberg, County Clerk, Travis County, Texas.

COUNTY OF TRAVIS:

By Stuart Harris
DUTNEY

STATE OF TEXAS:

COUNTY OF TAMMIS:
I, Miss Nellie Elaberg, Clerk of the County Court, within and for the County and State of Wisconsin, do hereby certify that the within and foregoing instrument of writing with the certificate of authentication was filed for record in my office on the day of April 1965 at 5:00 o'clock P. M. and that said instrument was duly recorded in Book 10 A. D. 100 of said County Court. Witness my hand and seal of said County the date last written. My commission expires the 22nd day of May 1967.

Yours &c

FILED FOR RECORD this the 24 day of August A. D. 1969 at 11:55 o'clock A. M.
Miss Eulie Lieberr, Clerk County Court, Franklin County, Texas.

2007

APPROVED FOR ACCEPTANCE: DATE September 23, 1969 BY Walter M. Gibson
Walter M. Gibson
 Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD:
By the Planning Commission of the City of Austin, Texas, this the 22 day of September,
A. D. 1969.

THIS IS TO CERTIFY THAT CITY CODE CHAPTER 23.27 OF 1959 HAS BEEN COMPILED WITH.



BY *William M. Brooks*
WILLIAM M. BROOKS
REGISTERED PUBLIC SURVEYOR
NO. 1358
SURVEY COMPLETED AUGUST, 1969.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant family residence (SF-3) district zoning.

BACKGROUND

The subject rezoning area consists of one undeveloped lot that has frontage on West Dittmar Road and is zoned single family residence (SF-2) district. This segment of West Dittmar Road between South First Street and Latteridge Drive consists of undeveloped land (zoned SF-2; SF-2-CO; LO), single family residences (SF-2; SF-4A-CO), two manufactured homes (I-RR; SF-2) and a service station with convenience store (LR).

The applicant proposes to rezone the lot to the family residence (SF-3) district to accommodate the development of two small residences (which fall under the two-family residence classification, first allowed in SF-3). SF-3 zoning for the development of a two-family residential lot is compatible with the adjacent single family residences and manufactured homes on the south side of Dittmar Road.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The SF-3, Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

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

SF-3 zoning for the development of a two-family residential lot is compatible with the adjacent single family residences and manufactured homes on the south side of Dittmar Road.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped and slopes to the south, towards Boggy Creek.

Impervious Cover

The maximum impervious cover allowed by the SF-3 zoning district would be 45%, which is based on the more restrictive watershed regulations described below.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the 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. 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 Net Site Area</i>	<i>% 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

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

At this time, site specific information is unavailable regarding existing trees and 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.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 28 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A TIA is not required because the traffic generated will not exceed 2,000 trips per day.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications.

Compatibility Standards

Any development other than in an SF-5 or more restrictive zoning district, will be subject to compatibility development regulations along the south and west.

Walsh, Wendy

From: Emily Basham [ebasham@austin.rr.com]

Sent: Tuesday, October 05, 2004 11:13 AM

To: Walsh, Wendy

Subject: case # C14-04-0142

Beverly Miller is in protest of the rezoning indicated in the case number listed above.

10/5/2004

Walsh, Wendy

From: Jsvn337@aol.com
Sent: Tuesday, October 05, 2004 5:04 PM
To: Walsh, Wendy
Subject: (no subject)

Greetings Commission members,

I am Joe Evans and I live at 633 W. Dittmar here in Austin. In reference to case # C-14-04-0142. I would like you to deny the zoning change due to the small size of these buildings. They will be low rent and will attract a bad element to the street. We have very heavy traffic on Dittmar and two houses on this lot would only compound the problem.

thank you
Joe Evans
441-4324

10/5/2004

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0142

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

October 5, 2004 Zoning and Platting Commission

R.D. Logan Mueser
Your Name (please print)

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

637 W. DITTMAR

Your address(es) affected by this application

[Signature] 10/5/04
Signature Date

Daytime Telephone: _____

Comments: To place two small structures of 500 sq' each, requiring 2 parking spaces each on the small disabled area left for building on subject property. Includes structures that are within zoning with the developing neighborhood. Thus lowering property values and is an attempt to circumvent requirements for central A.C., etc.

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

City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
P. O. Box 1088
Austin, TX 78767-8810

MEMORANDUM

TO: Betty Baker, Chair and Members of the Zoning and Platting Commission

FROM: Dora Anguiano, Zoning and Platting Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: October 27, 2004

SUBJECT: Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0142

19. C14-04-0142 – DRY CREEK, By: Larry Chabira, 639 West Dittmar Road. (Boggy Creek). **FROM SF-2 TO SF-3. RECOMMENDED. City Staff: Wendy Walsh, 974-7719.**

SUMMARY

Commissioner Baker – “It was my understanding that there was someone here to speak on this”.

Wendy Walsh, staff – “The people who signed up may have left”.

[Inaudible]

Commissioner Baker – “We have a comment here from someone who stayed and then left. She is objecting to this because she feels that to place two small structures, each requiring two parking spaces, on the small usable area left for building on this property, invites structures that are not in keeping with the developing neighborhood. They will lower property values and this is an attempt to circumvent requirements for central A/C”. “I presume sir that since you’re requesting a zoning change from SF-2 to SF-3, you have 1 lot and that you’re going to subsequently subdivide it, is that correct?”

Mr. Chabira, applicant – “This is a small lot, I was going to build two 500-square feet cottages on it and they will be 1 person per cottage”.

Commissioner Baker- “Excuse me.... Staff, is that permitted under SF-2 zoning?”

Wendy Walsh, staff – “SF-3 zoning is needed for a two family residence. This is a platted lot; he would like to change the zoning from SF-2 to SF-3”.

Commissioner Baker – “It is not a duplex, it’s two free standing homes”.

Ms. Walsh – “That’s right, two small houses”.

Commissioner Rabago – “What’s the land area for this property?”

Ms. Walsh – “It’s about 10,000 or less than 11,000 square feet; there was a right-of-way taking on this for reconstruction of Dittmar Road and this is the area that’s left. There’s a mobile home next door, on the I-RR property”.

Commissioner Baker – “There’s no one here in opposition; I read you the comments and I believe we had another one handed out earlier. Could I have a motion to close the public hearing?”

Commissioner Rabago and Gohil moved to close the public hearing.

Commissioner Rabago – “I make a motion to approve staff’s recommendation of SF-3 zoning”.

Commissioner Whaley – “Second”.

Commissioner Baker – “Would you amend your motion to require only one driveway to both of these structures, as far as entering; a joint driveway?”

Commissioner Rabago – “Yes”.

Commissioner Whaley – “That would be fantastic with me”.

Motion carried.

**COMMISSION ACTION:
MOTION:**

**RABAGO, WHALEY
APPROVED STAFF’S
RECOMMENDATION OF SF-3
ZONING; WITH A CONDITIONAL
OVERLAY THAT REQUIRES ONE
JOINT DRIVEWAY.**

AYES:

**GOHIL, MARTINEZ, BAKER, DONISI,
HAMMOND, WHALEY, RABAGO,
JACKSON, PINNELLI.**

MOTION CARRIED WITH VOTE: 9-0.