

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0049 – Cooper Villas

Z.A.P. DATE: May 20, 2014

ADDRESS: 7805 Cooper Lane

OWNER: Cooper Villas Venture, LLC
(Herman Cardenas)

AGENT: Barfield & Binkley, Inc.
(Rey Gonzalez)

ZONING FROM: CS-CO **TO:** MF-1 **AREA:** 0.734 acres – 31,793 square feet

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant multi-family residence-limited density – conditional overlay (MF-1-CO) combining district zoning. The Conditional Overlay prohibits residential uses permitted in the MF-1 district as follows: bed and breakfast (group 1), bed and breakfast (group 2), condominium residential, duplex residential, multi-family residential, retirement housing (small site), retirement housing (large site), single family attached residential, single family residential, townhouse residential, two-family residential and short-term rental.

ZONING & PLATTING COMMISSION RECOMMENDATION:

May 20, 2014: *APPROVED MF-1-CO DISTRICT ZONING, AS STAFF RECOMMENDED*
[G. ROJAS; P. SEEGER – 2ND] (6-0) R. MCDANIEL – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject platted lot is undeveloped and zoned general commercial services – conditional overlay (CS-CO) by a 2005 case. The Conditional Overlay allows for convenience storage and plant nursery uses, and all permitted warehouse/limited office (W/LO) uses. To the north, there is a gas pipeline easement, a warehouse, and single family residences on lots of varying sizes (SF-2; DR), to the east there is undeveloped land, a child care facility and vacant service station/food sales use at the corner of Dittmar Road and South First Street (GR-CO; LO; LR), and undeveloped property proposed for condominium residences to the south (MF-1-CO). Across Cooper Lane to the west there is undeveloped land, a gas pipeline easement, church, cell tower and single family residences on large lots (SF-2-CO; DR; NO-MU-CO; SF-6-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), A-2 (Hazardous Pipeline Overlay), B (2005 Rezoning Ordinance) and C (Recorded Plat).

The Applicant proposes to rezone the property to the multi-family residence-limited density (MF-1) zoning district, so that additional land may be incorporated into the proposed 41 unit condominium project to the south. As shown in the site plan provided as Exhibit D, the

rezoning area would be used for parking and driveway purposes, an amenity center and pool. Residential units would not be constructed in this area. The existing CS-CO zoning prohibits off-site accessory parking by the 2005 case. Regarding the proposed condominiums located on the adjacent MF-1-CO zoned property to the south, a 50 foot building setback is required from the gas lines (as verified by a survey), and additional construction and design standards are required for the residential units, such as sprinklering, restriction on location of and materials to be used for windows and doors, and driveway access on Dittmar Road due to the property's proximity to the pipelines.

The Staff recognizes the additional encumbrances created by the adjacent pipeline, but thinks that MF-1-CO zoning, with the CO prohibiting residential development, but allowing for accessory uses is a reasonable use of the property, given that additional construction and design standards will be enforced.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-CO	Undeveloped
<i>North</i>	SF-2; DR	Pipeline easement; Warehouse; Single family residences; Horticulture
<i>South</i>	MF-1-CO; Across Dittmar Road: SF-4A-CO; I-RR; SF-2; SF-3-CO	Undeveloped; Single family residences; Manufactured homes
<i>East</i>	CS-CO; GR-MU-CO LO	Undeveloped; Child care facility
<i>West</i>	SF-2-CO; DR; NO-MU-CO; SF-6-CO	Undeveloped; Pipeline easement; Church; Cell tower; Single family residences on large lots

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
 511 – Onion Creek Homeowners Association
 742 – Austin Independent School District
 742 – Homeless Neighborhood Association
 1075 – Bike Austin
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group
 1236 – The Real Estate Council of Austin, Inc.
 1340 – Austin Heritage Tree Foundation
 1363 – SEL Texas
 1374 – Friends of Williams Elementary

1424 – Preservation Austin 1429 – Go!Austin / Vamos!Austin (GAVA) – 78745
 1440 – South Boggy Creek Environmental Association
 1447 – Friends of the Emma Barrientos MACC

SCHOOLS:

Williams Elementary School

Bedichek Middle School

Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0052 – Cooper Lane Rezoning – 7405, 7409 and 7415 Cooper Ln	DR; SF-2 to SF- 6-CO, as amended	Scheduled for 6-3-2014	Scheduled for 6-26- 2014
C14-05-0162 – Prunty Tracts – 7800-7804 S 1st St	DR to GR	To Grant GR-MU-CO w/CO allowing for restaurant (general) and all permitted LR uses, and 2,000 trips per day	Apvd GR-MU-CO as ZAP recommended (12-15-2005).
C14-05-0019 – Taylor Estates – 720 – 910 Dittmar Rd; 900 Block of Reno Dr	SF-2-CO to SF- 4A	Indefinite postponement request by the Applicant; then Expired	N/A
C14-04-0142 – Dry Creek – 639 W Dittmar Rd	SF-2 to SF-3	To Grant SF-3-CO	Apvd SF-3-CO with the CO limiting the number of driveways to one (joint) driveway (11-18-2004).
C14-02-0069 – New Life Assembly of God, Inc. – 7612 Cooper Ln	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.	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 recommended by the Zoning and Platting Commission (6-27-2002).
C14-02-0018 –	DR to MF-1	Withdrawn	N/A

Della – 7600 ½ Cooper Ln			
C14-93-0122 – Parkwood Section 4 & 5-Milburn Investments, Inc. – South side of W Dittmar Road, west of Cooper Ln	SF-2 to SF-4A	To Grant SF-4A with a maximum of 209 units.	Apvd SF-4A as recommended by PC (11-18-1993).

RELATED CASES:

The southern portion of the subject rezoning area was approved for MF-1-CO zoning on December 15, 2005 (C14-05-0161 – Prunty Tracts). The rezoning area is platted as Lot 4 of Dittmar at Cooper Subdivision recorded on March 31, 2008 (C8-2007-0174.0A). There is a site plan in process for 41 2-bedroom units (SP-2014-0121C – 7805 Cooper Lane).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
West Dittmar Road	93 feet	58 feet	City Collector	Yes	Yes	Yes
South 1 st Street	70 feet	43 feet	Minor Arterial	No	Yes	Yes
Cooper Lane	56 feet	40 feet	City Collector	Yes	Yes	Yes, within ¼ mile.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or are recommended along the adjoining streets as follows: Dittmar Road, South First Street, Cooper Lane.

CITY COUNCIL DATE: June 26, 2014**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719

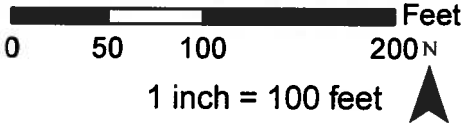


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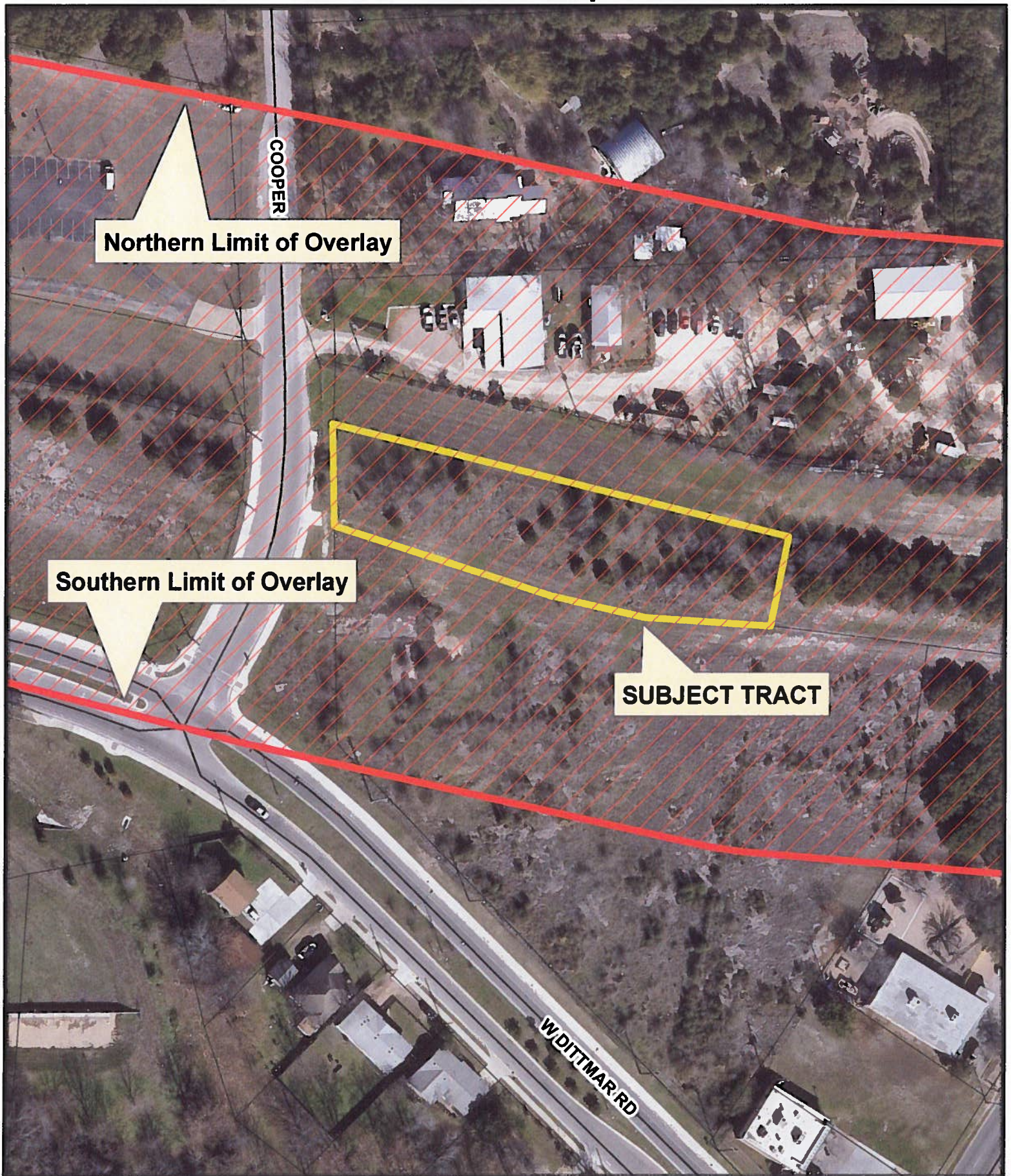


Aerial: 2012-01

Exhibit A - 1
Aerial & Zoning



C14-2014-0049 / Cooper Villas



Aerial: 2012-01

Aerial & Zoning
(With Hazardous Pipelines Conditional Overlay)

0 50 100 200 Feet

1 inch = 100 feet

EXHIBIT A-2



PRUNTY

ORDINANCE NO. 20051215-Z006

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 7720 SOUTH FIRST STREET, 7801-7805 COOPER LANE, AND 630-640 DITTMAR ROAD FROM DEVELOPMENT RESERVE (DR) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO) COMBINING DISTRICT FOR TRACT ONE AND MULTIFAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT FOR TRACT TWO.

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 districts on the property described in **Zoning Case No. C14-05-0161**, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From development reserve (DR) district to general commercial services-conditional overlay (CS-CO) combining district.

A 1.439 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and

Tract Two: From development reserve (DR) district and limited office (LO) district to multifamily residence limited density-conditional overlay (MF-1-CO) combining district.

A 3.092 acre tract of land, more or less, out of the William Cannon Survey No. 19, Abstract No. 6, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 7720 South First Street, 7801-7805 Cooper Lane, and 630-640 Dittmar Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

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

1. 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.
2. The following uses are prohibited uses of Tract One:

Agricultural sales and services	Automotive rentals
Automotive repair services	Automotive sales
Automotive washing (of any type)	Bail bond services
Campground	Commercial blood plasma center
Commercial off-street parking	Congregate living
Consumer convenience services	Consumer repair service
Drop-off recycling collection facility	Financial services
Food sales	Funeral services
General retail sales (convenience)	General retail sales (general)
Group home, Class I (general)	Group home, Class I (limited)
Group home, Class II	Guidance services
Hospital services (general)	Hospital services (limited)
Hotel-motel	Indoor entertainment
Indoor sports and recreation	Kennels
Laundry services	Maintenance and service facilities
Medical offices (exceeding 5000 sq. ft. of gross floor area)	Medical offices (not exceeding 5000 sq. ft. of gross floor area)
Monument retail sales	Off-site accessory parking
Outdoor entertainment	Outdoor sports and recreation
Pawn shop services	Personal improvement services
Personal services	Printing and publishing
Recreational equipment maintenance and storage	Research services
Restaurant (general)	Residential treatment
Service station	Restaurant (limited)
Theater	Software development
Transportation terminal	Transitional housing
Veterinary services	Vehicle storage

3. The following uses are conditional uses of Tract One:

Business or trade school
Community recreation (private)
Construction sales and services
Exterminating services
Public secondary education facilities

College and university facilities
Community recreation (public)
Equipment repair services
Private secondary educational facilities

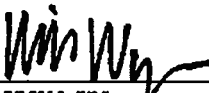
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 26, 2005.

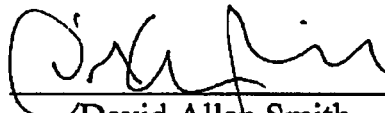
PASSED AND APPROVED

December 15, 2005


§
§
§


Will Wynn
Mayor

APPROVED:


David Allan Smith
City Attorney

ATTEST:


Shirley A. Gentry
City Clerk

DITTMAR AT COOPER
SUBDIVISION

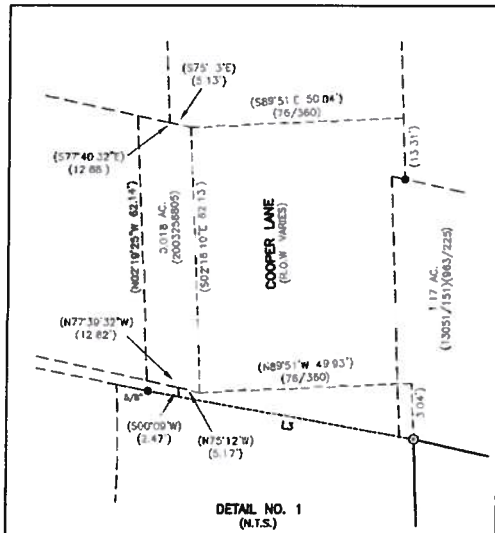
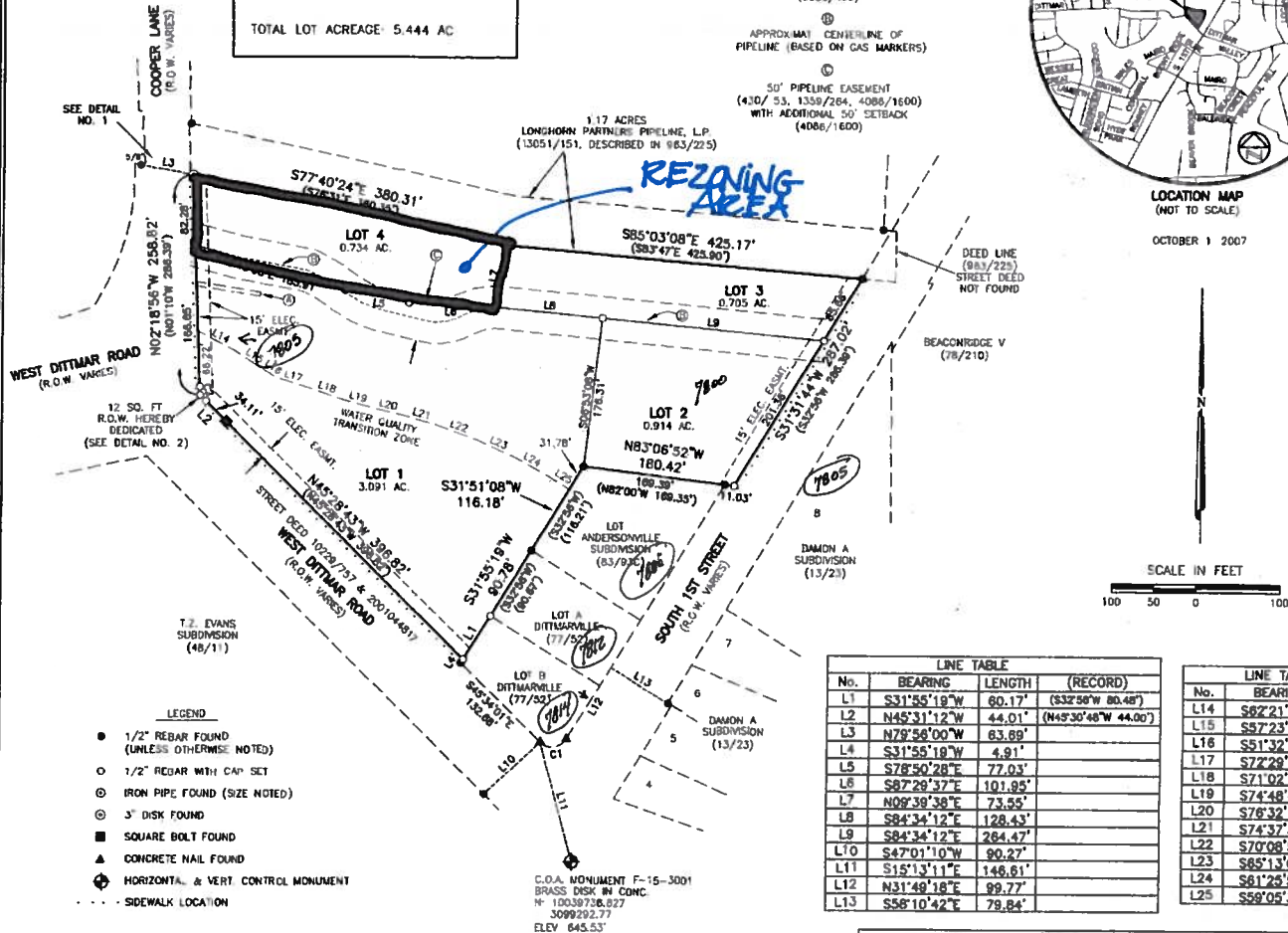
LOT SUMMARY

TOTAL NO. OF LOTS: 4
 NO. OF MF RESIDENTIAL LOTS: 1
 NO. OF COMMERCIAL LOTS: 3
 TOTAL LOT ACREAGE: 5.444 AC

① ELECTRIC & TELEPHONE EASEMENT (3383/460)
 ② APPROXIMATE CENTERLINE OF PIPELINE (BASED ON GAS MARKERS)
 ③ 50' PIPELINE EASEMENT (430/53, 1358/264, 4086/1600) WITH ADDITIONAL 50' SETBACK (4086/1600)

LOCATION MAP
(NOT TO SCALE)

OCTOBER 1 2007



SURVEYOR'S CERTIFICATION

I, ROBERT C. MATTS JR., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEYING RELATED PORTIONS OF CHAPTER 25 OF THE AUSTIN CITY CODE OF 1988 AS AMENDED, IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR MADE UNDER MY SUPERVISION, MADE ON THE GROUND 9/5/2007.

Robert C. Matts Jr.
 ROBERT C. MATTS JR., R.P.L.S. 4695

SURVEYING BY
 CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
 2807 MANCHACA ROAD
 BUILDING ONE
 AUSTIN, TEXAS 78704
 (512) 443-1724



1-29-08

ENGINEER'S CERTIFICATION

STEVEN KING, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT AND COMPLIES WITH THE ENGINEERING RELATED PORTIONS OF TITLE 25 OF THE AUSTIN CITY CODE OF 1988, AS AMENDED, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD OF A WATERWAY THAT WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL 48453C0215, DATED JANUARY 19, 2000, FOR TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS.

Steven King
 STEVEN KING, P.E.

ENGINEERING BY
 CONSORT, INC.
 315 BOWE STREET
 AUSTIN, TEXAS 78703
 (512) 469-0500



EXHIBIT C
 RECORDED PLAT

Consort, Inc.
 315 Bowe / Austin, TX 78703 / (512) 469-0500

Chaparral
 Professional Land Surveying, Inc.
 Surveying and Mapping
 2807 Manchaca Rd., Building 1
 Austin, Texas 78704
 512-443-1724

PROJECT NO.: 487-001
 DRAWING NO.: 487-001-PL
 PLOT DATE: 07/29/08
 PLOT SCALE: 1" = 60'
 DRAWN BY: RCV
 SHEET: 1 OF 2

CPA-2007-0174.0A

SUMMARY STAFF RECOMMENDATION:

The Staff's recommendation is to grant multi-family residence-limited density – conditional overlay (MF-1-CO) combining district zoning.

The Conditional Overlay prohibits residential uses permitted in the MF-1 district as follows: bed and breakfast (group 1), bed and breakfast (group 2), condominium residential, duplex residential, multi-family residential, retirement housing (small site), retirement housing (large site), single family attached residential, single family residential, townhouse residential, two-family residential and short-term rental.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Multifamily residence-limited density (MF-1) district is the designation for a multifamily use with a maximum density of up to 17 units per acre, depending on unit size. An MF-1 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multifamily uses or in an area for which limited density multifamily use is desired. An MF-1 district may be used as a transition between a single family and higher intensity uses.

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

The Staff recognizes the additional encumbrances created by the adjacent pipeline, but thinks that MF-1-CO zoning, with the CO prohibiting residential development, but allowing for accessory uses is a reasonable use of the property, given that additional construction and design standards will be enforced.

EXISTING CONDITIONS**Site Characteristics**

The site is undeveloped and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the MF-1 zoning district would be 55%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This zoning case is located on the northeast corner of Cooper Lane and West Dittmar Road and is not located within the boundaries of a neighborhood planning area. This 0.743 acre parcel is undeveloped and is surrounded by an undeveloped right-of-way easement to the north, single family housing to the south, a convenience store, daycare center and undeveloped land to the east and west. The proposed use is multi-family apartments.

Imagine Austin

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. 1st 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 no floodplain within or adjacent to 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.

Transportation

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

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

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 the Austin Water Utility 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.

Site Plan and Compatibility Standards

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.

This site is subject to the Hazardous Pipeline Ordinance, and review by the Fire Department is required. Before a road, surface parking lot, or utility line may be constructed in a restricted pipeline area, the applicant must deliver to the Director 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 [LDC Section 25-2-516(D)(2)].

The maximum allowed density within MF-1 zoning is 17 units per acre.

The maximum height allowed in the MF-1 zoning district is 40 feet.

The maximum impervious cover allowed is 55%.

As per LDC Section 25-2-560, the minimum site area for each dwelling unit is:

- 2,500 square feet for each efficiency dwelling unit;
- 3,000 square feet, for a one bedroom dwelling unit; and
- 3,500 square feet, for a dwelling unit with two or more bedrooms.