

AGENDA



Wednesday, June 18, 2008

Item(s) to Set Public Hearing(s)
RECOMMENDATION FOR COUNCIL ACTION

Item No. 67

Subject: Set a public hearing to consider an appeal by Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield of the Watershed Protection and Development Review Department Director's decision to approve an administrative site plan permit for Hyde Park Baptist Church's Religious Assembly/Education building located at 3901 Speedway (SP-2007-0321C). (Suggested date and time: July 24, 2008, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

Fiscal Note: There is no anticipated fiscal impact. A fiscal note is not required.

For More Information: George Zapalac, 974-2725; Donna Galati, 974-2733

Prior Council Action: In 1990, Ordinance No. 900830-Q (Exhibit C-1) was passed to establish the allowable development on the property. In 2002, the Hyde Park Neighborhood Conservation Combining District (NCCD) was amended by Ordinance No. 0201310-20 with regulations that apply to this site if they do not conflict with Ordinance No. 900830-Q.

Interested parties Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield are appealing the Director's decision to approve a Site Plan for Hyde Park Baptist Church's Religious Assembly/Education Building located at 3901 Speedway.

Development regulations for this tract were contained in the 1990 Hyde Park Neighborhood Conservation Combining District (NCCD). An exhibit to Ordinance No. 900830-Q (Exhibit C-1) illustrates the allowable development on the property and states that other provisions of the Land Development Code may be modified "to the extent necessary to authorize development in accordance with . . .Exhibit C-1." The NCCD ordinance also allows interested parties to appeal the approval of a site plan directly to City Council.

In 2002 the Hyde Park NCCD was amended by Ordinance No. 0201310-20. The regulations in this amendment apply to this site "if they do not conflict with Ordinance No. 900830-Q." The 2002 NCCD specifies a height of 30 feet for this tract. However, the applicant provided documentation that Exhibit C-1 in the 1990 ordinance demonstrates a building taller than 30 feet in height. Therefore, staff determined that the 2002 NCCD ordinance is in conflict with the 1990 ordinance, and the 2002 ordinance does not apply. Furthermore, the 2002 NCCD directs that any regulation not found in the 1990 NCCD is governed by the base zoning district regulations as they existed on August 30, 1990. The base zoning district at the time, as well as today, was MF-4, which allows a height of 60 feet.

The appellants state that Exhibit "C-1" demonstrates a shorter height than allowed with the site plan permit.