ADMINISTRATIVE SITE PLAN PERMIT
APPEAL TO CITY COUNCIL
REVIEW SHEET

CASE NUMBER: SP-2007-0321C **COUNCIL HEARING DATE:** March 5, 2009

ADDRESS: 3901 Speedway

SITE AREA: 1.26 acres

PROJECT NAME: Hyde Park Baptist Church, Tract 6, Religious Assembly/Education Building

NEIGHBORHOOD PLAN: Hyde Park Civic NCCD

APPLICANT: Hyde Park Baptist Church C/O The Liverman Company
(Robert J. Liverman)
600 Congress Ave., Ste 100
Austin, TX 78701

AGENT: Armbrust & Brown (Richard Suttle)
100 Congress Ave., Ste 1300.
Austin, TX 78701

CASE MANAGER: Donna Galati Telephone: 974-2733
Donna.Galati@ci.austin.tx.us

PROPOSED DEVELOPMENT:
The applicant proposes to demolish the existing parking lot and construction of a building (Religious Assembly / Education) consisting of approximately 76,566 sq. ft. (gross floor area) and associated improvements.

This site plan was approved by staff and is being appealed to City Council by interested parties as allowed by the Hyde Park Civic Neighborhood Conservation Combining District zoning.

SUMMARY STAFF RECOMMENDATION:
Staff recommends denial of the appeal and upholding administrative approval of the approved site plan permit. The site plan will comply with all requirements of the Land Development Code prior to its release.

EXISTING ZONING: The existing zoning is MF-4-NCCD (Family Residence).
PROJECT INFORMATION: 1.26 acres.
EXIST. ZONING: MF-4-NCCD
MAX. HEIGHT (ZONING): 60' **PROPOSED HEIGHT:** 39'7" (3 Story)
MAX HEIGHT (1990 NCCD): over 30'
MAX HEIGHT (2002 NCCD): N/A

PROPOSED BLDG. CVRG: 24,433 sq. ft. 44.52%
PROPOSED IMP. CVRG: 35,439 sq. ft. 64.4% (Existing 72.3%)
PROVIDED PARKING: 72 on-site, 404 off-site
Proposed Access: Ingress & Egress on Speedway

NEIGHBORHOOD ORGNIZATIONS:
34—Hyde Park Neighborhood Assn.
283—North Austin Neighborhood Alliance
511—Austin Neighborhoods Council
603—Mueller Neighborhoods Coalition
631—Alliance to Save Hyde Park
742—Austin Independent School District
754—CANPAC (Central Austin Neighborhoods Planning Area Committee)
786—Home Builders Association of Greater Austin
973—Taking Action Inc.

T.I.A.: Not applicable
CAPITOL VIEW: Not applicable
WATERSHED: Waller Creek (Urban)
APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance (Urban)

PLANNING COMMISSION ACTION: N/A

SUMMARY COMMENTS ON SITE PLAN:
Land Use: Interested parties Helen & Charles Heard, Niyanta & Bill Spelman, and John Mayfield are appealing staff's decision to approve the Site Plan Hyde Park Baptist Church, Tract 6, Religious Assembly/Education Building located at 3901 Speedway. The Neighborhood Conservation Combining District (NCCD) allows for interested party appeal of a site plan approval directly to City Council.

Development regulations for this tract were contained in the 1990 Hyde Park NCCD, adopted by Ordinance No. 900830-Q. Exhibit C-1, attached to Ordinance No. 900830-Q, 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."

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 the 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 provision regarding height 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. This structure's height is regulated by, and meets, Compatibility Standards.

The 1990 NCCD allows for Interested Parties to appeal an administratively approved site plan directly to City Council. "The decision of the Director of the Planning and Development Department to approve or deny a site plan submitted to develop all or any portion of Tract 2, 6, 7, or 8 in accordance with an NCCD plan attached as an exhibit to this ordinance, if appealed, shall be appealed directly to the City council. An appeal must be filed by an interested party no later than ten days after the date the Director acts to approve or deny the site plan." (Ordinance 900830-Q)

The appellants claim that Exhibit "C-1" demonstrates a shorter height (31') than allowed with the site plan permit (39'7"), and they claim the applicant should be held to the height depicted in Exhibit "C-1" rather than base zoning.

Staff recommends denial of the appeal.

Environmental: This site is located in the Waller Creek Watershed and subject to comprehensive watershed regulations. The site is not located over the Edward's Aquifer Recharge Zone. The site plan complies with all environmental requirements.

Transportation: The site will have ingress & egress off Speedway. The site plan complies with all transportation requirements.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-4-NCCD	Existing parking, proposed Religious Assembly/Education
North	CS-NCCD	39th St., then Hyde Park Baptist Church
South	MF-4-NCCD	residential building, then 38th St.
East	SF-3-NCCD	Single-family residential
West	MF-4-NCCD	Speedway, then apartments and a senior center