

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Greater South River City Combined Neighborhood Plan

CASE #: NPA-2009-0022.01

ZONING CASE #: C14-2009-0032 (SR)

PC PUBLIC HEARING DATE: July 28, 2009

ADDRESS: 1511 South Congress Avenue

AREA: 2.01 acres

APPLICANT/AGENT: Henry H. Gilmore (DuBois, Bryant, & Campbell L.L.P. Attorneys)

OWNER: South Congress Baptist church

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: CIVIC

To: MIXED USE on the western portion of the property (along S. Congress Avenue) and CIVIC land use to remain on the eastern portion (along Nickerson Street).

Base District Zoning Change

Related Zoning Case: C14-2009-0032 (SR)

From: SF-3-NCCD-NP

To: CS-NCCD-NP and GO-NCCD-NP

PLAN ADOPTION DATE: September 29, 2005

STAFF RECOMMENDATION: Staff supports the applicant's request for MIXED USE land use on the western portion of the property along S. Congress Avenue, with CIVIC land use to remain on the eastern portion of the property (along Nickerson Street).

BASIS FOR RECOMMENDATION: The plan amendment request supports the following Neighborhood Plan Goals and Objectives:

Greater South River City Combined Neighborhood Plan:

Land Use and Historic Preservation Goals, Objectives, and Recommendations

Goal (A): Maintain the historic fabric and respect the established neighborhood character and natural assets.

Objective: New single family construction in residential areas should complement, reflect and respect the character of the single-family houses in the area.

Recommendation A1: The scale and massing of new and remodeled houses should be consistent with the surrounding residences.

Goal (B): Identify and develop criteria for the interface between residences and commercial development.

Objective: Identify and develop criteria to encourage business along South Congress Avenue that serves and is compatible with the surrounding residential neighborhood.

Recommendation B8: Collaborate with South Congress business owners and tenant to protect residents in abutting neighborhoods from noise, litter, vandalism, destruction of public property, increased traffic, and parking problems associated with First Thursday.

Recommendation B9: Require events like First Thursday to provide security and additional parking in attempt to minimize these events impact on the surrounding neighborhoods.

Goal (C): Identify and develop criteria for density that result in a net benefit to the neighborhood.

Recommend C1: Identify areas where mixed use would enhance the livability of the neighborhoods and rezone accordingly.

Staff Analysis: The applicant's request for MIXED USE land use on the portion of the property along S. Congress Avenue is consistent with the above goals for the following reasons, 1) Mixed Use land use is located to the north and south of the site, with Mixed Use being the majority of the land uses along South Congress Avenue; 2) Keeping Civic land use along the eastern portion of the property (along Nickerson Street) will provide some protection to the adjacent residential uses; 3) The proposed rezoning of the property to CS-Commercial Service to build a parking garage will provide much-needed commercial parking for area businesses and patrons to the various shops located along the commercial corridor, in addition to providing parking for First Thursday events.

The change to the future land use map meets the following land use principles:

Land Use Planning Principles:

- Ensure that the decision will not create an arbitrary development pattern;
- Minimize negative effects between incompatible land uses;
- Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;
- Discourage intense uses within or adjacent to residential areas;
- Ensure neighborhood businesses are planned to minimize adverse effects to the

neighborhood;

- Ensure adequate transition between adjacent land uses and development intensities;
- Avoid creating undesirable precedents;
- Ensure similar treatment of land use decisions on similar properties;
- Balance individual property rights with community interests and goals;
- Promote development that serves the needs of a diverse population.

PLANNING COMMISSION RECOMMENDATION: Recommended to change the future land use map from CIVIC to MIXED USE on the western portion of the site.

THE MOTION TO APPROVE STAFF'S RECOMMENDATION FOR MIXED USE ON THE WESTERN PORTION OF THE TRACT WAS APPROVED WITH AMENDMENTS(*) BY COMMISSIONER CLINT SMALL'S MOTION, COMMISSIONER SAUNDRA KIRK SECOND THE MOTION ON A VOTE OF 6-1-1; COMMISSIONER KATHRYNE TOVO VOTED AGAINST THE MOTION (NAY); COMMISSIONER DANETTE CHIMENTI ABSTAINED, COMMISSIONER GERARDO CASTILLO WAS ABSENT.

*(Staff note: *The amendments were placed on the associated zoning case #C14-2009-0032)*

BACKGROUND: The Greater South River City Combined Neighborhood Plan (GSRCCNP) comprises two neighborhood planning areas: South River City and St. Edwards. The plan was initiated on November 6, 2003, by City Council and was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 29, 2005. The boundaries of the planning area are: Town Lake on the north, Interstate Highway 35 on the east, Ben White Boulevard on the south, and South Congress on the west.

The existing church building was built under the older SF-3 development standard. The applicant stated that the buildings are aging and needs to be replaced with more energy efficient building to help reduce the electric utility costs. The applicant plans to build a new church and associated buildings (classrooms, daycare, gym, café, religious bookstore and administrative buildings), in addition to a multi-level parking garage where parking spaces can be leased to locate businesses and to other patrons, except on Wednesdays and Sundays when Church services and activities are conducted.

PUBLIC MEETINGS: Three hundred and seventeen notices were mailed to property owners, utility account holders, neighborhood associations, environmental groups, and members of the planning contact team to attend the neighborhood plan amendment meeting on May 5, 2009. Approximately sixteen people attended this meeting to discuss the plan amendment and zoning application with Henry H. Gilmore, the agent for the applicant, and George Tuthill, pastor at the South Congress Baptist Church, in addition to the architect hired by the Church.

Henry Gilmore, the applicant's agent, stated the reasons for the proposed zoning change and plan amendment request, as are outlined above in the Background section of this report.

George Tuthill, pastor of the church, said the church as been in the neighborhood for 118 years and the church plans to stay in the neighborhood.

Some of the main concerns expressed by the stakeholders who attended the meeting were that the church, regardless of what the pastor said, could decide to sell the property and the new property owner could build an office building in the proposed GO – General Office zoning district along Nickerson Street, which could be incompatible with the residential uses located there. The height of the buildings near the residential uses was also a concern. The applicant's architect provided a map showing how the compatibility standards affected the height of the proposed buildings, with the tallest allowable building located along S. Congress Avenue. There were many questions as to why the church could not build under the existing zoning of SF-3. The architect stated that the GO- General Office district would allow more impervious cover and site development standards that are allowed under the SF-3 zoning district.

Provided with this case report is a letter from the Greater South River City Planning Contact Team which outlines the conditions under which they would support the applicant's request.

Three comment forms were received in support of the proposed plan amendment. See end of this report.

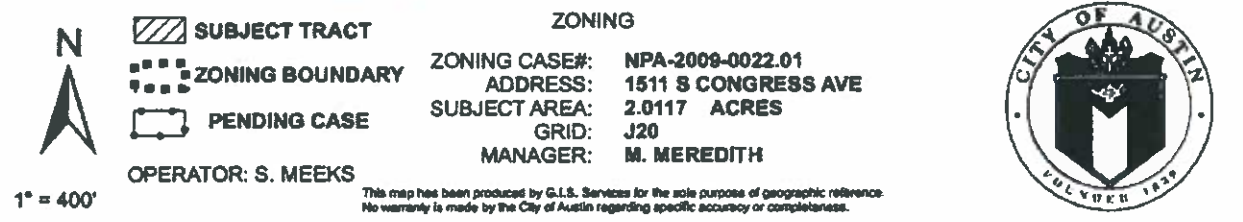
CITY COUNCIL DATE: October 22, 2009

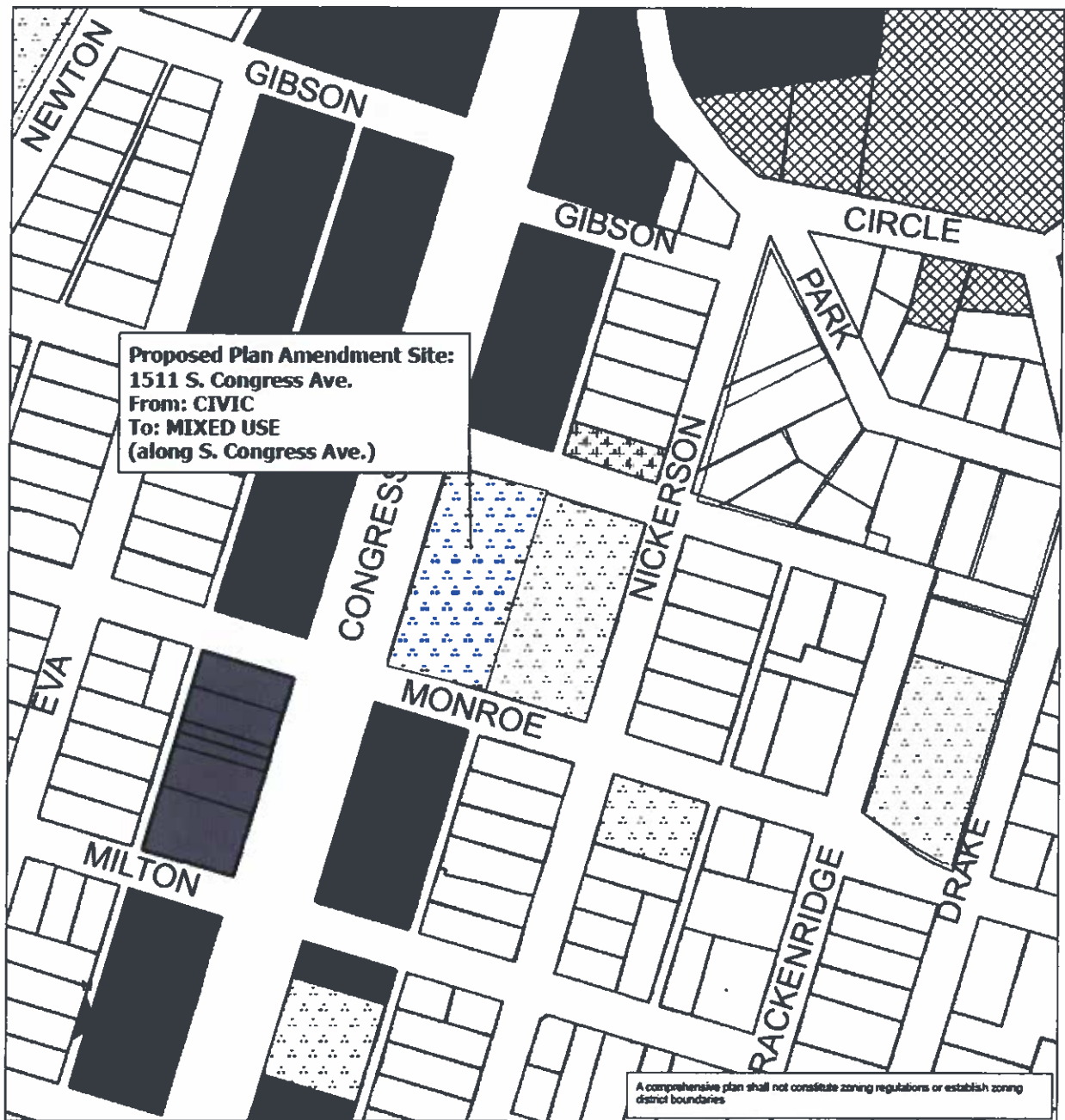
ACTION: Pending

PREVIOUS COUNCIL DATES: August 27, 2009 – Renotified for September 24, 2009 public hearing due to notification error. September 24, 2009 – Applicant requested postponement to October 22, 2009.

CASE MANAGER: Maureen Meredith, Senior Planner, 974-2695

EMAIL: maureen.meredith@ci.austin.tx.us





Greater South River City Neighborhood Plan Amendment NPA-2009-0022.01

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

0 120 240 480 Feet



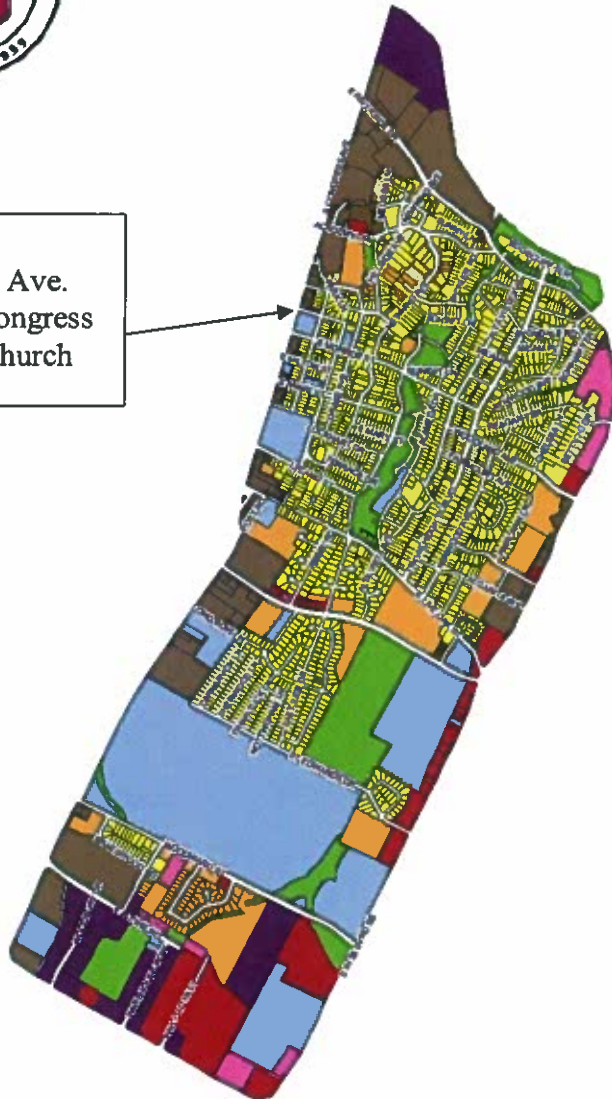
Created on July 16, 2009_MM

Future Land Use

	Civic		Mixed Use
	Mixed Use/Office		Multi-Family
	Office		Single-Family
			SDE.TCAD_Parcel



1511 S.
Congress Ave.
(South Congress
Baptist Church)



Greater South River City Neighborhood Planning Area Future Land Use Map

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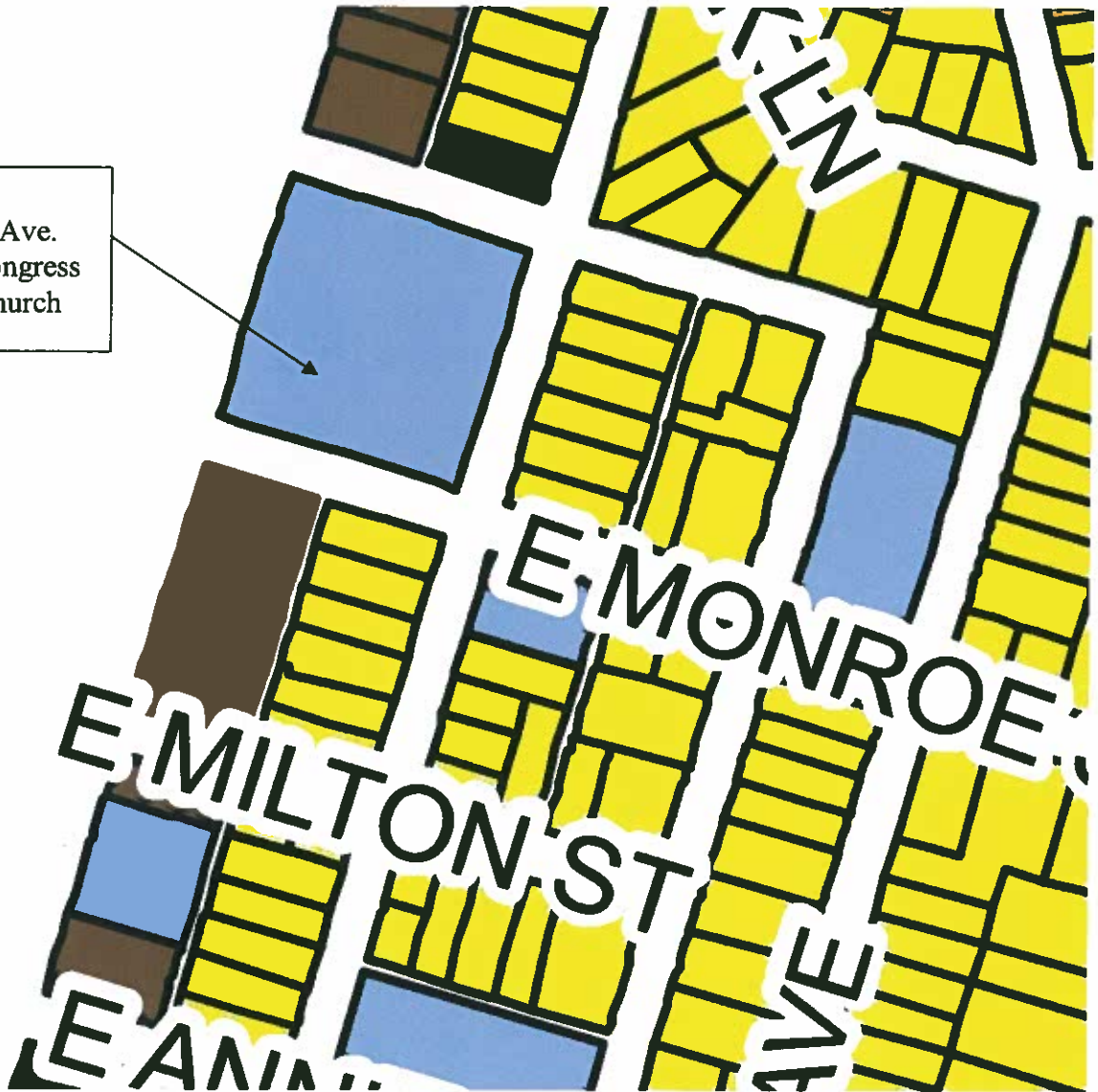
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Date Adopted: 11/29/05
Last Modified: 12/18/08



	Civic		Multifamily
	Commercial		Office
	Industry		Recreation & Open Space
	Mixed Use		Single-Family
	Mixed Use/Office		Transportation

1511 S.
Congress Ave.
(South Congress
Baptist Church)



Closer view of the property on the Greater South River City Future
Land Use Map

Letter from the Greater South River City Planning Contact Team

Re: Case NPA-2009-0022.01
Case CI4-2009-0032

June 1, 2009

On May 19, 2009 the Greater South River City (GSRC) Neighborhood Planning Contact Team (NPCT) held a meeting in accordance with our bylaws to take action on the requested Neighborhood Plan amendment and zoning change by the Congress Avenue Baptist Church (CABC). CABC occupies the block bounded by Congress Avenue, Monroe Street, Nickerson Street and Elizabeth Street. CABC representatives told NPCT members and neighbors at a City sponsored meeting on May 5, 2009 that they plan to demolish their existing structures and build a new sanctuary, administrative offices, classrooms, a gymnasium, a religious bookstore, cafe and a parking garage. They plan to lease spaces in the parking garage to nearby businesses during times when those spaces are not needed for CABC use.

For the west half of the property, CABC has requested:

1. a neighborhood plan amendment to change the land use designation on the GSRC Future Land Use Map (FLUM) from Civic to Commercial, and
2. a zoning change from SF3-NCCD-NP to CS-NCCD-NP.

The NPCT voted unanimously to:

1. support the Neighborhood Plan amendment from Civic to Commercial, and
2. support the zoning request from SF3-NCCD-NP to CS-NCCD-NP for the west half of the property, except we added a Conditional Overlay to prohibit the following uses:
 - Adult oriented business.
 - Recycling center,
 - Pawn shop,
 - Automobile rental.
 - Automobile sales,
 - Automobile washing,
 - Automobile repair,
 - Exterminating services,
 - Vehicle storage,
 - Bail bond services, and
 - Service Station.

This is consistent with surrounding properties along Congress Avenue.

For the east half of the property, CABC has requested:

1. a neighborhood plan amendment to change the land use designation on the GSRC Future Land Use Map (FLUM) from Civic to Commercial, and
2. a zoning change from SF3-NCCD-NP to GO-NCCD-NP.

The NPCT voted unanimously to:

1. oppose the change of land use from Civic to Commercial, and
2. oppose the zoning change to GO-NCCD-NP for the east half of the property and instead recommend NO-NCCD-NP.

Our vote is based on the following considerations:

1. CABC's proposal is not consistent with the first and primary goal (Goal A) in our Neighborhood Plan (NP): Maintain the historic fabric and respect the established neighborhood character and natural assets. The NPCT recognizes that it would be consistent with our FLUM and appropriate for the west ½ of the property adjacent to S. Congress Avenue to have commercial land use and zoning. However, we feel very strongly that allowing the east ½ block of this property to have commercial land use and GO zoning would not be consistent with the FLUM and not appropriate for that single-family area of the neighborhood. The east ½ block of the property is surrounded on all three sides by SF residences and that half block of the neighborhood (along Nickerson street) is all single family use. Changing the east ½ block of the property to the proposed use and zoning would amount to commercial creep into the neighborhood thereby not respecting the established neighborhood character and compromising the integrity of the neighborhood. A zoning change to NO for the east half of the property would allow additional impervious cover and height yet remain in keeping with the residential nature of that area of the neighborhood.
2. City staff has said that CABC could accomplish its plan for day-care, school, bookstore, and coffee shop with a Civic land use designation because these would be accessory uses for the church. However, since CABC plans to have a parking garage and charge for parking, city staff has said that commercial land use is necessary. The CABC plans show the parking garage on the west half of the property, which the NPCT and the neighbors support. While this use is appropriate for the west half of the property, it is not appropriate for the east half of the property which is surrounded on all three sides by single-family residences.
3. CABC said that they desire the additional FAR, impervious cover limits and height entitlements provided with GO zoning. However, compatibility standards constrain the height and the proposed plans CABC brought to the NPCT should be feasible with NO zoning in terms of FAR and impervious cover. Those plans show the higher FAR, height and impervious cover pushed to the ½ block adjacent to S. Congress which we believe is appropriate. Subsequent to showing those plans, CABC said that they need the flexibility of the GO standards because they aren't completely sure what they will want to do now or in the future. CABC has an entire block of land in the neighborhood. There should be plenty of flexibility given that we are supportive of upzoning ½ of that block from single-family to commercial zoning and that ½ block (adjacent to S. Congress) is much less constrained by compatibility.

4. CABC asserts that there will be a reduction in impervious cover because GO would restrict the impervious cover to 80% whereas there is currently almost 100% on the east ½ block of the property. However, the west ½ block of the property has a significant amount of pervious cover currently and the zoning change we are supporting for that will afford them 95% impervious cover so the large increase in impervious cover entitlements on the ½ block abutting S. Congress Avenue must also be factored in when comparing existing impervious cover for the site.
5. The NPCT and adjacent neighbors have no way to guarantee that the CABC will follow through with their plans and remain on the property though we believe that they intend to at this time and sincerely hope that they will. Therefore, it is only prudent on our part to consider the FLUM and zoning change in terms of what is appropriate for the neighborhood regardless of who owns the property. CABC has offered a zoning rollback on the east half of the property in the event of uses other than church, daycare or school. However, this approach is something city staff has indicated that they would not support. Thus, any zoning rollback would most likely have to be in the form of a private restrictive covenant, which the SRCC neighborhood association would have to agree to and enforce. In addition, any rollback could occur after buildings were built to the more permissive standards, which would not protect the single family homes directly across Nickerson, Elizabeth and Monroe Streets given the intensity of those standards (allowing commercial use and GO zoning). The NPCT felt this was not a viable solution and that we needed to support use and zoning that is appropriate and consistent with surrounding properties and our neighborhood plan.
6. Finally, it is helpful to understand the history of this property. The west ½ of the property was originally all single-family use consistent with all other property along Nickerson (hence the current SF-3 zoning of the property). There was an alley separating the west and east portions of the property consistent with the alley on blocks to either side of the property now. The church purchased the SF properties so that they owned the entire block and built the structures existing currently on the property. This property lies within the Fairview Park NCCD. The Fairview Park NCCD provides stronger compatibility standards for properties zoned SF-5 or less restrictive. Properties within 100' of a property used or zoned SF-3-NCCD would be limited in height to 30' or two stories and properties within 300' of a property used or zoned SF-3-NCCD would be limited in height to 40' or three stories. While this does not apply (as per the NCCD) to the ½ of the property abutting S. Congress Avenue, it was intended to apply and should apply to the ½ of the property abutting Nickerson Street. The original Fairview Park NCCD map shows the property divided as such. To be consistent with the Fairview Park NCCD, any upzoning from residential should include the NCCD height limits for the east ½ of the property.

Thank you for your consideration and please do not hesitate to contact me with any questions or concerns.



Danette Chimenti
Chair, Greater South River City NPCT
Email: dchimenti@austin.rr.com
Cell: 512-565-0217

PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning & Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: www.ci.austin.tx.us/zoning/.

PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning & Development Review Department
Maureen Meredith
P. O. Box 1088
Austin, TX 78767-8810



If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NP-A-2009-0022.01

Contact: Maureen Meredith
City Council Public Hearing:
September 24, 2009

☒ I am in favor
☐ I object

Your Name (please print)

George Tuttle
110 Monroe St E
Your address(es) affected by this application

[Signature] 9-15-9
Signature Date

Comments:

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RECEIVED
9/17/07

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Case Number: NPA-2009-0022.01

Contact: Maureen Meredith

City Council Public Hearing:

September 24, 2009

Your Name (please print) Jim Gortner

15115 Congress Ave
Your address(es) affected by this application

Signature

Date _____

Comments:

[illegible]

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Case Number: NPA-2009-0022.01

Contact: Maureen Meredith
City Council Public Hearing:
September 24, 2009

☒ I am in favor
☐ I object

Your Name (please print)

Rob L. Pincott

1412 S. Congress 1400 S. Congress

Your address(es) affected by this application

Signature

Date

Comments:

9/7/09