ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0032 - South Congress Baptist Church

P.C DATE: July 28, 2009
August 25, 2009

ADDRESS: 1511 S. Congress

OWNER/APPLICANT: Congress Avenue Baptist Church (Jim Gotcher)

AGENT: Dubois, Bryant & Campbell (Henry Gilmore)

ZONING FROM: SF-3-NCCD-NP **TO:** CS-CO-NCCD-NP & GO-CO-NCCD-NP

AREA: 2.0117 acres (86,729 sq. ft.)

SUMMARY STAFF RECOMMENDATION: Staff recommends CS-CO-NCCD-NP (Commercial Services/Conditional Overlay/Neighborhood Conservation Combining District/Neighborhood Plan) and GO-CO-NCCD-NP (General Office/Conditional Overlay/Neighborhood Conservation Combining District/Neighborhood Plan) with conditions. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION: 8/25/09 – The Planning Commission approved the staff recommendation, with the additional request for a Restrictive Covenant to be provided by the applicant that will state that South Congress Baptist Church will not oppose a rollback to single-family zoning if the use on the property ceases (6-1-1; Tovo-nay; Chimenti-abstain; Castillo-absent).

DEPARTMENT COMMENTS: This property is the site of the South Congress Baptist Church and is currently developed with 3 buildings used for church services and education. The applicant seeks to rezone the property in order to construct new facilities for the church. Since the property is zoned single family, the site will need to be rezoned in order to meet the site development standards necessary for new structures and parking facilities. **There is a valid petition at 22.07% in opposition to this rezoning request.**

For the western one-half of the property fronting Congress Avenue, staff recommends CS-CO-NCCD-NP with the following prohibited uses:

- Adult oriented business
- Drop-off Recycling Control Facility
- Pawn Shop
- Automotive Rental
- Automotive Sales
- Automotive Repair
- Automotive Washing
- Exterminating Services
- Vehicle Storage
- Bail Bonds Services
- Service Station

For the eastern one-half of the property fronting Nickerson Street, staff recommends GO-CO-NCCD-NP. The conditional overlay for this portion of the property will limit the site development regulations to the following:

- GO (General Office) Floor-to-area-ratio [1:01];
- Height capped at 40 feet or 3 stores, building coverage limited to 50% and impervious cover limited to 70%; and
- Allowable zoning district zoning uses will include Administrative and Business Offices, Art Gallery, Art Workshop, Professional Office and Software Development

NEIGHBORHOOD PLANNING 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.

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 S. 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.

ISSUES: The South River City Citizens support the NPA amendment for the property, but do not support the zoning request for the eastern one-half of the property:

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, and suggested a Conditional Overlay to prohibit the following uses:

    - Adult Oriented Business,
    - Recycling Center
    - Pawn Shop
    - Automotive Rental
    - Automotive Sales
    - Automotive Washing
    - Exterminating Services
    - Vehicle Storage
    - Bail Bonds Services
    - Service Station

For the **east half** of the property, 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

There is a valid petition at 22.07% in opposition to this rezoning request.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NCCD-NP	Church
North	CS-V-NCCD/CS-NCCD	Dry Cleaning/Sign Shop
South	CS-MU-V-NP/SF-3-NP	Mobile Food Vending/Single Family
East	SF-3-NCCD-NP	Single Family
West	CS-V-CO-NP	Retail

NEIGHBORHOOD PLAN: South River City Combined Neighborhood Plan

TIA: Waived

WATERSHED: East Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes – South Congress

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:
South River City Citizens
South Central Coalition
Austin Neighborhoods Council
Bouldin Creek Neighborhood Association
Terrell Lane Interceptor Association
Barton Springs/Edwards Aquifer Conservation District

SCHOOLS:
Galindo Elementary School
Fulmore Middle School
Travis High School

CASE HISTORIES

NUMBER	REQUEST	YEAR
Ord.# 86-0807-H	Fairview Park NCCD	1986

BASIS FOR RECOMMENDATION

1. ***Zoning should allow for reasonable use of the property.***

   The recommended zoning will allow the South Congress Baptist Church to rebuild church facilities and to continue its religious assemble use on the property.

2. ***Zoning changes should promote a balance of intensities and densities.***

   The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

EXISTING CONDITIONS

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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 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.

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

Water and Wastewater

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
S Congress Avenue	125'	92'	Arterial	Yes	Yes	Yes
Nickerson Street	60'	30'	Local	Yes	No	Yes
E Monroe Street	30'	60'	Local	Yes	No	Yes
Elizabeth Street	40'	40'	Local	Yes	No	Yes

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

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. Please contact me at your earliest convenience regarding this comment so we can discuss which streets will required data collection counts for the study.

Site Plan:

Site plans will be required for any new development other than single-family or duplex residential.

This site is in the Fairview NCCD.

Development must comply with Subchapter E, Commercial Design 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.

Compatibility Standards

a. The site is subject to compatibility standards. Along the West property line, the following standards apply:
b. No structure may be built within 25 feet of the property line.
c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

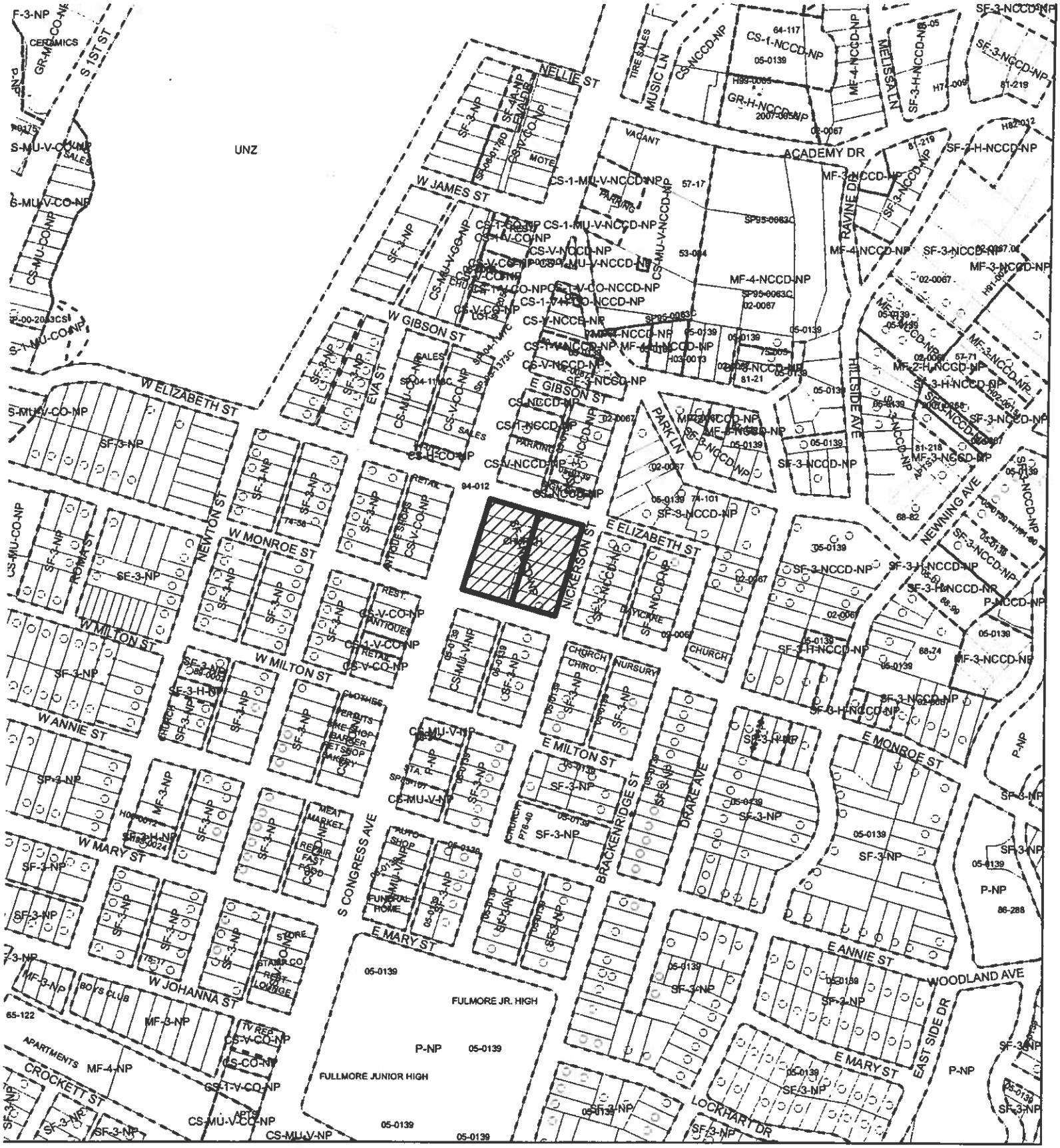
d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
e. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
f. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
g. No parking or driveways are allowed within 25 feet of the property line.
h. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
i. Additional design regulations will be enforced at the time a site plan is submitted.

CITY COUNCIL DATE: 8/27/09 **ACTION:** (postponed by staff)
9/24/09 (postponed by applicant)

ORDINANCE READINGS: **1st** **10/22/09** **2nd** **3rd**

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye **PHONE:** 974-7604
stephen.rye@ci.austin.tx.us



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SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

" = 400'

ZONING EXHIBIT C

ZONING CASE#: C14-2009-0032
ADDRESS: 1511 S CONGRESS AVE
SUBJECT AREA: 2.0117 ACRES
GRID: J20
MANAGER: S. RYE

CITY OF AUSTIN
FOUNDED 1839

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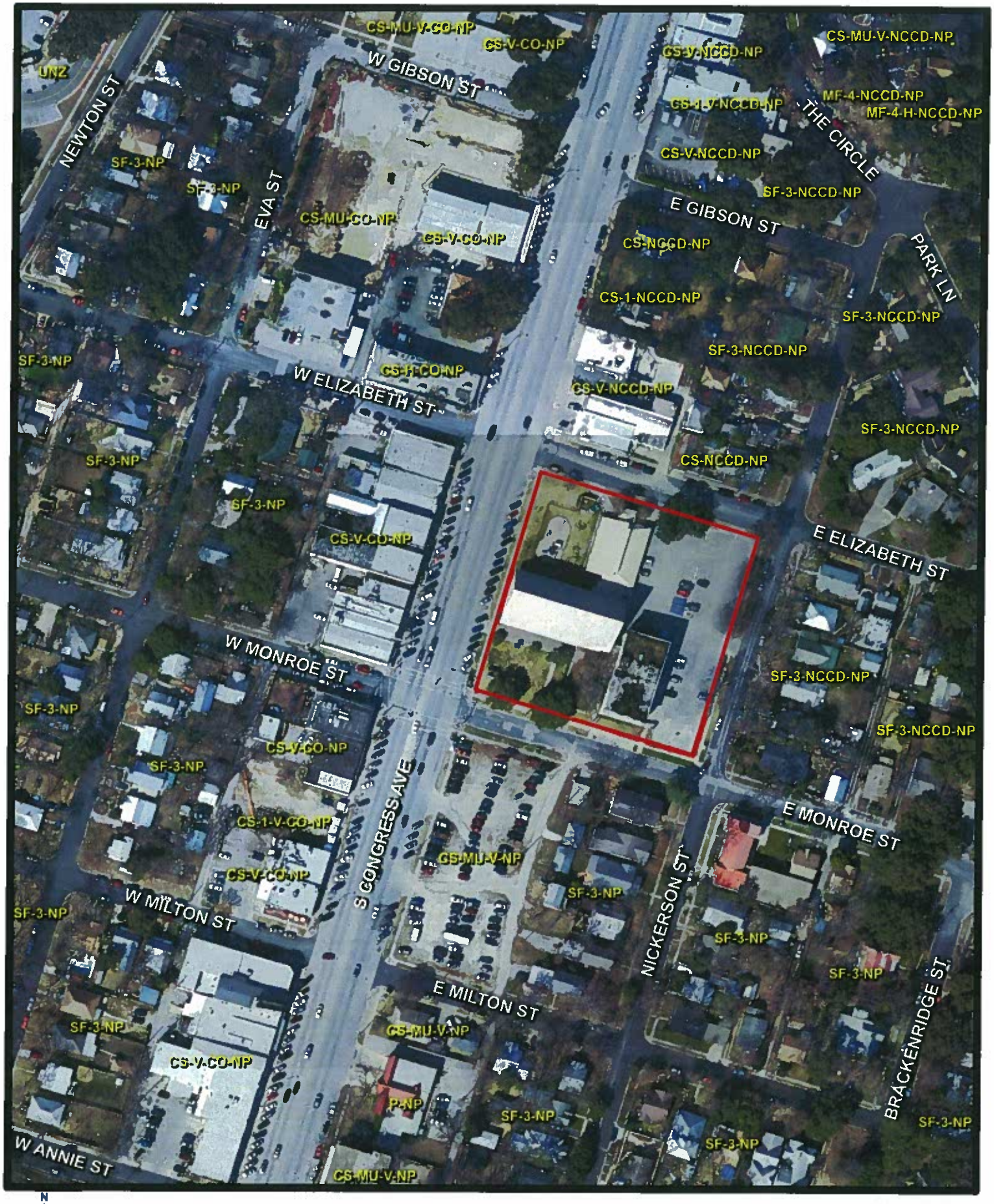


C14-2009-0032 1511 South Congress Avenue
From SF-3-NCCD-NP to CS-CO-NCCD-NP & GO-CO-NCCD-NP

PETITION

Case Number: **C14-2009-0032** Date: Sept. 4, 2009

1511 S CONGRESS AVE

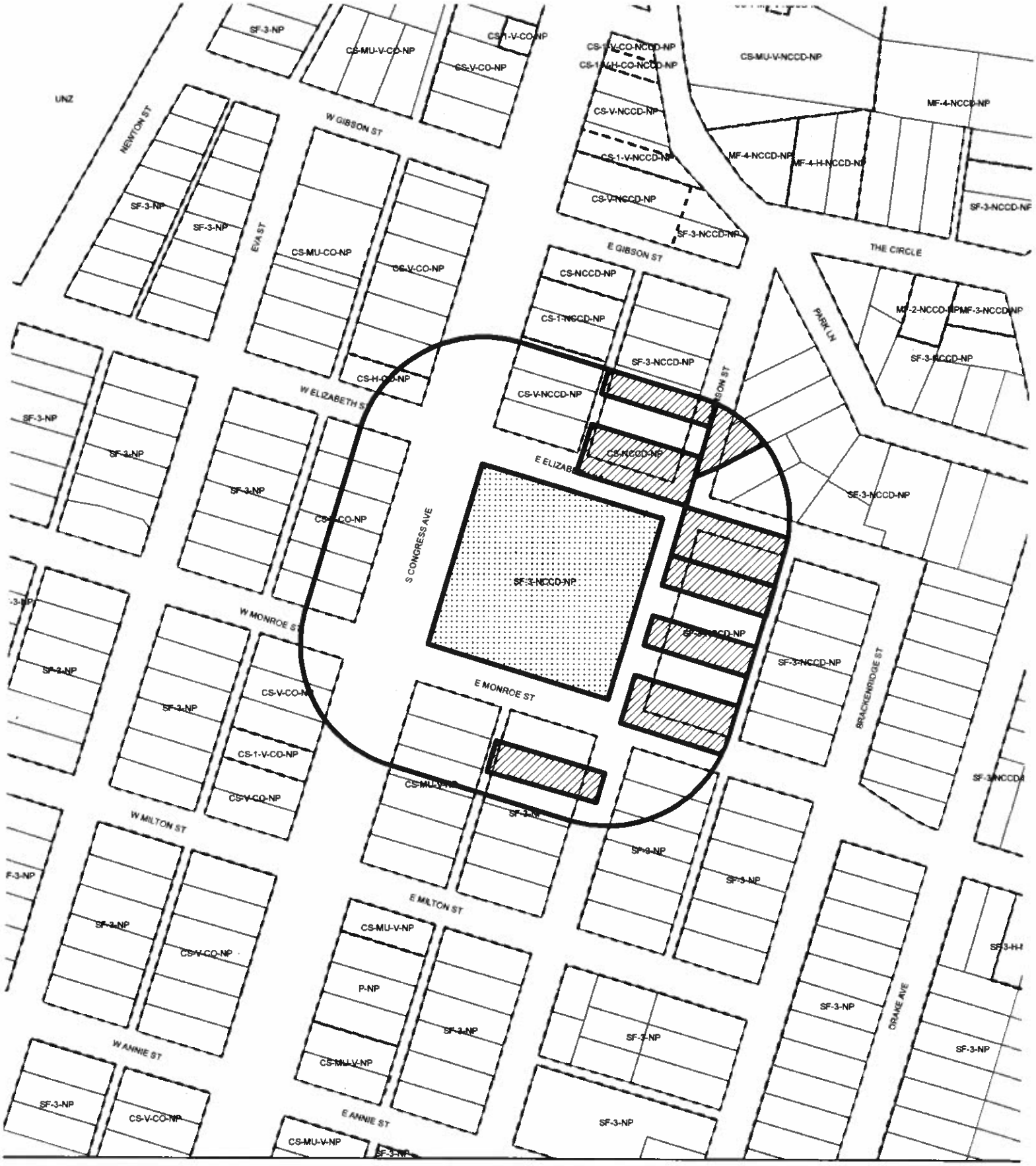
Total Area Within 200' of Subject Tract 362,780.13

1	0300010207	MORGAN PHILIP HEARD & MARVIN W	7065.45	1.95%
2	0300010209	FORD RUTH ALENE	14304.08	3.94%
3	0300010601	JACOBSON GREGORY H & ADRIENNE M DARHOWER	13582.91	3.74%
4	0300010603	DEAN DOTTYE	8303.62	2.29%
5	0300010606	BANK SETH & MICHELE CONNORS	13433.29	3.70%
6	0300010702	LONG SHARON MARSHA	6029.57	1.66%
7	0302000506	ADAMS ROBERT JAMES JR	8819.97	2.43%
8	0300010605	MELNAR LYNETTE R & MARTHA GANNON	8530.45	2.35%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%

Validated By: Stacy Meeks

Total Area of Petitioner: **80,069.33**

Total % **22.07%**



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BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

OPERATOR: S. MEEKS

1" = 200'

PETITION

CASE#: C14-2009-0032
ADDRESS: 1511 S CONGRESS AVE
GRID: J20
CASE MANAGER: S. RYE

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CITY OF AUSTIN FOUNDED 1839

goals and policies of the Fairview Park Neighborhood Plan; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That for purposes of this Ordinance, the boundaries of the Fairview Park neighborhood are shown on the map attached to this Ordinance as Exhibit "A" and hereby incorporated as if fully set forth herein.

PART 2. That notwithstanding any other provision of Chapter 13-2A of the Austin City Code of 1981 enacted before the effective date of this Ordinance, the following special compatibility standards shall apply to any SF-6 or less restrictive development occurring on property located within the Fairview Park neighborhood and adjacent to or across the street from property used or zoned SF-3-NCCD:

(A) No structure shall exceed two (2) stories or thirty (30) feet in height within one hundred (100) feet of a property used or zoned SF-3-NCCD.

(B) No structure shall exceed three (3) stories or forty (40) feet in height within three hundred (300) feet of a property used or zoned SF-3-NCCD.

No building permit to construct a structure in violation of a height restriction established by this PART 2 shall be issued. This PART 2 shall not apply to development of property abutting South Congress Avenue.

PART 3. That the Fairview Park Neighborhood Conservation Combining District ("Fairview Park NCCD") is hereby created. Use and development of property located within the boundaries of the Fairview Park NCCD established by PART 4 of this Ordinance shall comply with the use and site development regulations of the applicable base district established by Chapter 13-2A (as shown on the Zoning Map), as such use or site development regulations may be modified by the Fairview Park NCCD use or site development regulations established by PART 6 of this Ordinance.

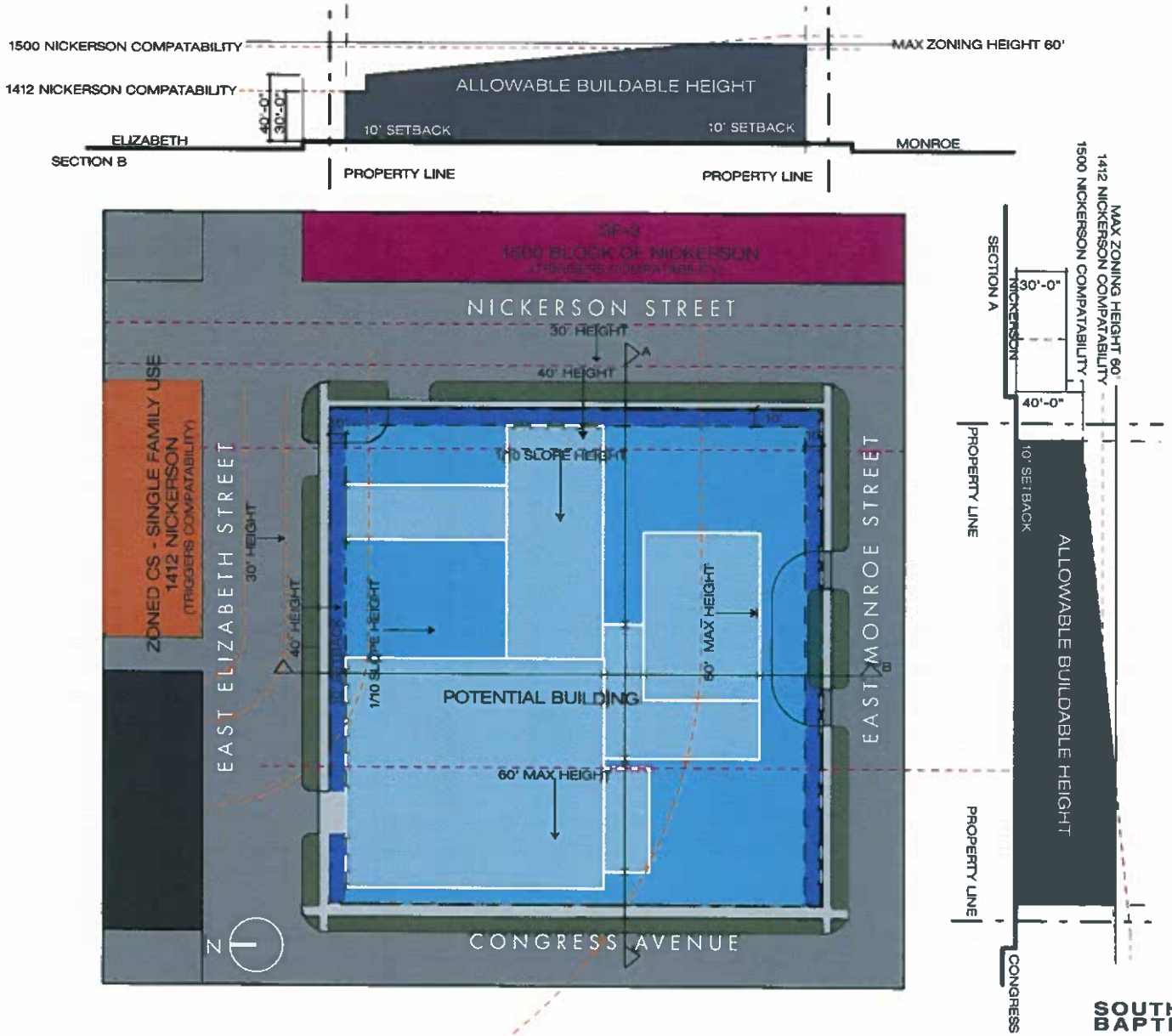
PART 4. That the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof be, and hereby is, amended to reclassify each property identified by a specific base zoning district on the map attached and incorporated into this Ordinance as Exhibit "B" from its respective existing base district classification to the base district classification shown on Exhibit "B."

PART 5. That the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof be, and hereby is, amended to include all properties located in the Fairview

BELOW GRADE PARKING
ACROSS STREET
(100 SPACES)

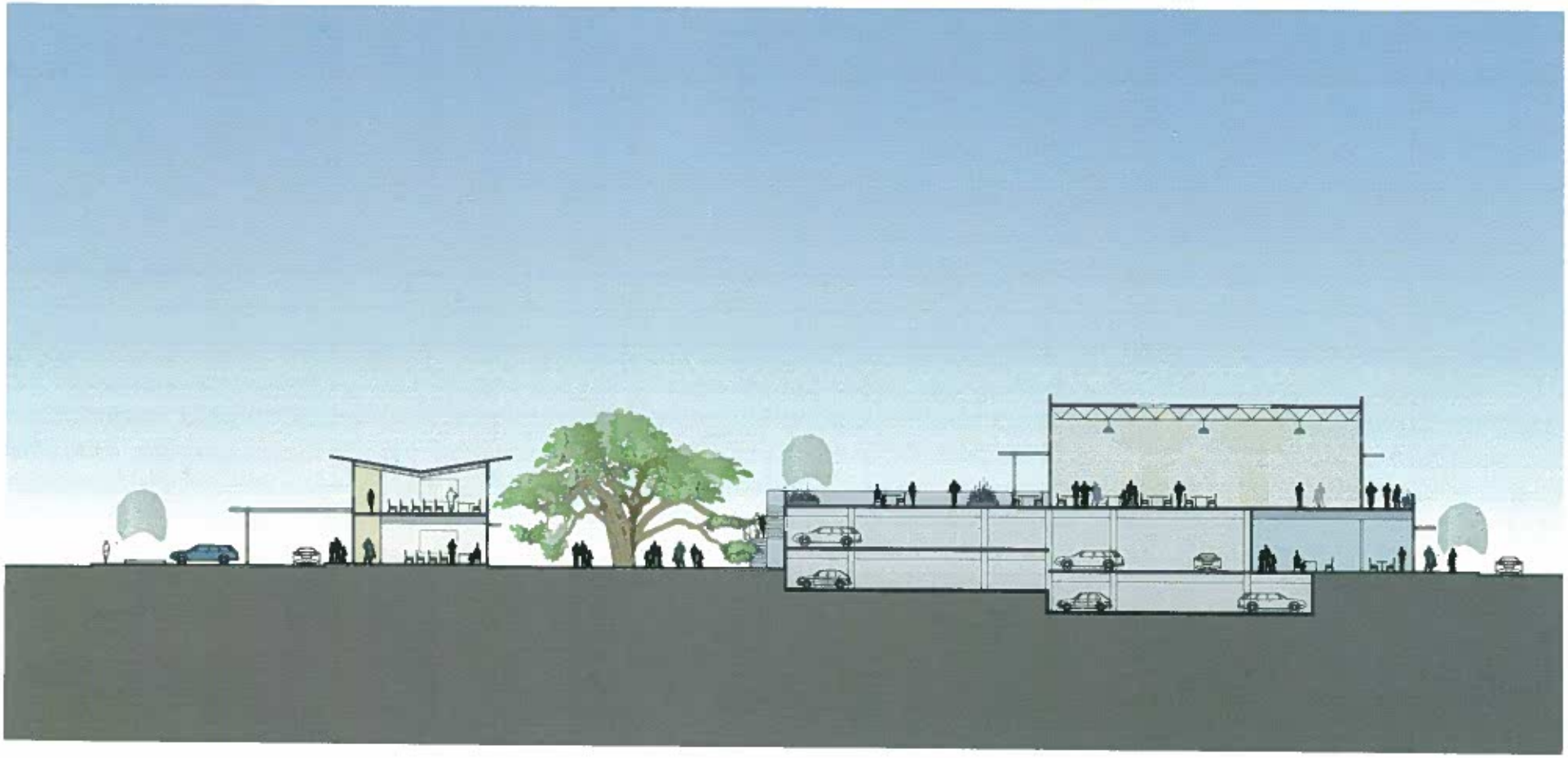
SOUTH CONGRESS BAPTIST CHURCH
february 12, 2009
Site Plan

DICK CLARK
ARCHITECTURE
www.dcarch.com



SOUTH CONGRESS BAPTIST CHURCH
february 12, 2009
Compatibility Diagram

DICK CLARK ARCHITECTURE
www.jcarch.com



SOUTH CONGRESS BAPTIST CHURCH
february 12, 2009
Section

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SOUTH CONGRESS
BAPTIST CHURCH
february 16, 2009
Perspective

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Existing

SOUTH CONGRESS BAPTIST CHURCH
february 12, 2009
Existing Massing

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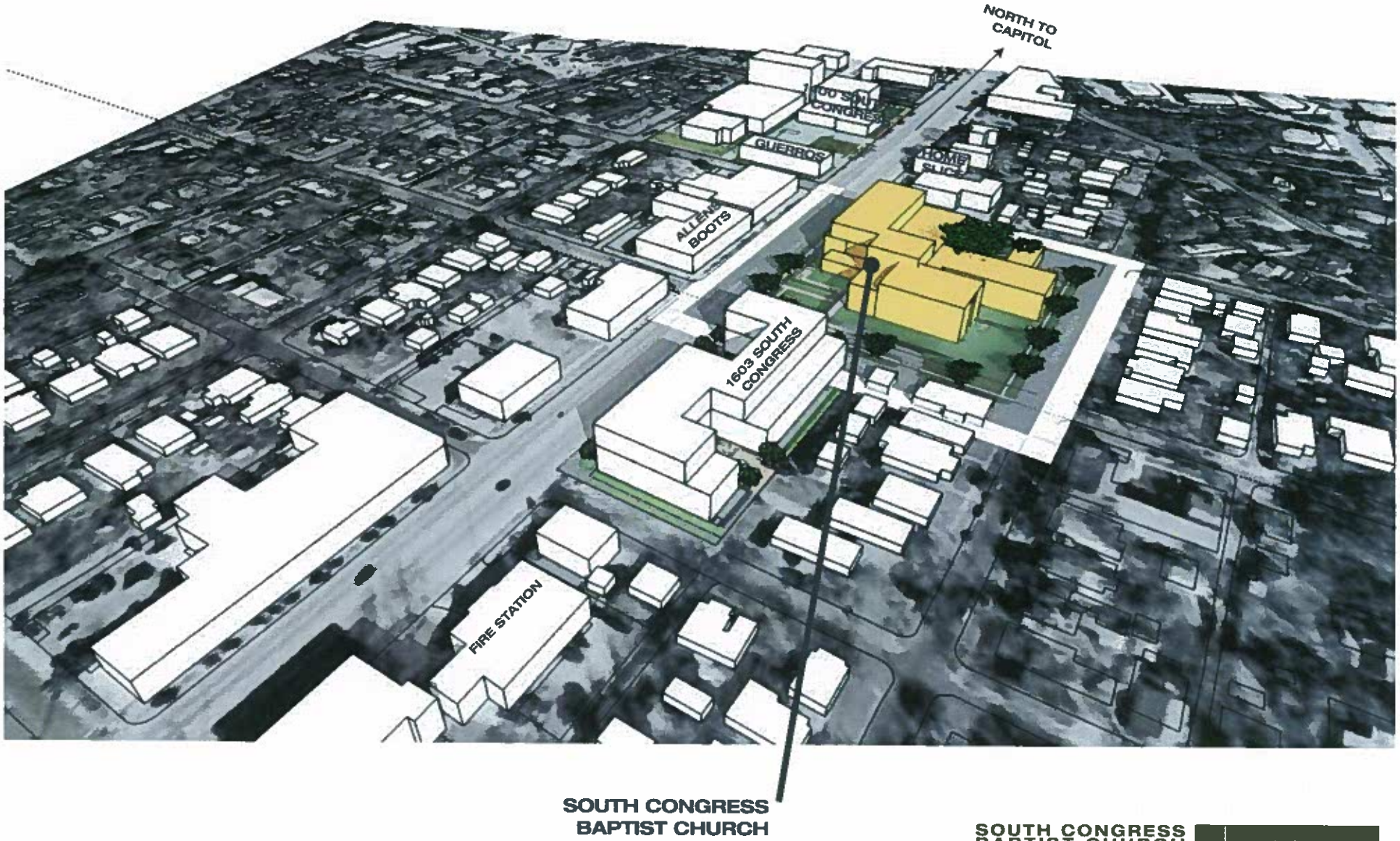
Proposed



SOUTH CONGRESS BAPTIST CHURCH
february 12, 2009
Proposed Massing

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SRCC SOUTH RIVER CITY CITIZENS

August 16, 2009

TO: Stephen Rye, Case Manager
RE: Congress Avenue Baptist Church
Rezoning & Neighborhood Plan Amendment
C14-2009-0032 & NPA-2009-0022.02

Dear Mr. Rye:

Thank you for informing me that the applicants have changed their rezoning request to match the staff recommendation on the above-referenced cases. Please recall that during our regular monthly meeting on Monday, June 1, 2009, SRCC passed the following motion: *"SRCC agrees to a change to CS zoning and Commercial Use on the western half (Congress side) of the Church tract, but strongly requests that the eastern half (Nickerson side) remain SF-3 zoning and Civic Use."*

I informed you on June 3, 2009, of this motion and also included SRCC's rationale: *"(1) the Church property is currently aberrant in that it interrupts a north-south alley that divides most other properties along S. Congress into western half commercial uses and eastern half residential uses with SF-3 zoning; and (2) the eastern half is surrounded on 3 sides (all but the Church/west side) by single-family use; and (3) should the Church ever decide to sell its property, subsequent use and zoning of both halves of the property will be in keeping with all other properties to its north and south."*

During our regular monthly meeting on August 3, 2009, SRCC members discussed changes to the applicants' request. We are pleased to learn that the Church is willing to leave the eastern half of its block as Civic Use on the FLUM, however, we are still strongly committed to SF-3 zoning rather than the staff recommendation for rezoning on the eastern half.

Please include this letter in your information to the Planning Commission

members as the SRCC Neighborhood Association's official position on these two cases.

While we appreciate Mr. Gilmore's willingness to meet with us again, we do not see any need for such a meeting at this time.

Thank you and see you on August 25, 2009. My apologies for getting this letter to you so late (August 24).

Sincerely,

Sarah Campbell
SRCC President

cc: Henry Gilmore, Agent for Congress Avenue Baptist Church
Planning Commission Members
Marc Davis, SRCC Vice-President

Re: Case NPA-2009-0022.01
Case C14-2009-0032

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

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: C14-2009-0032
Contact: Stephen Rye, (512) 974-7604
Public Hearing: July 28, 2009, Planning Commission
August 27, 2009, City Council

Sharon Long
Your Name (please print)

☐ **I am in favor**
☒ **I object**

205 Park Lane Austin 78704
Your address(es) affected by this application

Sharon Long — *Signature*
8/16/09 — *Date*

Daytime Telephone: 512 442 2800

Comments:

I have been out of town for the last 6 weeks, explaining the delay in returning my comments. I STRONGLY oppose any change to the zoning on the part of the property nearest Nickerson.

Thank You

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning & Zoning Department
Stephen Rye
P. O. Box 1088
Austin, TX 78767-8810

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: C14-2009-0032
Contact: Stephen Rye, (512) 974-7604
Public Hearing: July 28, 2009, Planning Commission
August 27, 2009, City Council

YOLANDA & GRACE PEREZ

Your Name (please print)

☐ **I am in favor**
☑ **I object**

203 W ELIZABETH

Your address(es) affected by this application

Yolanda Perez, Grace Perez — 8-3-9

Signature — *Date*

Daytime Telephone: 512 463-2899

Comments: Heavily congested area with no affordable parking spaces. Customers congest the neighboring streets making them dangerous. I have had blocked driveways. Cars stay all day sometimes it is dusk before cars move - not safe for children - hard to know who neighbors are - emergency vehicles would have a hard time entering area.

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Case Number: C14-2009-0032
Contact: Stephen Rye, (512) 974-7604
Public Hearing: July 28, 2009, Planning Commission
August 27, 2009, City Council

YOLANDA & GRACE PEREZ
Your Name (please print)

☐ **I am in favor**
☑ **I object**

203 W ELIZABETH
Your address(es) affected by this application

Yolanda Perez & Grace Perez 8-3-9
Signature *Date*

Daytime Telephone: 512 463 2899

Comments: This is a crowded noisy area with an extreme shortage of parking spaces. Customers park in neighborhood streets to avoid paying parking fees. This would not add affordable housing which is needed. There are many expensive shops already that only a select part of the population can afford.

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Neighborhood Planning & Zoning Department
Stephen Rye
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2009-0032
Contact: Stephen Rye, (512) 974-7604
Public Hearing: July 28, 2009, Planning Commission
August 27, 2009, City Council

John Welch
Your Name (please print)

☐ I am in favor
☒ I object

1602 Eva
Your address(es) affected by this application

John Welch 8/7/09
Signature *Date*

Daytime Telephone: 512-266-7245

Comments: This property should remain a church. No need for more conjestion and flip to commercial property. City is not enforcing commercial zoning rules now. As in "Congress Ave Cafe" across street corner W. Monroe and Congress. Even if city had the will to enforce zoning here a change in this case is inappropriate

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning & Zoning Department
Stephen Rye
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2009-0032
Contact: Stephen Rye, (512) 974-7604
Public Hearing: July 28, 2009, Planning Commission
August 27, 2009, City Council

JAMES PECK
Your Name (please print)

☐ **I am in favor**
☑ **I object**

1600 A NICKERSON ST, AUSTIN, TX 78704
Your address(es) affected by this application

Signature

20 JULY 2009
Date

Daytime Telephone: 512-326-8552

Comments: This is a residential neighborhood and should not be mixed use.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning & Zoning Department
Stephen Rye
P. O. Box 1088
Austin, TX 78767-8810

Rye, Stephen

From: Greg [gregoryjacobson@mac.com]
Sent: Saturday, August 22, 2009 9:20 PM
To: Rye, Stephen
Subject: Follow up to initial letter on Re-zoning of 1511 South Congress
Follow Up Flag: Follow up
Flag Status: Red

Dear Mr. Rye,

As you know Adrienne and I are the owners of 1511 Nickerson St. Thank you very much for speaking to me and answering my questions about the re-zoning of the two acre lot at 1511 S. Congress. I wanted to re-write the initial letter I sent protesting the rezoning of the eastern half of the lot as I have learned more about the situation since the first letter. Please include this letter in the report instead of my first one.

Before I get into specific objections, I want to inform that this entire process is quite confusing to the layperson unacquainted with the legal and land designation terminology as well as the structure and wording of the notices. After talking with my neighbors, I can report that despite having an active and strong neighborhood association, most of them did not understand the issues at hand, were not aware of the meetings despite the mailings, nor did they understand the nature of the requests being made.

First, I want to explain the situation in layman's terms, as I understand it. Congress Avenue Baptist Church wants to rebuild itself on their lot. They want to change the zoning of the entire lot from its existing designation to commercial. They want to do this because they plan on building a structure that is denser than the existing zoning allows.

It appears everyone agrees and no one objects to the South Congress-facing half of the lot changing to commercial. This alteration is logical because the rest of the lots facing South Congress are commercial establishments. The objections concern the eastern half of the lot that faces Nickerson Street. Currently, all lots on Nickerson are designated single family. The neighborhood association, my neighbors and I all oppose any re-zoning that would change the eastern half of the church's lot to denser than single family. This includes the neighborhood planning staff's modified approach to allow densities greater than single family but more restricted than commercial.

Of course, I have signed the Valid Petition pertaining to this request, but I want to provide more details about my objections. Please remember when looking at this issue that no one is expecting the church to *not* re-build. We are simply asking it to do so in a manner that is sensitive to the spirit of the area and to follow the same rules that their neighbors have followed in the past.

First, I would like to outline how re-zoning the eastern portion of the lot contradicts many neighborhood planning objectives:

1) It promotes incursion of uses other than single family into this neighborhood

2) It degrades the character of the single-family neighborhood

3) It violates the goal that new development be compatibly scaled when adjacent to residential uses

4) It violates the principle that zoning be based on the land use as it impacts its surroundings independent of the specific owner's desired use of the property

In essence, allowing the eastern half of the lot to be re-zoned anything other than single family would set a negative precedent for commercial encroachment into an established residential area. Commercial uses should be located along established commercial corridors where access to the business would not affect adjacent residential uses. Please recognize while the pattern of land use on South Congress many have changed since the initial zoning of the lot, the use of land on Nickerson has not.

The eastern half of the lot is located on the interior of a residential street and has single-family homes on three sides of the property. Additionally, I would like to note that all lots facing Nickerson on either side of the street within the perimeters of the provided Zoning Change Review Sheet zoning map are single family. The only exception is a lot grandfathered in over a half century ago. With this understanding, why would the eastern half of 1511 South Congress be viewed differently than any of the other Nickerson facing lots?

My second major area of objection relates to page 4 of the Zoning Change Review Sheet. There are two points under Basis for Recommendation. The first states that the zoning recommendation "will allow the South Congress Baptist Church to rebuild church facilities and to continue its religious assemble use on the property." My objections as well as those of the neighborhood do not prevent the church from re-building nor prohibit it from continuing religious assembly on the land. The objection solely relates to the density at which they can re-build.

The second statement I object to in the Zoning Change Review Sheet states, "The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses and development intensities." It is not clear in this report how 1511 South Congress's current zoning does not already serve this function. Nor does it explain why 1511 South Congress is unique in some way relative to all of its neighbors. In fact, I believe the recommended zoning achieves an opposite and therefore undesirable effect. I believe that allowing a higher density building to be constructed deeper into the neighborhood is antithetical to "promoting a transition between adjacent and nearby zoning districts." As I've elaborated above, I have strong objections to the two points that are the basis for the current recommendation.

My next area of concern relates to the fact that the future is always unknown. I understand that the church *intends* to rebuild itself on the lot. The unfortunate reality is that plans change, but zoning persists. What specifically do I mean? Well, what if the leaders of the church change? Or what if the current leaders change their minds? Or what if their financial outlook changes, and they are forced to sell or amend their plans? I understand that currently there are approximately 100 members of the church. I have been told that much of the funding for the project is coming from a 100-year lease on an adjacent South Congress lot. Bill Gurasich, the developer to whom the lease was granted, plans on building a boutique hotel on this site. It should be noted that he has just disclosed to the South River City Citizen that development of the land is being delayed for unspecified reasons. Everyone knows that things come up. Situations change. We need to understand the long term ramifications and neighborhood impact this re-zoning could affect should the church not proceed with its re-build.

Next, I'd like to point out another piece of language in the Zoning Staff Review Change document that

I find objectionable as a homeowner. Specifically, I direct attention to the statement on page 2: "Keeping Civic land use along the eastern portion of the property (along the Nickerson Street) will provide some protection to the adjacent residential uses." The word that concerns me is "some." I think it is irresponsible when talking about people's homes to use the word "some" which to me implies partial. It indicates that the staff recognizes that this rezoning is not ideal for the residential property owners. Why not simply leave the zoning on the eastern half of the church lot single family to afford the homeowners the maximum possible protection?

The second area of concern on page 2 is the following: "3) The proposed rezoning of the property to CS-Commercial parking for area business and patrons to the various shops located along the commercial corridor, in addition to providing parking for First Thursday events." Aside from the fact I am confused why a church would be getting into the business of solving parking problems for commercial areas, why is an area that is currently zoned single-family being requested to change to create a solution for a parking problem caused by a nearby commercial area? It would seem only logical that the areas designated commercial solve their own parking problems and not have to move office buildings into neighborhoods to achieve this.

Another concern is the inevitable precedent that will be set. If we change the eastern half of the lot away from single family for this church, then what about for the two other churches in the area. One of them is caddy-corner to 1511 Nickerson. What would be the logic of allowing 1511 South Congress to build a parking structure for the commercial businesses on South Congress and then not allow the church across the street to do the same? It is a slippery slop to make exceptions for single-use scenarios.

Lastly, I want to re-iterate that **no one** is opposing the church re-build itself. We are only concerned about the re-zoning of the Nickerson side of the lot. If we take a step back, the neighborhood association and all the families adjacent to the lot in question are acting in accordance with patterns of zoning in this area of town. Not only that, but the fact that no one is objecting to changing the western side of the lot speaks to the rational and fair nature of this opposition. If there was not logic to the placement of the original zoning, it would not have been applied as consistently nor would the pattern have held up this long.

Hopefully you will be able to communicate my concerns at the meeting. Please feel free to read this letter at the meeting if you deem it appropriate. I look forward to speaking with you in person.

Thank you,

Gregory Jacobson MD and Adrienne Darhower MD

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Greater South River City Combined Neighborhood Plan

CASE#: NPA-2009-0022.02

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

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 S. 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.

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

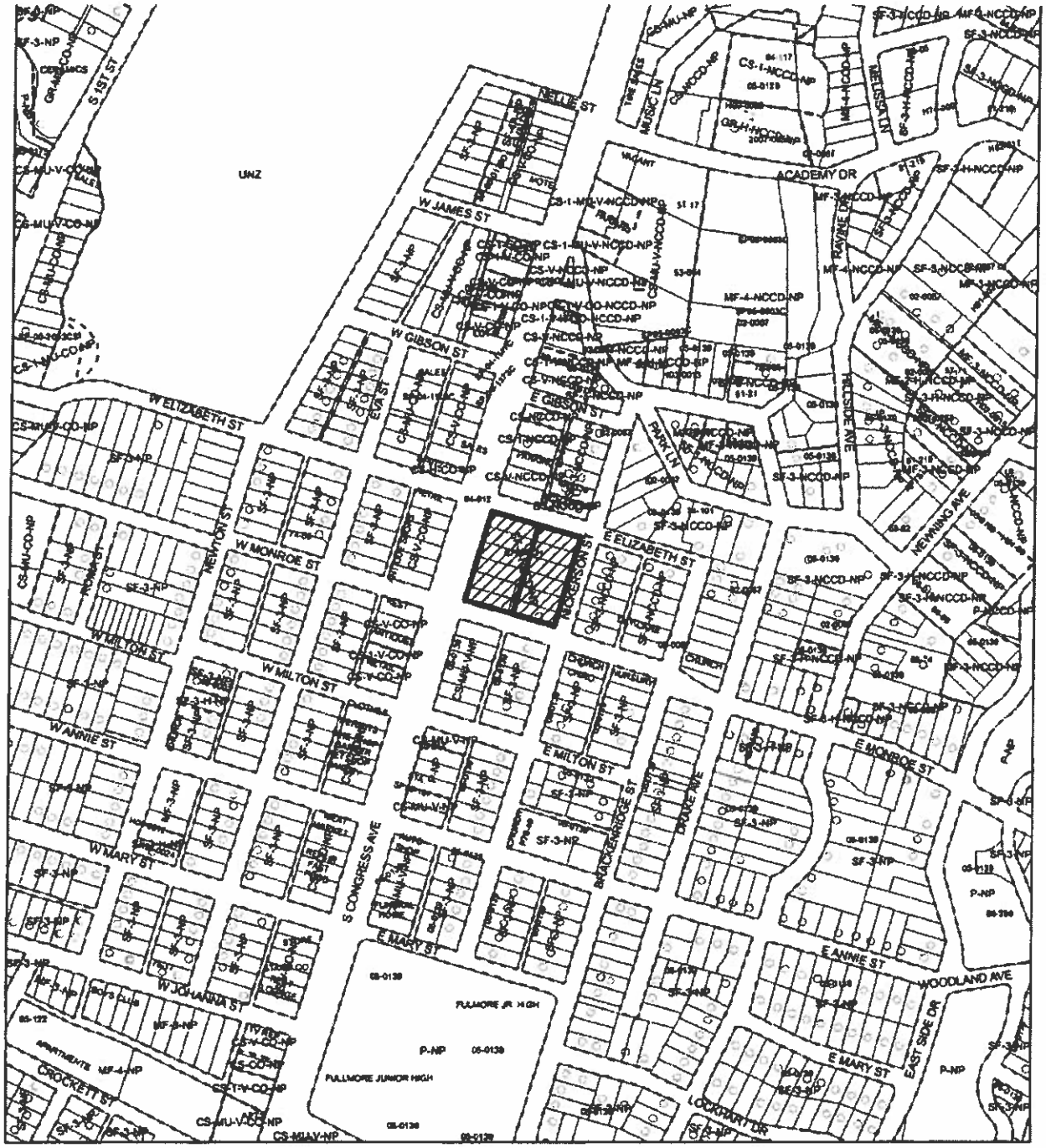
architect stated that the GO- General Office district would allow more impervious cover and site development standards that are allowed under the SF-3 zoning district.

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.

CITY COUNCIL DATE: August 27, 2009 **ACTION:** Pending

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

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



N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

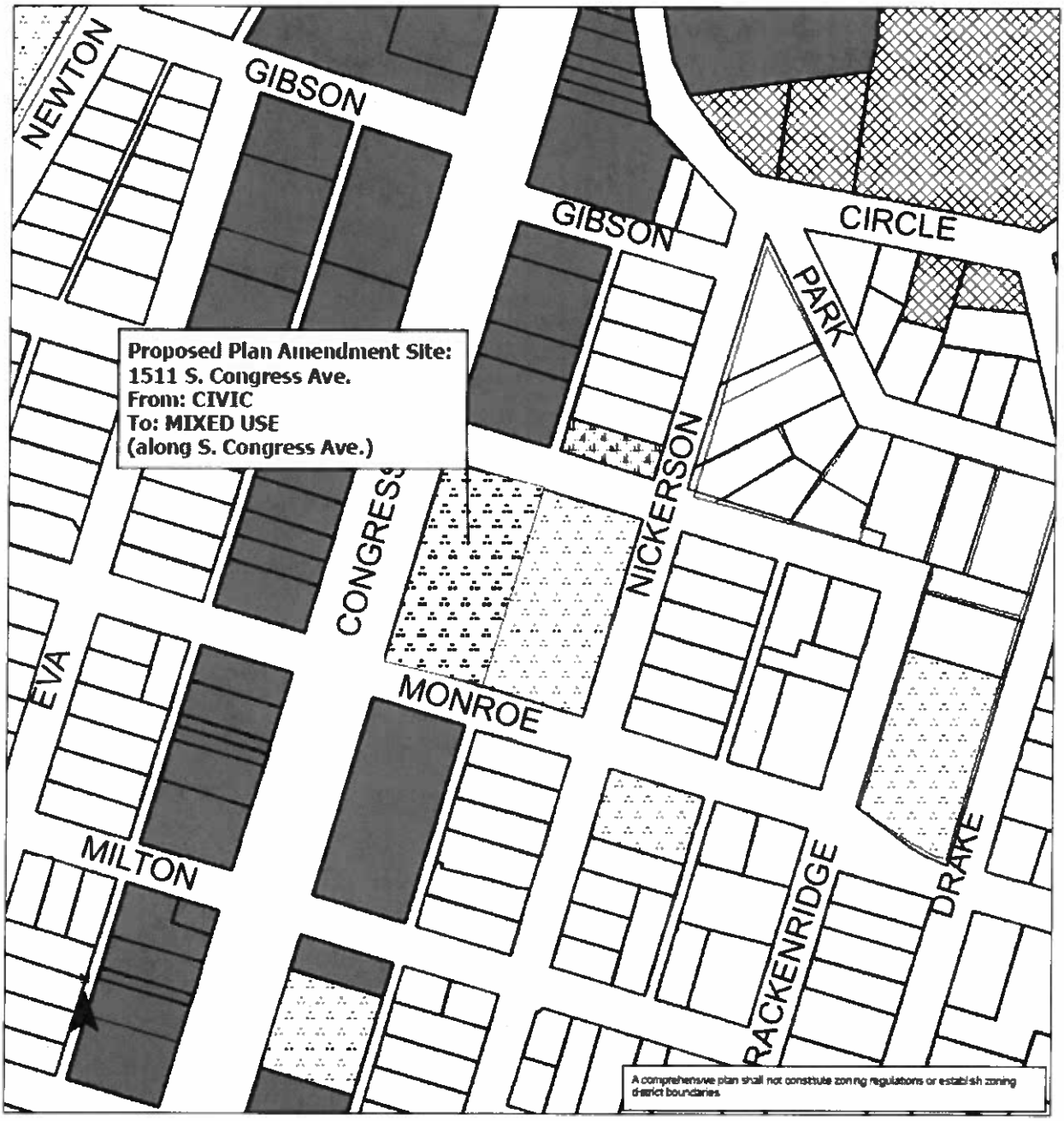
OPERATOR: S. MEEKS

1" = 400'

ZONING

ZONING CASE#: NPA-2009-0022.01
ADDRESS: 1511 S CONGRESS AVE
SUBJECT AREA: 2.0117 ACRES
GRID: J20
MANAGER: M. MEREDITH

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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

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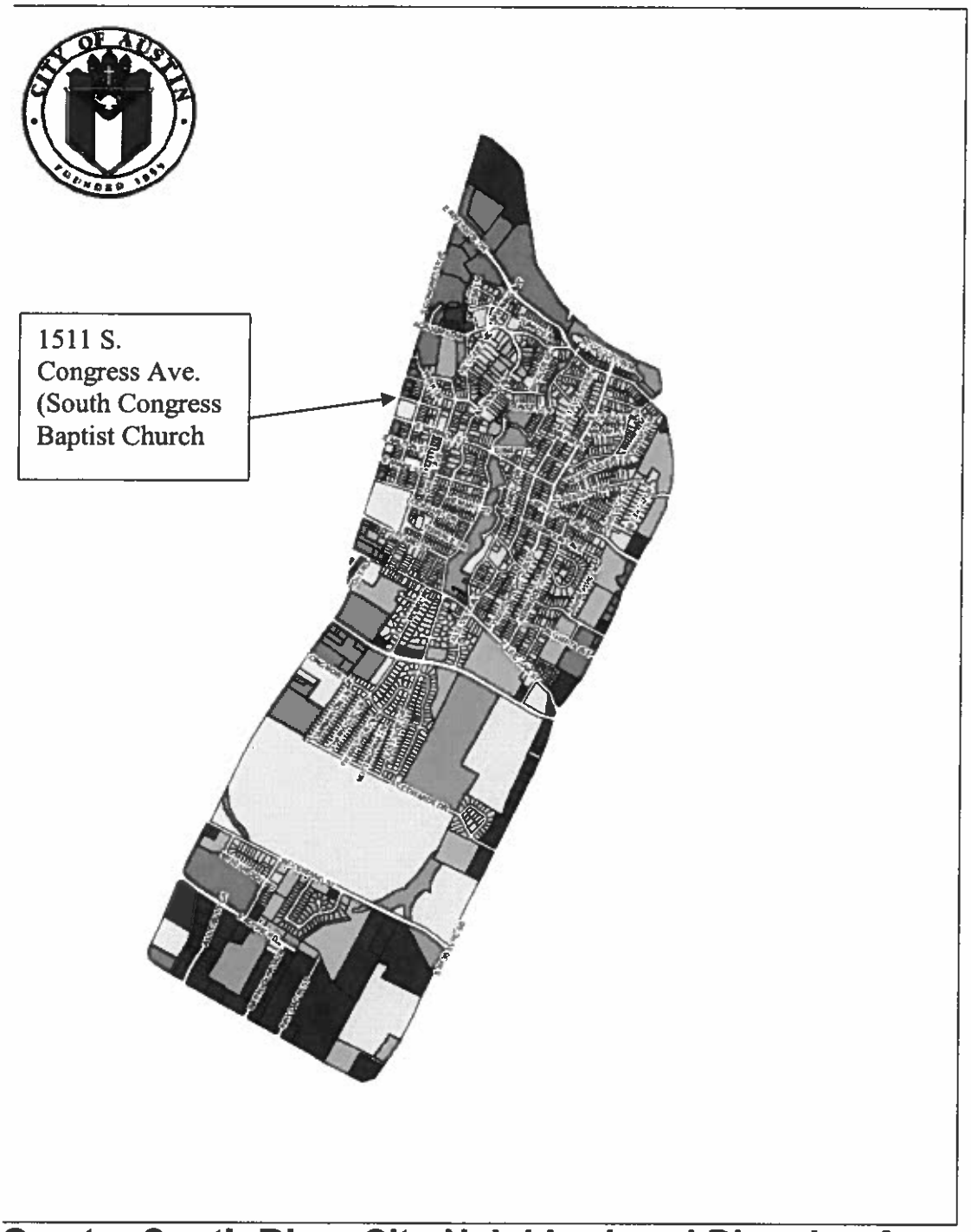
0 120 240 480 Feet

Created on July 16, 2009_MM

Future Land Use

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



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.

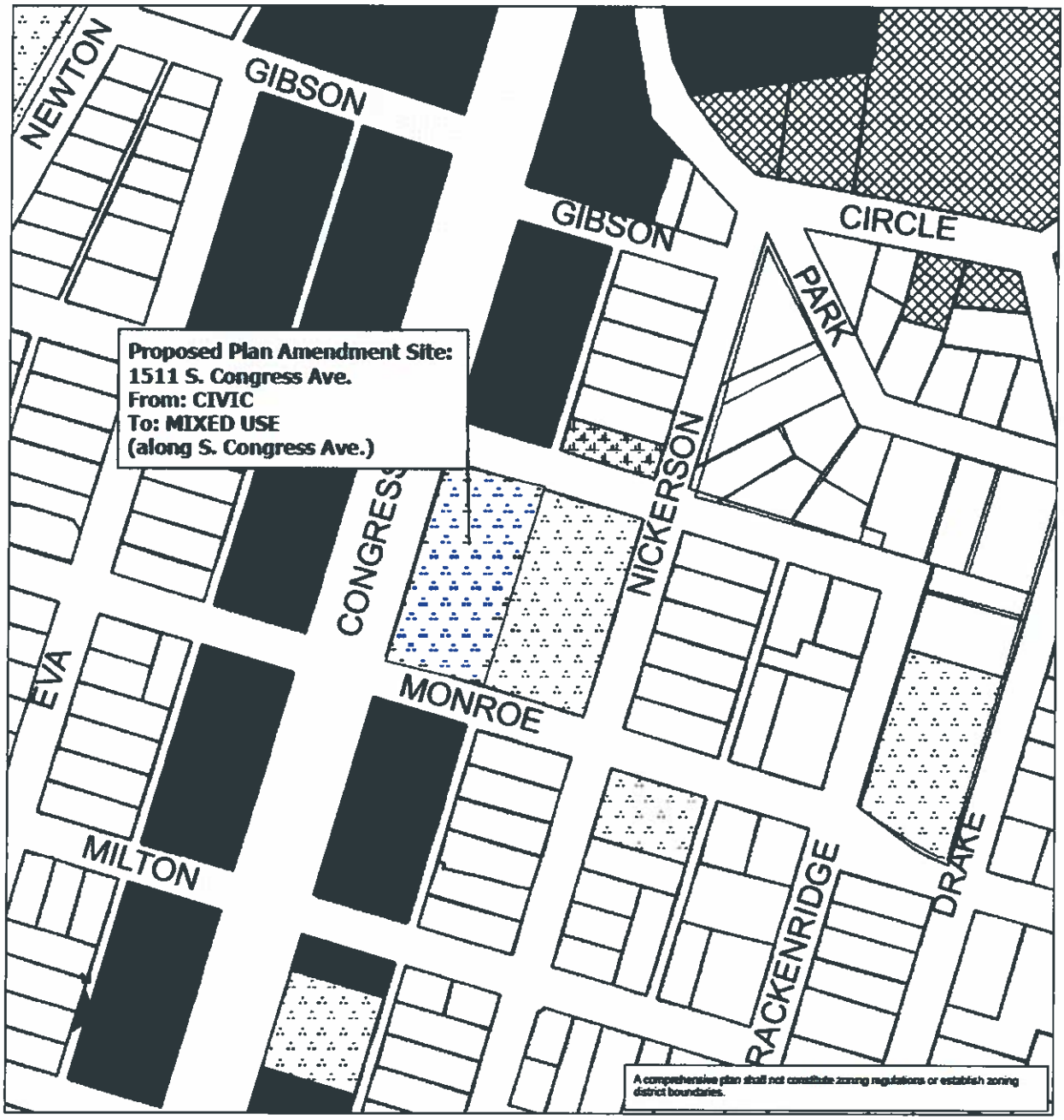
Date Adopted: 11/29/05
Last Modified: 12/16/08

0 2,500 5,000 7,500 10,000 Feet

1 inch = 0.28409 miles

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

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



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

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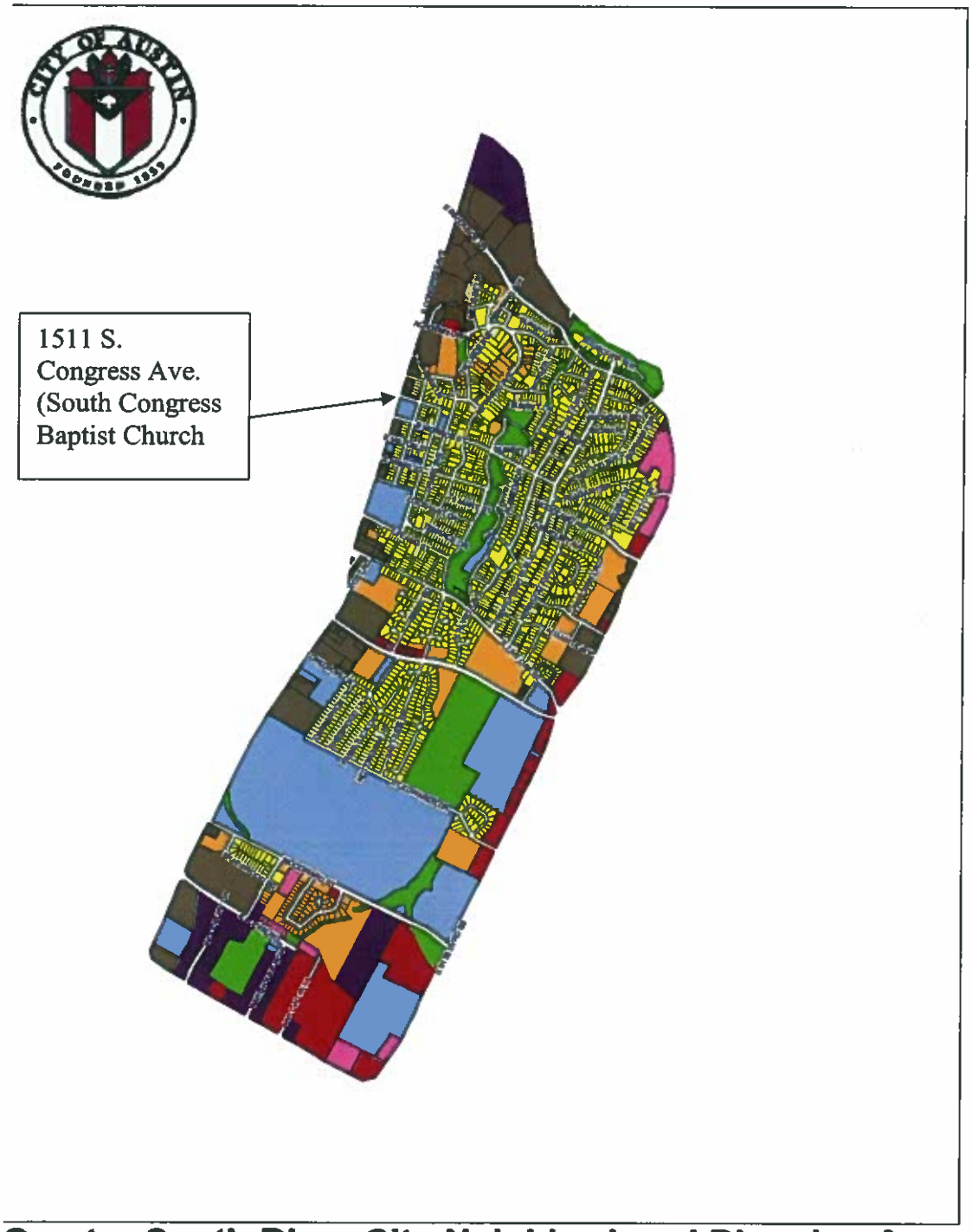
0 120 240 480 Feet

Created on July 16, 2009_MM

Future Land Use

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



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

0 2,500 5,000 7,500 10,000 Feet

1 inch = 0.28409 miles

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

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