

#53

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 26.11% 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
<i>Site</i>	SF-3-NCCD-NP	Church
<i>North</i>	CS-V-NCCD/CS-NCCD	Dry Cleaning/Sign Shop
<i>South</i>	CS-MU-V-NP/SF-3-NP	Mobile Food Vending/Single Family
<i>East</i>	SF-3-NCCD-NP	Single Family
<i>West</i>	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 require 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

- The site is subject to compatibility standards. Along the West property line, the following standards apply:
- No structure may be built within 25 feet of the property line.
- 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
9/24/09

ACTION: (postponed by staff)
(postponed by applicant)

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

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

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