

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 48
AGENDA DATE: Thu 06/17/2004
PAGE: 1 of 1

SUBJECT: C14-04-0064 - Episcopal Theological Seminary of the Southwest - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 and 606 Rathervue Place and 3105 and 3113 Duval Street (Shoal Creek Watershed) from multi-family residence low density-conditional overlay (MF-2-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading on June 10, 2004. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by City Council at first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades). Property Owner: Episcopal Theological Seminary of the Southwest. City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0064

REQUEST:

Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 500 and 606 Rathervue Place and 3105 and 3113 Duval Street from multifamily residence low density-conditional overlay (MF-2-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning.

DEPARTMENT COMMENTS:

The property is currently zoned MF-2-CO. The CO limits vehicle trips to 2,000 per day and limits residential density to 15 units per acre.

The subject tract is a part of the Central Austin Combined Neighborhood Plan (CACNPA), in the Hancock Planning Area. The CACNPA has not been approved by Council and is scheduled to be considered on July 29, 2004 for 2nd and 3rd readings. Staff is therefore processing this case as a regular zoning case.

At this time, the Future Land Use Map (FLUM) designates the subject tract for a civic use, as it is now occupied with the Episcopal Theological Seminary. The applicant is requesting the change in order to allow for future expansion of the property. The GO district is the lowest intensity zoning to allow College and University Facilities and would prevent the owner from being required to submit a Conditional Use Permit (CUP) site plan for expansion.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department

DATE OF FIRST READING/VOTE:

June 10, 2004 – Approved general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, with the additional provision to allow Private Primary and Private Secondary Educational Facilities as conditional uses (Vote: 7-0).

CITY COUNCIL DATE:

June 10, 2004 – Approved GO-MU-CO on first reading.

June 17, 2004 -

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0064

P.C. DATE: May 25, 2004

C.C. DATE: June 10, 2004
June 17, 2004

ADDRESS: 500 and 606 Rathervue Lane and 3105 and 3113 Duval Street

APPLICANT: City of Austin

AGENT: Neighborhood Planning
and Zoning Department

ZONING FROM: MF-2-CO

TO: GO-MU-CO

AREA: Tract 1 - 4.18 acres
Tract 2 - .77 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the proposed change to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. The conditional overlay is set forth below.

PLANNING COMMISSION RECOMMENDATION:

To approve general office-mixed use-conditional overlay (GO-MU-CO) district zoning as recommended by staff by consent (Vote: 9-0).

ISSUES:

The property is currently zoned MF-2-CO. The CO limits vehicle trips to 2,000 per day and limits residential density to 15 units per acre.

The subject tract is a part of the Central Austin Combined Neighborhood Plan (CACNPA), in the Hancock Planning Area. The CACNPA has not been approved by Council and is scheduled to be considered on June 10th. Staff is therefore processing this case as a regular zoning case.

At this time, the Future Land Use Map (FLUM) designates the subject tract for a civic use, as it is now occupied with the Episcopal Theological Seminary. The applicant is requesting the change in order to allow for future expansion of the property. The GO district is the lowest intensity zoning to allow College and University Facilities and would prevent the owner from being required to submit a Conditional Use Permit (CUP) site plan for expansion.

The zoning case is divided in to tracts 1 and tract 2 (see map) and each is requesting the same change with some modifications to the conditional overlay on tract 2 in order to buffer the single-family homes to the east. Tract 2 is 80 feet in width along E. 32nd St. and Rathervue Place.

The following uses will be prohibited on tract 1:

Administrative and Business Offices
Business or Trade School
Communication Services
Convalescent Services
Hospital Services (general)
Medical Offices (<5000 sq. ft.)

Art and Craft Studio (limited)
Business Support Services
Congregate Living
Guidance Services
Hospital Services (limited)
Medical Offices (>5000 sq. ft.)

Personal Services
Residential Treatment
Software Development

Professional Offices
Restaurant (limited)

The following uses shall be conditional on tract 1:

Counseling Services
Private Primary Educational Facilities

Day Care Services (commercial)
Private Secondary Educational Facilities

The proposed Site Development Standards for tract 1 shall be limited to the following (in parenthesis is what is allowed under GO standards and the existing conditional overlay for density):

Building Coverage limited to 50% (60%)
Height limited to 40 feet (60 feet)

Impervious Cover limited to 60% (80%)
Residential limited to 17 units per acre (15 u.p.a)

The following uses will be prohibited to tract 2:

Administrative and Business Offices
Art and Craft Studio (limited)
Business Support Services
Congregate living
Guidance Services
Hospital Services (general)
Medical Offices (>5000 sq. ft.)
Professional Office
Restaurant (limited)

Art and Craft Studio (limited)
Business or Trade School
Communication Services
Convalescent Services
Hospital Services (limited)
Medical Offices (<5000 sq. ft.)
Personal Services
Residential Treatment
Software Development

The following shall be conditional on tract 2:

College and University Facility
Cultural Services
Day Care Facility (general)
Off-Site Accessory Parking
Private Secondary Educational Facilities

Counseling Services
Day Care Facility (commercial)
Multifamily Residential
Private Primary Educational Facilities

The proposed Site Development Standards for tract 2 shall be limited to the following (in parenthesis is what is allowed under GO standards and the current conditional overlay for density):

Building Coverage limited to 50% (60%)
Height limited to 35 feet (40 feet)

Impervious Cover limited to 60% (80%)
Residential limited to 17 units per acre (15 u.p.a.)

Staff has received a letter in opposition from a nearby resident and a letter of support from the Eastwoods Neighborhood Association (see attached).

Also, if Commission recommends the proposed change, staff recommends a vehicle trip limit of 2,000 per day for both tracts.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-2-CO	Episcopal Seminary
<i>North</i>	SF-3, SF-3-H	Single Family
<i>South</i>	SF-3	Single Family, Lutheran Church Office
<i>East</i>	SF-3	Single Family
<i>West</i>	MF-4	Multifamily

AREA STUDY: Central Austin Combined Neighborhood Plan **TIA:** N/A**WATERSHED:** Waller Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

#025 – Eastwoods Association
 #031 – Hancock Neighborhood Association
 #048 – North University Neighborhood Association
 #511 – Austin Neighborhoods Council
 #603 – Mueller Neighborhoods Coalition
 #937 – Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-99-0061	SF-3 to MF-2-CO	Approved MF-2-CO. The CO limits trips to 2,000 per day and density to 15 units per acre (Vote: 5-0-1). 6/8/99	Approved PC rec. (Vote: 6-0). 7/15/99

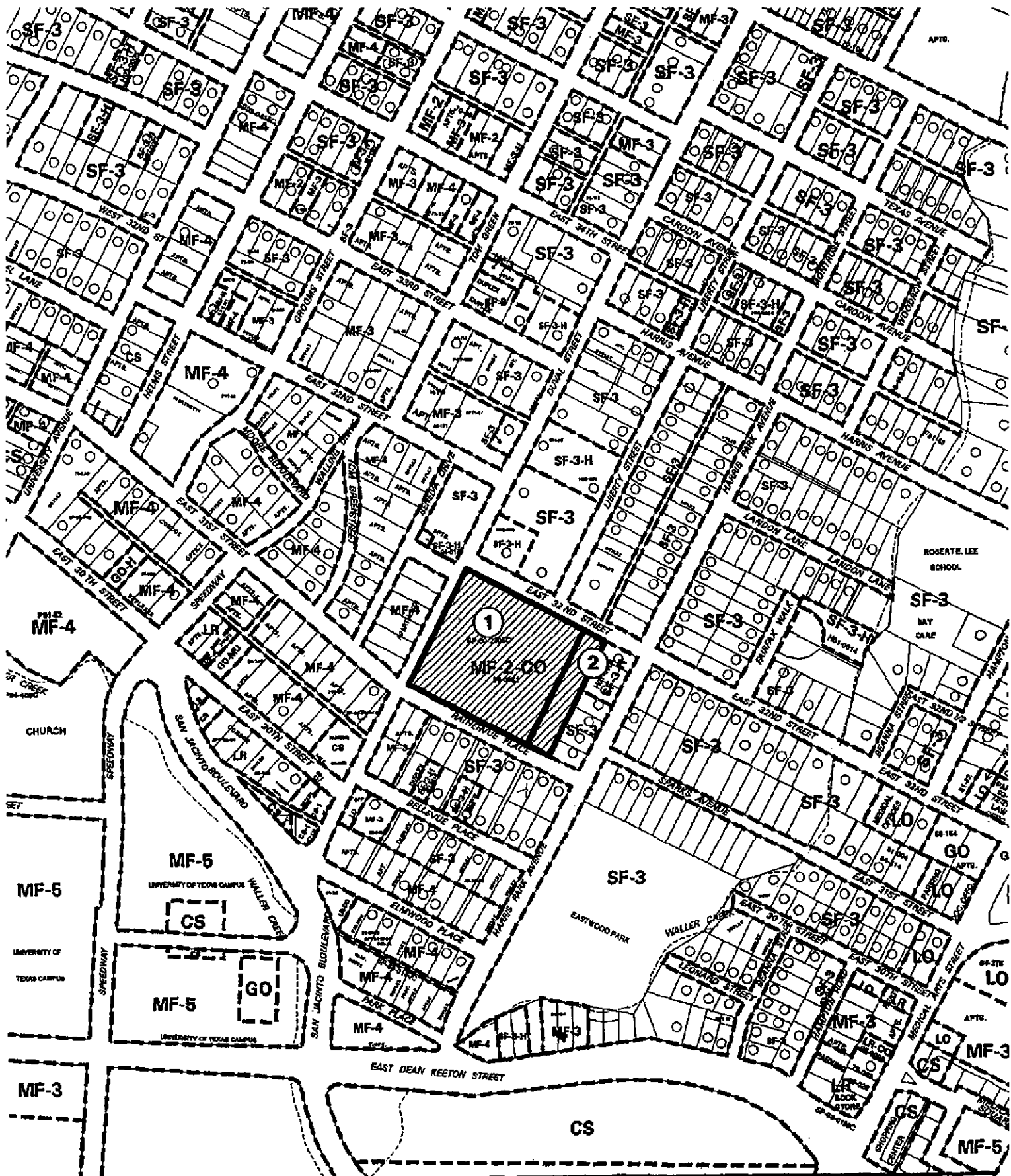
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Duval	45'	Varies	Collector	N/A
E. 32 nd	60'	Varies	Collector	N/A
Harris Park Avenue	60'	Varies	Collector	N/A
Ratherview Place	56'	Varies	Collector	N/A

CITY COUNCIL DATE: June 10, 2004

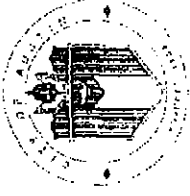
ACTION: Approved GO-MU-CO on 1st ordinance reading, adding Private Primary and Private Secondary Educational Facilities as conditional uses (7-0).

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G. RHOADES	ZONING CASE #: C14-04-0064 ADDRESS: 500 & 606 RATHERVUE PLACE AND 3105 & 3113 DUVAL ST SUBJECT AREA (acres): 4.974	DATE: 04-08 INTLS: SM	CITY GRID REFERENCE NUMBER J24

City of Austin Infrastructure Support Services



Case C14-04-0064

Base
Subdivision



This map has been produced by the City of Austin as a walking start map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Infrastructure Support Services, City of Austin.

STAFF RECOMMENDATION

Staff recommends the proposed change to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning.

BASIS FOR RECOMMENDATION

Staff recommends the proposed change to GO-MU-CO. The Episcopal Theological Seminary has been in existence for over half a century and the proposed change will allow for moderate expansion of the existing use. In addition, the proposed GO zoning will allow for civic uses in accordance with the CACNPA.

The applicant has agreed to site development standards, by limiting heights and providing setbacks that would be compatible with the surrounding residential uses. The proposed site development standards are comparable to what is allowed under the current MF-2-CO zoning as shown below:

	Building Coverage	Impervious Cover	Height	Density
Proposed	50%	60%	40 and 35 feet	17 u.p.a.
MF-2-CO	50%	60%	40 feet	15 u.p.a.

With the restrictions agreed to by the applicant, staff believes the proposed change will be compatible with the surrounding area and will give the owner a fair and reasonable use of the site.

EXISTING CONDITIONS

Site Characteristics

The site is currently occupied with the Episcopal Theological Seminary.

Transportation

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

The trip generation under the requested zoning is estimated to be 8,691 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the property owner has 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 was waived because this is a City initiated case.

There are existing sidewalks along Harris Park Avenue.

Duval is classified in the Bicycle Plan as a Priority 1 bike route. (Route # 49)

Capital Metro bus service is available along Duval (Route #7)

Impervious Cover

The maximum impervious cover allowed under GO zoning is 80%.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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. Impervious cover is not limited in this watershed class. 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.

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

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

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The site is served with water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility adjustment, or relocation are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

Compatibility Standards

There is an existing site plan on the site (SP-00-2305C), which was approved and released on January 18, 2001.

The site is subject to compatibility standards. Along the north, east and south property lines, 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.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet in width is required along the entire length of the abutting single family property.
- 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.

Additional design regulations will be enforced at the time a site plan is submitted.

Glenn Rhoads, Zoning Case Manager
c/o City of Austin Neighborhood & Zoning Planning Department
P.O. Box 1088 – NPZ
Austin, TX 78767

May 24th, 2004

Dear Glenn,

As President of Eastwoods Neighborhood Association, I would like to let you know that Eastwoods Neighborhood has had several meetings with the Episcopal Seminary regarding the zoning changes for the northside of Rathervue Place. The neighborhood was able to agree unanimously to these changes and the implementation of them by the City Planning Department.

We thank you for your time look forward to the conclusion of this proposal.

Sincerely,

Dana Twombly

Dana Twombly
President of ENA

Glenn Rhoades, Zoning Case Manager
c/o City of Austin Neighborhood Planning & Zoning Department
P.O. Box 1088-NPZ
Austin, TX 78767

May 24th, 2004

Dear Glenn,

I would like to take this time to touch briefly on the subject of the Episcopal Seminary Zoning change and Eastwoods Neighborhood Association.

About a year after I first moved into the neighborhood, I was approached by one of my neighbors encouraging me to attend a meeting regarding the long term future plans of the Episcopal Seminary and the effect it was going to have on the neighborhoods' fundamental character. This meeting, which occurred in October of 2003, was extremely contentious. It appeared that there were several areas of disagreement between the Seminary and the Eastwoods Neighborhood Association. The concerns were very fundamental. There was a total distrust of the Seminary and their long term approach to the neighborhood. *Could they be believed? What would happen to property values? Would they really build a library that would be in keeping with the character of the neighborhood? Would their plans eradicate many beautiful historic homes that were located in Eastwoods? Would they be too commercial? Did they not care about the feelings that long-term residents had regarding the heritage of Eastwoods.* The list went on and on. And as the Seminary tried to answer the neighborhoods' requests and made changes to the plans, this only continued to foster the already eroding attitude within Eastwoods. *"See, they said this, now they are saying this". "Their plans keep on changing, how can we trust them?" they have already broken zoning ordinances, how do we know this won't happen again!" "Why can't they just move and leave us alone."* This process was a no win situation. There could be NO compromise, there would be NO meeting of the minds, there was only total division between the two camps.

In February, the neighborhood learned that the Episcopal Seminary had hired an attorney, Mr. Richard Suttle, to help them apply pressure to the neighborhood to get the zoning changes they needed. It was also my understanding that the Seminary was under pressure from the City to fix the zoning on several of their properties in order to be in compliance. As the new president of Eastwoods, I quickly come to the conclusion that really there was only ONE underlying issue that needed to be resolved in order for some type of truce be called, and that was the one of the *"trust"* issue. I also understood that we were caught in a *"which came first the chicken or the egg"* game. Essentially, the Seminary did not want to go to the expense of making drawings for the neighborhood, because they did not know what footprint they could rely upon, and the neighborhood did not want to make zoning changes until they could see what changes were going to be made and how they were going to affect the neighborhood. There was also a fear factor from the

neighborhood that if they blandly "gave into" zoning changes they would no longer have any say in the process.

I called the executive-committee together and we met with Mr. Suttle, John Bennet Waters, the Seminarian Representative and Jackie Chuter from City Planning and over the course of several weeks we gradually came to an amicable conclusion between Eastwoods Neighborhood Association and the Episcopal Seminary. We were able to reach a compromise, one that would allow Eastwoods Neighborhood to continue to be involved in the ongoing process, to be included in the of site development process, prior to any site plans going to City Planning. The Seminary received the zoning changes they needed on their properties to be in compliance with the City Planning Department and any future development they would need in order to expand. This was a huge learning and growing process for everyone involved, and also the beginning of a new relationship forming between the Seminary and Eastwood Neighbors, and while I am sure there may continue to be a few hitches along the way, I would strongly concur that the final proposal is the very best resolution between the Eastwoods Neighborhood Association and the Episcopal Seminary.

Thank you very much for taking the time to help us in this process. I look forward to the conclusion.

Sincerely,

Dana Twombly

Dana Twombly
President of ENA

INFORMATION COPY FOR MS. BETTY BAKER

File # C14-04-0064

Planning Commission Hearing Date: May 25, 2004

Joseph Rogers Darnall, Jr.
3209 Duval Street
Austin, TX 78705-2429

(X) I object

COMMENT

I HAVE NOT OBJECTED TO ANY OF THE SEMINARY'S
PRIOR ZONING REQUESTS, BUT ITS BID FOR SUCH NEEDLESSLY
INTENSIVE SPOT-ZONING SEEMS AN UNWARRANTED AND DISTURB-
ING INTRUSION INTO A SOLIDLY RESIDENTIAL NEIGHBORHOOD.

THIS SMALL QUIET CAMPUS FOR TRAINING CLERGY SHOULD
NOT REQUIRE A CITY-WIDE COMMERCIAL DESIGNATION.

I AM DEEPLY CONCERNED ABOUT PRECEDENT AND THE
DOCTRINE OF MUNOZ VS. CITY OF SAN ANTONIO.

Joe Darnall



City of Austin, Neighborhood Planning & Zoning Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

**NOTICE OF PLANNING COMMISSION AND CITY COUNCIL PUBLIC
HEARING FOR A PROPOSED ZONING CHANGE**

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: May 14, 2004

File Number: C14-04-0064

Mailing Date of first Notice: May 6, 2004

ADDRESS OF PROPOSED ZONING CHANGE: (See map) 500 and 606 Ratherview Place; 3105 and 3113 Duval Street

PROPOSED ZONING CHANGE:

FROM: MF-2--Multifamily Residence (Low Density) district is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single-family neighborhoods, and in selected areas where low density multifamily use is desirable. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

TO: GO--General Office district is intended for offices and selected commercial uses predominately serving community and city-wide needs. MU--Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. The MU combining district is intended for use in combination with the NO base district only when its use will further the purposes and intent of the NO base district. CO--Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

OWNER: Episcopal Theological Seminary

AGENT: COA- Neighborhood Planning & Zoning Dept. (Glenn Rhoades)

PLANNING COMMISSION HEARING DATE: May 25, 2004

TIME: 6:00 P.M.

LOCATION: 505 Barton Springs Road, One Texas Center 3rd Floor, Training Room #325, Austin

CITY COUNCIL HEARING DATE: June 10, 2004

TIME: 4:00 P.M.

LOCATION: Lower Colorado River Authority's Hancock Bldg., 3700 Lake Austin Blvd.

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Planning Commission Assistant, Transportation, Planning & Sustainability Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0064

Planning Commission Hearing Date: May 25, 2004

Name (please print) Joseph Rogers Darnall, Jr.

☐ I am in favor
(Estoy de acuerdo)

Address 3209 Duval Street, Austin, TX 78705-2429

☒ I object

PLEASE SEE ATTACHED COMMENT