



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 12/16/2004
PAGE: 1 of 1

SUBJECT: C14-04-0134 - Kingdom Hall Zoning 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West St. Elmo Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, with conditions. Applicant: Westlake Congregation of Jehovah's Witnesses (Tad A. Curtis). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0134

Z.P.C. DATE: November 16, 2004

ADDRESS: 801 West St. Elmo Road

OWNERS AND APPLICANTS: Westlake
Congregation of Jehovah's
Witnesses (Tad A. Curtis)

AGENT: Crocker Consultants
(Sarah Crocker)

ZONING FROM: SF-3

TO: LO-MU-CO

AREA: 1.732 acres

SUMMARY STAFF RECOMMENDATION (Revised):

The staff's recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: bed & breakfast residential (groups 1 and 2); art gallery; art workshop; medical offices – exceeding 5,000 square feet of gross floor area; club or lodge; college or university facilities; communication services facilities; community recreation (public and private); congregate living; convalescent services; day care services (commercial, general and limited); hospital services (limited), primary educational facilities (private and public); secondary educational facilities (private and public); safety services and urban farm; 2) limits the number of vehicle trips to 315 per day; 3) limits the number of driveways on West St. Elmo Road to one; and 4) prohibits access to Vinson Drive, with the exception of emergency access.

The Restrictive Covenant includes all conclusions listed in the Neighborhood Traffic Analysis memorandum, dated November 10, 2004 as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 16, 2004: *APPROVED THE STAFF RECOMMENDATION OF LO-MU-CO DISTRICT ZONING WITH CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS; FURTHER RESTRICTING USES TO ONLY PERMITTED LO USES; AND PROHIBITING ALL TYPES OF MEDICAL USES*

[J.M.; J.D 2ND] (9-0)

ISSUES:

A letter of conditional support for the rezoning case has been submitted by the President of the Southwood Neighborhood Association and is attached at the back of the staff report.

Staff has revised its recommendation to remove all Group Home uses because under the provisions of the Fair Housing Act, these uses cannot be prohibited when a residential component that includes single family residences is a permitted use (in this case, MU).

The list of prohibited uses offered by the applicant and a project summary with conceptual site plan follows the Neighborhood Traffic Analysis, and is provided as Attachment B.

DEPARTMENT COMMENTS:

The subject rezoning area consists of one tract that contains a single family residence and is zoned family residence (SF-3) district. The tract has access to West St. Elmo Road and Vinson Drive, and is bordered on the southwest and east by the Missouri Pacific Railroad line (below grade here) and spur. There are single family residences to the east, west and south (SF-3), and medical offices (LO), a limited number of single family residences (LO; SF-3; LR-CO), a hospital (PUD) and an elementary school (SF-3) to the north. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to rezone the lot to the limited office – mixed use – conditional overlay (LO-MU-CO) district to develop the property with a 5,000 square foot church with a maximum of 197 fixed seats and a future 1,200 square foot living unit for visiting ministers. The applicant has offered to prohibit a number of LO uses which are incorporated into the Staff recommendation above, and to limit access to one driveway on West St. Elmo Road, and prohibit access to Vinson Drive except for emergency vehicle access.

The staff recommends the applicant's request for LO-MU-CO district zoning because it provides for a reasonable re-use of the property to occur given its location on a well-traveled collector street, adjacency to two active railroad lines and proximity to LO zoning and uses, and civic uses. The Restrictive Covenant limits the development of the property to include all conclusions listed in the Neighborhood Traffic Analysis memorandum.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-----------------|---|
| <i>Site</i> | SF-3 | Single family residence |
| <i>North</i> | LO; LR-CO; SF-3 | Medical offices; Single family residences; AISD Elementary School |
| <i>South</i> | SF-3 | Single family residences |
| <i>East</i> | SF-3 | Single family residences; Child care facility |
| <i>West</i> | SF-3 | Single family residences |

AREA STUDY: N / A, however the rezoning area is immediately south of the South Austin Hospital Area Zoning Study (1982)

TIA: Is not required; a Neighborhood Traffic Analysis is provided as Attachment B

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowner's Assn.

950 – Southwood Neighborhood Association

SCHOOLS:

St. Elmo Elementary School

Covington Middle School

Crockett High School

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|-------------|------------|---|---|
| C14-04-0062 | SF-3 to LR | To Grant LR-CO with CO allowing only restaurant limited without drive-in, and all other LO uses; 5 foot wide side and rear setbacks (7-20-04) | Approved LR-CO district zoning as recommended by the Zoning and Platting Commission (8-26-04) |

RELATED CASES:

In 1995, the same rezoning area was proposed for general office (GO) district by previous property owners. The staff recommended maintaining SF-3 zoning and the Planning Commission recommended limited office (LO) with conditions of 2,000 trips and right-of-way dedication along St. Elmo Road (C14-95-0035). The application was withdrawn prior to City Council action.

ABUTTING STREETS:

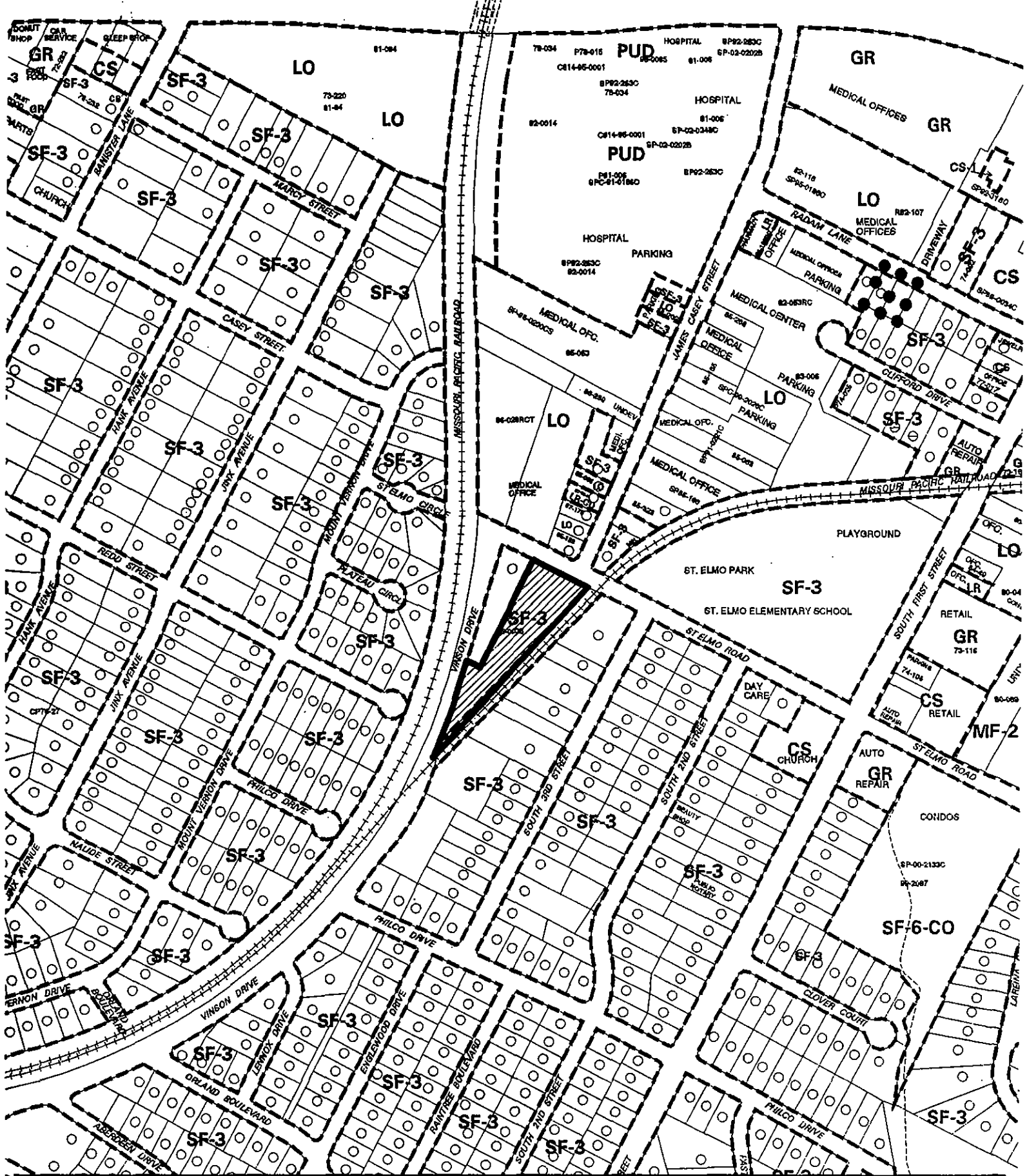
| STREET | RIGHT-OF-WAY | PAVEMENT WIDTH | CLASSIFICATION | DAILY TRAFFIC |
|--------------------|--------------|----------------|----------------|---------------|
| West St. Elmo Road | 60 feet | 30 feet | Collector | 6,770 |
| Vinson Road | 40 feet | 27 feet | Local | 5,824 |

- Capital Metro bus service is available along South First Street which is within 1/4 mile of this property.
- There are no existing sidewalks along this portion of St. Elmo Road.

CITY COUNCIL DATE: December 16, 2004**ACTION:****ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



| | | | | |
|---------------|-----------------------------|---------------------------|-------------|---|
| 1" = 400' | SUBJECT TRACT | ZONING EXHIBIT A | | CITY GRID REFERENCE NUMBER G18 |
| | PENDING CASE | | | |
| | ZONING BOUNDARY | CASE #: C14-04-0134 | DATE: 04-08 | |
| | CASE MGR: W. WALSH | ADDRESS: 801 W ST ELMO RD | INTLS: SM | |
| | SUBJECT AREA (acres): 1.732 | | | |





MEMORANDUM

TO: Wendy Walsh, Case Manager
CC: Sarah Crocker, Crocker Consultants
FROM: Don Perryman, Planner Senior
DATE: November 10, 2004
SUBJECT: Neighborhood Traffic Analysis for Vinson St. and St. Elmo Rd.
Zoning Case: Kingdom Hall Zoning 2, C14-04-0134

The Transportation Section has performed a neighborhood traffic impact analysis for the above referenced case and offers the following comments.

The 1.732-acre tract proposes a religious assembly use. This site is located in south Austin on the south side of St. Elmo Rd. and is bordered to the east and west by Vinson Dr. and the Missouri Pacific Railroad lines. The project, which is currently zoned single-family residence (SF-3), is requesting a change to LO-MU, Limited Office -Mixed Use zoning district. The tract will have vehicular access to St. Elmo Rd. Beyond the rail lines to the east and west is predominately single-family use. Property on the north side of St. Elmo is predominately zoned LO and its uses include a variety of medical offices and medical supply and is in close proximity to St. Elmo Elementary School.

Roadways

St. Elmo Rd. is a single outlet collector street terminating at the western side of the subject tract at the railroad line. St. Elmo's has approximately 60 feet of right-of-way and 30 feet of pavement. This street is currently carrying 6,288 vehicles per day (vpd) at the intersection of St. Elmo and Vinson Road.

Vinson Road is a local street with 40 feet of right-of-way and 27 feet of pavement. This street is currently carrying 5,824vpd at the intersection of Cinson Road and St. Elmo.

Trip Generation and Traffic Analysis

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 1,069 average daily trips (ADT) assuming that the site develops to the maximum intensity allowed under the zoning classification without consideration of setbacks, environmental constraints or other site characteristics.

The applicant proposes a 5,000square foot church with a maximum seating capacity of 197 fixed seats and a future 1,200sf living unit to serve visiting ministers. The proposed use will generate a maximum of approximately 314 trips on a Sunday, the churches peak hour, while generating approximately 60 trips per day during the weekday.

Distribution of trips was estimated as follows:

ATTACHMENT A

| Street | Site Traffic |
|---------------|--------------|
| St. Elmo Road | 100% |
| Vinson Road | 0% |

Below is a table containing the estimated number of adjusted trips that will effect each street:

| Street | Existing Traffic (vpd) | Site Traffic (vpd) | Total Traffic after Project (vpd) |
|---------------|------------------------|--------------------|-----------------------------------|
| St. Elmo Road | 6,288 | 314 | 6,602 |
| Vinson Road | 5,824 | 0 | 5,824 |

The Land Development Code specifies desirable operating levels for certain streets in section 25-6-116. These levels are as follows: A residential street with a pavement width less than 30 feet should not exceed 1,200 vehicles per day; A residential street with a pavement width between 30 and 40 feet should not exceed 1,800 vehicles per day.

Conclusions

1. The neighborhood traffic analysis was triggered because of the existing number of single-family uses in the immediate vicinity and vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. The applicant has agreed to one access point for the site which would provide access to St. Elmo. The Neighborhood Traffic analysis assumed that all access would be from St. Elmo Rd. as shown on the attached site-plan (see attachment). With the exception of emergency vehicles access to Vinson Drive should be prohibited from this site due to the high volumes of traffic existing on the roadway and the minimal amount of pavement
3. It is assumed the proposed use of religious assembly will peak in traffic on Sunday mornings when traffic counts show that St. Elmo experiences the lowest ADT's of the week.
4. In order to minimize traffic on surrounding streets, the intensity and uses for this development should be limited through a conditional overlay to less than 315 unadjusted vehicle trips per day. With this limitation and the conditions listed above the impact on the road is minimal.

If you have any questions or require additional information, please contact me 974-2786.



Don E. Perryman
Sr. Planner ~ Transportation Review
Watershed Protection and Development Review Department

Prohibited LO (Limited Office) Uses for C14-04-134 - Kingdom Hall Jehovah's Witness

Residential Uses

Bed & Breakfast Residential (Group 1)
Bed & Breakfast Residential (Group 2)

Commercial Uses

Art and Craft Studio (Limited)
Medical Offices – exceeding 5000 sq. ft. of gross floor area
Special Use Historic

Civic Uses

Club or Lodge
College or University Facilities
Communication Services Facilities
Community Recreation (Private)
Community Recreation (Public)
Congregate Living
Convalescent Services
Counseling Services
Day Care Services (Commercial)
Day Care Services (General)
Day Care Services (Limited)
~~Group Home, Class 1 (General)~~
~~Group Home, Class 1 (Limited)~~
~~Group Home, Class 2~~
Hospital Services (Limited)
Local Utility Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Public Primary Educational Facilities
Public Secondary Educational Facilities
Safety Services

Agricultural Uses

Urban Farm

ATTACHMENT B

SARAH PUTNAM CROCKER
CONSULTANT
809 SOUTH LAMAR BLVD.
AUSTIN, TEXAS 78704

PHONE (512) 476-6598

FAX (512) 474-8050

MEMO

Date: October 13, 2004

To: Emily Barron

From: Sarah Crocker

RE: NTA COUNTS C14-04-134/ JEHOVAHS WITNESS

Attached find counts from John Hickman for the NTA done in association with the above referenced zoning case. The counts demonstrate that we exceed the acceptable levels of service. Please be advised of the following:

- This case is being filed for a church, which can operate in any zoning classification. The proposed building will not exceed 5000 sq.ft. There will be fixed seating will be provided for a maximum of 197 seats. This use could be constructed on this site without the benefit of a zoning change and meet legal parking requirements.
- The purpose of the zoning change is to add additional on-site parking spaces to avoid the possibility of off street loading which is a problem in this area
- This area is used heavily as a "cut-through" to avoid major intersections where there have been on going construction activities for over 10 years. Additionally the immediate area supports a school, South Austin Hospital and an assortment of medical offices.
- One of the philosophies of the Jehovah's Witness centers on the size of any one congregation. This particular congregation has operated at their current location at the corner of Fortview and Valley View for over 40 years. If a congregation grows in capacity past a specified number the location is not enlarged, they simply start another congregation in another location. Jehovah's Witness do not ever provide day care facilities or educational facilities.

We are willing to offer the following measures for traffic mitigation. I believe all of these conditions can be included in the Conditional Overlay in conjunction with the zoning.

- We are willing to prohibit access to Vinson with the exception of emergency access, if required by the fire department.
- Limit total square footage for the primary building to 5000 sq.ft. There is a proposed second structure that will serve as an apartment for visiting ministers Maximum square footage for the living unit will be 1200 square feet.

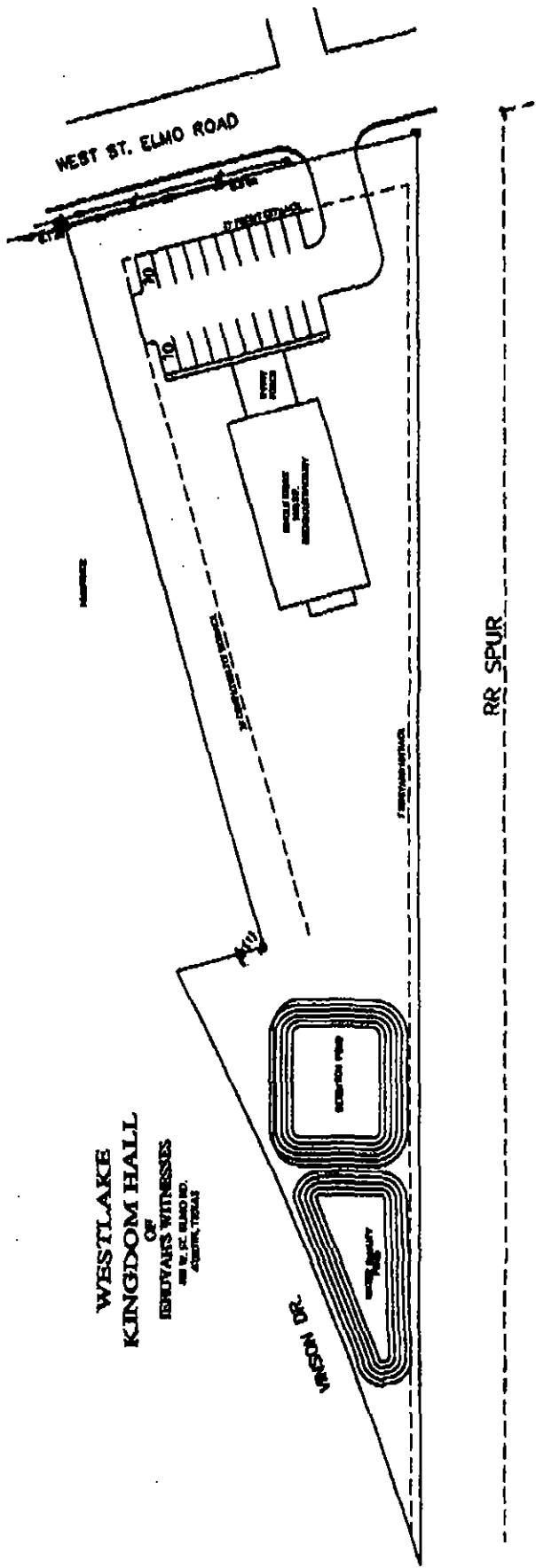
- I filed this case for GO zoning. Attached find correspondence which requests that this case be posted for LO zoning and a list of uses we are willing to prohibit which includes day care and private educational facilities.

As part of this packet I am including a seating layout, a site plan layout for SF-3 demonstrating our ability to construct this use under the current zoning and a list of the existing congregations in Austin.

As per John Hickman please be advised of the following:

- The 197 fixed seats equals 301 trips on Sunday, which is less than 10% of total traffic.
- For a 5,000 sq.ft. church the average weekday trips are 46, which is less than 1% of total traffic.

Please call my office should you have any questions or need anything further.



WESTLAKE
KINGDOM HALL
OF
EDWARDS WITNESSES
AND PLEASANT
AGONY, TEXAS

DRIVE

OFFICE

PARKING LOT

WEST ST. ELMO ROAD

RR SPUR

75,411 SQUARE FEET [SITE AREA]
IMPERVIOUS COVERAGE= 14,130 SQUARE FEET [AREA]
IMPERVIOUS COVERAGE PERCENTAGE= 19%

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay: 1) prohibits the following uses: bed & breakfast residential (groups 1 and 2); art gallery; art workshop; medical offices – exceeding 5,000 square feet of gross floor area; club or lodge; college or university facilities; communication services facilities; community recreation (public and private); congregate living; convalescent services; day care services (commercial, general and limited); group home, class I (general and limited); group home, class 2; hospital services (limited); primary educational facilities (private and public); secondary educational facilities (private and public); safety services and urban farm; 2) limits the number of vehicle trips to 315 per day; 3) limits the number of driveways on West St. Elmo Road to one; and 4) prohibits access to Vinson Drive, with the exception of emergency access.

The Restrictive Covenant includes all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated November 10, 2004 as provided in Attachment A.

BACKGROUND

The subject rezoning area consists of one tract that contains a single family residence and is zoned family residence (SF-3) district. The tract has access to West St. Elmo Road and Vinson Drive, and is bordered on the southwest and east by the Missouri Pacific Railroad line (below grade here) and spur. There are single family residences to the east, west and south (SF-3), and medical offices (LO), a limited number of single family residences (LO; SF-3; LR-CO), a hospital (PUD) and an elementary school (SF-3) to the north.

The applicant proposes to rezone the lot to the limited office – mixed use – conditional overlay (LO-MU-CO) district to develop the property with a 5,000 square foot church with a maximum of 197 fixed seats and a future 1,200 square foot living unit for visiting ministers. The applicant has offered to prohibit a number of LO uses which are incorporated into the Staff recommendation above, and to limit access to one driveway on West St. Elmo Road, and prohibit access to Vinson Drive except for emergency vehicle access.

The staff recommends the applicant's request for LO-MU-CO district zoning because it provides for a reasonable re-use of the property to occur given its location on a well-traveled collector street, adjacency to two active railroad lines and proximity to LO zoning and uses, and civic uses. The Restrictive Covenant limits the development of the property to include all conclusions listed in the Neighborhood Traffic Analysis memorandum.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The rezoning area is located along West St. Elmo Road, a collector and Vinson Road, a local street, and is in proximity to other office, civic and residential uses.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The staff recommends the applicant's request for LO-MU-CO district zoning because it provides for a reasonable re-use of the property to occur given its location on a well-traveled collector street, adjacency to two active railroad lines and proximity to LO zoning and uses, and civic uses. The Restrictive Covenant limits the development of the property to include all conclusions listed in the Neighborhood Traffic Analysis memorandum.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is developed with one single family residence and is heavily wooded.

Impervious Cover

The maximum impervious cover allowed by the LO-MU zoning district would be 70%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

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

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

TPSD 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 rezoning 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.

Transportation

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results are provided in Attachment A. LDC, Sec. 25-6-114.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment 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 utility design criteria and specifications.

Compatibility Standards

The site is subject to compatibility standards. Along the east and 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.
- 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.
- 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.

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: C14-04-0134

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 16, 2004 Zoning and Platting Commission

Betty Jo Wilson

Your Name (please print)

4520 So. 3rd, ST.

Your address(es) affected by this application

Betty Jo Wilson

Signature

Date

10-10-04

Comments: There's a hospital, school and
QMS. Traffic is so heavy now
as well as the train we don't get
thru St. Elmo and they make so
my noise the kids that sleep in the
day time & work at night. We do not
need any more going up except med,
Doctors and home owners.
Please think of this as well as
others who would you want this in
your neighborhood?

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

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: C14-04-0134

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 16, 2004 Zoning and Platting Commission

| |
|--|
| <input type="checkbox"/> I am in favor |
| <input checked="" type="checkbox"/> I object |

Emit A. Seary
Your Name (please print)

905 Plateau Circle
Your address(es) affected by this application

11/9/04
Date

[Signature]
Signature

Comments:

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

City of Austin
Neighborhood Planning and Zoning Department
Wendy Walsh
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: C14-04-0134

Contact: Wendy Walsh, (512) 974-7719

Public Hearing:

November 16, 2004 Zoning and Platting Commission

Jvy R. Curtis

Your Name (please print)

702 ORLAND BLVD.

Your address(es) affected by this application

Jvy R. Curtis

Signature

Date

11.10.04

Comments:

☒ I am in favor
☐ I object

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

City of Austin

Neighborhood Planning and Zoning Department

Wendy Walsh

P. O. Box 1088

Austin, TX 78767-8810

Southwood Neighborhood Association

Marcus Sanford, President

5201 Emerald Meadow Dr

Austin, Texas 78745

512/567-5709

November 16, 2004

Zoning and Planning Commission
City of Austin Neighborhood and Planning Dept.
P. O. Box 1088
Austin, Texas 78767-8835

Dear Commission Members:

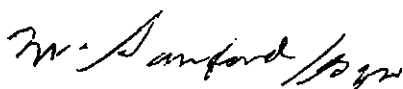
Re: Development by Westlake Congregation of Jehovah's Witnesses at 801 West St. Elmo Rd., File # C14-04-0134

The Southwood Neighborhood Association met on Sept. 1, 2004. One of the meeting items was the discussion of the development named above. Concerns expressed by the members of the association are the additional traffic and the environmental impact the increased run-off will have on Williamson Creek. We, the members of the Southwood Neighborhood Association are very concerned about the effect the aforementioned traffic problem would have on the children walking to St. Elmo Elementary School. Because of the lack or inadequate sidewalks, small children walk on the street oblivious to the danger. It is up to us to protect them by preventing the danger of additional rush hour traffic on their path. We therefore request that the development requirements include the following:

1. A restrictive covenant to limit the use the land for church purposes only. The Congregation's representatives have assured us that the services will be held only in the evenings and weekends.
2. Sidewalks on the perimeter of the property facing St. Elmo Rd. and Vinson Dr.
3. If a driveway is built on property perimeter facing Vinson Dr., it should be restricted only to traffic entering the property. The section of Vinson Dr. between St. Elmo Rd. and Philco Dr. curves in such a way that it creates a blind spot and a traffic hazard to traffic exiting the property.
4. Attractive building façade similar to medical office buildings on the north side of St. Elmo Rd. The use of white stone or white brick is strongly encouraged.
5. The use of alternative materials for parking cover in place of concrete/asphalt, such as porous paving or gravel, to decrease the size of the required holding pond.
6. Minimize the elimination of existing trees, and incorporate an attractive landscape design that minimizes the impervious cover run-off into Williamson Creek. The section of Williamson Creek between Manchaca Rd. and South First Street is the southern boundary of the Southwood Neighborhood Association area.

The members of the Southwood Neighborhood Association greatly appreciate your consideration and support, and the cooperation of the Congregation, and look forward to working together to make our neighborhood an attractive and safe place to live.

Sincerely,



ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 801 WEST ST. ELMO ROAD FROM FAMILY RESIDENCE (SF-3) DISTRICT TO LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY (LO-MU-CO) COMBINING DISTRICT

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to limited office-mixed use-conditional overlay (LO-MU-CO) combining district on the property described in Zoning Case No. C14-04-0134, on file at the Neighborhood Planning and Zoning Department, as follows:

A 1.732 acre tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance. (the "Property")

locally known as 801 West St. Elmo Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of the Property:

Bed & breakfast residential (Group 1)
Art gallery
Medical offices (not exceeding 5000 sq. ft.
gross floor area)
Club or lodge
Communication services facilities
Community recreation (public)
Convalescent services
Day care services (general)
Hospital services (limited)
Public primary educational facilities
Private secondary educational facilities
Safety services

Bed & breakfast residential (Group 2)
Art workshop
Medical offices (exceeds 5000 sq. ft.
gross floor area)
College & university facilities
Community recreation (private)
Congregate living
Day care services (limited)
Day care services (commercial)
Private primary educational facilities
Residential treatment
Public secondary educational facilities
Urban farm

- 1
2 2. The maximum number of driveways along West St. Elmo Road is one.
- 3
- 4 3. Except for emergency access, vehicular access from the Property to Vinson Drive is
- 5 prohibited. All vehicular access to the Property shall be from other adjacent public
- 6 streets or through other adjacent property.
- 7
- 8 4. A site plan or building permit for the Property may not be approved, released, or issued,
- 9 if the completed development or uses of the Property, considered cumulatively with all
- 10 existing or previously authorized development and uses, generate traffic that exceeds
- 11 315 trips per day.
- 12

13 Except as specifically restricted under this ordinance, the Property may be developed and

14 used in accordance with the regulations established for the limited office (LO) base district

15 and other applicable requirements of the City Code.

16

17 **PART 3.** This ordinance takes effect on _____, 2004.

18

19

20 **PASSED AND APPROVED**

21

22 §

23 §

24 §

25 _____, 2004

26 Will Wynn

27 Mayor

28

29 **APPROVED:**

30 David Allan Smith

31 City Attorney

ATTEST:

Shirley A. Brown

City Clerk

FIELD NOTES
FOR

C14-04-0134

1.732 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CALLED 1.73 ACRES AS CONVEYED TO WESTLAKE CONGREGATION OF JEHOVAH'S WITNESSES BY INSTRUMENT RECORDED IN DOCUMENT NO. 2004121202 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron bolt found at the Northeast corner of said 1.73 acre tract, being at the Southeast corner of that certain 0.05 acre tract of land conveyed to the City of Austin for street purposes by instrument recorded in Volume 2673, Page 457 of the Deed Records of Travis County, Texas, being at the intersection of the South r.o.w. line of West St. Elmo Road and the West line of the Bergstrom Field railroad spur, for the PLACE OF BEGINNING hereof;

THENCE along the East line of said 1.73 acre tract, being along the West line of said railroad spur, S 45°03'00" W for a distance of 744.58 feet to a mag nail found at the most Southerly corner of said 1.73 acre tract, being in the East r.o.w. line of Vinson Drive;

THENCE along the West line of said 1.73 acre tract, being along the East r.o.w. line of Vinson Drive for the following courses:

Along a curve to the left whose radius is 2029.85 feet, whose arc is 333.02 feet and whose chord bears N 22°08'58" E for a distance of 332.65 feet to a ½ inch iron pin found at angle point

S 60°18'50" E for a distance of 35.68 feet to a 1 inch iron bolt found at the Southwest corner of that certain 0.594 acre tract of land conveyed to Rodney Lemmon by instrument recorded in Volume 12137, Page 1049 of the Real Property Records of Travis County, Texas;

THENCE continuing along the West line of said 1.73 acre tract, S 58°58'56" E for a distance of 12.42 feet to a ½ inch iron pin found at the Southeast corner of said 0.594 acre tract;

THENCE continuing along the West line of said 1.73 acre tract, N 29°15'39" E for a distance of 389.69 feet to a 1 inch iron bolt found at the Northwest corner of said 1.73 acre tract, being at the Northeast corner of said 0.594 acre tract, being in the South r.o.w. line of West St. Elmo Road;

EXHIBIT A

FIELD NOTES

FOR

1.732 ACRES OF LAND - Page Two

THENCE along the North line of said 1.73 acre tract, being along the South r.o.w. line of West St. Elmo Road for the following courses:

Along a curve to the right whose radius is 1372.69 feet, whose arc is 1.62 feet and whose chord bears S 59°59'48" E for a distance of 1.62 feet to a point at the end of said curve

S 59°57'48" E for a distance of 194.03 feet to the PLACE OF BEGINNING and containing 1.732 acres of land, more or less.

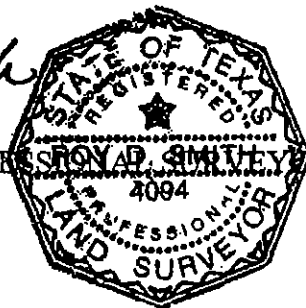
SURVEYED BY:

Roy D. Smith Surveyors, P.C.

Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094

August 13, 2004



Job No. 2960

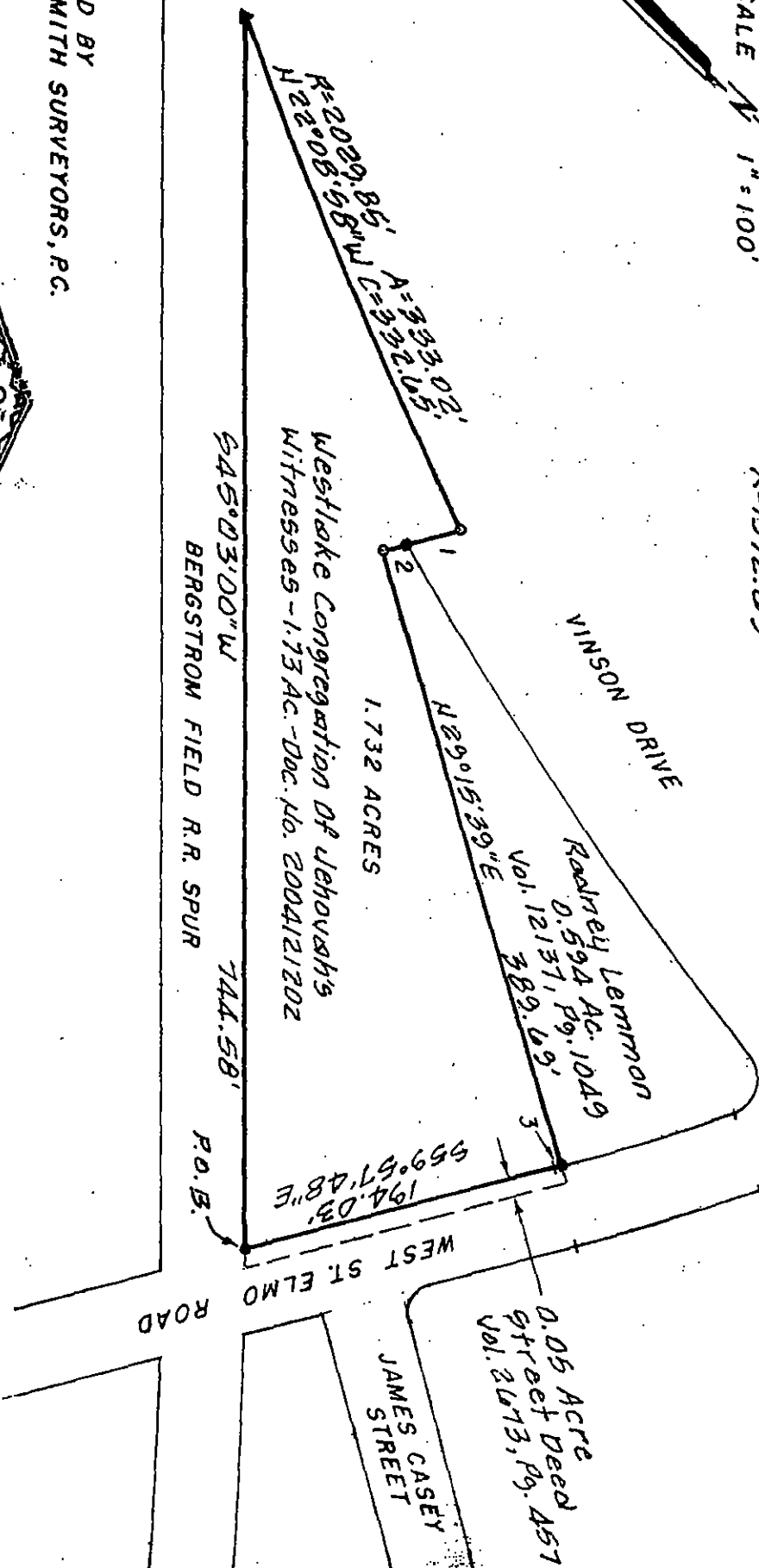
EXHIBIT TO ACCOMPANY FIELD NOTES FOR 1.732 ACRES OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

SCALE 1" = 100'

- PROPERTY LINE DATA
- 1 56.0°18'50"E - 35.68'
 - 2 55.8°58'56"E - 12.42'
 - 3 55.9°59'48"E - C = A = 1.62'
- R = 1372.69'

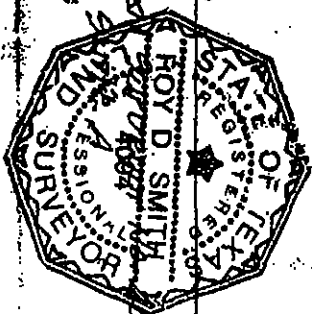
LEGEND

- 1" Iron Bolt Found
- 1/2" Iron Pin Found
- ▲ Mag Nail Found



SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith



ROY D. SMITH

Registered Professional Surveyor

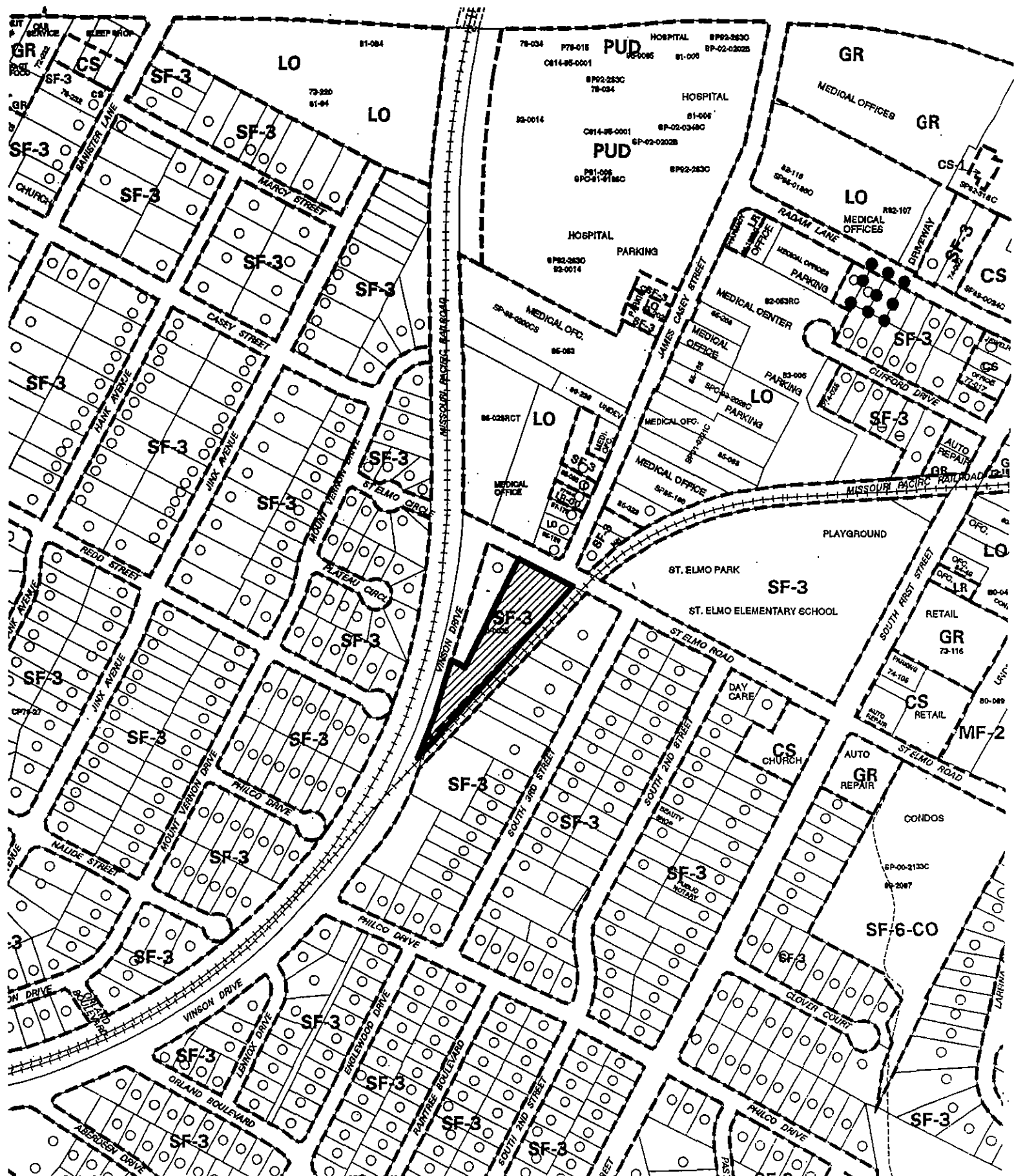
1214 West 5th Street




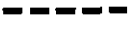
Austin, Texas 78703

Ph. (512) 478-9821

August 13, 2004

Bearing Basis
Open / No. 11 7001121202



| | | | | |
|--|---|--|--|--|
|  <p>1" = 400'</p> | SUBJECT TRACT  | ZONING <i>EXHIBIT B</i> | | CITY GRID REFERENCE NUMBER G18 |
| | PENDING CASE  | | | |
| | ZONING BOUNDARY  | CASE #: C14-04-0134 | | |
| | CASE MGR: W. WALSH | ADDRESS: 801 W ST ELMO RD | | |
| | SUBJECT AREA (acres): 1.732 | DATE: 04-08 INTLS: SM | | |

RESTRICTIVE COVENANT

OWNER: Westlake Congregation of Jehovah's Witnesses

ADDRESS: 702 Orland Boulevard, Austin, Texas 78245-2144

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.732 acre tract of land, more or less, out of the Isaac Decker League, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Development on the Property is subject to the recommendations contained in the Neighborhood Traffic Analysis memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated November 10, 2004.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2004.

OWNER:

Westlake Congregation of Jehovah's Witnesses

By: _____
Tad Curtis,
Trustee

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2004, by Tad Curtis, as Trustee of Westlake Congregation of Jehovah's Witnesses.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Legal Assistant

FIELD NOTES
FOR

C14-04-0134

1.732 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CALLED 1.73 ACRES AS CONVEYED TO WESTLAKE CONGREGATION OF JEHOVAH'S WITNESSES BY INSTRUMENT RECORDED IN DOCUMENT NO. 2004121202 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron bolt found at the Northeast corner of said 1.73 acre tract, being at the Southeast corner of that certain 0.05 acre tract of land conveyed to the City of Austin for street purposes by instrument recorded in Volume 2673, Page 457 of the Deed Records of Travis County, Texas, being at the intersection of the South r.o.w. line of West St. Elmo Road and the West line of the Bergstrom Field railroad spur, for the PLACE OF BEGINNING hereof;

THENCE along the East line of said 1.73 acre tract, being along the West line of said railroad spur, S 45°03'00" W for a distance of 744.58 feet to a mag nail found at the most Southerly corner of said 1.73 acre tract, being in the East r.o.w. line of Vinson Drive;

THENCE along the West line of said 1.73 acre tract, being along the East r.o.w. line of Vinson Drive for the following courses:

Along a curve to the left whose radius is 2029.85 feet, whose arc is 333.02 feet and whose chord bears N 22°08'58" E for a distance of 332.65 feet to a ½ inch iron pin found at angle point

S 60°18'50" E for a distance of 35.68 feet to a 1 inch iron bolt found at the Southwest corner of that certain 0.594 acre tract of land conveyed to Rodney Lemmon by instrument recorded in Volume 12137, Page 1049 of the Real Property Records of Travis County, Texas;

THENCE continuing along the West line of said 1.73 acre tract, S 58°58'56" E for a distance of 12.42 feet to a ½ inch iron pin found at the Southeast corner of said 0.594 acre tract;

THENCE continuing along the West line of said 1.73 acre tract, N 29°15'39" E for a distance of 389.69 feet to a 1 inch iron bolt found at the Northwest corner of said 1.73 acre tract, being at the Northeast corner of said 0.594 acre tract, being in the South r.o.w. line of West St. Elmo Road;

EXHIBIT A

FIELD NOTES

FOR

1.732 ACRES OF LAND - Page Two

THENCE along the North line of said 1.73 acre tract, being along the South r.o.w. line of West St. Elmo Road for the following courses:

Along a curve to the right whose radius is 1372.69 feet, whose arc is 1.62 feet and whose chord bears S 59°59'48" E for a distance of 1.62 feet to a point at the end of said curve

S 59°57'48" E for a distance of 194.03 feet to the PLACE OF BEGINNING and containing 1.732 acres of land, more or less.

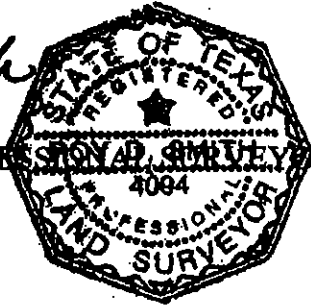
SURVEYED BY:

Roy D. Smith Surveyors, P.C.

Roy D. Smith
ROY D. SMITH

REGISTERED PROFESSIONAL SURVEYOR NO. 4094

August 13, 2004



Job No. 2960

EXHIBIT TO ACCOMPANY FIELD NOTES FOR 1.732 ACRES OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

LEGEND

- 1" Iron Bolt Found
- 1/2" Iron Pin Found
- ▲ Mag Nail Found

PROPERTY LINE DATA

- 1 56.0°18'50"E - 35.68'
 - 2 55.8°58'56"E - 12.42'
 - 3 55.9°59'48"E - C=4°1.62'
- R=1372.09'

SCALE 1"=100'

VINSON DRIVE

Rodney Lemmon
0.594 AC. 1049
Vol. 12137, Pg. 1049

0.05 Acre
Street Deed
Vol. 2073, Pg. 457

1.732 ACRES

Westlake Congregation of Jehovah's
Witnesses - 1.73 AC. - Dec. 16, 2004/21202

BERGSTROM FIELD R.R. SPUR

WEST ST. ELMO ROAD

JAMES CASEY STREET

S45°03'00"W

744.58'

P.O.B.

SURVEYED BY
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith

ROY D. SMITH
Registered Professional Surveyor
1214 West 5th Street
Austin, Texas 78703
Ph. (512) 478-9821
August 13, 2004



Bearing Error
Deed / Dec. 16, 2004/21202