

A U S T I N C I T Y C O U N C I L  
**AGENDA**

Thursday, July 27, 2006

 + [Back](#) [Print](#)**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 151**

**Subject:** C14-06-0114 - Our Lady Catholic Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1320 E. 51st St. (Tannehill Branch Creek) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: Our Lady Catholic Church (Rev. Don J. Sawyer). Agent: Jim Bennett. City Staff: Robert Heil, 974-2330.

**Additional Backup  
Material**

(click to open)

[Staff Report](#)**For More Information:**

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-06-0114 Our Lady Catholic Church **P.C. Date:** June 27, 2006

**ADDRESS:** 1320 E. 51<sup>st</sup> St.

**OWNER/APPLICANT/** Our Lady Catholic Church (Rev Don J. Sawyer)

**AGENT:** Jim Bennett

**ZONING FROM:** SF-3 **TO:** GR-CO

**AREA:** 5.2 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of the request.

**PLANNING COMMISSION RECOMMENDATION:**

**June 27, 2006:** Approved LO-CO with the following conditions:

- Maximum of 2000 daily vehicle trips
- No access to 52<sup>nd</sup> Street except emergency vehicles as needed
- All uses prohibited except religious assembly  
*[J.REDDY, G.STEGEMAN 2<sup>ND</sup>] (9-0)*

**DEPARTMENT COMMENTS:**

The property is the site of the Our Lady Catholic Church. The church wishes to rezone the large vacant lot to the north of the existing building, to allow for expansion of the church and additional parking.

The applicant has requested that both religious assembly and educational uses be permitted uses, and is currently still requesting a base district of GR.

The rezoning request is from family residence (SF-3) to community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay would limit vehicle trips to no more than 2000 per day. The applicant is also willing to discuss the prohibition of some uses permitted in GR zoning.

Staff recommends denial of the original request to GR-CO.

Significant floodplain exists on the site (see attached exhibit). Access to the site is limited to E. 52<sup>nd</sup> Street or passing through the church property on 51<sup>st</sup> St. GR zoning is inappropriate for the property.

The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>                      |
|--------------|---------------|---------------------------------------|
| <i>Site</i>  | SF-3          | Undeveloped                           |
| <i>North</i> | SF-3          | Single Family homes                   |
| <i>South</i> | MF-2 and LO   | Apartments, Churches, and undeveloped |
| <i>East</i>  | SF-3          | Undeveloped                           |
| <i>West</i>  | MF-2 and SF-3 | Apartments and Single Family homes.   |

**AREA STUDY:** The site lies within the Windsor Park Neighborhood Planning area which held its first workshop November 5, 2005.

**TIA:** 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]

**WATERSHED:** Tannehill Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS**

- Windsor Park Neighborhood Association
- Mueller Neighborhoods Coalition
- Keep the Land
- Anberly Airport Association
- Austin Neighborhood Council
- Taking Action, Inc.
- PODER (People in Defense of Earth and her Resources)

**SCHOOLS: (AISD ISD)**

Harris Elementary School

Pearce Middle School

Reagan High School

**ABUTTING STREETS:**

| Name                       | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|----------------------------|-----|----------|----------------|-----------|-----------|------------|
| E. 52 <sup>nd</sup> Street | 45' | 30'      | Local          | No        | No        | No         |
| E. 51 <sup>st</sup> Street | 90' | 64'      | Minor Arterial | Yes       | Yes       | Priority 1 |

**CITY COUNCIL DATE:**

**ACTION:**

**July 27, 2006:**

**ORDINANCE READINGS:**

**1<sup>st</sup>**

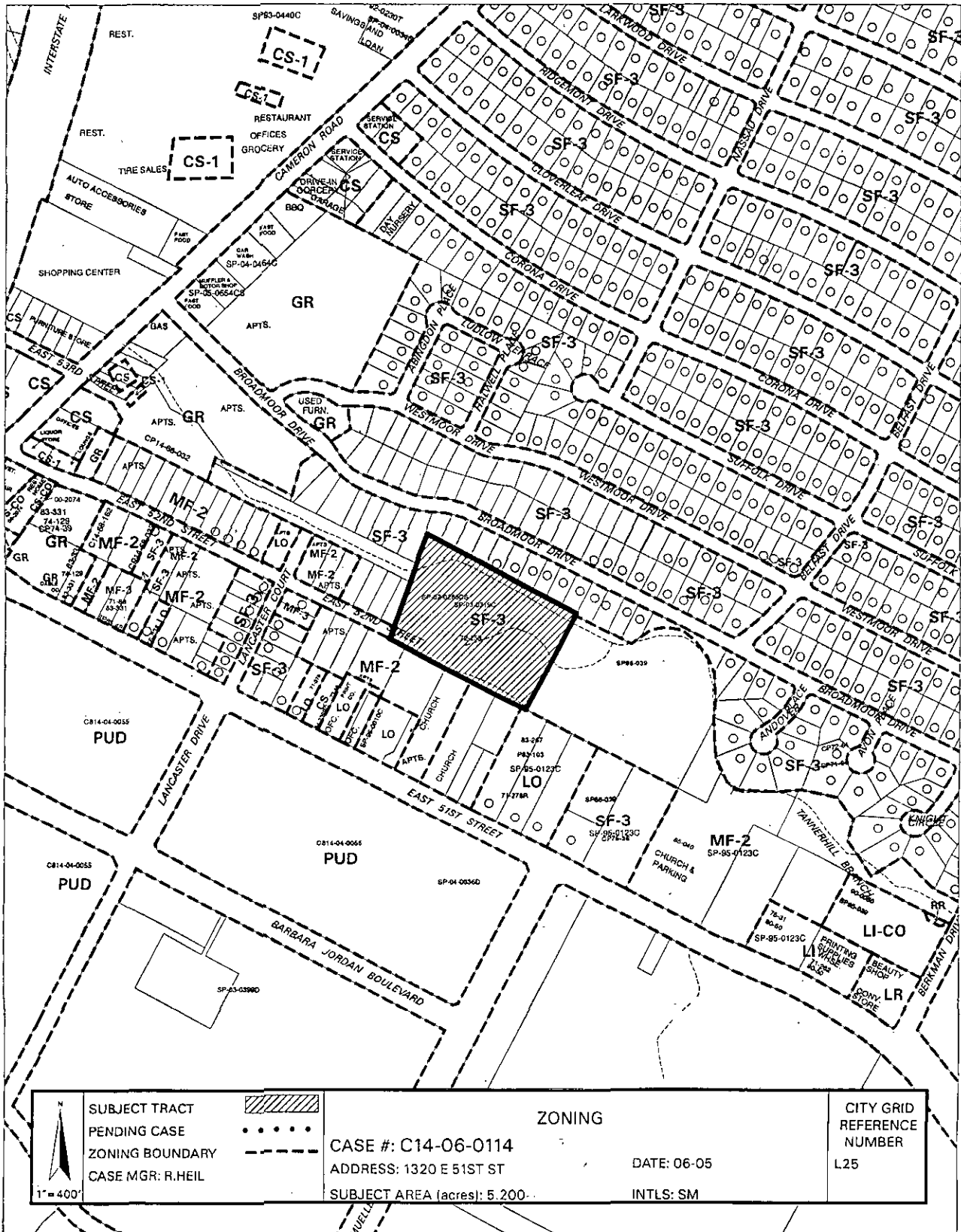
**2<sup>nd</sup>**

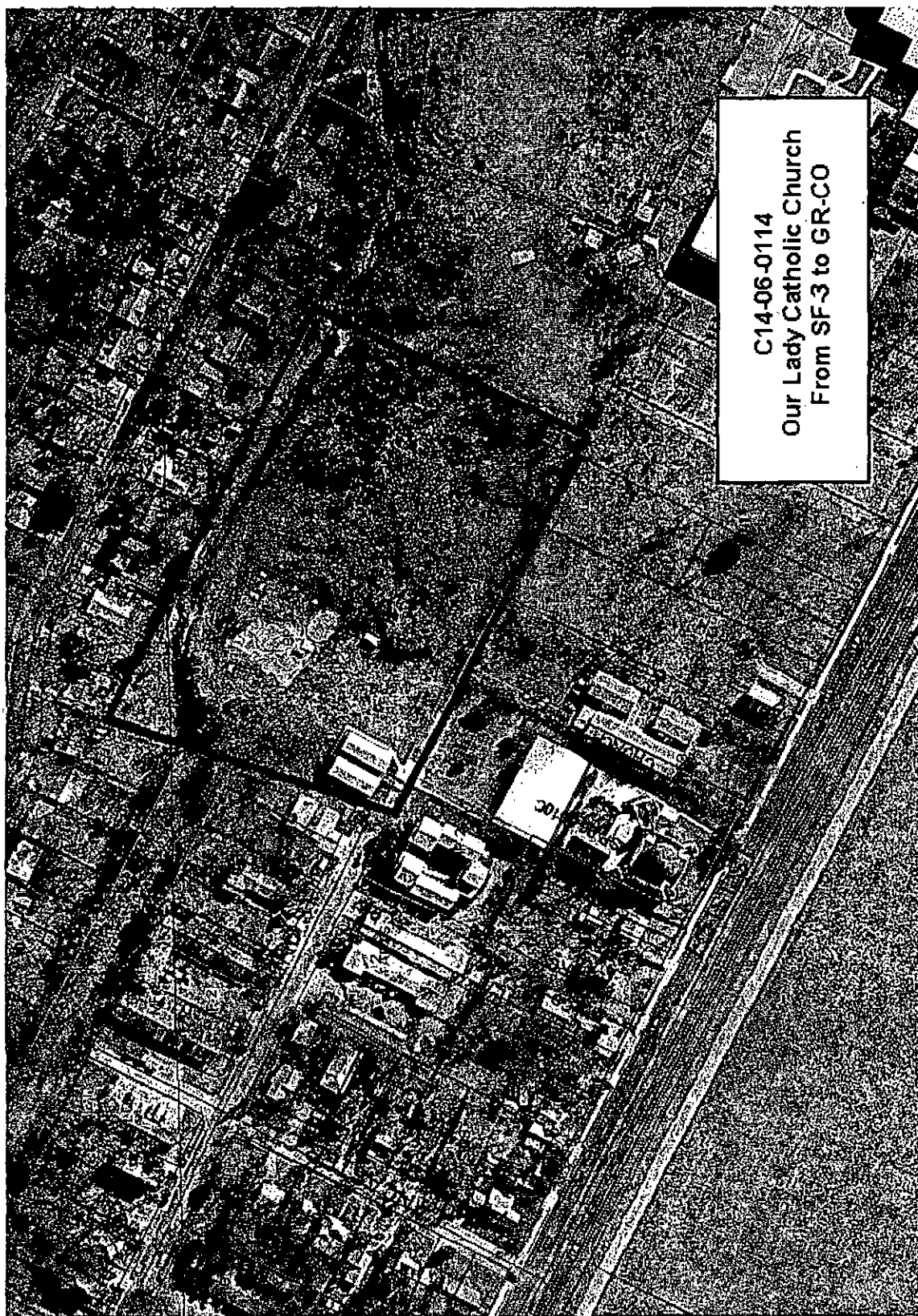
**3<sup>rd</sup>**

**ORDINANCE NUMBER:**

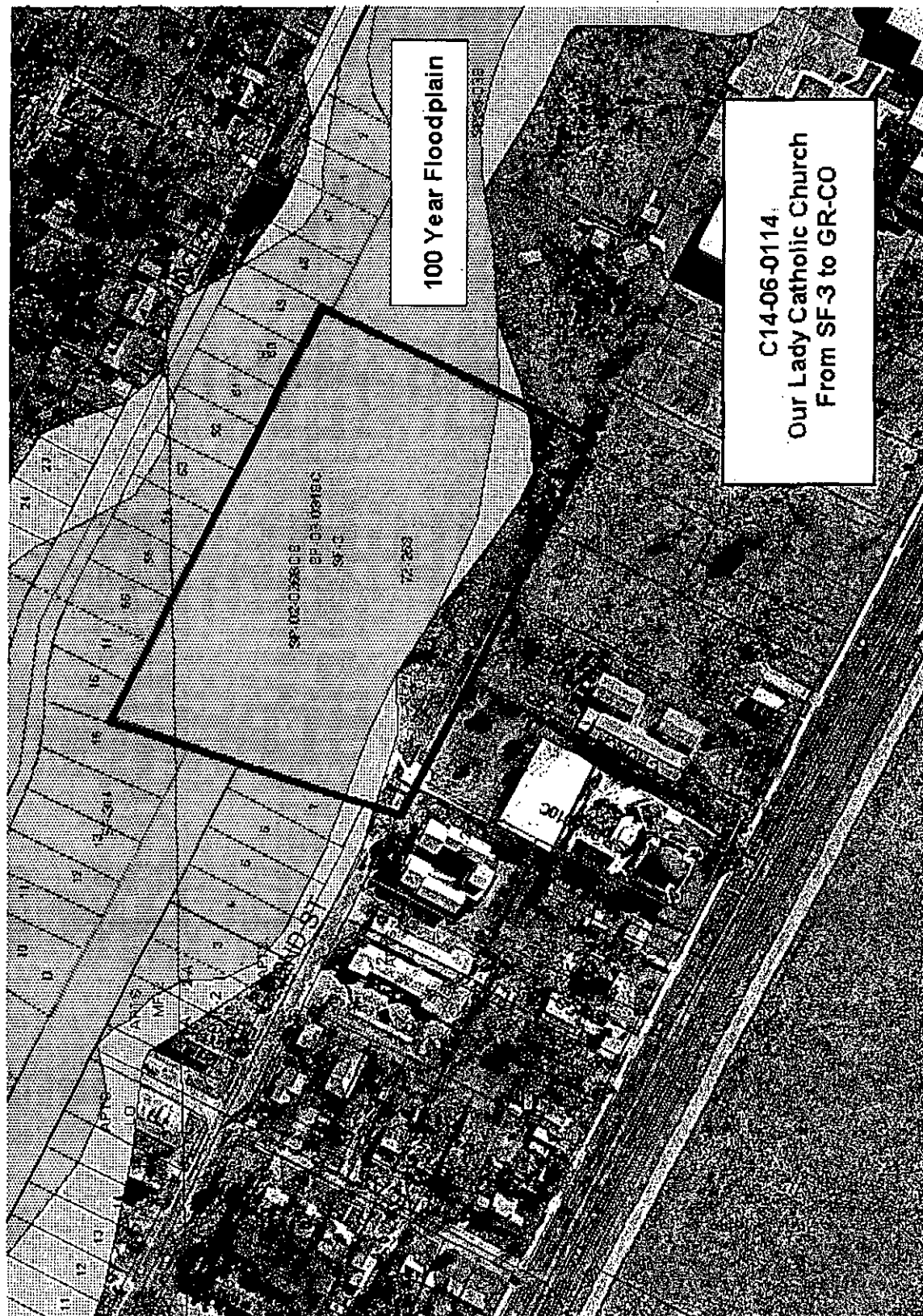
**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330





C14-06-0114  
Our Lady Catholic Church  
From SF-3 to GR-CO



## **SUMMARY STAFF RECOMMENDATION**

Staff recommends denial of the original request to GR-CO.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

GR, even if the uses were restricted through a conditional overlay, is inappropriate on this property in the interior of the neighborhood and largely within the 100 year floodplain..

## **EXISTING CONDITIONS**

The property is the site of the Our Lady Catholic Church. The church wishes to rezone the large vacant lot to the north of the existing building, to allow for expansion of the church and additional parking.

## **Site Plan**

The site is subject to compatibility standards. Along the north 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.

All intensive recreational uses (swimming pool, tennis court, ball court, or playground) shall maintain a fifty (50) setback from the north property line which is adjacent to a SF-5 or more restricted use or district. [Section 25-2-1067].

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

## **Transportation**

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

The trip generation under the requested zoning is estimated to be 11,554 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 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]

#### **Existing Street Characteristics:**

| Name                       | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|----------------------------|-----|----------|----------------|-----------|-----------|------------|
| E. 52 <sup>nd</sup> Street | 45' | 30'      | Local          | No        | No        | No         |
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#### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch 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 flood plain within the project area.

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.

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**

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system

upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

## 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](http://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:** C14-06-0114

**Contact:** Robert Heil, (512) 974-2330

**Public Hearing:**

June 27, 2006 Planning Commission



Pastor Kenneth Phillips  
Your Name (please print)

1504 E. 51st Street, Austin, TX 78723

Your address(es) affected by this application

[Signature]  
Signature

June 21, 2006  
Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-06-0114

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 27, 2006 Planning Commission

DALE COLVIS

Your Name (please print)

1400 E. 51ST ST. AUSTIN, TX.

Your address(es) affected by this application

Dale Colvis

Signature

Date

6/23/06

Comments:



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

City of Austin

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