

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

AGENDA



Thursday, November 30, 2006

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**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION**

ITEM No 59

Subject C14-05-0145 - Redeemer Presbyterian Church - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2105 Alexander Avenue (Boggy Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning First reading approved on October 19, 2006 Vote 6-1 (Kim voted Nay) Applicant Redeemer Presbyterian Church Agent Armbrust & Brown (Richard Suttle) City Staff Robert Heil, 974-2330

**Additional Backup
Material**

(click to open)

 [Staff_Report](#)

For More Information

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER C14-05-0145

REQUEST

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2105 Alexander Avenue (Boggy Creek Watershed) from general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district zoning to change conditions of zoning. The change in the Conditional Overlay establishes a 60 foot height limit for the sanctuary footprint. The existing Conditional Overlay that consists of prohibited and conditional uses, and limits the number of daily vehicle trips to 2,000. The Restrictive Covenant includes compliance with commercial design standards and to the extent possible, recognizing the upcoming station area plan.

DEPARTMENT COMMENTS

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER AND APPLICANT Redeemer Presbyterian Church

AGENT Armbrust & Brown, L L P (Richard T. Suttle, Jr.)

DATE OF FIRST READING October 19, 2006, approved CS-MU-CO-NP district zoning, on First Reading (6-1, Kim – Nay)

CITY COUNCIL HEARING DATE November 30, 2006

CITY COUNCIL ACTION

ORDINANCE NUMBER

ASSIGNED STAFF Robert Heil
e-mail robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0145

PC Date: October 11, 2005
November 8, 2005
December 13, 2005
January 10, 2006
February 14, 2006
March 14, 2006
June 27, 2006
July 11, 2006
July 25, 2006
August 22, 2006
September 12, 2006

ADDRESS: 2105 Alexander Ave

OWNER/APPLICANT: Redeemer Presbyterian

AGENT: Armbrust & Brown (Richard Suttle)

ZONING FROM: CS-MU-CO-NP (40' max height)

TO: CS-MU-CO-NP (60' max height)

AREA: 11 005 acres

STAFF RECOMMENDATION

Staff recommends approval of the request to modify the conditional overlay to allow for a height of 60 feet, and to limit the vehicle trips to 2000 per day. All other provisions of the existing conditional overlay would remain in place.

PLANNING COMMISSION RECOMMENDATION:

October 11, 2005: Postponed to November 8th at the request of the applicant
November 8, 2005: Postponed to December 13th at the request of the applicant
December 13, 2005: Postponed to January 10th at the request of the applicant
January 10, 2006: Postponed to February 14th at the request of the applicant
February 14, 2006: Postponed to March 14th at the request of the applicant
March 14, 2006: Postponed to June 27th at the request of the applicant
June 27, 2006: Postponed to July 11 at the request of the applicant and neighborhood
July 11, 2006: Postponed to July 25 at the request of the applicant and neighborhood
July 25, 2006: Postponed to August 22 at the request of the applicant
August 22, 2006: Postponed to August 22 at the request of the neighborhood

September 12, 2006: APPROVED CS-MU-CO-NP ZONING WITH CONDITIONS OF

- **MAXIMUM HEIGHT LIMIT OF 60-FEET ON THE FOOTPRINT FOR THE SANCTUARY ONLY,**

*** RECOMMENDATION MADE TO CITY COUNCIL THAT THE APPLICANT AND NEIGHBORHOOD ENTER INTO A RESTRICTIVE COVENANT TO PROHIBIT RELIGIOUS USES ON THE SOUTHERN PORTION OF THE TRACT, AND TO PROHIBIT RELIGIOUS USES WITHIN 200-FEET OF MANOR ROAD THE USES WOULD BE CONSISTENT WITH THE NEIGHBORHOOD PLAN**

[S KIRK, J REDDY 2ND] (5-2) C RILEY, M MOORE – NAY, P CAVAZOS, M DEALEY - ABSENT

DEPARTMENT COMMENTS:

The applicant and neighborhood representatives have been in ongoing discussions about the site, which has prompted numerous postponements. The site is vacant and currently zoned General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan (CS-MU-CO-NP) combining district. The request is to change the conditional overlay which currently allow a maximum of 40 feet of height to allow a height of 60 feet. Additionally the conditional overlay would limit the generated vehicle trips to 2000 per day.

Staff recommends approval of the request to modify the conditional overlay to allow for a height of 60 feet. All other provisions of the conditional overlay would remain in place.

The existing conditional overlay makes the following uses prohibited:

- | | |
|--|--|
| • Adult oriented businesses | • Equipment repair services |
| • Agricultural sales and services | • Equipment sales |
| • Automotive washing (any type) | • Laundry services |
| • Campground | • Limited warehousing and distribution |
| • Commercial off-street parking | • Maintenance and service facilities |
| • Commercial blood plasma center | • Pawn shop services |
| • Construction sales and services | • Service stations |
| • Convenience storage | • Vehicle storage |
| • Custom manufacturing | |
| • Drop-off recycling collection facilities | |

The existing conditional overlay makes the following uses conditional:

- | | |
|--------------------------|---------------------------------|
| • Automotive sales | • Kennels |
| • Exterminating services | • Monument retail sales |
| • Guidance services | • Outdoor sports and recreation |
| • Hotel-motel | • Residential treatment |

The site is located with the Gateway Zone of the MLK Blvd Neighborhood Center Transit Oriented Development district. It is also located within a community preservation and revitalization zone. As per 25-2-766 22(8), any height increase to this tract that were proposed during a station area development plan would have to include a residential component, 25 percent of which would have to be affordable. Although this request is not being made in the context of a station area plan, staff believes that the intent of the Council was to allow additional height in this area only if it included a provision for affordable housing.

The neighborhood and applicant have been having ongoing discussions on the case, resulting in multiple postponements, several mutually supported. The most recent postponement was on August 22, at the request of the neighborhood. The applicant did not oppose the request for postponement, but did state that they would oppose any further requests for postponement and they would like the case to be heard on September 12.

Several representatives of the neighborhood have indicated to staff that a petition opposing the rezoning is being circulated, but at this time, formal petition has not been presented. Should a petition be received before the commission hearing it will be presented to the commissioners at the hearing.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-MU-CO-NP	Undeveloped
<i>North</i>	CS-MU-CO-NP	Distribution Center
<i>South</i>	CS-MU-CO-NP	Undeveloped
<i>East</i>	CS-MU-CO-NP	Undeveloped
<i>West</i>	SF-3, LR-MU, LI-CO (all NP)	Single Family Homes, Freight, Newspaper Agency

AREA STUDY: The property lies within the Rosewood Neighborhood plan adopted in 2003, and is designated as Mixed Use. The request would not change the adopted future land use map, and therefore does not require a plan amendment.

TIA: N/A

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- Cherrywood Neighborhood Assn
- Martin Luther King Jr /Airport Blvd Sector
- Clifford-Sanchez Neigh Assn
- Austin Neighborhoods Council

- Mueller Neighborhoods Coalition
- Upper Boggy Creek Neighborhood Planning Team Contact
- Upper Boggy Creek Neighborhood Planning Team
- Keep the Land
- UBC Neighborhood Planning Team Contact
- Austin Independent School District
- Sentral Plus East Austin Coalition (SPEAK)
- Taking Action Inc
- PODER People Organized in Defense of Earth & Her Resources
- City of Austin Neighborhood Planning (Chestnut)
- Anberly Airport Assn

SCHOOLS. (AISD)

Campbell Elementary School Kealing Middle School McCallum High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
MLK	70'	40'	Arterial	Yes	# 18	#44
Manor Road	65'	50'	Collector	Yes	#42	#20
Alexander Ave	50'	30'	Local	No	No	No

CITY COUNCIL DATE: 10/16/06

ACTION

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER

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

PHONE 974-2330

SUMMARY STAFF RECOMMENDATION

C14-05-0145

Staff recommends approval of the request to modify the conditional overlay to allow for a height of 60 feet. All other provisions of the conditional overlay would remain in place.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1 The proposed zoning should be consistent with the goals and objectives of the City Council*

The site lies within the Transit-Oriented Design special purpose base district, in which the city is encouraging increased development.

EXISTING CONDITIONS

The site is vacant and currently zoned General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan (CS-MU-CO-NP) combining district. The request is to change the conditional overlay which currently allows a maximum of 40 feet of height to allow a height of 60 feet. Additionally, the conditional overlay would limit the generated vehicle trips to 2000 per day.

Staff recommends approval of the request to modify the conditional overlay to allow for a height of 60 feet. All other provisions of the conditional overlay would remain in place.

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Transportation

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

The trip generation under the requested zoning is estimated to be 29,602 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
MLK	70'	40'	Arterial	Yes	# 18	#44
Manor Road	65'	50'	Collector	Yes	#42	#20
Alexander Ave	50'	30'	Local	No	No	No

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 flood plain (and possible CWQZ) 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

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

Water and Wastewater

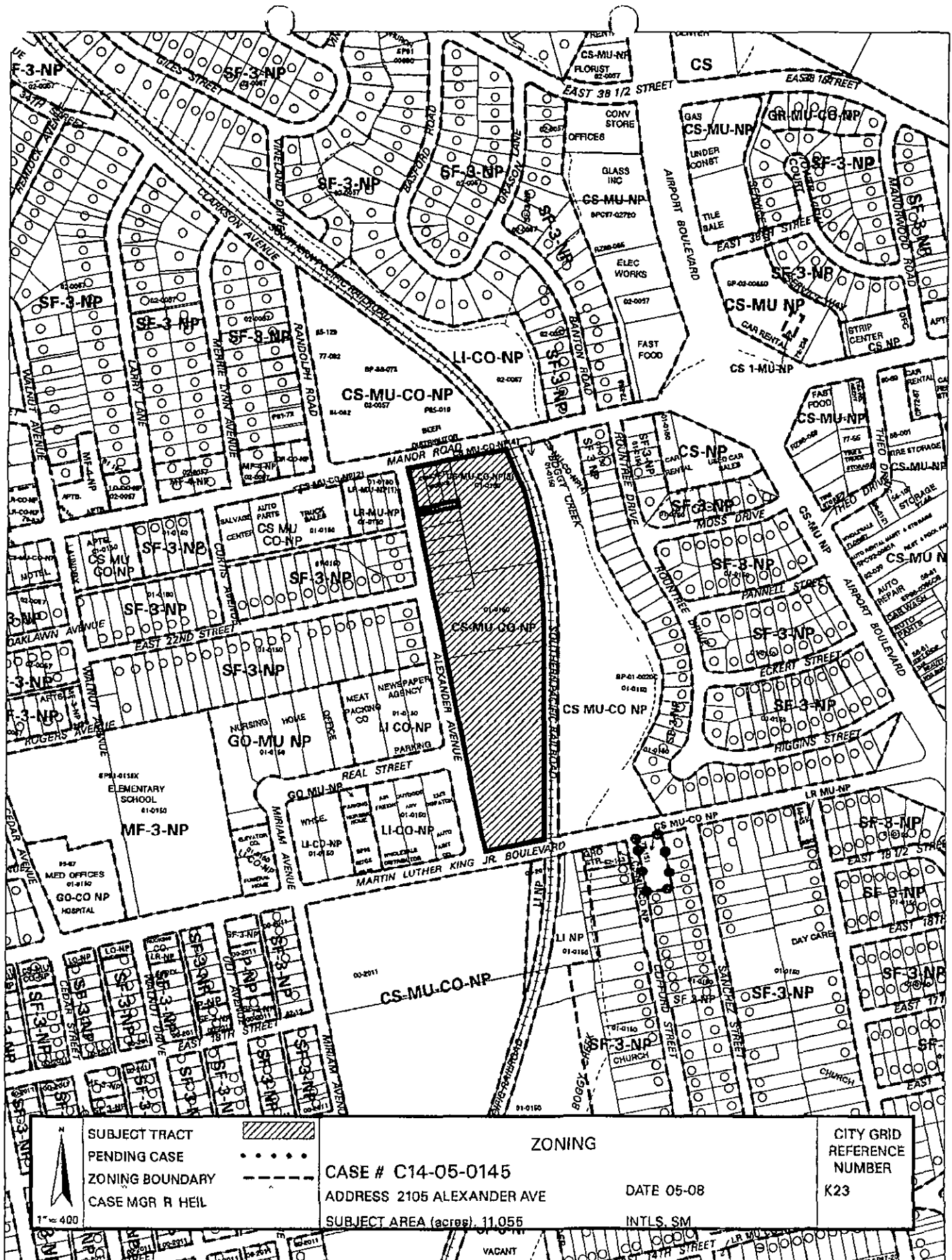
The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

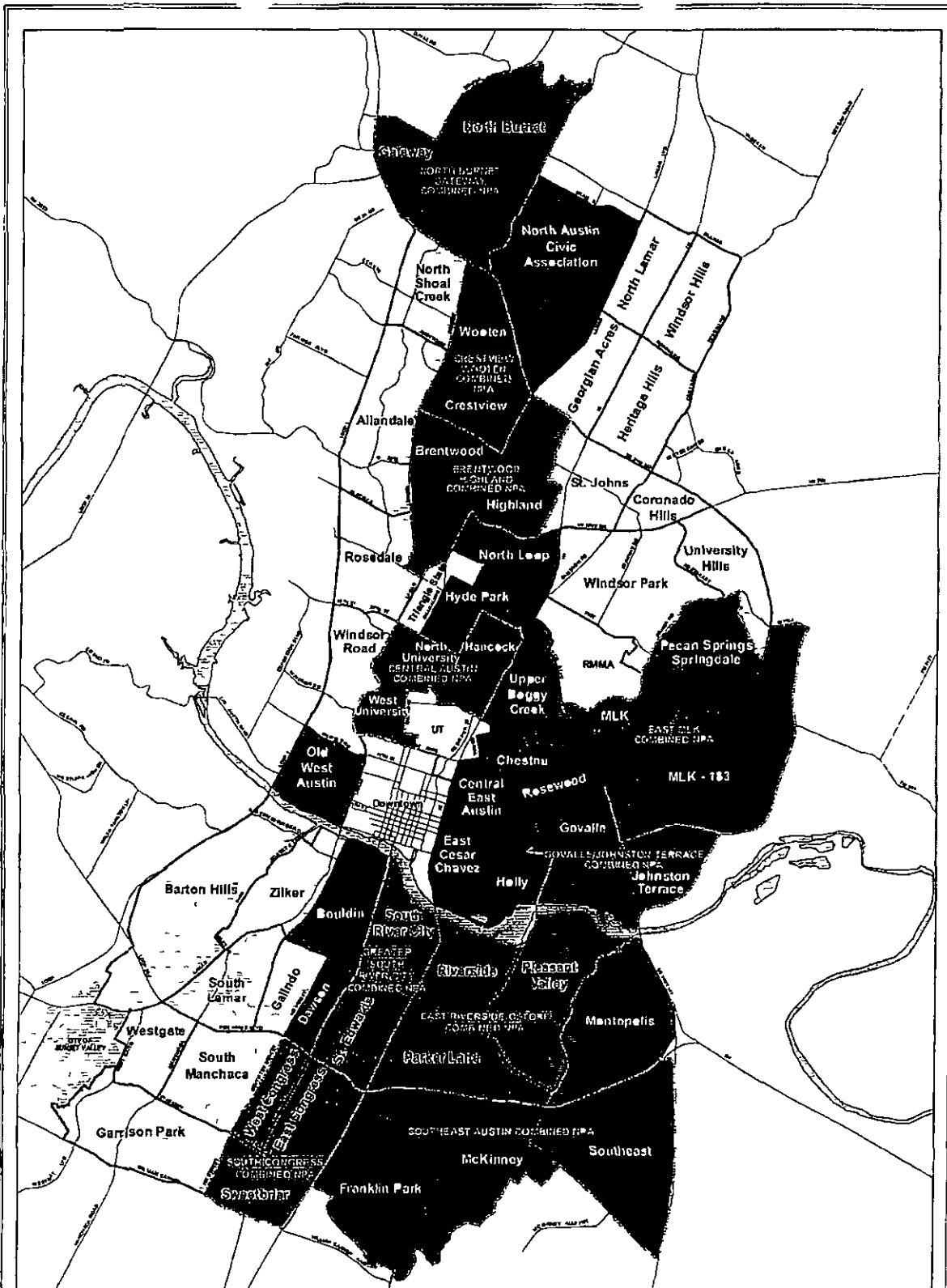
Site Plan

The site is subject to compatibility standards. Along the northwestern 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

This site is located within a Transit Oriented Development District and would be required to comply with Section 25-2-766









City of Austin Neighborhood Planning Areas

 Combined Neighborhood Planning Areas

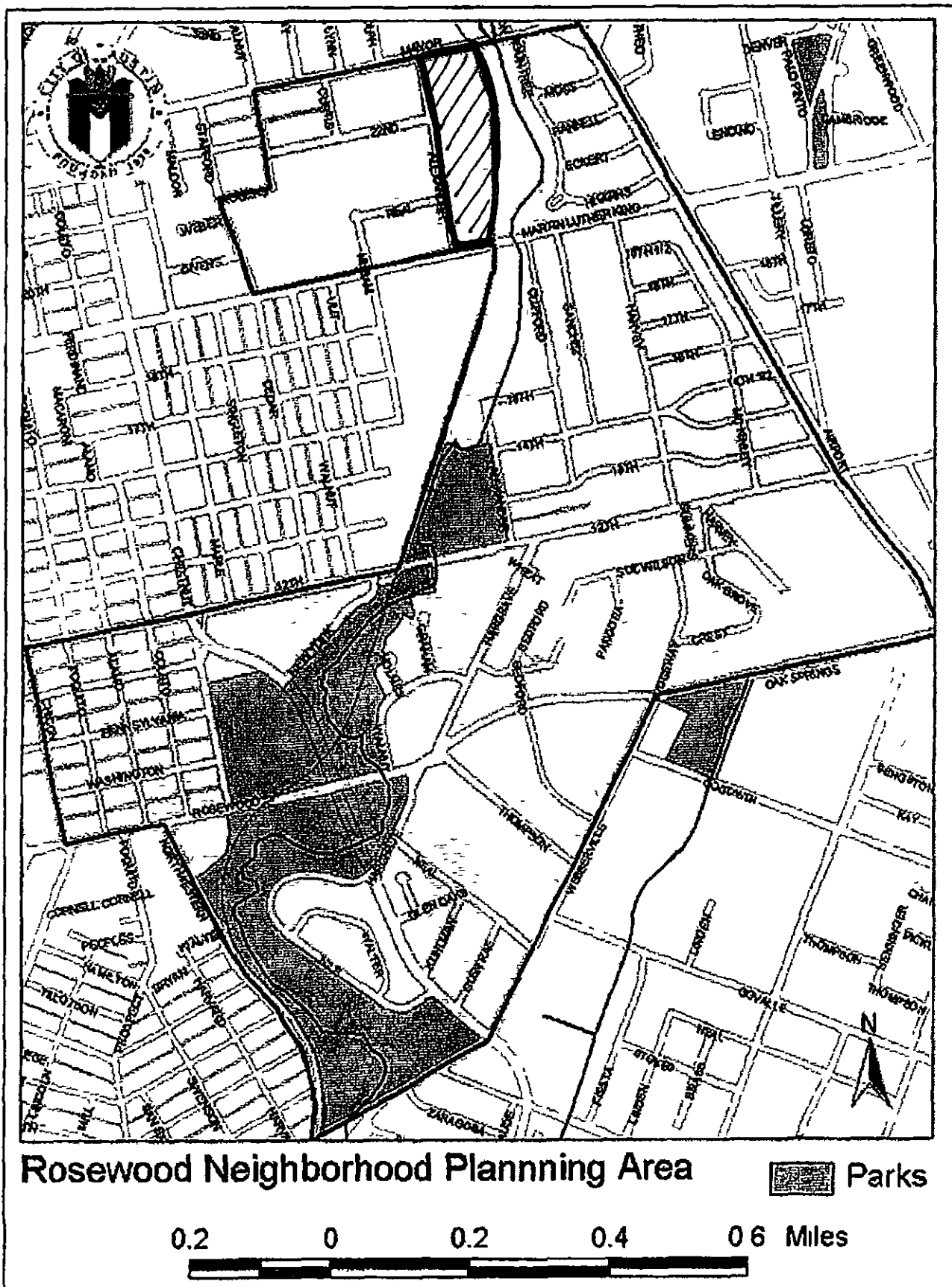
Produced by City of Austin
Neighborhood Planning & Zoning Department
August 13, 2005

Neighborhood Plan Status

-  Adopted Neighborhood Plan & Zoning
-  Neighborhood Plan Underway
-  Future Neighborhood Planning Area
-  Non-Neighborhood Planning Area

5,120 2,560 0 5,120 10,240 Feet

This map has been produced by the City of Austin for the sole purpose of showing region of planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.
Map left for public use. No warranty is made regarding its accuracy or completeness.



PETITION

Case Number

C14-06-0145

Date

Sept 13, 2006

Total Area within 200' of subject tract (sq ft)

808,973 56

1	<u>02-1212-0239</u>	<u>HOUSTON FRANCES L</u>	<u>7,627 45</u>	<u>0 94%</u>
2	<u>02-1212-0240</u>	<u>KALAHURKA WILLIAM</u>	<u>7,640 52</u>	<u>0 94%</u>
3	<u>02-1212-0613</u>	<u>RUIZ SANTOS</u>	<u>7,171 51</u>	<u>0 89%</u>
4				<u>0 00%</u>
5				<u>0 00%</u>
6				<u>0 00%</u>
7				<u>0 00%</u>
8				<u>0 00%</u>
9				<u>0 00%</u>
10				<u>0 00%</u>
11				<u>0 00%</u>
12				<u>0 00%</u>
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25				<u>0 00%</u>

Validated By

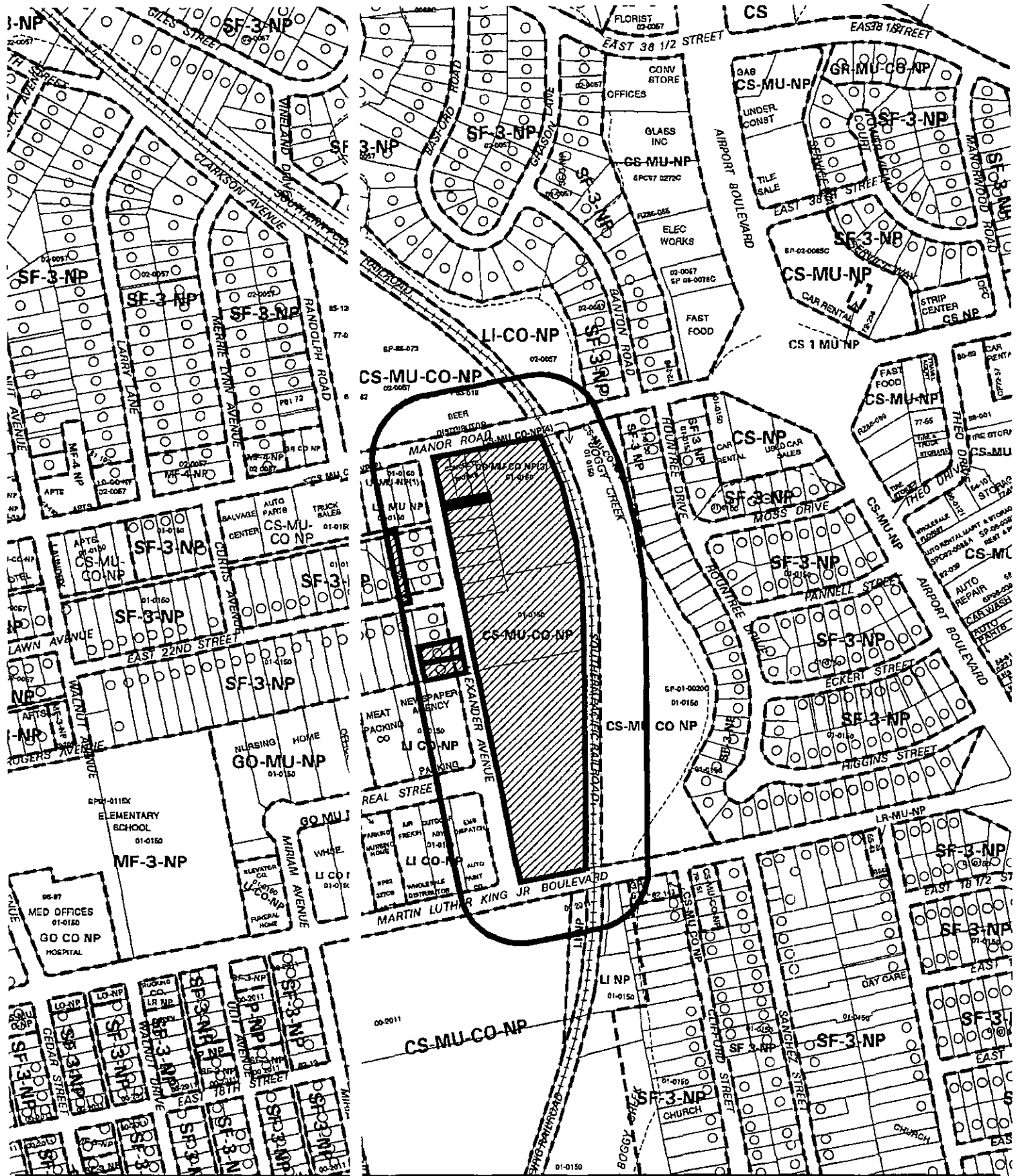
Stacy Meeks

Total Area of Petitioner

22,439 48

Total %

2 77%



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR R HEIL

1" = 400'

PETITIONS

CASE # C14-05-0145

ADDRESS 2105 ALEXANDER AVE

SUBJECT AREA (acres). 11.055

DATE 06-09

INTLS SM

CITY GRID
REFERENCE
NUMBER

K23

The Rosewood Neighborhood Contact Team

1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

August 17, 2006

Mr Richard Suttle, Jr
Armbrust & Brown, L L P
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744

RE Redeemer Presbyterian Church Development at 2105 Alexander Avenue

Dear Mr Suttle

In a letter dated November 29, 2005, we requested that Redeemer Presbyterian Church adhere to the mix of uses in the established Rosewood Neighborhood, Upper Boggy Creek and Envision Central Texas Plans. As we stated then, we believe that a community church, serving the neighborhoods in the area, would be a very appropriate component in a mixed-used development of the site you have selected.

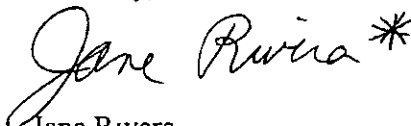
We have determined that we would be willing to support your request for a variance to permit a height of 60 feet for the sanctuary only conditional upon the following requirements: you limit the variance request to the footprint of the sanctuary only, include that variance request within a larger Planned Unit Development (PUD) for the entire tract bounded by Manor Road on the north, E MLK on the south, Alexander Avenue on the west, and the railroad tracks on the east, and incorporate some land uses that would be a good fit with the approved plans cited above. Those uses are as follow:

- Make 20 percent of the housing units affordable to households earning less than 60 percent median family income with half that being for households earning between 30 to 60 percent MFI and the other half for households earning less than 30 percent MFI. Include mixed live and work space (retail on the first floor, home space on the second).
- Offer space for retail and service uses that address the needs of neighbors within walking distance.
- Share parking among the church and other uses on the entire property.
- Develop pedestrian traffic uses along the property perimeter, not parking.
- Locate the church sanctuary and cloister farther east and south to the middle of the tract and remove the driveway along the railroad track.

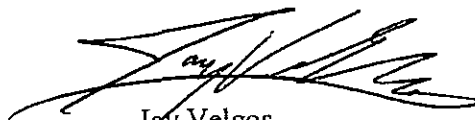
We have prepared and enclosed a rough schematic of these proposed land uses on the site to assist you to understand our suggestions based on the approved plans. We recognize your desire to meet the Board of Adjustment and Planning Commission hearings dates as soon as possible.

Please advise when you might be able to provide a PUD for our review. We look forward to hearing from you.

Sincerely,



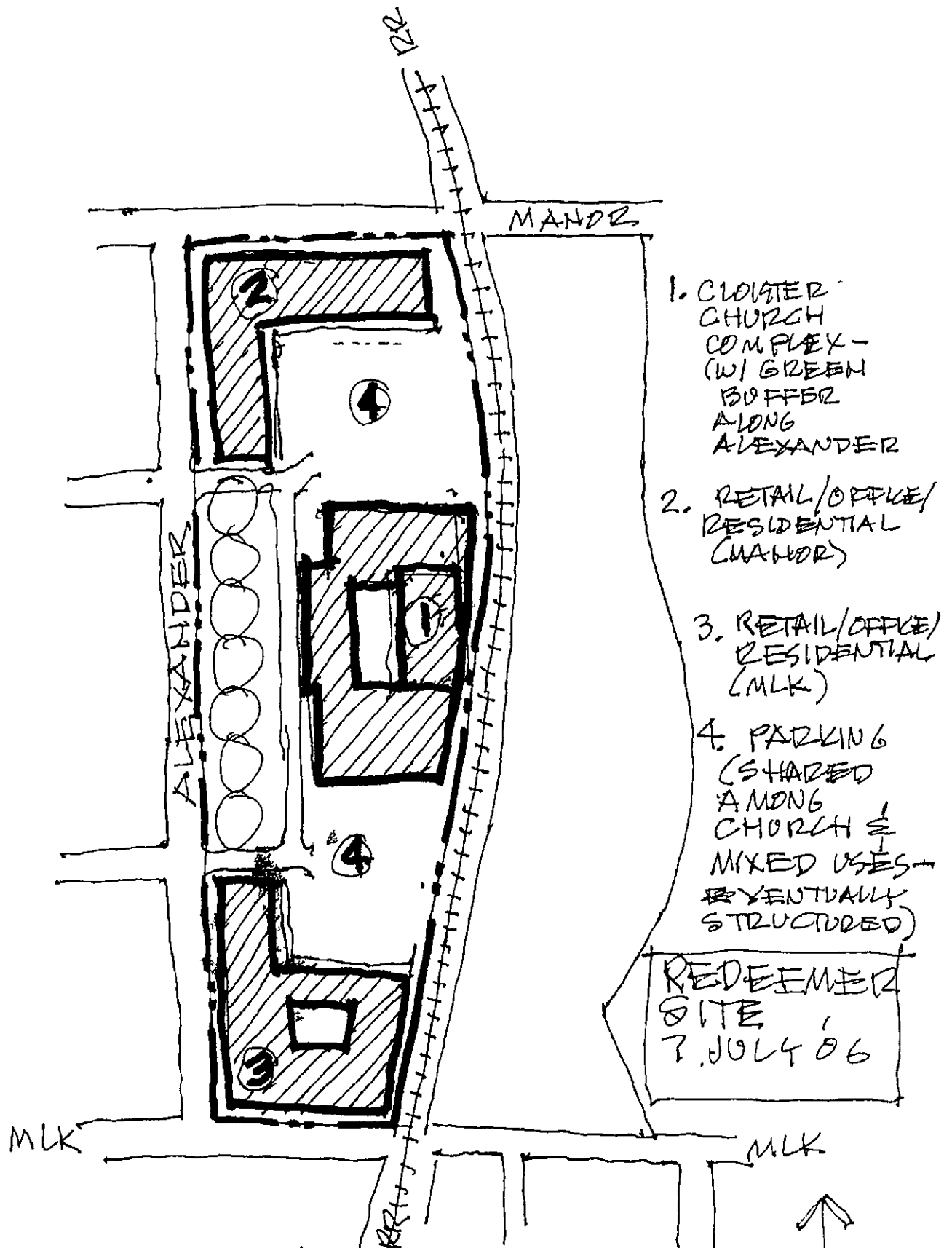
Jane Rivera
Chair, Rosewood NCT



Jay Velgos
Chair, Upper Boggy Creek NPT

XC Board of Adjustment, City of Austin
Planning Commission, City of Austin
Austin City Council
Austin Neighborhoods Council

** Approval contingent upon PUD plan consistent with attached site plan.*



ROSEWOOD/UPPER BOGGY CREEK
NEIGHBORHOOD TASK FORCE SITE CONCEPT
DRAWN BY GERRARD KINNEY

PETITION

Date 9/11/06
File Number C14 05 0145

Address of Rezoning Request 2105 Alexander Ave

To Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the reference file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS MU CO NP with the height limit of 40 (forty) feet

(STATE REASONS FOR YOUR PROTEST)

The proposed changes are not in accord with the Neighborhood Plan or either of the additional community planning processes that have been undertaken for this site

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Alphonse King	Macka JEAN HERRUP	1172 PANDORA	78702
Joe	RYAH CHRISTENSEN	1180 PANDORA	78702
John	SUN C. McColsin	1180 Pandora	78702
John	Mahala Guevara	1171 Pandora	78702
John	Emma ROY	1173 Pandora	78702
John	Todd Gravelle	1173 Pandora	78702
John	Russell McDowell	1187 Pandora	78702

Date 9/11/06

Contact Name

Phone Number

Jan Rivera
763-2483 days

PETITION

Date 16 Aug 06
File Number C14 05 0145

Address of
Rezoning Request 2105 Alexander Ave

To Austin City Council

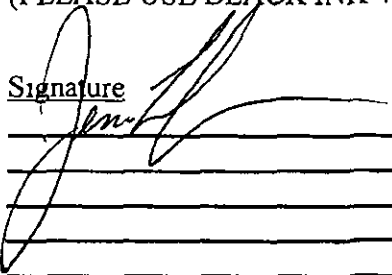
We, the undersigned owners of property affected by the requested zoning change described in the reference file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than CS MU CO NP with the height limit of 40 (forty) feet

(STATE REASONS FOR YOUR PROTEST)

The proposed changes are not in accord with the Neighborhood Plan or either of the additional community planning processes that have been undertaken for this site

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature



Printed Name

Jesse Lunsford

Address

2911 E MLK 78702

Date

16 Aug 06

Contact Name

Jesse Lunsford

Phone Number

275-1555

Street #	Street	Owner Last Name	Plot
2102	Alexander	Houston	212120239
2820	E 22nd	Ruiz	212120613
2915	E MLK	Lunsford	
1814	Miriam	Rhambo	212120414
2824	Real	Lunsford	212120229