

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0022
Congress Avenue Baptist Church

P.C. DATE: October 8, 2013
September 10, 2013;
August 13, 2013

ADDRESS: 1511 S Congress Avenue

AREA: 0.9513 (41,439sq. ft.)

OWNER: Congress Avenue Baptist Church (Tut Hill)

APPLICANT: Thrower Design (Ron Thrower)

NEIGHBORHOOD PLAN AREA: South River City Neighborhood
Greater South River City Combined Neighborhood Planning Area

ZONING FROM: SF-3-NCCD-NP; Family Residence – Neighborhood Conservation
Combining District - Neighborhood Plan Combining District

ZONING TO: GR-NCCD-NP; Community Commercial - Neighborhood Conservation
Combining District - Neighborhood Plan Combining District,
as amended

SUMMARY STAFF RECOMMENDATION

Staff does not recommend GR-NCCD-NP combining district zoning at this time.

Staff supports GO-NCCD-NP; General Office - Neighborhood Conservation Combining District - Neighborhood Plan Combining District, as originally requested, with the following conditions:

- 1) Maximum floor-to-area ratio of 1:1;
- 2) Maximum height limitation of 40 feet or 3 stories, except that a parking use is limited to surface-level only;
- 3) Maximum building coverage of 50%;
- 4) Maximum impervious coverage of 70%; and
- 5) Allowable uses: Administrative and Business Offices, Art Gallery, Art Workshop, Offsite Accessory Parking, Professional Office (which excludes Medical) and Software Development. All other commercial uses allowed in GO would be prohibited. Hospital Services General and Limited, a Civic use, would also be prohibited.

If the sole purpose of the request is to allow offsite commercial and offsite accessory parking, along with private educational facility uses associated with an existing religious institution, as has been stated by the applicant, then staff recommends the applicant pursue the allowances of these uses by attempting to amend the existing NCCD.

PLANNING COMMISSION ACTION:

To be considered October 8, 2013

September 10, 2013

Postponement until 10/8/2013 at the mutual request of the South River City Citizens Neighborhood Association and the Applicant

CU/2

August 13, 2013

Postponement until 09/10/2013 at the request of the SRCC
with Applicant's concurrence

DEPARTMENT COMMENTS:

The subject tract is just under one acre, and comprises the eastern half of a block owned by the Congress Avenue Baptist Church that is surrounded by South Congress Avenue, East Elizabeth Street, Nickerson Street, and East Monroe Street. The current church building was dedicated in 1968; the former building is thought to have been built in 1938. At least one other church building occupied the site, as the South Austin Baptist Church, which was established in the late 1800s; later, the congregation was renamed the Congress Avenue Baptist Church.

The subject tract currently hosts a surface parking lot and a vacant school building formerly used by the congregation. Construction of this educational annex was completed in the early 1950s. In 2009, the western half of the block, containing the church building adjacent to Congress Avenue, was rezoned; because of a petition impacting the eastern half of the block – the subject tract – this portion of the block was dropped from the 2009 rezoning request (see Case Histories below.)

The initial rezoning request earlier in 2013 was to rezone the property to general office (GO), which necessitated a change to the Future Land Use Map (FLUM) through the neighborhood plan amendment (NPA) process. The current FLUM designation is Civic; the request identified in the associated NPA is to amend the FLUM to Mixed Use (NPA-2013-0022.01). The amended rezoning request (see Exhibit B), to GR, Community Commercial, would also necessitate a NPA of the FLUM to a Mixed Use land use designation. Granting GR zoning, if so desired by the Planning Commission, should be contingent on an approved FLUM amendment.

It should be noted the stated request for the zoning change, as per the April 2013 letter from the applicant, is to allow commercial off-street parking, off-site accessory parking, and to allow private primary educational facilities as a permitted use, rather than conditional under the SF-3 base zoning district, use of the site.

Additional correspondence from neighborhood stakeholders, the Greater South River City Neighborhood Plan Contact Team, and the applicant, is attached (see Exhibit C).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NCCD-NP	Surface Parking Lot; Private School
<i>North</i>	CS-NCCD-NP; CS-V-NCCD-NP; SF-3-NCCD-NP	Elizabeth St; Commercial; Duplex & Triplex Residential
<i>East</i>	SF-3-NCCD-NP	Nickerson St; Single-family Residential
<i>South</i>	CS-MU-V-NP; SF-3-NP	Monroe St; Food Trailer Park and Craft Vendors (Future Hotel); Duplex & Single-family Residential; Church
<i>West</i>	CS-CO-NCCD-NP	Church; Food Trailer and Private Playground; S Congress Avenue

AREA STUDY: N/A**WATERSHED:** East Bouldin Creek**CAPITOL VIEW CORRIDOR:** No**TIA:** Not Required**DESIRED DEVELOPMENT ZONE:** Yes**HILL COUNTRY ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

South River City Citizens Assn.	74
Bouldin Creek Neighborhood Assn.	127
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
SOCO-South First St.	752
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Greater South River City Combined Neighborhood Planning Team	1185
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
South Congress Merchants Association	1345
Zoning Committee of South River City Citizens Assn.	1360
SEL Texas	1363

RELATED CASES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
West of Congress (North to South)			
108 W Gibson C14-06-0080	From MF-4-NP to CS-MU-CO-NP	Approved CS-MU-CO-NP (CO limits uses, size of uses, and specifies dev standards); 05/23/2006	Approved as rec. 08/31/2006
C14-2011-0060	From CS-MU-V-CO-NP to CS-MU-V-CO-NP (to allow for additional retail uses)	Approved; 07/12/2011	Approved; 08/25/2011
1316 South Congress C14-99-2050	From CS to CS-1	Approved; 10/19/1999	Approved CS-1-CO (height); RC allows for rollback to CS if hotel use discontinued 12/02/1999
1512 Eva C14-86-154	From SF-3 to NO	Denied; 09/02/1986	Denied; 03/05/1987
200-202 W Monroe at Eva C14-74-058	"A" Residence, 1 st H & A to "C" Commercial, 1 st H & A		Denied

305 W Milton C14-H-2008-0030	From SF-3-NP to SF-3-H-NP (postponed indefinitely; 10/01/2008)		Expired
1705 Newton C14H-89-0002	From SF-3 to SF-3-H (Wells House)	Approved; 04/26/1994	Approved; 05/12/1994
	From SF-3-NP to SF-3-H-NP (additional land)	Approved; 10/26/1994	Approved; 12/02/2004
1811 Newton C14H-93-0024	From SF-3 to SF-3-H (Stanley Stone House)	Approved 12/14/1993; 04/23/1996	Approved; 06/26/1997
1809 Newton C14H-00-0012	From SF-3 to SF-3-H (Stanley Homestead Site)	Approved; 11/14/2000	Approved; 12/07/2000

East of Congress (North to South)			
112 Academy C14H-99-0005	From MF-4 to MF-4 -H (Miller/Crockett House)	Approved; 07/13/1999	Approved; 09/30/1999
C14-2007-0056	From MF-4-H-NCCD-NP to GR-H-CO-NCCD-NP	Approved (limits uses, specifies dev standards); 05/22/2007	Approved (RC limits hotel use); 06/21/2007
C14-2008-0250	From GR-H-NCCD-NP to CS- 1-H-NCCD-NP	Approved (limits uses); 02/03/2009	Approved as rec; 02/26/2009
1203 Hillside; 1406, 1404, and 1509 Newning	From "B" Residence 1 st H & A to "A" Residence, 1 st H & A		Approved; 07/31/1975
Various Addresses on Academy, Bickler, Bonnieview, Hillside, Le Grande, Melissa, Newning Ravine, and The Circle	From "B" Residence, 2 nd H & A to "A" Residence, 1 st H & A		
1207 and 1301 Hillside	From "BB" Residence, 1 st H & A to "A" Residence District, 1 st H & A		
1402 Drake	"BB" Residence, 2 ND H & A to "A" Residence, 1 st H & A		
210 Academy	"B-H" Residence-Historic,		

C14/5

C14-75-005	Second Height and Area District to "A-H" Residence-Historic, First Height and Area District.		
200 The Circle C14H-03-0013	From MF-4-NCCD to MF-4-H-NCCD (Brunson House)	Approved; 01/06/2004	Approved; 02/12/2004
1313-1315 Congress C14-2008-0093	From CS-V-NCCD-NP to CS-1-V-NCCD-NP	Approved CS-1-V-CO-NCCD-NP (CO limits uses) ; 06/24/2008	Approved as rec; 07/24/2008
1315 Congress C14H-2008-0018	From CS-1-V-CO-NCCD-NP to CS-1-V-H-CO-NCCD-NP	Approved; 08/12/2008	Approved; 08/21/2008
200-210 and 212-214 Park; 201-205, 207, and 209-211 The Circle; 1400-1404 and 1406-1410 Drake C14-67-119	From "A" Residence, 2 nd H&A to "BB" Residence, 2 nd H&A		Approved; 10/12/1967
108 Gibson C14-80-139	From "A" Residence, 1 st H&A to "C" Commercial, 1 st H&A		Approved (RC requires trees and landscaping), 10/09/1980

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-85-351	Establish Fairview Park NCCD	Forwarded w/o Recommendation; 04/02/1986	Approved; 08/07/1986
NPA-2009-0022.01 (1511 S Congress & 1508 Nickerson)	Civic to Commercial	Approved Mixed Use on Congress half of tract, Civic on Nickerson half; 08/25/2009	Approved Mixed Use on Congress half of tract only; 10/28/2009
C14-2009-0032 1511 S Congress & 1508 Nickerson)	SF-3-NCCD-NP to CS-CO-NCCD-NP (Congress) & GO-CO-NCCD-NP (Nickerson)	CS-CO-NCCD-NP & GO-CO-NCCD-NP (limits uses & vtd), required RC that owner not oppose rollback if use ceases; 08/25/2009	Approved CS-CO-NCCD-NP on Congress half only (limits uses & vtd); 11/19/2009

Properties east of South Congress Avenue and north of Monroe Street are part of the Fairview Park Neighborhood Conservation Combining District, adopted by the Council in August 1986 (C14-85-351) and amended in July 2003 (C14-02-0067). With the adoption of

C14
6

the NCCD ordinance in 1986, the Congress Avenue side of the church property, at 1511 S Congress, was reclassified with a base district as SF-3-NCCD.

In addition to the cases noted above, adoption of the Bouldin Creek Neighborhood Plan in May 2002 added the NP zoning string to properties on the west side of South Congress Avenue (C14-02-0031); adoption of the Greater South River City Neighborhood Plan and the South River City Neighborhood Plan Area rezonings in September 2005 (C14-05-0139) appended the zoning string east of Congress Avenue. Vertical Mixed Use Building (V) was added to select properties east (C14-2007-0224) and west (C14-2007-0220) of South Congress Avenue in December 2007.

Regarding the neighborhood plan amendment (NPA) and rezoning cases from 2009, the original request was to change the Future Land Use Map for the entire Congress Avenue Baptist Church property from Civic to Mixed Use and Civic, and to rezone the half adjacent to Congress Avenue as CS and the half adjacent to Nickerson as GO. The Planning Commission supported the rezoning request with conditions. Prior to consideration of the cases at Council, a valid petition was filed. The applicant subsequently amended both the NPA and rezoning case to exclude the Nickerson portion of the tract; this reduction in tract area and location eliminated the valid petition. The Council subsequently granted the NPA and rezoning requests for only the Congress Avenue half of the property (as listed above).

ABUTTING STREETS:

Street Name	ROW Width	Pavement Width	Classification	Sidewalks	Bike Route	Capital Metro
South Congress Avenue	120'	90'	Arterial	Yes	Yes	Yes
Nickerson Street	60'	30'	Local	Yes	No	Yes (within ¼ mile)
East Monroe Street	60'	30'	Local	Yes	No	Yes (within ¼ mile)
Elizabeth Street	60'	40'	Local	Yes	No	Yes (within ¼ mile)

CITY COUNCIL DATE:

Scheduled for consideration on November 7, 2013

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman

e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

C 6
/ X**SUMMARY STAFF RECOMMENDATION**

Staff does not recommend GR-NCCD-NP combining district zoning at this time.

Staff supports GO-NCCD-NP; General Office - Neighborhood Conservation Combining District - Neighborhood Plan Combining District, as originally requested, with the following conditions:

- 1) Maximum floor-to-area ratio of 1:1;
- 2) Maximum height limitation of 40 feet or 3 stories, except that a parking use is limited to surface-level only;
- 3) Maximum building coverage of 50%;
- 4) Maximum impervious coverage of 70%; and
- 5) Allowable uses: Administrative and Business Offices, Art Gallery, Art Workshop, Offsite Accessory Parking, Professional Office (which excludes Medical) and Software Development. All other commercial uses allowed in GO would be prohibited. Hospital Services General and Limited, a Civic use, would also be prohibited.

If the sole purpose of the request is to allow offsite commercial and offsite accessory parking, along with private educational facility uses associated with an existing religious institution as a permitted (not conditioned) use, as has been stated by the applicant, then staff recommends the applicant pursue the allowances of these uses by attempting to amend the existing NCCD.

BASIS FOR RECOMMENDATION

The existing family residence (SF-3) base district zoning is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

The requested community commercial (GR) base district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The site is currently used for surface parking and private primary education; staff is unaware of any redevelopment plans for the site under the currently proposed GR zoning.

With the amended request for rezoning, the applicant has proposed to prohibit all commercial and civic uses except those necessary to continue using the site as it currently is: Commercial Off-street Parking, Offsite Accessory Parking, and Private Primary Educational Facilities. That is, the applicant is proposing to prohibit all permitted uses in office zoning districts, and the commercial zoning districts, except for the three noted above.

To be sure, the proposed GR uses are not unreasonable in this location. As defined by the Land Development Code:

Commercial Off-Street Parking is defined as: the use of a site for the parking of motor vehicles on a temporary basis within a privately owned off-street parking facility. This use includes commercial parking lots and garages and excludes parking as an accessory use.

CU
1/8

Off-site Accessory Parking is the use of a site for the provision of parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, located on a different site from the principal use.

Private Primary Education Facilities is the use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.

Staff does not recommend GR zoning at this time, even if limited to only these three uses. If the zoning request is driven solely by the need or desire to continue use of the site as is, but in compliance with the City's code, then staff recommends the Fairview NCCD, which also governs use and development standards of this tract, be amended to allow for those additional uses on this tract, while keeping the current SF-3 base zoning.

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

Staff is aware of parking challenges along South Congress Avenue. Staff appreciates the owner trying to help alleviate some of the shortage in readily available parking by providing parking to local business patrons when their parking is not used for church-related activities. GR, as a zoning district, is intended for an office or commercial use serving neighborhood or community needs. The parking shortage along South Congress Avenue is genuine; allowing parking on this site would serve that neighborhood and community need. Although not abutting Congress Avenue directly, which is a major traffic way, the tract is easily accessible from South Congress. A separate argument can be made that City staff should not encourage surface parking along Congress Avenue, which has been designated as an Activity Corridor in the Imagine Austin Plan.

Nevertheless, as a zoning district, GR is inappropriate at this location at this time. Despite it being adjacent to a CS-zoned property (the current Church facility), and across Elizabeth Street from a CS-zoned property (currently a sign shop), the site is also equally bounded by family residential. While it is clear the property may be redeveloped with more intense uses than surface parking and a private school in the future, until there is such a project proposed, which can be evaluated on its own merits, staff does not recommend GR as a base zoning district.

In 2009, staff recommended support for the then-requested GO-base zoning on this tract. That staff support came with the following conditions:

- 6) Maximum floor-to-area ratio of 1:1;
- 7) Maximum height limitation of 40 feet or 3 stories;
- 8) Maximum building coverage of 50%;
- 9) Maximum impervious coverage of 70%; and
- 10) Specified the following as allowable uses: Administrative and Business Offices, Art Gallery, Art Workshop, Professional Office and Software Development.

The Planning Commission adopted the staff recommendation. Conditions along the perimeter streets – Monroe, Nickerson, and Elizabeth – have not changed since 2009. As a land use, staff would again support general office (GO) zoning on this tract with these and other appropriate conditions or restrictions.

C6
/9

Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning; and

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city, and

As noted above, allowing for additional and legal parking on the existing parking lot for non-church users would satisfy a public need. However, if the requested GR zoning is granted, and with it a prohibition against all civic and commercial uses other than the three requested, it is difficult to assert this is not spot zoning.

Staff is concerned the grant of GR zoning, especially with all the commercial and civic prohibitions proposed by the applicant, will achieve the desired result – i.e., legal offsite accessory and commercial offsite parking on what would otherwise be a lot zoned family residence – but also is a form of boutique zoning that can set an undesirable precedent. Staff is of the opinion that requested zoning districts should not be so conditioned, restricted, or constrained so as to make the ultimate use of the site nearly unrecognizable from the land use zoning district requested or granted. If granted, a number of vacant and/or underutilized SF-3 zoned properties around the neighborhood and city may request similar GR-restricted zoning solely for parking purposes. The justification for such requests would be similar to this case – the need for additional off-street parking. Staff and Commission may be asked to support and recommend highly-customized GR requests for smaller SF-3 tracts, perhaps midblock, and perhaps not otherwise owned or used by a long-standing institution.

Conditions (whether in a CO or public restrictive covenant) prohibiting certain uses, enhanced site development standards, and restrictions to hours of operation are all reasonable and justifiable in certain cases. Recommending and adopting such conditions, as is the discretion of the Commission and Council, help ensure a proposal's compatibility with surrounding properties by limiting the parameters of site's use and development. However, staff believes such conditions and limitations should be secondary to the land use/zoning district request, rather than offered in a primary way to request a more intensive base zoning district.

Again, staff is aware of and sensitive to the undeniable parking problem in this area. Staff is aware, too, that this is a unique situation in which an institution that uses the parking lot only occasionally is trying to serve a larger neighborhood and community need. Staff supports the continued use of the tract for surface parking purposes. Staff does not, however, think that granting community commercial zoning district is a compatible solution to this problem.

While not ideal, perhaps, amending the Fairview Park Neighborhood Conservation Combining District (NCCD) to allow for the three uses on this tract, or similarly-situated and characterized tracts, could produce the same end result desired by the applicant as granting the zoning request. The purpose of the Fairview Park NCCD was, according to its ordinance, to establish special compatibility standards applicable to all properties and to modify certain base district use and site development regulations. NCCDs generally, as authorized by the LDC, are to preserve neighborhoods with distinctive architectural styles that were substantially built out at least 30 years before the date an application for an NCCD classification is filed. The Fairview Park NCCD was established in 1986, and amended in 2003 to include additional properties in the District and to modify site development

C6/10

standards for certain parcels and certain uses. It could be amended again to allow these three uses on this specific tract, or more broadly to similarly-situated tracts – however, defined – throughout the District. Doing so would allow the subject tract to continue providing a need, additional parking, without the necessity for a change to the underlying base zoning district.

EXISTING CONDITIONS & REVIEW

Site Characteristics

The subject tract is the eastern half of a block owned and used by the Congress Avenue Baptist Church. The approximate 44,440 square feet tract is primarily covered with surface parking, although an educational annex associated with the Church occupies a footprint of around 7,000 square feet. Mature trees line the perimeter of the tract along the northern and eastern right-of-way. There are no known environmental constraints to continued use of the site for parking and educational purposes. Any redevelopment would be subject to tree protection ordinances.

PDR Environmental Review

March 5, 2013 (MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
 2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
 3. 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.
 4. According to flood plain maps, there is no flood plain within the project area.
 5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
 6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
-

CU
11

PDR Site Plan Review

March 14, 2013 (MSS)

1. Any development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*. Urban Roadway requirements will apply.
2. Upon rezoning, this site will be subject to *Article 10, Compatibility Standards*

PDR Transportation Review

March 18, 2013 (SJ)

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113].
3. A Neighborhood Traffic Analysis maybe required at the time of site plan application if the proposed land uses generate more than 300 trips per LDC, Sec. 25-6-114.
4. Existing Street Characteristics:

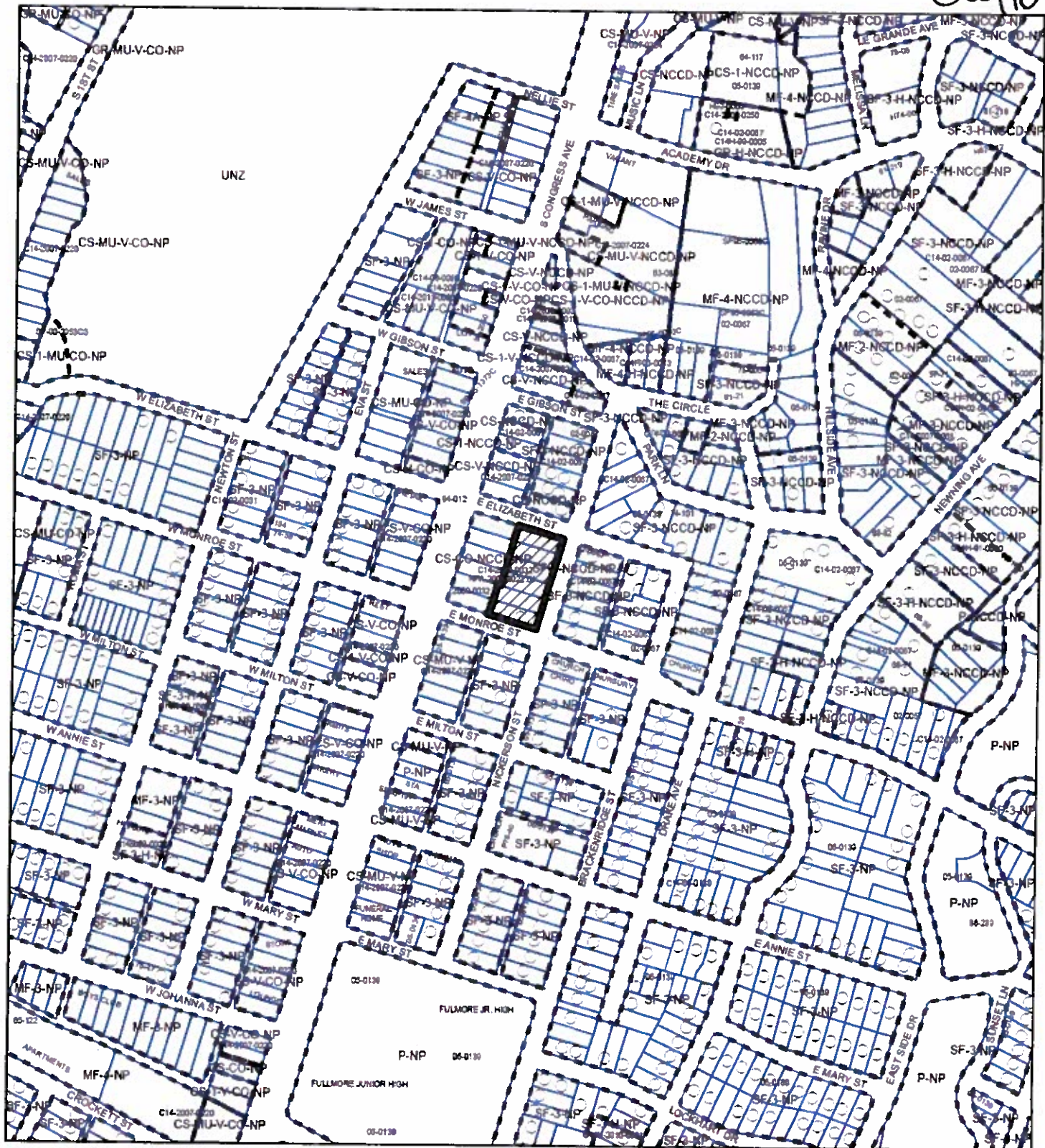
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
S Congress Ave	120'	90'	Arterial	Yes	Yes	Yes
Nickerson St	60'	30'	Local	Yes	No	Yes (within ¼ mile)
E Monroe St	60'	30'	Local	Yes	No	Yes (within ¼ mile)
Elizabeth St	60'	40'	Local	Yes	No	Yes (within ¼ mile)




PDR Austin Water Utility Review

March 4, 2013 (NK)

FYI: The site is currently served with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

C6/12



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
ZONING CASE#: C14-2013-0022

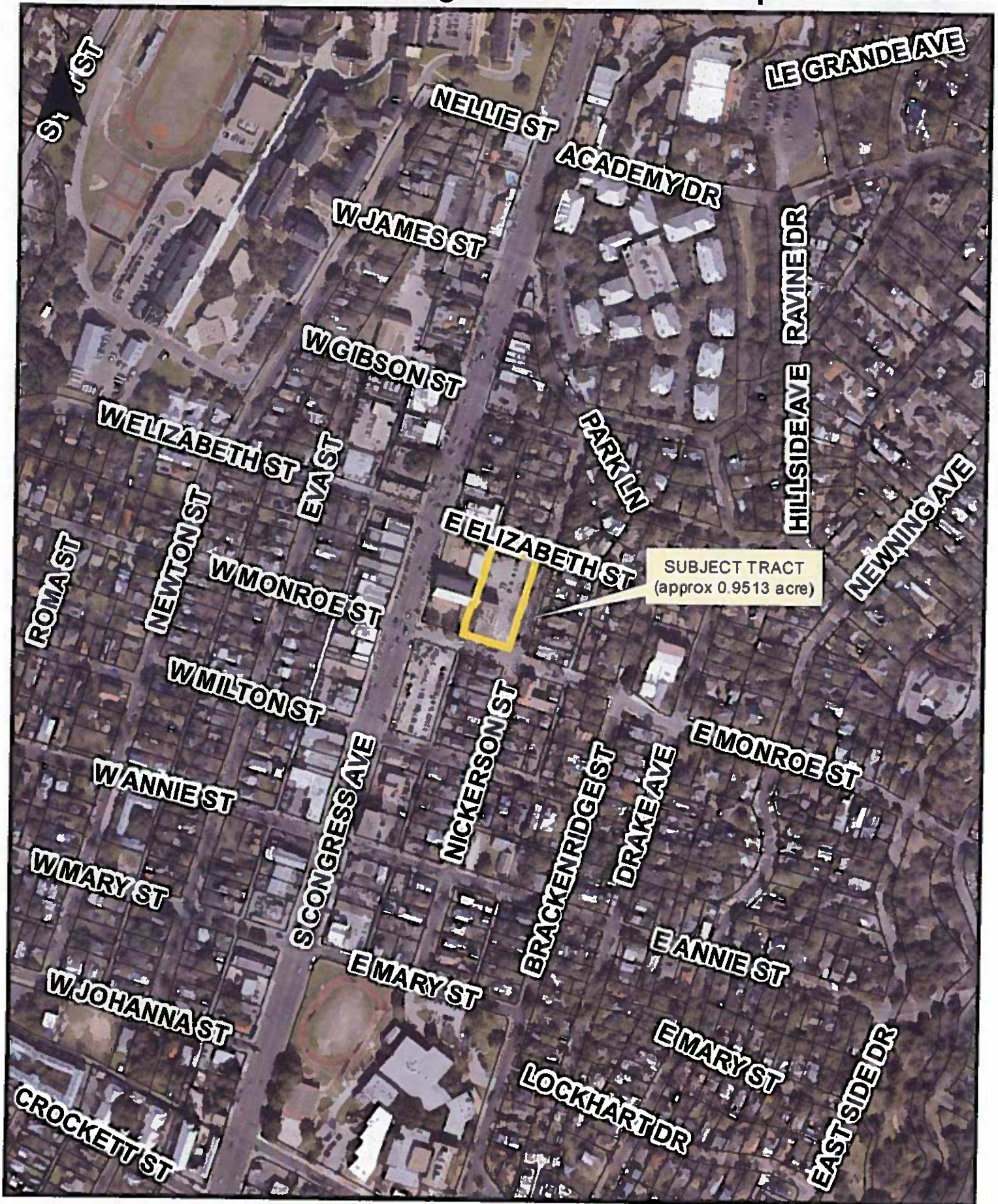
1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



06/13



Imagery: 01-2012

Exhibit A-1
Aerial

0 200 400 800
Feet

1 inch = 400 feet

C14-2013-0022 / Congress Avenue Baptist Church



Imagery: 01-2012

Exhibit A-2
Aerial & Zoning

0 50 100 200 Feet
1 inch = 100 feet

Cu
15

Thrower Design

P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

April 16, 2013

Mr. Greg Guernsey, Director
Planning & Development Review
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: South Congress Baptist Church Neighborhood Plan Amendment and Rezoning
1511 South Congress Avenue
NPA – NPA-2013-0022.01
Rezoning – C14-2013-0022

Dear Mr. Guernsey,

The two above referenced cases have recently been filed with the City of Austin for review and timely consideration by the staff, Planning Commission and City Council. The subject property is currently located within the boundaries of the South River City Neighborhood Planning Area. While the address of the property is 1511 South Congress Avenue, the limits of the Neighborhood Plan Amendment and Rezoning is for the eastern ½ of the block that is currently zoned as "SF-3", is 0.9513 acres in size, and is primarily a parking lot and a 3 story building.

The application for the Neighborhood Plan Amendment is to modify the Future Land Use Map of the Neighborhood Plan from Civic Land Use to Mixed-Use Land Use. The application for rezoning is to modify the base district from "SF-3", Family Residence, to "GO", General Office.

However, with this letter, we are modifying the request from "SF-3" to "GR" zoning for the following reason –

The intent of these applications is to provide a zoning district that allows Off-Site Accessory Parking, Commercial Off-Street Parking and Private Primary Education Facility as Permitted Uses.

L A N D P L A N N E R S

CL
16

The "GR" zoning district is the lowest, most-restrictive zoning district to allow for Commercial Off-Street Parking as a Permitted Use. Off-site Accessory Parking is a Permitted Use in "GO" zoning. The existing parking lot is currently used by patrons that frequent the eclectic businesses along South Congress. These applications and hopeful approvals will result in the parking to be legal. The alternative is for the patrons to not park on the church parking lot which could mean spillover to the neighborhood streets.

The existing building located in the rezoning area is currently underutilized and could serve for a Monday-Friday Private Primary Education Facility, which is a day use.

Legal and multiple use of the parking lot would better serve the neighborhood, the businesses along South Congress Avenue, the school, and, South Congress Baptist Church. Looking at a typical week of Sunday through Saturday, the greatest needs for parking are as follows:

- 1) Sunday morning - South Congress Baptist Church service.
- 2) Sunday afternoon and evening – South Congress businesses.
- 3) Monday-Friday daytime – School.
- 4) Monday-Friday evening – South Congress businesses.
- 5) Saturday - South Congress businesses.

This multiple use approach of the parking lot with these proposed uses is a better use of the parking lot and is a community based approach versus a single use approach.

South Congress Baptist Church is the owner of the parking lot and can control the facility for any event that the church may hold that would necessitate the need for Church parking. Likewise, with approval of the request changes, the Church can control the use of the parking lot in a manner consistent with varying business and civic uses that may desire to utilize the parking lot.

The rezoning to "GR" comes with a plethora of permitted uses that are not desirous of the Church or the neighborhood. The vast majority of the "GR" permitted uses can be eliminated through a Conditional Overlay tied with the rezoning which will run with the land. With that, this request can include a prohibition of all "GR" uses except for Commercial Off-Street Parking, Off-Site Accessory Parking and Private Primary Education Facility as the only permitted "GR" uses and all other uses are as covered under the current "SF-3" zoning. Further, the Fairview NCCD will remain in effect on the property. We would anticipate the rezoning to read as "GR-CO-NCCD-NP" which would stand for

CL
/H

"Community Commercial-Conditional Overlay-Neighborhood Conservation Corridor District-Neighborhood Plan" with the "CO" portion covering the gamut of anticipated prohibited uses.

To reiterate, the main intent of the Neighborhood Plan Amendment and Rezoning is to resolve a neighborhood parking issue by providing for legal use of the parking lot and to provide sustainable opportunities to open the parking lot for multiple uses across a non-conflicting spectrum of time through a typical week. Therefore, we respectfully request a positive recommendation from the neighborhood and City staff, and, request that this item be carried forth to Planning Commission and City Council accordingly.

If you have any comments, concerns or questions, please contact me at my office.

Sincerely,

A. Ron Thrower

A. Ron Thrower

May 28, 2013

cl
18

City Council Members and Planning Commissioners
City of Austin
301 West 2nd Street
Austin, TX 78701

Subject: Case NPA-2013-0022.01
Case C14-2013-0022

On May 8, 2013 the Greater South River City (GSRC) Neighborhood Planning Contact Team (NPCT) met regarding requests by Congress Avenue Baptist Church (CABC) to change the land use and zoning of the eastern half of their property at 1511 South Congress Avenue. Their initial request was to change the land use from Civic to Mixed-use, and the zoning from SF-3-NCCD-NP to GO-NCCD-NPO; CABC subsequently amended the request to change the zoning from SF-3-NCCD-NP to GR-CO-NCCD-NP. The property is currently a parking lot with a three story structure on the southwest corner.

The NPCT meeting was attended by several stakeholders whose residences adjoin the eastern half of CABC's property. After hearing from these neighbors and thoughtful discussion, the NPCT voted unanimously to oppose CABC's requests to change the use and zoning of this tract. Several considerations determined our decision.

First and foremost, CABC's request is inconsistent with the first and primary goal (Goal A) in our Neighborhood Plan (NP), which is to "Maintain the historic fabric and respect the established neighborhood character and natural assets". This tract is surrounded on three sides by single family residences; in fact the eastern half of the blocks along the west side of Nickerson Street are all single family residences. Allowing a change to the eastern half of this block would allow commercial encroachment into an established residential area and degrade the character of the single family neighborhood.

Our second consideration is based on one of the most fundamental principles of zoning: zoning changes should be based on the intended general use of the land in combination with surrounding zoning compatibility and not with the idea of a particular specific use in mind. This case should be decided based on how the use of this property will impact the surrounding adjacent properties, and not on the merits of CABC's stated intent for this property. CABC's request is for a particular use that benefits them but would degrade the quality of life for their single family residential neighbors. CABC's request is in direct contradiction of the neighborhood plan which shows a very clear pattern that the western half of Nickerson is all residential and not commercial.

The neighbors and the NPCT have no objection to, and in fact have consistently supported, commercial uses located along commercial corridors. This property, however, is surrounded by single family residences along residential streets.

cl
19

This is the second request in four years by CABC to change the use and zoning of this property. Four years ago (in 2009) the neighbors and the NPCT supported CABC in their request to change the use and zoning of the western half of this property, and offered a compromise solution to their request to change the use and zoning of the eastern half. CABC's request then was based on their stated plan to rebuild their establishment to include a parking garage, daycare, bookstore and coffee shop. None of the changes we supported in 2009 have occurred; in fact no changes have been made to the property other than remodeling the northwest corner for lease to food trailer Hey Cupcake. The point is, plans change, but zoning changes are permanent.

It is doubtful anyone would argue that the commercial success of South Congress Avenue has brought parking and traffic issues to the area; however CABC did not create this problem and is not responsible for solving it. The same is true for the several other churches in the vicinity, including the one directly southeast of CABC at Monroe and Nickerson. The precedent that would be set by allowing CABC to change their land use and zoning in order to profit from South Congress Avenue's commercial success would erode the character of the neighborhood, likely making it unsuitable for young families. There are myriad solutions to Congress Avenue's parking problem, including mass transit, shuttle operations to off-site parking, and/or a nearby parking garage built along a commercial corridor. It is unnecessary to proceed down the slippery slope of having neighborhood churches solve Congress Avenue's traffic and parking problems, especially when to do so would destroy the character of the neighborhood.

According to Ron Thrower's April 16, 2013 letter to Greg Guernsey, the church only uses their parking lot on Sunday mornings. The neighborhood and the NPCT have no objection to CABC allowing Home Slice Pizza's employees and customers to use CABC's parking lot; indeed this practice has been occurring for several years and, according to City staff, no one has objected. We understand that CABC can not legally lease the property for parking, and we are not suggesting that they have any obligation to provide parking for Home Slice Pizza or any other Congress Avenue merchant. What we are opposed to is changing the zoning of the property to provide for commercial use of this property. If and when this property returns to the tax rolls, it should be for single family residential use, consistent with the surrounding properties, and with the properties along the entire west side of Nickerson Street.

Please contact me at 512-444-4153 or GSRC NPCT Vice-Chair Sarah Campbell at 512-462-2261 if you have questions.

Sincerely,


Jean Mather, Chair
GSRC NPCT

XC: Maureen Meredith, City of Austin Planning & Development Review

Cl
20

From: Dianne Harbeson
Sent: Monday, March 25, 2013 12:55 PM
To: Heckman, Lee
Cc: 'Marc Davis'; 'Danette Chimentl'
Subject: 1511 S. Congress Application for Rezoning

I understand the Commission may not take action on the above referenced application until a public hearing is held but I feel compelled to express my concern.

The City has granted so many permits for various situations in our neighborhood that have negatively impacted our neighborhood and property values. It is alarming to property owners in our neighborhood that the church is making this request. The church is no longer an asset to the community it has become a business trying to maximize its profits and the church pays no property taxes! . Neighbors talk about these issues daily and are concerned the City is putting merchants, restaurants, bar owners and now the so called church request before the rights of single family property owners. We received notices from the City about these applications and the neighbors voice their concerns but the City historically disregards the neighborhood concerns and grants the request anyway.

No one in our neighborhood wants the zoning changed for the Baptist Church. The church property backs to Nickerson Street which is all Single Family dwellings except for the church parking lot. To allow the church to change the zoning to GO-NP would destroy the neighborhood even more. We already deal with the overflow of trash (no City garbage cans), parked cars, traffic, and pedestrians in our neighborhood due to the number of restaurants, bars and food trailers the City has allowed in the neighborhood.

The City is aware of the parking issues in our neighborhood and still gave permitting for the food trailers and the addition of *More Home Slice*. Now the church has the *Hey Cupcake* trailer on the front corner of their lot across the street from *More Home Slice* which created more traffic and people lingering around that corner. (*How Christian like for a church to have a food trailer in their front yard*). We have to drive several blocks out of our way and come in the back of the neighborhood to get to your home due to all the parked cars on both sides of these narrow residential streets. Even these back streets are becoming congested with park cars on both sides of the street! When these streets were put in our neighborhood without side walks they were not designed for parking on both sides of the streets, large SUVs, coming and going and pedestrians walking the streets. When does all this madness and lack of neighborhood planning stop?

Dianne Harbeson

205 The Circle

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.

RO9/12/13

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission
Sep 26, 2013, City Council

Elizabeth & Joe Day
Your Name (please print) *Austin, TX*

1609 Nickerson 78704

☐ I am in favor
☒ I object

Your address(es) affected by this application

Elizabeth & Joe Day

09/10/13
Date

Signature

Daytime Telephone: *512.441.1759*

Comments:

We object to re-zoning of this property. We do not want ~~the~~ commercial use on this property. We want Nickerson Street to remain Family Residence, NOT with food ~~trucks~~ trailers, parking garages and pizza stands etc. We are sick of the traffic, trash and noise we

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

Now have -

From

Congress

Avenue

CU/21

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.

R 812613

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

LAB LIPPINCOTT

Your Name (please print)

1400 S CONGRESS

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone:

Comments:

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

22

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Your Name (please print)

Lee Heckman

Your address(es) affected by this application

1405 S Congress

☒ I am in favor
☐ I object

Signature

Date

Daytime Telephone:

Comments:

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

City of Austin
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

CU
2/3

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.

R 8/26/13

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Lee Heckman
Your Name (please print)

412 S Congress
Your address(es) affected by this application

☒ I am in favor
☐ I object

[Signature]
Signature

Date

Daytime Telephone: _____

Comments: _____

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

Lee
24

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.

R 08/13/13

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Matthew Rous
Your Name (please print)

☐ I am in favor
☒ I object

1602 Nickerson St, Austin 78704

Your address(es) affected by this application

[Signature]

Signature

8/10/13

Date

Daytime Telephone: 914-391-0203

Comments: We do not need commercial use encroaching from S Congress into the residential neighborhood. It will change the quality of life negatively that nearby residents desire when they purchased their homes.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

CE
25

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.

R 08/15/13

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission
Sep 26, 2013, City Council

JAMES PECK

Your Name (please print)

1600 NICKERSON ST UNIT A

Your address(es) affected by this application

14 Aug 2013
Date

Signature

Daytime Telephone: 512-656-7463

Comments:

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

CL
2/6

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.

R 8/13/13

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Connie Todd

Your Name (please print)

1403 South Congress, 1404 Nickerson,

1402 Nickerson, 1400 Nickerson,

Your address(es) affected by this application 1300 Nickerson

Connie Todd

Signature

8/10/13

Date

Daytime Telephone: 512-696-5760

Comments:

Inappropriate zoning for a residential street & neighborhood

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

Lee
2/7

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.

R 8113113

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Connie Todd

Your Name (please print)

☐ I am in favor
☒ I object

See attached form
Your address(es) affected by this application

Connie Todd

Signature

8/10/13

Date

Daytime Telephone: 512-696-5760

Comments:

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

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

CE
28

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Connie Todd
Your Name (please print)

☐ I am in favor
☒ I object

See attached form
Your address(es) affected by this application

Connie Todd 8/10/13
Signature Date

Daytime Telephone: 512 696-5760

Comments:

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

City of Austin
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

de 29

INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rézonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

R 817113

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

www.austintexas.gov

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2013-0022

Persona designada: Lee Heckman, 512-974-7604

Audiencia Publica: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Dianne & Bill Habeson

Su nombre (en letra de molde)

205 The Circle

Su domicilio(s) afectado(s) por esta solicitud

W. 60

Firma

Fecha

Daytime Telephone:

Comments: You sent me a form in Spanish!

We are against the church's request to change the zoning for the parcel that for Nickerson

That parcel needs to remain SF3. NCCD-NP

The neighbor voted to keep this SF3. We do not

need commercial property facing residential property

Nickerson is residential SF-3 and this change

request by the church is not welcomed! The

church seems to be all about making money and

no longer about community. What kind of church

Si usted usa esta forma para proveer comentarios, puede retomarlos:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

33/46

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.

R 8/13/13

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.austintexas.gov

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: C14-2013-0022

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 13, 2013, Planning Commission

Sep 26, 2013, City Council

Michele Connors

Your Name (please print)

1501 Nickerson Street

Your address(es) affected by this application

Michelle Connors

Signature

Daytime Telephone: 650.814.0032

Date

8/9/2013

☐ I am in favor
☒ I object

Comments: I will be out of town and unable to attend the hearings/meetings. However, I strongly object to the proposed re-zoning of the church. The neighborhood association has tried to work with church leadership and express our concerns with the proposal. This neighborhood has such a great, unique vibe. The church is an important part and we can come to a better solution than rezoning.

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

CE
31

May 28, 2013

C6
32

City Council Members and Planning Commissioners
City of Austin
301 West 2nd Street
Austin, TX 78701

Subject: Case NPA-2013-0022.01
Case C14-2013-0022

On May 8, 2013 the Greater South River City (GSRC) Neighborhood Planning Contact Team (NPCT) met regarding requests by Congress Avenue Baptist Church (CABC) to change the land use and zoning of the eastern half of their property at 1511 South Congress Avenue. Their initial request was to change the land use from Civic to Mixed-use, and the zoning from SF-3-NCCD-NP to GO-NCCD-NPO; CABC subsequently amended the request to change the zoning from SF-3-NCCD-NP to GR-CO-NCCD-NP. The property is currently a parking lot with a three story structure on the southwest corner.

The NPCT meeting was attended by several stakeholders whose residences adjoin the eastern half of CABC's property. After hearing from these neighbors and thoughtful discussion, the NPCT voted unanimously to oppose CABC's requests to change the use and zoning of this tract. Several considerations determined our decision.

First and foremost, CABC's request is inconsistent with the first and primary goal (Goal A) in our Neighborhood Plan (NP), which is to "Maintain the historic fabric and respect the established neighborhood character and natural assets". This tract is surrounded on three sides by single family residences; in fact the eastern half of the blocks along the west side of Nickerson Street are all single family residences. Allowing a change to the eastern half of this block would allow commercial encroachment into an established residential area and degrade the character of the single family neighborhood.

Our second consideration is based on one of the most fundamental principles of zoning: zoning changes should be based on the intended general use of the land in combination with surrounding zoning compatibility and not with the idea of a particular specific use in mind. This case should be decided based on how the use of this property will impact the surrounding adjacent properties, and not on the merits of CABC's stated intent for this property. CABC's request is for a particular use that benefits them but would degrade the quality of life for their single family residential neighbors. CABC's request is in direct contradiction of the neighborhood plan which shows a very clear pattern that the western half of Nickerson is all residential and not commercial.

The neighbors and the NPCT have no objection to, and in fact have consistently supported, commercial uses located along commercial corridors. This property, however, is surrounded by single family residences along residential streets.

C4
3/3

This is the second request in four years by CABC to change the use and zoning of this property. Four years ago (in 2009) the neighbors and the NPCT supported CABC in their request to change the use and zoning of the western half of this property, and offered a compromise solution to their request to change the use and zoning of the eastern half. CABC's request then was based on their stated plan to rebuild their establishment to include a parking garage, daycare, bookstore and coffee shop. None of the changes we supported in 2009 have occurred; in fact no changes have been made to the property other than remodeling the northwest corner for lease to food trailer Hey Cupcake. The point is, plans change, but zoning changes are permanent.

It is doubtful anyone would argue that the commercial success of South Congress Avenue has brought parking and traffic issues to the area; however CABC did not create this problem and is not responsible for solving it. The same is true for the several other churches in the vicinity, including the one directly southeast of CABC at Monroe and Nickerson. The precedent that would be set by allowing CABC to change their land use and zoning in order to profit from South Congress Avenue's commercial success would erode the character of the neighborhood, likely making it unsuitable for young families. There are myriad solutions to Congress Avenue's parking problem, including mass transit, shuttle operations to off-site parking, and/or a nearby parking garage built along a commercial corridor. It is unnecessary to proceed down the slippery slope of having neighborhood churches solve Congress Avenue's traffic and parking problems, especially when to do so would destroy the character of the neighborhood.

According to Ron Thrower's April 16, 2013 letter to Greg Guernsey, the church only uses their parking lot on Sunday mornings. The neighborhood and the NPCT have no objection to CABC allowing Home Slice Pizza's employees and customers to use CABC's parking lot; indeed this practice has been occurring for several years and, according to City staff, no one has objected. We understand that CABC can not legally lease the property for parking, and we are not suggesting that they have any obligation to provide parking for Home Slice Pizza or any other Congress Avenue merchant. What we are opposed to is changing the zoning of the property to provide for commercial use of this property. If and when this property returns to the tax rolls, it should be for single family residential use, consistent with the surrounding properties, and with the properties along the entire west side of Nickerson Street.

Please contact me at 512-444-4153 or GSRC NPCT Vice-Chair Sarah Campbell at 512-462-2261 if you have questions.

Sincerely,


Jean Mather, Chair
GSRC NPCT

XC: Maureen Meredith, City of Austin Planning & Development Review

Thrower Design

P. O. Box 41957
Austin, Texas 78704
(512) 476-4456

CU
346

September 6, 2013

Mr. Marc Davis, President
South River City Coalition
1404 Alta Vista Avenue
Austin, Texas 78704

RE: Rezoning and NPA of Congress Avenue Baptist Church

Dear Marc,

Thank you for meeting with Pastor Tuthill, Ms. Terri Hannifin, and myself on August 27th to discuss the rezoning and Neighborhood Plan Amendment for the back ½ of the property owned by Congress Avenue Baptist Church Property. We are all in agreement that working to an equitable solution is the best path for all parties which lead us to this letter to outline the position of the Church as we move forward.

To start, the basis for the commercial rezoning request has always been to seek the ability for two commercial uses to legally occur on the eastern ½ block of the property that is owned by the Church. These two commercial uses are specifically Commercial Off-Street Parking and Off-site Accessory Parking and the commercial use of the parking area occurs illegally today. The original request did include consideration for a civic use as a permitted use, which we have dropped this Private Primary Education Facility use due to the length of time the rezoning is taking and the school has sought another site for their operations.

The following is a brief summary of our understanding of the higher level concerns of the neighborhood based on the discussions we have had thus far. If any of this is misstated, it is not with intention and please offer clarification to anything you find to not be in alignment with your understanding. Based on our meetings and correspondence with the neighborhood, the

CU
3/5

neighborhood does not object to the Church illegally leasing out spaces on its surface parking lot since it does not materially change the current use and helps alleviate South Congress parking issues during busy times. The neighborhood also respects that, under the current civic zoning, the Church has the ability to build a parking structure on their lot as long as it is only used for church purposes. The neighborhood, however, is not agreeable to any rezoning of the property that would open up the possibility for the Church to build a commercial parking structure on the lot.

As mentioned by Pastor Tuthill, the Church can no longer continue the illegal commercial uses that occur on the Church property and must seek compliance which comes in two potentially extreme forms. One is the rezoning process we are currently underway with and the other is to gate the parking facility. The Church must be able to properly control what occurs on their property. While the parking lot area has been "open" for 110 years without legal parking management operations in place, the Church is the sole responsible party for all maintenance without the benefit of income to offset the maintenance costs.

Additionally, the Pastor outlined the long-term plans for the back ½ of the block will, at some point, contain a parking structure to serve the Church. The Church fully recognizes the concerns of the neighborhood that this could then open up the possibility for the two commercial uses taking up the entirety of the garage. That is not the intentions of the Church with the rezoning as the Church is seeking to reach a level of legal compliance for the continuation of the commercial uses covering the eastern ½ of the block.

Using all the above mentioned concerns and criteria as guidance to potentially reach an equitable compromise for all parties leads to the following as a conceptual outline for an agreement between the neighborhood and the Church:

- 1) The Church will continue to move forward with the current Neighborhood Plan Amendment request from Civic to Mixed-use. This is required to change the zoning on the Church property.
- 2) The Church will continue to move forward with the current rezoning request to "GR", Community Commercial zoning district, to allow for Commercial Off-Street Parking and Off-Site Accessory Parking as the only two commercial uses allowed and all existing permitted and conditional uses allowed with the current "SF-3" zoning of the property.

CU
3/6

This "GR" zoning is the minimum conventional zoning district that allows for Commercial Off-Street Parking. The "GR" is needed for this use even though Off-site Accessory Parking is allowed in more restrictive zoning districts.

- 3) The Church has agreed to a zoning roll-back to "SF-3", Family Residence zoning district should the Church sell the property in the future.
- 4) The Church has agreed to limit the number of parking spaces that can be used for Commercial Off-Street Parking and Off-Site Accessory Parking to the maximum amount of parking spaces that can dimensionally fit on the surface square footage area of rezoning. A layout will be provided in the near future to accurately identify a number of parking spaces that can fit in this area.
- 5) The neighborhood will support the zoning case going forward with the conditions listed above.

The aforementioned outline for a consideration of an agreement is conceptual in nature at this time and no documents have been drawn up to formalize this process. The intentions of the conceptual agreement are unwavering. It is our desire, and presumably the neighborhood as well, that these conditions can be placed within the confines of the Zoning Ordinance as Conditional Overlays or within a Public Restrictive Covenant. We are hopeful that discussions and vetting can occur at this stage based on the principals of the neighborhood position and the resolutions put forth in the conditions listed above.

The Church is the remaining sole and logical potential partner to provide aid to the parking issues that exist in the area. It is a sustainable measure that church parking lots have multiple use parking availabilities to serve a community rather than solely for a church use which has a very narrow and limited time usage of the parking lot. The Church is very committed to the neighborhood and will forever be a good neighbor to the community.

Moving forward, it is clear and agreeable that time under the currently scheduled Planning Commission hearing date of September 10th for the two cases will not allow for the proper vetting by the neighborhood of this conceptual agreement. As such, we agree to enjoin with South River City Citizens Association in the request for a postponement of 1 month to October 8th so that we may all continue dialogue to reach an equitable resolution.

CLX
3

Should you have any questions, please contact me and please let us know when any meetings are essential with our attendance. Thank you for your time and consideration.

Sincerely,

A. Ron Thrower

A. Ron Thrower

XC: Lee Heckman, Case Manager

Pastor Tuthill, Congress Avenue Baptist Church