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1**ZONING CHANGE REVIEW SHEET****CASE:** C14-2013-0081 / Apostolic 1.5**P.C. DATE:** 10/22/2013
09/10/2013; 08/13/2013**ADDRESS:** 518 E. Oltorf Street**AREA:** 1.65 acre (71,874sq. ft.)**OWNER:** Apostolic Assembly of the Faith in Christ Jesus, Inc. (Frank Balboa)**APPLICANT:** Jim Bennett Consulting (Jim Bennett)**ZONING FROM:** SF-2-NP; Single Family Residence Standard Lot -Neighborhood Plan**ZONING TO:** GR-NP; Community Commercial -Neighborhood Plan**NEIGHBORHOOD PLAN AREA:** St. Edward's Planning Area
(Greater South River City Combined Neighborhood Plan)**SUMMARY STAFF RECOMMENDATION**

Staff recommendation is to grant GO-CO-NP, with conditions.

The conditional overlay (CO) would prohibit the following uses: medical office (general and limited), college and university facilities, and hospital services (general and limited). Either the CO or a public restrictive covenant would also limit the vehicle trips to less than 1,100 per day until such time the pavement along Sherwood Lane is widened to a minimum of 30 feet.

PLANNING COMMISSION RECOMMENDATION:

September 10, 2013

Postponed to October 22, 2013 at the Request of the South River City Citizens Neighborhood Association with Agreement by the Applicant (Consent Motion: S. Oliver; Second J. Stevens) 7-0 (Absent: A. Hernandez, J. Nortey)

August 13, 2013

Postponed to September 10, 2013 at the Request of the Applicant (Consent Motion: B. Roark; Second: S. Oliver) 5-0 (Absent: D. Anderson, D. Chimenti, M. Smith, R. Hatfield)

ISSUES:

A Neighborhood Traffic Analysis (NTA) pertaining to Sherwood Lane was required as part of the rezoning request. At the time of August 13, 2013 public hearing, the NTA was not yet finalized. The applicant requested the postponement in order to complete that requirement, and to continue with outreach efforts to neighborhood stakeholders. The NTA has been completed and a memo with findings and recommendations is attached (see Exhibit T).

DEPARTMENT COMMENTS:

The subject tract is approximately 1.6 acres at the southwest corner of the intersection of E Oltorf Street and Sherwood Lane, lying approximately equidistant from Congress Avenue and Alta Vista Street. As a corner tract, the parcel abuts duplex and family residential to the south and high density-multifamily residential to the west. Duplex and family residential is also to the east, across Sherwood Lane, while an intersection with Rebel Road, office, and commercial uses are north of Oltorf (see Exhibits A). The property is immediately east of the recently completed District at SoCo Apartments.

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This is a developed site, with three buildings and surface parking. The primary structure is a church, which is connected by a breezeway to classrooms. Together the 3 buildings occupy about 16,180 square feet, or approximately 23 percent of the site. Paved parking wraps around the buildings to the west, south, and east. A handful of trees can be found at the southwest corner of the subject tract.

The request for the rezoning is driven by the desire to add a community room to the site. Though part of the religious use function, the applicant has requested the zoning change in order to increase the permitted impervious cover. Under the existing zoning, impervious cover is limited to 45% (there is no additional limitation by location in an urban watershed). The request for GR would allow up to 90% impervious cover. No site plan application for this proposed addition has been submitted to the City at this time.

The site is currently depicted as Civic on the Future Land Use Map (FLUM) for the Greater South River City Neighborhood Plan, a depiction it has maintained since that neighborhood plan was adopted in 2005. A neighborhood plan amendment is not required per neighborhood planning staff, because the proposed zoning change, if approved, would allow an accessory use that does not fundamentally alter the use of the property from religious assembly uses. In contrast, if a church were to seek a zoning change on its property in order to pursue a commercial venture and the FLUM indicated a Civic use, then a FLUM change and neighborhood plan amendment would be required to designate the appropriate land use (e.g., mixed use) related to the proposed zoning district.

Correspondence regarding the proposed zoning request received by staff has been attached (see Exhibit C).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Religious Assembly Uses
<i>North</i>	CS-V-NP; LR-NP; GO-NP; CS-NP; GR-CO-NP;	Oltorf Right-of-Way; Strip Shopping Center; Retail Paint Store; Office; Auto Sales & Body Shop; Restaurants; Convenience Store
<i>West</i>	CS-V-NP; CS-NP; MF-6-CO-NP;	Shopping Center; Auto Shop & Fast Food; Apartments
<i>East</i>	SF-3-NP; SF-2 NP	Sherwood Right-of-Way; Duplexes; Single-Family Residential
<i>South</i>	SF-3-NP; SF-2-NP	Duplexes; Long Bow Lane Right-of-Way; Single-Family Residential

TIA: Not Required

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

WATERSHED: Blunn Creek

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

South River City Citizens Assn.	74
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Greater South River City Combined Neighborhood Planning Team	1185
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
South Austin Commercial Alliance	1302
Austin Heritage Tree Foundation	1340
Zoning Committee of South River City Citizens Assn.	1360
SEL Texas	1363
Beyond2ndNature	1409
Wildflower Church	1423
Preservation Austin	1424

SCHOOLS:

Austin Independent School District:

Travis Heights Elementary School Fulmore Middle School Travis High School

CASE HISTORIES:

This site, and other properties along both north and south sides of E. Oltorf were rezoned as part of the neighborhood planning process (C14-05-0138 for south, or St. Edward's Neighborhood, and C14-05-0139 for north, or South River City Neighborhood). The rezoning in this immediate area, as can be discerned from the table below, appears to be a mix of up-zoning, down-zoning, and consolidation zoning.

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
South of Oltorf			
With Neighborhood Plan C14-05-0159		Recommended; 09/13/2005	Approved; 09/25/2005
101-103 E. Oltorf/ 2401-2501 S Congress/400 Long Bow Lane	CS to CS-NP		
501 E. Oltorf	GR to MF-4-CO-NP		(CO limits height to 40 feet)
101-103 E. Oltorf/	CS-NP to CS-V-NP	Recommended;	Approved; 12/13/2007

2401-2501 S Congress C14-2007-0224		11/13/2007	
501 E. Oltorf C14-2007-0202	MF-4-CO-NP to MF-6-CO-NP	Recommended; 02/12/2008	Approved; 03/06/2008 (CO limits height to 40 and 60 feet, limits imp. cover to 65%, limits vtd to 2000)
North of Oltorf			
With Neighborhood Plan C14-05-0159		Recommended; 09/13/2005	Approved; 09/25/2005
100 E. Oltorf/2301 S. Congress	CS & CS-1 to CS-NP		
500 E. Oltorf	LR & SF-3 to LR-NP		
2309 Rebel Road	LR to SF-3-NP		
508 E. Oltorf	LR & SF-3 to GO-NP		
2302 East Side Dr	LR to MF-4-NP		
614 E. Oltorf	LR & GR to GR-CO-NP		
710 E. Oltorf	LR to MF-4-NP		
100 E. Oltorf/2301 S. Congress C14-2007-0224	CS-NP to CS-V-NP	Recommended; 11/13/2007	Approved; 12/13/2007
518 E. Oltorf C14-2012-0116	GO-NP to GR-NP	Denied; 01/22/2013	N/A (expiring)

Since adoption of the Neighborhood Plan and associated rezonings in 2005, and the addition of VMU to the Congress/Oltorf intersection in 2007, there has only been 2 other rezoning requests in the immediate area. The first was the rezoning at 501 E Oltorf, which was granted and developed as the District at SoCo Apartments. The second, at 518 E. Oltorf, was a request to rezone for restaurant purposes, and included a Neighborhood Plan Amendment. That request was denied by the Commission.

ABUTTING STREETS & TRANSIT:

Name	ROW	Pave-ment	Class	Sidewalks	Capital Metro Bus Service	Bike Route	Recommended Bicycle Facility (2009 Plan)
Oltorf Street	90 feet	37 feet	Arterial	Yes (Both Sides)	Yes (Multiple Routes)	No	Bike Lane
Sherwood Lane	50 feet	24 feet	Local	No	No	No	None

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CITY COUNCIL DATE: Scheduled for August 29, 2013

ACTION:

ORDINANCE READINGS:

1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 974-7604

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STAFF RECOMMENDATION**C14-2013-0081**

Staff recommendation is to grant General Office–Conditional Overlay–Neighborhood Plan (GO-CO-NP) combining district zoning. The conditional overlay would prohibit the following uses: medical office, college and university facilities, and hospital services. The CO would also limit the vehicle trips to less than 2,000 per day.

BACKGROUND

The site is currently zoned Single Family Residence Standard Lot–Neighborhood Plan (SF-2-NP). City data indicates the church has occupied the site since the mid-1960s. As a religious entity, it was entitled to use the site for religious assembly purposes under the current base SF-2 zoning. Rezoning, as part of the St. Edward's Neighborhood Plan area, appended the zoning with the NP combining district in 2005.

The existing Single Family Residence Standard Lot district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. An SF-2 district designation may be applied to a use in an existing single-family neighborhood that has moderate sized lots or to new development of single-family housing on lots that are 5,750 square feet or more.

The requested community commercial (GR) 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.

Staff has been informed the request for GR as a base zoning district is to allow for additional impervious cover necessary for the proposed addition of a community activity room that would be used for various church functions. Specifically, SF-2 would allow 45% impervious cover, whereas GR would allow 90% impervious cover. Staff does not have a site plan or other data on the existing and proposed impervious cover, but estimate the current amount exceeds that allowed under the SF-2 district zoning. Any expansion would further exceed the amount allowed, unless a zoning district with a higher impervious cover limit was granted.

The recommendation from staff is to grant general office-conditional overlay-neighborhood plan zoning (GO-CO-NP) instead of the requested GR-NP zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1) Zoning should promote compatibility with adjacent and nearby uses and promote a transition between adjacent and nearby zoning districts, land uses, and development intensities; and***
- 2) Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.***

Staff can support non-residential zoning at this intersection, with certain conditions or restrictions; however, staff recommends office rather than the applicant's request for community commercial at this time. This property is uniquely located; it abuts right-of-way on two sides, and abuts a recently developed apartment complex and duplex residential. One of those streets is Oltoft, an arterial, while the second is Sherwood, a local street. Opposite Oltoft is a mix of LR, GR, GO, and CS uses. The residential uses to the south and across Sherwood are zoned SF-3 and used as single-family homes or duplexes. But beyond this first row of duplexes to the east and south of Long Bow are single-family (SF-2) zoned properties. In other

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words, Sherwood and Long Bow seem to serve as a discrete edge to the existing residential neighborhood to the south and east.

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses. Whereas GR is typically located at the intersections of arterials and collectors, and Oltorf is an arterial, GO is more appropriate for this intersection. Moreover, if office is a transition between commercial or more intense land uses and residential, then office at this location, between highest-density multifamily and single-family, is equally capable of serving as a compatible and transitional use.

While staff can support office uses at this site, staff cannot recommend the more intense GR commercial zoning requested at this time. As noted, property immediately to the south and across Sherwood is single-family or duplex residential. Site development standards aside, staff is concerned about the potential incompatibility of unlimited GR uses on this site and the abutting residents, both those in detached homes and in the neighboring apartment complex.

In line with these concerns about compatibility, staff is recommending the GO be approved with a prohibition against medical office, college and university facilities, and hospital services uses. These uses, either because of transportation or other potential impacts, are thought to be too intense for this location given its peripheral context.

- 3) The proposed zoning should be consistent with the purpose statement of the district sought; and**
- 4) Zoning should allow for a reasonable use of the property.**

As noted, the request for GR zoning is driven by the desire to expand the existing facilities and comply with impervious cover limits. The addition of the community room is generally seen as accessory to the primary religious assembly function. GR zoning allows for up to 90% impervious cover in this, an urban watershed. GO, the base district recommended by staff, allows 80%.

While staff is sympathetic to the applicant's desire to expand the facility and comply with LDC requirements, the request presented to staff is for a land use or zoning change. The GR district is for an office or other commercial use that serves neighborhood and community needs. Arguably, the existing church does just that; it serves the community by drawing congregants from beyond the immediate neighborhood. Certainly, civic uses such as religious assembly can be pursued in a community commercial zoning district. Nonetheless, there is no commercial use proposed for the site at this time. Staff does not know of future plans for commercial uses, but staff is of the opinion that if one of the Code's higher commercial zoning districts is requested, then such a request should be to allow or facilitate at least some commercial uses.

General office district zoning may not fit with the owner's needs as much as community commercial district zoning – if the purpose of the rezoning request concerns a site development standard, and specifically impervious cover. If the request is driven by a development standard and not a proposed commercial use, then whether GO or GR or some other district is granted may matter less, provided the site development works within that district's respective standard. Nevertheless, staff cannot grant a recommendation for unlimited GR, knowing the property may be repurposed or redeveloped in the future. Toward that potential end, staff thinks GO would allow a reasonable use of the property; if some future proposal necessitated a commercial

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district different from GO, the then owner could certainly request the appropriate zoning district for that use.

5) Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

The site is currently depicted as Civic on the Future Land Use Map (FLUM) for the Greater South River City Neighborhood Plan, a depiction it has maintained since that neighborhood plan was adopted in 2005. A neighborhood plan amendment is not required per neighborhood planning staff, because the proposed zoning change, if approved, would allow an accessory use that does not fundamentally alter the use of the property from religious assembly uses. In contrast, if a church were to seek a zoning change on its property in order to pursue a commercial venture and the FLUM indicated a Civic use, then a FLUM change and neighborhood plan amendment would be required to designate the appropriate land use (e.g., mixed use) related to the proposed zoning district.

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EXISTING CONDITIONS**Site Characteristics**

This is a developed site, with three buildings and surface parking. The primary structure is a church, which is connected by a breezeway to classrooms. Together the 3 buildings occupy about 16,180 square feet, or approximately 23 percent of the site. Paved parking wraps around the buildings to the west, south, and east. A handful of trees can be found at the southwest corner of the subject tract.

Environmental

July 9, 2013 (MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Blunn 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. No trees are located on this property. 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.

Site Plan and Compatibility Standards

July 12, 2013 (CBH)

- SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2. The site is subject to compatibility standards. Along the east and south property lines, the following standards apply:
- a. No structure may be built within 25 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - d. No parking or driveways are allowed within 25 feet of the property line.

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- e. A landscape area at least 25 feet wide is required along 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.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

SP 4. FYI - This site is located in the St. Edwards/Greater South River City Combined Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/department/neighborhood-planning> for a copy of the recommended design guidelines.

Transportation

July 17, 2013 (SJ)

TR1. No additional right-of-way is needed at this time.

TR2. 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].

TR3. A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Please submit 24 hour traffic counts for Sherwood Lane. Results will be provided in a separate memo. LDC, Sec. 25-6-114.

TR4. Existing Street Characteristics:

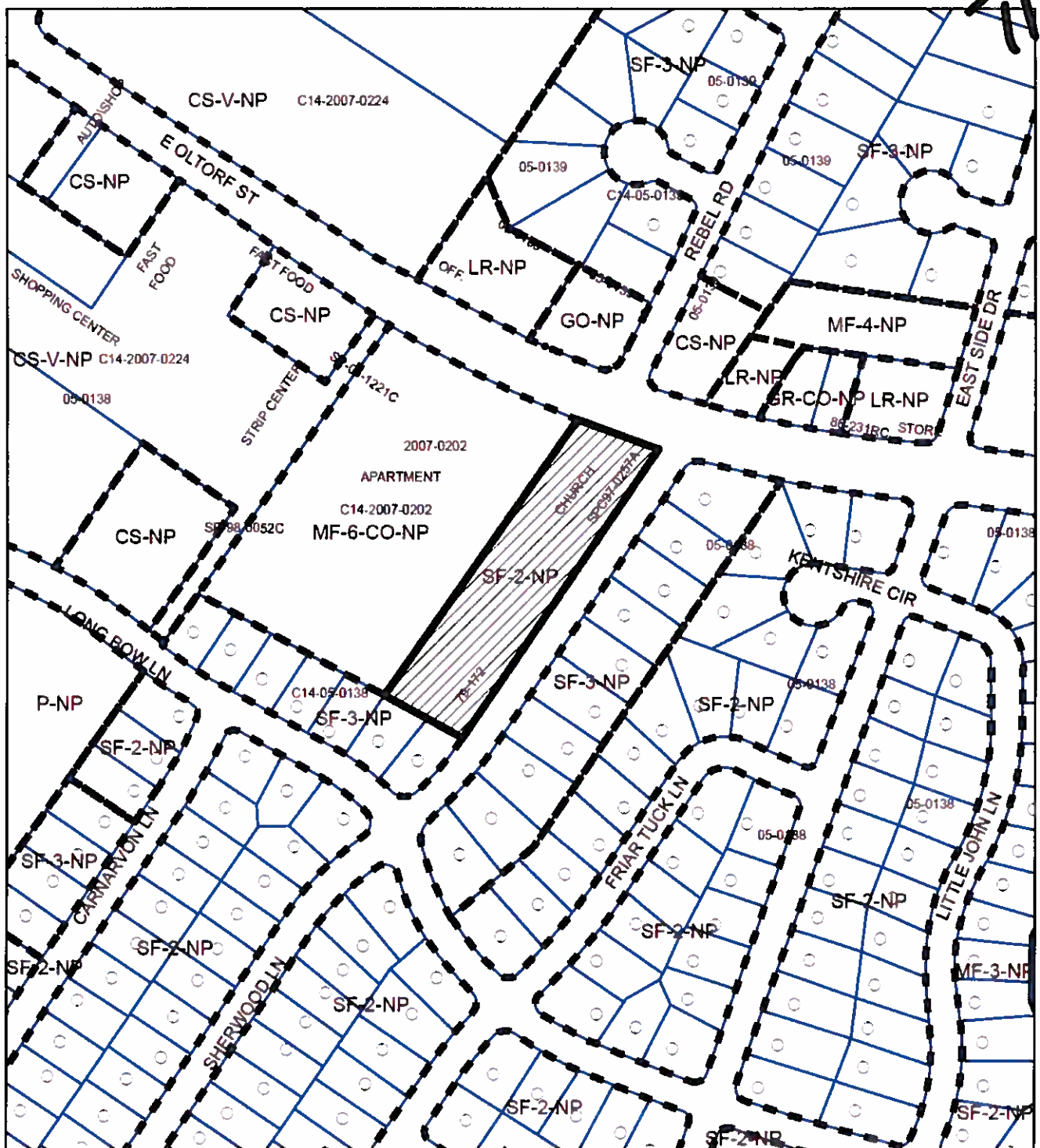
Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Sherwood Lane	50	24	Local	No	No	No
Oltorf Street	90	37	Arterial	Yes	Yes	No

Water and Wastewater

July 2, 2013 (BB)

WW1. The landowner intends to serve the site 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 land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

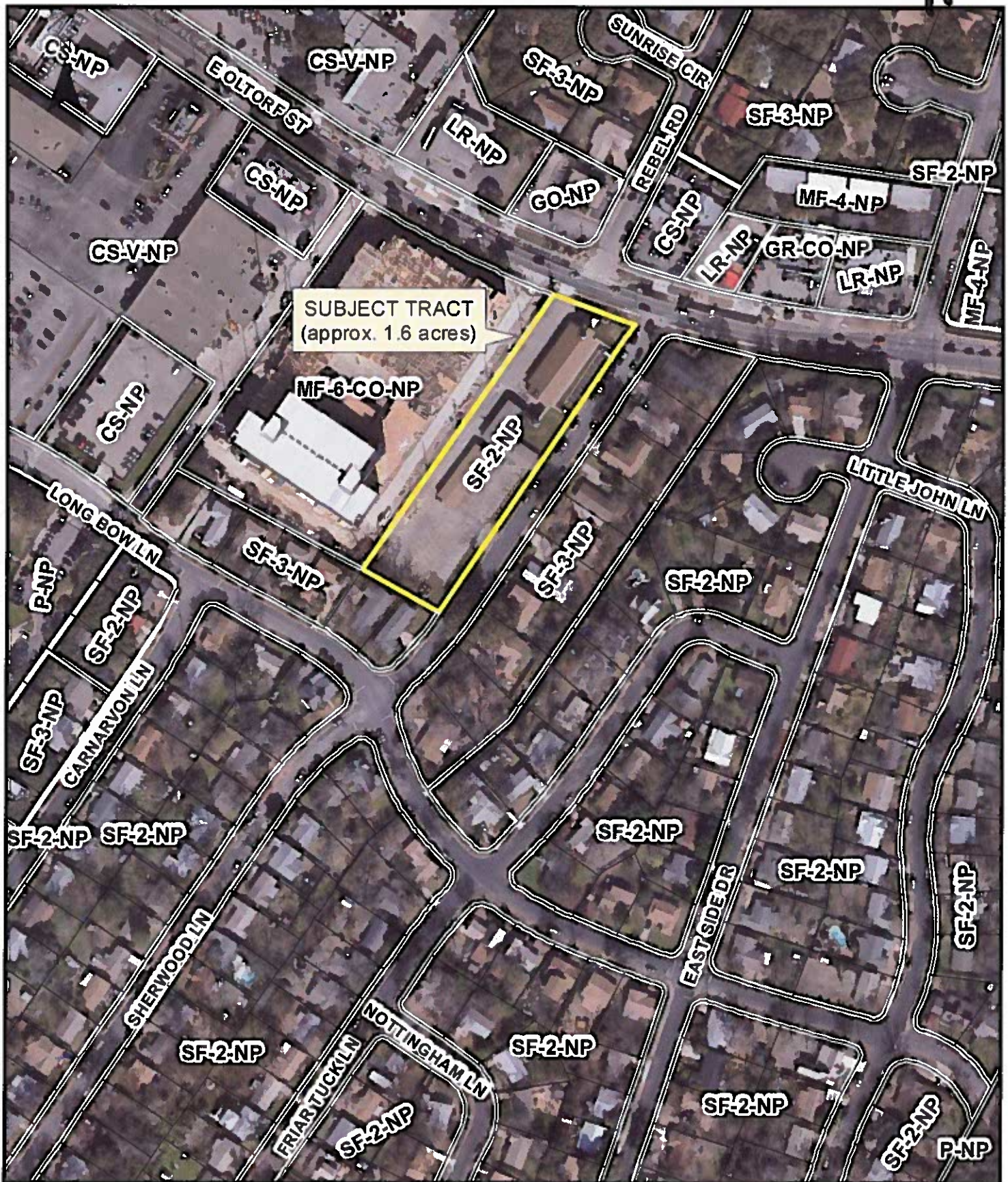
ZONING CASE#: C14-2013-0081

1" = 200'

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.





Imagery: 2012-01

Exhibit A - 1
Aerial & Zoning

0 100 200 400 Feet

1 inch = 200 feet



Imagery: 2012-01

Exhibit A - 2
Aerial

0 50 100 200 Feet

1 inch = 100 feet

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From: Jean mather
Sent: Sunday, August 04, 2013 5:18 PM
To: Heckman, Lee
Cc: Marc Davis; [redacted]; Russell Fraser
Subject: 517 E. Oltorf, C14-2013-0081

The Zoning Committee met with Jim Bennett on July 30 to discuss the proposed zoning change for the Apostolic Assembly of the Faith in Christ Jesus, Incorporated. The church has been in the neighborhood for many years and has been a good neighbor. One of the reasons that they are easy to live with is their ample parking and this results in the high impervious cover. They wish to add a community room which would increase the impervious cover beyond the existing grandfathered amount. To do this they are asking for a zoning change to GR.

The church adjoins a large multi-family unit on the West but is surrounded by single family on the East and South. We felt that GR zoning would be inappropriate and a hardship for the adjoining single family. Although the proposed use is fine, zoning is forever!

We are willing to go to the Board of Adjustment to fight for additional impervious cover for the church but we must oppose the proposed GR zoning.

Jean Mather, Chair

Zoning Committee

South River City Citizens



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MEMORANDUM

TO: Lee Heckman, Case Manager
CC: Members of the City Council

FROM: Shandrian Jarvis, Transportation Planner
DATE: September 3, 2013
SUBJECT: Neighborhood Traffic Analysis for Apostolic 1.5 – Case # C14-2013-0081

The transportation review section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 1.6-acre tract is located in south Austin, at the intersection of Oltorf Street and Sherwood Lane. The site is zoned Single-Family-2- neighborhood plan (SF-2-NP) and it is currently occupied by a church. Single-family residential uses are located to the south and east of the property. Commercial uses are located at the western edge of the tract, and to the north along South Oltorf Street. The zoning request is for General Retail neighborhood plan (GR-NP).

Roadways

Oltorf Street provides access to the site from the north. It is classified as a major arterial. There is approximately 90 feet of right-of-way and 37 feet of pavement. There is no designated bicycle route along Oltorf Street. However, there is currently Capital Metro bus service along the roadway.

Sherwood Lane would provide access to the site from the east. It is classified as a local street. The road currently has a right-of-way width of approximately 50 feet and a pavement width of approximately 24 feet. Currently, the street is not served by a bicycle route and there is no Capital Metro bus service along the roadway.

Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, the site could generate up to approximately 2,993 vehicle trips per day (vpd). However, since the applicant agreed to limit the development to 2,000 vpd, the maximum of 2,000 vpd is assumed..

Table 1 represents the expected distribution of the 2,000 trips:

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Table 1.	
Street	Traffic Distribution by Percent
Oltorf Street	50
Sherwood Lane	50

Table 2 represents a breakdown of existing traffic volumes, proposed site traffic, total traffic after development, and percentage increase in traffic on adjacent streets.

Table 2.				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to each Roadway	Overall Traffic	Percentage Increase in Traffic
Oltorf Street	33,215 ¹	1,000	33,215	3%
Sherwood Lane	927 ²	1,000	1,927	107%

1. Source: COA Traffic Counts 2004. http://www.campotexas.org/programs_rd_traffic_counts.php. Adjusted to current year.

2. Source: GRAM Traffic Counting, Inc. August 5, 2013.

It is assumed that 50 percent of site traffic would use Oltorf Street, and 50 percent would use Sherwood Lane. Under this scenario, traffic on Oltorf would increase by approximately 3 percent. Traffic on Sherwood Lane is expected to increase by approximately 107 percent.

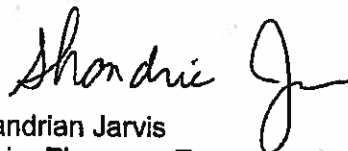
According to Section 25-6-116 of the Land Development Code, local or collector streets that have a pavement width of less than 30 feet are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,200 vehicles per day. In its current configuration, Sherwood Lane is anticipated to operate at an unacceptable level for this segment of the roadway.

Recommendations/Conclusions

1. To minimize the traffic impact of the project on the neighborhood, the traffic should be limited to 1,100 vpd until the pavement along Sherwood Lane is widened to a minimum of 30 feet.
2. The existing religious use should not exceed 25,000 square feet or 600 seats. More intensive land uses with high trip generation should be prohibited.
3. Development of this property should also be limited to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis, including traffic distribution, roadway conditions, and other traffic related characteristics.
4. All driveways would need to comply with current City of Austin Type II Commercial Driveway standards and would need to meet minimum requirements for driveway width; throat length, driveway spacing, offset, and curb return radii. The owner will be responsible for obtaining permit approval for the driveways prior to site plan approval.

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If you have any questions or require additional information, please contact me at 974-2628.



Shandrian Jarvis
Senior Planner ~ Transportation Review
Planning and Development Review Department