

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0122 / Holy Cross Lutheran Church **P.C. DATE:** Nov. 12, 2013

**ADDRESS:** 4622 S Lamar Blvd SB **AREA:** 4.47 acres

**OWNER:** Holy Cross Lutheran Church (Magdalene Holm-Roesler)

**APPLICANT:** Kari Blachly

**ZONING FROM:** Single-Family Residence Standard Lot (SF-2)

**ZONING REQUEST TO:** Limited Office (LO), as amended  
from Community Commercial (GR)

**NEIGHBORHOOD PLAN AREA:** Barton Hills  
(South Lamar Combined Neighborhood Plan Area)

**SUMMARY STAFF RECOMMENDATION**

To grant community commercial-conditional overlay (GR-CO) combining district zoning with a condition that vehicle trips per day be limited to less than 2,000.

Staff is not opposed to the LO base zoning district as requested on November 12, 2013.

**PLANNING COMMISSION RECOMMENDATION:**

November 12, 2013 To grant LO-CO (Consent Motion: J. Nortey; Second: B. Roak)  
7-0-2 (Absent: D. Chimenti and A. Hernandez)

**RECENT DEVELOPMENTS:**

On November 12, 2013, the date of the Planning Commission meeting, an amended zoning request from the applicant was received (see Exhibit R). The newly proposed limited office (LO) zoning district was the result of discussions between the owner, applicant, and a local neighborhood association. The proposed LO zoning district received the association's support (see Exhibit S). Staff had reviewed the application for GR zoning, and the recommendation for GR-CO had been communicated to the Planning Commission and stakeholders prior to the meeting. Staff's recommendation of GR was based on the site's location and the zoning principles noted elsewhere in this document.

Staff has not re-reviewed the application for the proposed LO zoning; however, because LO is considered a less intense office district, when compared with community commercial, staff is not opposed to the lower-level LO zoning.

**DEPARTMENT COMMENTS:**

The subject tract is located north of South Lamar Boulevard/West US Highway 290 west of West Gate Boulevard (see Exhibits A). The property is primarily used for religious assembly, having been established as a church in 1963. In addition to the main assembly hall, other buildings include a church office, classrooms, and fellowship hall, adjacent to the main hall, a couple of storage buildings, and a gazebo/pavilion. The congregation offers a weekly soup kitchen and clothing for the needy at one of the multi-use buildings on the campus, and other neighborhood and community groups meet on the premises on a weekly or monthly basis.

The subject tract is a Lot platted in 1967 with 6 other lots in the 43.3-acre J.D. White Subdivision (C8s-67-122). That subdivision dedicated right-of-way for Dudmar Drive, north of its intersection with Dudley Drive, beginning more or less where the pavement ends today (see Exhibit B). A City lift station now sits in the Dudmar right-of-way, effectively terminating any further extension. At some point, widening of S Lamar/US Highway 290 entailed acquisition of a strip of property along the roadway.

What might appear to be right-of-way between the subject tract and the boat sales and storage facility (as depicted on Exhibits A) is private property. Deed research indicates this 60' wide strip was a waterline easement and right-of-way for a future roadway that was abandoned by the Travis County Commissioners Court in late 1959 or early 1960 (in Volume 2145 Page 567, Deed Records), prior to the J.D. White Subdivision. Despite its apparent abandonment as right-of-way, the strip has been referred to as Whitecrow Trail (perhaps in honor of Betty White Crowe and William Crowe, previous owners), on previous permit exhibits, and is without zoning.

This tract was also part of an approximate 1,006-acre tract annexed into Limited Purposes jurisdiction for Planning and Zoning, and Health and Sanitation, in May 1980 (C7a-80-001). This annexation tract extended about 0.8 miles on either side of Loop 360, and varied in width up to about 0.6 miles. Approximately 324 acres of this tract (southwest of Loop 360 and northwest of W US Hwy 290) was subsequently annexed into Full Purpose jurisdiction in July 1986 (C7a-86-010) as the Brodie Tract Area.

The rezoning request is driven by the stated desire to reuse part of the site for a private primary educational facility. While limited education facilities might be permitted under the existing zoning if affiliated with the church, the private, commercial nature of the proposed facility necessitates a zoning change. The proposed Montessori school will be housed in an existing 3,000 square foot building that was formerly home to guidance services; no additional expansion or development is proposed at this time. It is anticipated that the school will eventually grow to 48 students after a number of years. As with other such schools, the hours of operation will be from around 7:30 AM to 5:30 PM, Monday through Friday. Student ages will range from 3 years to 9 years.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>Site</b>	SF-2	Religious Assembly and Ancillary Uses
<b>East</b>	SF-2; LO; GO-MU; GR	Office; Medical Office, Retirement Housing; Offices
<b>West</b>	SF-2; GR; GR-CO;	ROW; Boat Sales; Convenience Storage & Truck Rental; Auto Sales; Auto Repair; Equipment Rental; Motel
<b>North</b>	SF-2 (1)	Recreational Equipment Storage; Congregate Living (Nursing and Rehabilitation)
<b>South</b>	N/A	Lamar Boulevard/W US Hwy 290 ROW; AISD Tony Burger Center (City of Sunset Valley jurisdiction)

(1) The attached Zoning Map (Exhibit A) indicates an I-SF-2 tract to the northeast of the subject tract. In fact, this was rezoned along with the abutting LO portion in case number C14r-83-265. An update to City zoning maps has been requested, as is depicted correctly on aerial exhibits (Exhibits A-2 & A-3).

**AREA STUDY:** No**WATERSHED:** Barton Creek Watershed – Barton Springs Zone (BSZ)**TIA:** Not Required**DESIRED DEVELOPMENT ZONE:** No**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhoods Council	511
Austin Independent School District	742
Save Our Springs Alliance	943
Homeless Neighborhood Organization	1037
Bike Austin	1075
Austin Parks Foundation	1113
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
SEL Texas	1363
Beyond2ndNature	1409
Preservation Austin	1424

**SCHOOLS:**

Austin Independent School District

Oak Hill Elementary School

O Henry Middle School

Austin High School

**ABUTTING STREETS & TRANSIT:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route or Facility	Bus Service
South Lamar Blvd/W US Hwy 290	430 feet	2 at 65 feet (highway); 2 at 40 feet (service roads)	Freeway (FWY 6)	No	No. 450 (existing Shared Lane; recommended Wide Curb.	Yes

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
<b>North and East of Site</b>			
C14r-86-109A; C14r-86-109B; C14r-86-109C (proposed) Westgate, South of Loop 360, West of US Hwy 290	SF-2 to LO, MF-2, and GO (included 7-tract site plan)	Recommended with conditions;	Approved; 12/11/1986; (RC specifies setbacks and buffers for several tracts)

(approx. 90 acres)			
4544 West Gate Blvd C14-95-0077	GR to LI	Recommended CS & LI footprint; 08/29/1995	Approved CS & LI-CO with Conditions (2 <sup>nd</sup> reading); 09/28/1995; Ind. Postponement & expiration eff. 05/19/1996
4500 & 4544 South Lamar Blvd C14r-84-050 (approx.. 30 acres)	Interim AA 1 <sup>st</sup> H&A to "GO" Office 2 <sup>nd</sup> H&A & "GR" General Retail 1 <sup>st</sup> H&A	Recommended; 07/10/1984	Approved; 10/18/1984 Amended GO to GR; 05/16/1985
4606-4614 W US Hwy 290 C14r-81-233 (approx. 8 acres)	SF-2 to GR & GO	Recommended; 01/22/1985	Approved; 03/14/1985
4606 W US Hwy 290 C14r-87-005 (approx.. 7 acres)	Go to GO-MU (General Office to General Office-Mixed Use)	Recommended with conditions; 03/10/1987	Approved; 09/24/1987
4608 S Lamar C14r-83-265 (approx. 4.4 acres)	Interim SF-2 to SF-2 & LO		Approved; 08/13/1992
<b>West of Site</b>			
4630 S Lamar C14-99-2133 (approx. 4.45 acres)	SF-2 to GR	Recommended GR- CO; 01/11/2000	Approved GR-CO; 02/10/2000 (CO limits trips to 2000 vtd and prohibits certain uses)
4708 S Lamar C14-90-0063	SF-2 to GR-	Recommended GR with conditions; 11/06/1990	Approved; 12/06/1990 (CO specifies FAR)

**CITY COUNCIL DATE:** Scheduled for consideration December 12, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

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

**PHONE:** 974-7604

**STAFF RECOMMENDATION****C14-2013-0122****SUMMARY STAFF RECOMMENDATION**

To grant community commercial (GR) district zoning with a condition that vehicle trips per day be limited to less than 2,000.

**BACKGROUND**

The existing single-family residence standard lot (SF-2) district is the designation 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.

Though currently zoned SF-2, the property has been used for religious assembly and ancillary uses since 1963. The request for rezoning is driven by a change in use for a portion of the site. An existing building that had been used for guidance services, as part of the church's outreach and support efforts, it will now be used for a private primary educational facility – and specifically a Montessori school. The owner, Holy Cross Lutheran Church, has stated no immediate plans to further develop the site with GR uses.

**BASIS FOR RECOMMENDATION**

***Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; 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.***

The subject tract sits next to 400 feet of South Lamar/US Hwy 290 right-of-way. Boat sales use on one side, with boat and RV storage on another. Medical office uses make up the final side. GR zoning is appropriate along this type of roadway, and is compatible with abutting GR and LO zoning. It should not result in a detrimental impact to the character of the area, nor should it set an undesirable precedent given its location.

***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; and***

***Granting a request for zoning should result in an equal treatment of similarly situated properties.***

GR zoning is appropriate along this section of South Lamar/US Highway 290. Though not at an intersection, the 1.6 mile stretch of Lamar/290 between the Loop 360/Ben White intersection and its intersection with MoPac is heavily commercialized. Two parcels are designated office. Two parcels designated residential have commercial uses, and the rest, which is the vast majority of the parcels, are already zoned GR or CS.

***Zoning should allow for a reasonable use of the property.***

Staff recommends rezoning to GR because it is thought this is an appropriate land use at this location.

However, this is not an undeveloped piece of property. If the property were undeveloped, watershed regulations would cap the property at 15% impervious cover. In addition, if the site were to be developed (or redeveloped) under the site planning process, compliance with compatibility standards, including setbacks and screening along the north and northwest residentially-zoned properties (currently used for boat storage) would be required.

In this instance, the proposed Montessori school will be located in an existing building. No additional improvements are required save interior remodeling. No additional pervious coverage is required for parking either. In fact, this building is a portable building added to the site in 2005, and at that time was placed on existing impervious cover (SPX-05-1755). Water quality requirements were met at the time, and a public restrictive covenant was recorded for development of an integrated pest management plan.

If the need for the zoning change to GR is based solely on allowing the private Montessori school to reuse a church building that once housed guidance services, and not further develop or redevelop in an environmentally sensitive area, then granting the church the ability to do so is certainly a reasonable use of the property.

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

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation.

## **SITE CHARACTERISTICS, EXISTING CONDITIONS, & REVIEW COMMENTS**

The subject property is a 4.457-acre tract abutting South Lamar/US Hwy 290 right-of-way. It has been home to the Holy Cross Lutheran Church since 1963, and as a campus, contains a couple buildings, some storage sheds, a volley ball court, playground, and a portable building to be repurposed as a private primary school. The property slopes gently to the northeast, and there are some mature trees on site (see Exhibit A-3). Though no expansion or redevelopment is proposed at this time, other than interior remodeling, the only environmental constraints to development are watershed regulations. This tract is subject to SOS requirements that limit impervious cover to 15% in the recharge zone.

### **PDR Comprehensive Planning Review**

September 25, 2013 (KF)

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SF-3 to GR

This zoning case is located on the northeast corner of S. Lamar Boulevard and Whitecrowe Trail, home of the Holy Cross Lutheran Church, which is situated on a 4.45 acres parcel. This property is not located within the boundaries of a neighborhood planning area with an approved neighborhood plan. Surrounding land uses include an outdoor auto/boat/RV storage yard to the north, S. Lamar Boulevard and SH71 to the south, a small office building to the east, and a boat sales business to the west. The proposal project is to rezone the existing church site from residential to commercial.

### **Imagine Austin**

The site is situated over the situated on both the Barton Springs Overlay Zone and the Edwards Aquifer Recharge Zone as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. The site is also approximately ½ mile west of an Activity Center for Redevelopment in Sensitive Environmental Area at Lamar and Ben White.

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses development over environmentally sensitive areas:

- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.
- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.

Staff believes that the existing institutional land use (a church) is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances are enforced over this environmentally sensitive area.

**Environmental Review**

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October 8, 2013 (MM)

- 1) This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.
- 2) Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone.
- 3) According to flood plain maps, there is no flood plain within the project location.
- 4) Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 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) Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

**PDR Site Plan Review**

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October 10, 2013 (NH)

- SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP2. The site is subject to compatibility standards. Along the north and northwest property lines, the following standards apply:
- No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.



In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

### **PDR Transportation Review**

September 24; November 5, 2012 (CG)

1. No additional right-of-way is needed at this time.
2. 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]

3. Existing Street Characteristics:

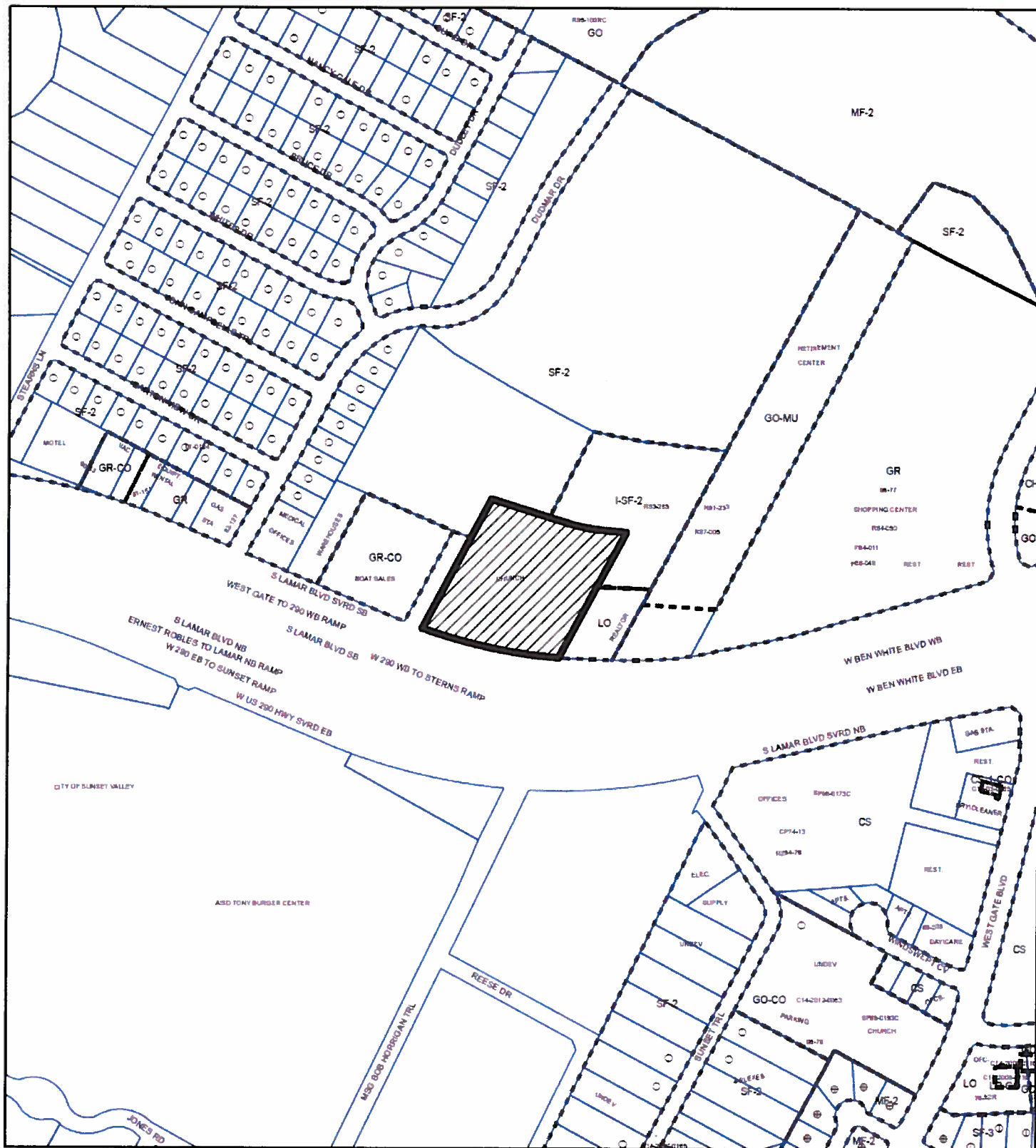
Name	ROW	Pavement	Classification	Daily Traffic
US 290 West (South Lamar Boulevard)	430'	2 @ 65' (highway), 2 @ 40' (service roads)	Freeway 6-lanes (FWY 6)	96,000 ('11)




4. There are not existing sidewalks along the service road of US 290 West (South Lamar Boulevard).
5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: US 290 West (South Lamar Boulevard) serves route no. 450 with an existing Shared Lane and recommended Wide Curb.
6. Neighborhood Connectivity Division does not have any additional comments regarding multi-modal mobility enhancements and facilities at this time.
7. Capital Metro bus service (route no. 5) is available along US 290 West (South Lamar Boulevard).

### **Austin Water Utility Review**

September 26, 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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2013-0122

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.



## Exhibit A



# C14-2013-0122 / Holy Cross Lutheran Church



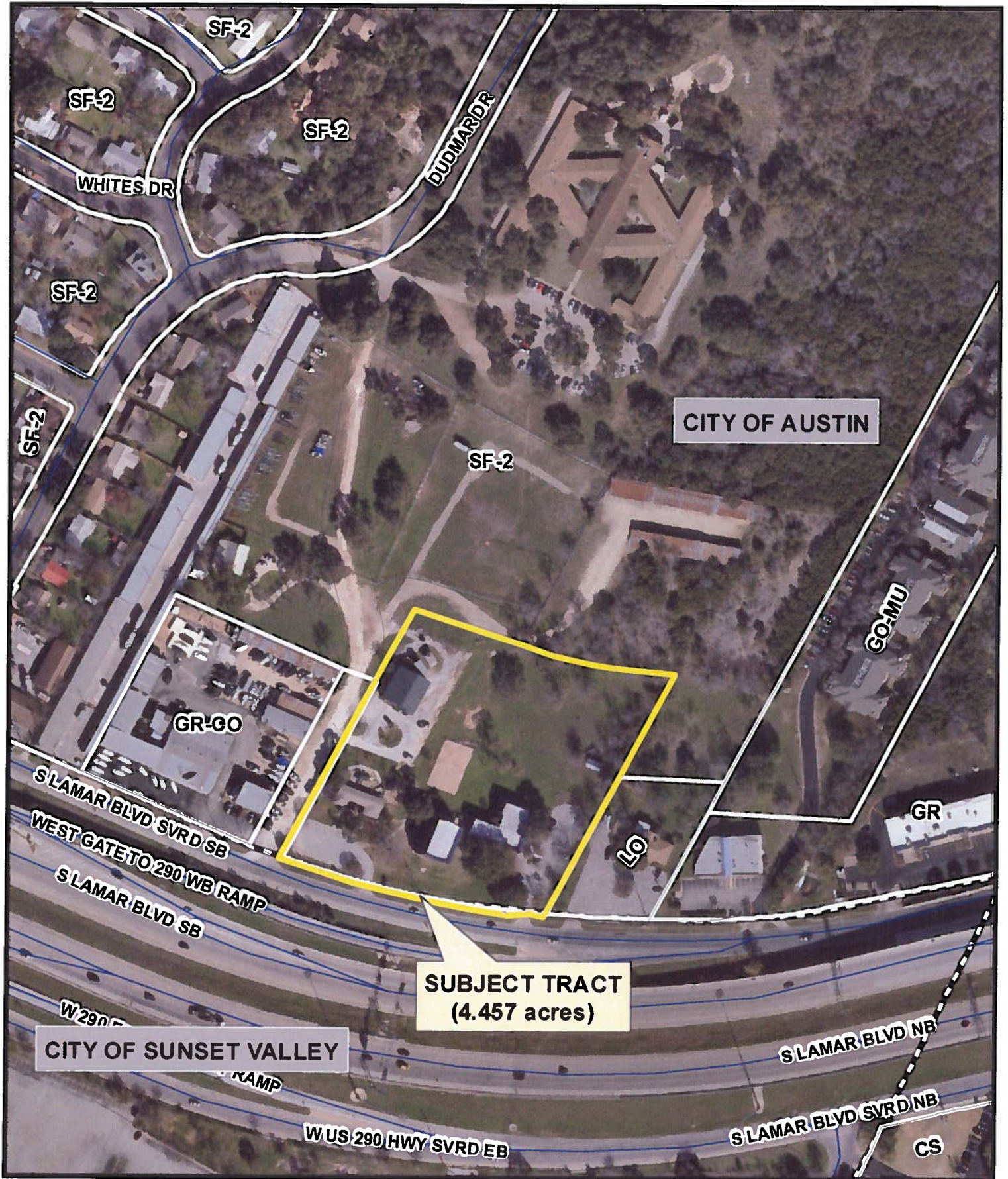
Imagery: 01-2012

Exhibit A - 1  
Aerial & Jurisdiction

0 200 400 800 Feet  
1 inch = 400 feet  
N



# C14-2013-0122 / Holy Cross Lutheran Church



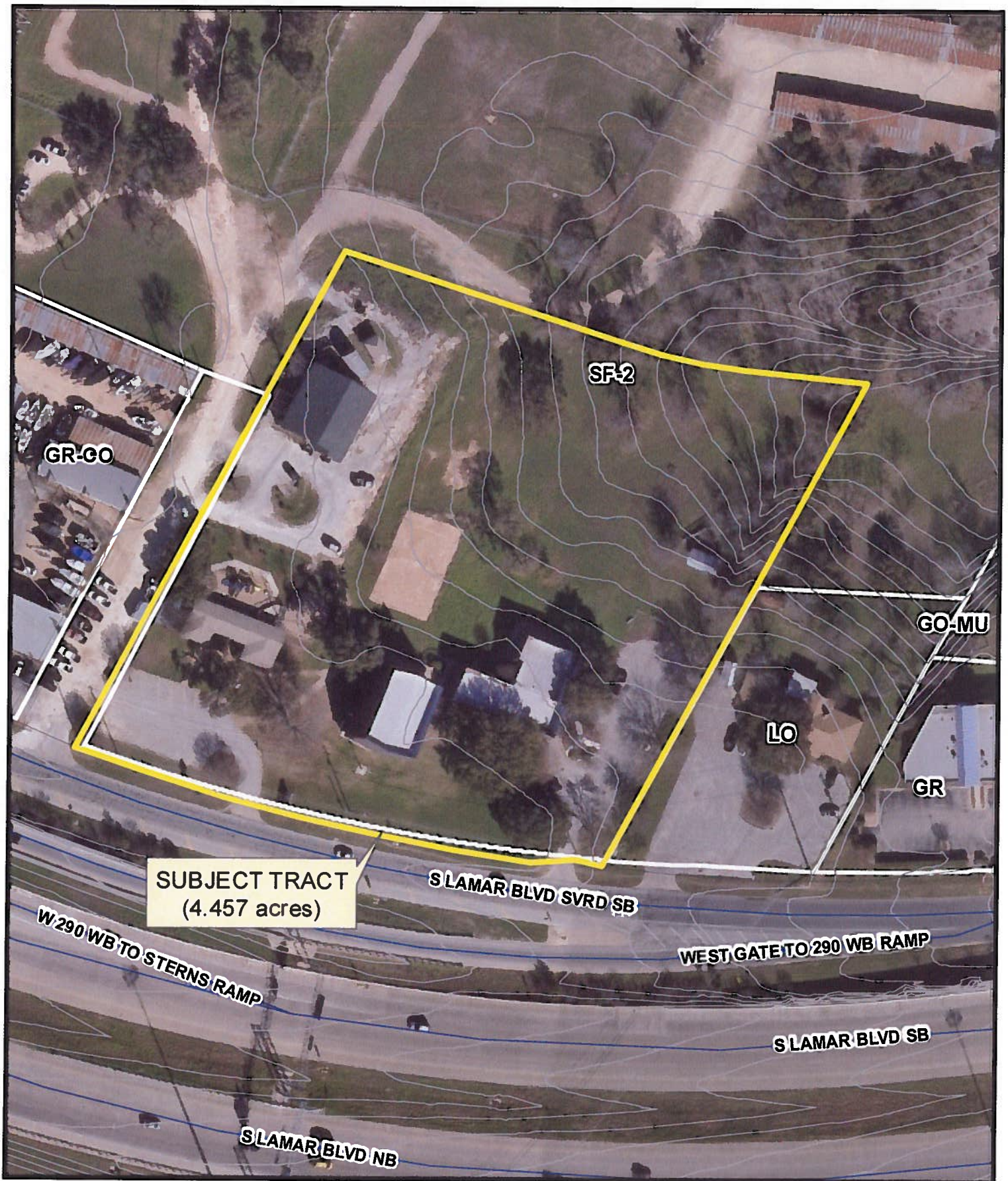
Imagery: 01-2012

Exhibit A - 2  
Aerial & Zoning

0 100 200 400 Feet  
1 inch = 200 feet



# C14-2013-0122 / Holy Cross Lutheran Church



Imagery: 01-2012  
Contours: 2003

Exhibit A - 3  
Aerial & Contours

0 50 100 200 Feet  
1 inch = 100 feet

# C14-2013-0127 / Holy Cross Lutheran Church

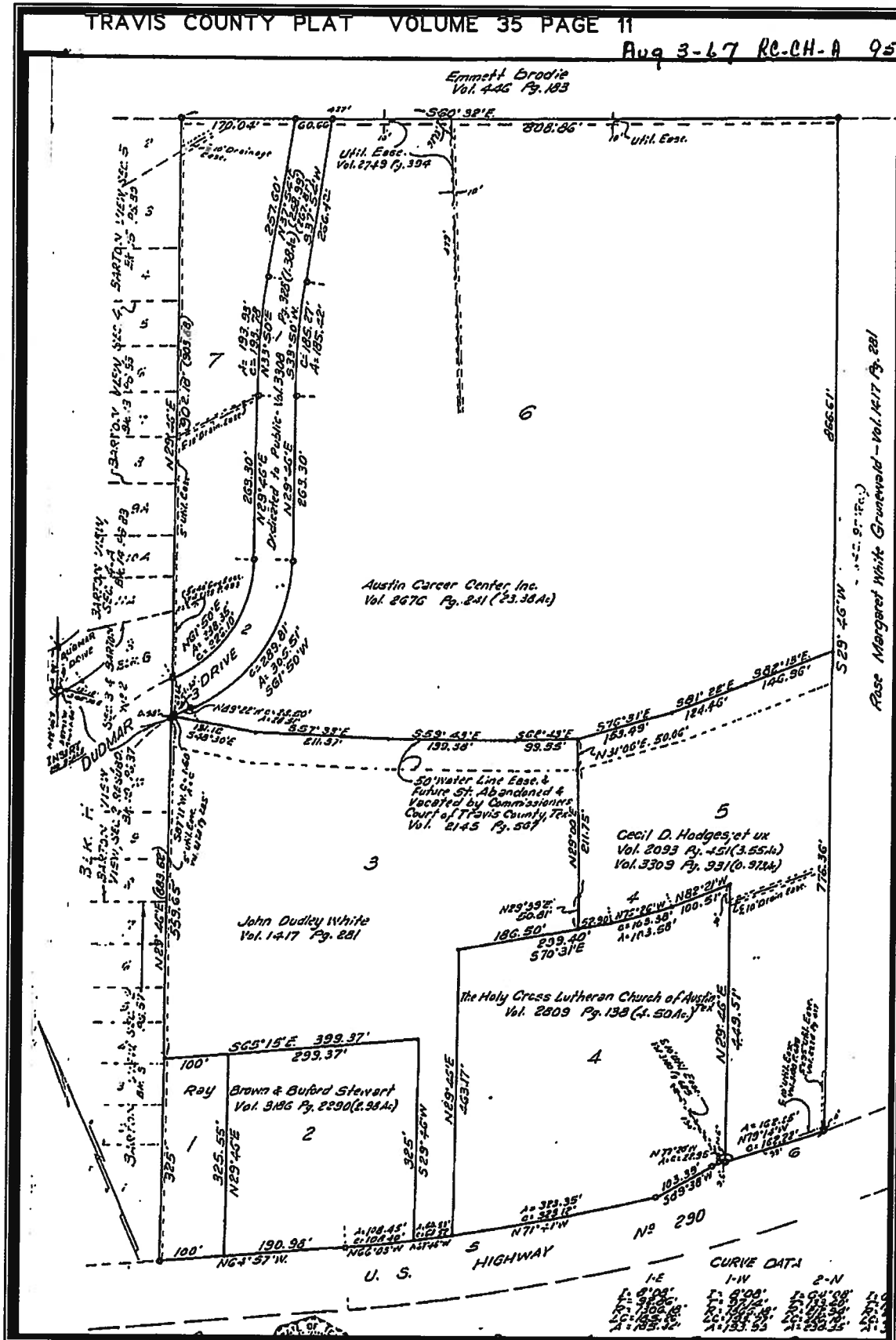


Exhibit B – J.D. White Subdivision Plat

-----Original Message-----

From: Kari Blachly

Sent: Tuesday, November 12, 2013 12:27 PM

To: Heckman, Lee

Cc: Horacio Gasquet; Ingrid Morton; Jean Wilkins

Subject: C14-2013-0122 / Holy Cross Lutheran Church

Mr. Heckman:

After meeting over the weekend with the members of the Barton View Neighborhood Association we have decided to amend our rezoning request from GR (Community Commercial) to LO (Limited Office).

Please allow this email to represent my formal request to amend our rezoning application from GR to LO.

Respectfully,

Kari Blachly

Authorized Agent for Holy Cross Lutheran Church



**From:** Horacio Gasquet  
**Sent:** Tuesday, November 12, 2013 10:47 AM  
**To:** Heckman, Lee  
**Cc:** Kari Blachly  
**Subject:** Re: C14-2013-0122 / Holy Cross Lutheran Church

Yes,  
I meant to say limited office, not local office.

Horacio

**From:** Horacio Gasquet  
**Sent:** Tuesday, November 12, 2013 12:43 AM  
**To:** Heckman, Lee  
**Cc:** Ingrid Morton; Kari Blachly; Steve Leitch  
**Subject:** C14-2013-0122 / Holy Cross Lutheran Church  
**Importance:** High

Dear Lee,

The Barton View Neighborhood Association invited several representatives from the Holy Cross Lutheran Church and Mariposa Montessori school to speak to us at an association meeting on Friday Nov 8th. The applicant Kari Blachly presented their case, and was supported by three additional members from the church congregation.

Whitney Falcon, the owner of Mariposa Montessori, also attended the meeting and explained the urgency that we all find consensus quickly due to the impact this process is having on the students that were intended to occupy that space back in September. Additionally, she explained the significant financial hardship to the school, which is paying rent to Holy Cross Lutheran Church without the benefit of that space. It is feared that the school will lose many students if the over-crowding situation at their current location is not resolved in time for classes to begin in January right after the holiday break.

At that association meeting, both parties agreed to have a smaller working group gather on Sunday Nov10th, with Kari Blachly and Steve Leitch representing the Holy Cross Lutheran Church. At this meeting, we talked through the neighborhood concerns with staff's recommendation of GR zoning classification for this property, when a lower zoning classification would be sufficient for the opening of the school. The neighborhood is concerned about the long term implications a GR zoning would have on land use at that location if the Holy Cross Lutheran Church decided to sell the property to developers, and felt that a lower zoning classification would be appropriate for preserving the character of the neighborhood and the local environment.

In our small Sunday working group, we discussed various zoning and conditional overlay options to address the neighborhood concerns. Both parties came to the conclusion, that we could support moving forward quickly with the up-zoning request on Tuesday Nov12th with a Local Office zoning classification instead of GR. It is our understanding from your email dated Nov 8th, 2013 addressed to me, that this zoning classification permits the private elementary educational use, and that this designation would also be appropriate for the site based on its location and the adjacent properties.



Since this is an urgent matter for the children and parents attending Mariposa Montessori School, we are asking for staff support of a Local Office recommendation to Planning Commission on Nov 12th, and are further asking staff to support placing this item on the consent agenda to speed passage for the benefit of the students. We hope you can be accommodating to this last minute request for a change to the application and staff's recommendation given the consensus that exists for how to move forward.

Kari Blachly will be following up with you Tuesday morning to address any concerns you may have with this late stage change to the application. I can be reached by cell phone at 512-809-8626 if you need to contact me directly by phone on Tuesday during the day.

We look forward to meeting you Tuesday night at the Planning Commission hearing.

*Horacio Gasquet*