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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0150  
(Bethany United Methodist Church)

**Z.A.P. DATE:** January 21, 2014

**ADDRESS:** 9908-10010 Anderson Mill Road

**APPLICANT:** Bethany United Methodist Church, Chair-Board of Trustees (David M. Lee)

**AGENT:** Austin Civil Engineering (Keith Parkan)

**ZONING FROM:** I-RR      **TO:** LO      **AREA:** 19.077 acres

**SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd. according to the Transportation Plan through a street deed prior to 3<sup>rd</sup> reading of the case at City Council [LDC, Sec. 25-6-51 and 25-6-55]. Currently, there is approximately 50 feet of right-of-way available. An additional 7 feet would be required from the subject parcel.

**ZONING AND PLATTING COMMISSION:**

**DEPARTMENT COMMENTS:**

The majority of this property was annexed into the full purpose jurisdiction of the City of Austin on December 31, 2008, under annexation case C7A-08-009. The site contains a religious assembly use, a parking area, a telecommunications tower and an undeveloped tract of land. The applicant is requesting LO zoning to bring the existing use into conformance with land use regulations in the City of Austin Land Development Code.

The staff is recommending LO-CO, Limited Office-Conditional Overlay Combining District, zoning because the property in question meets the intent of the LO district as the site will provide services adjacent to a residential neighborhoods. The proposed zoning is consistent and compatible with surrounding zoning and uses as there is commercial and office (LR, LR-CO, LO-CO and LO) zoning to the south, commercial-mixed use (CS-MU-CO) zoning to the east and residential (I-SF-2 and SF-2) zoning to the north and west of the site. The property in questions fronts onto and takes access to Anderson Mill Road, an arterial roadway.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Religious Assembly use (Bethany United Methodist Church), Parking Area, Cell Tower, Undeveloped Tract
<i>North</i>	I-SF-2, SF-2	Single-Family Residential Neighborhood

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<i>South</i>	LR, LR-CO, LO-CO, LR-CO, SF-1, LO	Undeveloped Tract, Office (Balcones Greene), Religious Assembly (Unity Church of the Hills), Office Uses (Edward Jones, Greater Texas Insurance, etc.) Oak Park Office Center/Retail Center (Arboretum Park)
<i>East</i>	CS-MU-CO	Undeveloped
<i>West</i>	I-SI-2	Single-Family Residential Neighborhood

**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Lake Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- Acres West Homeowners Association
- Anderson Mill Neighborhood Association
- Austin Heritage Tree Foundation
- Austin Monorail Project
- Bike Austin
- Bull Creek Foundation
- Homeless Neighborhood Organization
- Long Canyon Homeowners Association
- Long Canyon Phase II & LLL Homeowners Association, Inc.
- SELTEXAS
- Sierra Club, Austin Regional Group
- Spicewood Springs Road Tunnel Coalition
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.

**SCHOOLS:**

- Hill Elementary School
- Murchison Middle School
- Anderson High School

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2013-0012 (Hooper Communities: 9710-9718 Anderson Mill Road)	CS-CO, I-RR to CS-MU-CO	6/04/13: Approved staff's recommendation of CS-MU-CO zoning with the following additional conditions agreed to by the applicant and the neighborhood as read into the record: 1) Under the 'MU' Combining District-prohibit civic uses, multi-family residential use and short-term rentals; 2) Limit the maximum	6/20/13 : Approved CS-MU-CO zoning on consent on all 3 readings (7-0); C. Riley-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .

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		height to two stories (30 ft.); 3) Limit the maximum density to 60 dwelling units or 12 per acre and 4) Note that the Buyer has agreed to prohibit 2nd floor open space (balconies) through a private restrictive covenant (6-0, G. Rojas-absent); P. Seeger-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	
C14-2008-0234 (ZFB, Ltd. Rezoning: 9710- 9718 Anderson Mill Road)	I-RR to CS	4/07/09: Approved CS-CO zoning on consent (7-0)	6/11/09: Approved CS-CO zoning with the following conditions: 1) One story convenience storage as the only (CS) commercial services use, 2) Permit all other (LO) limited office type uses, 3) Require a 2,000 trip limitation per day. The additional permitted uses were as follows: art gallery and software development. A right-of-way of 114 feet for Anderson Mill road if zoning is granted. Direction was given to staff to bring the item back for second and third readings on June 18, 2009. A friendly amendment was made by Council Member Morrison to add as additional conditional uses screening mechanical equipment on the roof and to have compatibility standard for screening and lighting. The friendly amendment was accepted by Council Member Leffingwell, the maker of the motion, and Council Member Shade, who seconded the motion. Vote: 6-0, S. Cole-absent); L Leffingwell-1 <sup>st</sup> , R. Shade-2 <sup>nd</sup> .
C14-2007-0191 (Anderson Mill Children's Courtyard Day Care: 9706 Anderson Mill Road)	DR to GR	11/20/07: Approved staff recommendation of LO-CO zoning, with a CO to limit the development intensity for the entire site to less than 2,000 vehicle trips per day and a street deed to dedicate 57 feet of right-of-way from the existing centerline of Anderson Mill Road (7-0, S. Hale-absent); J. Martinez-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> , with the following additional conditions:	12/06/07: Approved ZAP recommendation of LO-CO zoning on Council Member Martinez' motion, Council Member Martinez' motion, Council Member Leffingwell's second (7-0); 1 <sup>st</sup> reading  1/31/08 : Approved LO-CO zoning with conditions by consent (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

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		<p>1) Prohibit the following uses: Urban Farm, Club or Lodge, College and University Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home, Class II, Hospital Services (Limited), Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment, Safety Services;</p> <p>2) Require a sound retarding fence to be constructed along the north property line adjacent to the single family residential property. (The applicant will be seeking a Board of Adjustment variance to provide a ten foot (10') sound retarding fence at this location. This requirement will be noted in a private restrictive covenant between the applicant and the neighborhood.);</p> <p>3) Require an eight foot (8') sound retarding fence to be constructed along the side property lines for a minimum distance of 150-feet.</p>	
C14-06-0002	SF-1 to LR	<p>5/02/06: Approved LR-CO district zoning; limited to Financial Services, Pet Services, Restaurant (Limited), General Retail Sales (Convenience), and Personal Services as the only 'LR' district uses; permit all other 'LO' district uses, prohibit Drive-In Services, Food Sales, and Service Station uses; limit development intensity on the site to less than 2,000 vehicle trips per day (8-0, J. Martinez-absent)</p>	<p>6/08/06: Approved LR-CO district zoning by consent (7-0)</p>

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C14-05-0109		8/16/05: Approved staff's recommendation for LR-CO zoning (The CO will limit the development intensity for the entire site to less than 2,000 vehicle trips per day. In addition, if the requested zoning is granted, the staff also recommends that 57-feet of right-of-way should be dedicated in accordance with the Roadway Plan through a street deed.), with an added condition to prohibit Drive-Through Services, by consent (8-0, K. Jackson-absent)	9/29/05: Approved LR-CO by consent (7-0); all 3 readings
C14-02-0140	RR to SF-6	3/4/03: Approved SF-6-CO zoning with following conditions: 1) A fifteen-foot (15') vegetative buffer strip within the compatibility setback along the south and west property lines; 2) Fencing along the south and west property lines; 3) A unit limit of 12 residential units; (8-0, M. Whaley-absent)	4/03/03: Granted SF-6-CO on all 3 readings (5-0-2, Wynn and Goodman of dais)
C14-02-0134	LR-CO to SF-6	9/24/02: Approved staff's recommendation of SF-6 zoning, by consent (5-0, D. Castaneda, B. Baker- absent)	10/24/02: Granted SF-6 on 1st reading – Staff to report back on flooding complaints: What has been done and what the applicant can do to help mitigate the situation. (5-0, Garcia-off dais, Dunkerley- absent)  2/27/03: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-01-0142	RR, SF-1 to LR	1/22/02: Approved staff's rec. on LR-CO zoning. (8-0, A. Adams-absent)	2/28/02: Approved LR-CO zoning by consent on first reading (6-0-1, Thomas-off dias)  3/21/02: Approved LR-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.
C14-99-2033	RR to LO	10/05/99: Approved LO-CO allowing only 'NO' uses w/ 'LO' site regulations (8-0)	11/04/99: Approved PC rec. of LO-CO on 1 <sup>st</sup> reading (6-0); subject to current watershed regulations 3/30/00: Approved 2 <sup>nd</sup> / 3 <sup>rd</sup> readings (6-0)

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C14-98-0267	1-RR to GR	3/02/99: Approved staff rec. of LR-CO (5-3, BB/ JM/ RV-Nay)	4/01/99: Approved PC rec. of LR-CO w/ conditions (6-0), 1 <sup>st</sup> reading  5/06/99: Approved LR-CO w/ conditions (7-0); and/ 3 <sup>rd</sup> readings
C14-98-0196	SF to GO	12/08/98: Approved LO (8-0)	1/07/99: Approved PC rec. of LO w/ conditions (7-0); 1 <sup>st</sup> reading  2/04/99: Approved LO (7-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-98-0135	1-RR to GR	10/27/98: Approved staff rec. of GR-CO w/ conditions: 50' greenbelt maintained w/ no impervious cover (6-0)	12/03/98: Approved PC rec. of GR-CO w/ conditions (6-0), 1 <sup>st</sup> reading  2/11/99: Approved GR-CO w/ conditions (6-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings

**RELATED CASES:** N/A

**ABUTTING STREETS:**

NAME	ROW	PAVMENT	CLASSIFICATION	DAILY TRAFFIC
Anderson Mill Road	100'	50'	Major Arterial	N/A

**CITY COUNCIL DATE:** February 13, 2014

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

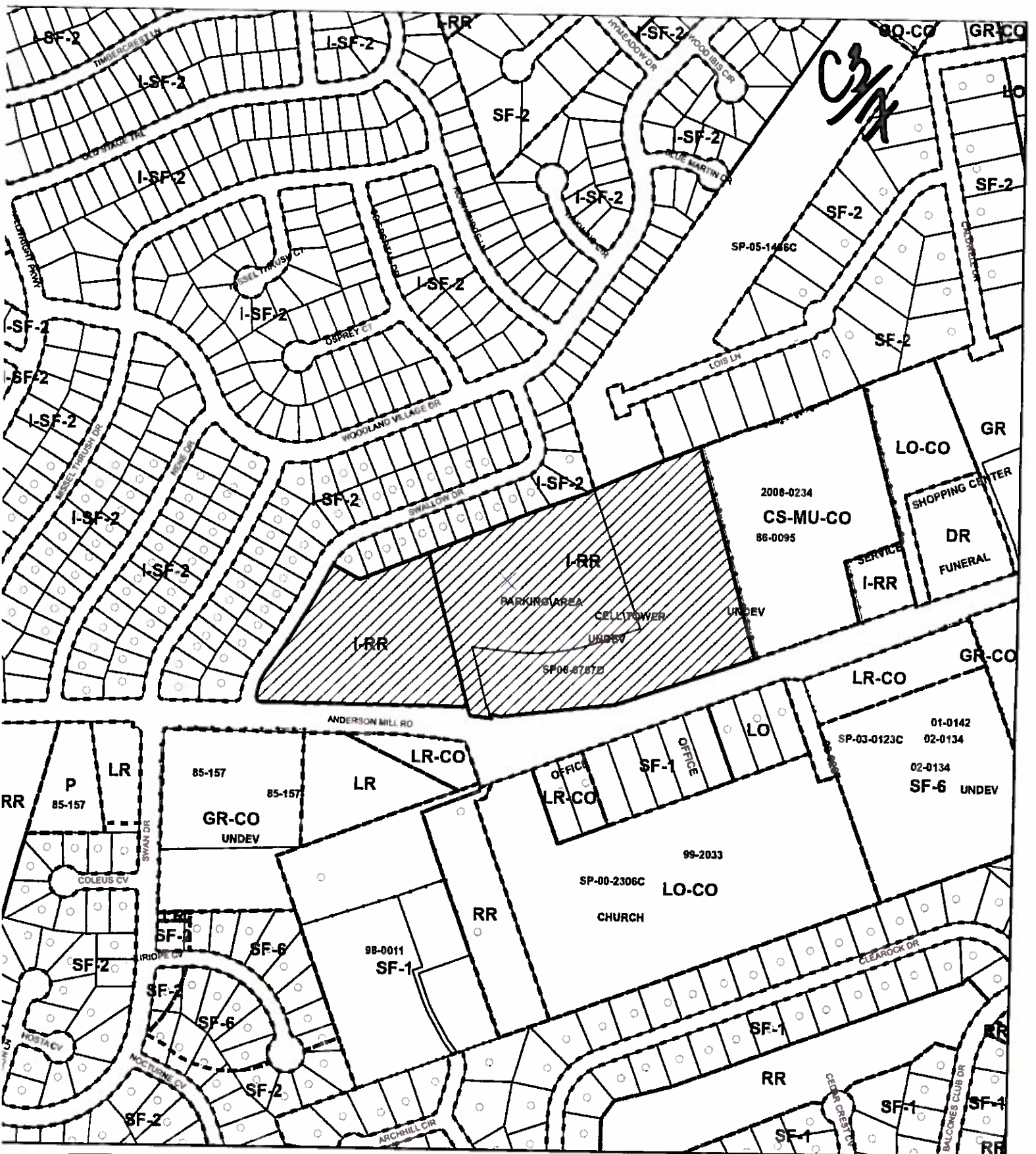
3<sup>rd</sup>




**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,

[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING CASE**  
**C14-2013-0150**

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.

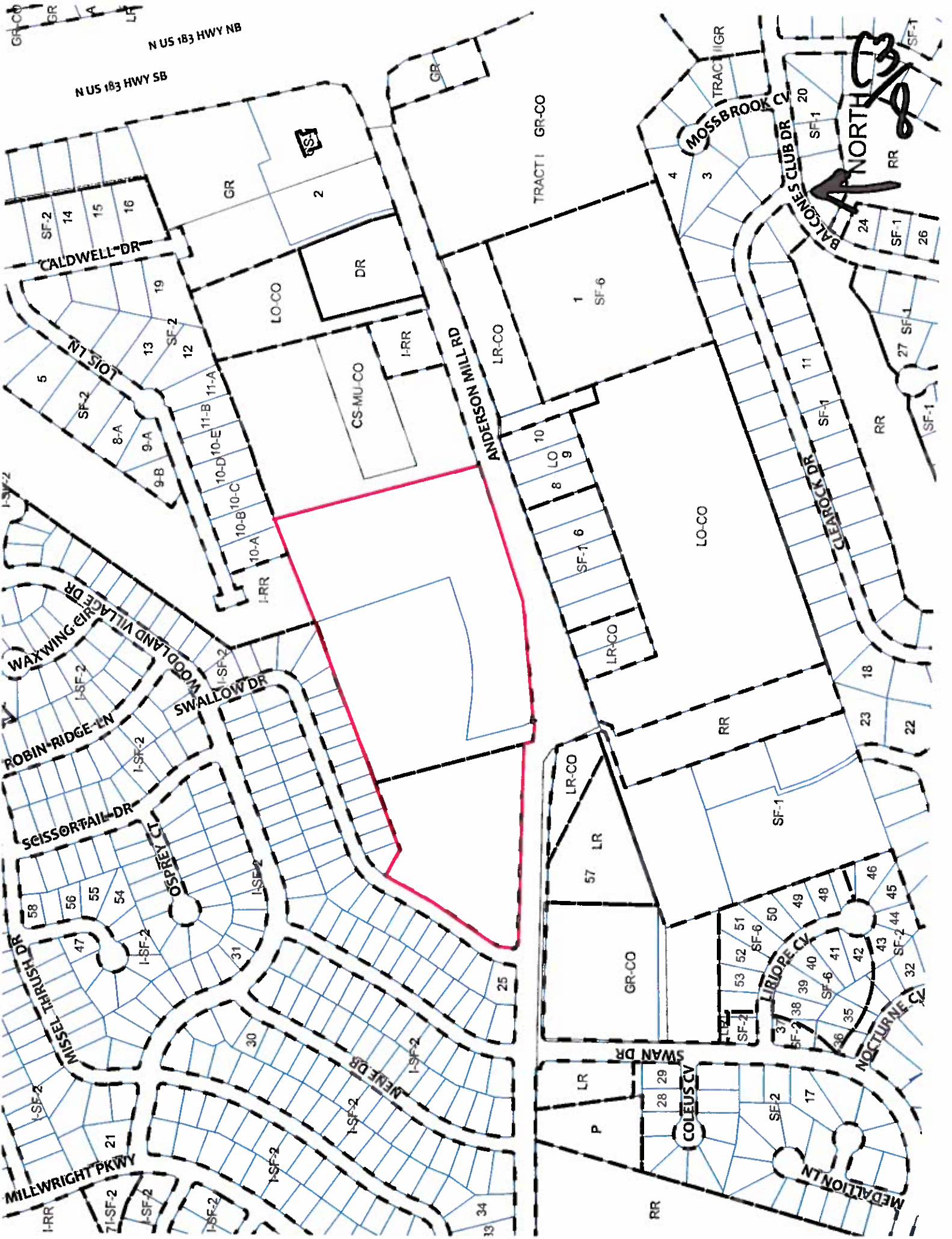
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





GR-CO GR A LF

N US 183 HWY NB  
N US 183 HWY SB







ANDERSON MILL RD

SWALLOW DR

WOODLAND VILLAGE DR

NENE DR

SWAN DR

LIRIOPE CV

CLEARBROOK DR

NORTH



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**STAFF RECOMMENDATION**

The staff recommendation is to grant LO-CO, Limited Office-Conditional Overlay District, zoning. The conditional overlay will limit development on the site to less than 2,000 vehicle trips per day.

In addition, if the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd. according to the Transportation Plan through a street deed prior to 3<sup>rd</sup> reading of the case at City Council [LDC, Sec. 25-6-51 and 25-6-55]. Currently, there is approximately 50 feet of right-of-way available. An additional 7 feet would be required from the subject parcel.

**BASIS FOR RECOMMENDATION**

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning is consistent and compatible with surrounding zoning and uses as there is commercial and office (LR, LR-CO, LO-CO and LO) zoning to the south, commercial-mixed use (CS-MU-CO) zoning to the east and residential (I-SF-2 and SF-2) zoning to the north and west of the site.

3. *The proposed zoning will allow for a reasonable use of the property.*

The proposed LO-CO zoning to permit the applicant to bring the existing use into conformance with land use regulations in the City of Austin Land Development Code.

**EXISTING CONDITIONS**

**Site Characteristics**

The site under consideration is consists of a religious assembly use (Bethany United Methodist Church), a parking area for the church, a telecommunications tower, and an undeveloped tract of land. The lots to the north and west are developed with single-family residences. To the south, across Anderson Mill Road, there are office, religious assembly and retail uses. The property to the east is currently undeveloped.

**Comprehensive Planning**

**I-RR to LO**

This zoning case is located on the northeast corner of Anderson Mill Road and Swallow Drive. The subject property contains the Bethany United Methodist Church, which is situated on a 19 acre site and includes a variety of church related buildings. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes single family housing to the north

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and west, a cell tower to the east, and an office building and vacant land to the south. The property will continue to be utilized as a church.

**Imagine Austin**

The site is located over the Edwards Aquifer Recharge Zone. 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.

**Conclusion**

The comparative scale of the site relative to other institutional and office uses located along the Anderson Mill Road falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site’s location over an environmentally sensitive area, there will be at the site planning stage an environmental review to determine if any critical environmental features are located on the site. If any are located, mitigation and setbacks necessitated by the land development code will be required.

**Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

**Environmental**

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous 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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

**Impervious Cover**

The maximum impervious cover allowed by the LO zoning district would be 70 %. However, because the Watershed impervious cover is more restrictive than the zoning district’s allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

*\*\*\*According to COA GIS, this property is located immediately north of the boundary between the Lake Creek Watershed (Suburban Watershed classification) and the Bull Creek Watershed (Water Supply Suburban Watershed classification). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones. Any portion of the property located within the Water Supply Suburban Watershed classification is subject to the following impervious cover limits:*

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
<i>One or Two Family Residential</i>	<i>30%</i>	<i>40%</i>
<i>Multifamily Residential</i>	<i>40%</i>	<i>55%</i>
<i>Commercial</i>	<i>40%</i>	<i>55%</i>

**Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

**Compatibility Standards**

The site is subject to compatibility standards. Along the all 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.
- A landscape area at least 15 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.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

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

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**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

**Transportation**

The Austin Metropolitan Area Transportation Plan calls for 114 feet of right-of-way for Anderson Mill Rd. If the requested zoning is granted for this site, then 57 feet of right-of-way from the existing centerline should be dedicated for Anderson Mill Rd, according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]. Currently, there is approximately 50 feet of right-of-way available. An additional 7 feet would be required from the subject parcel. If the additional right-of-way is not dedicated by 3<sup>rd</sup> reading of the zoning case, then a dedication of right-of-way at the subdivision or site plan phase should be included as a condition of zoning.

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].

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo [LDC, Sec. 25-6-114] (Please see Attachment A).

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in July 2009, bicycle facilities are existing along the adjoining streets as follows: Anderson Mill Road.

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Anderson Mill Road	100	MAU4	Arterial	No	Yes	Yes

**Water and Wastewater**

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.



**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](http://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: C14-2013-0150  
Contact: Sherri Sirwaitis, 512-974-3057  
Public Hearing: Jan 21, 2014, Zoning and Platting Commission  
Feb 13, 2014, City Council

Theresa Dawson  
Your Name (please print)

I am in favor  
 I object

9801 Andrews Mill  
Your address(es) affected by this application

Theresa Dawson <sup>pp</sup>  
Signature

1-3-2013  
Date

Daytime Telephone: 512-331-7100

Comments: Dawson - Fletcher Salon

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

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

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**Sirwaitis, Sherri**

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**To:** PDR Help; [REDACTED]  
**Subject:** RE: Email from austintexas.gov: Rezoning Bethany United Methodist Church C14-2013-0150

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

**From:** Suzanne S Azar [REDACTED]  
**Sent:** Wednesday, January 15, 2014 11:11 AM  
**To:** PDR Help; [REDACTED]  
**Subject:** Email from austintexas.gov: Rezoning Bethany United Methodist Church C14-2013-0150

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This message is from Suzanne S Azar. [ [suzanneschmeckazar@gmail.com](mailto:suzanneschmeckazar@gmail.com) ]

If this church wants to rezone, they should be required to put a sidewalk along Anderson Mill Road. I often walk by this property, and am forced to walk along the busy road or through their parking lot which is also dangerous.

They need to put in a sidewalk.

Thanks for your consideration.

Suzanne Azar