

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0008 – All Saints Episcopal Church Annex

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 209 ½ West 27th Street (Waller Creek Watershed) from multi-family residence-high density-historic landmark (MF-5-H) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, with conditions. The Restrictive Covenant is for additional requirements for a parking structure.

DEPARTMENT COMMENTS:

The ordinance and restrictive covenant are consistent with City Council action taken on First Reading.

OWNER & APPLICANT: Protestant Episcopal Church Council of the Diocese of Texas (Mike McChesney)

AGENT: Drenner Group (John Philip Donisi)

DATE OF FIRST READING: May 15, 2014, Approved CS-MU-CO district zoning, with conditions, on First Reading (7-0).

CITY COUNCIL HEARING DATE: June 12, 2014

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0008 – All Saints Episcopal Church
Annex

H.L.C. DATE: March 24, 2014

Z.A.P. DATE: April 1, 2014

ADDRESS: 209-½ West 27th Street

OWNER: Protestant Episcopal Church Council
of the Diocese of Texas
(Mike McChesney)

AGENT: Drenner Group
(John Philip Donisi)

ZONING FROM: MF-5-H

TO: CS-MU

AREA: 0.579 acres
(25,209 square feet)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The Conditional Overlay prohibits the following uses: agricultural sales and services; automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), campground, commercial blood plasma center, convenience storage, equipment repair services, equipment sales, limited warehousing and distribution, service station, and vehicle storage.

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

March 24, 2014: *TO GRANT REMOVAL OF HISTORIC LANDMARK (H) ZONING AND REZONING TO THE CS-MU-CO DISTRICT AS STAFF RECOMMENDED, IN ADDITION TO A CO ALLOWING NO STRUCTURES ON LOT 13 WITHIN THE FIRST 25' OF THE SOUTHERN PROPERTY LINE OF LOT 14.*

[M. GALINDO; D. LEARY – 2ND] (5-0) J. ROSATO; T. MYERS – ABSENT

NOTE: THE APPLICANT IS ALSO AGREEABLE TO RETURN TO THE HISTORIC LANDMARK COMMISSION FOR DESIGN REVIEW AND RECOMMENDATIONS ON ANY STRUCTURE ON LOTS 10-13.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 1, 2014: *APPROVED CS-MU-CO DISTRICT ZONING AS STAFF AND THE HISTORIC LANDMARK COMMISSION RECOMMENDED, BY CONSENT*

[P. SEEGER; S. COMPTON – 2ND] (6-0) J. MEEKER – ABSENT

ISSUES:

The Applicant is in agreement with the Staff recommendation and has offered an additional CO that prohibits structures within 25 feet of the north property line (Lot 13).

DEPARTMENT COMMENTS:

The subject rezoning area is platted, contains a surface parking lot for the All Saints Episcopal Church, and has driveway access onto Whitis Avenue. The rezoning area along with the historic chapel that was built in 1899 and is directly north has been zoned multi-family residence – high density – historic landmark (MF-5-H) district since November 1980 (C14H-80-022). There is a platted but unbuilt alley directly adjacent to the east, as well as church offices and a student center (MF-5, also proposed for CS-MU zoning), a dormitory to the south (MF-5), and University of Texas facilities to the west (MF-5, CS). Please refer to Exhibits A (Zoning Map), A-1 (Aerial Exhibit), A-2 (Lot Layout) and B (1980 Historic zoning ordinance).

The Applicant has requested general commercial services – mixed use (CS-MU) combining district zoning to enable the construction of a parking structure for the church and for commercial purposes, as well as office space. The chapel as well as a 36-foot buffer area (all of Lots 14 and 15) will retain MF-5-H zoning. With the exception of the All Saints Episcopal Church lots described above, all of the other properties on the south side of 27th Street are owned by the University of Texas. There are two commercial parking structures further east on 27th Street, west of its intersection with Speedway. Staff believes the Applicant's rezoning request provides consistency with the scale and intensity of development on the south side of 27th Street, maintains an adequate buffer to the existing chapel, and recommends a Conditional Overlay prohibiting the more intensive commercial uses allowed in the CS base district.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-5-H	Surface parking lot for All Saints Episcopal Church
<i>North</i>	MF-5-H; MF-5-NCCD-NP	Historic chapel; Scottish Rite dormitories; Austin Presbyterian Theological Seminary
<i>South</i>	MF-5	Kinsolving Dormitory (University of Texas)
<i>East</i>	MF-5	Church offices and Student Center (also proposed for CS-MU); Parking garage (University of Texas)
<i>West</i>	MF-5; CS	Almetris Duren Hall dormitory; Learning Center (University of Texas)

AREA STUDY: N/A**TIA:** Is not required**WATERSHED:** Waller Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**SCHOOLS:**

Lee Elementary School

Kealing Middle School

McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

48 – North University Neighborhood Association 69 – University Area Partners
 511 – Austin Neighborhoods Council 742 – Austin Independent School District
 754 – CANPAC (Central Austin Neighborhood Plan Area Committee)
 764 – North University Neighborhood Association NPT
 1037 – Homeless Neighborhood Association 1075 – Bike Austin
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1212 – The University of Texas at Austin 1224 – Austin Monorail Project
 1228 – Sierra Club, Austin Regional Group 1236 – The Real Estate Council of Austin, Inc.
 1340 – Austin Heritage Tree Foundation 1363 – SEL Texas
 1391 – Central Austin Community Development

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0022 – Central Austin Combined Neighborhood Plan Rezoning – 38 th St. to the north, Duval St. to the east, San Jacinto Blvd. and 27 th St. to the south, and Guadalupe St. to the west	Various	To Grant	Approved changes to the base zoning districts on 74 tracts of land (8-26-2004).

RELATED CASES:

The property is platted as the north two feet of Lot 9, and Lots 10, 11, 12 and 13, Whitis Addition, Outlot 15, Division D, a subdivision recorded in 1880.

The subject rezoning area and the historic chapel to the north were zoned MF-5-H by City Council on November 20, 1980 (C14H-80-022).

The owner is also proposing to rezone property on the east side of the unbuilt alley from MF-5 to CS-MU (C14-2014-0009 – All Saints Episcopal Church).

There are no related subdivision or site plan applications on the subject property.

The Applicant is proposing to vacate the 20-foot wide (north-south) alley that is shown on the plat but is not on the ground extending between West 27th Street and the property's

boundary with the University of Texas to the south (Real Estate Services Case No. 9325-1401).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
West 27 th Street	65 feet	46 feet	Collector	Not Available
Whitis Avenue	70 feet	27 feet	Local	Not Available

- Capital Metro bus service (route nos. FW, WC) is available along W. 27th Street.
- Sidewalks exist along both W. 27th Street and Whitis Avenue.
- 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: W. 27th Street serves route no. 340 with an existing Wide Curb and recommended Bike Lane.

CITY COUNCIL DATE: May 1, 2014

ACTION: Approved a Postponement request by the Applicant to May 15, 2014 (7-0).

May 15, 2014: Approved CS-CO district zoning as recommended by the Zoning and Platting Commission, with additional conditions as follows: 1) The ground floor of a parking structure must include occupant space along no less than 75 percent of the length of street frontage along University and Whitis Avenue, as calculated in Division 9, Section 26-6-754(H)(1) (*University Neighborhood Overlay District Requirements, Use Regulations*). This requirement does not apply to a portion of the structure used for an entrance or an exit. The minimum depth of occupant space shall be 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall; 2) Upper levels of a parking structure shall be screened from adjacent properties. The north facing upper levels of a parking structure shall be screened from adjacent properties utilizing a “green” screening mechanism with living plant material; 3) The parking structure and related improvements shall be designed in accordance with the University Neighborhood Overlay design guidelines, or alternative minimum compliance as allowed in the Overlay; and 4) The parking structure shall be designed to accommodate load requirements for future residential units above the parking structure, if such units are desired and permitted in the future, on First Reading (7-0).

June 12, 2014:

ORDINANCE READINGS: 1st May 15, 2014 2nd 3rd

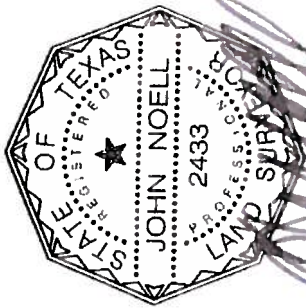
ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719







12-16-13

Basis of Bearings: Bearings shown hereon are based on the Texas State Plane Coordinate System, NAD 83 (1986 Adjustment), Texas Central Zone (4203). All bearings, distances and acreages shown hereon relate to this datum and grid coordinate system.

EXHIBIT A-2
LOT LAYOUT

Field Note #1245 to accompany this map.

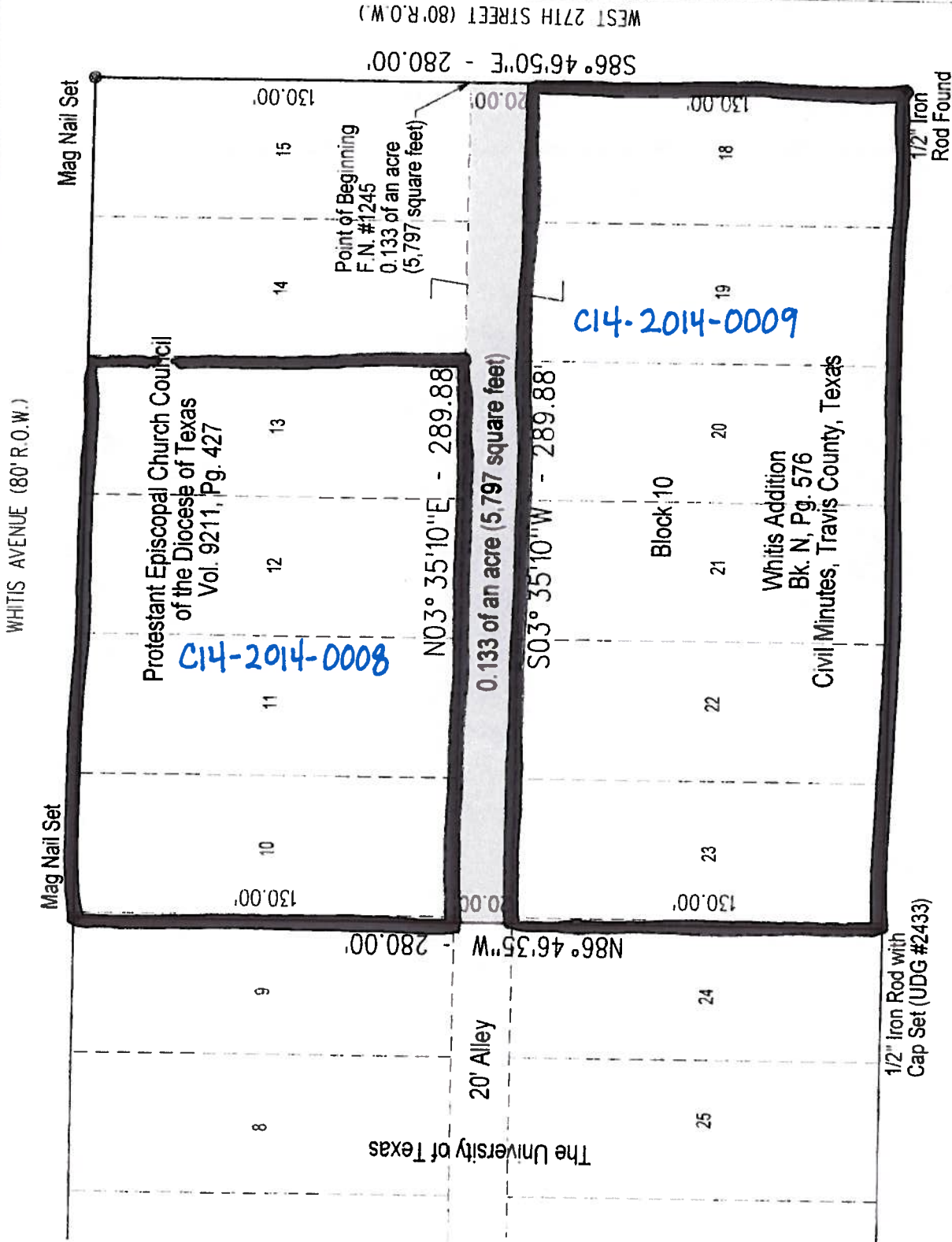
3560 STONERIDGE ROAD
SUITE 101
AUSTIN, TEXAS 78746
PHONE: (512) 347-0040
FAX: (512) 347-1311
E-MAIL: GENERAL@UDG.COM
WWW: WWW.UDG.COM



Urban Design Group



SCALE: 1"=50'



WHITIS AVENUE (80' R.O.W.)

UNIVERSITY AVENUE (80' R.O.W.)

WEST 27TH STREET (80' R.O.W.)

Point of Beginning
F.N. #1245
0.133 of an acre
(5,797 square feet)

Protestant Episcopal Church Council
of the Diocese of Texas
Vol. 9211, Pg. 427

C14-2014-0009

N03° 35'10"E - 289.88'

0.133 of an acre (5,797 square feet)

S03° 35'10"W - 289.88'

Block 10

Whitis Addition
Bk. N, Pg. 576
Civil Minutes, Travis County, Texas

1/2" Iron Rod with
Cap Set (UDG #2433)

1/2" Iron
Rod Found

LOTS 10-15, BLOCK 10, WHITIS SUBDIVISION, OUTLOT 15, DIVISION D, LOCALLY KNOWN AS 2629 WHITIS AVENUE (ALL SAINTS CHAPEL), FROM "B" RESIDENCE, THIRD HEIGHT AND AREA DISTRICT TO "B-H" RESIDENCE-HISTORIC, THIRD HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Lots 10-15, Block 10, Whitis Subdivision, Outlot 15, Division D, a subdivision in the City of Austin, Travis County, Texas, as recorded in Volume 1499, at Page 513 of the Deed Records of Travis County, Texas,

PART 2. It is hereby ordered that the USE and HEIGHT and AREA maps accompanying Chapter 45 of the Austin City Code of 1967 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

November 20, 1980

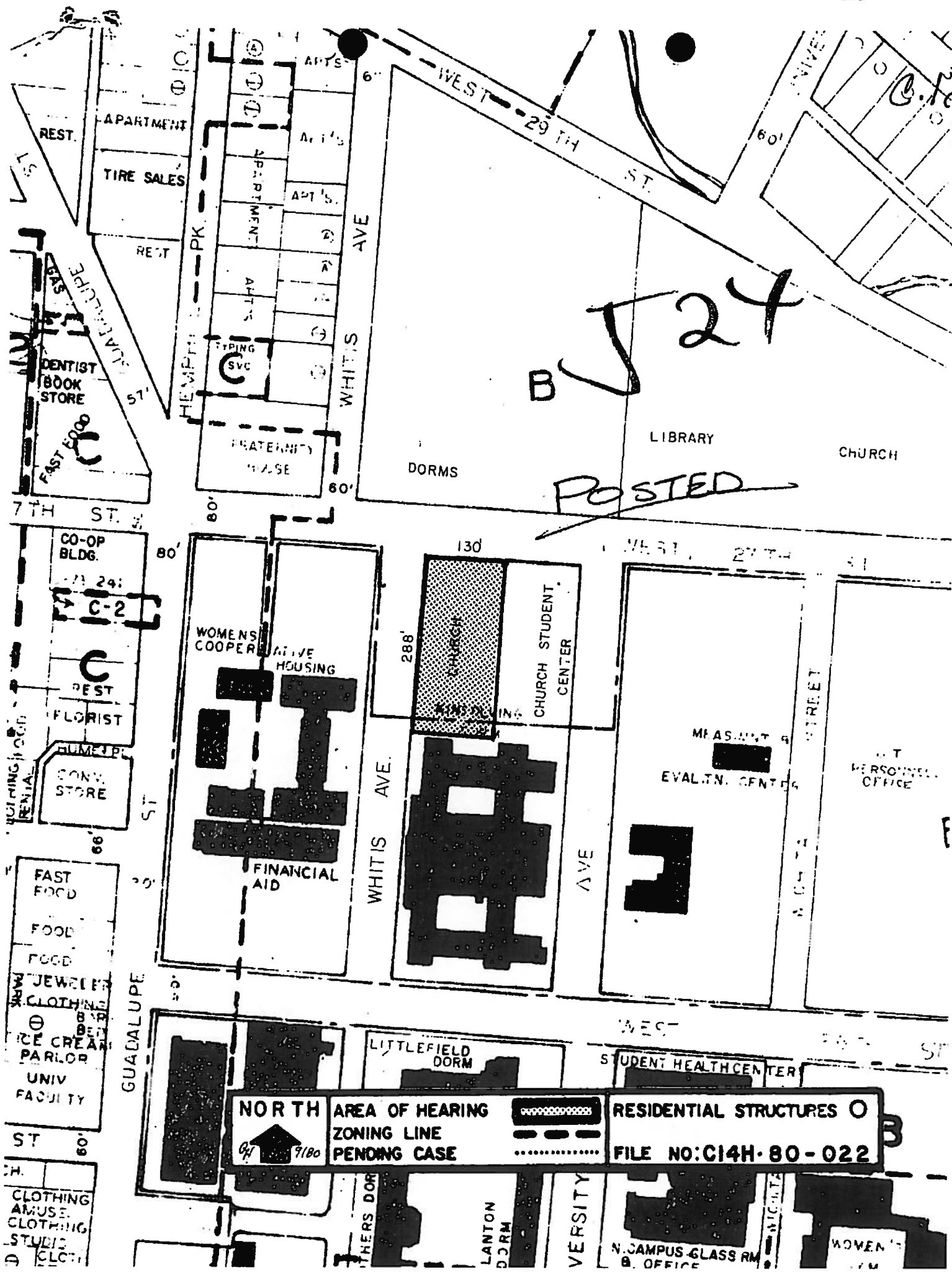
XXXXX Carol Keeter McKelvey
Mayor

APPROVED: Albert De La Rosa
City Attorney

ATTEST: Grace Monroe
City Clerk

:cf

EXHIBIT B
1980 HISTORIC ZONING ORDINANCE



B 524

POSTED

NORTH



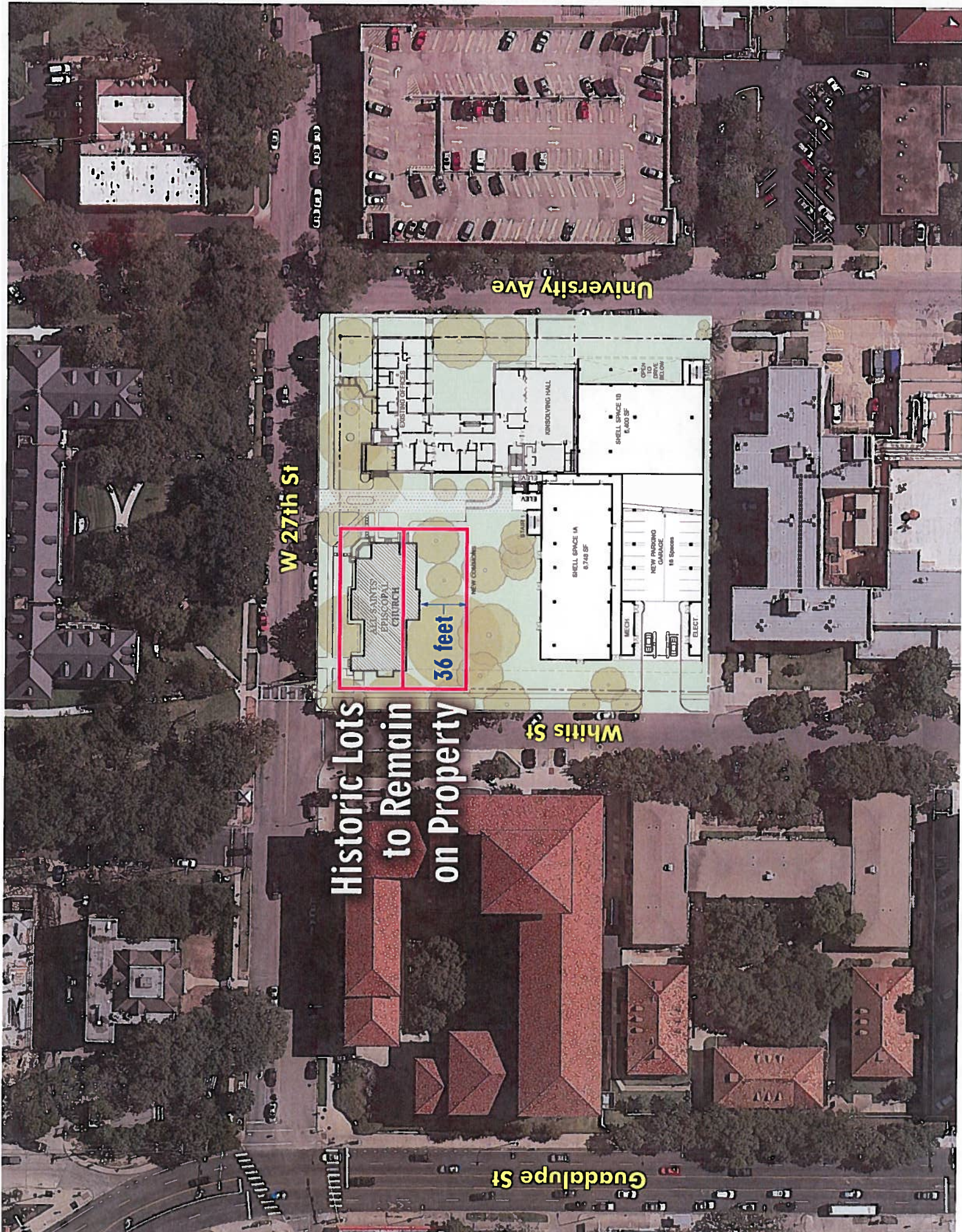
9/80

AREA OF HEARING
ZONING LINE
PENDING CASE



RESIDENTIAL STRUCTURES ○

FILE NO: C14H-80-022



University Ave

W 27th St

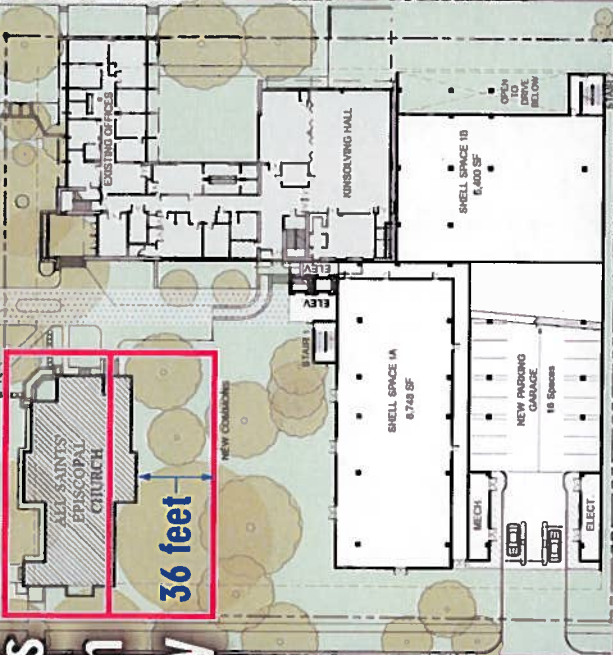
Historic Lots
to Remain
on Property

Whitts St

Guadalupe St

ALL SAINTS
EPISCOPAL
CHURCH

36 feet



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use – conditional overlay (CS-MU-CO) combining district zoning. The Conditional Overlay prohibits the following uses: agricultural sales and services; automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), campground, commercial blood plasma center, convenience storage, equipment repair services, equipment sales, limited warehousing and distribution, service station, and vehicle storage.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

General commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The MU, Mixed-Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

- 2. The proposed zoning should allow for a reasonable use of the property.*

Staff believes the Applicant's rezoning request provides consistency with the scale and intensity of development on the south side of 27th Street, maintains an adequate buffer to the existing chapel, and recommends a Conditional Overlay prohibiting the more intensive commercial uses allowed in the CS base district.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area contains a surface parking lot and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the CS-MU zoning district would be 95%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This zoning case is located on the east side of Whitis Avenue, behind All Saint Episcopal Church. The property is approximately 0.579 acres in size, and is the site of an existing surface level parking lot. The property is not located with the boundaries of a neighborhood planning area but is within the boundaries of the University of Texas campus area. Surrounding land uses include the All Saints Episcopal Church to the north, a college

dormitory to the south and west, and the All Saints Episcopal Church Student Center to the east. The proposal is convert a surface level parking lot into a commercial parking facility.

Imagine Austin

The property is located within the boundaries of a '**Regional Center**', as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map. These centers are and will be the retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **HN P11.** Protect neighborhood character by **directing growth to areas of change** and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based upon: (1) the property being located within a Regional Center, which supports a variety of land uses to promote a dense and vibrant center; (2) other nearby parking facilities and the shortage of parking facilities around the University of Texas campus, and (3) the Imagine Austin policies above that supports a variety of uses within a Regional Centers, including parking facilities, staff believes that the proposed use is supported by the Imagine Austin

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

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 512-974-1876. 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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

The project will require a site development permit, and must comply with Subchapter E. It would appear the principal roadway is an Urban Roadway, all Subchapter E requirements would be based on this roadway type.

Transportation

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

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].

Eric Dusza with the Neighborhood Connectivity Division may have additional comments regarding multi-modal enhancements and facilities.

Water / 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 and suitability for operation and maintenance. 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.

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Wednesday, April 30, 2014 9:30 AM
To: Davila, Leander
Cc: Rusthoven, Jerry; Guernsey, Greg; Adams, George; Rivera, Andrew; Sandoval, Marie; Powers, Catie
Subject: RE: 05/01/14 Council Q&A

Please see responses from the Applicant below.
Wendy

From: Davila, Leander
Sent: Wednesday, April 30, 2014 8:27 AM
To: Guernsey, Greg; Adams, George; Rusthoven, Jerry; Rivera, Andrew; Rhoades, Wendy
Cc: Sandoval, Marie; Powers, Catie
Subject: RE: 05/01/14 Council Q&A
Importance: High

Reminder: a response is due this morning at 10 AM. Thank you.

Lee

From: Davila, Leander
Sent: Tuesday, April 29, 2014 3:09 PM
To: Guernsey, Greg; Adams, George; Rusthoven, Jerry; Rivera, Andrew; 'Rhoades, Wendy'
Cc: Sandoval, Marie (Marie.Sandoval@austintexas.gov); 'Powers, Catie' (catie.powers@austintexas.gov)
Subject: 05/01/14 Council Q&A
Importance: High

Please provide a response to Council Member Morrison's questions by 10AM tomorrow morning. Thanks.

Lee Davila

From: Tiemann, Donna
Sent: Tuesday, April 29, 2014 2:45 PM
To: Davila, Leander; Powers, Catie
Cc: Hethcox, Leslie
Subject: qfc

Item #62 All Saints Episcopal Church Annex

1. How many parking spaces will be provided in garage structure?

The parking structure will provide approximately 440 spaces.

2. How many of those are anticipated for church uses vs. commercial use?

The percentage anticipated for church and commercial use will vary depending upon day of week, time of day, and church events. The church will not be retaining any surface parking, so it will be dependent upon the garage

structure to meet all parking needs for the parish. The church will be the primary user of the garage structure, with unused spaces available for commercial off street parking purposes.

3. How will property taxes be assessed when there is dual or percentage use of property?

Property taxes will be assessed consistent with how other similarly-situated properties with a dual or percentage use are assessed under the Texas Tax Code. Saint David's Episcopal Church has a similar parking structure used for both church and commercial off street parking purposes located at 710 Trinity. The parking structure, built in 1986, appears to be assessed by TCAD for property tax purposes as "exempt commercial property". It is our understanding that parking is considered a purchase subject to sales tax, and the church would be obligated to collect and remit sales tax on the fees generated from commercial parking.

Donna Tiemann

Office of Council Member Laura Morrison, Place 4
Policy Advisor

512.974.1626 (direct)
512.974.2258 (main)

Rhoades, Wendy

From: Stephen Rye <srye@drennergroupp.com>
Sent: Thursday, May 01, 2014 11:25 AM
To: Rhoades, Wendy; Rusthoven, Jerry
Cc: jdonisi@drennergroupp.com
Subject: Items #61 & #62; All Saints Episcopal Church: C14-2014-0008 and C14-2014-0009

Wendy and Jerry;

The applicant of zoning cases C14-2014-0008 and C14-2014-0009 would like to postpone their items to the May 15, 2014 City Council agenda in order to address questions from City Council. Please let me know if there are any questions or concerns regarding this request.

Thank you,

Stephen Rye
Project Manager
Drenner Group
srye@drennergroupp.com
512.470.8665

Please note my contact information has changed.

DRENNER
GROUP