

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0107
New Hope Baptist Church

P.C. DATE: November 10, 2015

DISTRICT: 1

AREA: 0.4448 Acres

ADDRESS: 2405 East 16th Street

OWNER: New Hope Baptist Church (Roy Jones)

AGENT: Husch Blackwell (Nikelle Meade)

FROM: P-NP

TO: LO-CO-NP

NEIGHBORHOOD PLAN AREA: Chestnut

WATERSHED: Boggy Creek

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning request.

The conditional overlay would limit the property to neighborhood office (NO) zoning land uses, resulting in the following prohibited land uses: Communication services, Medical offices (less than 5,000 square feet), Medical offices (exceeding 5,000 square feet), Offsite accessory parking, Personal services, Club or lodge, Convalescent services, and Hospital service (limited).

The conditional overlay would also limit the property to NO zoning site development regulations, with some modifications. The property would be limited to the impervious cover, building cover, building height, and floor-to-area ratio (FAR) of NO site development standards, as follows:

	<u>LO Zoning</u>	<u>Reduced to NO Zoning</u>
Maximum Impervious Coverage	70%	60%
Maximum Building Coverage	50%	35%
Maximum Building Height	40'/3 stories	35'/2 stories
Maximum FAR	0.7 : 1	0.35 : 1

PLANNING COMMISSION RECOMMENDATION:

November 10, 2015: *TO GRANT LO-CO-NP AS RECOMMENDED WITH THE ADDITION OF THE FOLLOWING CONDITIONS: ANY SITE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 500 VEHICLE TRIPS PER DAY; AND THE FOLLOWING LAND USES SHALL BE PROHIBITED: COMMUNICATION SERVICE FACILITIES, COMMUNITY EVENTS, CONGREGATE LIVING, COUNSELING SERVICES, AND RESIDENTIAL TREATMENT, ON CONSENT. (11-0) [N. Zaragoza- 1st, P. Seeger- 2nd; J. Stevens- Absent]*

ISSUES:

New Hope Baptist Church is moving from its current location, and has requested the rezoning and a change to the future land use map (FLUM) so they may sell the subject property. The Applicant and Neighborhood have worked together to develop the hybrid LO/NO zoning request.

The proposed rezoning is effectively a request for NO zoning, except for one element of NO zoning: Section 25-2-93 of the City Code states, "An office in an NO district may contain not more than one use." Therefore, if the rezoning is approved as recommended, the property may contain more than one of the remaining LO/NO land uses.

Additionally, the Applicant and Neighborhood have worked together to develop a private restrictive covenant that will require the church sanctuary building to remain on the property for at least 10 years. The City of Austin is not a party to the private restrictive covenant.

DEPARTMENT COMMENTS:

The proposed rezoning tract is located on the south side of East 16th Street between Chestnut Avenue and Singleton Avenue. Maple Avenue is located on the north side of East 16th Street. Maple Street was originally platted to extend further south, but drainage improvements were constructed between 16th and 13th Streets in the former right-of-way. The rezoning tract is zoned P-NP and is occupied by the New Hope Baptist Church. All of the properties immediately surrounding the rezoning tract are zoned SF-3-NP and are developed with single family houses and duplexes. On the same block, at the southeast corner of 16th and Chestnut, is a restaurant that is zoned SF-3-NP; it is considered an existing non-conforming land use). Also on the same block are two lots at the northwest corner of 13th and Chestnut that are zoned CS-MU-V-CO-NP that are developed with single family residential. Although the area is predominately residential, there are several properties that are zoned CS-MU-V-CO-NP and CS-MU-CO-NP within a 1- to 2- block radius of the rezoning tract, primarily along East 13th Street and Cedar Avenue. *Please refer to Exhibits A and B (Zoning Map and Aerial Map).*

The proposed rezoning is effectively a request for NO zoning, except for one element of NO zoning: Section 25-2-93 of the City Code states, "An office in an NO district may contain not more than one use." Therefore, if the rezoning is approved as recommended, the property may contain more than one of the remaining LO/NO land uses. Nine land uses that are permitted or conditional in LO would be prohibited, as well as impervious cover, building cover, building height, and floor-to-area ratio (FAR).

Additionally, the Applicant and Neighborhood have worked together to develop a private restrictive covenant that will require the church sanctuary building to remain on the property for at least 10 years. The City of Austin is not a party to the private restrictive covenant.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	P-NP	Religious assembly
<i>North</i>	SF-3-NP	Residential
<i>South</i>	SF-3-NP	Residential
<i>West</i>	SF-3-NP	Residential
<i>East</i>	SF-3-NP	Residential

ROADWAY CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. 16th Street	50'	30'	Local	South side only	No	No

SCHOOLS:

Cambell Elementary School

Kealing Middle School

McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council

East Austin Conservancy

Friends of Chestnut Neighborhood Plan Contact Team

Chestnut Addition Neighborhood Association

Chestnut Neighborhood Revitalization Corporation

Friends of the Emma Barrientos MACC

SEL Texas

Chestnut Neighborhood Plan Contact Team

African American Cultural Heritage District Business Association

Del Valle Community Coalition

Austin Heritage Tree Foundation

Friends of Austin Neighborhoods

United East Austin Coalition

Preservation Austin

Sierra Club

AISSD

CITY COUNCIL DATE/ ACTION: December 10, 2015

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

STAFF RECOMMENDATION:

Staff supports the limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning request.

The conditional overlay would limit the property to neighborhood office (NO) zoning land uses, resulting in the following prohibited land uses: Communication services, Medical offices (less than 5,000 square feet), Medical offices (exceeding 5,000 square feet), Offsite accessory parking, Personal services, Club or lodge, Convalescent services, Cultural services, and Hospital service (limited).

The conditional overlay would also limit the property to NO zoning site development regulations, with some modifications. The property would be limited to the impervious cover, building cover, building height, and floor-to-area ratio (FAR) of NO site development standards, as follows:

	<u>LO Zoning</u>	<u>Reduced to NO Zoning</u>
Maximum Impervious Coverage	70%	60%
Maximum Building Coverage	50%	35%
Maximum Building Height	40' / 3 stories	35' / 2 stories
Maximum FAR	0.7 : 1	0.35 : 1

Since the church is moving from the site, P-NP zoning is no longer appropriate. The proposed rezoning is effectively NO zoning, which is described as, "Neighborhood office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures." This zoning is suitable for this residential area that is in close proximity to more intense mixed use and commercial areas.

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

The proposed rezoning is effectively NO zoning, which, as described above, is consistent with the intent of the district.

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

Since the church is moving from the site, P-NP zoning is no longer appropriate. There is strong neighborhood opposition to any residential development of the property, so low intensity office land use is the most reasonable use.

SITE PLAN

SP 1 Site plans will be required for any new development other than single-family or duplex residential.

SP 2 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.

SP 3 **COMPATIBILITY STANDARDS:** The site is less than 20,000 square feet and is subject to compatibility standards. Along the **north, south, west, and east** property lines, the following standards apply:

- No structure may be built within 15 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 15 feet of the property line.
- 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 of height are allowed 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.

TRANSPORTATION

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

TR2. A neighborhood traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 300 vehicle trips per day. [LDC, 25-6-114]

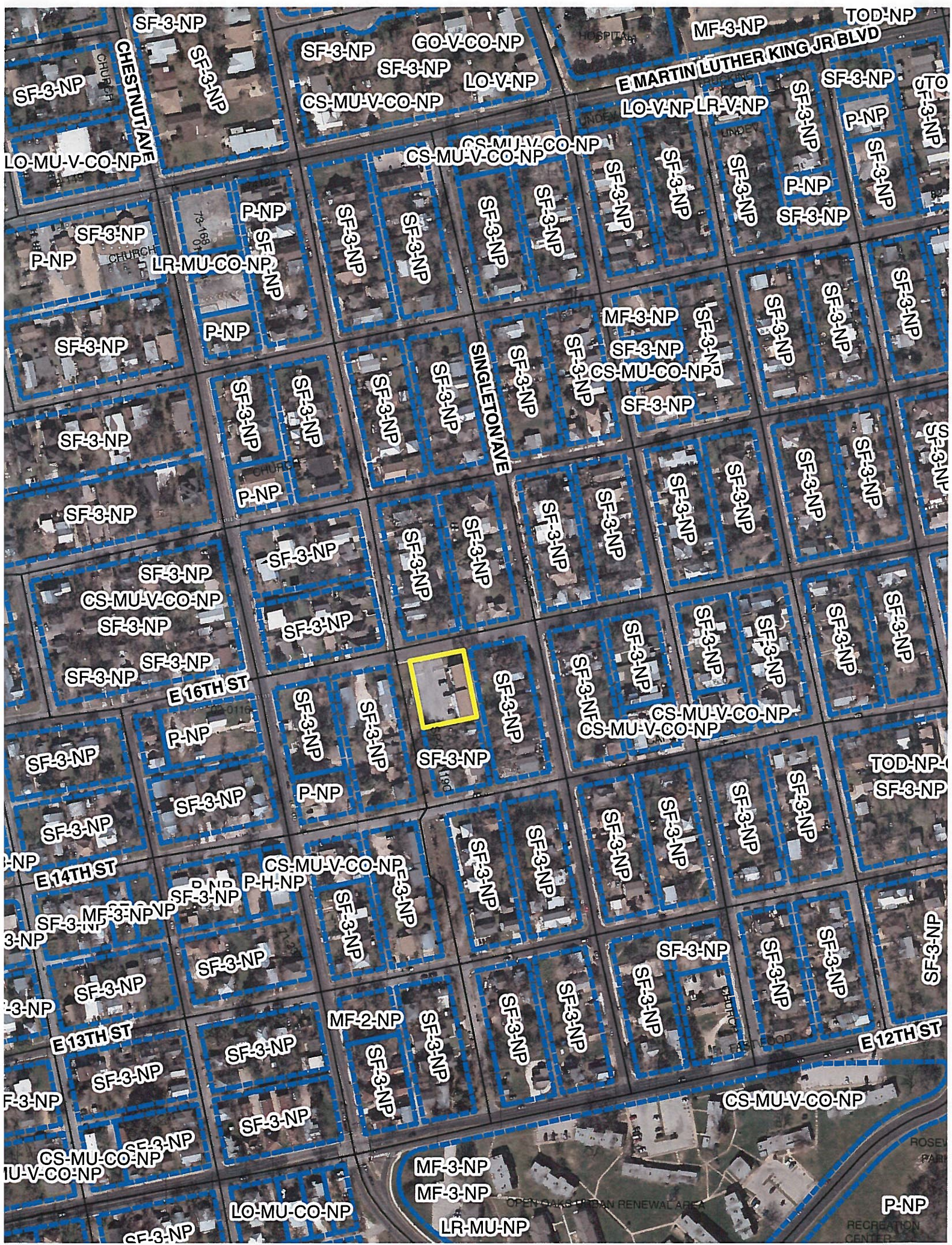
ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to 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. 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.
7. 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.

WATER UTILITY

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.





New Hope Church Rezoning- Agreed Conditions

NPA-2015-0003.1 & C14-2015-0107

** Agreement between Applicant + Neighborhood
Planning Contact Team.*

Zoning Ordinance:

1. **New Zoning Designation.** LO-CO –NP
2. **New FLUM Designation.** Office
3. **Site Development Regulations.** NO (Neighborhood Office) site development regulations with apply, except that City Code Section 25-2-93 shall not apply.
4. **Rear Setback.** Minimum of 10 feet.
5. **Vehicle Trips per Day.** Maximum of 500 vehicle trips per day.
6. **Prohibited Uses.** The following uses (which are uses that would normally be permitted or conditional in LO zoning) are PROHIBITED on this property:
 - a. Communications Services
 - b. Medical Offices (exceeding 5,000 sq. ft.)
 - c. Medical Offices (not exceeding 5,000 sq. ft.)
 - d. Personal Services
 - e. Club or Lodge
 - f. Convalescent Services
 - g. Cultural Services
 - h. Hospital Services Limited
7. **Additional Prohibited Uses.** The following additional uses (which would normally be permitted in NO zoning) shall be PROHIBITED on this property¹:
 - a. Communication Service Facilities
 - b. Community Events
 - c. Congregate Living
 - d. Counseling Services
 - e. Family Home
 - f. Local Utility Services

¹ City Code Section 25-2-93 imposes the restrictions of a 40' minimum roadway width and limitation on the number of uses on an NO-zoned tract.

- g. Residential Treatment
- h. Telecommunication Tower

Private Restrictive Covenant:

- 8. **Demolition of the Church.** The church sanctuary building may not be demolished for at least 10 years.

Private Agreement with Chestnut NPCT

- 9. **Contribution to Playground Equipment.** Developer will contribute \$2,500 to the neighborhood to be used for playground equipment for nearby parks.

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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/planning.

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: C14-2015-0107

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov. 10, 2015, Planning Commission
Dec. 10, 2015, City Council

Kristine Shaw

Your Name (please print)

1413 Chestnut

Your address(es) affected by this application



Signature

11/2/15

Date

Daytime Telephone: 512-576-7429

Comments: It is not in the best interest of residents/neighborhood to have a conversion

LO-CO-NP zoning of the 3 tracts on E 16th street. This area needs to maintain residential character. Church is fine -> offices are not fine.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810