

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0104 – Acts Fellowship Church DISTRICT: 1

ZONING FROM: I-RR TO: GR

ADDRESS: 9807 Dessau Road

SITE AREA: 3.2 acres (139,392 sq. ft.)

PROPERTY OWNER:

Alpha Anchor Investments, LLC
(Andrew Kim)

AGENT:

Dunaway Associates
(Meg Greenfield)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay includes a list of prohibited uses: Alternative Financial Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Drop-Off Recycling Collection Facility, Exterminating Services, Pawn Shop Services, and Service Station. For a summary of the basis of staff's recommendation, see case manager comments starting on page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**September 7, 2021: *APPROVED GR-CO DISTRICT ZONING AS STAFF
RECOMMENDED, BY CONSENT
[H. SMITH; T. BRAY – 2ND] (10-0) N. BARRERA-RAMIREZ – NOT
PRESENT FOR PASSAGE OF THE CONSENT AGENDA***

CITY COUNCIL ACTION:

November 4, 2021:

October 14, 2021: Case not on the agenda

September 30, 2021: Case not on the agenda

ORDINANCE NUMBER:

ISSUES:

No issues have been identified for this case.

CASE MANAGER COMMENTS:**Zoning Request**

The proposed **Acts Fellowship Church** is a 10,156 square foot building and parking area to be built on the east side of Dessau Road south of Breaker Lane and north of Rundberg Lane. Site access from Dessau Road is aligned with Childress Drive that goes west from Dessau Rd. The rezoning tract is 3.2 acres (139,392 sq. ft) of land. Applicant requests community commercial (GR) district zoning which permits religious assembly (church) uses. The site is in the Walnut Creek Watershed. Commercial zoning in this Suburban watershed is allowed a maximum of 80% impervious cover.

Religious Assembly (church) use is permitted in most zone districts. The applicant in this case requested community commercial (GR) district zoning to obtain development regulations that permit 80% impervious coverage. With the proposed conditional overlay, staff believes that the requested GR zoning will be compatible with future development of the multifamily residence moderate high density (MF-4) district zoning on adjoining land to the north. The MF-4 district, and all multifamily residence districts in this watershed permit a maximum of 60% impervious coverage.

There are three existing churches on the east side of Dessau Rd. between Childress Dr. and Rundberg Ln. The subject 3.2 acre rezoning tract is part of a 16.602 acre tract of land zoned interim – rural residence (I-RR) when annexed in 2003. South of the subject tract and within the I-RR zoning, two new buildings were built since 2015: A 4,797 sq. ft. church administrative building, near Dessau Rd.; and the related **Ministerio Internacional Restauracion** (SP-2014-0056C) for a 10,500 sq. ft. church east of the administrative building addressed as 9795 Dessau Road. Both buildings occupy the 13.392 acre tract zoned I-RR. About 700 feet further south is **The Universal Church** (about 15,000 sq ft) at 9603 Dessau Ln located on land zoned GO-CO in 1995 case (C14-95-0097) and on the adjoining LR-CO, (Tract 1 of 1995 case C14-95-0159). At 9507 Dessau Rd. is the **Austin Good Korean Church of the Nazarene** (about 4,000 sq. ft) on about 1.26 acres zoned LO.

The west side of Dessau Road from Braker Ln to Rundberg Ln. has mostly single family residential zoning except at the major intersections. There is no GR zoning between the subject property and Braker Ln. To the south, near Rundberg Ln., there is (GR-MU-V-NP) at the corner of Rundberg Ln. and Dessau Rd.

On the east site of Dessau Road, the zoning starting near Braker Ln. with single family detached residential zoning for about 0.7 miles then changing to multifamily zoning for a half mile to the subject rezoning tract. Between the rezoning tract and Rundberg Ln, most of the land is zoned

limited industrial service (LI) on the back with shallow commercial or office zoning at Dessau Rd. Near E. Rundberg Ln. there is general commercial services (CS) zoning.

Dessau Road is a major street with 6 lanes and a center median at the location of the requested GR zoning. It is designated a level 4 roadway in the Austin Strategic Mobility Plan (ASMP), adopted by City Council in 2019. Dessau is designated as an Activity Corridor in the Imagine Austin Comprehensive Plan adopted by City Council in 2012 and most recently amended in 2016. Dessau has sidewalks along both sides but does not currently have bike lanes or bus service.

BASIS OF RECOMMENDATION:

The Staff recommendation is to grant community commercial-conditional overlay (GR-CO) zone district. The conditional overlay includes a list of prohibited uses and a list of conditional uses.

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

Community commercial (**GR**) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways. Conditional overlay (**CO**) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

The proposed church building is being developed as a stand alone building to serve neighborhood and community needs as a location for religious assembly, which is permitted in Community commercial (GR) zoning. Dessau is a major traffic way which can support (GR) uses and which connects to other major roadways in both directions. It is approximately a half mile south to East Rundberg Lane and just over a mile north to East Braker Lane. The vacant land north of the rezoning site is zoned for multifamily residential and the conditional overlay (CO) would reduce impacts on the future residential uses and the existing residential uses across Dessau Rd.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

Nearby churches occupy a mixture of residential, office and commercial zone districts. The existing rural residence (RR) district zoning only permits 50% impervious coverage. Building the proposed building and parking area in RR requires more land. By rezoning the property to GR, the church can build a larger building and parking lot with less land. The Staff is recommending conditional overlays to limit impacts of GR by prohibiting for example the auto related issues. Churches are a customary use on major streets like Dessau. A similar request on a similar street would result in equal treatment.

Conditional Overlay

Staff is recommending a conditional overlay (CO) consisting of ten prohibited uses:

1. Alternative Financial Services
2. Automotive Rentals
3. Automotive Repair Services
4. Automotive Sales
5. Automotive Washing (of any type)
6. Bail Bond Services
7. Drop-Off Recycling Collection Facility
8. Exterminating Services
9. Pawn Shop Services
10. Service Station

3. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The GR zoning is appropriate for the major street and the recommended conditional overlays (CO) improve the compatibility in this case of being next to another church and office use, future multifamily residence use and the single family neighborhood across Dessau from the proposed church.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	I-RR	Semi-tractor and trailer storage and service.
North	MF-4	Undeveloped
South	I-RR	Church
East	Unzoned Austin ETJ	Contractor Shops and open storage
West	SF-3-NP	Family residences

NEIGHBORHOOD PLANNING AREA: Not applicable

TIA: The Traffic Impact Analysis has been waived with the Zoning Application. The determination is deferred to site plan application, when land use and intensity is finalized.

WATERSHED: Walnut Creek – Suburban

OVERLAYS: Wildland Urban Interface: Proximity Class - Within 150 feet of a wildland area

SCHOOLS: Manor ISD

Pioneer Crossing Elementary School

Decker Middle School

LASA High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Friends of Austin Neighborhoods
 Harris Branch Master Association, Inc.
 Homeless Neighborhood Association

Neighborhood Empowerment Foundation
 North Growth Corridor Alliance
 SELTexas
 Sierra Club, Austin Regional Group
 TechRidge Neighbors

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0045 DESSAU	Rezone 0.959 ac from GR to LI. May not exceed 2,000 daily trips.	To grant	Apvd. 06/11/2020 Ord.# 20200611-075
C14-2019-0115 9701 DESSAU RD	Rezone 4.90 ac from I-RR to LI-CO	To grant	Apvd. 12/05/2019 Ord.# 20191205-100
C14T-03-0001 PIONEER HILL	Rezone 277.393 ac from I-RR to Traditional Neighborhood District	Zoning and Platting Commission approved staff recommendation with changes: designated civic/school site for 3 years. If not purchased in 3 years it reverts to applicant and the use shown on their proposal.	Apvd. 08/05/2004 Ord.# 040805-45
NP-2010-0028 Heritage Hills/ Windsor Hills Neighborhood Plan	Adopt Heritage Hills / Windsor Hills Neighborhood Plan as amendment to Austin's Comprehensive Plan	To grant	Apvd. 01/13/2011 Ord.# 20100113-059
C14-2010-0161 Windsor Hills/ Neighborhood Planning Area Rezoning	Rezone 787 ac to add NP combining district to Heritage Hills/ Windsor Hills Planning Area and change base zoning on 26 tracts.	To recommend approval of 4 of the five staff recommendations and to amend one relating to a bicycle and pedestrian bridge.	Apvd. 01/13/2011 Ord.# 20110113-061
C14-2018-0126 PIONEER HILL APARTMENTS	Rezone 29.33 ac from LI-CO to MF-4	To grant MF-4-CO as staff recommended with added condition:	Apvd. 05/09/2019 Ord.# 20190509-034

Number	Request	Commission	City Council
1420 Dessau Rd		maximum of 600 dwelling units.	
C14-95-0097 CROZIER-LAYMON 9600 Dessau Rd	Rezone Tract 1: 0.75 ac from SF-3 to GO-CO. Tract 2: 4.20 ac from SF-3 to LI-CO. CO limits height to 20' on Tract 1 and 24' on Tract 2. Max 2000 daily trips. Lis of prohibited uses: Tract 1 Restaurant (limited), Day care services (commercial), local utility services, Safety services. Tract 2 Tract 2 has 31 prohibited uses.	To grant	Apvd. 09/28/1995 Ord.# 950928-K
C14-2011-0049 Pioneer Hill 9900 -10324 Dessau Rd	Rezone from TND to MF-1, SF-6, MF-3, GR & LI	Approved Staff recommendation with additional conditions: add Special Use Historic as permitted use on all Tracts; change from a 200' to 150' buffer.	Apvd. 12/15/2011 Ord.# 20111215-075
C14-2020-0122 THE VILLAS AT PIONEER HILL - SOUTH SIDE 10017-1/2 Dessau Rd	Rezone 3.488 ac from GR-CO & LI-CO to MF-3-CO. CO daily trips may not exceed 17,670.	To grant	Apvd. 03/25/2021 Ord.# 20210325-092
C14-2020-0123 THE VILLAS AT PIONEER HILL - NORTH SIDE 1500-1/2 Arborside Dr	Rezone 3.197 ac from GR-CO & LI-CO to MF-3	To grant MF-3-CO. The condition is compliance with previously approved TIA.	Apvd. 03/25/2021 Ord.# 20210325-093
C14T-03-0001.01 PIONEER HILL TND East side of Dessau near Dessau Rd /Applegate Dr, Dessau Rd /Meadowmear Dr and Dessau Rd / Childress Dr	Rezone 278 ac from TND to TND to modify conditions of the development plan	Approved staff's recommendations with changes related to 10.81 ac civic/Manor school site reverting to applicant.	Apvd. 01/15/2009 Ord.# 20091115-095

RELATED CASES:

None

Ordinances:

030612-65 – Annexed 16.602 acres in the “Dessau Road East” area for Full Purpose on 06/12/2003.

LEGAL DESCRIPTION:

DESCRIBING A TRACT OF LAND CONTAINING 3.20 ACRES, BEING A PORTION OF THE JOHN APPLGATE SURVEY, A-29, TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO ALPHA ANCHOR INVESTMENTS, LLC EXECUTED ON JANUARY 11, 2021 AND RECORDED IN DOCUMENT NUMBER 2021006423, OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND STATE, SAID 3.20 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS.

OTHER STAFF COMMENTS:Comprehensive Planning

The zoning case is located on the east side of Dessau Road, on a 3.2 acre parcel, which contains a two story building. The property is located along the **Dessau Road Activity Corridor** and is outside the boundaries of a small area plan. Surrounding land uses includes vacant land to the north; to the south is a church and office/warehouse and light industrial type uses; to the east are light industrial and office/warehouse uses and an apartment complex; and to the west is a large single family subdivision. The proposal is to obtain GR Zoning and construct a 10,156 square foot place of worship on the site.

Connectivity

There are public sidewalks located along both sides of Dessau Road. There are no public transit or bike lanes located within a quarter of a mile from the site. The mobility and connectivity options in the area are below average.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this project as being located along an Activity Corridor (Dessau Road). Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are applicable to this case:

- **LUT P3.** Promote development in **compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, 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.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides community gathering spaces, parks and safe outdoor play areas for children.

Based on this property being situated along an Activity Corridor, which supports both commercial and civic uses, but the lack of mobility and connectivity options in the area beyond a public sidewalk, this proposed rezoning appears to partially support policies of the Imagine Austin Comprehensive Plan.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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.

At this time, site specific information is unavailable regarding 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.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, calls for 140 feet of right-of-way for Dessau Road.

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Dessau Road	~144'-147'	140'	85'	4	Yes	Yes	No

Austin Water Utility

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 Austin Water 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.

INDEX OF EXHIBITS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit B: Aerial Map



Created: 6/21/2021

