Item C-3

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0130
Mt. Zion Properties Rezoning

P.C. DATE: October 27, 2015

DISTRICT: 1

AREA: 0.9192 acres

ADDRESS: 1801 and 1809 Pennsylvania Avenue, 1170 Chicon Street

OWNER: Greater Mount Zion Baptist Church (Henry H. Gilmore)

APPLICANT: City of Austin (Jerry Rusthoven)

FROM: General Office-Neighborhood Plan (GO-NP) and Family Residence-Neighborhood Plan (SF-3-NP)

TO: Multifamily Residence-Moderate-High Density-Conditional Overlay-Neighborhood Plan (MF-4-CO-NP)

AREA STUDY: N/A

TIA: N/A

WATERSHED: Lady Bird Lake

CAPITOL VIEW CORRIDOR: No

AIRPORT OVERLAY: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports the proposed rezoning. The proposed conditional overlay would limit the property to Multifamily Residence-Limited Density (MF-1) land uses. This would make the following land use prohibited: Group Residential.

PLANNING COMMISSION RECOMMENDATION:

October 27, 2015:

ISSUES:

The Greater Mt. Zion Baptist Church is in the process of moving from its current address to a new location. The Church will no longer be using the subject property, and plans to sell the land. The Church filed an application to terminate a restrictive covenant on 1801 Pennsylvania Avenue that limited the property to the single use of Religious Assembly. The termination was recommended by Planning Commission, but this recommendation was later rescinded when Staff clarified an error regarding permitted land uses on the property. Staff had incorrectly advised the Commission that the property would be limited to Civic land uses that are permitted in the existing GO zoning category, since the Future Land Use Map (FLUM) designates the property as Civic. Please refer to ***Exhibit A (Restrictive Covenant).***

In addition to the Restrictive Covenant, 1801 Pennsylvania Avenue was zoned in 1986-1988 with a site plan attached as part of the zoning ordinance, and was later replaced in 1993-1994. This site plan places significant restrictions on redevelopment of the property; rezoning of the property is the only way to completely remove the zoning site plan from the site. Please refer to ***Exhibit B (Zoning Site Plan).***

Planning Commission initiated the current rezoning request.

DEPARTMENT COMMENTS:

The subject property is located on the south side of Pennsylvania Avenue between Salina Street and Chicon Street. 1801 is zoned GO-NP and is developed with the Greater Mount Zion Baptist Church. 1809 Pennsylvania Avenue and 1170 Chicon Street are zoned SF-3-NP and developed with a Community Outreach Center associated with the church. Immediately to the south is an alley; across the alley are the Marshall Apartments, which are zoned MF-4-NP. Across Salina Street to the west is Kealing Middle School, which is zoned SF-3-NP. North of the property, across Pennsylvania Avenue, is a building and parking lot associated with the church. These are zoned SF-3-NP. Please refer to ***Exhibits C and D (Zoning Map and Aerial Exhibit).***

Zoning Background-- 1801 Pennsylvania Avenue. *Note: 1809 Pennsylvania Avenue and 1170 Chicon Street have maintained residential zoning since original zoning; further details about zoning background refer to 1801 Pennsylvania Avenue unless otherwise specified.*

1801 Pennsylvania Avenue was rezoned from SF-3 to GO in 1986. A zoning site plan was attached to the zoning ordinance, as was the practice at the time. Zoning site plans establish binding development parameters, including land uses, impervious/building coverage, building height/square footage, and more.

Per Section 25-5-82 (D) (3) of the City Code, zoning site plans do not expire. If development is proposed on a property that does not comply with the existing zoning site plan, the site plan must be separated from the zoning ordinance. This can be achieved by deleting or replacing the site plan. As stated previously, the zoning site plan on the subject property was replaced in 1993-1994.

Deletion or Replacement of a Zoning Site Plan. A zoning site plan can only be deleted by rezoning the subject property through the full Land Use Commission/City Council process. The Applicant may request the same zoning classification as previously existed on the property or another.

Replacement of a zoning site plan is a way to allow an administrative site plan to replace the zoning site plan. In accordance with Section 25-5-64 of the City Code, the director may approve an administrative site plan as a replacement for a zoning site plan if the director determines that:

(1) except as otherwise provided in this section, the replacement site plan complies with current regulations;

(3) if a traffic impact analysis was not submitted with the zoning site plan, the replacement site plan must demonstrate that traffic impacts will be adequately mitigated;

(4) the amount of impervious cover on the replacement site plan does not exceed that approved on the zoning site plan;

(5) the amount of building coverage on the replacement site plan does not exceed that approved on the zoning site plan;

(6) building height on the replacement site plan does not exceed that approved on the zoning site plan by more than six feet;

(7) the total caliper inches of trees on the replacement site plan is not less than that approved on the zoning site plan, unless a decrease is approved by the city arborist;

(8) a restrictive covenant for the site, if any, complies with the requirements of this section;

(9) the replacement site plan does not have a use that is more intense than permitted in the zoning site plan; and

(10) the replacement site plan does not change a condition of approval of the zoning site plan.

An interested party may appeal to the Land Use Commission the director's determination whether a replacement site plan changes a condition of approval of the zoning site plan.

Initiation of Rezoning. On September 8, 2015, Planning Commission passed a motion made to direct staff to initiate a rezoning case for the properties at 1801 & 1809 Pennsylvania Avenue and 1170 Chicon Street, with the motion for MF-4 zoning with a conditional overlay for MF-1-uses, on a vote of 8-0. A briefing and discussion of the related neighborhood plan amendment (NPA) was held, and it was determined that the Director of the Planning and Zoning Department would initiate the NPA based on the Commission's action.

By recommending that the property be limited to MF-1 land uses, the following land use would be prohibited: Group Residential.

Correspondence related to the rezoning request is attached in ***Exhibit E (Correspondence).***

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GO-NP, SF-3-NP	Religious Assembly
North	SF-3-NP	Religious Assembly / Parking
South	MF-4-NP	Multifamily
East	SF-3-NP	Single-family Residential
West	SF-3-NP	Kealing Middle School

ABUTTING STREETS

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Chicon Street	60'	40'	Collector	Yes	#55	# 021
Pennsylvania Avenue	50'	30'	Local	Yes	#348	No
Salina Street	56'	36'	Local	Yes	No	No

SCHOOLS:

Blackshear Elementary Keeling Middle School Garza High School

NEIGHBORHOOD ASSOCIATIONS:

Austin Neighborhoods Council
Austin Conservancy
OCEAN
Kealing Neighborhood Association
Friends of the Emma Barrientos MACC
Real Estate Council of Austin, Inc.
African American Cultural Heritage District Business Association
Del Valle Community Coalition East
Austin Heritage Tree Foundation
United East Austin Coalition
AISD
Preservation Austin
Bike Austin

CITY COUNCIL DATE & ACTION:

November 11, 2015:

CASE MANAGER: Heather Chaffin **PHONE:** 512-974-2122

e-mail: heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:

Staff supports the proposed rezoning. The proposed conditional overlay would limit the property to MF-1 land uses. This would make the following land use prohibited: Group Residential.

The Greater Mt. Zion Baptist Church is in the process of moving from this location, and plans to sell the land. The property is encumbered with a zoning site plan and restrictive covenant, and Staff supports the removal of these encumbrances—the rezoning process will remove the existing zoning site plan. The proximity of MF-4-NP land use across the alley to the south demonstrates the appropriateness of the proposed MF-4-CO-NP category.

1. Granting of the request should result in an equal treatment of similarly situated properties.
The property to the south across the alley is also zoned MF-4-NP. It is not limited to MF-1 land uses.

2. Zoning should allow for reasonable use of the property.
Rezoning the property will delete the zoning site plan that is tied to 1801 Pennsylvania Avenue, simplifying redevelopment of the property. By incorporating 1809 Pennsylvania and 1170 Chicon, the potential area for development is increased, making a multifamily or other residential project more viable.

3. Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.
The City of Austin strongly encourages a mix of housing types that may promote housing affordability in a range of price ranges. The rezoning would permit a variety of possible housing types.

4. Zoning changes should promote a balance of intensities and densities.
While MF-4 is defined as "Moderate-High Density," the constraints of this site will result in a lower density product than the maximum achievable in the base MF-4 district. Compatibility standards and small property size will reduce site development efficiency, making any development a transitional intensity between the nearby SF-3, adjacent larger MF-4 site, and CS-MU-V properties two blocks away.

ADDITIONAL STAFF COMMENTS:

SITE PLAN

SP 1. Any new development and construction on this property will be subject to the site development regulations of Subchapter E: Design Standards and Mixed Use for sites along Principal Streets designated as Urban Roadways. These regulations include, but are not limited to, sidewalks and building placement, and other requirements of Subchapter E, Article 2: Site Development Standards.

SP 2. Additional site plan review comments will be provided upon submittal of a site plan for any proposed development on the subject property.

TRANSPORTATION

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

TR2. 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]

TR3. Pennsylvania Avenue is classified in the Bicycle Plan as Bike Route No. 348. Chicon Street Avenue is classified in the Bicycle Plan as Bike Route No. 55. Salina Street is not classified in the Bicycle Plan.

TR4. Capital Metro bus service is not available along Pennsylvania Ave. and Salina Street. Capital Metro bus service (Bus Route No. 021) is available along Chicon Street

TR5. There are existing sidewalks along Pennsylvania Ave., Chicon Street, and Salina Street.

TR6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Chicon Street	60'	40'	Collector	4,897
Pennsylvania Ave.	50'	30'	Local	N/A
Salina Street	56'	36'	Local	N/A

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. No trees are located on this property. 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.

DOC. NO.

89007774

EXHIBIT A

Zoning Case No. C14-86-103

RESTRICTIVE COVENANT

00004446285

OWNER: Greater Mount Zion Baptist Church, a non-profit corporation

ADDRESS: 1801 Pennsylvania Avenue, Austin, Texas 78702

11:43 AM 8699

5.00 IND
1 1 01/27/89
390077.74-DOC
7750.73-CHK

CONSIDERATION: One and No/100 Dollars ($1.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lots 6, 7, and 8, Block 5, C. R. Johns Subdivision, Outlot 57, Division B, according to the map or plat of the Original City of Austin.

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. The use of the Property shall be restricted to the following use: religious assembly as defined in Section 13-2-5 of the Land Development Code of the City of Austin.

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for (i) the City of Austin, a municipal corporation, its successors and assigns; or, (ii) the owner of any property located within 1000 feet of the subject property to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

4. If at any time (i) the City of Austin, its successors or assigns; or, (ii) the owner of any property located within 1000 feet of the subject property fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (i) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (ii) by the owner(s) of the Property at the time of such modification, amendment or termination.

REAL PROPERTY RECORDS
TRAVIS COUNTY TEXAS

10864 0295

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 5th day of December, 1988.

Greater Mount Zion Baptist Church

BY: _____
Willie Hargis, Jr., Chairman
of the Board of Trustees

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 5th day of December, 1988, by Willie Hargis, Jr., Chairman of the Board of Trustees of Greater Mount Zion Baptist Church, a non-profit corporation, on behalf of said non-profit corporation.

_____
Notary Public Signature

Victoria V. Turner
Type or Print Notary Name
My Commission Expires: 10/25/89

VICTORIA V TURNER
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
OCT. 25, 1989

FILED
1989 JAN 27 AM 11:00
DANA DE BEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

After recording return to:
CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767-8828
Betty Lewis

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

JAN 27 1989

COUNTY CLERK
TRAVIS COUNTY, TEXAS

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10864 0296

DuBois
Bryant
& Campbell LLP
ATTORNEYS

HENRY H. GILMORE
700 Lavaca, Suite 1300
Austin, Texas 78701
(512) 457-8000 phone
(512) 457-8008 fax

hgilmore@dbcllp.com

March 3, 2015

City of Austin Planning and
Development Review Department
505 Barton Springs Rd.
Austin, Texas 78704

Re: Greater Mt. Zion Baptist Church (1801 Pennsylvania Avenue): Application for Termination of Zoning Restrictive Covenant;

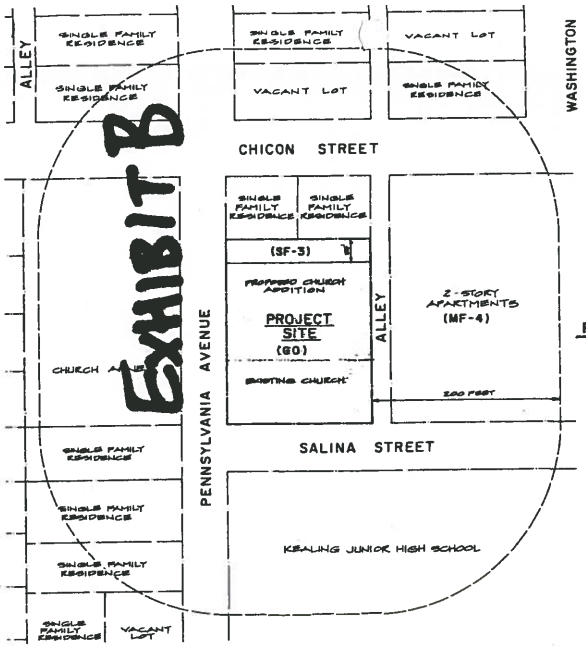
Dear Sir or Madam:

The Greater Mt. Zion Baptist Church ("the Chruch"), located at 1801 Pennsylvania Avenue, is in the process of moving to a new location. In connection with its move, the Church is selling its current site. The current site is subject to a 1988 zoning restrictive covenant limiting the use of the current site to Religious Assembly use only. A copy of this covenant is included with this application. The Church wishes to remove the restriction in order to be able to more easily market and sell the current site.

Sincerely,

Henry H. Gilmore
Agent/Attorney for Greater
Mt. Zion Baptist Church

EXHIBIT B



LAND USE MAP

SCALE: 1" = 60'

NOTE: ALL PROPERTY SHOWN IS ZONED SF-3 UNLESS NOTED OTHERWISE

PARKING CALCULATIONS

PARKING REQUIREMENTS

EXIST. ON-SITE PARKING:
HANDICAP = 3 EA.
STANDARD = 10 EA.
TOTAL = 13 EA.

PROPOSED ON-SITE PARKING
HANDICAP = 1 EA.
STANDARD = 17 EA.
TOTAL = 20 EA.

TOTAL ON-SITE PARKING
HANDICAP = 4 EA.
STANDARD = 27 EA.
TOTAL = 31 EA.

PARKING REQUIREMENT FOR CHURCH: 1 SPACE PER 10 SEATS

SEATING CAPACITY = 300
SPACES REQUIRED = 30 EA
SPACES PROVIDED = 31 EA

BUILDING INFORMATION

	EXISTING	PROPOSED ADDITION
USE	RELIGIOUS EDUCATION/ DAY CARE	PARKING LOT
NO. OF STORIES	3 STORIES	—
FINISH FLOOR ELEVATION	536.0	—
FOUNDATION TYPE	PIER AND BEAM	—
BUILDING SQUARE FOOTAGE	15,116 SQ FT	7,832 SQ FT (ASPHALT)

TOTAL COVERED GROUND AREA OF BUILDING 7,269 SQ FT. = 24.21 % OF SITE
TOTAL IMPERVIOUS AREA EXCLUDING BUILDINGS: 15,717.50 SQ FT.
TOTAL IMPERVIOUS AREA: 22,987 SQ FT. PERCENTAGE OF SITE AREA: 76.55 %
SITE AREA: 30,030 SQ FT. TOTAL BUILDING AREA: 7,269 SQ FT ACTUAL FLOOR TO AREA RATIO: 0.242 TO 1
ALLOWED F.A.R.: 1 TO 1

LANDSCAPE CALCULATIONS

PLANT LIST

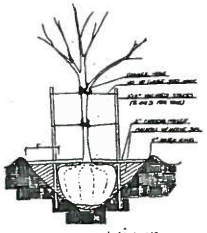
10 Crape Myrtle/Lagerstroemia indica 'Watermelon' / 6'-8' HGHT, 2" DIA.
23 INDIAN HAWTHORN 5 GAL. AT 3' O.C.

Bermuda Grass/Cynodon hybrid/Cellulose Hydromulch

LANDSCAPE CALCULATIONS

Street Yard Area	13,601 S.F.
20% Required Landscaping	2,720 S.F.
40% Provided Landscaping	2,900 S.F.
S.Y. Trees Required/Provided*	14 / 14
Buffer Points Required/Provided	90/93
3 Trees@ 4 pts = 12	
23 Shrubs @ 1 pts = 23	
	93
S.Y. Parking Landscaping Required	195 S.F.
S.Y. Parking Landscaping Provided	267 S.F.
Non-S.Y. Parking Landscaping Required	N/A
Non-S.Y. Parking Landscaping Provided	N/A

* 2 TREE CREDIT FOR EXIST. 20" PECAN TREE



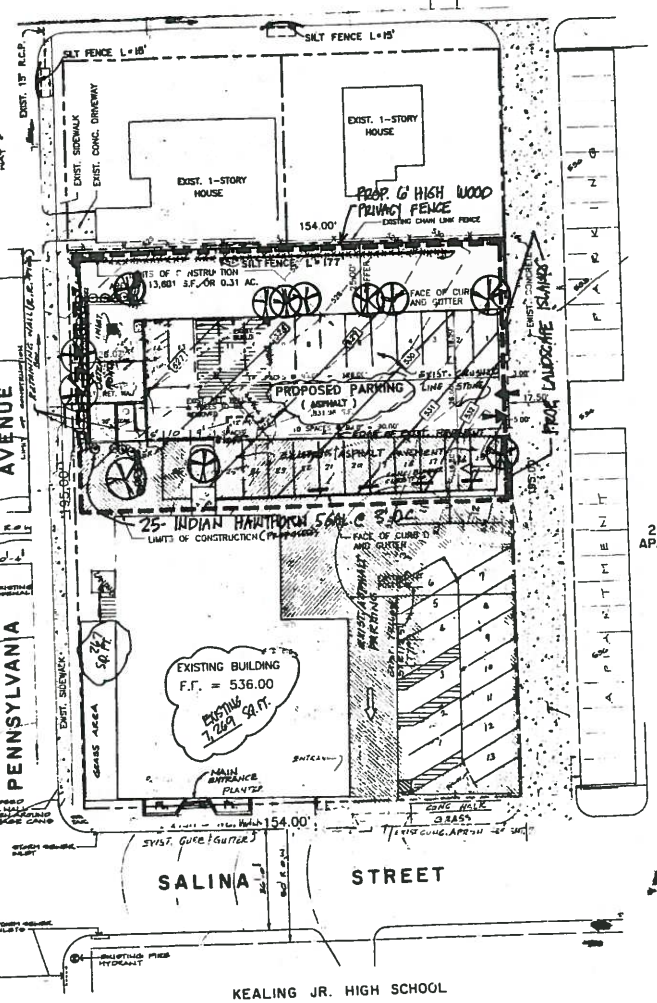
TREE PLANTING (STAKING)

SHRUB PLANTING

LANDSCAPE NOTES

1. All landscaped areas shall be protected by a 6" standard curb.
2. Hose bibs shall be located within 100' of all landscaped areas to meet irrigation requirements.
3. All landscaping shall be continuously maintained and replaced as necessary to meet code requirements.
4. All mechanical equipment, storage areas, detention areas, and refuse collection areas shall be screened by plant materials or 6' privacy fence.
5. The contractor shall be responsible for for the plant material installation and staking as per details and specifications.
6. Shrub and ~~ivy~~ planter beds shall be covered with a minimum of three inch mulch.

I, Keith E. Young, a professional engineer, certify that these plans meet the requirements of Section 13-7 of the Land Development Code.



SITE PLAN

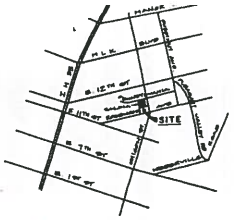
SCALE: 1" = 20'

NOTES:

1. NO COMMERCIAL DUMPSTER IS PROPOSED OWNER WILL CONTINUE CITY GARBAGE PICK-UP AS EXISTING

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED CREPE MYRTLE/ LAGERSTROMIA INDICA 'WATERMELON' 6'-8' HIGH, 2" DIA.
- PROPOSED 5 GAL. INDIAN HAWTHORN
- PROPOSED 6' HIGH WOOD PRIVACY FENCE
- PROPOSED TREE PROTECTION



LOCATION MAP

NO SCALE

SITE PLAN RELEASE NOTES

1. Site is not in the 25 year or 100 year flood plain, therefore no building or parking facility is in a flood plain.
2. All improvements shall be made in accordance with the released site plan. Any additional improvements will require site plan amendment and approval of both Bldg. Dept. and OLDS.
3. Approval of this Site Plan does not include or reflect approval of other ordinances pertinent to the site, including any requirements as a result of subdivision or site development permit. This approval does not include Building Code and Fire Code approval.
4. All signs must comply with requirements of the Sign Ordinance and Zoning Ordinance, and other applicable ordinances.
5. Driveways
   A. Permit required prior to construction of approaches.
   B. Owner is responsible for all costs of relocation of, or damage to, utilities.
6. Waterway or site development is required prior to all clearing, grading, filling or construction.
7. Additional electric easement may be required at a later date.
8. Connect to the City of Austin water and wastewater systems for service.
9. Site is composed of three lots.
10. Regardless of ownership, all site plan revisions or amendments will require the entire site to conform with the zoning ordinance.
11. Vegetative screening will be provided to screen adjacent residential property from mechanical equipment.
12. All exterior lighting will be hooded or shielded so that the light source is not directly visible from adjacent SF-5 or more restrictive properties.
13. The noise level of mechanical equipment will not exceed 70 dba at the property line.
14. ~~THE PLANNING COMMISSION GRANTED A WAIVER FROM THE CODE REQUIREMENT FOR STANDARD PARKING STALL SIZE REQUIREMENTS FOR THE PROPOSED SANCTUARY~~
15. ~~THE BOARD OF ADJUSTMENT GRANTED A HEIGHT VARIANCE FOR THE PROPOSED SANCTUARY AND STEEPLE~~
16. THE CITY COUNCIL PASSED THE "SHARED PARKING FOR CIVIC USES ORDINANCE" WHICH ALLOWS THE CHURCH TO USE OFF-SITE PARKING
17. THE CITY OF AUSTIN LEGAL DEPT. HAS APPROVED THE AGREEMENT FOR SHARED PARKING BETWEEN GREATER MT. ZION BAPTIST CHURCH AND KEALING JR. HIGH SCHOOL

2 STORY APARTMENTS

CITY COUNCIL APPROVED THIS SITE PLAN ON FEBRUARY 26, 1987

SITE PLAN EXPIRES ON: JANUARY 15, 1991

SITE PLAN RELEASE

FILE NUMBER: C14-86-103 EXPIRATION DATE: N/A
CASE MANAGER: APPLICATION DATE:
APPROVED ADMINISTRATIVELY ON:
APPROVED BY PLANNING COMMISSION ON: November 3, 1987
APPROVED BY CITY COUNCIL ON:
Water Section 2250 or Organized 12-81 of the Austin City Code.
Director, Department of Planning And Development
DATE OF RELEASE: January 5, 1989 Zoning: GO
Rem. 1 Additional Sp. Req. Dimension 1:
Rem. 2 5.1.A.4 - TREES SAVING Dimension 2:
Rem. 3 Dimension 3:

NOTE:

~~THIS SITE PLAN TO BE REVISED~~

NEW SITE PLAN ~~SP-90-0157B~~

DEV. PERMIT SP-93-0347B

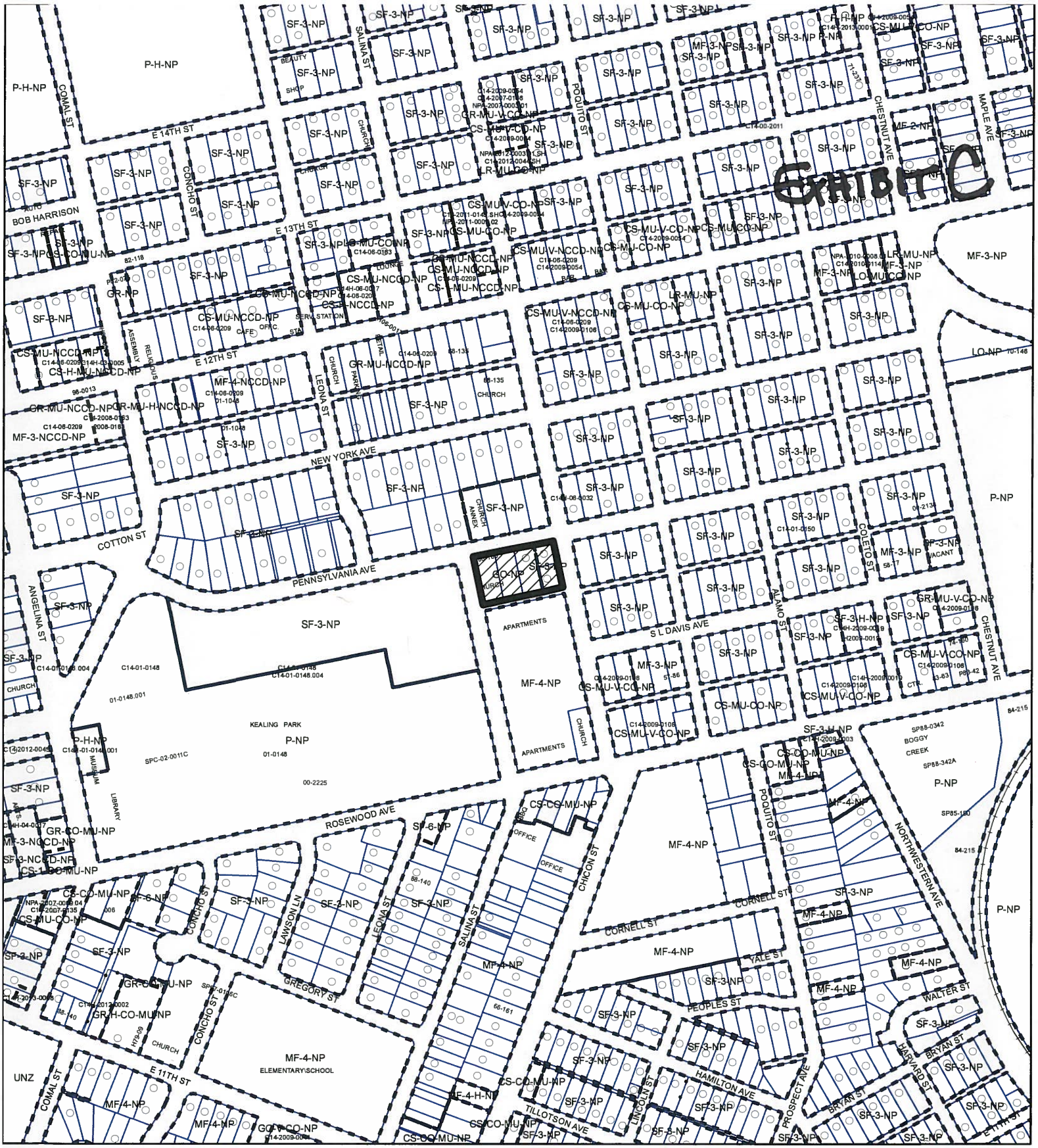
LOT 6 VOL. 6474 P.1117 (1979)
LOT 7 VOL. 654 P.295 (1940)
LOT 8 VOL. 485 P.8 (1932)

SANCTUARY ADDITION
1801, 1803 & 1805 PENNSYLVANIA AVE.
C.R. JOHNS SUBDIVISION, BLOCK 5, LOTS 6, 7 & 8 TOTAL AREA: 30,030 SQ. FT.
OWNER: GREATER MOUNT ZION BAPTIST CHURCH
DESIGNER: DON TEW - ARCH. 258-9355
P.O. BOX 200027 AUSTIN 78720

DATE: SEPTEMBER 1, 1987
SCALE: 1" = 20'

C14-86-103

1 OF 3



ZONING

ZONING CASE#: C14-2015-0130

N

SUBJECT TRACT

PENDING CASE

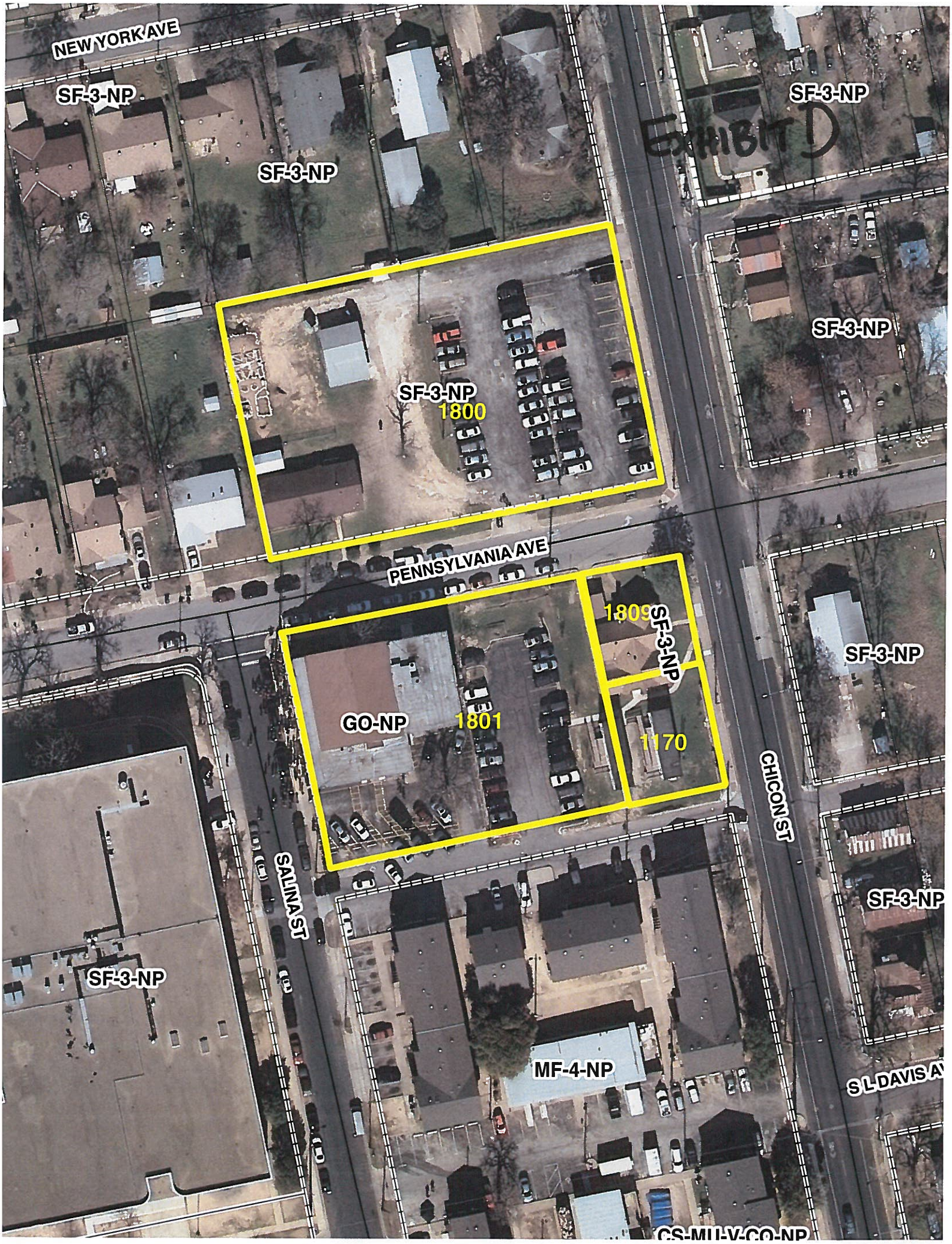
ZONING BOUNDARY

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.

CITY OF AUSTIN
FOUNDED 1839


NEW YORK AVE
SF-3-NP
SF-3-NP
SF-3-NP
EXHIBIT D
SF-3-NP
SF-3-NP
1800
PENNSYLVANIA AVE
1809
SF-3-NP
SF-3-NP
GO-NP
1801
1170
CHICON ST
SALINA ST
SF-3-NP
SF-3-NP
MF-4-NP
S L DAVIS AV
CS-MU-V-CO-NP

Chaffin, Heather EXHIBIT E

From: Thomas VanDyke [redacted]
Sent: Tuesday, October 20, 2015 5:38 PM
To: Meredith, Maureen
Cc: [redacted] Tracy Witte; Chaffin, Heather; Henry Gilmore; Thomas VanDyke
Subject: OCEAN and Kealing Statement On GMZ Cases

Maureen,

Thank you for all your assistance with the Greater Mount Zion cases. OCEAN and KNA would appreciate it if you would please include the following statement in your staff report for the NPA cases covering Greater Mount Zion property on Pennsylvania Avenue and we sincerely request your support for the proposed FLUM changes.

Kind regards,

Clifton Van Dyke

Vice President, Organization of Central East Austin Neighborhoods

President, Kealing Neighborhood Association

The Organization of Central East Austin Neighborhoods (OCEAN) and Kealing Neighborhood Association (KNA) strongly support the proposed amendments to the Central East Austin Neighborhood Plan's Future Land Use Map (FLUM) for the north and south sides of the 1800 block of Pennsylvania Avenue, as well as the related rezoning proposal for 1801, 1803, 1805 and 1809 Pennsylvania Avenue and 1170 Chicon Street.

This package of amendments is the product of many months of discussion and compromise between neighborhood stakeholders, the neighborhood plan contact team and the property owner, Greater Mount Zion, as the Church transitions to a new site in east Austin. Together, these proposed changes contribute to the long-term stability of Kealing's single-family core to the north and greatly expand options for residential redevelopment on the southern parcels. They are consistent with our neighborhood plan's goals to maintain and preserve the integrity of residential districts, to increase opportunities for home ownership, and create a diverse range of housing options throughout the planning area.

OCEAN and KNA have requested that the south side rezoning cases' conditional overlay include either a cap on the residential density, stipulated frontage along Pennsylvania Avenue with a 50'

two-story setback, or a restriction on curb cuts along Pennsylvania Avenue. Greater Mount Zion has considered these options and is reluctant to include any of them in our compromise. We understand and respect the Church's position but remain anxious to ensure that accommodating additional density adjacent to Kealing Middle School along this one-way street maximizes safety for buses, cyclists and pedestrians and promotes the viability of the north-side tracts for single-family homes. A prohibition on curb cuts would support these aims without limiting the density achievable on the south-side tracts.

We are grateful to Greater Mount Zion for its willingness to work with us and for the input of the Planning Commission and Council offices thus far. We respectfully request support for this package of proposed FLUM changes and rezoning, and thank you for considering whether there is a way to address our concern above in a manner that is fair to Greater Mount Zion.

Chaffin, Heather

From: Lawrence D. Pierce [redacted]
Sent: Tuesday, October 20, 2015 10:56 AM
To: Meredith, Maureen; Chaffin, Heather
Subject: Planning and Zoning Cases C14-2015-0130, plus the others related cases

For years I have criticize this city's planning department for ill-prepared and poor planning of events held in downtown Austin- with more then 50 percent removed from downtown, you continue to stage events that will not fit the area, and it causes traffic jams on weekends, and causes bus riders to be late for work and bus buses to run later. I have always stated, the city could do better, but, I guess I was wrong. The planning department is incapable of seeing hardships, ill-prepared plans can do to the average person.

The next thing I notice, was the City's Comprehensive Plan was passed out, in a complete stated form, but, that was the case, the plan approved by the Council in 2012, was incomplete, I guess this explain, why the planning and zoning of this city is ill-prepared to handle zoning cases in single family areas, because of the constant attempt to place apartments in areas, they are not wanted or needed, so you appease the developers and lobbyists, with altering the rules, thus, you have silent the voice of the citizens in the areas, in most cases.
You are pushing your agenda, regardless, what people say, or don't want, and in this case, it's a violation of the "Due Process Clause", because if, you was honest in your attempt to be fair, this case should have been an open and close process, but, since, you are working with developers to achieve their goals, you are denying the citizens in the area in question. For years, we ask, and the city denied, or stated some other reasons, why they can't done the request.
Now, years later the city is pushing this plan to displace thousands of citizens, mainly, African-Americans from their homes, they have lived for years.

The "art of law" as it applies to all city employees, you are a public servant, who serves the will of the general public, and try every effort to come to a common ground solution, you have done neither in this case, because, you are making every effort to appease the developers, this is offensive, and out of character to present yourself in this matter.

Reasons- Large-scale apartments are not appropriate for single family areas, it's been zoned and it needs to stay that way. Large-scale apartments or the "compact living" this city is attempting force the citizens to live in, while people in West Austin will have a chance to state their voice, regardless of the issues, the city will comply with open arms, can you spell discrimination brewing?
Compact living quarters are mainly for students, who like the closeness of other students, and have the same -mind set, going to class, studying and partying, unlike the minds of people who live in "compact-living areas" such as public housing and other apartments with a high minority group, that produce a majority, they, too have the same mind-set, but this mind is that of living in a a poverty- stricken area, where many don't have high paying jobs, because the lack education experience, thus, their life is filled with anger toward people. This is the problems Rosewood Courts and Marshall apartments bring to our neighborhood, that same anger, and the life style that produces a life of crime against those who live in the area, adding on more large scale apartment will further the problems we have. This is why, I'am totally against any projects that are multi-family, I also, reject any businesses being established, only single family homes built will get our approval, and it will prevent an injunction from occurring.

Zones Cases:
From GO-NP and SF-3-NP
To M F-4- CO-NP
Case Number C14-2015-0130
We Object

Land Use
From Civic
to Single Family
File Number NPA 2015-0009.01
WE APPROVE

From Civic
To Multi-Family
File Number : NPA 2015-0009.02
WE OBJECT

Please allow this letter to be part of the public meeting, because it speaks the voice of many, that need to be heard.

Thank You
Lawrence D. Pierce, Public Advocate
Concern Citizens of Austin

Chaffin, Heather

From: Meredith, Maureen
Sent: Monday, October 12, 2015 9:41 AM
To: Chaffin, Heather; Rusthoven, Jerry
Subject: FW: Zoning Case C 14-2015-0130 and N PA-2015-0009.02

FYI. See email below.

Maureen

-----Original Message-----
From: Lawrence D. Pierce [redacted]
Sent: Saturday, October 10, 2015 10:38 AM
To: Meredith, Maureen
Subject: Zoning Case C 14-2015-0130 and N PA-2015-0009.02

To : The Concern

From : Lawrence D. Pierce, Public Advocate
Concern Citizens of Austin

Re: Central East Austin Neighborhood Plan
Case Number: N PA - 2015-0008.01
Case Number N PA 2015- 0009.02

Zoning Case C 14-2015-0130

Please allow this letter to serve as a voiced opinion of myself and many people in the neighborhood, that this rezoning and new zoning is being attempted to alter the residential structure we have been blessed to have, however, changes is not one of those things we require. The city of Austin, in it's push to cram people down the throats of citizens and neighborhoods across, shows poor taste and a classless act, for the mountain of mistake this city has made aimed at established citizens and neighborhoods. Therefore, we reject such intrusion and altering the zoning you have planned. To deny citizens of their constitutional right is a breach city responsibility of caring for it's citizens, one of those rights is to make every effort to work with citizens, with understanding of their concerns.

Reasons: We are and have been a residential single family area since the city force us from west to East Austin, we have lived under the neglect of city government, but, build the neighborhood up piece by piece, when banks refused us loans, we saved to build our neighborhood. Over the years, the city of Austin continue it neglect, until, they saw greed in their eyes, and invited members of other races to venture across the red-line district of East Austin- Many of the residents like myself has very little history left, in this designated area for African-Americans, when there are very little.
We continue to live in the area, that we have called home, seeing the building of no respect and pushy people arriving in my neighborhood, all while the city is catering to this madness, in a very shameful way.

Facts: The problems in our neighborhood comes from people who live in the Rosewood Courts and the Marshall Apartments, and the city want to add another set of large apartments, that would further cause problems that we are having. The city's "compact living" practice is what we reject, it's not appropriate for single family homes areas.

In case you have forgotten, walk around the Rosewood courts some days to see the problems that exist. A city staff member assured me, no businesses will be built in the area of the church, a large apartment project is a business,less then one week after her letter, the plan has changed, which brings suspicion to the process, and to the City of Austin, who sides with developers, without thinking about the hardship past acts has done to the citizens of , in case you have forgotten, hundreds of citizens are being forced from their apartments, on a short notices, with no place they can afford in sight, to the destruction of a small business on East First , to the thousands of citizens in my neighborhood, who have been displaced, by the wickedness of the staff members who agreed and the City Council who approve the willful act.

In closing, the area in question is part of dedicated African American Culture District, in which history of the schools, that thousands of citizens entered and graduated from, and the churches they prayed in, to homes that many has lived in. Our history is fading fast, with uncaring minds of greed. My mentors in Nursing and the legal field, once told me, be careful of people who claim the laws have not change, it's their wrongful interpretation that change understanding, all while they will never admit to making a mistake, it's my duty to bring truth to the table, this I have done.

As a citizen of Austin, Retired Nurse, Paralegal, now, Public Advocate of many issues , hereby reject any form of "multi-family"
building in the neighborhood that I have lived for over 50 years, I have neighbors that have lived there longer, and the new neighbors agree, they would like to keep the neighborhood to single family houses. They are kind in their words, but, I will not be kind, but very direct. I will not back-down from this intrusion of greed into the lives of peaceful law-abiding citizens , who should make the decision to what comes or goes in our neighborhood.

Thank You
Lawrence D. Pierce, Public Advocate, Retired Nurse, Paralegal Concern Citizens of Austin

Chaffin, Heather

From: Sadowsky, Steve
Sent: Thursday, September 24, 2015 1:18 PM
To: Chaffin, Heather; Lawrence D. Pierce [redacted]
Subject: RE: Case Number: N P A-2015-0009.01

Dear Mr. Pierce:
We have made a preliminary finding that the church building at Greater Mount Zion does not qualify as a historic landmark because of numerous modifications over the years that have compromised its integrity of materials and design. This is not to say that the congregation itself is not historically significant, but under the criteria for designation as a historic landmark, the Land Development Code clearly states that a building under consideration as a historic landmark must maintain a high degree of integrity, i.e., it must convey its historic appearance in a significant way.

Steve Sadowsky
Historic Preservation Officer
City of Austin, Texas
974-6454

-----Original Message-----
From: Chaffin, Heather
Sent: Thursday, September 24, 2015 12:12 PM
To: Lawrence D. Pierce [redacted]
Cc: Sadowsky, Steve
Subject: FW: Case Number: N P A-2015-0009.01

Mr. Pierce,

I will have to defer to Mr. Sadowsky, the City's Historic Preservation Officer. I've forwarded your request to him.

Heather

-----Original Message-----
From: Lawrence D. Pierce [redacted]
Sent: Thursday, September 24, 2015 10:47 AM
To: Chaffin, Heather
Subject: Re: Case Number: N P A-2015-0009.01

Dear Heather

As it's the right to know, as well as the right see with my own eyes, please forward me the law containing reasons that Greater Mt.Zion Baptist Church, does not quality for such a Historic Zoning. It's better to ease the mind, when you see reasoning of the voice doubt.
Think you!

Lawrence D. Pierce, Public Advocate
Concern Citizens of Austin

On Tue, Sep 22, 2015 at 1:27 PM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:
> Mr. Pierce,

>
> I am sorry for all the notices sent in the mail, but we are required to mail them when there is an action on a property. It has been a lengthy and confusing process regarding Greater Mt. Zion Baptist Church, and there will still be a few more notices mailed out. I hope this process will be finished in the next few months.
>
> Just to let you know, the church plans to move out of the neighborhood, and the properties are being rezoned for multifamily development. There will not be any commercial zoning in the area when the cases are finished.
>
> I have conferred with our Historic Preservation Officer, and Greater Mt. Zion Church has not applied and does not qualify to be a historic property.
>
> Please let me know if you have any other questions.
>
> Sincerely,
>
> Heather Chaffin
> Zoning Case Manager
>
>
>
> -----Original Message-----
> From: Meredith, Maureen
> Sent: Tuesday, September 22, 2015 1:02 PM
> To: Lawrence D. Pierce
> Cc: Chaffin, Heather
> Subject: RE: Case Number: N P A-2015-0009.01
>
> Mr. Pierce:
> I'm forwarding your email to Heather Chaffin, the zoning planner, who is handling the RC case you mention below.
>
> Maureen
>
> -----Original Message-----
> From: Lawrence D. Pierce[redacted]
> Sent: Saturday, September 19, 2015 10:28 AM
> To: Meredith, Maureen
> Subject: Case Number: N P A-2015-0009.01
>
> Dear Maureen- City of Austin Case Manager
>
>
> This event of changing zoning, is confusing to the hundred's of citizens who are receiving your letter. To make my point clear, every time you send out letters concerning the changing of the "Restrictive Covenant" zoning of the church, you seem to make matters worse, because the intent is not for the people that live in the area, it's for the developers who seem to be pressuring you and the city. A restrictive covenant was created for churches, also, the zoning was very hard to come by. What I see now, is the ongoing land grab, that continue to force long-time residents out of their homes, because, of the city aides property-tax increases. The past ten years or more, this practice has become a cancer that continues to grow into the lives of innocent people, who have lived on fixed income for years.
> When this city decided to change the zoning from Commercial/Industrial to Residential, this started the displacing of thousands of citizens from their homes. This is what I will call, "silent discrimination with a smile" which is very shameful and very sad, that the history of Austin will continue this type of practice. I would love for the present zoning of

"Restrictive Covenant to remain as is. Let another church find a home, where the present church abandoned the hundred's members who have attended that church for years, some over 50 years.
> Developers have destroyed the culture and history of this neighborhood, let's stop this cancer, and preserve the remaining history.
>
> In closing, with every act, the city has done, it's done with the intent to confuse the citizens that it is affecting. This sounds like a court case to me.
>
>
>
> Thank You
> Lawrence D. Pierce, Senior Paralegal, Retired Public Advocate Concern
> Citizens of Austin