NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Central East Austin

CASE#: NPA-2015-0009.02 **DATE FILED:** Sept. 17, 2015 (Out-of-cycle)

PROJECT NAME: Greater Mt. Zion Baptist Church FLUM Change

PC DATE: October 27, 2015

ADDRESSES: 1801 & 1809 Pennsylvania Avenue and 1170 Chicon Street

DISTRICT AREA: 1

SITE AREA: 0.9192 acres

OWNER: Greater Mount Zion Baptist Church

APPLICANT: City of Austin, Planning and Zoning Department (Jerry Rusthoven, Zoning Division Manager)

AGENT: DuBois Bryant & Campbell, LLP (Henry Gilmore)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Civic and Single Family **To:** Multifamily

Base District Zoning Change

Related Zoning Case: C14-2015-0130
From: GO-NP and SF-3-NP **To:** MF-4-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: December 13, 2001

PLANNING COMMISSION RECOMMENDATION:

October 27, 2015 -

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: Staff recommends the applicant's request to change the land use on the future land use map from Civic and Single Family to

Multifamily because directly to the south of the property is multifamily land use and the plan document supports the creation of new housing units in the neighborhood.

Below are the Goals and Objectives from the neighborhood plan that supports the plan amendment request:

Goal 2 - Create housing that is affordable, accessible, and attractive to a diverse range of people.

Objective 2.1: Increase opportunities for home ownership.

Objective 2.2: Increase the amount of housing units available.

> Action 8 –Allow the construction of "Secondary Apartments" (garage apartments) on single-family lots that meet Smart Growth Infill criteria for minimum lot sizes and site development standards. Implementer - NPZD
>
> Action 9 – Develop several "prototype" garage apartment designs to serve as a guide for new or remodeled garage apartments. Implementer – TPSD and NPT
>
> Action 10 – Allow small lot "Urban Home" single family development for new or existing lots (3,500 square feet or greater). Implementer - NPZD
>
> Action 11 – Permit "Small Lot Amnesty" for existing small lots (2,500 square feet or greater) to allow new or reconstruction of homes on lots currently too small to legally build on. Implementer - NPZD

Objective 2.3: Maintain and create affordable, safe, well-managed rental housing

> Action 12 – Retain existing multi-family housing and allow new multi-family development on properties identified on the Future Land use Map (page 12). Implementer - NPZD

Objective 2.4: Preserve the existing housing stock.

Objective 2.5: Make it possible for existing residents (both homeowners and renters) to stay.

LAND USE DESCRIPTIONS

EXISTING LAND USE

Civic - Any site for public or semi-public facilities, including governmental offices, policefire facilities, hospitals, and public and private schools. Includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses.

Purpose

1. Allow flexibility in development for major, multi-functional institutional uses that serve the greater community;
2. Manage the expansion of major institutional uses to prevent unnecessary impacts on established neighborhood areas;
3. Preserve the availability of sites for civic facilities to ensure that facilities are adequate for population growth;
4. Promote Civic uses that are accessible and useable for the neighborhood resident and maintain stability of types of public uses in the neighborhood;

5. May include housing facilities that are accessory to a civic use, such as student dormitories; and

6. Recognize suitable areas for public uses, such as hospitals and schools, that will minimize the impacts to residential areas.

Application

1. Any school, whether public or private;

2. Any campus-oriented civic facility, including all hospitals, colleges and universities, and major government administration facilities;
3. Any use that is always public in nature, such as fire and police stations, libraries, and museums;
4. Civic uses in a neighborhood setting that are of a significantly different scale than surrounding non-civic uses;

5. An existing civic use that is likely or encouraged to redevelop into a different land use should NOT be designated as civic; and

6. Civic uses that are permitted throughout the city, such as day care centers and religious assembly, should not be limited to only the civic land use designation.

Single family - Detached or two family residential uses at typical urban and/or suburban densities

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and

3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

PROPOSED LAND USE

Multifamily Residential - Higher-density housing with 3 or more units on one lot.

Purpose

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
4. Applied to existing or proposed mobile home parks.

Application

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

IMAGINE AUSTIN PLANNING PRINCIPLES

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
    - ***The proposed multifamily land use could provide a mix of housing and is near bus routes, a school, commercial uses and parks.***

2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.

    - ***The property is located two blocks south of an activity corridor and is near Capital Metro bus routes and within walking distances to commercial corridors where commercial uses are located.***

3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.

    - ***The property is located two blocks south of an activity corridor and would be considered an infill development site.***

4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.

    - ***The applicant's request to change the land use to multifamily land uses and zoning which would allow multifamily dwelling units could expand the number and variety of housing options for Austin and the planning area.***

5. Ensure harmonious transitions between adjacent land uses and development intensities.

    - ***Directly to the south of this property is multifamily land use and zoning which makes this request for multifamily land use on the FLUM a compatible land use for this location.***

6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.

    - ***The property is not located in an environmentally sensitive areas.***

7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.

    - ***Not applicable.***

8. Protect, preserve and promote historically and culturally significant areas.

    - ***Not applicable.***

9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

    - ***Not directly applicable.***

10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.

    - ***Not applicable.***

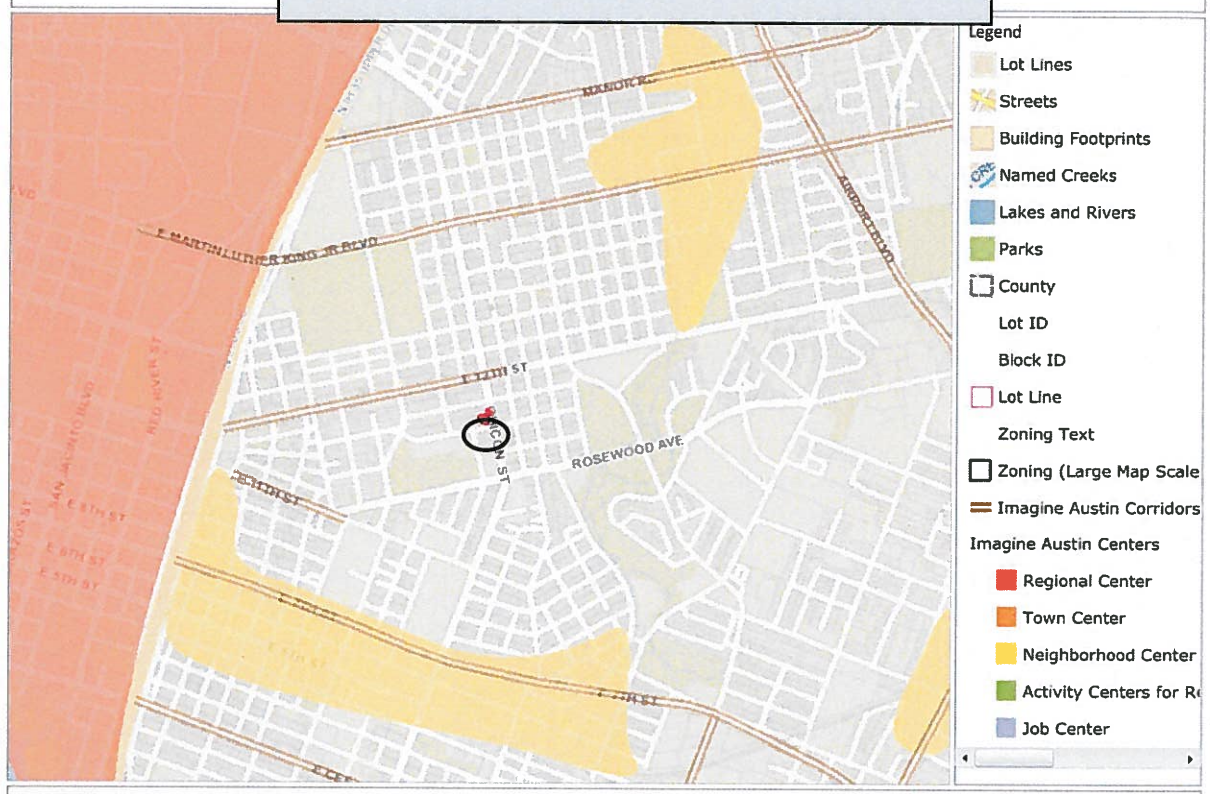
11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.

- ***Not applicable.***

12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.

    - ***Not applicable.***

Approximate locations of Activity Corridors and Centers



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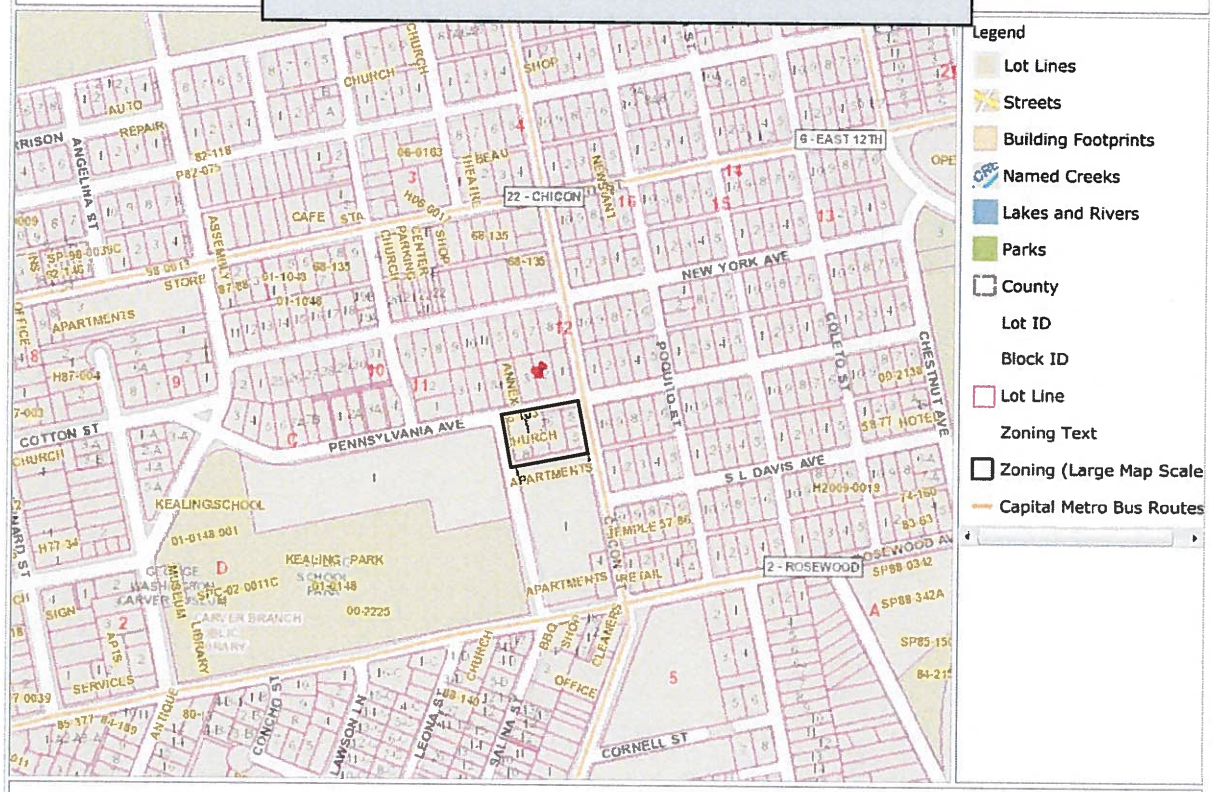
Capital Metro bus routes in the vicinity of the property



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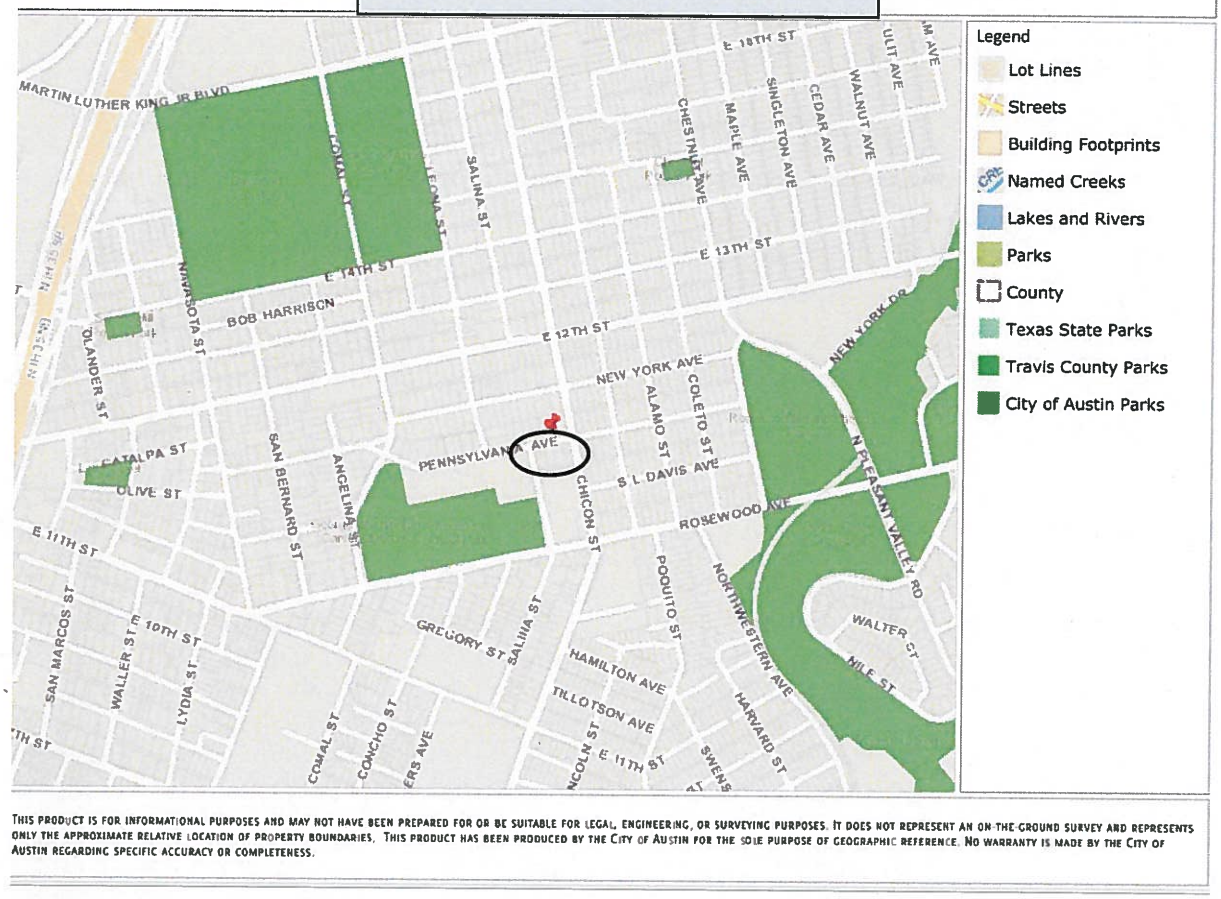
Parks in the vicinity of the property



IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also 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. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on September 17, 2015, which is out-of-cycle for neighborhood planning areas located on the east side of I.H.-35. The application was filed by the City of Austin, Planning and Zoning Department at the request of the Planning Commission. Please see memos from Greg Guernsey and Heather Chaffin on pages 12 – 16 for background information on the cases.

For case number NPA-2015-0009.02, the plan amendment application is to change the future land use map (FLUM) from Civic and Single Family land uses to Multifamily land use. The property owner is the Greater Mount Zion Baptist Church who supports the application.

Plan amendment case number NPA-2015-0009.01 is an associated case for church-owned property is on the north side of Pennsylvania Avenue. The request is to change the land use on the future land use map from Civic to Single Family land use. The Greater Mount Zion Baptist Church supports this plan amendment request.

The church is trying to sell the properties associated with plan amendment cases NPA-2015-0009.01 and NPA-2015-0009.02 because they are in the process of moving to another location.

The Central East Austin Planning Contact Team (OCEAN)submitted the plan amendment application for NPA-2015-0009.01 and the City of Austin initiated the plan amendment case number NPA-2015-0009.02 at the request of the Planning Commission. For more information on the zoning case associated with NPA-2015-0009.02 please see zoning case report number C14-2015-0130.

PUBLIC MEETINGS: The ordinance required community meeting for case numbers NPA-2015-0009.01 and NPA-2015-0009.02 was held on October 12, 2015. Approximately 420 meeting notices for both cases were mailed to property owners and utility account holders to live or own property within 500 feet of the property, in addition to neighborhood and environmental groups registered on the community registry who have requested notification for the area. Thirteen people attended the meeting, including one city staff member.

After city staff gave a brief presentation which outlined the two plan amendment requests, in addition to the plan amendment process, Clifton Van Dyke, a representative from OCEAN and Kealing Neighborhood Association made the following presentation.

Mr. Van Dyke said the PCT worked with the church to come to a meeting of the minds regarding the plan amendment application associated with both cases, although there are a few more issues to address with the case NPA-2015-0009.02.

For NPA-2015-0009.01, the request is to change the future land use map from Civic to Single Family which will match the existing zoning on the property of SF-3-NP. He said the church is in agreement with this. He distributed a three-page handout as part of his presentation. (See back of this report).

For NPA-2015-0009.02, (FLUM change to Multifamily) he said that the neighborhood would like a 17 dwelling unit maximum and no vehicular access/driveway from the southern properties to Pennsylvania Avenue because car headlights could shine into any future homes built there and it's a school zone with one-way traffic. The PCT and Kealing Neighborhood Association would also like a height restriction of a maximum of 50 feet and additional set back requirements. The church does not agree with these conditions. He said the termination

of the Public Restrictive Covenant would open the properties to all the allowable uses in the GO-General Office zoning district, which they feel is not compatible with the neighborhood.

After Mr. Van Dyke's presentation, Henry Gilmore made the following presentation.

Mr. Gilmore said he is a zoning attorney representing Greater Mount Zion Baptist Church. He introduced Michael Box who is a deacon at the church. Mr. Gilmore said this has been a very long process. The Greater Mount Zion Baptist Church has been in this location for 80 years, but has outgrown the site. They bought a larger tract of land near Tannehill, so they want to sell the property on Pennsylvania Avenue. The property on the south side of Pennsylvania Avenue (NPA-2015-0009.02) was rezoned to General Office (GO) from Family Residence District (SF-3) thirty years ago and was used for administrative purposes. There was a Public Restrictive Covenant put on the property that limited the use of the property to one use only, which was for a church. This condition limited the ability to sell the property. Two contracts fell through because of this condition. Church property is difficult to sell. When the application to terminate the restrictive covenant was filed, the neighborhood and planning contact team was notified which was when Clifton and Kealing Neighborhood Association got involved. He acknowledged that the neighborhood's desire to have a less intense zoning than straight GO- General Office zoning and that the neighborhood wanted something more residential. He said the south side of the property of NPA-2015-0009.02 is the Marshall Apartments, which matches the proposed zoning of MF-4-CO-NP with MF-1 land uses. He said as the neighborhood mentioned in their presentation, there are sticking points regarding the unit cap, the height cap and the limited access onto Pennsylvania Avenue. The church doesn't support these requests from the neighborhood because it could make it difficult to sell the properties. The church understands the reasons for the proposed conditions, but they still don't want to jeopardize the potential sale of the properties. He feels since Pennsylvania Avenue is a one-way street, this would reduce traffic on the street. The neighborhood's desire for stricter compatibility standards is not necessary because the Land Development Code will require restrictions that will make it compatible with the single family land adjacent to the properties.

No questions were asked by the attendees because both sides said they have been working on these two cases and no additional information was needed.

The Central East Planning Contact Team (OCEAN) letter and Kealing Neighborhood Association letter is on page 17.

CITY COUNCIL DATE: November 12, 2015 **ACTION:**

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Memos submitted with the Plan Amendment Application

NPA-2015-0009.02

MEMORANDUM

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TO: Heather Chaffin, Zoning Case Manager
Maureen Meredith, Neighborhood Plan Amendment Case Manager

FROM: Gregory I. Guernsey, Director
Planning and Zoning Department

DATE: September 17, 2015

RE: Mount Zion Properties Rezoning and Neighborhood Plan Amendment (NPA)
1801 and 1809 Pennsylvania Avenue and 1170 Chicon Street
District 1

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On September 8, 2015, Planning Commission voted to initiate a rezoning of the above referenced properties. The rezoning, as proposed by Planning Commission, also triggers the need for an out-of-cycle a Neighborhood Plan Amendment (NPA) to change the Future Land Use Map (FLUM). As Director of the Planning and Zoning Department, I am initiating the associated NPA for these properties.

The proposed rezoning and NPA are filed as follows:

Address	Existing Zoning	Proposed Zoning	Existing FLUM Designation	Proposed Flum Designation
1801 Pennsylvania Ave.	GO-NP	MF-4-CO-NP	Civic	Multifamily
1809 Pennsylvania Ave.	SF-3-NP	MF-4-CO-NP	Single Family	Multifamily
1170 Chicon St.	SF-3-NP	MF-4-CO-NP	Single Family	Multifamily

The Conditional Overlay that is proposed as part of the rezoning restricts the property to MF-1 land uses only.

Please distribute this memorandum to City Staff and any other reviewers who may be reviewing the rezoning and NPA application. If you have any questions, please contact Jerry Rusthoven at 512-974-3027.

Memos submitted with the Plan Amendment Application

Memos submitted by staff with the plan amendment application

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NPA-2015-0009.02

MEMORANDUM

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TO: Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Zoning Department

DATE: September 8, 2015

RE: **Greater Mount Zion Baptist Church**
1801 Pennsylvania Avenue
District 1
Request to Initiate Rezoning and Neighborhood Plan Amendment (NPA)

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On June 23, 2015, Planning Commissioners Jean Stevens and Nuria Zaragosa made a request to discuss City-initiated rezoning of property owned by Greater Mount Zion Church. In conjunction with that request, Staff is requesting that a Neighborhood Plan Amendment (NPA) be considered concurrently with any rezoning, if applicable.

The rezoning proposal originated during discussion of a restrictive covenant termination affecting 1801 Pennsylvania Avenue. The restrictive covenant remains in effect on the property. The rezoning proposal was modified to include 1800 Pennsylvania Avenue, but 1800 Pennsylvania Avenue was later removed from the rezoning and NPA request.

1801 Pennsylvania is currently zoned general office-neighborhood plan (GO-NP). Commissioners Stevens and Zaragosa have proposed:

- 1801 Pennsylvania Avenue to be rezoned to multifamily residence moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP), with the property limited to multifamily residence-limited density (MF-1) land uses and a maximum of 11 residential units.

If this rezoning is pursued, Staff recommends that the Future Land Use Map (FLUM) for the property be changed accordingly, from Civic to Multifamily.

The initiation of rezoning and an NPA was previously scheduled for the July 28, 2015, Planning Commission meeting, but was postponed to allow further discussion between

Memos submitted by City Staff with the application

D1+2/2

the Property Owner and Neighborhood representatives. As of the date of this memorandum, not every element has been agreed upon between the Owner and among individual neighbors, but the Property Owner supports the following rezoning and FLUM changes on the property:

- 1801 Pennsylvania Avenue to be rezoned to multifamily residence moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP), with the property limited to multifamily residence-limited density (MF-1) land uses; and
- 1801 Pennsylvania Avenue to be changed on the FLUM from Civic to Multifamily.

An exhibit showing the location of the property is attached, as well as a chart showing land uses and FLUM categories.

Memo submitted by City Staff with application

D 3+4
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MEMORANDUM NPA-2015-0009.02

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TO: Planning Commission Members

FROM: Heather Chaffin, Case Manager
Planning and Zoning Department

DATE: September 8, 2015

RE: **Greater Mount Zion Baptist Church**
1809 Pennsylvania Avenue and 1170 Chicon Street
District 1
Request to Initiate Rezoning and Neighborhood Plan Amendment (NPA)

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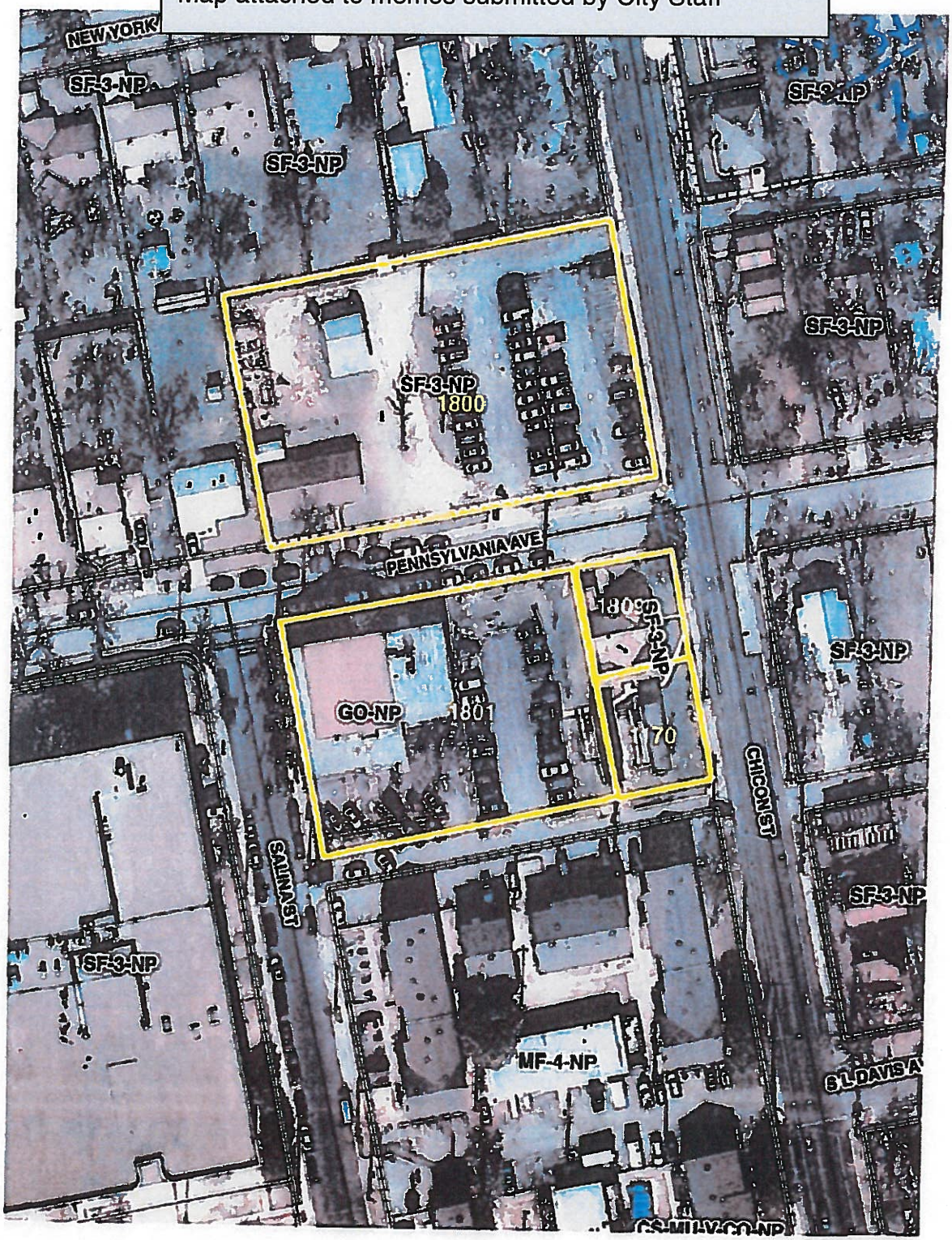
As outlined in a separate item, Planning Commission is discussing City-initiated rezoning and a Neighborhood Plan Amendment (NPA) for property owned by Greater Mount Zion Church at 1801 Pennsylvania Avenue. In conjunction with that discussion, Staff requests that the same action be applied to the Church's properties at 1809 Pennsylvania Avenue and 1170 Chicon Street.

As stated previously, actions on 1801 Pennsylvania Avenue were postponed to the September 8, 2015, meeting to allow further discussion between the Property Owner and Neighborhood representatives. Although not every element has been agreed upon, it appears some consensus has been reached on the following:

- The Property Owner will support an out-of-cycle application by the Neighborhood Planning Contact Team (NPCT) to change the Future Land Use Map (FLUM) for property located at 1800 Pennsylvania Avenue from Civic to Single Family. *Please note that no action is requested of Planning Commission on this item.*
- The (NPCT) will support the inclusion of 1809 Pennsylvania Avenue and 1170 Chicon Street in the rezoning and NPA request that is being proposed for 1801 Pennsylvania Avenue. *Please note that this support does not imply support of all elements of the requested rezoning and FLUM change; the NPCT supports these properties being processed as a single case for zoning/FLUM consistency.*

An exhibit showing the location of these properties is attached, as well as a chart showing land uses and FLUM categories.

Map attached to memos submitted by City Staff



Letter from the PCT and Kealing Neighborhood Association

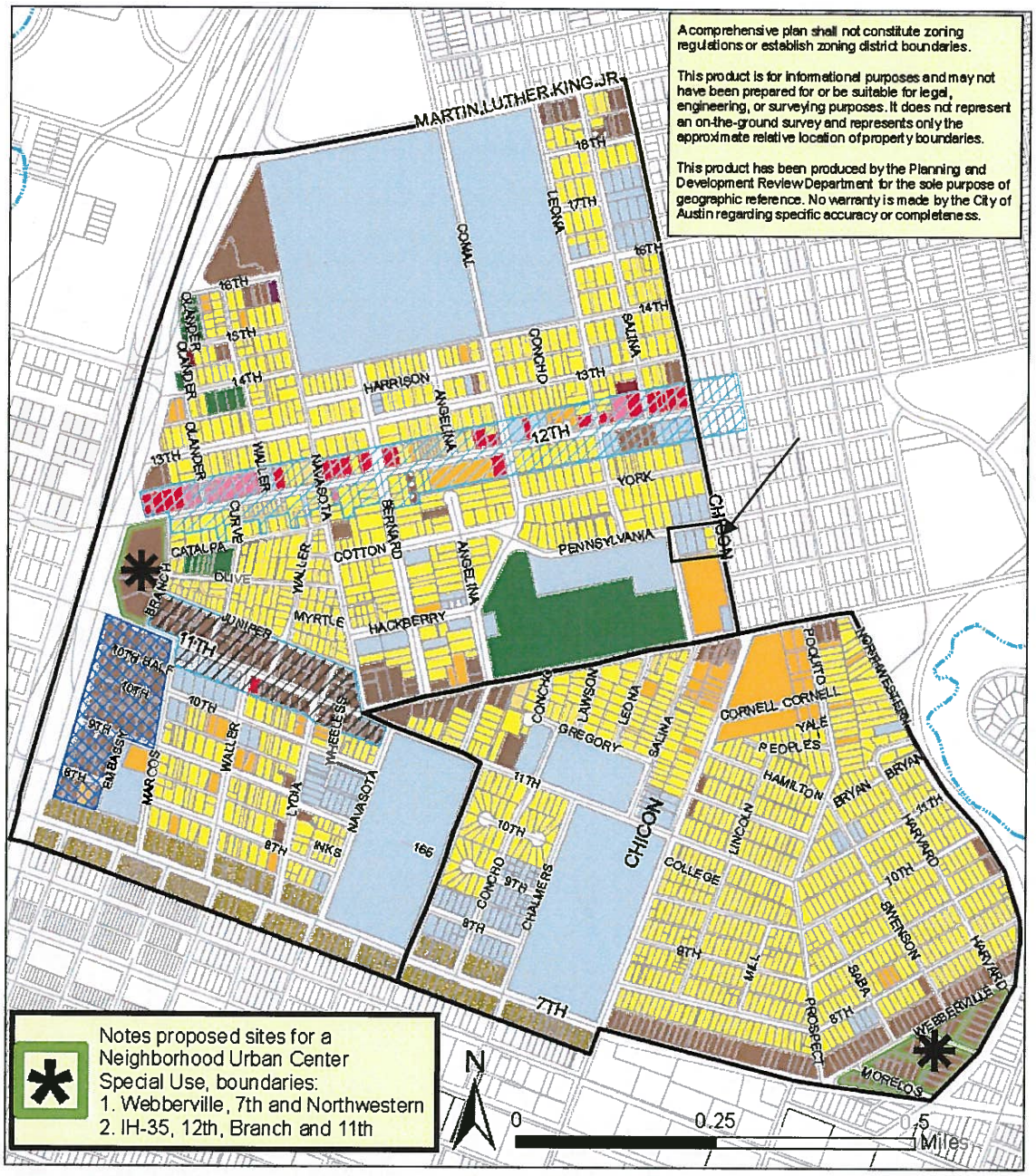
From: Thomas VanDyke
Sent: Tuesday, October 20, 2015 5:38 PM
To: Meredith, Maureen
Cc: maeganleigh@; lee_c_sherman@; Tracy Witte; Chaffin, Heather; Henry Gilmore; Thomas VanDyke
Subject: OCEAN and Kealing Statement On GMZ Cases

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.

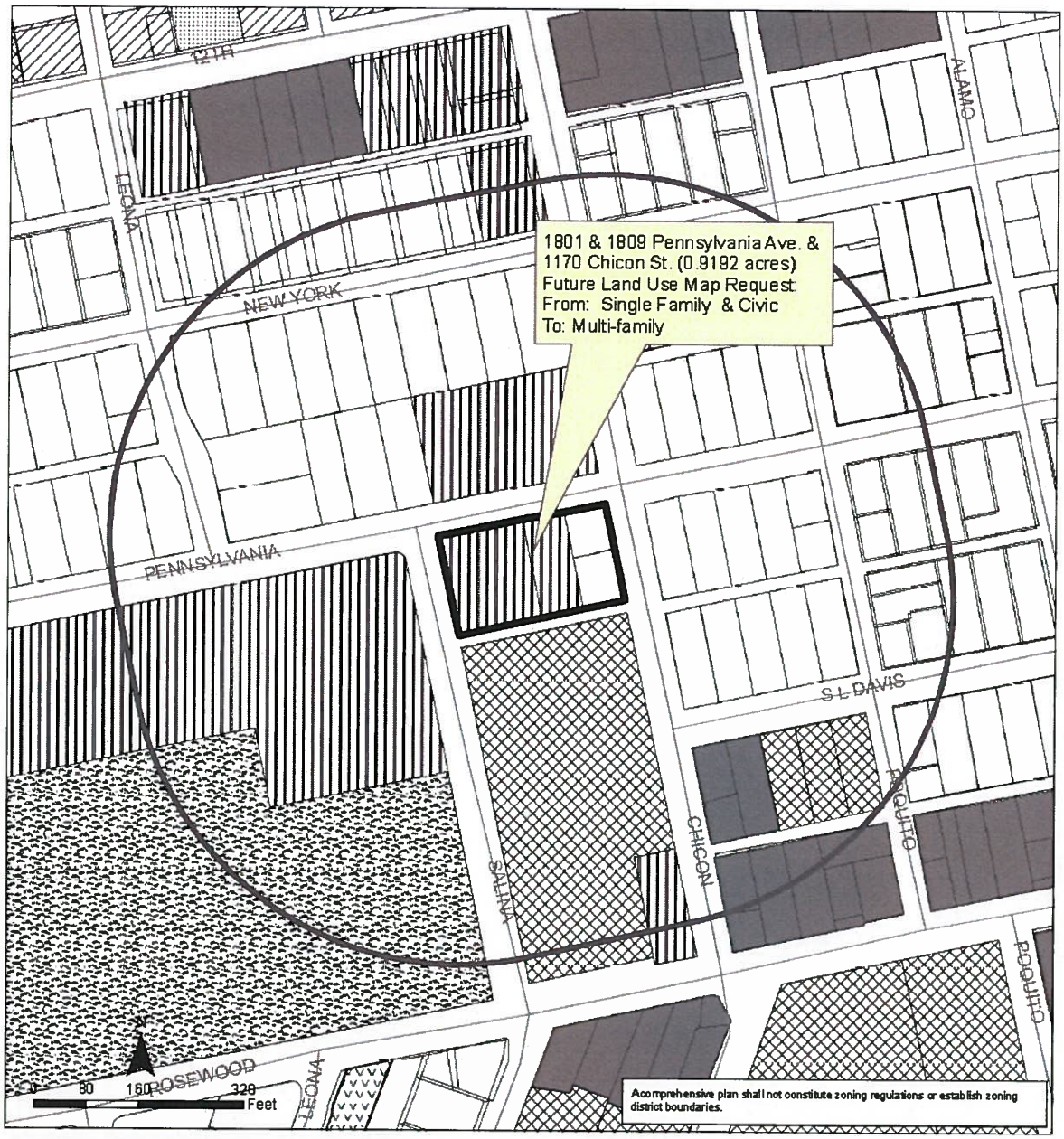


Central East Austin Neighborhood Planning Area
Future Land Use Map
Updated Hune 25, 2011
Planning and Development Review Department

Neighborhood Planning Areas
Bennett Tract & 11th Street NCCD
Austin Revitalization Authority 11th & 12th Street Corridors

Single-Family
Higher-Density Single-Family
Multifamily
Commercial
Neighborhood Mixed Use
Mixed Use
Office
Mixed Use/Office
Industry
Civic
Recreation & Open Space
Transportation
Specific Regulating District

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



Central East Austin Neighborhood Planning Area
NPA-2015-0009.02

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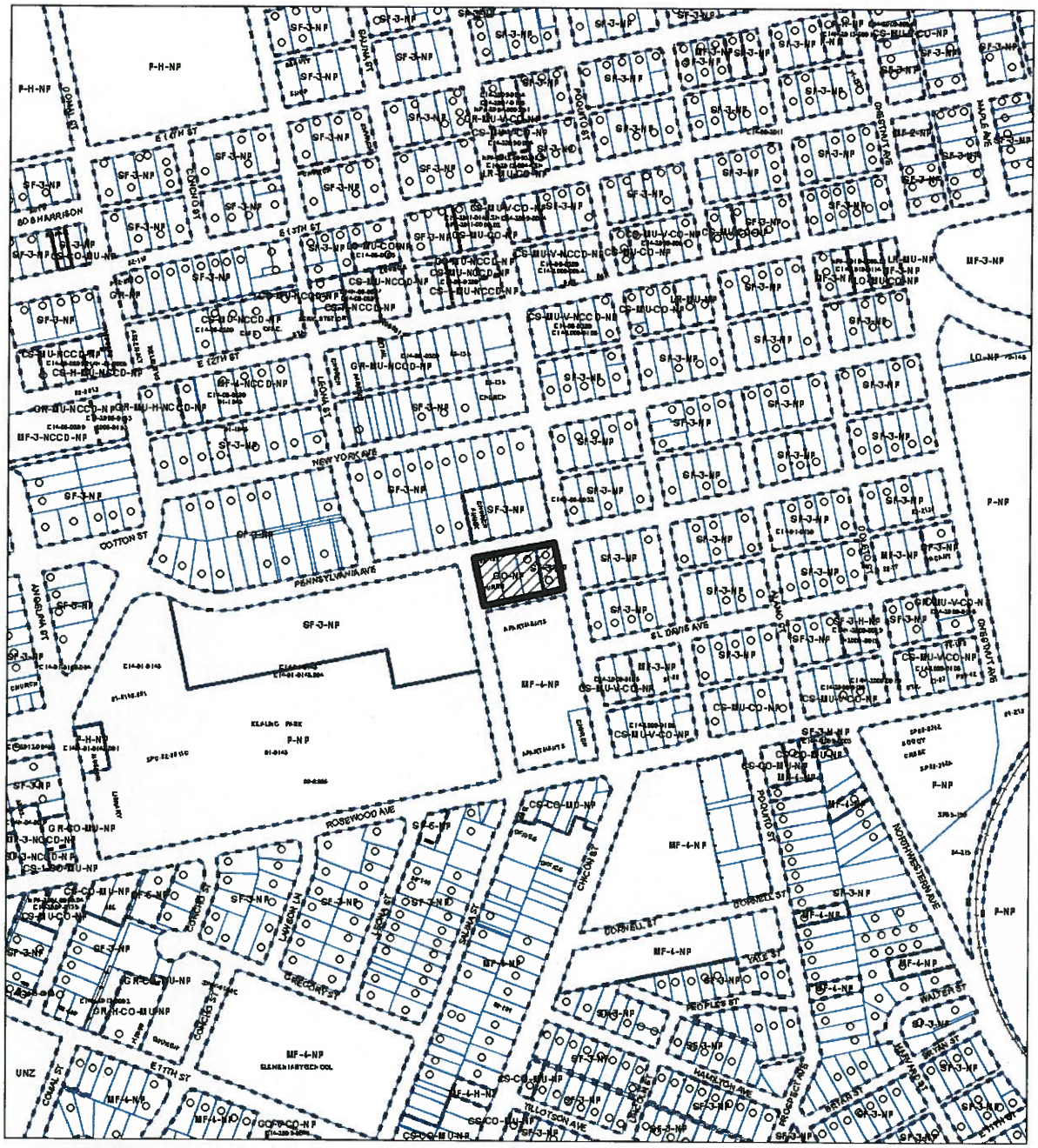
City of Austin
Planning and Development Review Department
Created on 9/22/2015, by: meredithm

Future Land Use

- 500 foot notification boundary
- Subject Property
- Single-Family
- Higher-Density Single-Family
- Multi-Family
- Commercial
- Neighborhood Mixed Use
- Mixed Use
- Office
- Mixed Use/Office
- Civic
- Recreation & Open Space
- Transportation



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

ZONING CASE#: C14-2015-0130

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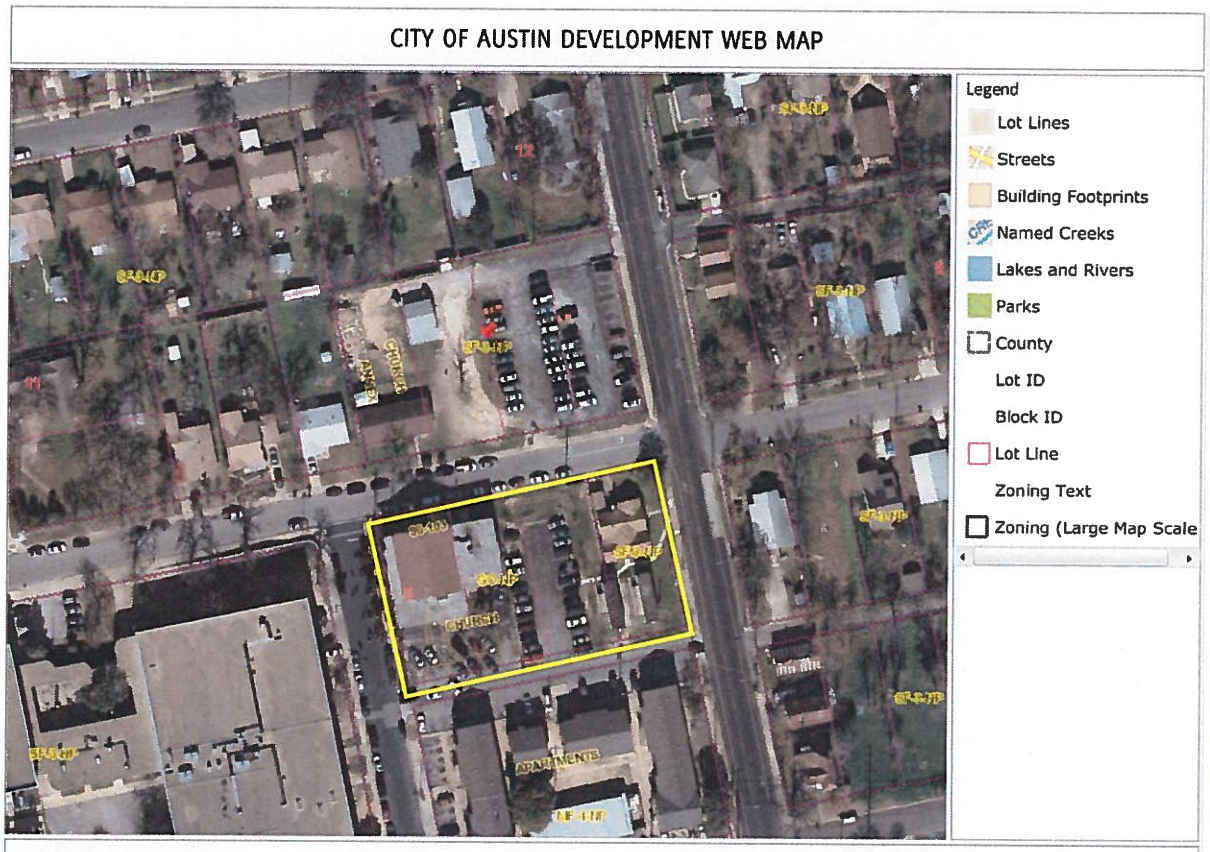

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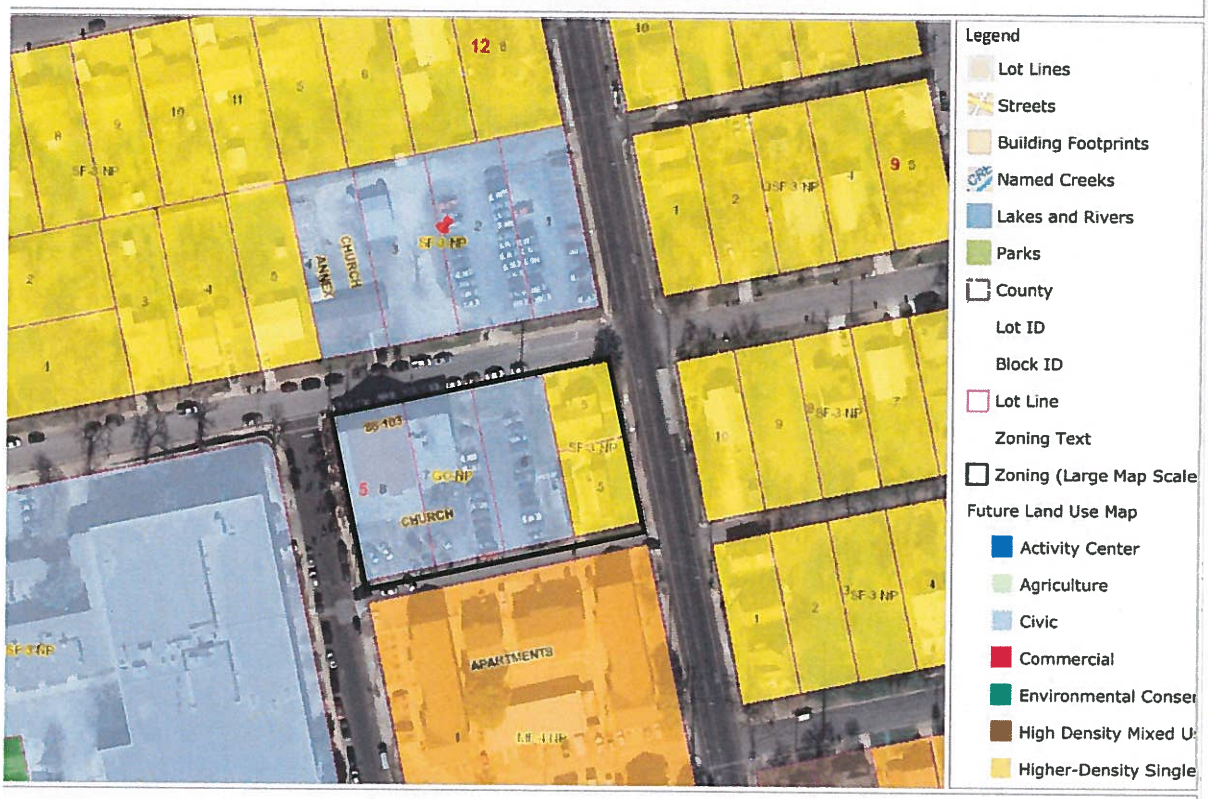
CITY OF AUSTIN DEVELOPMENT WEB MAP



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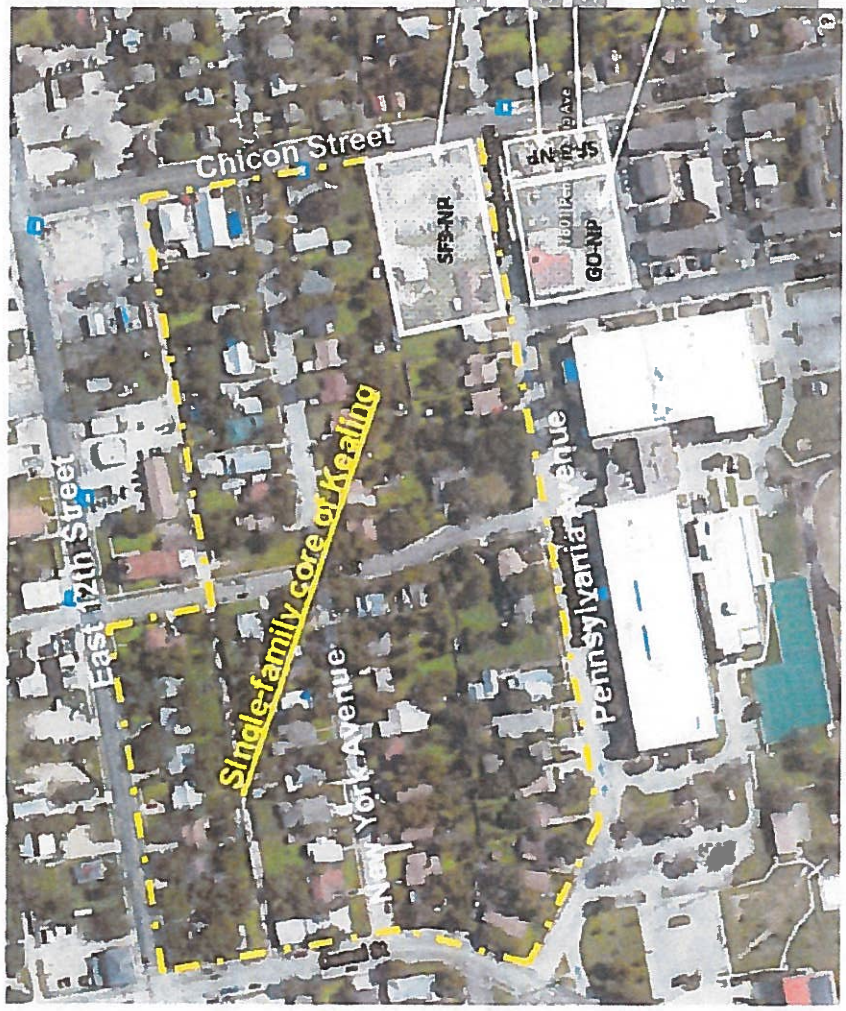
Handout distributed by the PCT/Kealing NA at the Oct. 12, 2015 Mtg

Greater Mount Zion Tracts in Kealing

Greater Mount Zion has begun construction of a new sanctuary a few miles to the east of its site on Pennsylvania Avenue and wishes to terminate a restrictive covenant on 1801, 1803 and 1805 Pennsylvania Avenue. The covenant was a condition of rezoning the property from SF-3 to GO in the 1980s, when the Church had plans to expand its sanctuary there. It limits use of the land to religious assembly and gives property owners within 1000' the right to sue to enforce this restriction.

Unrestricted GO zoning on these tracts would allows several uses that are incompatible with the surrounding single-family, multifamily and public school use. The Kealing Neighborhood Association and the Central East Austin neighborhood plan/ contact team have worked with Greater Mount Zion to identify a compromise solution for these tracts that will afford area residents protection as the restrictive covenant is lifted, the Church transitions to its new home and the property on Pennsylvania Avenue is sold and redeveloped.

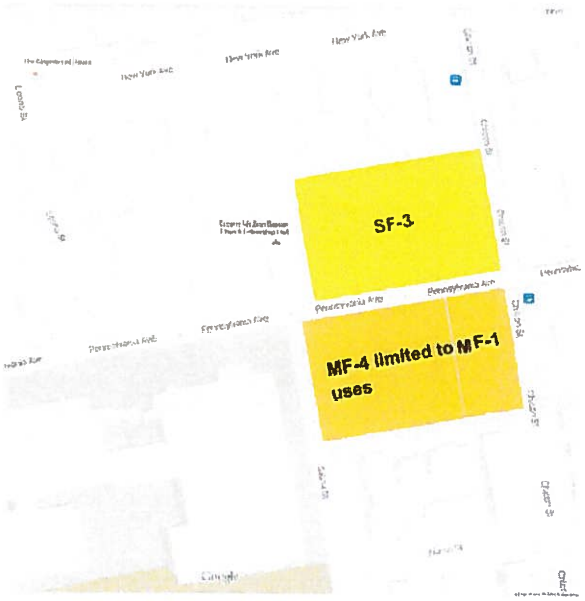


Handout distributed by the PCT/Kealing NA at the Oct. 12, 2015 Mtg

Current zoning and FLUM designation

The north-side Pennsylvania Avenue tract is currently zoned SF-3 and its Future Land Use Map (FLUM) designation is Civic (blue). The Central East Austin neighborhood plan/contact team has initiated a FLUM change to Single-Family (yellow) to signal to anyone wishing to redevelop the property that the desired use is single-family homes.

Proposed zoning and FLUM designation



The south-side Pennsylvania Avenue tracts are currently zoned GO and SF-3, and their respective FLUM designations are Civic (blue) and Single-Family (yellow). The Planning Commission and City Staff have sponsored initiation of change of FLUM for all tracts to Multifamily (orange) and rezoning to MF-4, limited to MF-1 uses.

Handout distributed by the PCT/Kealing NA at the Oct. 12, 2015 Mtg

MF-4

Multi-Family Residence—Moderate-High Density

Multifamily Residence Moderate-High Density district is intended to accommodate multifamily and group residential use with a maximum density of 36 to 54 units per acre, depending on unit size and mix. This district is appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable.

Site Development Standards

Lot		Massing	
Minimum Lot Size	8,000 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	60%	Front yard	15 ft
Maximum Impervious Cover	70%	Street side yard	15 ft
Maximum Floor Area Ratio	75:1	Interior side yard	5 ft
Maximum Units Per Acre	36-54	Rear yard	10 ft

MF-1

Permitted and Conditional Uses

* For detail on marked uses in the Multi-Family Residence—Limited Density district, see the Austin City Code 25-2-560.

Residential

Bed and Breakfast Residential (Group 1) *
Bed and Breakfast Residential (Group 2) *
Condominium Residential *
Duplex Residential *
Multifamily Residential *
Retirement Housing (Small Site) *
Retirement Housing (Large Site) (c) *
Short-Term Rental
Single-Family Residential *
Single-Family Attached Residential *
Townhouse Residential *
Two-Family Residential *

Civic

Club or Lodge (c) *
College and University Facilities (c) *
Communication Service Facilities *
Community Events *
Community Recreation—Private (c) *
Community Recreation—Public (c) *
Congregate Living (c)
Cultural Services (c)
Day Care Services—Commercial (c)
Day Care Services—General (c)
Day Care Services—Limited
Family Home *
Group Home Class I—General *
Group Home Class I—Limited *
Local Utility Services (c)
Private Primary Educational Services (c) *
Private Secondary Educational Services (c) *
Public Primary Educational Services *
Public Secondary Educational Services *
Religious Assembly
Residential Treatment (c)
Safety Services (c)

Civic (continued)

Telecommunication Tower (PC) *

Commercial

Special Use—Historic (c) *

Agricultural

Community Garden
Urban Farm *

-----Original Message-----
From: Lawrence D. Pierce
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

-----Original Message-----
From: Lawrence D. Pierce
Sent: Tuesday, September 22, 2015 10:45 AM
To: Meredith, Maureen
Subject: N.P.A.-2015-0009.01

Dear Maureen

Since the last time, I wrote you, other ideas came forth, with preserving the history of Greater Mount Zion. As a long life resident of East Austin, and watching the history of East Austin fade, it concern me dearly in my fading years of life. I don't have a history, my neighbors don't have a history, all because, developers and the city of Austin have willingly gutted the once proud area, of East Austin. Our schools have been closed, our hospital was torn down, and many homes, as I walk around in East Austin, are new. I live in a strange place with strange people, who have different cultures, and have build stereotype of ideas of who I'am or what my people act like.

Greater Mount Zion is a Church full of history, that need to be preserve,. for this is the only remaining structure, that people have gone to church for years, now, the church is abandoning those loyal members, in lieu of high dollars signs in their eyes.

I'am requesting, the city of Austin declare this church a Historical Landmark, to preserve this "Restrictive Covenant" so that another church can move in.

In closing, just like the Rosewood Court case, city staff once again sent confusing material out, that caused a great confusion among those who attended the meeting, this case has the same setting, to cause the same amount of confusion. Three separate legal letters, I have received, each one totally different from the other, my legal mind tell's me, that wheels are turning to get there hands on this property, because of the ? Organization of Central East Austin Neighborhoods. When you change the wording of Restrictive Covenant to Civil you are in fact changing the intent, by removing the name, then adding another name, which to the average lay person, you have clearly intended to confuse for the purpose of giving the right to tear down, and continuing getting the neighborhood. I believe, this is a civil right violation somewhere in the city ordinance, that prevents you from misleading the general public.

My vote still remains with keeping the zoning "restrictive covenant"
and placing a Historical Landmark to preserve the little history East Austin has.

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

-----Original Message-----
From: Lawrence D. Pierce
Sent: Tuesday, October 06, 2015 10:45 AM
To: Meredith, Maureen
Subject: Zoning cases

Re: N PA-2015-0009.01
N PA-2015-0009.02
C 14-2015-0130

To Maureen

Please allow this letter to reflect my concerns of zoning changes, that will affect the lives of me and my neighbors, please allow these words to be presented to the eyes of commission members, for the scheduled meeting on October 12, 2015.

I reject the zoning requested change for many reasons, when I see the underhand plots that has gone on with this carefully crafted event.

Reasons: The city of Austin has pushed to cram more and more people into tiny neighborhoods, and a downtown area, that is not prepared.
The years of watching developers control the minds of projects built in Austin, thus lured city staff members to alter the rules, or look the other way, or they failed to collect taxes from developers or lobbyist, city staff has one rule of city government, but, they have created different standards for different sections of Austin, while sticking to the rules in some sections, while closing their eyes in other section of this city.

This project is no different then what I stated above, one week, I received a letter, telling, there will be no commercial building on the sit in question , and less then one week, there is this change of plans, just as I mention above, staff members closing their minds of fairness to people who live in the area. This is a very sick process, and it will stop. When staff members have forgotten who they work for, it's the citizens of Austin, and not the developers and lobbyist, who claim they know the laws better then the staff they are talking with, and this is why the lobbyist and developers get their way, which is sad.

Our neighborhood in the questioned area, has many problems, that has come from the Rosewood Courts, and the Marshall Apartments, the church sets in between those areas adding a large scale or even a small scale apartment complex with further cause problems that wee have, that is an ongoing process. I have met many people that have moved into my neighborhood, into homes they enjoy, but, like me, they don't like the troubles that flows from Rosewood Courts and the Marshall Apartments into our neighborhood, this is the main reason, we prefer to have the single family built, like the process several years ago, this was the promise then and this is our belief now.

In closing, living in a neighborhood, that was built with sweat and blood of the brave families that was forced to move here from west Austin. My people have struggle, just like many of the senior

citizens have, but, they managed, for the most part, without city, we were denied, and told no, at every turn, we were given secondhand dreams, that never became a reality. Our neighborhood is a reality now, no more dreaming, and the reality is, we want the remaining pieces of our history, and the neighborhood we live in to remain that promise of being single family houses.

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

-----Original Message-----
From: Lawrence D. Pierce
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

-----Original Message-----
From: Lawrence D. Pierce
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