NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Chestnut

CASE#: NPA-2015-0003.01 **DATE FILED**: July 30, 2015

PROJECT NAME: New Hope Baptist Church Rezoning

PC DATE: November 10, 2015

ADDRESS: 2403 East 16th Street

DISTRICT AREA: 1

SITE AREA: Approx. 0.4448 acres

OWNER/APPLICANT: New Hope Baptist Church

AGENT: Husch Blackwell, LLP (Nikelle Meade)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Civic **To:** *Office
Note: Original application was for Commercial land use. On September 28, 2015 the applicant amended the application to request Office land use.

Base District Zoning Change

Related Zoning Case: C14-2015-0107
From: P-NP **To:** LO-CO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: July 15, 1999

PLANNING COMMISSION RECOMMENDATION:

November 10, 2015 -

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: Staff supports the applicant's request to change the land use on the future land use map from Single Family land use to Office because the Chestnut neighborhood plan supports the creation of new businesses in the area. The future land use map shows a zero office land uses, although there are mixed use land

uses on the perimeter of the planning area and some mixed use land uses scattered within. Staff believes the low-intensity office land use in this location is compatible with the surrounding residential uses and will provide office uses within walking distance from residential areas.

Below are sections of the neighborhood plan that supports this request:

Land Use and Transportation

GOAL ONE: REVITALIZE THE HISTORIC, RESIDENTIAL AND PEDEDSTRIAN-FRIENDLY CHARACTER OF CHESTNUT.

Objective 1.1: Preserve the historic character of the Chestnut neighborhood.

1. Encourage the development of infill residential housing that is compatible with the original housing style of the neighborhood, such as front porches and wooden frames. (Chestnut Neighborhood).
2. Encourage and allow construction of residential buildings of compatible design on lots currently too small to allow legal construction. (DRID).
3. Allow garage apartments if compatibly designed. (DRID).
4. Update the City's East Austin Survey of Cultural Resources including:
   - "Emancipation Park" where former slaves and their Austin descendants celebrated Juneteenth.
   - The "Hudspeth's Corner" area along Cedar Avenue. This has a long history as a neighborhood commercial area, and has the potential to enhance the Chestnut community and Cedar Avenue.

Objective 1.2: Encourage compatible infill development.

5. Participate with the Austin Redevelopment Authority (ARA). Work with this effort to ensure that its implementation is consistent with the Chestnut Neighborhood Plan. In particular, address the need for desirable land uses along the edges of the Chestnut Planning Area. (Chestnut Neighborhood).
6. The following initiatives should be enacted city-wide to implement Smart Growth:
   - Mixed Use Zoning
   - Small lot amnesty
   - Allowing garage apartments and granny flats
   - The Smart Growth Evaluation Matrix and its accompanying incentives. (PECSD).
   - Traditional Neighborhood Design (TND) with its accompanying design and compatibility standards. (DRID).
7. There is a potential need in Chestnut to create and utilize a new small lot infill category (1-4 units per lot) if appropriate design standards can be developed. This category could address the several small interior lots that are too small to utilize their existing MF zoning but whose zoning may create the desire to ensure duplex, triplex or quadraplex development. (DRID).

Economic Development

Goal Four: IMPROVE THE BUSINESS CLIMATE OF THE CHESTNUT NEIGHBORHOOD.

Objective 4.1: Establish the Chestnut Business Coalition.

39. Identify and share information on micro-loans and entrepreneurship. (Chestnut Neighborhood).
40. Develop a business resource guide for Chestnut area merchants, to be shared with area residents. (Chestnut Neighborhood).
41. Include these businesses as part of the newly created neighborhood newsletter. (Chestnut Neighborhood).

Objective 4.2: Establish a Community Center/Cooperative.

42. Monitor Citizens' Bond Committee recommendations as they relate to Chestnut; support all efforts toward the creation of a community center/police sub-station. (Chestnut Neighborhood).
43. Explore options for developing a community cooperative in Chestnut. (Chestnut Neighborhood).
44. Evaluate the potential of existing vacant buildings within Chestnut to serve as a site to serve for a community and cultural center, a location for police presence, or a daycare, after-school center, or a prevocational training center. (Chestnut Neighborhood, APD, PARD and HHS).

Objective 4.3: Attract new residents and businesses.

45. Work with local media outlets like the Villager, NOKOA, Capitol City Argus, Austin American Statesman, local radio and TV stations to better communicate opportunities that are available to the community (such as training and technical assistance for entrepreneurs), including the NAACP Community Development Resource Center, the Urban League and the National Business League and Businesses Investing in Growth. (Chestnut Neighborhood).

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Civic - Any site for public or semi-public facilities, including governmental offices, police and fire 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.

PROPOSED LAND USE ON THE PROPERTY

Office - An area that provides for office uses as a transition from residential to commercial uses, or for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals and non-profit organizations.

Purpose

1. Encourage office-related services in areas that cannot support the traffic generation of commercial uses;
2. Provide for small lot office conversions as a transition from commercial to residential uses; and
3. Preserve sites for employment and office related services.

Application

1. Appropriate for low volume streets such as collectors and minor arterials; and

1. Can be used to provide a transition between residential uses and more intense commercial and industrial uses.

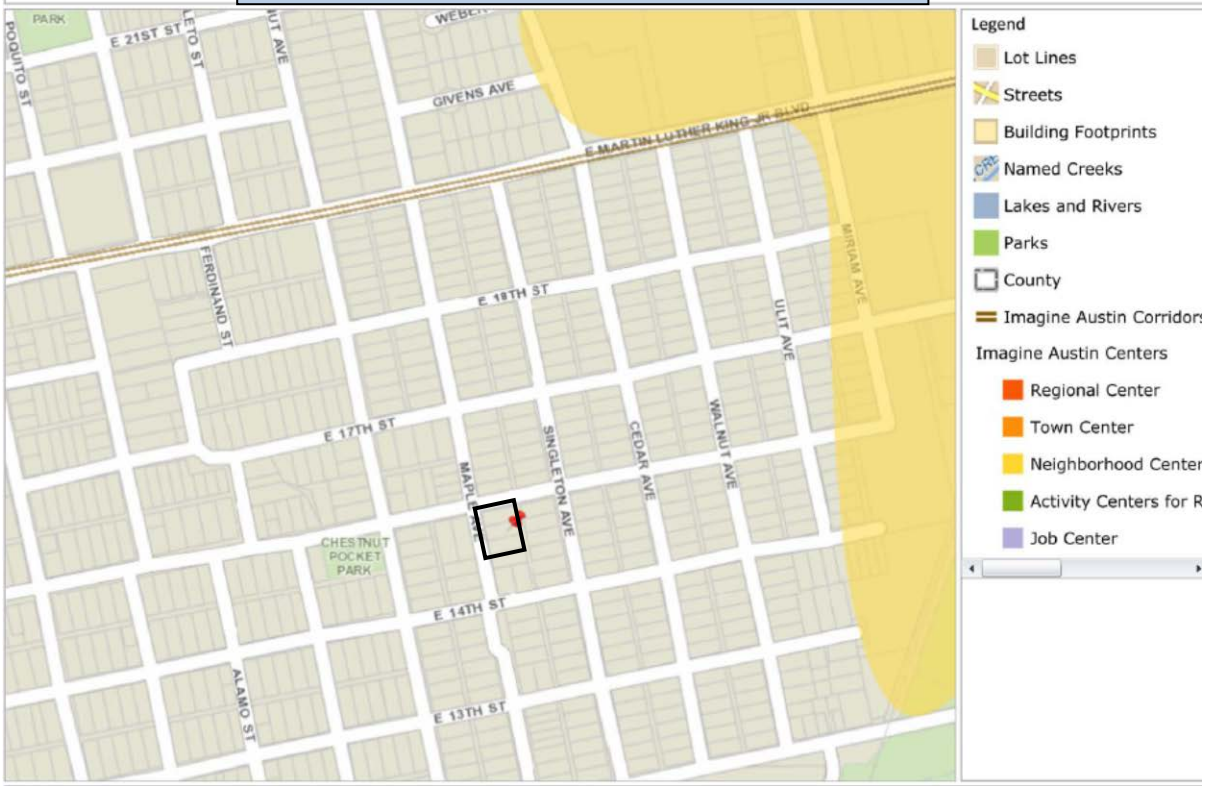
IMAGINE AUSTIN PLANNING PRINCIPLES

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.
    - ***There are no residential uses proposed for the site.***
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 three blocks south of the East MLK Boulevard activity corridor and is within walking distance to Capital Metro bus routes.***
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 was a church located within a residential area. The property is three blocks south of the East MLK Boulevard activity corridor. The property could be considered infill development.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***There are not residential uses proposed for the site***.
5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***The low-intensity LO- Limited Office zoning district requested by the applicant with the Office land use is compatible for this residential area.***
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 within an environmentally sensitive area, although there is a waterway to the west of the parking lot.***
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.
    - ***The church is not a historic building, although the prospective buyer of the church says he intends to preserve the building for at least 10 years.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***Not 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 Imagine Austin Activity Corridors and Activity Centers



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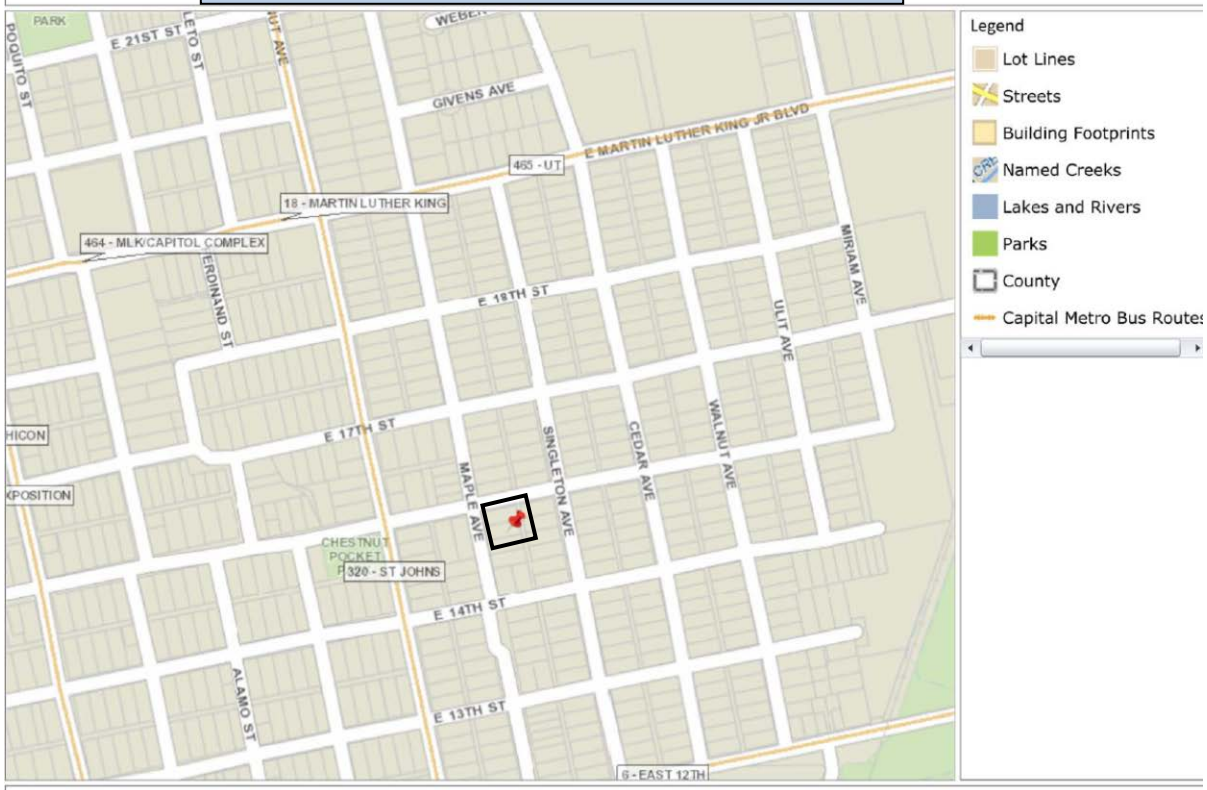
Capital Metro Bus Routes in the Vicinity of the Property



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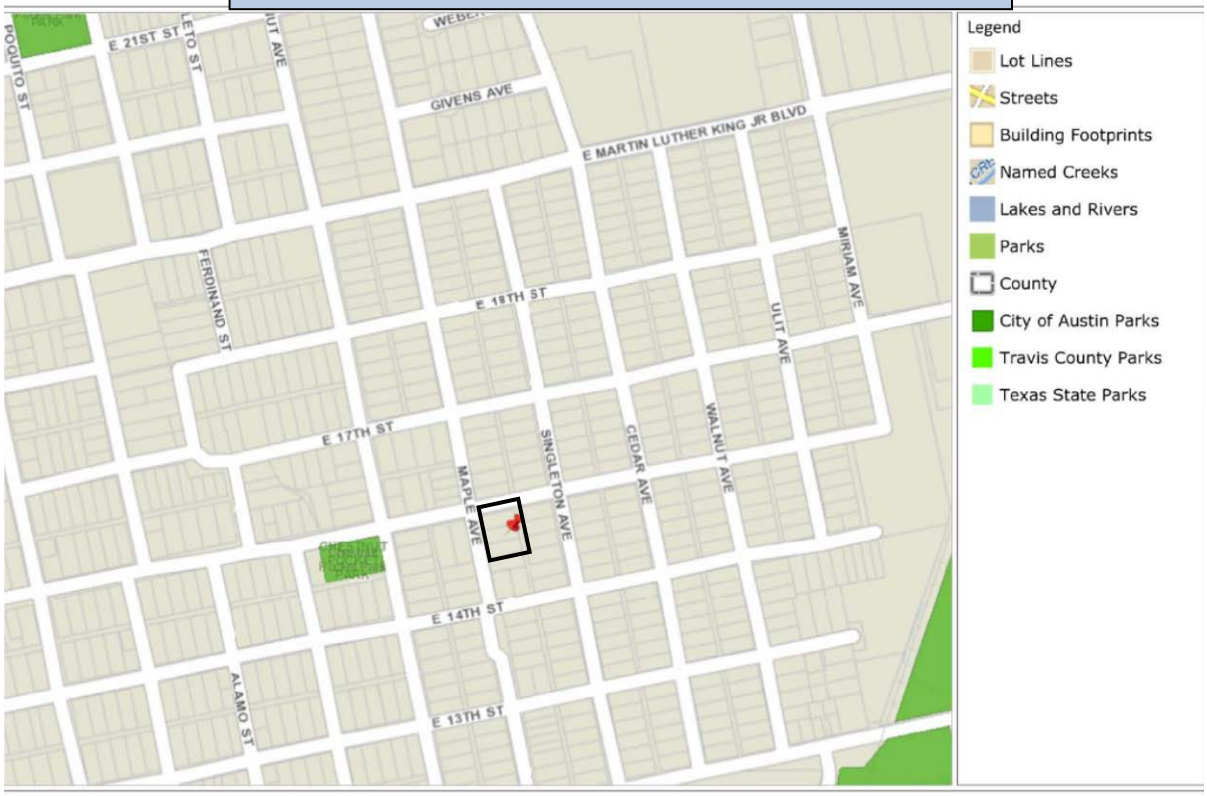
Parks in the Vicinity of the Property



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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 July 30, 2015, which is in-cycle for neighborhood planning areas located on the east side of IH-35.

The applicant requests a change in the future land use map from Civic to Office land use. On the property is an existing church building and a surface parking lot. The church is selling the property to a prospective buyer who intends to convert the existing church building to leasable office space.

PUBLIC MEETINGS: The ordinance required community meeting was held on September 24, 2015. Approximately 264 meeting notices were mailed to property owners and utility account holders who live or own property within 500 feet of the property, in addition to neighborhood organizations or environmental groups who requested notification for the area. Eleven people attended the meeting, including one city staff member.

After city staff gave a brief presentation about the staff's plan amendment and zoning request and the planning process in general, the applicant gave the following presentation.

Michael Bullard, the prospective owner, said the church building is a beautiful building with great architecture. The inside of the building has old bead board walls and oak floors. It deserves to be preserved, but the question is how to preserve it but to not be at odds with the surroundings. He said they didn't want a dense project because he wanted a limited construction period. He didn't want to rezone to residential uses because that would have needed a lot of construction. He also did not want a retail or restaurant use. He said the church building size was good because office tenants tend to like big open spaces. He said he helps people find office space and people are wanting out of downtown. This property has a big building with lots of parking space, so there should be no overflow into the neighborhood.

At one of the last meetings with the Chestnut Planning Contact Team in the summer you said you were OK with office zoning with restrictions. There is a question of whether a 40 foot street right of way is required for properties with NO-Neighborhood Office zoning and what exactly a "single office user" is. Does that mean one tenant? Can you have multiple tenants with the same office use? We will need to get these questions answered by City staff.

After Mr. Bullard's presentation, the following questions were asked:

Q. I see the zoning case is limited to 2,000 vehicle trips a day. Could this be limited to 300 trips a day?
A. The 2000 trips a day is the City's boiler plate trip limit, but yes, we could limit to 300 trips a day.

Q. Would you remove any of the buildings from the back of the church?
A. Our architect says the rooms look like they were built to meet the office building code, so we will keep them.

Q. Will you have new construction on the outside?
A. No, we will not have any new outside construction because we are limited by the impervious cover that already exists, but we will put some new siding on the building.

Q. What is the square feet of the building?
A. It's 7,200 square feet. The lot is 19,375 square feet, so the maximum impervious cover would be 6,781 square feet, so we are already over the maximum impervious cover.

Q. Will be pursue a variance on the property?

A. No, because we have pre-existing conditions so the buildings are non-conforming structures.

Q. Would you be willing to have compatibility standards adding a 25 foot buffer from the street?
A. I'm open to everything, but I need to understand exactly what you're asking.

Q. Would you be willing to restrict uses at night so we don't have to worry about noises at night?
A. My hope is to limit the square feet of office uses so we don't have to worry about this, but I'm concerned about limiting the office hours because people may need to work at all hours.

Q. Our neighborhood use to have our meetings at the church, but now we're losing that. Would you be willing to provide use some space so we can still have meetings there?
A. I'd love to be able to provide you some civic space, but I just can't figure out how to carve out 1,000 square feet for you. People who will be renting office space in the building might be concerned about people being in the building at night using their space.

Q. If no common space can be provided for the neighborhood, could you provide a swing set for the kids in the neighborhood to play on?
A. I'd love to give back to the neighborhood, but I would need to explore this.

The Chestnut Planning Contact Team submitted a letter of recommendation on pages 15-16.

CITY COUNCIL DATE: December 10, 2015 **ACTION:**

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

EMAIL: maureen.meredith@austintexas.gov

Applicant's Summary Letter Submitted with Application

HUSCH BLACKWELL
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Austin, Texas 78701
512.472.5456

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Partner
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512.226.7373 direct fax
nikelle.meade@huschblackwell.com

July 30, 2015

Maureen Meredith
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

RE: **Neighborhood Plan Amendment Application (2405 E. 16th Street; New Hope Baptist Church)—Summary Letter**

Dear Ms. Meredith:

The purpose of the proposed Neighborhood Plan Amendment for the New Hope Baptist Church is to allow for a tract currently designated for Civic Use to be used for office uses. This change will require re-designations of the tract from Civic to ~~Commercial.~~ office. (Amended applic. 9/28/15)

New Hope Baptist Church has owned this tract for over 70 years, and this tract has been its home all of that time. In recent years as their membership has grown significantly, they have outgrown the property in terms of the size of the sanctuary, the number and size of the meeting rooms, and parking. So, they have purchased and are relocating to a new site. Because of the small site size and the physical constraints of the site, selling to another church or other civic use (most of which would necessitate more and larger meeting rooms and more parking) is infeasible, as the new use would likely run into the same problems with the site that this church has. So, they are proposing to re-designate the tract as Commercial and convert the existing buildings on the site to offices.

The amendment will bring low-impact changes to the property that will be compatible with the surrounding neighborhood.

The church is working with Michael Bullard, who will be the developer and future owner of the tract. He will take ownership if and when the zoning and NPA are approved.

Per discussions with the surrounding neighborhood association and property owners, an in connection with the applicant's proposal to re-zone the tract from P-NP to LO-CO-NP, the applicant proposes the following conditions be made part of a conditional overlay:

1. The following uses shall be prohibited:

   - Telecommunications Tower
   - Communications Services
   - Medical Office greater than 5000 sq. ft.
   - Medical Offices 5000 sq. ft. or smaller
   - Personal Services
   - Club or Lodge
   - Communication Service Facilities
   - Community Events
   - Congregate Living
   - Convalescent Services
   - Counseling Services
   - Family Home
   - Hospital Services (Limited)
   - Local Utility Services
   - Residential Treatment

2. Vehicle trips per day shall be limited to 2,000.

3. The site will be subject to NO site development regulations.

Sincerely,

Nikelle Meade

AUS-6140046-1 522946/1

Letter from the Chestnut Planning Contact Team

Neighborhood Plan Amendment Case: NPA-2015-0003.01
Zoning Case Number: C14-2015-0107
October 1, 2015

Maureen -

The Chestnut NPCT reviewed the current re-zoning proposal and FLUM change for New Hope Baptist Church located at 2405 E. 16th St. at our meeting last night. The current proposal is:

1. A FLUM Change from Civic to Office Use

2. A zoning change from P-NP-Public to Limited Office (LO) zoning with the following overlays with regards to the development and site regulations:

The applicant proposes the following conditions be made part of a conditional overlay (CO) which will be a part of the zoning ordinance if approved:

- The following uses shall be prohibited:
    - Telecommunications Tower
    - Communications Services
    - Medical Office greater than 5000 sq. ft.
    - Medical Offices 5000 sq. ft. or smaller
    - Personal Services
    - Club or Lodge
    - Communication Service Facilities
    - Community Events
    - Congregate Living
    - Convalescent Services
    - Counseling Services
    - Family Home
    - Hospital Services (Limited)
    - Local Utility Services
    - Residential Treatment
- The uses listed above to be prohibited are uses that are either permitted or conditional in LO zoning but are prohibited in NO zoning. The request is to have exactly same permitted, conditional, and prohibited uses on this tract as NO zoning would have.
- The site will be subject to the NO site development regulations, except that the regulations in City Code Section 25-2-93 related to street width and the number of unique uses allowed in NO do not apply.
- Vehicle trips shall be limited to 2000 per day
- A restrictive covenant will prohibit demolition of the Church Sanctuary for a period of 10 years. This covenant may be inserted as a deed restriction rather than with the zoning case based on the city's legal requirements.

The Chestnut NPCT voted to support both the FLUM change and the re-zoning application ***if*** the following two changes are made to the Conditional Overlay:

1. Vehicle trips limited to 500 per day. As written the Conditional Overlay allows 2000 trips per day which the NPCT found to be excessive for this location.

2. Establish SF-3 setbacks for the lot in the Conditional Overlay so that any new building is compatible with the SF-3 lots surrounding the property.

The vote was unanimous to support the re-zoning and FLUM change if these two items were amended. Our team of over 80 neighbors has worked very closely with New Hope Church and the prospective buyer to come to this position. I'd be glad to answer any questions you have about our deliberation or intentions.

Sincerely,
Cavan Merski
Chestnut NPCT Chairman
814.397.9649

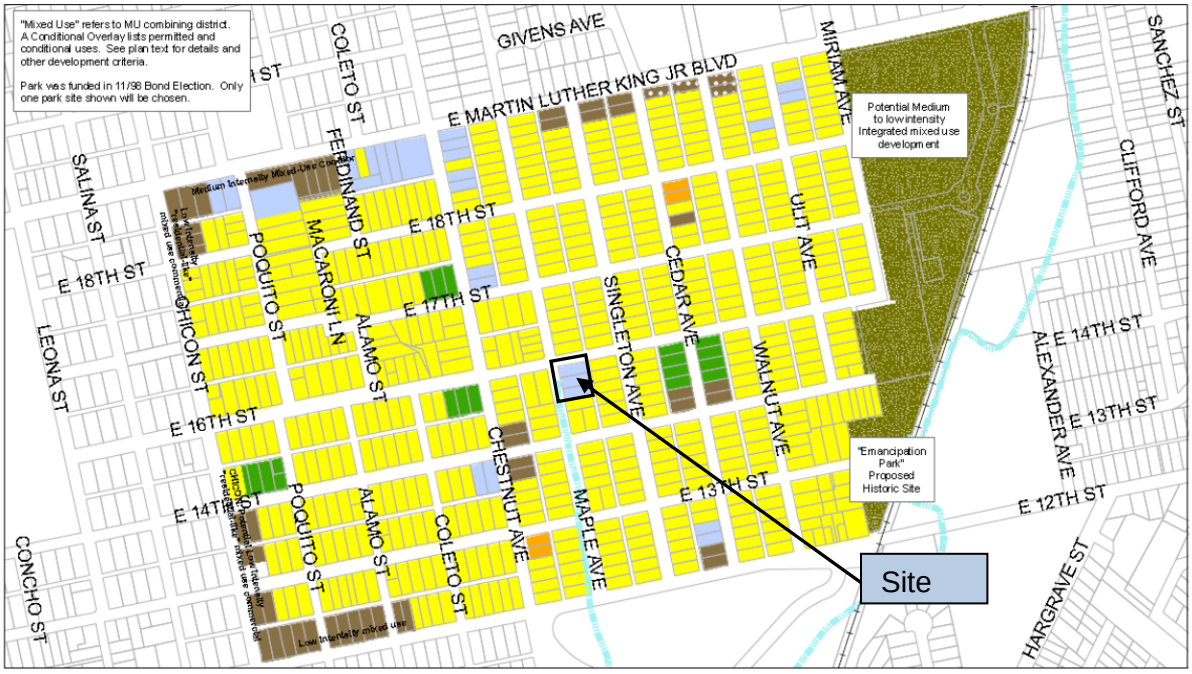

Figure 3:
Chestnut Neighborhood
Future Land Use Map

Future Land Use

- Single-Family
- Multifamily
- Commercial
- Mixed Use
- Neighborhood Mixed Use
- Civic
- Recreation & Open Space
- Specific Regulating District

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

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City of Austin
Planning and Development Review Department
Revised 4/29/2014

Chestnut Neighborhood Planning Area
NPA-2015-0003.01

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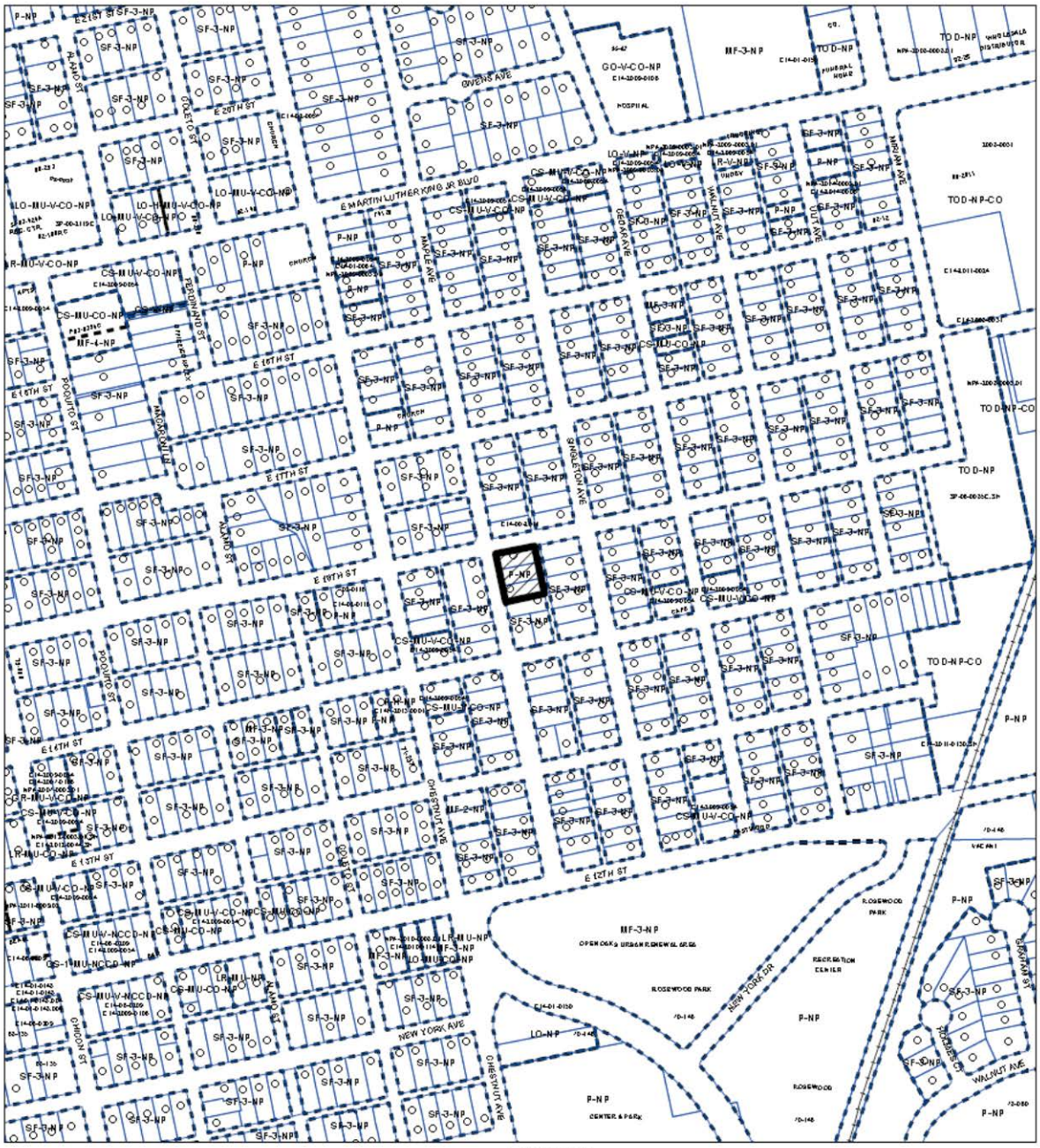
City of Austin
Planning and Development Review Department
Created on 10/28/2015, by: meredithm

Future Land Use

- 500 ft. notif. boundary
- Subject Property
- Single-Family
- Multi-Family
- Commercial
- Neighborhood Mixed Use
- Mixed Use
- Specific Regulating District
- Mixed Use/Office
- Civic
- Recreation & Open Space
- Transportation



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2015-0107

1 " = 400 '

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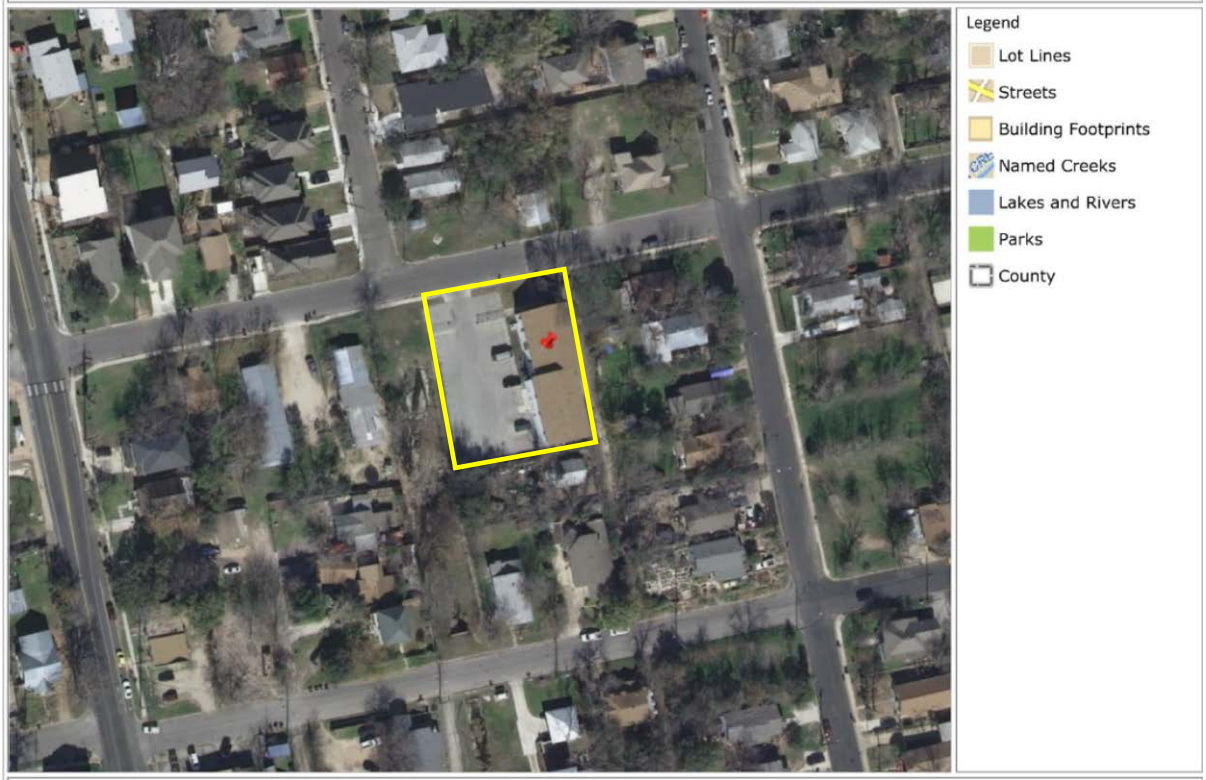
CITY OF AUSTIN DEVELOPMENT WEB MAP



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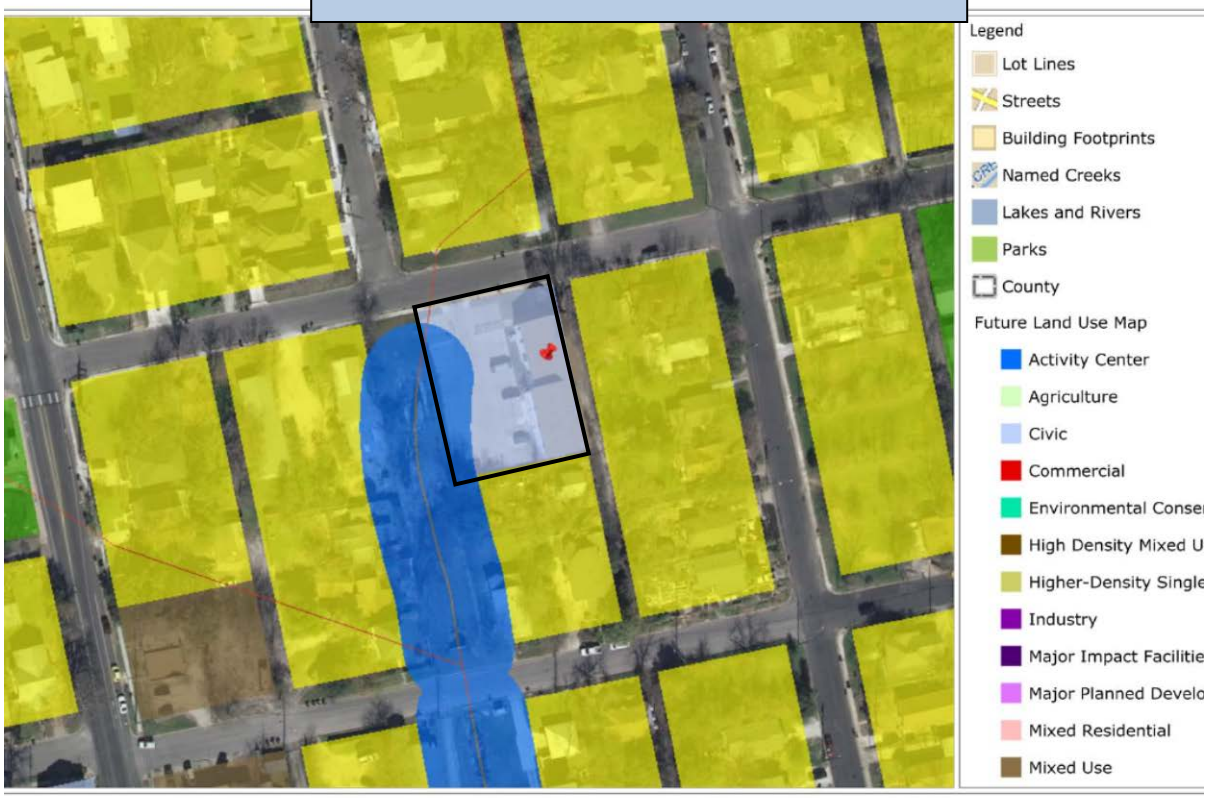
Waterway Adjacent to Property



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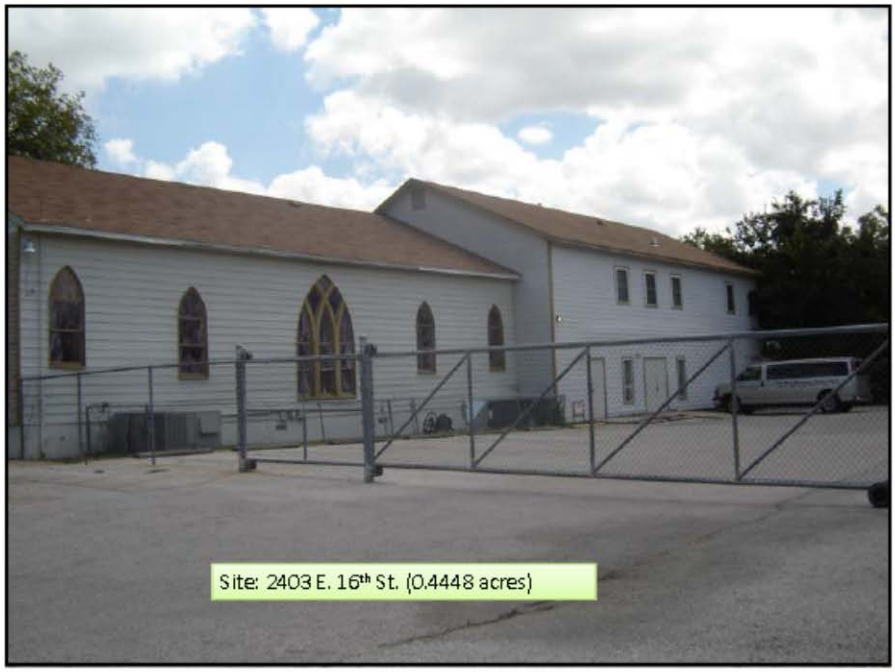
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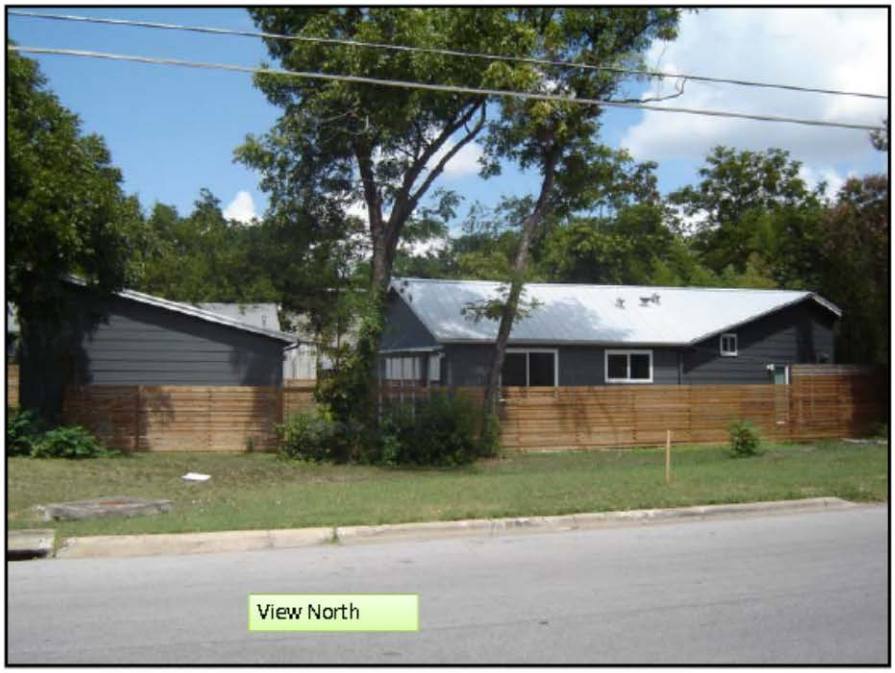
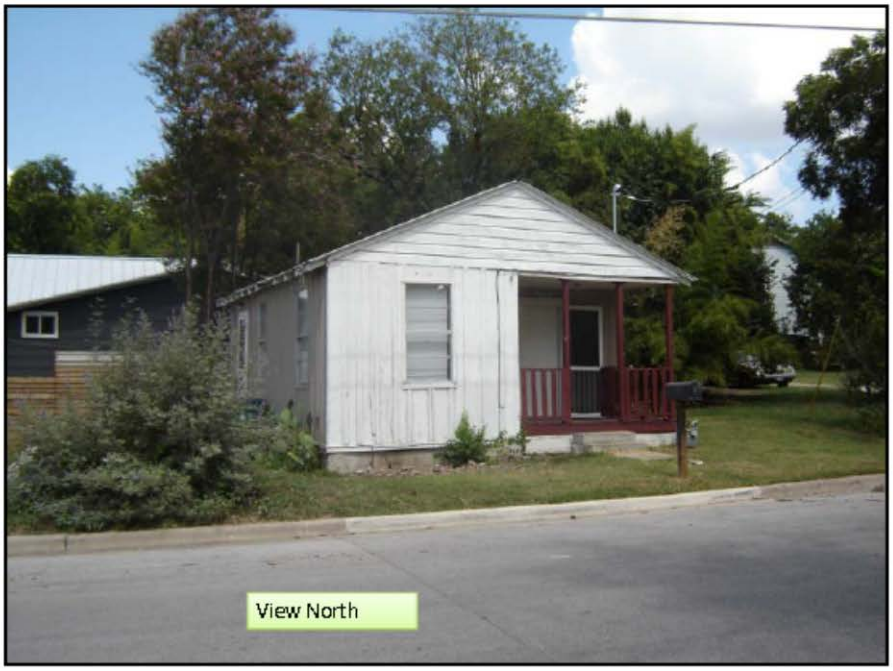
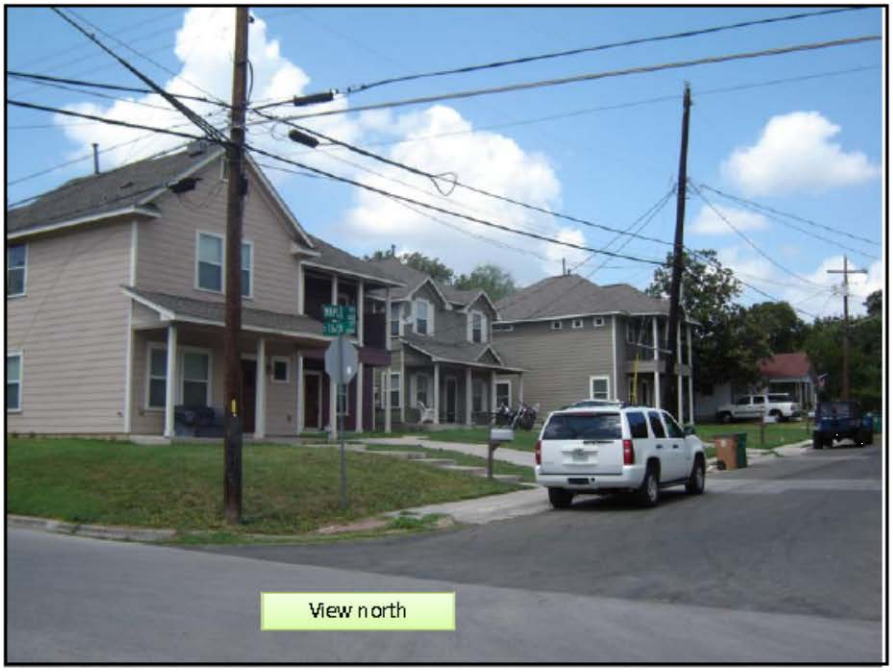
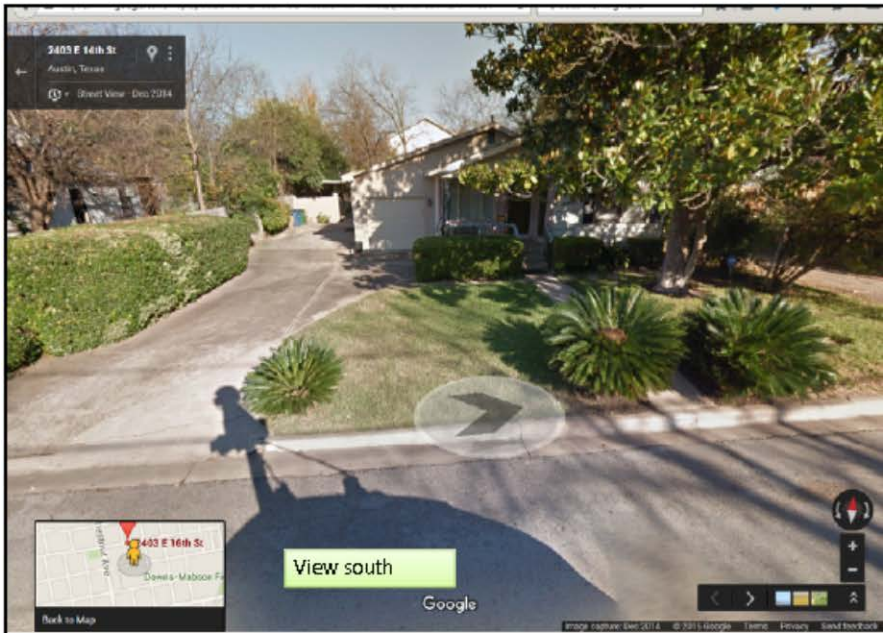

View North


View North


View north

View East


View south
Google

View west

View west

Site
View west on E. 16th Street

View east on E. 16th Street

Provide this information with your plan amendment application for the pre-application meeting with staff and also when you formally submit the application to the In-Take Division.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) **and** (C) are satisfied.

(B) The ***applicant*** must demonstrate that:

(1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application?___Yes _**X**_ No

If there was a mapping error, explain here and provide documentation:_____

(2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? ___Yes _**X**_No

If this condition applies, explain here_____

(3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; **and**

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application?_**X**_Yes ___No

If yes, explain here The New Hope Church has outgrown this tract due to building size, building configuration, and parking. New Hope's growth has made it necessary for them to relocate to a new location. The site was designated as Civic at the time the FLUM was adopted primarily because there was already a church on the site; however, because of the small site size and the physical constraints of the site, civic uses (most of which would necessitate more and larger meeting rooms and more parking) are not ideal for this site. Since the Plan's adoption in 1999, the neighborhood has grown significantly and nearby commercial corridors have become increasing developed, making the need for low density commercial uses (such as

office uses) and services within the neighborhood more desirable and appropriate. Denial of the requested FLUM amendment would result in a hardship to the applicant because a church use and other civic uses are no longer feasible for this site. Furthermore, if the site is designated Commercial, the existing building can be converted into a new use which is sustainable on the site.

(4) the proposed project:

(a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application?__Yes _ **X** _No

If yes, explain here:

or

(b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application?_____Yes __**X**_No

If yes, explain here_____

(5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rational for why it meets these goals/objectives. Use separate document if necessary:_____ First, the amendment is consistent with the Chestnut Neighborhood Plan's stated goal of preserving the character of the neighborhood (Objective 1.1). The New Hope Church building is a unique, older building that provides architectural charm to the surrounding neighborhood. In adopting the Plan, the Chestnut Leadership team wanted to ensure preservation of the historic character of the neighborhood. The proposed development will reuse the existing church. Second, the amendment is consistent with the Chestnut Neighborhood Plan's stated goal of encouraging appropriate business development (Objective 4.3). The proposed office use on this site will instigate the attraction of new residents and businesses to the area. Third, the amendment is consistent with the Chestnut Neighborhood Plan's stated goal of "seeking to create a safer and more pedestrian-oriented neighborhood." The proposed neighborhood office development will allow residents to live closer to their workplace and encourage pedestrian activity. Additionally, the existing Civic use of the site (like many other Civic uses) generates substantially more traffic and on-street parking than an office use would generate. The decrease in traffic and on-street parking would create a safer more pedestrian-friendly neighborhood.

(You can find the plan document here: http://austintexas.gov/page/adopted-neighborhood-planning-areas-0.) **or**

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? ____Yes _**X**_No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development_____

****

(C) The applicant must demonstrate that:

(1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; **and**

The Neighborhood Plan Amendment will comply with the applicable regulations and standards because the applicant is proposing to re-zone the property to LO-CO-NP in conjunction with the FLUM Amendment. LO is a commercial zoning designation, so it would be appropriate for the FLUM designation to be changed to Commercial.

LO zoning is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. The proposed development serves the purpose of the LO zoning district because (1) the office space will provide opportunities for neighborhood and community residents to live close to their workplace, and the office use will be more compatible than the existing church use or other civic uses because it will be active during the day while residnets are at work, and will generate significantly less traffic and on-street parking during the evenings and weekends, and (2)the space is located in a residential neighborhood.

(https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE)

(2) the proposed amendment is consistent with sound planning principles. (See attached)

LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

http://www.austintexas.gov/department/neighborhood-planning-resources

If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

1. Ensure that the decision will not create an arbitrary development pattern;

Provide your analysis here: While most of the surrounding area is designated Single Family use, the re-designation of this property from Civic to Commercial coupled with the proposed LO-CO-NP zoning designation will not create an arbitrary development pattern because only commercial uses that are compatible with residential zoning will be permitted on the site. Additionally, there are several nearby sites designated for Mixed Use that would allow for more intense commercial uses than would be available on this site. Those sites designated Mixed Use are closer to the commercial corridors on the periphery of the FLUM, so it is appropriate that a more restrictive commercial designation (Commercial FLUM plus LO-CO-NP) be located further from those more intense commercial corridors.

2. Ensure an adequate and diverse supply of housing for all income levels;

Provide your analysis here: Not applicable.

3. Minimize negative effects between incompatible land uses;

Provide your analysis here: Many of the uses allowed under a Civic designation are too intense to be within the heart of a residential area and are otherwise incompatible on a small, constrained site such as this one. Even otherwise desirable Civic usea such as Religious Assembly, Educational Facilities, and Community Events generate traffic and parking problems during the evenings and weekends. The FLUM designation of Commercial coupled with the proposed LO-CO-NP zoning designation and proposed Conditional Overlay which will prohibit many commercial and civic uses will ensure that only uses compatible with single family sites will be permitted. Under our proposed conditional overlay the only commercial uses that will be permitted are (1) Administrative and Business Offices, (2) Art Gallery, (3) Art Workshop, (4) Professional Office, and (5) Software Development. These uses have low traffic and parking impacts and operate during the daytime hours. Also, because these uses are active during the day, rather than nights and weekends like many Civic uses, the LO Commercial uses are more compatible with adjacent residential properties.

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

Provide your analysis here: Not applicable—the proposed use is not a public use.

5. Discourage intense uses within or adjacent to residential areas;

Provide your analysis here: The proposed development will allow the developer to reuse the existing building. By remodeling the interior of the church to repurpose the building for office use, rather than demolishing and reconstructing a new building on the site. This approach will decrease both the construction footprint and the amount of street congestion and other construction nuisances. Furthermore, as noted in No. 3 above, only commercial uses which are compatible with residential uses will be permitted if the property is re-designated as Commercial on the FLUM and rezoned as LO-CO-NP.

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;

Provide your analysis here: As noted in No. 5 above, the developer plans to reuse the existing building. This will significantly decrease the impact of construction on the neighborhood because the building will merely be remodeled rather than demolished and reconstructed. Additionally, the proposed office use will have a minimal impact on the residential neighbors because it is a daytime use with a small amount of traffic flow. Office use does not create any nuisance to the community—there will be no noise or safety concerns that are associated with other commercial uses such as bars and restaurants or other public uses such as group homes and transitional housing.

7. Minimize development in floodplains and environmentally sensitive areas;
Provide your analysis here: There is a small portion of the property along the eastern boundary that is located in a waterway setback area; however, the existing building does not encroach in that setback and no new development is proposed in that setback area.

8. Promote goals that provide additional environmental protection;
Provide your analysis here: The proposed development is for an adaptive re-use of the existing building and the footprint of the existing building will remain the same. There will be no new structures or additional impervious cover constructed on the site. By reusing the existing building, the developer can minimize environmental waste and pollutants associated with new construction. Because the impervious cover will not be expanded, the development will not increase the drainage and flooding impact of the site. Additionally, the building upgrades will be environmentally conscious.

9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);
Provide your analysis here: Not applicable.

10. Ensure adequate transition between adjacent land uses and development intensities;
Provide your analysis here: A small office use, such as that proposed is an adequate transition between the adjoining residential uses and the more intense commercial corridors along E. 12th Street and E. MLK Blvd. Office use is quiet, generates minimal traffic and parking, can provide an amenity to the neighborhood, and is operational during the day while nearby residents are not home.

11. Protect and promote historically and culturally significant areas;
Provide your analysis here: The developer recognizes the historical nature of the original New Hope Baptist Church building and plans to honor how it has traditionally fit into the Chestnut neighborhood. By adapting and reusing the old building, the new offices will externally retain the same structure that has become familiar to Chestnut neighborhood residents. The developer's commitment to preserving the historical and cultural significance is evidenced by their proposal to prohibit the demolition of the building for at least 10 years via a private restrictive covenant. The new offices will maintain, not destroy, the existing structure for years to come.

12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: http://austintexas.gov/department/imagine-austin-download-center. Appendix E. Framework for Decision Making, pages A-57 through A-58.)
Provide your analysis here: The plan satisfies the City Council's priority of (1) promoting natural and sustainable development by reusing a previously developed site; (2) creating a prosperous community by creating jobs; and (3) supporting a livable community by allowing residents to live and work in the

same neighborhood. Additionally, the project is within a half mile of Chestnut Pocket Park which will provide a space for tenants to take a break outdoors during the day. The proposal also increases transportation options and results in compact and walkable places by allowing residents who live in the neighborhood to walk or bike to work. The proposal is also within a half-mile of many retail services on East 12th Street.

13. Avoid creating undesirable precedents;
Provide your analysis here: In addition to being in conformity with the Chestnut Neighborhood Plan's goal of encouraging business development, the proposed FLUM amendment coupled with the proposed LO-CO-NP zoning designation and the proposed Conditional Overlay would not be undesirable to the neighborhood because it is compatible with the surrounding residential uses.

14. Promote expansion of the economic base and create job opportunities;
Provide your analysis here: Designated Civic Use, the tract is currently not providing a significant amount of employment opportunities. The proposal will provide opportunities and economic growth for the residents who would have the ability to work in the new offices.

15. Ensure similar treatment of land use decisions on similar properties;
Provide your analysis here: Many smaller parcels in the downtown periphery that are used for public purposes, or as small warehouses, or as other small business that are no longer feasible on the site, are being converted into new uses to better serve the neighborhood. For example, there was an amendment to the Chestnut NP FLUM in 2012 for a small tract at Chicon and E. 13th re-designating the FLUM use from Commercial to Mixed Use. The property had been used a residence and beauty shop for years, but as the neighborhood rapidly developed, that use was no longer feasible for that site and the owner proposed to redevelop the site as a mixed use office/retail space which would better serve the neighborhood by providing more services to the neighborhood. Developer's plan is consistent with this trend.

16. Balance individual property rights with community interests and goals;
Provide your analysis here: The proposed office development will allow the developer to re-purpose a site that is no longer suitable for church use without imposing a nuisance on adjacent property owners. The proposal will encourage appropriate business development by attracting new businesses and residents and promoting jobs; and it will even improve transportation efficiency by removing the traffic congestion normally associated with a church or other civic use. Furthermore the proposal meets the community's interests and goals by reusing the existing building rather than replacing it.

17. Consider infrastructure when making land use decisions;
Provide your analysis here: The proposal is very considerate of the existing infrastructure. As mentioned, Developer is repurposing, renovating, and reusing the existing New Hope Church building. The change in FLUM designation will be sustainable in that reusing the old building will minimize the expenditure of resources that would be unnecessary when the existing infrastructure can be efficiently utilized while maintaining the character of the neighborhood. Additionally, the change in use will not be a burden on existing infrastructure because there will be less people using the building every day compared to the number of people that use the church every day, so there will be a minimal impact on water, wastewater, electric, and roadway infrastructure.

18. Promote development that serves the needs of a diverse population.

Provide your analysis here: The development of offices will provide members of the community with a variety of job opportunities. This will bring a surge of economic advancement that would not be possible if the New Hope Church remains at the lot because of inability to sell the land for sufficient funds to help them relocate.