RESTRICTIVE COVENANT TERMINATION REVIEW SHEET

CASE: C14-86-103(RCT)  
Greater Mount Zion Baptist Church  
P.C. DATE: July 28, 2015; July 14, 2015; June 23, 2015; June 9, 2015; May 12, 2015

DISTRICT: 1

ADDRESS: 1801 Pennsylvania Avenue

OWNER: Greater Mount Zion Baptist Church

AGENT: Henry H. Gilmore

ZONING: General Office-Neighborhood Plan (GO-NP)

AREA: 0.6894 acres

SUMMARY STAFF RECOMMENDATION:
Staff supports the proposed restrictive covenant termination (RCT). The termination would remove the condition that the only permitted land use on the property is Religious Assembly. Please refer to Exhibit A (Restrictive Covenant).

PLANNING COMMISSION RECOMMENDATION:

July 14, 2015: TO INITIATE DISCUSSION AND POSSIBLE RESCISISON OF RESTRICTIVE COVENANT TERMINATION.

June 23, 2015: TO GRANT RESTRICTIVE COVENANT TERMINATION. (5-3) [B. Roark- 1st, J. Nortey- 2nd; D. Chimenti, J. Stevens, N. Zaragosa- Nay; J. Shieh- Absent]

June 9, 2015: TO GRANT A POSTPONEMENT TO JUNE 23, 2015, AS REQUESTED BY NEIGHBORHOOD. (7-0) [R. Hatfield- 1st, J. Nortey- 2nd; D. Chimenti, S. Oliver- Absent]

May 12, 2015: TO GRANT A POSTPONEMENT TO JUNE 9, 2015, AS REQUESTED BY APPLICANT, ON CONSENT. (7-0) [R. Hatfield- 1st, J. Nortey- 2nd; D. Chimenti, S. Oliver- Absent]

ISSUES:
As stated in the Applicant’s letter, the Greater Mt. Zion Baptist Church is in the process of moving from its current address to a new location. The Church will no longer be using the subject property, and plans to sell the land. Please refer to Exhibit B (Applicant Letter).

DEPARTMENT COMMENTS:
The subject property is located at the southeast corner of Pennsylvania Avenue and Salina Street, and is comprised of three lots. The property is currently developed with a Religious Assembly land use, the Greater Mount Zion Baptist Church. The property is zoned GO-NP. Immediately to the east of the property is a lot zoned SF-3-NP which is developed with a Community Outreach Center associated with the church. Immediately to the south is an alley; across the alley are the Marshall Apartments, which are zoned MF-4-NP. Across Salina Street to the west is Kealing Middle School, which is zoned SF-3-NP. North of the property, across Pennsylvania Avenue, is a building and parking lot associated with the church. These are zoned SF-3-NP. Please refer to Exhibits C and D (Zoning Map and Aerial Exhibit).
**Zoning Background.** The restrictive covenant that is proposed to be terminated was filed in conjunction with City File #C14-86-103, which rezoned the property from SF-3 to GO in 1988. The restrictive covenant states that the use of the property is restricted to Religious Assembly land use only. The conditions of this restrictive covenant supersede the permitted land uses of the base zoning district, general office (GO). In addition to the restrictive covenant, a zoning site plan was attached to the 1986 zoning ordinance, as was the practice at the time. Zoning site plans establish binding development parameters, including land uses, impervious/building coverage, building height/square footage, and more. Please refer to Exhibit E (Zoning Ordinance).

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

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

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

1. except as otherwise provided in this section, the replacement site plan complies with current regulations;
2. if a traffic impact analysis was not submitted with the zoning site plan, the replacement site plan must demonstrate that traffic impacts will be adequately mitigated;
3. the amount of impervious cover on the replacement site plan does not exceed that approved on the zoning site plan;
4. the amount of building coverage on the replacement site plan does not exceed that approved on the zoning site plan;
5. building height on the replacement site plan does not exceed that approved on the zoning site plan by more than six feet;
6. the total caliper inches of trees on the replacement site plan is not less than that approved on the zoning site plan, unless a decrease is approved by the city arborist;
7. a restrictive covenant for the site, if any, complies with the requirements of this section;
8. the replacement site plan does not have a use that is more intense than permitted in the zoning site plan; and
9. the replacement site plan does not change a condition of approval of the zoning site plan.

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

For the property at 1801 Pennsylvania Avenue, the zoning site plan that was approved with the original zoning was replaced in 1993-1994. The current zoning site plan for 1801 Pennsylvania Avenue is provided in Exhibit F (Zoning Site Plan).

Correspondence related to the RCT request is attached in Exhibit G (Correspondence).

**STAFF RECOMMENDATION:**

The Greater Mt. Zion Baptist Church is in the process of moving from this location, and plans to sell the land. Staff supports termination of the restrictive covenant. It is unreasonable to limit a property to only one permissible land use if the property owner intends to discontinue that use. The base zoning of GO-General Office permits appropriate land uses for the property.

1. **Granting of the request should result in an equal treatment of similarly situated properties.**

The City of Austin does not typically limit a property to a single use. Zoning categories are intended to direct land use, and provide a range of land uses that may be appropriate for a property.
2. **Zoning should allow for reasonable use of the property.**
Limiting the property to a single use significantly constrains the property owner’s ability to market and sell the land. Again, the City of Austin does not typically limit a property to a single use.

### EXISTING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>GO-NP</td>
<td>Religious Assembly</td>
</tr>
<tr>
<td>North</td>
<td>SF-3-NP</td>
<td>Religious Assembly / Parking</td>
</tr>
<tr>
<td>South</td>
<td>MF-4-NP</td>
<td>Multifamily</td>
</tr>
<tr>
<td>East</td>
<td>SF-3-NP</td>
<td>Religious Assembly</td>
</tr>
<tr>
<td>West</td>
<td>SF-3-NP</td>
<td>Kealing Middle School</td>
</tr>
</tbody>
</table>

### AREA STUDY: N/A  
### TIA: N/A

### WATERSHED: Lady Bird Lake  
### CAPITOL VIEW CORRIDOR: No

### AIRPORT OVERLAY: No  
### DESIRED DEVELOPMENT ZONE: Yes

### SCHOOLS:
Blackshear Elementary  
Kealing Middle School  
Garza High School

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

### CITY COUNCIL DATE & ACTION:

**November 12, 2015:**

**October 8, 2015:** Postponed to November 12, 2015 at the request of Applicant and Neighborhood: D. Zimmerman - 1st; S. Gallo - 2nd, L. Poole – Absent (10-0).

**August 13, 2015:** Postponed to October 8, 2015 at the request of Applicant and Neighborhood: L. Pool- 1st; D. Zimmerman- 2nd (11-0).

**June 11, 2015:** Postponed on Staff’s request to August 13, 2015, on Consent: A. Kitchen- 1st; S. Renteria- 2nd (11-0).

### CASE MANAGER: Heather Chaffin
heather.chaffin@austintexas.gov  
### PHONE: 512-974-2122 e-mail:
2. Zoning should allow for reasonable use of the property. Limiting the property to a single use significantly constrains the property owner’s ability to market and sell the land. Again, the City of Austin does not typically limit a property to a single use.

**EXISTING ZONING AND LAND USES:**

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>SF-3-NP</td>
<td>Religious Assembly / Parking</td>
</tr>
<tr>
<td>South</td>
<td>MF-4-NP</td>
<td>Multifamily</td>
</tr>
<tr>
<td>East</td>
<td>SF-3-NP</td>
<td>Religious Assembly</td>
</tr>
<tr>
<td>West</td>
<td>SF-3-NP</td>
<td>Kealing Middle School</td>
</tr>
</tbody>
</table>

**AREA STUDY:** N/A  
**TIA:** N/A

**WATERSHED:** Lady Bird Lake  
**CAPITOL VIEW CORRIDOR:** No

**AIRPORT OVERLAY:** No  
**DESIRE DEVELOPMENT ZONE:** Yes

**SCHOOLS:**  
- Blackshear Elementary  
- Kealing Middle School  
- Garza High School

**NEIGHBORHOOD ASSOCIATIONS:**  
- Austin Neighborhoods Council  
- Conservancy  
- OCEAN  
- Kealing Neighborhood Association  
- Friends of the Emma Barrientos MACC  
- Real Estate Council of Austin, Inc.  
- African American Cultural Heritage District Business Association

**CITY COUNCIL DATE & ACTION:**

**November 12, 2015:**

**October 8, 2015:** Postponed to November 12, 2015 at the request of Staff: D. Zimmerman - 1st; S. Gallo - 2nd, L. Poole – Absent (10-0).

**August 13, 2015:** Postponed to October 8, 2015 at the request of Applicant and Neighborhood: L. Pool- 1st; D. Zimmerman- 2nd (11-0).

**June 11, 2015:** Postponed on Staff’s request to August 13, 2015, on Consent: A. Kitchen- 1st; S. Renteria- 2nd (11-0).

**CASE MANAGER:** Heather Chaffin  
**PHONE:** 512-974-2122  
**E-mail:** heather.chaffin@austintexas.gov
RESTRICTIVE COVENANT

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

ADDRESS: 1801 Pennsylvania Avenue, Austin, Texas 78703

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

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

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

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

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

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

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

5. This agreement may be modified, amended, or terminated only by joint action of both (i) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (ii) by the owner(s) of the Property at the time of such modification, amendment or termination.
All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

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

EXECUTED this the 5th day of December, 1988.

Greater Mount Zion Baptist Church

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

THE STATE OF TEXAS

COUNTY OF TRAVIS

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

[Signature]

Filed

[Date]

CITY OF AUSTIN
DEPT. OF LAW
P. O. BOX 1088
AUSTIN, TEXAS 78767-8828

[Signature]

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

10864 0296
March 3, 2015

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

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

Dear Sir or Madam:

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

Sincerely,

[Signature]

Henry H. Gilmore
Agent/Attorney for Greater Mt. Zion Baptist Church
ZONING
CASE#: C14-86-103(RCT)

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.
ORDINANCE NO. 890105-D

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MA
ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1981 AS
FOLLOWS: LOTS 6, 7 AND 8, BLOCK 5, C.R. JOHNS SUBDIVISION,
LOCALLY KNOWN AS 1801, 1803, 1805 PENNSYLVANIA AVENUE, FROM
"SF-3" FAMILY RESIDENCE DISTRICT TO "GO" GENERAL OFFICE DISTRICT,
SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS;
WAIVING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE
SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 13-2 of the Austin City Code of 1981 is amended
to change the base zoning district from "SF-3" Family Residence
district to "GO" General Office district on the property
described in File C14-86-103, as follows:

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

locally known as 1801, 1803, 1805 Pennsylvania Avenue, in the
City of Austin, Travis County, Texas.

PART 2. It is ordered that the Zoning Map established by Sec.
13-2-22 of the Austin City Code of 1981 and made a part thereof
shall be changed to record the amendment enacted by this
ordinance.

PART 3. The development of the property shall be accomplished
in accordance with the site plan attached as Exhibit "A," or as
such site plan is subsequently adjusted or modified as provided
by Chapter 13-1, Article IX of the Austin City Code of 1981.
Except to the extent that such site plan is inconsistent
therewith, the development and use of the property shall be in
accordance with applicable ordinances of the City of Austin.

PART 4. The requirement imposed by Section 2-2-3 of the Austin
City Code of 1981 that this ordinance be read on three separate
days shall be waived by the affirmative vote of five members of
the City Council to pass this ordinance through more than one
reading on a single vote.
PART 5. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED

January 5, 1989

Lee Cooke
Mayor

APPROVED:
Iris J. Jones
Acting City Attorney

ATTEST:
James E. Aldridge
City Clerk

AFM/bjl
Exhibit
June 8, 2015

City of Austin
Chair and Planning Commission Members
301 W. Second Street
Austin, Texas  78701

RE: Support of Greater Mt. Zion Baptist Church Termination of Restrictive Covenant

Dear Commission Members:

It is my pleasure to write a letter in support of our friends at Greater Mt. Zion Baptist Church and their application to terminate the Restrictive Covenant imposed on their property located at 1801 Pennsylvania Avenue in Austin, Texas.

Greater Mt. Zion Baptist Church has been a loyal neighbor and an important cornerstone of East Austin’s spiritual foundation for over 80 years. The Church has outgrown its current facilities and is building a new and expanded sanctuary on Tannehill Lane in East Austin. The termination of the Restrictive Covenant on 1801 Pennsylvania Avenue will provide the Church more flexibility with marketing the property and assist them in continuing their community mission, “In The City For The City”.

I understand the application is on the agenda for the upcoming planning commission meeting on June 9, 2015. I urge you to approve Greater Mt. Zion Baptist Church’s application to terminate the Restrictive Covenant on 1801 Pennsylvania Avenue.

Again, thank you in advance for your time and consideration for this important request.

Sincerely,

Rob Harrell
Senior Pastor
Corinth Missionary Baptist Church

Est. 1939
A place to experience God.

City of Austin
Chair and Planning Commission Members
301 W. Second St
Austin, Texas 78701

Subject: Support of Greater Mt Zion Baptist Church Termination of Restrictive Covenant

Dear City of Austin
Chair and Planning Commission Members:

It is my pleasure to write a letter in support of Greater Mt Zion Baptist Church application to terminate the Restrictive Covenant on the Church’s property at 1801 Pennsylvania Avenue. Greater Mt. Zion Baptist Church has been a loyal neighbor and an important cornerstone of East Austin’s spiritual foundation for over 80 years.

The Church has outgrown its current facilities and is building a new and expanded sanctuary on Tannehill Lane in East Austin to continue its community mission "In The City For The City". The termination of the Restrictive Covenant will provide the Church more flexibility with marketing its property.

I urge you to fully support Greater Mt Zion Baptist Church’s application to terminate the Restrictive Covenant. The application is on the agenda for the upcoming June 9th planning commission meeting.

Again, thank you in advance for your time and consideration for this important request

Sincerely,

G. Renfro, Pastor
1700 6th Street
Austin, Texas 78702

__________________________
Gary M. Renfro, Pastor
1700 East Sixteenth Street • Austin, Texas 78702 • 512-477-4269
PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application’s hearing to a later date, or may evaluate the City staff’s recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin’s land development process, visit our website: www.austintexas.gov/planning.
PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-86-103(RCT)
Contact: Heather Chaffin, 512-974-2122
Public Hearing: July 28, 2015, Planning Commission
Aug 13, 2015, City Council

CLIFTON VANDYKE

Your Name (please print)

1501 New York Ave.

Your address(es) affected by this application

CLIFTON VANDYKE

Signature

7-21-2015

Date

Daytime Telephone: 512-614-6372

Comments: Please restate the previous Commission's recommendation to terminate the restrictive covenant on 1801, 1803 and 1805 Pennsylvania Ave. and recessive Title Culli v. Geo. L. Zeller et al.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810
Dear Mrs. Chaffin,

In receiving your letter, concerning the proposed change of zoning to the property on 1801 Pennsylvania Avenue, Greater Mt. Zion Baptist Church.

First, I object to changing the present zoning of Restrictive Covenant to MU zoning, based on the following reasons. This neighborhood, is a neighborhood, whose voice has been silenced in the past, while developments intruded neighborhoods, and built anything they wish to build, which I will call, illegal structures, that does not fit the single family mode, many building erected in the past ten years has increased the total number of people that live in the areas surrounding the church, that has caused traffic jam, to big for the small streets houses are placed on. Planning to add more structures, need to start with looking at the road system first. Roads built in the 1940s were design for small number of people, now we have an overflow of people, which makes the streets much narrow, that has force many people to park blocks away from their house, is an unreasonable expectation to ask new neighbors to do when buying a home.

The second reason, is, a church property should be always be intact, because other churches are looking to move, into areas that are "zone with a restrictive covenant", a good case in point, the former "Grant Chapel Church, just north of the property in question, has maintain it's restrictive covenant, to allow the Mission Possible group to move in, this group is helping thousands of people, thus, it would be wise to maintain the same type usage for the church in question.

The neighborhood that I live in is experiencing excessive growth, that is out of control, without, looking how the project will affect the lives of citizens, you must look at the big picture first, because greed can wait, if, the city chose to have them to wait. Let's place people first, before any projects are built.

Thank You

Lawrence D. Pierce, Public Advocate
Concern Citizens of Austin

Address 1166 Poquito St.
Austin, Texas 78702
512-203-5595
PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application’s hearing to a later date, or may evaluate the City staff’s recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin’s land development process, visit our website:

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission’s name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-86-103(RCT)
Contact: Heather Chaffin, 512-974-2122
Public Hearing: May 12, 2015, Planning Commission
June 11, 2015, City Council

ANNA CRAYTON WARREN
Your Name (please print)
1906 S.L. Davis Avenue, Austin, TX
Your address(es) affected by this application

Signature
May 12, 2015
Date

Daytime Telephone: 512-472-5285

Comments: My family has lived in EAST AUSTIN for over 40 yrs.
I am a member of Greater Mt. Zion Baptist Church... have been
since 1935. This church and property is an integral part of
the community. To remove the Covenant will alter the neighborhood, which will create a totally different atmosphere
that may attract an undesirable situation. If it’s not broken... Do Not Fix It. Leave Well E
Alone!!

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810
PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application’s hearing to a later date, or may evaluate the City staff’s recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin’s land development process, visit our website: www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission’s name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-86-103(RCT)  
**Contact:** Heather Chaffin, 512-974-2122  
**Public Hearing:** July 28, 2015, Planning Commission  
**Aug 13, 2015, City Council**

---

<table>
<thead>
<tr>
<th>Your Name (please print)</th>
<th>I am in favor</th>
<th>I object</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ida M. Hunt</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Your address(es) affected by this application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1706 New York Ave.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ida M. Hunt</td>
<td>7/24/15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Daytime Telephone</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>572-478-3451</td>
<td>pleased the previous commission’s recommendation to terminate the restrictive covenant on 1801, 1803 and 1805 Pennsylvania and Belvidere, the above-appropriate zoning should be in place on the south side of Pennsylvania Ave before the restrictive covenant is terminated.</td>
</tr>
</tbody>
</table>

If you use this form to comment, it may be returned to:  
City of Austin  
Planning & Zoning Department  
Heather Chaffin  
P. O. Box 1088  
Austin, TX 78767-8810
City of Austin  
Chair and Planning Commission Members  
301 W. Second St  
Austin, Texas 78701  

Subject: Support of Greater Mt Zion Baptist Church Termination of Restrictive Covenant  

Dear City of Austin  
Chair and Planning Commission Members:  

It is my pleasure to write a letter in support of Greater Mt Zion Baptist Church application to terminate the Restrictive Covenant on the Church’s property at 1801 Pennsylvania Avenue. Greater Mt. Zion Baptist Church has been a loyal neighbor and an important cornerstone of East Austin’s spiritual foundation for over 80 years.  

The Church has outgrown its current facilities and is building a new and expanded sanctuary on Tannehill Lane in East Austin to continue its community mission "In The City For The City". The termination of the Restrictive Covenant will provide the Church more flexibility with marketing its property.  

I urge you to fully support Greater Mt Zion Baptist Church’s application to terminate the Restrictive Covenant. The application is on the agenda for the upcoming June 9th planning commission meeting.  

Again, thank you in advance for your time and consideration for this important request.  

Sincerely,  

[Signature]  

Corey Tabor – Lead Pastor Full Life Community Church  
Meeting at 1900 E. Howard Lane Suite A4 Pflugerville, Texas 78660
Hello Heather,

I am out of town, and thus unable to fill out the comment page of the Notice Of Public Hearing For A Restrictive Covenant Termination (Re-Notification). I am stating my position on the matter below. Thank you.

Rob Davis  
1604 New York Ave  
Austin, TX 78702

Please rescind the previous commission’s recommendation to terminate the restrictive covenant on 1801, 1803 and 1805 Pennsylvania Ave. and reconsider this case. Appropriate zoning should be in place on the south side of Pennsylvania Ave. before the restrictive covenant is terminated as recommended by Commissioners Zaragoza and Stevens.