NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: University Hills/Windsor Park Neighborhood Plan (Windsor Park)

CASE#: NPA-2012-0023.01 **DATE FILED:** July 30, 2012 (In-cycle)

PROJECT NAME: Promiseland

PC DATE: May 14, 2013
April 9, 2013
March 26, 2013
January 22, 2013

ADDRESS/ES: 1504 East 51st Street

SITE AREA: Approx. 20.87 acres

APPLICANT/OWNER: The World of Pentecost Inc., HCM, LLC

AGENT: Hughes Capital Management, Inc. (Trac Bledsoe)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Civic **To:** Mixed Use

Base District Zoning Change

Related Zoning Case: (No zoning case filed at this time)
From: **To:**

NEIGHBORHOOD PLAN ADOPTION DATE: August 9, 2007

PLANNING COMMISSION RECOMMENDATION: May 14, 2013 – Recommended approval (D. Chimenti, J. Nortey – 2nd) 9-0, with a friendly amendment by Commissioner Danette Chimenti to designate the creek area shown on page 17 of the staff report as open space land use

Previous Action(s):

On **January 22, 2013**, the motion to postpone to March 26, 2013 by the request of the applicant was approved on the consent agenda by Commissioner James Nortey's motion,

Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Commissioner Jean Stevens was absent.

On **March 26, 2013**, the motion postpone to April 9, 2013 by the request of the applicant was approved on the consent agenda by Commissioner Alfonso Hernandez's motion, Commissioner Jean Stevens seconded the motion on a vote of 9-0.

On April 9, 2013, the motion to postpone to the May 14, 2013 by the request of the applicant was approved on the consent agenda by Commission Chimenti's motion, Commissioner Hatfield seconded the motion on a vote of 8-0-1, with Commissioner Stevens absent.

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: Changing the land use from Civic to Mixed Use provides opportunities for the owner to develop the property in a way that is consistent with the following Goals, Objectives, and Recommendations of the plan document:

UHWP plan participants envision 51st Street as a pedestrian-friendly, mixed-use roadway. In addition to the community's desire for increased commercial development along 51st Street, they also want the neighborhoods north of 51st Street to remain buffered from the anticipated additional traffic and more intense land uses along 51st Street and within the Mueller redevelopment.

Objective: Transform 51st Street into a pedestrian-friendly street with businesses that support both the neighborhoods north of 51st and the proposed businesses and land uses within the Mueller redevelopment.

Recommendations:
• Rezone properties to commercial mixed use to allow for office, retail and restaurant opportunities, and restrict automobile-oriented businesses.

• Maintain the Vertical Mixed Use overlay on 51st Street to allow for additional residential development with an affordability component.

• Support the designation of 51st Street as a Core Transit Corridor as defined in the Design Standards and Mixed Use Subchapter so pedestrian-friendly design elements will be required with redevelopment of this street. (See the Design subchapter.)

Objective: Buffer the Windsor Park neighborhood from the land uses on the south side of 51st Street (e.g., Dell Children's Center, large retail stores, etc.).

Recommendations:
• Maintain multi-family zoning of properties currently in multi-family use along 52nd Street.
– These multi-family units currently provide affordable housing in close proximity to several job centers (businesses in Capital Plaza, the Mueller redevelopment).

• As a transition from the proposed commercial uses on 51st street to residential uses on 52nd street, allow for office uses in the current residences on Lancaster Court by rezoning these lots to an office zone district intended for small-scale office uses, often in former residential structures.

• Transition from commercial to office uses on 51st Street as it approaches the entrance to the Windsor Park neighborhood at Berkman Drive.

On April 26, 2012, the City Council approved a resolution to endorse the East 51st Street Vision Plan. The following Vision Statements are from the Plan:

- VISION STATEMENT 1: 51ST Street is a multi-modal urban street that accommodates safe pedestrian and bicycle movement as well as calm vehicular traffic.

- VISION STATEMENT 2: 51st Street west of Berkman Drive is lined with buildings and developments that promote a safe, interesting and lively pedestrian environment, with strong linkages and an appropriate scale transition to the Windsor Park neighborhood.

- VISION STATEMENT 3: East of Berkman Drive, 51st Street is a narrow parkway with generous landscaping, bike lanes and trails alongside.

Current Land Use – 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

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 – Mixed Use

An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge

The neighborhood plan may further 1. specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);

2. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
3. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
4. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

BACKGROUND: The application was filed on July 30, 2012, which is in-cycle for applications filed within neighborhood planning areas located on the east side of I.H.-35.

The property is located within the Windsor Park planning area.

The applicant proposes to change the land use on the future land use map from Civic to Mixed Use. No zoning change application has been filed at this time. The existing zoning on the property is LO – NP (Limited Office-Neighborhood Plan), LO-V-NP (Limited Office-Vertical Mixed Use-Neighborhood Plan), and MF-2-NP (Multifamily Residence – Low Density – Neighborhood Plan).

The long term plan for the property is to build medical uses on the underutilized tracts of the property. The church is proposed to remain on the property.

PUBLIC MEETINGS: The ordinance required plan amendment meeting was held on Monday, September 10, 2012. Approximately three hundred meeting notices were mailed to property owners and utility account holders within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered on the community registry. Twenty-two people attended the meeting.

Trac Bledsoe, the applicant's agent, said Promiseland Church would like to add health-related uses on the site to complement Dell Hospital across the street to the south.

Shules Hersh, representative from the church, said Promiseland did not have long-term plans for property but is considering the proposal for health care uses on the property. It was during the creation of the East 51st Street Vision Plan that the Church started to consider repurposing some of the underutilized portions of the their property.

After the applicant's presentation, Trac Bledsoe, the applicant's agent, answered the following questions:

Q. Can you give us examples of the types of developments you've done in the past?
A. St. David's in south Austin. St. David's in Round Rock. Steiner Ranch. Hill Country Galleria in Bee Caves. We've also done some urban in-fill development. We want to have a conversation up front with the neighborhood to talk about what we propose.

Q. What plans to you have to fit into new urban areas?
A. Pushing uses up close to one another with multiple uses on one site, but with buffers. We propose visual buffers with visual brakes, in addition to having street frontage with vibrant pedestrian approaches.

Q. If you don't change the zoning would you still have meet compatibility standards?
A. Yes.

Q. For the medical office uses, do you propose medical treatment or just office spaces?
A. Probably both.

Q. Would the church consider prohibiting uses?
A. So far there is no actual deal, but we will wait to see what happens. We'd have to talk to the board.

Q. Currently the development of the church is on the street side and not further back.
A. I'm assuming most of the intense development will be upfront.

Q. Do you plan to remove the church?
A. No, we won't remove the church, but the church owns 12 parcels, but will extend the mission using the properties as assets to support their mission. The church has been there for 45 years and they want to stay.

Q. Will the church retain ownership of the land?
A. Maybe. They want to make sure what is built will serve community.

Q. Why not develop your medical offices at Mueller?
A. The City made a development deal with Mueller and we haven't been able to work with them.

Q. Will there be commercial uses, such as drug stores?
A. Maybe on the frontage. We're not retail people, but maybe another developer would be interested in demand for Health-related uses, maybe with new HEB.

Q. How much of the land will be developed?
A. I depends on future, we will leave the parking lot as is, but don't know how to answer it. Four acres to the west will not be developed.

Q. Is the four acres that will not be developed in the flood plain?
A. No.

Q. Will the medical uses be on the ground floor and the residential portion on the top?
A. Mixing retail and residential is expensive and complex. It may be too intense for the site.

Q. You won't need a FLUM change if you develop under the existing zoning.
A. That's correct, but we previously understood that we needed a FLUM change, but apparently that is not the case.

Q. Will your development affect the property values on the other side of creek?
A. I suspect they will increase in value regardless of what we do. Compatibility standards apply with pedestrian amenities.

Q. Will there be pedestrian access to Broadmoor Street to the north?
A. When Promiseland attempted a Master Plan, these discussions came up which could benefit pedestrians and also tie into the park.

Q. East 51st Street is not walkable. Where walkers come from?
A. I agree that East 51st is not walkable. We will put in trees and other street amenities as will be required by City to achieve the goal of making it more walkable.

The University Hills/Windsor Park Planning Contact Team does not support the change in the future land use map. See page nine.

CITY COUNCIL DATE:

February 28, 2013 **ACTION:** Postponed to April 25, 2013

April 25, 2013 **ACTION:** Pending.

CASE MANAGER: Maureen Meredith **PHONE:** 974-2695

EMAIL: Maureen.meredith@austintexas.gov

At the April 9, 2013 Planning Commission hearing, Commissioner Chimenti asked the following question:

When property is a commercial venture, but ownership is retained by the church, do they pay property taxes on the portion that is a commercial venture?

Below is the response from the Marya Crigler, Chief Appraiser, Travis County Appraisal District:

From: Marya D. Crigler [mailto:MCrigler@tcadcentral.org]
Sent: Monday, April 15, 2013 7:21 PM
To: Meredith, Maureen
Cc: Debbe Strouse; Marya D. Crigler
Subject: Re: Promise Land Church

Maureen,

Per the Texas Property Tax Code section 11.20(a)(1) an organization is entitled to an exemption from taxation of "the real property that is owned by the religious organization, is used primarily as a place of worship, and is reasonably necessary for engaging in religious worship".

For the examples given:

1. If the property were developed with commercial medical offices it would no longer be used primarily as a place of worship and would not qualify for the exemption.

2. If the organization used a portion of the building primarily for religious purposes then the portion used (for example 4,000 square feet of a 50,000 square foot building) would be exempt and the remainder would not be exempt.

3. If the building is used for commercial purpose then both the land and the building would be taxable.

Please let me know if you need any additional information.

Letter from the University Hills/Windsor Park Neighborhood Planning Contact Team

-----Original Message-----
From: rem@
Sent: Thursday, March 14, 2013 9:22 AM
To: Meredith, Maureen
Subject: Promiseland request for land use change

The Windsor Park Neighborhood Contact Team met Monday March 11, 2013, the following are two items discussed in our meeting.

1. A discussion was held concerning the request by Promiseland for a change from Civic to Mixed use, also we conducted a neighborhood meeting the previous Saturday and received neighborhood input. The contact took a vote and decided to not support the requested change.

2. During the above discussion an item was raised to extend the open space land designation along Tannehill Branch of Walnut Creek from existing designation at 52nd street to east of Berkman.

Please advise me as to when this item will be on Planning Commission agenda.

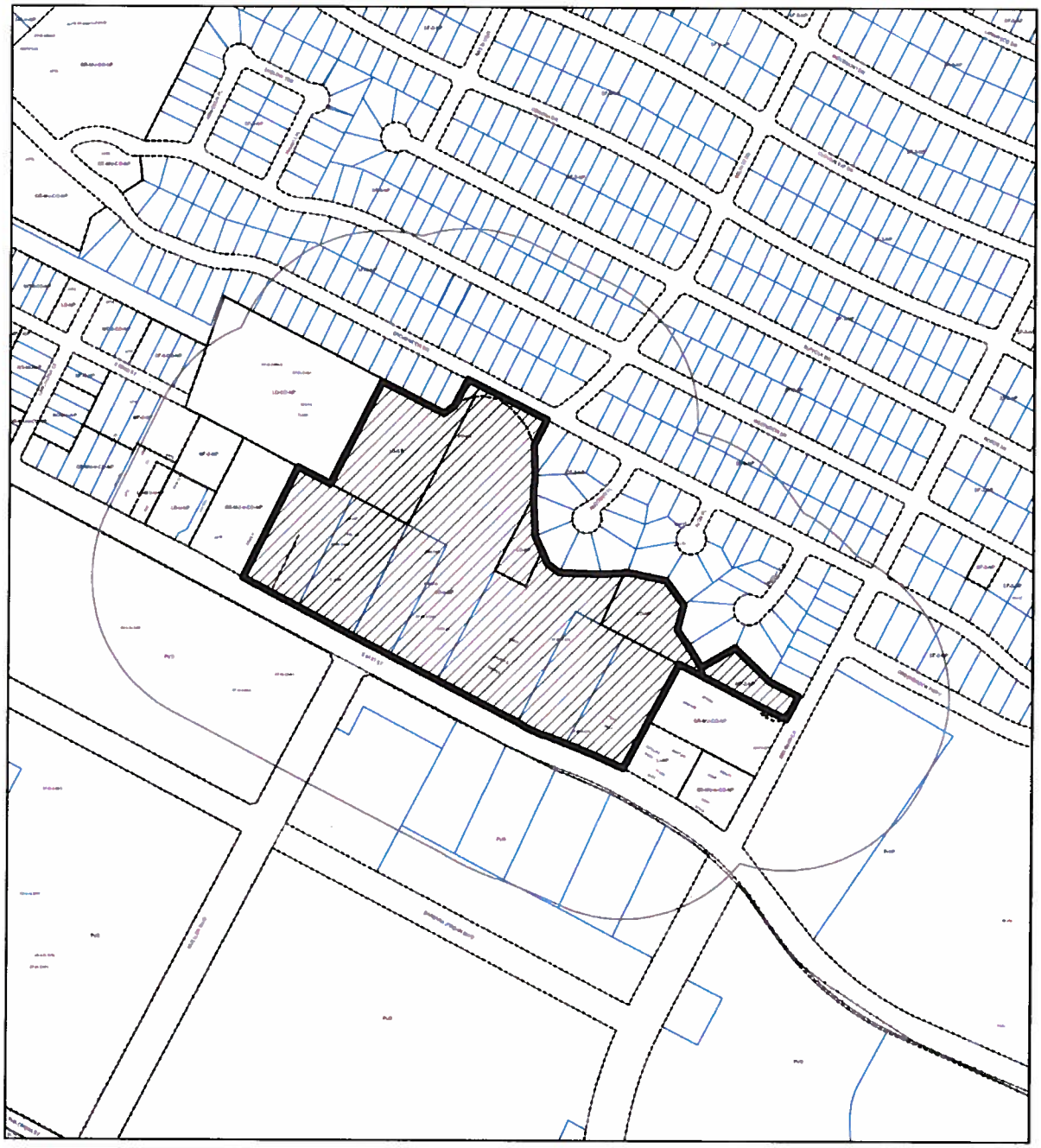
thanks,
Bob Mebane
Chairman Windsor Park Contact Team

University Hills/Windsor Park Neighborhood Plan
NPA-2012-0023.01

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 the Planning and Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

City of Austin
Planning and Development Review Department
Created on Jan. 7, 2013_M Meredith



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

500ft Notification Boundary

NEIGHBORHOOD PLAN AMENDMENT

NPA CASE#: NPA-2012-0023.01
ADDRESS: 1504 E. 51st Street
ACRES: Approx. 20.8712acres

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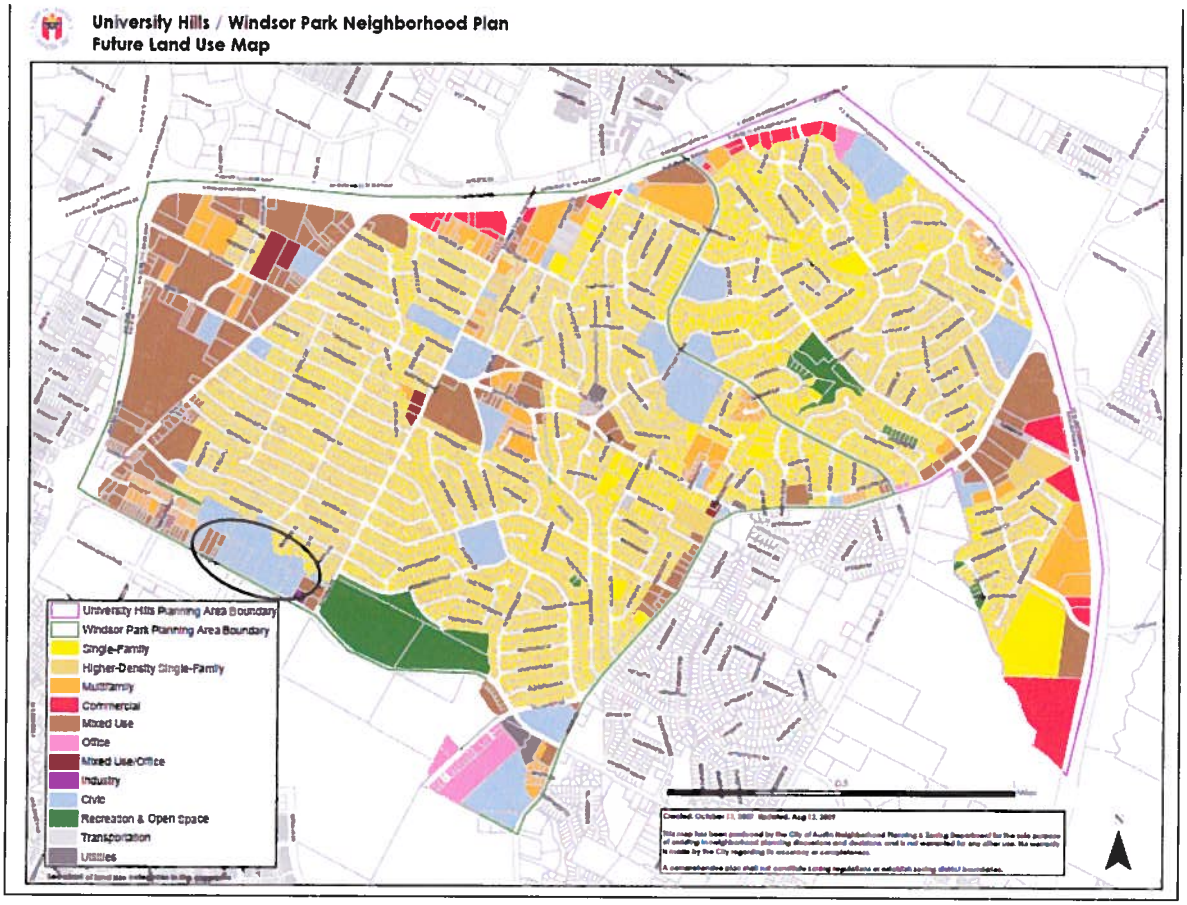
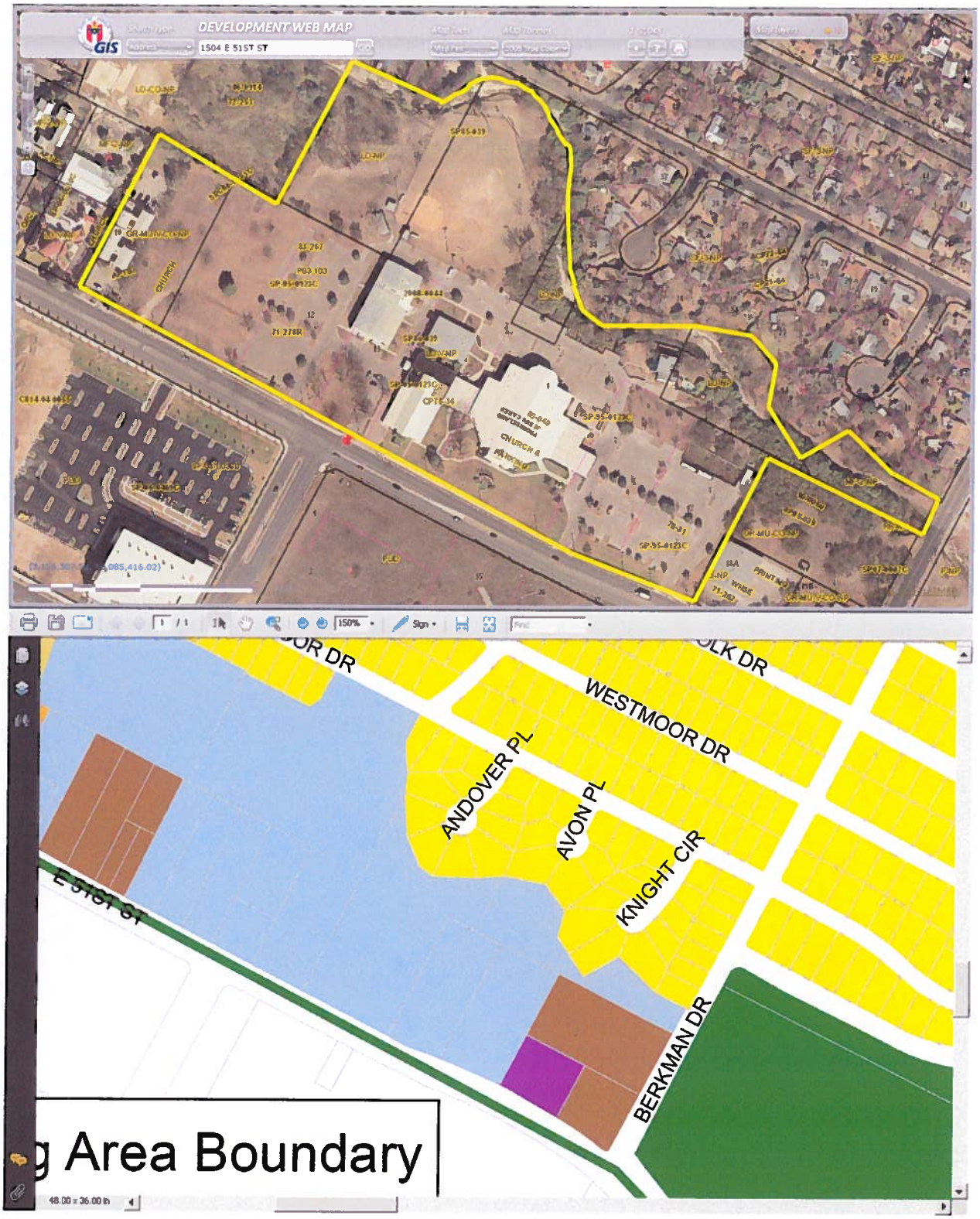

University Hills / Windsor Park Neighborhood Plan
Future Land Use Map
University Hills Planning Area Boundary
Windsor Park Planning Area Boundary
Single-Family
Higher-Density Single-Family
Multifamily
Commercial
Mixed Use
Office
Mixed Use/Office
Industry
Civic
Recreation & Open Space
Transportation
Utilities


DEVELOPMENT WEB MAP
1504 E 51ST ST
WESTMOOR DR
ANDOVER PL
AVON PL
KNIGHT CIR
BERKMAN DR
E 51ST ST
g Area Boundary

PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:
City of Austin
Planning and Development Review Department
(512) 974-2695
P. O. Box 1088
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2012-0023.01
Contact: Maureen Meredith
Public Hearing: Jan 22, 2013, Planning Commission
Feb 28, 2013, City Council

☒ I am in favor
☐ I object

JAMES D. HERNDON
Your Name *(please print)*

1309 1/2 EAST 52ND AUS., TX 78723
Your address(es) affected by this application

James D. Herndon 17 JAN 2013
Signature Date

Comments: Note: Your letter mailing address is not correct. The church property is directly behind my property. Thank you for allowing my input as an adjacent property owner.

Sincerely,
Jim Herndon

Mr. James D. Herndon
3901 Belmont Park Dr Apt B
Austin, TX 78746-1180

-----Original Message-----
From: Ginger Pfister
Sent: Friday, January 18, 2013 2:53 PM
To: Meredith, Maureen
Subject: Promiseland

Case No: NPA-2012-0023.01
Contact: Maureen Meredith
Public Hearing: Jan 22, 2013, Planning Commission
Feb 28, 2013 City Council

I would like to state that I object to the amendment request from civic to mixed use for Promiseland. All residences that back up to the creek across from Promiseland will be affected.

In December of 2011 Promiseland entirely cleared the woods separating their property from Tannehill Creek. The wooded area had always acted as a barrier to keep down noise and lighting issues from church buildings and 51st street. Now due to the clearing, both the noise and light levels have dramatically increased for Broadmoor residents bordering the creek. Church building and parking lot lighting, car headlights coming out of Mueller, and noise from emergency vehicles on 51st street, as well as church events, now stream into our backyards and homes. Those of us on Broadmoor have no viable options on our side to help mitigate these issues. Our properties are lower than Promiseland with the land gradually sloping up until it reaches 51st. Because of the differences in the topography, even a privacy fence on our side would be so low as to have no effect.

If development does occur, it will basically be in Broadmoor residents' backyards.

Sincerely,

Ginger Pfister
1407 Broadmoor

April 7, 2013

RE: **NPA-2012-0023.01 - PromiseLand**

Dear Planning Commissioners:

As Chair of the City of Austin's Robert Mueller Municipal Airport Plan Implementation Advisory Commission, I am unable to attend the Planning Commission meeting of April 9, 2013, as both meetings are scheduled at the same time. However, I did want to weigh-in on the above referenced case.

I am the only current member of the Windsor Park Neighborhood Plan Contact Team (WPNPCT) that was involved through the entire process of creating our neighborhood plan, and feel I have some history worth sharing. Feeling the adjacent Mueller redevelopment made the existing, small lot, single-family homes as inappropriate along this stretch of 51st Street, we recommended GR zoning with the Mixed-Use overlay where we could. However, the very large PromiseLand tract had far more intensive redevelopment potential, so it was recommended for LO without the MU, so that public hearings would be held for uses requiring rezoning. (PromiseLand has not indicated any rezoning is in the works for anticipated development.)

As Windsor Park's plan was wrapping up, the Vertical Mixed Use opt in/opt out process was being implemented citywide. Windsor Park then struggled with both processes, as objections arose near the end of the planning process. The Plan was adopted in August 2007, and in May 2008, the City approved VMU for all the parcels fronting on E. 51st Street between Cameron Road and Berkman Drive, per vote of the neighborhood, including the PromiseLand parcels.

The WPNP was published with the FLUM showing virtually all the neighborhood's church properties, including PromiseLand's, as CIVIC. I am now told that current neighborhood planning policy is to designate any VMU properties with the MIXED-USE overlay in the FLUM, as PromiseLand is now seeking. Though the WPNPCT voted against the FLUM amendment in this case, I have a strong feeling that the Planning Commission and City Council will approve it.

I do want to note that the WPNP calls for more intense, but pedestrian friendly development on 51st, and cite page 43 of the WPNP: "In addition to the community's desire for increased commercial development along 51st Street, they also want the neighborhoods north of 51st Street to remain buffered from the anticipated additional traffic and more intense land uses along 51st Street..."

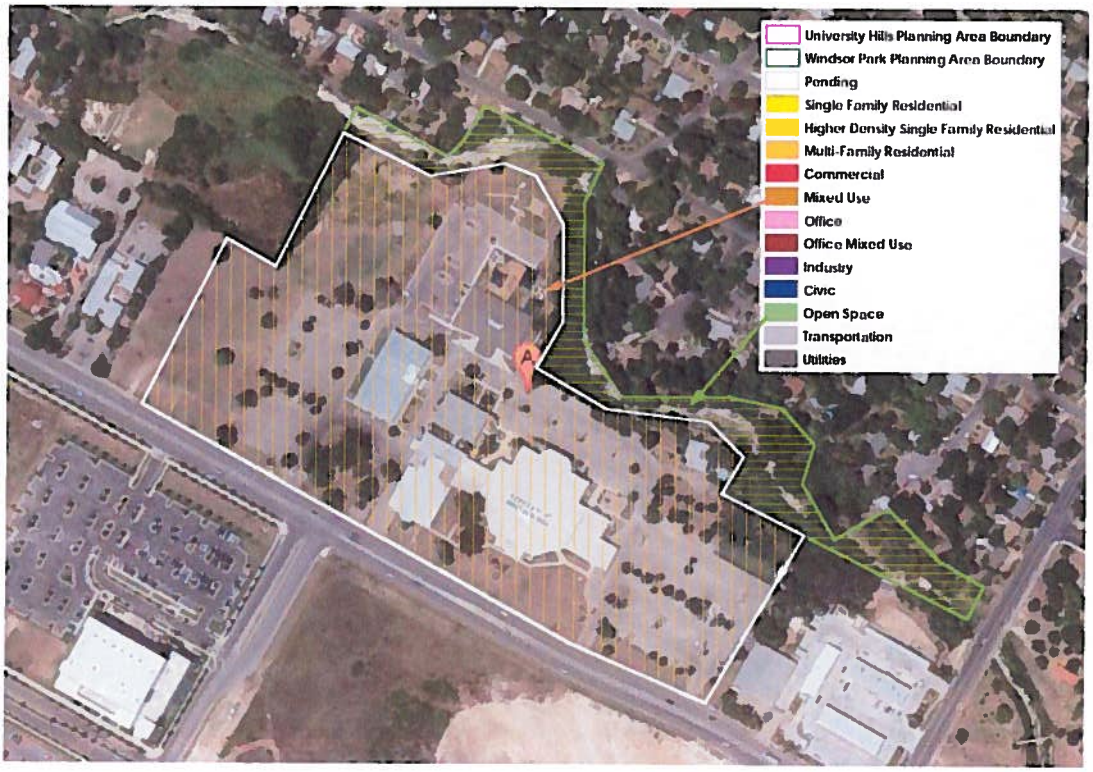
The Plan's pedestrian-friendly concept for 51st Street development has already been eroded with the 2011 removal of the restriction on drive-through uses for six (6!) lots in the 1200 block of E. 51st for the IBC bank drive-through. A compatibility setback waiver was also subsequently granted to them last year. We were heavily relying on compatibility standards to provide the buffering called for in the plan.

So, in order to assure some degree of future buffering, the Contact Team also voted in this PromiseLand case for the creek drainage easement along the northern edge, backing up to single-family homes, to be designated as OPEN SPACE. A portion of the creek further to the west has that designation. The easement was chosen over the flood plain as a more constant and identifiable tract of land. We will defer to the City's staff to make a final determination, but our suggested area (a best-guess estimate) is shown on the attached map. Please make this a part of the FLUM amendment.

I am submitting this as an individual and not on behalf of or at the direction of the Windsor Park Neighborhood Plan Contact Team. Let me know if you have any questions.

Rick Krivoniak
512-926-0733
krivon@aol.com

Windsor Park Neighborhood Plan Contact Team
Alternate Concept for the Proposed Future Land Use Map Amendment for Promiseland/1504 E. 51st Street
February 14, 2013



From: Dylan Siegler
Sent: Tuesday, September 11, 2012 9:14 AM
To: Meredith, Maureen
Subject: Windsor Park FLUM

Hi Maureen,

Thanks for facilitating last night's meeting at the Windsor Park Library.

I would like to register my opposition to changing the FLUM at this time. While I don't categorically oppose the church developing their land responsibly, I believe waiting until we the neighborhood is presented with a formal site plan to review and Promiseland has decided which real estate developer to work with before considering a FLUM change is the best course of action in this case.

Please feel free to contact me with any questions.

Best,
Dylan Siegler
1405 Broadmoor Dr. 78723