

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** Chestnut

**CASE#:** NPA-2019-0003.01

**DATE FILED:** July 31, 2019 (In-cycle)

**PROJECT NAME:** David Chapel Missionary Baptist Church

**PC DATE:** December 8, 2020  
October 27, 2020  
October 13, 2020  
September 8, 2020  
August 25, 2020  
August 11, 2020  
June 23, 2020  
April 28, 2020  
March 10, 2020  
January 14, 2020

**ADDRESSES:** 2201, 2203, 2205, 2207, 2209, 2211 & 2301 E. Martin Luther King Jr. Blvd.,  
1807 Ferdinand Street and 1803, 1805 & 1807 Chestnut Avenue

***Note: On December 3, 2020, lot 1805 Ferdinand Street was removed from the plan amendment application to match the properties filed under the zoning cases.***

**DISTRICT AREA:** 1

**SITE AREA:** 2.55 acres

**OWNER/APPLICANT:** David Chapel Missionary Baptist Church

**AGENT:** Husch Blackwell, LLP (Nikelle Meade)

**CASE MANAGER:** Maureen Meredith, Housing & Planning Dept.

**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Civic & Single Family

**To:** Mixed Use

## **Base District Zoning Change**

**Related Zoning Cases:** C14-2020-0105, C14-2020-0106, C14-2020-0107

**From:** P-NP & SF-3-NP

**To:** CS-MU-V-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** July 15, 1999

### **PLANNING COMMISSION RECOMMENDATION:**

#### ***December 8, 2020 - Pending***

***November 24, 2020*** – Postponed to December 8, 2020 on the consent agenda at the request of staff. [P. Seeger – 1<sup>st</sup>; P. Howard – 2<sup>nd</sup>] Vote: 9-0 [T. Shaw, J. Shieh, and Y. Flores absent. One vacancy].

***October 27, 2020*** – Postponed to November 24, 2020 on the consent agenda at the request of staff. [A. Azhar – 1<sup>st</sup>; C. Hempel – 2<sup>nd</sup>] Vote: 11-0 [J. Shieh absent. One vacancy].

***October 13, 2020*** – Postponed to October 27, 2020 on the consent agenda at the request of staff. [J. Thompson- 1<sup>st</sup>; A. Azhar – 2<sup>nd</sup>] Vote: 12-0 [One vacancy].

***September 8, 2020*** – Postponed to October 13, 2020 on the consent agenda at the request of staff. [P. Howard – 1<sup>st</sup>; J. Shieh 2<sup>nd</sup>] Vote: 9—0 [A. Azhar absent. J. Thompson off the dais. Two vacancies].

***August 25, 2020*** – Postponed to September 8, 2020 on the consent agenda at the request of the neighborhood and the applicant. [A. Azhar – 1<sup>st</sup>; R. Schneider – 2<sup>nd</sup>] Vote: 13-0.

***August 11, 2020*** – Postponed to August 25, 2020 on the consent agenda at the request of staff. [G. Anderson – 1<sup>st</sup>; P. Howard – 2<sup>nd</sup>] Vote: 10 – 0. [Y. Flores, J. Shieh absent. C. Llanes Pulido absent at time of vote. C. Hempel recused on Item B-11].

***June 23, 2020*** – Postponed to August 11, 2020 on the consent agenda at the request of staff. [J. Thompson – 1<sup>st</sup>; R. Schneider – 2<sup>nd</sup>] Vote: 11-0 [P. Seeger absent].

***April 28, 2020*** – Postponed to June 23, 2020 on the consent agenda at the request of staff. [C. Kenny – 1<sup>st</sup>; J. Shieh – 2<sup>nd</sup>] Vote: 13-0.

***March 10, 2020*** – Postponed to April 28, 2020 on the consent agenda at the request of staff. [J. Shieh – 1<sup>st</sup>; R. Schneider – 2<sup>nd</sup>] Vote: 11-0 [A. Azhar and P. Howard absent].

***January 14, 2020*** – Postponed to March 10, 2020 on the consent agenda at the request of the applicant. [J. Thompson -1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 9-0. [C. Hempel, A. Azhar and P. Seeger absent. C. Llanes Pulido off the dais].

**STAFF RECOMMENDATION:** To grant the applicant's request for Mixed Use land use, except on 1805 Ferdinand Street which was removed from the application on December 3, 2020.

**BASIS FOR STAFF'S RECOMMENDATION:** The property is located on or near an activity corridor where mixed use land use is appropriate. Mixed Use land use is appropriate adjacent to residential uses. The Chestnut Neighborhood Plan supports mixed use along commercial corridors, supports infill development in the planning area and supports opportunities for housing and neighborhood-serving businesses to be created in the planning area.

**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.
  - Other sites as identified by the City of Austin or Chestnut neighborhood residents. (DRID)

**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. (PECSO).
  - 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).

**Objective 1.5: Establish compatible mixed-use corridors along the neighborhood's edge.**

18. Apply a mixed use zoning overlay to the commercial corridors of the Chestnut neighborhood. Approved uses should support the neighborhood and be compatible with Campbell Elementary and Gonzalo Garza High School. See Figure 3: Proposed Chestnut Future Land Use Map, and Figure 4: Proposed Chestnut Conditional Mixed Use Zoning Overlay. (DRID).

## **Housing**

**Goal Three: PROMOTE THE REHABILITATION OF EXISTING HOUSING AND NEW, INFILL HOUSING COMPATIBLE WITH THE OLD STYLE OF THIS NEIGHBORHOOD.**

## **Economic Development**

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

**Objective 4.3: Attract new residents and businesses.**

48. Encourage development of job and housing opportunities that will assist area residents. (Chestnut Neighborhood).
49. Encourage, through the use of incentives and other forms of support, neighborhood-serving businesses such as grocery stores, laundry facilities, neighborhood stores, cleaners, and assisted care for the elderly (businesses identified by residents in a January 1998 survey conducted by Health and Human Services Department). (DRID).

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

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

### **Purpose**

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



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

### **Application**

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

**Civic** - Any site for public or semi-public facilities, including governmental offices, police, 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***

**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
3. The neighborhood plan may further 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);
4. 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;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

### ***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The applicant's request for mixed use land use would allow for a mix of commercial and residential uses. The property is on an activity corridor within walking distance to businesses and public transportation.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***The property is located on E. MLK Jr. Blvd, which is an activity corridor in close proximity to public transportation and neighborhood-serving commercial uses.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***E. MLK Jr. Blvd is an Activity Corridor where mixed use land use is appropriate. The property is an infill site that is proposed for redevelopment.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The applicant proposes to change the land use to Mixed Use which would allow for a mix of commercial and residential uses.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.

- *There are mixed use land use on E. MLK Jr. Blvd which is an Activity Corridor where there is mixed use land use is appropriate.*
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - *The property is not located in an environmentally sensitive area.*
  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 directly applicable.*
  8. Protect, preserve and promote historically and culturally significant areas.
    - *At the plan amendment community meeting, participants expressed a desire to preserve the church building that was designed by a John S. Chase, the first African American to graduate from the University of Texas at Austin School of Architecture.*
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - *Not directly applicable.*
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - *Not directly 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.*

## Imagine Austin Activity Corridors and Centers



### Legend

- Lot Line
- Imagine Austin Corridors
- Imagine Austin Centers**
  - Regional Center
  - Town Center
  - Neighborhood Center
  - Activity Centers for Redevelopment Environmental Areas
  - Job Center

### Notes

0.2 0 0.08 0.2 Miles

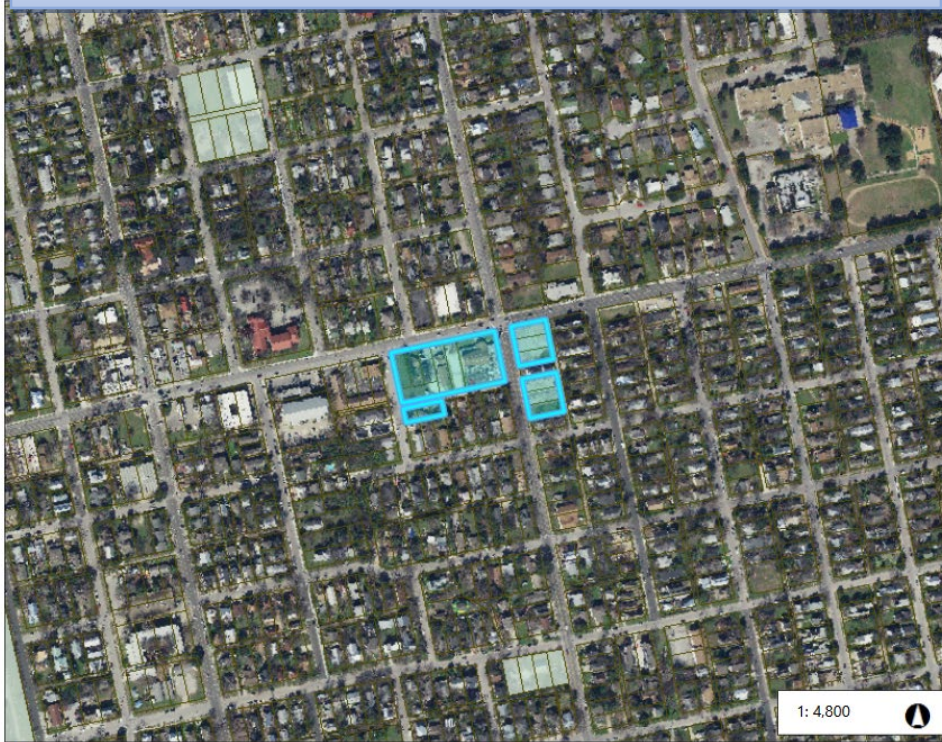
NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet  
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## Proximity to Parks

### Legend

- Lot Line
- City of Austin Parks
- Travis County Parks
- Texas State Parks



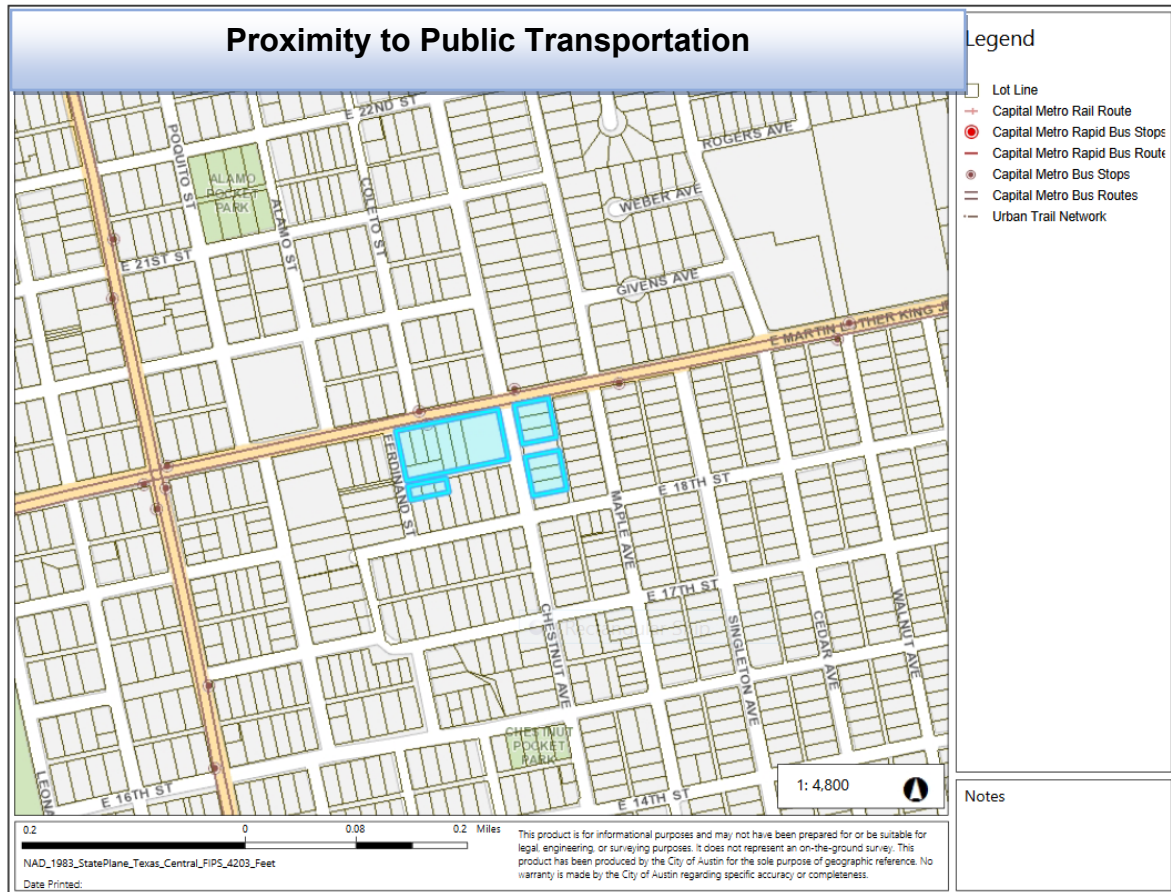
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0.2 0 0.08 0.2 Miles  
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Notes





## 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, 2019 which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The request is to change the future land use map from Single Family and Civic to Mixed Use land use. The zoning change applications do not include lot 1805 Ferdinand Street, which is part of the plan amendment application. On December 3, 2020 the Applicant removed 1805 Ferdinand Street from the plan amendment application.

On September 1, 2020, three zoning change applications were filed, C14-2020-0105, C14-2020-0106 and C14-2020-0107. The request is to change the zoning on the property from



SF-3-NP and P-NP to CS-MU-V-NP for a mixed use project. These applications do not include 1805 Ferdinand Street.

The main church building was designed by John S. Chase, the first African American to graduate from the University of Texas at Austin in Architecture. Preservation of this building was a major topic of discussion in the community meeting.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held on September 16, 2019. Approximately 382 meeting notices were mailed to people who own property or have a utility account within 500 feet of the subject properties, in addition to neighborhood groups and environmental organizations who requested notification for the area. Twenty people signed into the meeting including the applicant's agent, Micah King and one City staff member.

After staff gave a brief presentation on the planning process, Micah King, the application's agent, made the following presentation.

Micah King said he had met with the Chestnut Neighborhood Plan Contact Team a week before this meeting and a David Chapel representative was also at that meeting. He said the proposed development is a mixed use project with housing and ground floor retail, however the mix of uses is not finalized. He said the proposed zoning is CS-MU-V-NP. They want to be respectful of the single family uses surrounding the property and to also respect the history. The Land Development Code Compatibility Standards would apply to the property and would have 25 foot setback line with a reduce height close to the single family homes. He said they have no concept plans or drawings because they want to talk to the neighborhood and take their comments into consideration.

Pastor Joseph Parker said the church was built in 1926. He said he led the planning process when the Chestnut Neighborhood Plan was created. The church is the heart of Chestnut. We'd like to stay there. It's a 60-year-old building. We are out of compliance with parking. We need to move. We've outgrown the church. No one has come to me saying they want to buy or preserve the building. If you come to me, we will work with you. We are not developing the property. We are selling and we want the value from the property, just like you would. We are not involved in the prospective plan. Please know that Chestnut was the one of the first plans approved by the city. At that time there were 100 vacant lots. In the early 1990's gentrification was in process and we wanted to land bank properties to preserve them for the indigenous people who live there.

***Q. Will there be retail within 25 feet of residential?***

A. The Great Streets Program requires a setbacks, wide sidewalks and more landscaping.

***Q. There's a problem with the process. You want to amend the plan for a broad use and to allow David Chapel to ask for more money to grease the wheels for future development.***

A. It costs money to come up with a plan when we don't know how tall we can build and what we can build. It's not the end of the process. We still need to go to Planning

Commission and City Council. We will get more comments and have more meetings. We are not rushing through this.

***Q. Are you asking for the same zoning on all the properties?***

A. Yes.

***Q. Could you do single family zoning near the single family area?***

A. E. MLK Blvd is a transit corridor so Mixed Use would be good there.

***Q. Affordability Unlocked has no compatibility standards.***

A. Even under the new Code we would be required to meet compatibility standards.

***Q. It would be helpful to detail how mixed use impacts the neighborhood.***

A. I heard people ask if we could have a restrictive covenant on certain lots to prohibit uses. I can also create a diagram to show the compatibility standards to hopefully address some concerns.

***Q. The historic value and culture of the neighborhood is not talked much. I want to include the church in our historic application. We talked with the church to preserve the façade of the building because an African American architect designed the building.***

A. I understand your concerns.

***Q. Will the church façade be preserved?***

A. Pastor Joseph Parker: People have been trying to get us to preserve the building, but I've resisted this because it limits uses. We have been trying to do this and move. Part of the financing is to sell the building. We preserved the building for 60 years.

***Q. You could put an "H" Historic to preserve the building.***

A. Pastor Joseph Parker: I'm not willing to do that because it limits us. I represent the church and the church's interest. We were forced to be there. We moved there in 1926. Now people are trying to force us again. No one helped us during this time.

***Q. Why can't we wait?***

A. My preference is to go forth with the zoning and get offers. We are paying taxes on the Springdale properties and need to sell this property.

***Q. Can we demand X amount of greenspace and X amount of affordable housing in a zoning change? We think the future buyer could be held to this negotiation.***

A. We could discuss this, but we are not the builder. The client knows that compatibility standards are important. We would need to work with the client.

***Q. When will provide those designs?***

A. It's a months-long process, we're not there yet. We need some certainty with the zoning before we can design.

***Q. Will you protect the church building?***

A. There is some interest in preserving the church. To prevent demolition would need Landmark Commission action.

***Q. Is the church historic? State law says the church cannot be demolished unless the church agrees to it.***

A. I have no idea.

***Q. Is there a way to work together for you to get your value but not to surround the neighbors with mixed use and degrade the neighborhood? Getting value for your property is sacrificing the neighborhood.***

A. I understand what you're saying. I don't know to what extent we can make restrictions. I have to know what the impact is on various parcels. We don't have the money to do the study to determine the best use. When someone comes forth, we will ask them to do the study.

***Q. I have traffic concerns like speaking.***

A. There will be a TIA, it's an expense and lengthy process, but might only trigger a neighborhood analysis.

***Q. What about parking?***

A. There would be normal parking, we won't ask for a reduction.

***Q. If you get the rezoning, will you put the property up for sale?***

A. Yes.

#### **CITY COUNCIL DATE:**

**September 17, 2020**

**ACTION:** Postponed to October 29, 2020 at the request of staff. [Mayor Pro Tem Garza – 1<sup>st</sup>; L. Pool – 2<sup>nd</sup>] Vote: 10-0 [G. Casar off the dais.

**October 29, 2020**

**ACTION:** Postponed to December 3, 2020 at the request of staff. [L. Pool – 1<sup>st</sup>; P. Ellis – 2<sup>nd</sup>] Vote: 11-0.

**December 3, 2020**

**ACTION:** Proposed for staff postponement to December 10, 2020.

**December 10, 2020**

**ACTION:**

**Email Revising Application to Remove lot 1805 Ferdinand Street**

**From:** King, Micah [mailto:Micah.King@huschblackwell.com]  
**Sent:** Thursday, December 03, 2020 10:51 AM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>  
**Cc:** Meade, Nikelle <Nikelle.Meade@huschblackwell.com>  
**Subject:** David Chapel Plan Amendment - Removal of 1805 Ferdinand Tract from Request

\*\*\* External Email - Exercise Caution \*\*\*

Hi Maureen and Joi,

Good morning. I am writing on behalf of the applicant in the David Chapel NPA case (NPA-2019-0003.01). Please accept this email as our withdrawal of one of the tracts in that case, the one located at 1805 Ferdinand Street, from our requested plan amendment. Thank you for your assistance, and please let me know if you have any questions.

Best,  
Micah

**Micah J. King**  
**Senior Associate**

**HUSCH BLACKWELL LLP**  
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Suite 1400  
Austin, TX 78701-4093  
Direct: 512.370.3468  
Fax: 512.479.1101  
[Micah.King@huschblackwell.com](mailto:Micah.King@huschblackwell.com)  
[huschblackwell.com](http://huschblackwell.com)  
[View Bio](#) | [View VCard](#)

## Applicant's Summary Letter from Application

### Neighborhood Plan Amendment

### SUMMARY LETTER

The Future Land Use Map (the "FLUM") for the Chestnut Neighborhood Plan (the "Plan") designates most of the Property (Tracts 3-5 of Plan) as "Civic," with a small portion as "Single Family," and this application is to change those designations to "Mixed Use." The Property is currently composed of an older church building, three small, former single-family structures used for meetings and storage for the existing church, and vacant lots for parking. The few lots indicated Single-Family reflect prior uses that no longer exist. Approval will enable the Property to serve area residents with a variety of uses, and provide income for the church to meet the growing needs of its congregants and community members through its food, financial assistance, recovery, prenatal education, community development, and other ministries.

Approval of the amendment will advance the Plan's goals in numerous ways. For example, it will promote Goal One, "Revitalize the Historic, Residential, and Pedestrian-Friendly Character of Chestnut," by providing much-needed housing where there currently is none on the Property, and by revitalizing the area with new, pedestrian-friendly construction. The provision of new housing along MLK Jr. Blvd., which is a Core Transit Corridor, will indirectly promote Objective 1.1, "Preserve the historic character of the Chestnut neighborhood," by directing new development towards MLK Jr. Blvd. and away from the neighborhood core, which will help preserve structures in the core that are currently used as residences, as well as historic commercial buildings. The amendment will also support Goal Three, which envisions the construction of new infill housing, which would be allowed on the Property upon approval.

The amendment will also promote Objective 1.5, "Establish compatible mixed-use corridors along the neighborhood's edge." A Mixed Use designation is consistent with the Proposed Land Use Map, which labeled the entirety of MLK Jr. Blvd. in the Plan Area as a "Mixed Use Corridor." Therefore, the amendment would help better align the FLUM with the Proposed Land Use Map. Moreover, the Plan recognized the changing nature of the Plan Area's commercial corridors, stating that, "The neighborhood supports the continuation of this pattern" of the commercial corridors including a mix of commercial and residential uses.

The amendment will also promote Goal Four, "Improve the Business Climate of the Chestnut Neighborhood," by promoting a mix of uses including commercial on MLK Jr. Blvd., and Objective 4.3, "Attract new residents and businesses," and "Encourage development of job and housing opportunities that will assist area residents," by allowing for a more productive use of the Property. And, as stated in the Plan, a variety of neighborhood-serving businesses are needed in the Plan Area, which could be provided upon approval of the application.

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## Letter of Recommendation from the Chestnut Neighborhood Plan Contact Team

November 30, 2020

City of Austin Planning Commission

**Re:** NPA-2019-0003.01 – David Chapel Missionary Baptist Church  
C14-2020-0105 – David Chapel Missionary Baptist Church Tract 1  
C14-2020-0106 – David Chapel Missionary Baptist Church Tract 3  
C14-2020-0107 – David Chapel Missionary Baptist Church Tract 4

**Recommendation:**

This letter is to inform the Planning Commission that the Chestnut Neighborhood Plan Contact Team has voted to support the proposed rezoning and FLUM revisions to our Neighborhood Plan for the David Chapel properties listed, including a Conditional Overlay on Tract 4.

**Rationale:**

Dear Planning Commissioners,

We greatly appreciate David Chapel Missionary Baptist Church and their lasting positive influence on the Chestnut Neighborhood. While we are sad to see them leave Chestnut, we are also excited for them as they embark on a new chapter in their long history. That said, we are pleased to inform you that the Chestnut Neighborhood Plan Contact Team has voted to support of the proposed rezoning of properties and FLUM revisions as follows:

*Tract 1* (1807 Ferdinand Street & 2201, 2203, 2205, 2207, 2209, 2211 East MLK, Jr. Blvd.)

Proposed Zoning: CS-V-MU-NP

Proposed FLUM: Mixed-Use

*Tract 3* (2301 East MLK, Jr. Blvd.)

Proposed Zoning: CS-V-MU-NP

Proposed FLUM: Mixed-Use

*Tract 4* (1803, 1805, & 1807 Chestnut Avenue)

Proposed Zoning: GR-V-MU-CO-NP

Proposed FLUM: Mixed-Use

\*The Contact Team & Applicant have agreed to a Conditional Overlay on Tract 4. The Conditional Overlay is to modify the GR Site Development Standards to be the following:

Minimum Lot Size:	5,750 SF	Minimum Setbacks:	
Minimum Lot Width:	50 FT	Front Yard	25 FT
Maximum Building Coverage:	50%	Street Yard	15 FT
Maximum Floor Area Ratio:	0.5:1	Int. Side Yard	N/A
Maximum Height:	40 FT	Rear Yard	N/A

**\*\*The Conditional Overlay shall also serve to prohibit the following uses on Tract 4:**

Automotive Rentals	Drop Off Recycling
Automotive Repair Services	Outdoor Entertainment
Automotive Sales	Pawn Shop
Automotive Washing	Pedicab Storage & Dispatch
Bail Bonds	Service Station
Commercial Off-Street Parking	

The Chestnut Neighborhood Plan Contact Team spent a great deal of time working closely with the David Chapel team on these cases to reach this mutually beneficial proposal; particularly the Conditional Overlay on Tract 4. Therefore, we respectfully request the Planning Commission approve these cases as outlined above.

Sincerely,



David Carroll  
Vice-Chair  
Chestnut Neighborhood Plan Contact Team

## Correspondence Received from Rogers-Washington-Holy Cross Neighborhood Assn.



October 22, 2019

Re: "SUPPORT RESIDENTIAL SUSTAINABILITY"

Dear: Civic Leaders & Equity Supporters

The David Chapel Missionary Baptist Church (founded in 1924) is asking the City of Austin to change its use designation and zoning from "Civic/Single-Family" to "Mixed Use/Office, Retail, Commercial and Residential uses in a Single Development. We in the Rogers-Washington-Holy Cross community are long-time supportive neighbors of the Church, but we have strong objections to this request.

David Chapel holds a significant place in the heart and history of our historically African American community. It is one of three buildings in the Austin area designed by the nationally known architect John S. Chase, and we are privileged that all three of those buildings lie within boundaries of the Chestnut and Rogers-Washington-Holy Cross neighborhoods. (A fourth recognized building on Navasota Street was actually designed by Chase as a student under tutelage and influence of a UT professor.) Chase, the first African American to earn a degree from the University of Texas School of Architecture, is acclaimed throughout the country as having designed some of the finest modern mid-century buildings ever. Losing the David Chapel structure without protection of his design would be the epitome of cultural eradication!

We support the property rights of this nearly 100-year old church congregation, but we resist the notion that cultural genocide is a good and normal outcome of gentrification. The Rogers-Washington-Holy Cross neighborhood has welcomed diversity without such a negative outcome. Shame on the City of Austin for following its forced segregation with such callous divestiture of East Austin history and culture! Even more shameful is the fact that city actions have placed David Chapel Church in the lose-lose position of having to choose between devotion to its surrounding community and culture versus its own financial survival and advantage. The proposed change in use and zoning might satisfy the appetites of Austin politics and hungry developers, but it would be salt on a festering wound of insensitive East Austin redevelopment.



Most likely no other community outside the Houston area can boast of having three Chase designs. Even more remarkable is the fact that Austin holds Chase's first designed worship center, i.e., the David Chapel Church, as well as his first built residential design at 1906 Maple Ave. Do we really want to pave over such cultural significance and as the song goes, "put up a parking lot?"

OUR CONCERNS:

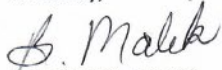
- 1) The property is on a highly traveled section of MLK Jr. Blvd., but it sits between two densely populated residential communities on both the south and north sides. This proposed zoning/use change will affect the Rogers-Washington-Holy Cross Neighborhood as much as the Chestnut neighborhood. Allowing this change would mean higher traffic, more parking issues, congestion, and safety concerns for residents as well as for the two nearby elementary schools.
- 2) The zoning application takes a big leap from its current zoning (Civic/Single-Family) to a highly speculative request for a high-density commercial, retail and residential mixed use (MU). The change is requested without a site plan or any indication of what that development would look like.
- 3) No one has studied or consulted local and state African American leadership, the UT School of Architecture, historical societies, or even the Chase family regarding this momentous course of action.

WHAT WE WANT:

- 1) Denial of the David Chapel Rezoning Request.
- 2) An initiative to designate David Chapel and the Rogers-Washington- Holy Cross neighborhood as a Historic Preservation District, with plans to preserve and restore contributing and monumental structures.
- 3) Submittal of a site plan or architectural design for any future rezoning request for this property.

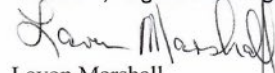
The Rogers-Washington-Holy Cross Neighborhood Association cannot and does not support such a destructive and speculative endeavor, especially considering the impact on our diverse families, treasured history, and daily living. We request not only denial of the request, but intervention to devise some sort of scheme for the historical protection and positive development of this site. A site plan and design that would preserve what should be an historical site would be a huge step in the right direction towards blending our cultures rather than choosing one over the other. We want respect for a history that the City had a hand in creating, and recognition for one of the cultural treasures of our City, our community, and African American history.

Sincerely,



Brenda Mims Malik

President, Rogers-Washington-Holy Cross Neighborhood Association



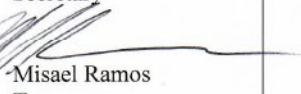
Lavon Marshall

Vice-President



Kate Mills

Secretary



Misael Ramos

Treasurer

Cc: Office of the Mayor,  
City of Austin

Cc: Councilmember Natasha Harper-Madison

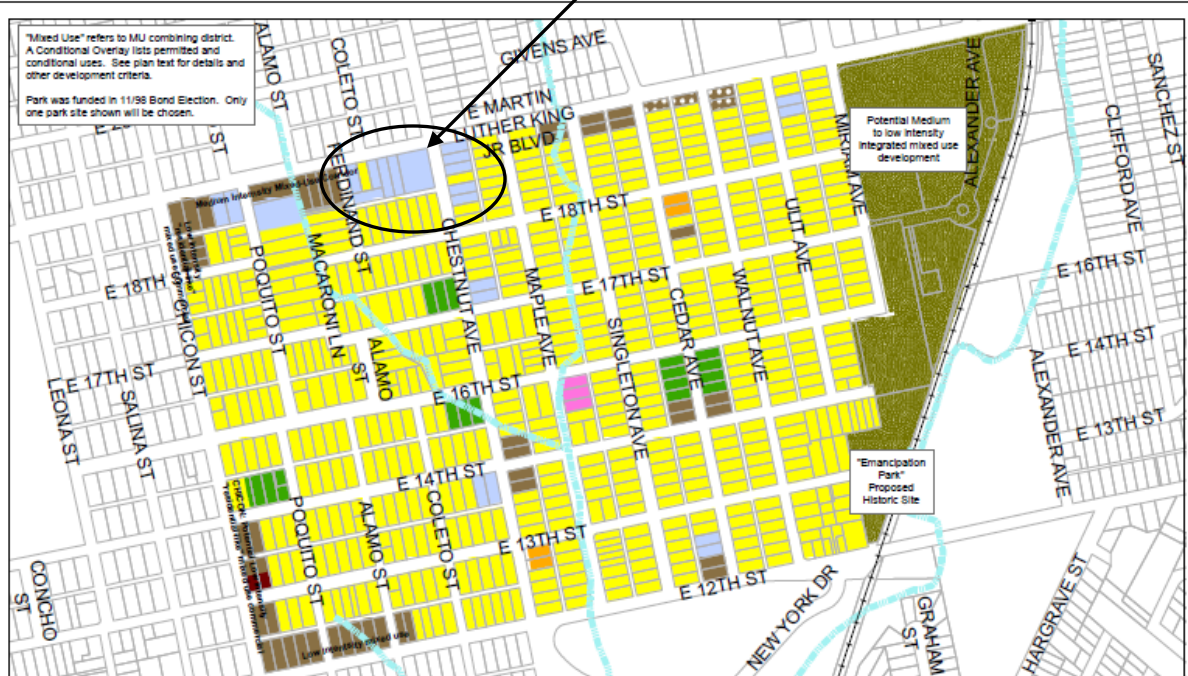
Cc: Dean, UT School of Architecture

Cc: Steve Sadowski, City of Austin Historic Preservation  
Cara Bertron

Cc: Joseph Parker, Pastor  
David Chapel MBC

Cc: Chestnut Neighborhood Assn.

Cc: Mrs. John Chase  
Mr. Anthony Chase  
Mrs. Saundria Chase Gray



**Figure 3:**  
Chestnut Neighborhood  
Future Land Use Map



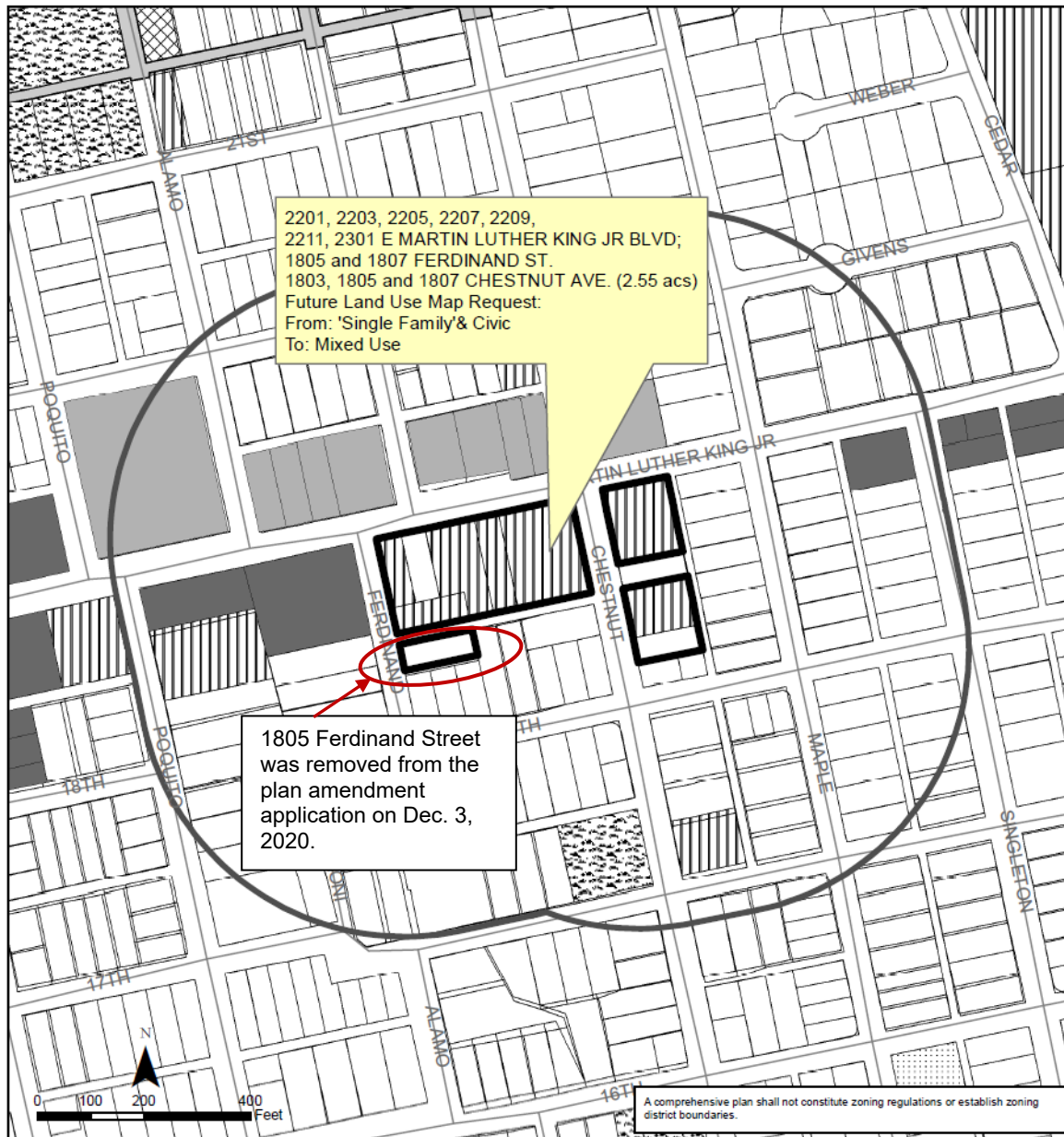
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

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 Zoning Department 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 Zoning Department  
Revised 1/7/2016



## Chestnut Neighborhood Planning Area NPA-2019-0003.01

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City of Austin  
Planning and Zoning Department  
Created on 8/7/2020, by: meredithm

### Future Land Use

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















# Property Profile

A DEVELOPMENT SERVICES TOOL



## Property Profile



### Legend

- ☐ Lot Line
- ☐ Future Land Use Map
  - Activity Center
  - Agriculture
  - Civic
  - Commerce
  - Commercial
  - Environmental Conservation
  - High Density Mixed Use
  - Higher-Density Single-Family
  - Industry
  - Major Impact Facilities
  - Major Planned Development
  - Mixed Residential
  - Mixed Use
  - Mixed Use/Office
  - Mixed-use Activity Hub/Corridor
  - Mobile Homes
  - Multifamily
  - Neighborhood Commercial
  - Neighborhood Mixed Use
  - Neighborhood Node
  - Neighborhood Transition
  - Office
  - Recreation & Open Space
  - Residential Core
  - Rural Residential
  - Single Family
  - Special District
  - Specific Regulating District
  - Transportation
  - Utilities
  - Warehouse/Limited Office

### Notes

0.1 0 0.04 0.1 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

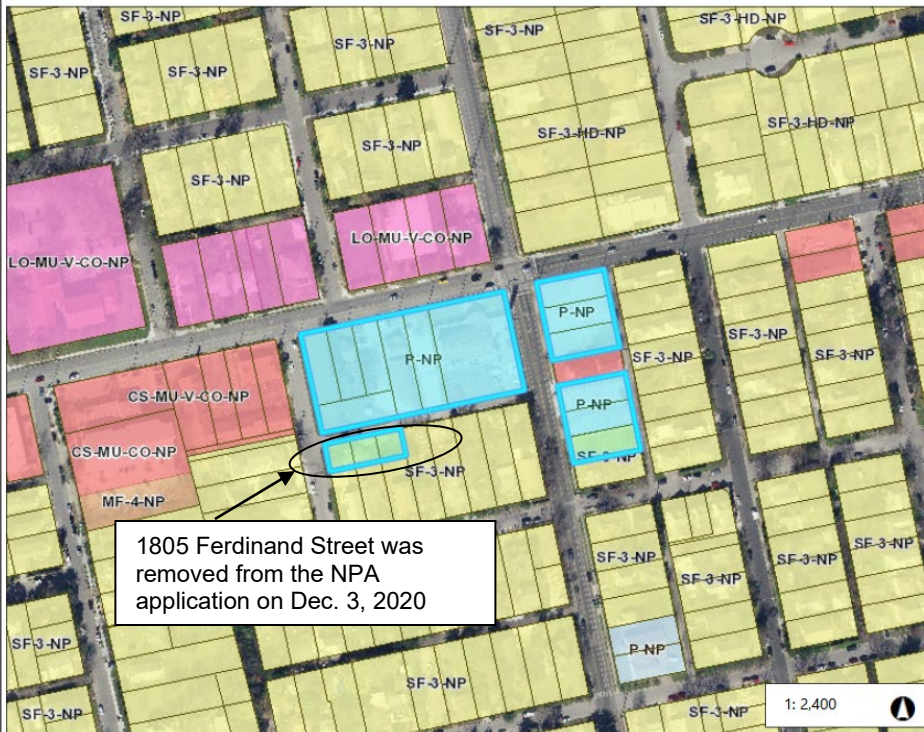
Date Printed:

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## Property Profile



## Legend

- ☐ Lot Line
- ☐ Zoning
  - Lake Austin, Rural Residence (LA)
  - Single Family (SF-1; SF-2; SF-3; SI)
  - Mobile Home (MH)
  - Multi-family (MF-1; MF-2; MF-3; MF)
  - Commercial (CH; CR; CS; CS-1; G)
  - Office (GO; LO; NO)
  - Industrial (IP; LI; MI; R&D; WLO)
  - CBD; Downtown Mixed Use (DMU)
  - ERC; NSG; TND; TOD
  - Planned Unit Development (PUD)
  - Agriculture, Development Reserve
  - Aviation, Public, Unzoned (AV; P; L)
  - Unclassified
- ☐ Zoning Text

## Notes

0.1 0 0.04 0.1 Miles  
NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet  
Date Printed:

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2201, 2203, 2205, 2207, 2211 E. MLK Blvd.



2201, 2203, 2205, 2207, 2211 E. MLK Jr. Blvd.





2301 E. MLK Jr. Blvd



1803, 1805, 1807 Chestnut Ave.



1805 (removed from application) & 1807 Ferdinand St.



## Comments Received

### PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
1/26/20

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-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Jan 14, 2020 - Planning Commission  
Feb 06, 2020 - City Council

TRIDESCENT HOLDINGS  
CHRIS SCHORRE LLC

☒ I am in favor  
☐ I object

Your Name (please print)

2208 E 18th St. Unit A

Your address(es) affected by this application

*[Signature]*

Signature

1-20-2020

Date

Comments:

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
1/23/20

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**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Jan 14, 2020 - Planning Commission  
Feb 06, 2020 - City Council

☒ I am in favor  
☐ I object

Joseph Gaston

Your Name (please print)

1801 Chestnut Ave

Your address(es) affected by this application

Joseph Gaston

Signature

1/6/2020

Date

Comments:

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
1/9/20

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**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Jan 14, 2020 - Planning Commission  
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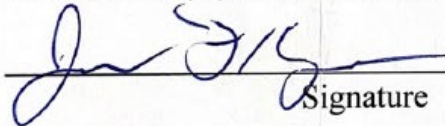
☐ I am in favor  
☒ I object

James Haynes

Your Name (please print)

1807 Maple Ave. 78702

Your address(es) affected by this application



Signature

Jan. 4, 2020

Date

Comments: The rezoning of tract 1 is inevitable under our neoliberal mayor and sell out city council members but changing tracts 2, 3, and 4 is just being greedy and detracts from the spirit, originally reflected in our neighborhood plan. I hope the architecture of the church can be saved it is so unique. Finally, increased density is driving unaffordability.



## PUBLIC HEARING COMMENT FORM

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City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
1/9/20

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**Contact:** Maureen Meredith, Ph: 512-974-2695  
**Public Hearings:** Jan 14, 2020 - Planning Commission  
Feb 06, 2020 - City Council

☐ I am in favor  
☒ I object

Molly Martin  
Your Name (please print)

1805 Maple Ave, Austin, Tx 78702  
Your address(es) affected by this application

Signature

Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**From:** Jordan Smith  
**Sent:** Thursday, December 03, 2020 10:09 AM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** Re: NPA-2019-0003.01

Our Chestnut NPCT has voted to approve the current iteration of David Chapel's request, after more than a year of negotiating with them on the terms of what would be allowed on that SE tract. I voted in favor of the compromise and so have changed my position from opposed to in favor of the current proposal.

I would also like to say that my opposition — as well as that of many of the neighbors — was solely centered on possible uses of the SE tract of land (the south parking lot property, just east of Chestnut), which would directly impact a number of neighbors — all those along east 18th (east of Chestnut as well as those directly across the street on the west side of Chestnut) as well as every neighbor fronting or backing up to the alley that runs behind the church parking lots (the SE and NE tracts), with especially harsh implications for the two neighbors whose homes sit between the SE and NE tracts. We asked, early and repeatedly, for David Chapel to consider keeping the SE tract SF, or some version of SF that would allow for greater density — just as happened with the two homes built between the SE and NE tracts — which would maintain the fabric of the existing neighborhood and neighbors most directly impacted by development on that lot. The church initially said it understood and would consider our requests, but then dragged its feet for months. Ultimately, they said they would not consider any compromise that would limit development of the SE tract to SF housing of any kind. From there negotiations sputtered along.

Indeed, this current compromise, the one the NPCT has voted to support, has only recently been offered. Among the biggest sticking points for all the neighbors has been that the SE tract would NOT be developed into a parking garage/structure or lot — among several disfavored uses this is number one for me and many of the neighbors. Our previous asks that this be disallowed on the SE tract were rebuffed. It is only in this latest proposal that, as we all understand it, they have agreed that no parking garage/structure/lot would be allowed on this SE tract (along with agreeing to ex out several other uses we disagree with). So long as this remains a commitment, I will support the existing compromised proposal.

Thanks!

Best,  
Jordan

Jordan Smith  
Senior Reporter  
The Intercept  
512-740-7082

### PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number:** NPA-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☒ I am in favor  
☐ I object

Christian Alvarado

Your Name (please print)

2115 E. MLK JR. Blvd.

Your address(es) affected by this application

CA

Signature

8/20/20

Date

Comments:

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## PUBLIC HEARING COMMENT FORM

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**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☐ I am in favor  
☒ I object

Ms. Ora Houston

Your Name (please print)

1402 Maple Ave.

Your address(es) affected by this application

Ora Houston

Signature

8/19/2020

Date

Comments:

No upzoning without a site plan!  
lack of a site plan leaves  
the neighborhood helpless and  
at the whims of the developer

### PUBLIC HEARING COMMENT FORM

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Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
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**Case Number:** NPA-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☐ I am in favor  
☐ I object

Vickie McBeide

Your Name (please print)

1801 maple Ave

Your address(es) affected by this application

Signature

Date

Comments:

I object to this project  
NPA -2019- 0003.01

The Charm, history, and culture  
will be destroyed if this project  
takes place.

Dr. Vickie McBeide

Urban Planner

(I received this notice at, 8/22/2020

## PUBLIC HEARING COMMENT FORM

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City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
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**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

Ms. Ora Houston

☐ I am in favor  
☒ I object

Your Name (please print)

1902 Maple Ave.

Your address(es) affected by this application

Ora Houston

Signature

8/19/2020

Date

Comments:

No upzoning without a site plan!  
Lack of a site plan leaves  
the neighborhood helpless and  
at the whims of the developer

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Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number:** NPA-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☒ I am in favor  
☐ I object

Christian Alvarado

Your Name (please print)

2115 E. MLK Jr. Blvd.

Your address(es) affected by this application

CA

Signature

8/20/20

Date

Comments:

### PUBLIC HEARING COMMENT FORM

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Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

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**Case Number:** NPA-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☐ I am in favor  
☐ I object

Vickie McBeide

Your Name (please print)

1801 maple Ave

Your address(es) affected by this application

Signature

Date

Comments:

I object to this project  
NPA -2019- 0003.01  
The charm, history, and culture  
will be destroyed if this project  
takes place.

Dr. Vickie McBeide

Urban Planner

I received this notice ltr, 8/22/2020



### PUBLIC HEARING COMMENT FORM

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**Case Number:** NPA-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☒ I am in favor  
☐ I object

*Joseph Gaston*

Your Name (please print)

*1801 Chestnut Ave*

Your address(es) affected by this application

*Joseph Gaston*

Signature

Date

*8/18/2020*

Comments:

### PUBLIC HEARING COMMENT FORM

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Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
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**Case Number:** NPA-2019-0003.01

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Aug 25, 2020 - Planning Commission

☒ I am in favor  
☐ I object

Christian Alvarado

Your Name *(please print)*

2115 E. MLK JR. Blvd.

Your address(es) affected by this application

CA

Signature

8/10/20

Date

Comments:

---

---

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---

## PUBLIC HEARING COMMENT FORM

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City of Austin  
Planning and Zoning Department  
Maureen Meredith  
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Case Number: NPA-2019-0003.01

Contact: Maureen Meredith, Ph: 512-974-2695

Public Hearings: Aug 25, 2020 - Planning Commission

RORIC FINK

☐ I am in favor  
☒ I object

Your Name (please print)

1814 MAPLE AVE

Your address(es) affected by this application

*Roric Fink*

Signature

8/22/20

Date

Comments:

We already have too many multi story high density housing in the area. These typically increase noise congestion ~~and~~ while decreasing property values. My Garage opens up toward that lot. Please the construction noise during the build - please no!!!