

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0104 (Alpha Seventh-Day Adventist Church) DISTRICT: 1

ADDRESS: 3016 East 51st Street; 3021 and 3039 Pecan Springs Road

ZONING FROM: SF-3-NP

TO: GR-MU-CO-NP
(as amended)

SITE AREA: approximately 2.285 acres (approximately 99,535 square feet)

PROPERTY OWNER: Southwest Region Conference Association of Seventh Day Adventists &
Southwest Region Conference of Seventh Day Adventists

AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION:

Staff does not recommend granting community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning with a conditional overlay (described in September 18, 2024 Applicant Letter, *Exhibit D* below) that prohibits all uses not allowed in a neighborhood commercial (LR-) base district and prohibits the following six uses: consumer convenience sales, general retail sales (convenience), pedicab storage and dispatch, printing and publishing, service station, drive through facilities as an accessory use to financial services.

Staff offers an alternative recommendation granting neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. *For a summary of the basis of Staff's recommendation, please see the basis of recommendation section below.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 22, 2024: Motion by Commissioner Anderson seconded by Commissioner Hayney in support of applicant's request for GR-MU-CO-NP. (11-2) with Commissioner Cox and Skidmore opposed. Vote rescinded due to typographical error in posting language on agenda. November 12, 2024: Case is scheduled to be heard by Planning Commission

CITY COUNCIL ACTION:

November 21, 2024: Neighborhood postponement request granted to December 12, 2024.
December 12, 2024: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER:

N/A

ISSUES: There are two valid petitions on this case, one opposes zoning greater than NO (Neighborhood Office) with a maximum impervious cover of 70% and maximum building coverage of 50%, and a second opposes any additional entitlements either uses or site development standards greater than the current SF-3 (both can be found as *exhibits E and F*).

CASE MANAGER COMMENTS:

The subject tract is currently a 11,000 square foot church with approximately 21,000 square foot parking area, an approximately 1,200 square foot single family home (built in approximately 1935), and an approximately 600 square foot manufactured building. To the

north, is one single family home, to the east, the Grove Condominiums, approximately 52 attached units in two-story cluster buildings. To the south, are two single family homes and to the west, are four single family homes.

The subject tract is on the northwest corner of East 51st Street (an ASMP level 3 roadway and an Imagine Austin Activity Corridor) and Pecan Springs Road (an ASMP level 1 roadway). It is approximately ¼ mile east of Manor Road which is also an Imagine Austin Activity Corridor and approximately ⅓ mile west of Springdale Road which is also an Imagine Austin Activity Corridor. The subject tract is approximately ½ mile northeast of the Mueller Imagine Austin Activity Center.

BASIS OF RECOMMENDATION:

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The applicants request for GR (community commercial) base district zoning would be appropriate at an intersection of arterials or major collectors; however, the subject tract is not at the intersection of such roadways. Pecan Springs Road is a much lower intensity roadway. While staff feels it is promising the applicant has revised their request to include a conditional overlay prohibiting uses to LR (neighborhood commercial) base district zoning, staff still has concerns about allowing GR (community commercial) site development standards on this tract.

Zoning should allow for reasonable use of the property.

Allowing a change to LR base zoning is a substantial increase in entitlements from the current SF-3-NP zoning of the tract. Staff feel that the LR base allows for reasonable use of the property balancing the existing single-family zoning that nearly surrounds the site.

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

The East 51st Street Corridor in the immediate area has GR (community commercial) base district zoning at the major intersections but none exists mid-block or at intersections with less major roadways. There are some parcels with MF-2 zoning south of East 51st Street, including a few examples in the *Area Case Histories* section below, however granting this request for GR (community commercial) base district zoning would not maintain this established precedent and would not result in an equal treatment of similarly situated properties.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Approximately 11,000 square foot church with approximately 21,000 square foot parking area, and an approximately 1,200 square foot single family home (built in approximately 1935) and an approximately 600 square foot manufactured building.
<i>North</i>	SF-3-NP	One approximately 1,600 square foot single family home (built in approximately 1940).
<i>South</i>	MF-2-NP and SF-3-NP	Two single family homes constructed approximately 1953-1960.

<i>East</i>	SF-3-NP	The Grove Condominiums, approximately 52 attached units in two-story cluster buildings, constructed in approximately 2016.
<i>West</i>	SF-2-NP	Four single family homes constructed approximately 1947 through 1967.

NEIGHBORHOOD PLANNING AREA: East MLK (Pecan Springs-Springdale) Combined Neighborhood Planning Area

WATERSHED: Fort Branch Watershed

SCHOOLS: A.I.S.D.

Pecan Springs Elementary School
 Martin Middle School
 Northeast High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, East MLK Combined Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Friends of Northeast Austin, Homeless Neighborhood Association, Neighborhood Empowerment Foundation, Neighbors United for Progress, Pecan Springs/Springdale Hills Neighborhood Assoc., Preservation Austin, SELTexas, Senate Hills Homeowners' Association, Sierra Club, Austin Regional Group, Windsor Park-Pecan Springs Heritage NA

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0001 (Marlo Heights Rezoning)	The Applicant is requesting to rezone property from SF-3-NP to MF-2-NP.	09.08.2015: Approved MF-2-CO-NP for Tract 1 and SF-6-CO-NP for Tract 2 as Staff recommended, and as further described in the Applicant/ Neighborhood Agreement.	10.15.2015: Approved MF-2-CO-NP for Tract 1 and SF-6-CO-NP for Tract 2, on 2nd/3rd Readings.
C14-2011-0040 (St. Stephen's Baptist Church)	The applicant is proposing to rezone from SF-3-NP to MF-2-NP.	07.12.2011: Approved MF-2-NP district zoning by consent.	07.28.2011: Approved MF-2-NP district zoning as Planning Commission recommended, on all 3 Readings.

C14-2011-0165 (Randerson Creekside Rezoning)	The applicant is requesting to rezone the property from SF-3-NP to MF-2-NP.	04.24.2012: Approved MF-2-NP-CO with conditional overlay that a restrictive covenant (private) be ready before 3rd reading at City Council; motion made by Commissioner Danette Chimenti, Com. Sandra Kirk 2nd on a vote of 9-0.	08.23.2012: Approved MF-2-CO-NP on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's 2nd on a 6-0 vote, Council Member Spelman was absent.
C14-2011-0128 (4500 E. 51st St)	The applicant is requesting to rezone the property from GR-CO-NP to GR-CO-NP.	11.08.2011: To deny Staff recommendation to remove service station from the prohibited use list (7-0-1).	12.08.2011: Withdrawn by the applicant

RELATED CASES:

NPA-2024-0015.02 (FLUM Change from Mixed Residential to Mixed Use)

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
6. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

7. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
8. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

No comments on rezoning

PARD – Planning & Design Review

PR1: There are no parkland dedication requirements for civic uses.

Parkland dedication will be required any residential dwelling units that may be proposed by this development at the time of subdivision or site plan, per City Code § 25-1-601. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-609, as amended.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

- SP 4. **NEW COMPATIBILITY COMMENTS**: On and after July 15th, 2024, this site will need to comply with compatibility requirements based on ordinance # 20240516-004
- SP 5. This tract is already developed, and the proposed zoning change is a footprint within the existing development

FYI This site is in the Pecan Springs-Springdale Neighborhood Plan

Transportation and Public Works Department – Engineering Review

- ATD 1. Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].
- ATD 2. E 51ST ST has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [LDC 25-6-51 and 25-6-55].
- ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for PECAN SPRINGS RD. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for PECAN SPRINGS RD according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 51ST ST	Corridor Mobility - Level 3	80 feet	96 feet	41 feet	Existing 5 feet sidewalks	Bike Lane - Buffered	Yes
PECAN SPRINGS RD	Local Mobility - Level 1	58 feet	56 feet	20 feet	Existing 5 feet sidewalks	No	Yes

TIA: A traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code.

Austin Water Utility

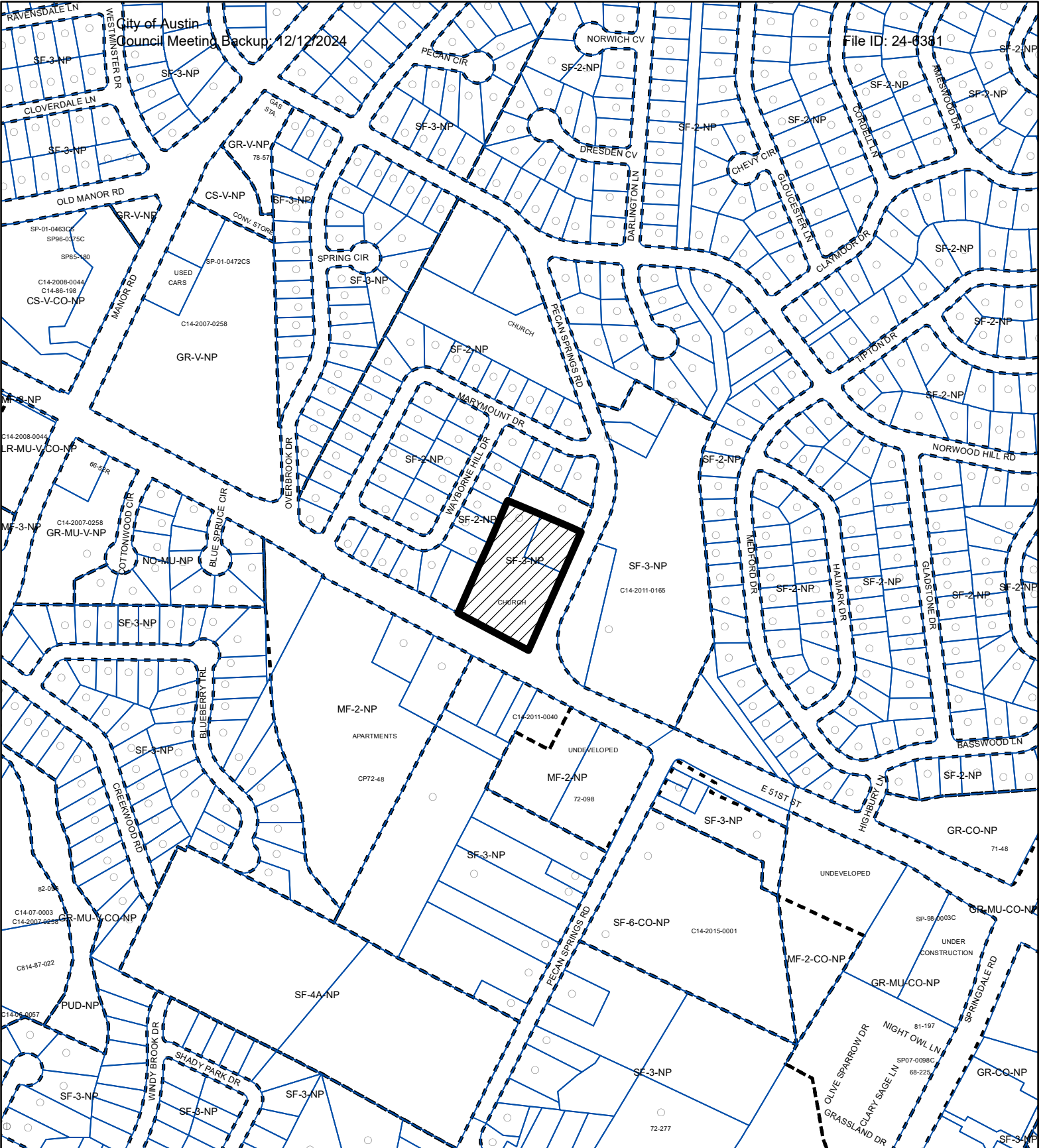
AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Applicant's Conditional Overlay Letter Dated September 18, 2024
- E. Valid Petition opposes zoning greater than NO (Neighborhood Office) with a maximum impervious cover of 70% and maximum building coverage of 50%
- F. Valid Petition opposes any additional entitlements either uses or site development standards greater than the current SF-3



ZONING

ZONING CASE#: C14-2024-0104



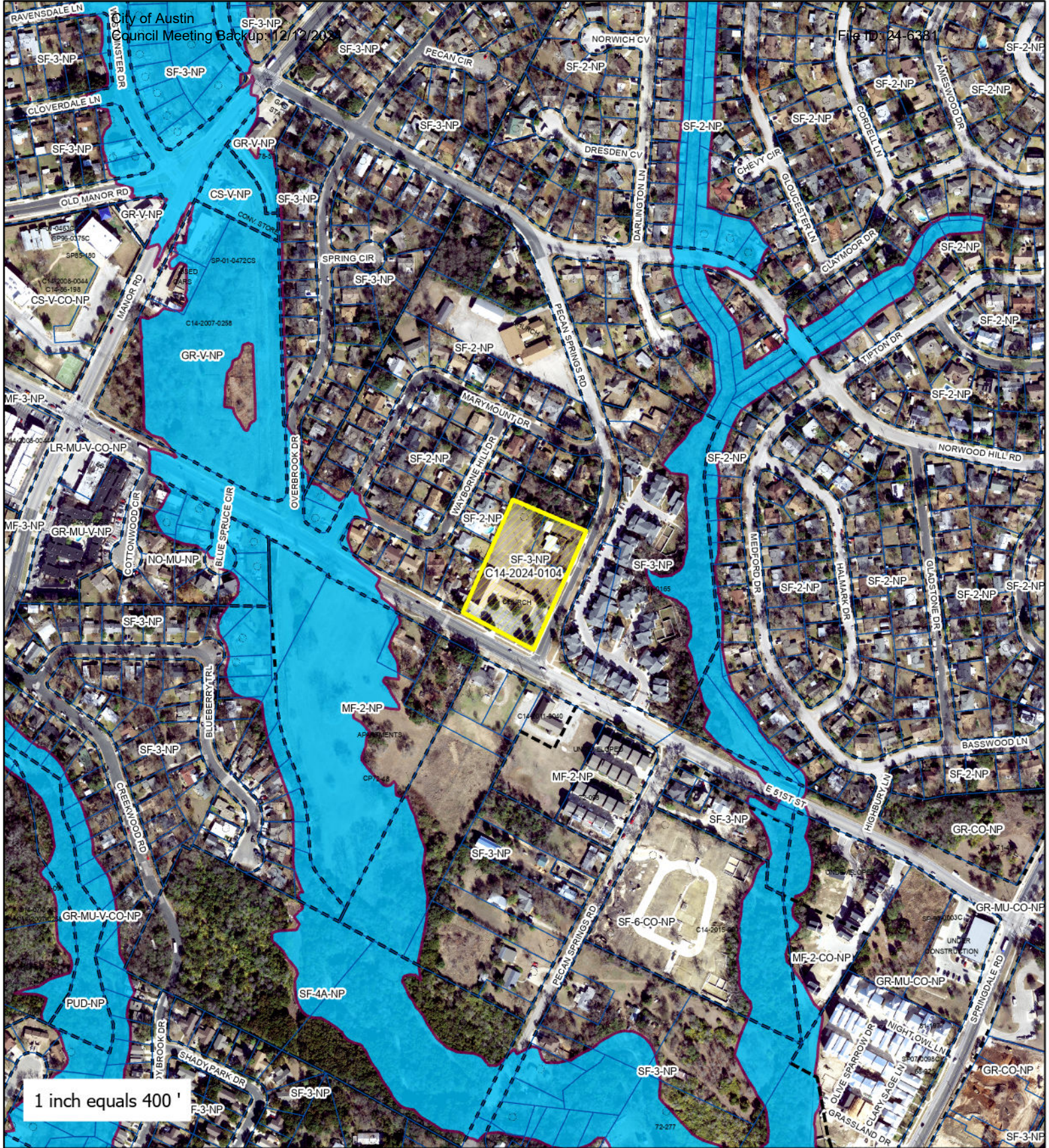
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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



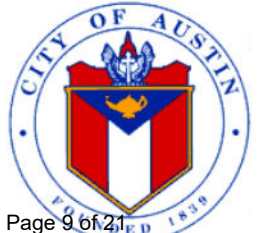


1 inch equals 400'

Alpha Seventh-day Adventist Church

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2024-0104
 LOCATION: 3016 E 51st St.
 3021, 3039 Pecan Springs Rd.
 SUBJECT AREA: 2.285 Acres
 MANAGER: Jonathan Tomko



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ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

June 11, 2024

Joi Harden, Zoning Officer
City of Austin
Planning Department
1000 E. 11th St.
Austin, TX 78702

Re: Rezoning application for 3016 E. 51 St., 3021 Pecan Springs Rd., and 3039 Pecan Springs Rd., also known as TCAD Parcel Nos. 0218201216 and 0218201218 (the "Property")

Dear Ms. Harden,

On behalf of Southwest Region Conference of Seventh Day Adventist & Southwest Region Conference Association of Seventh Day Adventists, I am submitting the attached rezoning application for the Property, locally known as Alpha Seventh-day Adventist Church.

The Property is in the East MLK Combined Neighborhood Plan in the Pecan Springs sub-area. The church is seeking to rezone the Property to Community Commercial – Mixed Use – Neighborhood Plan ("GR-MU-NP") to allow for greater flexibility in future development of the church campus, which is necessary as the congregation continues to grow and change. The current Future Land Use Map ("FLUM") designation for both parcels is Mixed Residential, and we have submitted an accompanying Neighborhood Plan Amendment application to designate the Property as Mixed Use to accommodate this rezoning request.

Community Commercial ("GR") base zoning is defined in the Land Development Code as "the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic way." Based on this definition, GR zoning is appropriate for this site for two reasons: (1) the Property fronts onto E. 51st St. – an Austin Strategic Mobility Plan ("ASMP") Transit Priority Network Roadway – and is approximately one-quarter mile from Manor Rd., another ASMP Transit Priority Network Roadway, and (2) The Property is used as a church, which serves neighborhood civic, religious, and cultural needs. Additionally, our rezoning request is in alignment with the existing GR zoning of several nearby sites along E. 51st St. and Springdale Rd.

I am available to answer any questions and to provide further details. Thank you for your time and consideration.

Respectfully,



Michael J. Whellan

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

September 18, 2024

Joi Harden, Zoning Officer
City of Austin
Planning Department
1000 E. 11th St.
Austin, TX 78702

Re: Update to rezoning application for 3016 E. 51 St., 3021 Pecan Springs Rd., and 3039 Pecan Springs Rd., also known as TCAD Parcel Nos. 0218201216 and 0218201218 (the "Property")

Dear Ms. Harden,

Alpha Seventh Day Adventist Church (the "Applicant") recently met with neighbors to discuss the rezoning application. Following those discussions, the Applicant is requesting to modify the conditional overlay to further restrict uses on the Property. In addition to limiting commercial uses to those permitted under Neighborhood Commercial ("LR") zoning, the Applicant wishes to prohibit the following uses: Consumer Conveniences Sales, General Retail Sales (Convenience), Pedicab Storage and Dispatch, Printing and Publishing, Service Station, and Drive Through Facilities as an accessory use to Financial Services.

As a result of this update, the amended rezoning request will continue to seek GR-MU-CO-NP zoning with a conditional overlay limiting the commercial uses as described above.

Thank you for your time and consideration.

Respectfully,



Michael J. Whellan

Case Number:
C14-2024-0104

PETITION

Date: 10/21/2024
 Total Square Footage of Buffer: 383964.4944
 Percentage of Square Footage Owned by Petitioners Within Buffer: 20.77%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

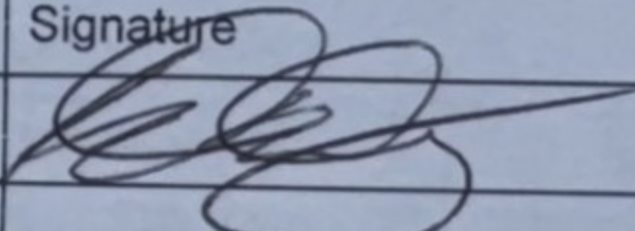
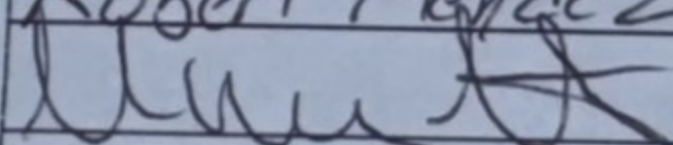
TCAD ID	Address	Owner	Signature	Petition Area	Percent
0216200116	3005 E 51 ST 78723	3001 E 51ST LLC	no	18054.80	0.00%
0218201213	5223 MARYMOUNT DR AUSTIN 78723	ATKINS CARLA D	no	7614.29	0.00%
0216200103	3015 E 51 ST	AUSTIN AFFORDABLE HOUSING	no	29176.56	0.00%
0216200123	2989 E 51 ST 78723	AUSTIN AFFORDABLE HOUSING CORP	no	626.31	0.00%
0218201211	5207 WAYBORNE HILL DR AUSTIN 78723	BISHOP JULIAN NEPEAN	no	8834.92	0.00%
0218201204	5107 WAYBORNE HILL DR 78723	CARTER MAXINE COCHRAN LIFE ESTATE &	no	5916.66	0.00%
0218201206	5111 WAYBORNE HILL DR AUSTIN 78723	EASLEY GILBERT JR	no	10423.44	0.00%
0218201215	3037 PECAN SPRINGS RD AUSTIN 78723	GAMMILL PATRICK & JANIS	no	25807.82	0.00%
0216200104	3103 E 51 ST 78723	JOHNSON RUFUS ET AL TRUSTEE	no	7431.53	0.00%
0218201111	5112 WAYBORNE HILL DR 78723	KIRKWOOD LEAH & RYAN MIKULENKA	yes	3597.63	0.94%
0218201210	5205 WAYBORNE HILL DR AUSTIN 78723	LOPEZ JOHNNY M & IRENE V	yes	8889.12	2.32%
0218201207	5113 WAYBORNE HILL DR AUSTIN 78723	MENDEZ ROBERT PATRICK	yes	9842.40	2.56%
0217221502 - 0217221509	3108 E 51 ST UNITS 101-103, 201-203, 301-302	MULTIPLE OWNERS (CONDOMINIUMS)	no	102294.22	0.00%
0218201217	3006 E 51 ST 78723	MUSGROVE MARCELLA E	yes	20623.60	5.37%
0218201209	5203 WAYBORNE HILL DR AUSTIN 78723	ODEN ALMA & JOHNNIE POWELL	yes	9247.49	2.41%
0218201214	5225 MARYMOUNT DR AUSTIN 78723	OLINGER JAMES & WAYDE FREY	no	15350.34	0.00%
0218201208	5201 WAYBORNE HILL DR AUSTIN 78723	PHILLIPS EMILY & NICKOLAS NOBEL	yes	9559.69	2.49%
0218201205	5109 WAYBORNE HILL DR AUSTIN 78723	RANDLE JOHN C JR	yes	14347.60	3.74%
0218201108	5204 WAYBORNE HILL DR 78723	ROSAL ANA IXCHEL & LISA V BYRD	no	1629.10	0.00%
0218201110	5200 WAYBORNE HILL DR AUSTIN 78723	SHORT DAVID JR & LOLA MAE	yes	3646.96	0.95%
0218201212	5221 MARYMOUNT DR AUSTIN 78723	SMITH CONSTANCE Y & DAVID	no	6514.81	0.00%
0217200314	3107 E 51 ST 78723	ST STEPHENS BAPTIST CHURCH	no	9699.13	0.00%
0218201112	5110 WAYBORNE HILL DR 78723	TAO ROBERT D & QUYNH N NGUYEN	no	4185.90	0.00%
0216200124	3007 E 51 ST	THOMPSON GLENN	no	21129.87	0.00%
0218201109	5202 WAYBORNE HILL DR AUSTIN 78723	WAYBORNE LLC	no	3923.76	0.00%
Total				358367.93	20.77%

To Whom It May Concern on the Austin Planning Commission and the Austin City Council:

We, the undersigned owners of property affected by the requested zoning change described in file C14-2024-0104, do hereby protest against any change of the Land Development Code which would zone the property to any classification higher than uses allowed within Neighborhood Office including a conditional overlay of residential design standards (LDC §25-2, Subchapter F) and an impervious cover no greater than 70% with 50% maximum building coverage.

Several neighbors met in person with church members and their counsel on September 3 and have been working with city staff to better understand the Austin zoning codes. We understand and support the church's desire to increase their parking through paving the lot on the northside of the property and renovate their food pantry. We do not support the current request for 90% impervious cover provided within the GR zoning they are requesting. GR zoning is not appropriate for this property according to LDC §25-2-98, given the northside lot is not accessible via a major traffic way. Additionally, given the church has stated they are requesting a zoning change to mitigate drainage issues, there is collective neighborhood concern that the impervious cover allowance of the requested zoning would lead to drainage issues to adjacent properties. According to LDC §25-2-93 the appropriate zoning is Neighborhood Office due to the location in a residential neighborhood, and on a collector street with a width of 40 feet or more (East 51st St.), will ensure that the use is compatible and complementary in scale and appearance with the residential environment. Finally, there are multiple ways that the church would be able to have parking area greater than the 70% impervious cover that would not implicate potential drainage issues to surrounding properties, including but not limited to decomposed granite and turfstone pavers.

Although the church property is on an Imagine Austin Corridor, the church has emphatically stated to surrounding property owners they intend to remain at the property and changes would only be made to the vacant land on the northside of the property in line with church operations and mission. To both support this request and protect the neighborhood, we only support a zoning designation change up to Neighborhood Office with a maximum impervious cover of 70% and maximum building coverage of 50%.

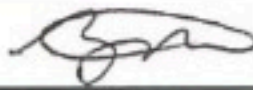
Printed Name	Signature	Address
Robert Mendez		5113 Wayborne Hill dr. 78723
	MARCELLA MUSGRAVE	3006 E 51 st 78723

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Although the church property is on an Imagine Austin Corridor, the church has emphatically stated to surrounding property owners they intend to remain at the property and changes would only be made to the vacant land on the northside of the property inline with church operations and mission. To both support this request and protect the neighborhood, we only support a zoning designation change up to Neighborhood Office with a maximum impervious cover of 70% and maximum building coverage of 50%.

Printed Name	Signature	Address
Ryan Mikulenska		5112 Wayborne Hill Dr. 78723

To Whom It May Concern on the Austin Planning Commission and the Austin City Council:

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Printed Name	Signature	Address
John C Randle Jr.	John C. Randle	5109 Wayborne Hill Dr Austin, TX 78723
LOLA Mae Short	Lola Mae Short	5200 Wayborne Hill Dr Austin TX 78723
Emily Nobel	Emily Nobel	5202 Wayborne Hill Drive

To Whom It May Concern on the Austin Planning Commission and the Austin City Council:

We, the undersigned owners of property affected by the requested zoning change described in file C14-2024-0104, do hereby protest against any change of the Land Development Code which would zone the property to any classification higher than uses allowed within Neighborhood Office including a conditional overlay of residential design standards (LDC §25-2, Subchapter F) and an impervious cover no greater than 70% with 50% maximum building coverage.

Several neighbors met in person with church members and their counsel on September 3 and have been working with city staff to better understand the Austin zoning codes. We understand and support the church's desire to increase their parking through paving the lot on the northside of the property and renovate their food pantry. We do not support the current request for 90% impervious cover provided within the GR zoning they are requesting. GR zoning is not appropriate for this property according to LDC §25-2-98, given the northside lot is not accessible via a major traffic way. Additionally, given the church has stated they are requesting a zoning change to mitigate drainage issues, there is collective neighborhood concern that the impervious cover allowance of the requested zoning would lead to drainage issues to adjacent properties. According to LDC §25-2-93 the appropriate zoning is Neighborhood Office due to the location in a residential neighborhood, and on a collector street with a width of 40 feet or more (East 51st St.), will ensure that the use is compatible and complementary in scale and appearance with the residential environment. Finally, there are multiple ways that the church would be able to have parking area greater than the 70% impervious cover that would not implicate potential drainage issues to surrounding properties, including but not limited to decomposed granite and turfstone pavers.

Although the church property is on an Imagine Austin Corridor, the church has emphatically stated to surrounding property owners they intend to remain at the property and changes would only be made to the vacant land on the northside of the property inline with church operations and mission. To both support this request and protect the neighborhood, we only support a zoning designation change up to Neighborhood Office with a maximum impervious cover of 70% and maximum building coverage of 50%.

Printed Name	Signature	Address
AIMA L. O DEN	Alma L. Oden	5203 Wayborne Hill Drive
Rene V. Lopez	Rene V. Lopez	5205 Wayborne Hill Dr.

Case Number:
C14-2024-0104

PETITION

Date: 10/22/2024
Total Square Footage of Buffer: 383964.4944
Percentage of Square Footage Owned by Petitioners Within Buffer: 26.64%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0216200116	3005 E 51 ST 78723	3001 E 51ST LLC	no	18054.80	0.00%
0218201213	5223 MARYMOUNT DR AUSTIN 78723	ATKINS CARLA D	no	7614.29	0.00%
0216200103	3015 E 51 ST	AUSTIN AFFORDABLE HOUSING	no	29176.56	0.00%
0216200123	2989 E 51 ST 78723	AUSTIN AFFORDABLE HOUSING CORP	no	626.31	0.00%
0218201211	5207 WAYBORNE HILL DR AUSTIN 78723	BISHOP JULIAN NEPEAN	no	8834.92	0.00%
0218201204	5107 WAYBORNE HILL DR 78723	CARTER MAXINE COCHRAN LIFE ESTATE &	no	5916.66	0.00%
0218201206	5111 WAYBORNE HILL DR AUSTIN 78723	EASLEY GILBERT JR	no	10423.44	0.00%
0218201215	3037 PECAN SPRINGS RD AUSTIN 78723	GAMMILL PATRICK & JANIS	no	25807.82	0.00%
0216200104	3103 E 51 ST 78723	JOHNSON RUFUS ET AL TRUSTEE	no	7431.53	0.00%
0218201111	5112 WAYBORNE HILL DR 78723	KIRKWOOD LEAH & RYAN MIKULENKA	no	3597.63	0.00%
0218201210	5205 WAYBORNE HILL DR AUSTIN 78723	LOPEZ JOHNNY M & IRENE V	no	8889.12	0.00%
0218201207	5113 WAYBORNE HILL DR AUSTIN 78723	MENDEZ ROBERT PATRICK	no	9842.40	0.00%
0217221502 - 0217221509	3108 E 51 ST UNITS 101-103, 201-203, 301-302	MULTIPLE OWNERS (CONDOMINIUMS)	yes	102294.22	26.64%
0218201217	3006 E 51 ST 78723	MUSGROVE MARCELLA E	no	20623.60	0.00%
0218201209	5203 WAYBORNE HILL DR AUSTIN 78723	ODEN ALMA & JOHNNIE POWELL	no	9247.49	0.00%
0218201214	5225 MARYMOUNT DR AUSTIN 78723	OLINGER JAMES & WAYDE FREY	no	15350.34	0.00%
0218201208	5201 WAYBORNE HILL DR AUSTIN 78723	PHILLIPS EMILY & NICKOLAS NOBEL	no	9559.69	0.00%
0218201205	5109 WAYBORNE HILL DR AUSTIN 78723	RANDLE JOHN C JR	no	14347.60	0.00%
0218201108	5204 WAYBORNE HILL DR 78723	ROSAL ANA IXCHEL & LISA V BYRD	no	1629.10	0.00%
0218201110	5200 WAYBORNE HILL DR AUSTIN 78723	SHORT DAVID JR & LOLA MAE	no	3646.96	0.00%
0218201212	5221 MARYMOUNT DR AUSTIN 78723	SMITH CONSTANCE Y & DAVID	no	6514.81	0.00%
0217200314	3107 E 51 ST 78723	ST STEPHENS BAPTIST CHURCH	no	9699.13	0.00%
0218201112	5110 WAYBORNE HILL DR 78723	TAO ROBERT D & QUYNH N NGUYEN	no	4185.90	0.00%
0216200124	3007 E 51 ST	THOMPSON GLENN	no	21129.87	0.00%
0218201109	5202 WAYBORNE HILL DR AUSTIN 78723	WAYBORNE LLC	no	3923.76	0.00%
Total				358367.93	26.64%

P E T I T I O N

Date: _____
NPA 2024 0015 02 [future land use map (FLUM)]

File Number: C14-2024-0104 (to change zoning of property)

Parcel Number: 875393

Address of
Rezoning Request:
3016 E 51ST ST and 3079 Pecan Springs Rd

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than Residential Use.

(REASONS FOR YOUR PROTEST)

Under the authority of Article I, Sec. 1.6 General Powers and Duties in The Grove Condominiums Community Rules, The Grove Homeowners Association, acting through the Board, on behalf of the owners of 52 homes on the property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code that would zone the property to any other classifications other than Mixed Residential in the future land use map (FLUM) and SF-3-NP (Family Residence district--Neighborhood Plan). The Grove Condominium Community at 3108 E. 51st Street wants to keep the current map and zone use specifications for the property addresses at 3106 E. 51st Street and 3021, 3039 Pecan Springs Road in order to preserve the residential neighborhood of the private homes within a 200 feet radius around these properties for which rezoning is being proposed. The proposed land use changes to Mixed Use on FLUM and rezoning to GR-MU-NP (Community Commercial District--Mixed Use combining district--Neighborhood Plan) would forever remove the preservation of these properties for purely residential use to build more homes in the future in order grow our neighborhood with the addition of more individuals and families.

Signature: Wendy A. Francis
Printed Name: Wendy A. Francis, The Grove HOA Board President
Address: 3108 E. 51st St. #1104
Austin, TX 78723
Date: 10/14/2024
Contact Name: Wendy A. Francis
Phone Number: 512-636-4527

Meeting of homeowners in approval of petition.



**Special Board of Directors Meeting
Minutes**

The Groves Special Board of Directors Meeting
Sep 9, 2024, 5:30 – 6:30 PM (America/Chicago)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.zoom.com/join/91358021>

You can also dial in using your phone.

Access Code: 291-358-021

United States: [+1\(571\)317-3122](tel:+15713173122)

1. Call to Order – CTO at 5:33pm by Wendy and 2nd by Daniel
2. Role Call – Wendy Francik, Daniel Ochoa (RealManage Ron Ebanks)
3. Review Re-Zoning Steps – Actions to formally file a petition introduced by Wendy. Additional information regarding type of rezoning requested to include commercial. Unanimous response from homeowners in attendance to petition against re-zoning.
4. Open Forum
5. Executive Session Open: Contract details will be discussed, therefore, only Board of Directors and Officers will remain. All others are asked to leave and may return after the Executive Session has concluded. legal matters, and waivers i.e. Legal, Contract, waivers.
*NOTE** Actions considered on these topics may be discussed in a closed executive session. Involving personnel, pending or threatened litigation, contract negotiations, enforcement actions, confidential communications with the property owners' or association's attorney, matters involving the invasion of privacy of individual owners, or matters that are to remain confidential by request of the affected parties and agreement of the Board
6. Adjournment – MTA Daniel at 6:14pm and 2nd by Wendy

Bylaws granting right to Board to act on behalf of homeowners

**I. THE GROVE CONDOMINIUM COMMUNITY, INC.
BYLAWS
(a Texas condominium association)**

**ARTICLE 1
INTRODUCTION**

1.1. **Property.** These Bylaws of The Grove Condominium Community, Inc., provide for the governance of the condominium regime known as The Grove Condominiums, established on certain real property located in Travis County, Texas (the "Property"), as more particularly described in that certain Declaration of Condominium Regime for The Grove Condominiums, recorded or to be recorded in the Official Public Records of Travis County, Texas (the "Declaration").

1.2. **Parties to Bylaws.** All present or future Owners of Units and all other Persons who use or occupy the Property in any manner are subject to these Bylaws, the Declaration, and the other Documents as defined in the Declaration. The mere acquisition or occupancy of a Unit will signify that these Bylaws are accepted, ratified, and will be strictly followed.

1.3. **Definitions.** Words and phrases defined in the Declaration have the same meanings when used in these Bylaws. Article 1 of the Declaration is incorporated herein by reference.

1.4. **Nonprofit Purpose.** The Association is organized to be a nonprofit corporation.

1.5. **Declarant Control.** Notwithstanding anything to the contrary in these Bylaws, a number of provisions are modified by the Declarant's reservations in Appendix "A" of the Declaration during the Declarant Control Period and the Development Period, as defined in the Declaration, including the number, qualification, appointment, removal, and replacement of directors.

1.6. **General Powers and Duties.** The Association, acting through the Board, has the powers and duties necessary for the administration of the affairs of the Association and for the operation and maintenance of the Property as may be required or permitted by the Documents and Applicable Law. The Association may do any and all things that are lawful and which are necessary, proper, or desirable in operating for the best interests of its Members, subject only to the limitations upon the exercise of such powers as are expressly set forth in the Documents.

**ARTICLE 2
BOARD OF DIRECTORS**

During the Declarant Control Period, Appendix "A" of the Declaration governs the number, qualification, and appointment of directors. The initial directors will be appointed by Declarant and need not be Owners. Directors appointed by Declarant may not be removed

[W0635643.1]

1

THE GROVE CONDOMINIUMS
COMMUNITY MANUAL

Board meeting minutes Wendy Francik Voted as Board President.

**NOTICE OF THE 2022 ANNUAL MEETING OF
The Grove Condominium Community**

At the direction of the Board of Directors, notice is hereby given that the Members Annual Meeting will be held at the time and place specified below:

Date: Monday, April 11, 2022
Time: 6:00 p.m.
Via Video: Conference: <https://meet.goto.com/560601029> or call in
(224) 501-3412, Access Code: 560-601-029

AGENDA

1. Call to Order
Meeting called to order at 6:01pm David Mcall
2. Establish Quorum
Quorum met with 16 homeowners in attendance and 6 proxys received.
3. Proof of Notice of Meeting
Proof was provided by Ron Ebanks, mailed notice of meeting
4. Reading and Approval of the 2021 Annual Meeting Minutes
Motion to approve by David Mcall, seconded by Rachel Rubin, motion passed.
5. Managers Report
Presented by Ron Ebanks
6. Board Report
Presented by David Mcall
7. Announcement of Elected Candidate to the Board
Wendy Francik appointed by acclamation
8. Adjournment
Motion to adjourn executive portion of meeting 6:48pm by David Mcall.
9. Homeowner Input

The Grove Condominium Community c/o RealManage
9801 Amberglen Blvd., Suite #150
Austin, TX 78729
Office (866) 473-2573 • Fax (866) 919-5696
GROCONDO@CiraMail.com