

From: Greg Dayton <  
Sent: Saturday, February 9, 2019 11:56 PM  
Subject: OBJECTION: Rezoning of 1907 Inverness C14-2018-0141  
To: Rhoades, Wendy <[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)>, <[greg.anderson@austintexas.gov](mailto:greg.anderson@austintexas.gov)>, Flores, Yvette - BC <[bc-yvette.flores@austintexas.gov](mailto:bc-yvette.flores@austintexas.gov)>, DeHoyosHart, Angela - BC <[bc-angela.dehoyoshart@austintexas.gov](mailto:bc-angela.dehoyoshart@austintexas.gov)>, Kazi, FayeZ - BC <[bc-fayez.kazi@austintexas.gov](mailto:bc-fayez.kazi@austintexas.gov)>, Kenny, Conor - BC <[bc-conor.kenny@austintexas.gov](mailto:bc-conor.kenny@austintexas.gov)>, McGraw, Karen - BC <[bc-karen.mcgraw@austintexas.gov](mailto:bc-karen.mcgraw@austintexas.gov)>, Schissler, James - BC <[bc-james.schissler@austintexas.gov](mailto:bc-james.schissler@austintexas.gov)>, Schneider, Robert - BC <[bc-robort.schneider@austintexas.gov](mailto:bc-robort.schneider@austintexas.gov)>, Seeger, Patricia - BC <[bc-patricia.seeger@austintexas.gov](mailto:bc-patricia.seeger@austintexas.gov)>, Shaw, Todd - BC <[bc-todd.shaw@austintexas.gov](mailto:bc-todd.shaw@austintexas.gov)>, Shieh, James - BC <[bc-james.shieh@austintexas.gov](mailto:bc-james.shieh@austintexas.gov)>, Thompson, Jeffrey - BC <[bc-jeffrey.thompson@austintexas.gov](mailto:bc-jeffrey.thompson@austintexas.gov)>, Burkhardt, William - BC <[bc-william.burkhardt@austintexas.gov](mailto:bc-william.burkhardt@austintexas.gov)>, Mendoza, Richard [AW] <[richard.mendoza@austintexas.gov](mailto:richard.mendoza@austintexas.gov)>, <[ann.teich@austintexas.gov](mailto:ann.teich@austintexas.gov)>  
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Wendy and Planning Commission Representatives:

We wanted to give you an update on the status of our questions and concerns after reviewing the case back-up notes posted on the Austin.gov website.

Following the postponement of the January 22nd hearing and our introduction with Johnathan Perlstein, the owners of properties adjacent and near 1907 Inverness Blvd met and agreed that we are still in **OBJECTION** of the property being rezoned. We have worked to gather additional support of our position in the form of a petition which we will deliver to Wendy Rhoades on Monday. This petition has the signatures of property owners from Inverness Blvd., St. Albans Blvd., Kings Highway, Brittnay Blvd., and Fair Oaks Dr. **The owners who signed the petition are requesting that the Planning Commission deny the zoning change at 1907 Inverness so that it remain SF-3.**

**Please include the following in the case back-up materials for the review of the planning and zoning representatives: The forthcoming petition, this email, and any other emails sent since January 22 and before the February 12 hearing in objection to this zoning change.**

Also, the back-up materials included comments about the "Psychic Business" that operated in that home before the current owner took possession. It is our understanding that this was an unpermitted business that was shut down by the city. Further, it was a business that seemed to be more of a hobby for the previous owner than an income-generating business. Specifically, we did not see any foot traffic that could be identified as customers.

### **Why we Object:**

1. *Neighborhood safety* - Due to the substantial number of uses that could be permitted under the LO-MU designation, we strongly protest the rezoning of 1907 Inverness Blvd and insist it

remain SF-3. It is clear to us that what could begin as an insurance office and living space might quickly become something different and less stable for our community.

2. *Truthfulness and intent:* Following the January 22 meeting, Wendy Rhoades introduced the neighborhood owners in attendance to the representative of Marquee Investments, Mr. Johnathan Perlstein. Mr. Perlstein assured us that a tenant was in negotiation to live and work out of 1907 Inverness Blvd (one who was a State Farm agent and would only see a few clients a month - this seems counterintuitive). At that time, we pointed out that the property was listed for sale online and there was a large for sale sign from a commercial realtor posted on the property. Mr. Perlstein said that was a mistake and the property was not for sale. However, since that meeting, the property has been continuously listed for sale as a commercial space both online and the for sale sign remains (the listing was updated as recently as February 5, 2019 by the realty company "Commercial Market Exchange": <https://www.loopnet.com/Listing/1907-Inverness-Blvd-Austin-TX/14081542/> - screenshot attached as pdf as well as photo of sign). Therefore, we do not believe in the assurances of the owner or their representatives. Further, this discrepancy in the facts leads us to doubt the integrity and intentions of Marquee Investments.

3. *Current ownership, commercial zoning, and a lack of stability* - The following is a list of properties and the tenants of the owners of Marquee Investments that was culled from the Travis Central Appraisal District, Austin Zoning Records, and internet research:

- 2105 Justin Lane, 78757 - Justin Plaza. Costmetics & beauty company, State Farm Insurance, AA, 2 salons, auto title, surveying company, barber shop, nail salon,
- 1705 Bench Mark Dr, 78728 - two contracting companies
- 15307 Ginger St, 78728 - warehouse property [for sale by Commercial Market Exchange](#) which [listed 1907 Inverness as a commercial property for sale](#)
- 11102 Bluff Bend Dr, 78753 - commercial warehouse - Austin Countertops
- 11020 Bluff Bend Dr, 78753 - commercial lot adjacent to 11102 Bluff Bend used by Austin Countertops
- 2711 Kelly Ln, 78660 - warehouse space [also for sale by Commercial Market Exchange](#) that has [listed 1907 Inverness as a commercial property for sale](#).
- 201 W. Powell Lane, 78753 - lawn maintenance company,
- 1934 Rutland Dr, 78758 - Paris Hookah Lounge
- 2801 East 5th Street, 78702 - dog grooming business
- Corner of West 5th & Congress in 2015/2016. The owners Proposed strip club at this location and a site plan application was submitted to the city by [Aus-Tex Consulting](#). (the company contracted by Marquee investments to coordinate 1907 Inverness zoning change ). Currently home to Shiner's Saloon
- 103 W. 5 St - office
- 4605, 4607, 4609 N Interstate HY 35 TX 75751 - A children's science academy, empty lot, and the Royal Hookah Cafe.
- 9558 HY 290 78724 - empty lot, second to the west from Reservoir Ct
- 9701 E HY 290 78724 - empty lot on east side of Reservoir Ct and Frontage road
- 9705 Reservoir Ct, 78724 - lot adjacent to 9701 E HY 290. Formerly Pink Monkey Caberet adult club.
- 9704 Reservoir Ct, 78724 - empty lot across from 9705 Reservoir Ct.

- 9570 Reservoir Ct, 78724 - empty lot at corner of Reservoir Ct and 290 frontage road.
- 704 W St. Johns Ave 78752 - Visible Style Hair Salon
- 7205 N Lamar Blvd, 78752 - DC Tatts (tattoo shop), Happy Clouds (head shop/smoke shop), Queen Eyebrow Threading, Beauty Salon
- Property ID 267821 - empty lot
- Property ID 267822 - empty lot
- 401 FM RD 685, 78660 - Commercial lot with shopping at front (am/pm Grocery), and warehouse space behind it early learning center, sign shop, boxing gym, tire shop, wrestling gym.
- 15505 I-35, 78660 - car sales
- Property ID 821836 - empty lot

We don't have an issue with Marquee Investments using their resources to develop properties. And we also understand that not all of these businesses could operate on an LO-MU property but we list Marquee Investment's properties and tenants to illustrate the wide net that an investment company casts when finding tenants (and, by extension, buyers of the property). However, we do not want to see this lot rezoned and opened for the many types of uses that fall under the LO-MU code - we have no doubt that the highest bidder will win the day and the desires of the community will not be a driving concern of Marquee Investments' owners. Further, we object to the uncertainty that may come with a commercial lot as opposed to the stability and certainty of an SF-3 residential lot, no matter who the owner may be. Finally, we see a possibility where this building is razed and the lot left empty until a commercial buyer is found at the right price. We base this on the fact that the building has some [outstanding code violations](#).

**Also, in looking over the above list, it is important to note that Marquee Investments has two of their other properties listed for sale with Commercial Exchange Market. Again, we find it hard to believe in any promises made by the owners as to the immediate and future use of the property.**

4. *Availability of commercial property in the surrounding neighborhood.* There are numerous available and/or vacant commercial spaces on Manchaca Rd. and W Stassney La. The following are all less than 0.5 miles from 1907 Inverness and the adjacent bus stop. This search was done in one afternoon and without the benefit of a realtor's aid. We simply walked the neighborhood, took notes, and checked the city and county records:

1. 1500 W Stassney La (see attached photos): formerly AAAh News Inc. Zoned CS-V-LR-NP. apx. 14,000 sq ft, total. [Travis CAD - ID 511151](#)
2. 1604-1606 W Stassney La (see attached photos): 18,500 sf warehouse space listed as Stassney Business Center for lease on [LoopNet](#). [Travis CAD - ID 319736](#)
3. 2056 W Stassney La (see attached photos). Building is vacant - [City Zoning profile is blank](#) zoned as SM Store according to Travis CAD records. Building was submitted to Austin 311 for graffiti removal apx. 5 months ago (ID [18-00237957](#)). [Travis CAD - ID 511103](#)
4. 5700 Manchaca Road - Cherry Creek Plaza main building. [Three spaces listed on LoopNet for lease](#): a) Suite 300 - retail (4000 sf) [currently City of Austin Municipal

Court]. b) Suite 240 - Standard Retail (11,292-22,585 sf) currently retail, owner willing to divide. [Currently Thrift Town] c) Suite 310 - Office/Retail (900 sf). [Currently used as bakery kitchen but not for direct sale]. [Travis CAD - ID319824](#)

5. 5608 Manchaca Rd (see attached photos). Formerly Subway currently empty and part of Cherry Creek Plaza Partnership. Note the commercial "For Lease" sign for food truck spaces. There is only one food truck in Cherry Creek Plaza [Travis CAD - ID 319826](#)
6. 2007 West Stassney Rd (see attached photos). Building is currently empty - food truck in front. part of Cherry Creek Plaza Partnership [Travis CAD - ID 319827](#)
7. 4908 Manchaca Rd. There is an office space for lease on [LoopNet](#), This properly was purchased in late 2017 and renovated. The lease space is still available. [Travis CAD - ID 51013](#)
8. 5316 Manchaca Rd. Part of Crocket Square where Strange Brew was located. There is a for lease sign in front (directly across from the for sale sign for 1907 Inverness Blvd. See attached photos. [Travis CAD - ID 511072](#)

Further, we have several vape shops, a tattoo shop, sever barber shops and hair salons, a title loan broker, and a pawn shop in the neighborhood. We don't see the need for more of these types of businesses but worry that that this is the kind of "Storefront Retail/Office" that Marquee Investments and Commercial Market Exchange are marketing in the sale listing referenced above and attached. And we do have some empty buildings that investors are not in a hurry to rent out or sell, instead taking the loss as a write-off. Again, we don't want to see that happen on our street.

5. *Parking and Street Safety.* Parking has been a chronic issue for all residents in this area of Manchaca Road. However, for those of us across the street from Crocket Square, we have a unique problem. When Austin favorite Strange Brew was open, the overflow parking landed directly across the street on Inverness Blvd. We also have ACC students that park on our street since we are the closest side street to the South Austin ACC Campus on the east side of Manchaca. And Since Austin Java opened across the street, the parking on Inverness has gotten worse (see attached photos). With the old Strange Brew space under renovation and [expected to be occupied by "Captain Quackenbush's Coffeehouse and Bakery"](#) soon, this problem will only intensify. Adding a commercial lot at 1907 Inverness, even if there are 4-6 available spaces on the property, will make a difficult problem even more dangerous. We don't have sidewalks on Inverness and a lot of children (infant - high school) and adult pedestrian traffic. During afternoon rush hour, Inverness, St. Albans, and Fair Oaks experience a high volume of traffic as people headed south will cut through our neighborhood to get to Stassney La. ***Add in commercial traffic coming and going from a property that faces Inverness Blvd, not Manchaca, we have serious concerns for the safety of our families and all that come through our neighborhood.***

Given the number of lots that have available or unused space, and the lack of affordable housing in South Austin, as well as our interest in keeping our neighborhood safe, we don't see the logic in changing the zoning of 1907 Inverness Blvd. In this case, the South Austin Neighborhood Combined Plan would not meet its stated vision if 1907 is rezoned. The vision: "Create a

complete community that is mobile and interconnected; compact, accessible, and affordable; natural and sustainable; healthy, safe, creative, and engaged." As outlined above, rezoning 1907 Inverness would negatively impact the residential character of our neighborhood, likely reduce the affordability of housing in the immediate neighborhood (by removing an SF-3); it would not be healthy or safe for the residents or South Austin at large, would degrade neighborhood safety and diminish the a growing community that has been building since ground was broken in 1967.

It is with this additional information and wider context that we urge the staff to change their position from "Recommend" to "Not Recommended." We will be in attendance on Tuesday and plan to formally address the Planning Commission with our wishes that 1907 Inverness Blvd remain SF-3.

Thank you for your time. We look forward to seeing you on Tuesday.

Greg Dayton  
1905 Inverness Blvd