

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** Rosewood

**CASE#:** NPA-2022-0008.01

**DATE FILED:** July 22, 2022 (In-cycle)

**PROJECT NAME:** 3117-3121 E. 12<sup>th</sup> Street

**PC DATE:** May 23, 2023  
May 9, 2023  
April 25, 2023  
March 28, 2023  
February 28, 2023  
January 10, 2023

**ADDRESS/ES:** 3121 E. 12<sup>th</sup> Street

**DISTRICT AREA:** 1

**SITE AREA:** 21,780 sq. ft.

**OWNER/APPLICANT:** 3121 E. 12<sup>th</sup> Horizontal Investors, LP

**AGENT:** Armbrust & Brown, PLLC (Michael Whellan)

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

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

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

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Commercial

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2022-0150

**From:** CS-1-CO-NP, CS-CO-NP, CS-MU-V-CO-NP

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

**NEIGHBORHOOD PLAN ADOPTION DATE:** November 29, 2001

**CITY COUNCIL DATE:** July 20, 2023

**ACTION:**

**PLANNING COMMISSION RECOMMENDATION:**

***May 23, 2023*** – After discussion, approved for applicant’s request for Mixed Use land use. [A. Azhar – 1<sup>st</sup>; J. P. Connolly – 2<sup>nd</sup>] Vote: 9-0 [N. Barrera-Ramirez, G. Cox and J. Mushtaler absent. One vacancy on the dais].

***May 9, 2023*** – Postponed to May 23, 2023 on the consent agenda at the request of the neighborhood. [J. P. Connolly – 1<sup>st</sup>; A. Woods – 2<sup>nd</sup>] Vote: 13-0.

***April 25, 2023*** – Postponed to May 9, 2023 on the consent agenda at the request of staff. [N. Barrera-Ramirez – 1<sup>st</sup>; F. Maxwell – 2<sup>nd</sup>] Vote: 8-0 [A. Azhar, J. P. Connolly, Y. Flores, A. Haynes and A. Woods absent].

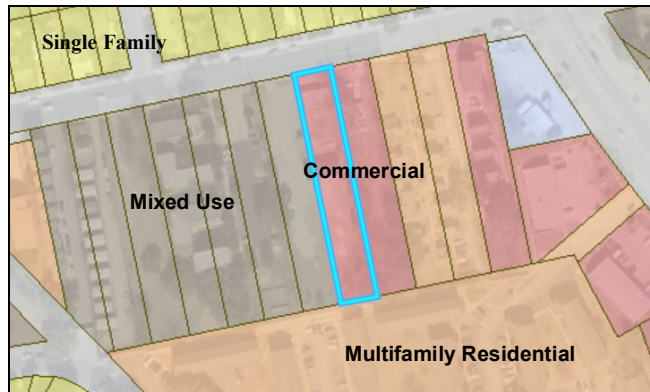
***March 28, 2023*** – Postponed to April 25, 2023 on the consent agenda at the request of staff. [J. Thompson – 1<sup>st</sup>; C. Hempel – 2<sup>nd</sup>] Vote: 13-0.

***February 28, 2023*** – Postponed to March 28, 2023 on the consent agenda at the request of staff. [R. Schneider – 1<sup>st</sup>; P. Howard – 2<sup>nd</sup>] Vote: 11-0 [Y. Flores absent. One vacancy on the dais].

***January 10, 2023*** – Postponed to February 28, 2023 on the consent agenda at the request of staff. [A. Azhar – 2<sup>nd</sup>; J. Thompson -2<sup>nd</sup>] Vote: 11-0 [P. Howard absent. One vacancy on the dais].

**STAFF RECOMMENDATION:** Staff supports the applicant’s request for Mixed Use land use.

**BASIS FOR STAFF’S RECOMMENDATION:** Staff supports the applicants request for Mixed Use land use because there is existing Mixed Use land use on the adjacent property to the west and along the south side of East 12th Street. Additionally, the property is approximately 300 feet west of Airport Blvd which is an activity corridor in the Imagine Austin Comprehensive Plan and approximately 0.5 miles from the MLK Station Neighborhood Activity Center. The property is within 0.9 miles of the MLK Jr. Rail Station and near other public transportation options along E. 12<sup>th</sup> Street, Airport Blvd., and Rosewood Avenue and Oak Springs Drive. Mixed Use land use is appropriate in this location.



Below are sections of the Rosewood neighborhood plan staff believe supports the applicants request for Mixed Use land use. The applicant is proposing to amend the conditional overlay on the property to remove the 40-foot maximum building height. Please see the associated zoning case report C14-2022-0150 for more information on the proposed zoning request

**Goal Two: Promote affordable housing options in the Rosewood neighborhood, while reducing the number of vacant lots.**

Objective 2.2

Provide for a variety of housing options.

*Action 27: Allow the construction of garage apartments on single-family lots in the neighborhood. (Implementer: NPZD)*

**Goal Four: Promote commercial uses that serve the needs of neighborhood residents**

Objective 4.1

Promote infill development on vacant commercial lots.

Objective 4.2

Increase business opportunities for the Rosewood neighborhood's residents.

*Action 60: Review existing neighborhood services to evaluate the need for a small business incubator for the residents of East Austin and the Rosewood neighborhood that will facilitate the establishment of new businesses in East Austin and create jobs for area residents. (Implementer: RNPT)*

Objective 4.3

Where zoning permits, promote small, neighborhood-oriented businesses services such as coffee shops, bookstores, restaurants, and corner stores.

Objective 4.4

Allow live-work/flex space (Mixed use development) on existing commercial zoning in the neighborhood (See zoning definitions below)

Objective 4.5

Retain the smaller-scale commercial character of existing commercial corridors in the neighborhood.

*Action 71: Limit the height of buildings fronting on E. 12th Street, Manor Rd., Rosewood Ave., and Oak Springs, to 40 feet. (Implementer: NPZD)*

*Action 72: Establish a conditional overlay limiting land uses that pose a potential conflict with nearby residences. (Implementer: NPZD)*

Objective 4.7

Attract neighborhood-friendly, neighborhood-oriented businesses to E. 12<sup>th</sup> St.

**LAND USE DESCRIPTIONS**

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

**Commercial** -Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

**Purpose**

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

**Application**

1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

***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.

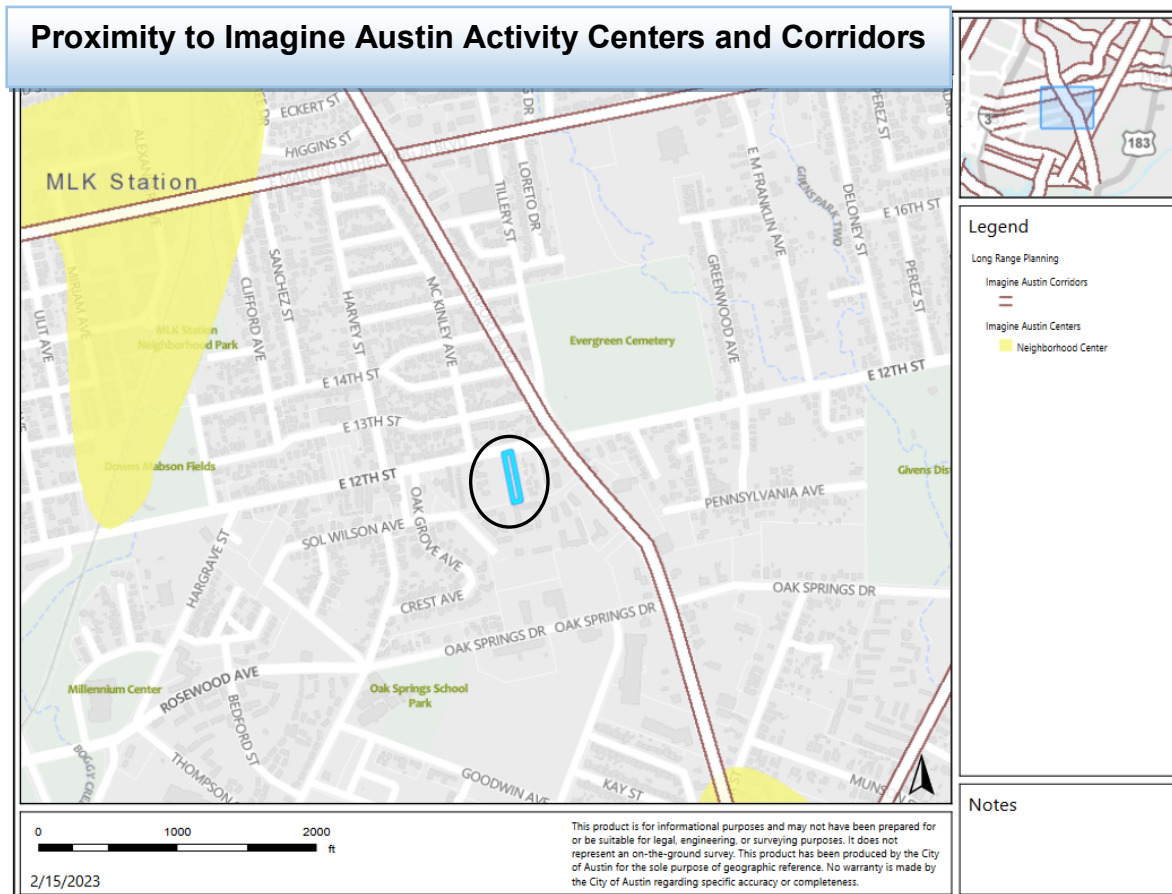
**Application**

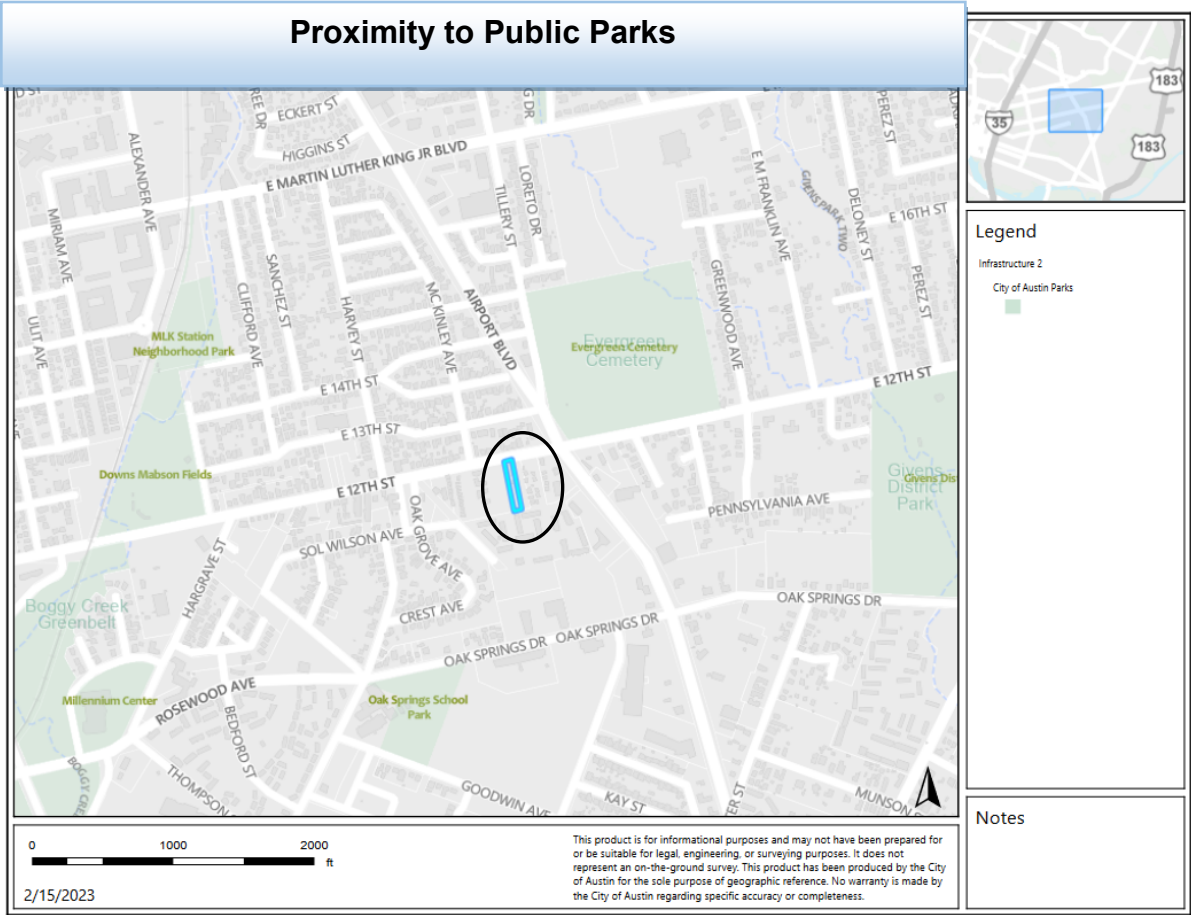
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood 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

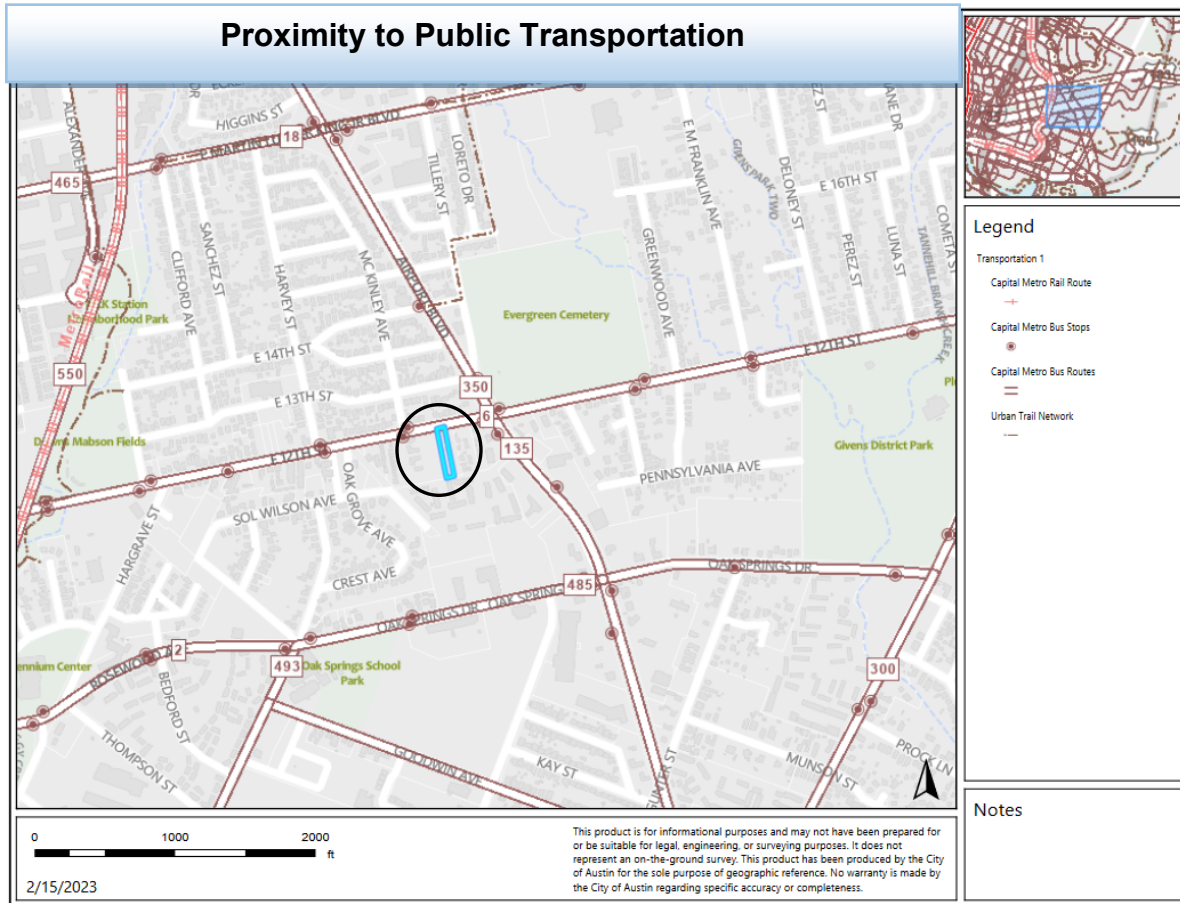
## Transit Corridors (CTC) and Future Core Transit Corridors.

Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Yes	<b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Name(s) of Activity Center/Activity Corridor/Job Center:</b> <ul style="list-style-type: none"> <li>Approx. 300 feet west of Airport Blvd, an activity corridor.</li> <li>Approx. ½ mile from E. MLK Activity Center</li> </ul>
Yes	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Yes	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Yes	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
Yes	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market. <ul style="list-style-type: none"> <li><b>Quick Stop Grocery 0.4 miles west.</b></li> <li><b>Lone Star Family Market 0.6 miles on Airport Blvd.</b></li> <li><b>Sky Market 0.8 miles</b></li> </ul>
Yes	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> <li>Oak Springs Elem. School 0.6 miles south</li> <li>Texas Can Academy 0.7 miles</li> </ul>
Yes	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
Yes	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. <ul style="list-style-type: none"> <li><b>Proposing 10% units of the proposed 80-110 MF units at 60 MFI under VMU</b></li> </ul>
Yes	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
Yes	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
Yes	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center). <ul style="list-style-type: none"> <li><b>Willie Mae Kirk Public Library 0.5 miles</b></li> </ul>
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
11	<b>Number of "Yes's"</b>
Imagine Austin Priority Program PUD Specific Bonus Features	
n/a	<b>Public Space Features and Public Art:</b> Incorporates public space features and/or public art into project (Ex: plazas, streetscapes, gardens, and other people-friendly spaces where different ages can socially interact).
n/a	<b>Integrates and/or Expands Green Infrastructure:</b> Preserves or expands Austin's green infrastructure (ex: parkland, community gardens, green streets, creeks, stormwater features that mimic natural hydrology) into the urban environment and transportation network.
n/a	<b>Protects the Environment:</b> Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
n/a	<b>Protects Environmentally Sensitive Lands:</b> Protects Austin's natural resources and environmental systems by limiting land use and transportation development over or near environmentally sensitive areas, preserves open space, and protects natural resources more than ordinance requirements.

n/a	<b>Water/Wastewater Infrastructure:</b> Sustainably manages Austin’s water resources and stream corridors through on-site use of storm water, effective landscaping, flood mitigation, and other low-impact development techniques more than ordinance requirements.
n/a	<b>Total Number of “Yes’s”</b>







## 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.

**Regional Centers** - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

**Activity Centers for Redevelopment in Sensitive Environmental Areas** - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

**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 plan amendment application was filed on or about July 29, 2022, which is in-cycle for neighborhood planning areas located on the east side of IH-35.

The applicant proposes to change the future land use map from Commercial to Mixed Use land use for a mixed-use development to include live-work spaces and 80-110 multifamily units and pedestrian-oriented commercial uses.

The applicant proposes to change the zoning on the property from CS-1-CO-NP (Commercial Liquor Sales district – Conditional Overlay combining district – Neighborhood Plan, CS-CO-NP (General Commercial Services district – Conditional Overlay combining district – Neighborhood Plan) and CS-MU-V-CO-NP General Commercial Services district - Mixed Use combining district – Vertical Mixed Use Building combining district – Conditional Overlay combining district -Neighborhood Plan) to CS-MU-V-NP (General Commercial Services district – Mixed Use combining district – Vertical Mixed Use Building combining district-Neighborhood Plan . For more information on the zoning case, please see case report C14-2022-0150.

**PUBLIC MEETING:** The ordinance-required community meeting was virtually held on November 1, 2022. Approximately 432 meeting notices sent to people who rent or own property within 500 feet of subject tract, in addition to neighborhood and environmental organizations who requested a notification for the area. Two city staff members attended the meeting, Maureen Meredith and Mark Walters from the Housing and Planning department, in addition to Michael Whellan and April Brown from Armbrust and Brown, the applicant's agent and Dick Hall from Greystar Group. Seven people from the neighborhood attended the meeting.

Below are highlights from Michael Whellan's presentation. His full PowerPoint presentation is in the back of this report.

- Live-work or flex space and 80-100 multifamily units.
- Will include affordable units per the VMU program.
- Property is largely vacant with a commercial building.
- Residential is appropriate on this property because it is within 500 feet of Airport Blvd, which is an activity corridor and on the ASMP Transit Priority Network roadway.

- These designations are important because the city uses them to guide growth and with the aim of concentrating new development around corridors.
- Our project would advance Imagine Austin planning principles, including to “focus future investments to support corridors and to expand the number and variety of housing choices throughout Austin.”
- Our site is made-up of three parcels, two of which are already designated as mixed and one that is currently designated for commercial.

***Q: The applicant has another development on Oak Springs where they anticipate 250 units, and they are proposing 110 on this site. How do you anticipate the traffic pattern to adapt to that increase in density given the fact that Homewood Heights neighborhood currently has only one road that leads north out of the neighborhood?***

A: The Oak Springs development did not need a zoning application and it's a separate development. The number of trips for E. 12<sup>th</sup> Street project is modest, relatively speaking, to the number of trips for Oak Springs. I can't speak directly to the trip patterns people will be going. Traffic Engineers make assumptions on trip patterns, but I'm not sure if they will go to Airport or another direction.

***Q: What is the proposed height?***

A: The maximum height would be to 60 feet. We are open to the discussion of balance height with affordable units. If you cap the height at 40 feet, it limits the number of affordable units.

***Q. How will compatibility affect the property with single family across the street?***

A: Those sites trigger compatibility 100 feet from the property line. We will be fully compliant with the compatibility standards.

***Q: How many affordable units?***

A: Affordable units will be 10% at 60% MFI. We estimate 80-110 residential units. We don't plan to go above what is required unless the City is willing to buy down affordability units, but these affordable units are being subsidized by the owner.

***Q: I have a question about the proposal to eliminate the maximum 40 feet height on the property? The NPCT has never supported an increase in height except for one property that was in the center of a developer.***

A: We are requesting that the 40 feet height limitation be removed as part of our zoning request. In the last 20 years, we've seen construction techniques that are a height that works for infill, especially infill of a vacant lot, which I think specifically is called out in the neighborhood plan. That's the rationale.

***Q: Do the owners plan to flip the property or develop it themselves?***

A: Right now, the current plan is for the owners to develop the property, although I can't say in the future what will happen as far as buying and selling the property.

***Q: Is there a way to get a development agreement with the neighborhood on what will be built?***

A: It's not unusual for the sale of a property to be contingent upon the successful rezoning of the property and because a site plan is very expensive to create, details of our development is usually not ironed out until after the rezoning process.

***Q: Will there be affordable on-site units, or will it be fee-in-lieu?***

A: There is no fee-in-lieu under VMU. The affordable timeframe is 40 years for rental properties at 60% MFI.

***Q: Of the 80-110 proposed units, are they family-size units or studios?***

A: The unit mix has not been determined yet because we haven't hired an architect.

***A: What is the 60% MFI in Austin today?***

Q: For a Household of one it's \$46,390; for a HH of two it's \$52,984; for a HH of three it's \$66,180.

***A: What would the maximum height be if Affordability Unlocked was used on the property?***

B: For Type 1, the height increase would be an additional 15 feet for a maximum of 75 feet. For Type 2 it would be 90 feet, depending on the level of affordability. Compatibility would be waived.

***Q: Do you have a rough idea of the commercial services that would be developed?***

A: The commercial part of the development will be market driven. The VMU is required to design the ground-floor specifically for commercial spaces, so it can accommodate pedestrian-oriented uses.

***Q: Would a FLUM amendment set a precedence?***

A: I believe the precedence was set when the neighborhood plan was created and the properties directly to the West had mixed-use land use on them. I don't know why some of the properties remained commercial during the planning process. Twenty years ago, when the plan was made, the commercial building on the property may have been an operation at that time and that was why it has the commercial land use on the future land use map.

***Q: What are the community benefits? There are other unmet needs in the neighborhood.***

A: We are happy to have this conversation off-line. We will be glad to meet.

## Applicant Summary Letter from Application

### ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2380

July 27, 2022

Jerry Rusthoven, Chief Zoning Officer  
City of Austin  
Housing and Planning Department  
1000 E. 11th St.  
Austin, TX 78702

Re: Neighborhood Plan Amendment application for TCAD Parcel No. 0209150207, also known as 3121 E. 12<sup>th</sup> Street (the "Property")

Dear Mr. Rusthoven:

I am submitting the enclosed Neighborhood Plan Amendment ("NPA") application to change the Future Land Use Map ("FLUM") designation for the Property from Commercial to Mixed Use. The Property is a 0.5-acre site located in the Rosewood Neighborhood Planning Area. It is currently zoned CS-1-CO-NP and CS-CO-NP.

We are currently in the process of drafting an application to request CS-MU-V-NP zoning for the Property to allow for a project with a residential component located less than 500 feet from an Imagine Austin Corridor (Airport Boulevard). To prepare for this rezoning, we are submitting an associated NPA application to request a Mixed Use designation for the Property.

The adjacent parcels to the west of the Property, TCAD Parcel Nos. 0209150224 and 0209150223, will be included in the rezoning application and are currently designated for Mixed Use. Granting the requested FLUM amendment will unify the site and allow for the creation of needed residential units in Austin, including onsite affordable units as a condition of participation in the city's Vertical Mixed Use program.

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

Respectfully,



Michael J. Whellan

**Letter of Recommendation from the Neighborhood  
Plan Contact Team (NPCT)**

**From:** Jane Rivera

**Sent:** Thursday, April 6, 2023 2:18 PM

**To:** Haynes, Adam - BC <BC-Adam.Haynes@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Maxwell, Felicity - BC <BC-Felicity.Maxwell@austintexas.gov>; 'Grayson Cox' <bc-grayson.cos@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; 'Joao Connolly' <bc-joao.commolly@austintexas.gov>; 'Patrick Howell' <bc-patrick.howell@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; 'Yvette Flores' <yvette.flores@austintexas.gov>

**Subject:** Item NPA-2022-00008.01 from March 28, 2023 Agenda

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

Dear Commissioners:

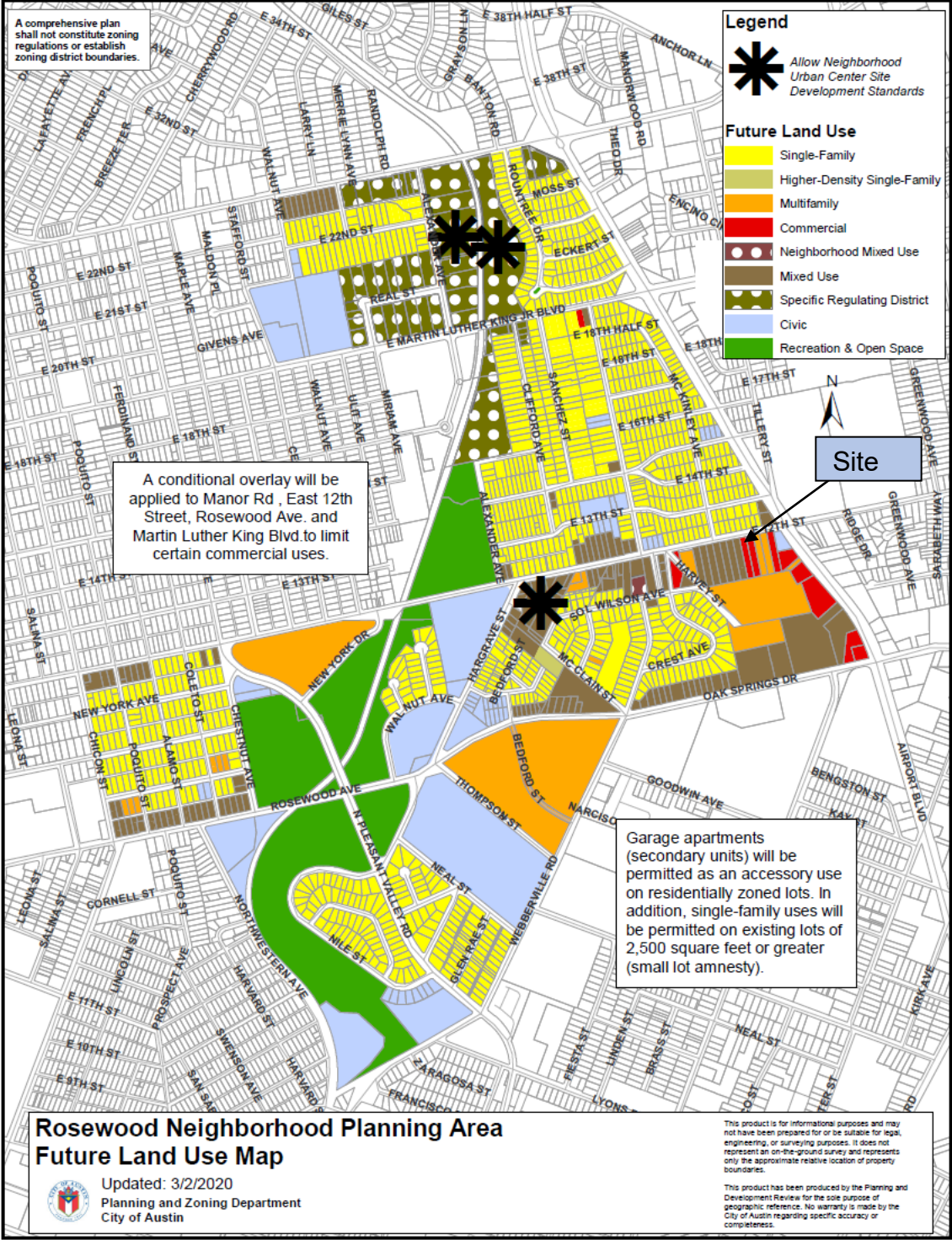
The Rosewood Neighborhood Contact Team held a special meeting March 29, 2023 to discuss the above item regarding 3117 and 3121 E. 12<sup>th</sup> Street. I understand that this item has been postponed until April 25. We feel it is important to share our concern with you prior to that date.

Our members appreciate the developer's idea of combined retail/commercial with multi-family housing in the same project. However, we have a serious concern about making a change to the Rosewood Neighborhood Plan that would remove the height restricted overlay. There is another property on East Twelfth Street which accomplished the same goals without requiring a change to our plan. Also, as we understand it, if we were to approve removing the overlay on these properties to permit greater height, that action would remove the overlay not only from the noted properties, but also from all properties on East Twelfth Street that are currently covered by the height restricted overlay. We cannot in good conscience approve a change that would apply to properties that may not even be inside the Rosewood Neighborhood Plan boundaries.

Therefore, we voted to support the most directly affected neighborhood, Homewood Heights, in opposing the proposed neighborhood plan amendment.

Sincerely,

Jane Rivera, Chair  
Rosewood Neighborhood Planning Area

















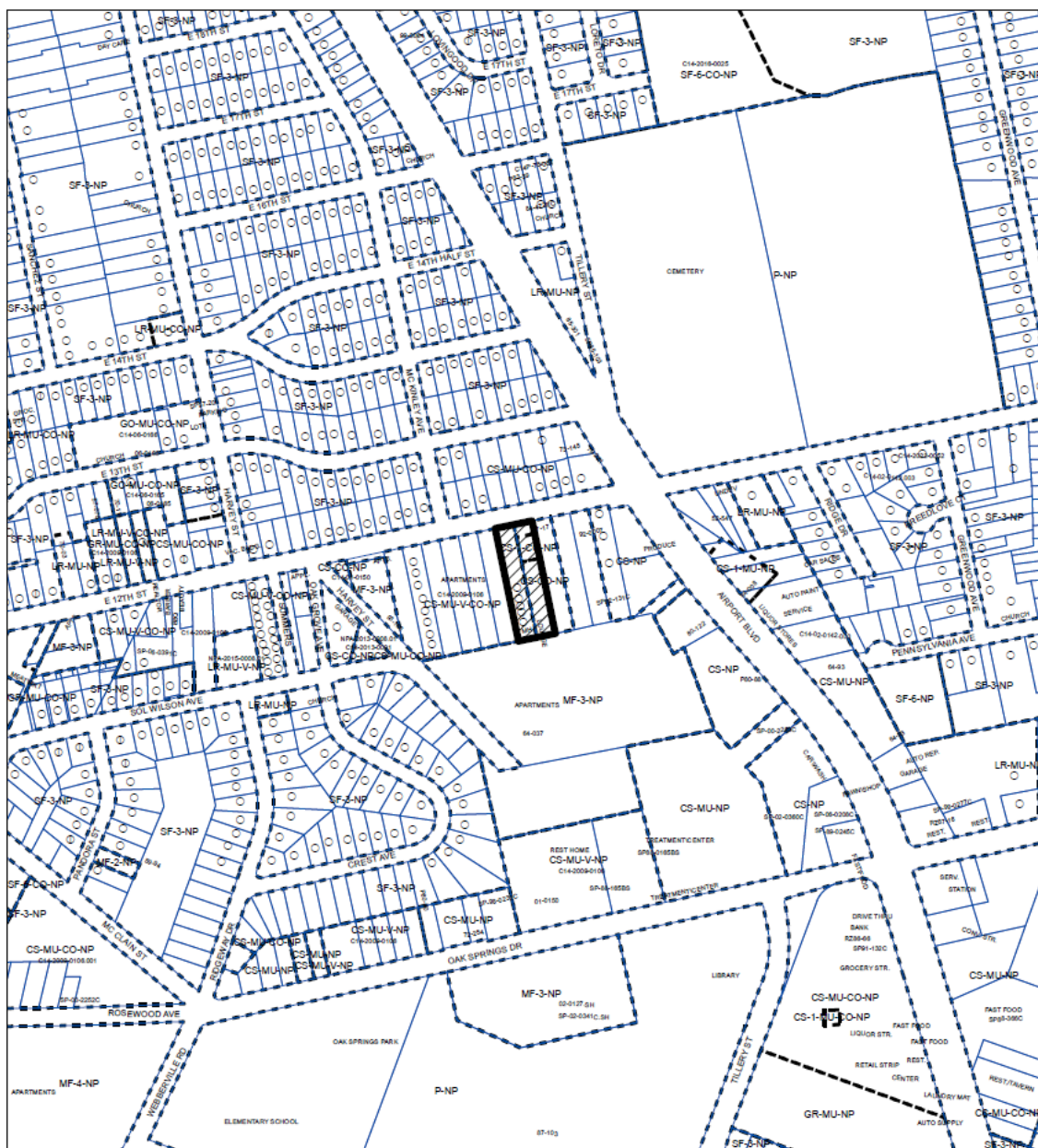
**Rosewood Neighborhood Planning Area**  
**NPA-2022-0008.01**




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

This product has been produced by the Housing and Planning 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  
Housing and Planning Department  
Created on 8/22/2022, by: MeeksS

Future Land Use	
	Subject Tract
	500 ft. notif. boundary
	Civic
	Commercial
	Higher-Density Single-Family
	Mixed Residential
	Mixed Use
	Multi-Family
	Neighborhood Mixed Use
	Single-Family
	Transportation


$$1'' = 400'$$

 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## ZONING

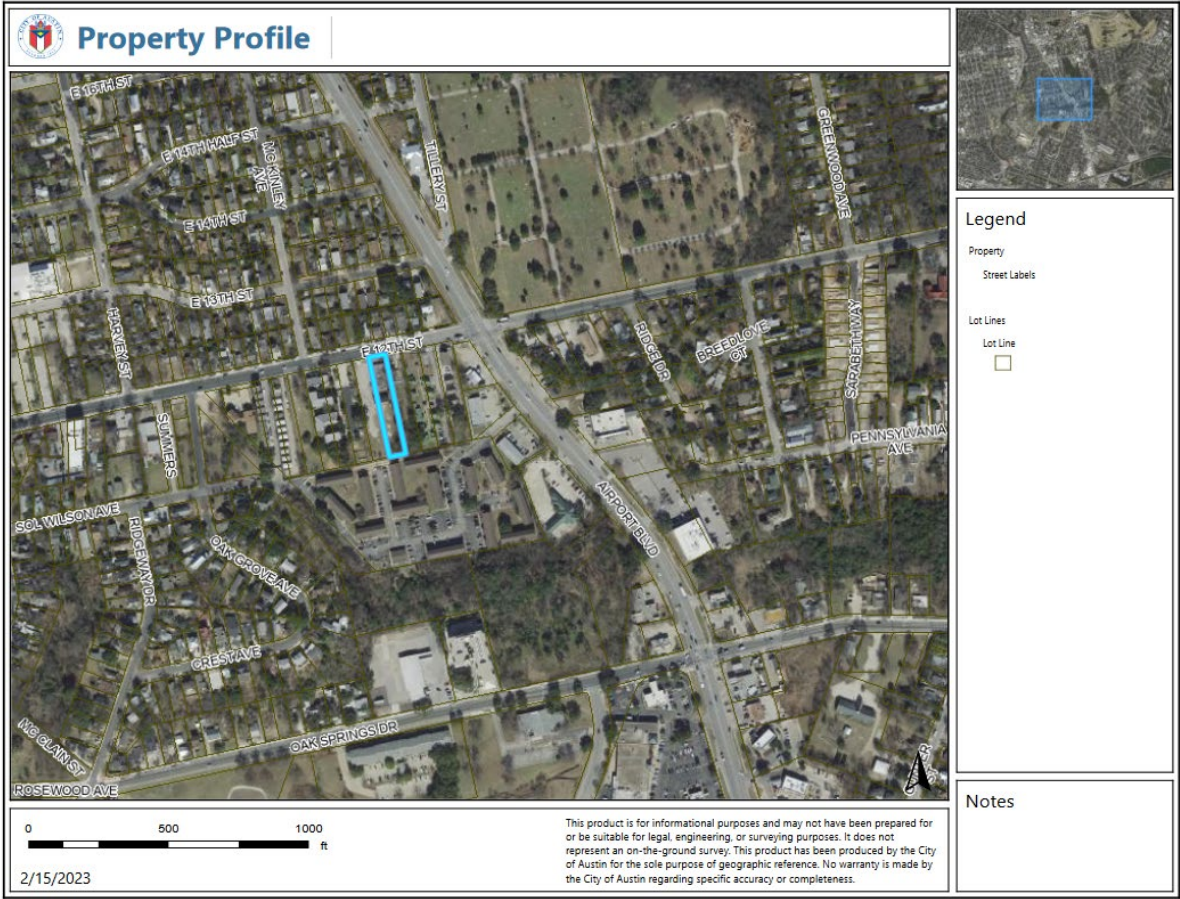
ZONING CASE#: C14-2022-0150

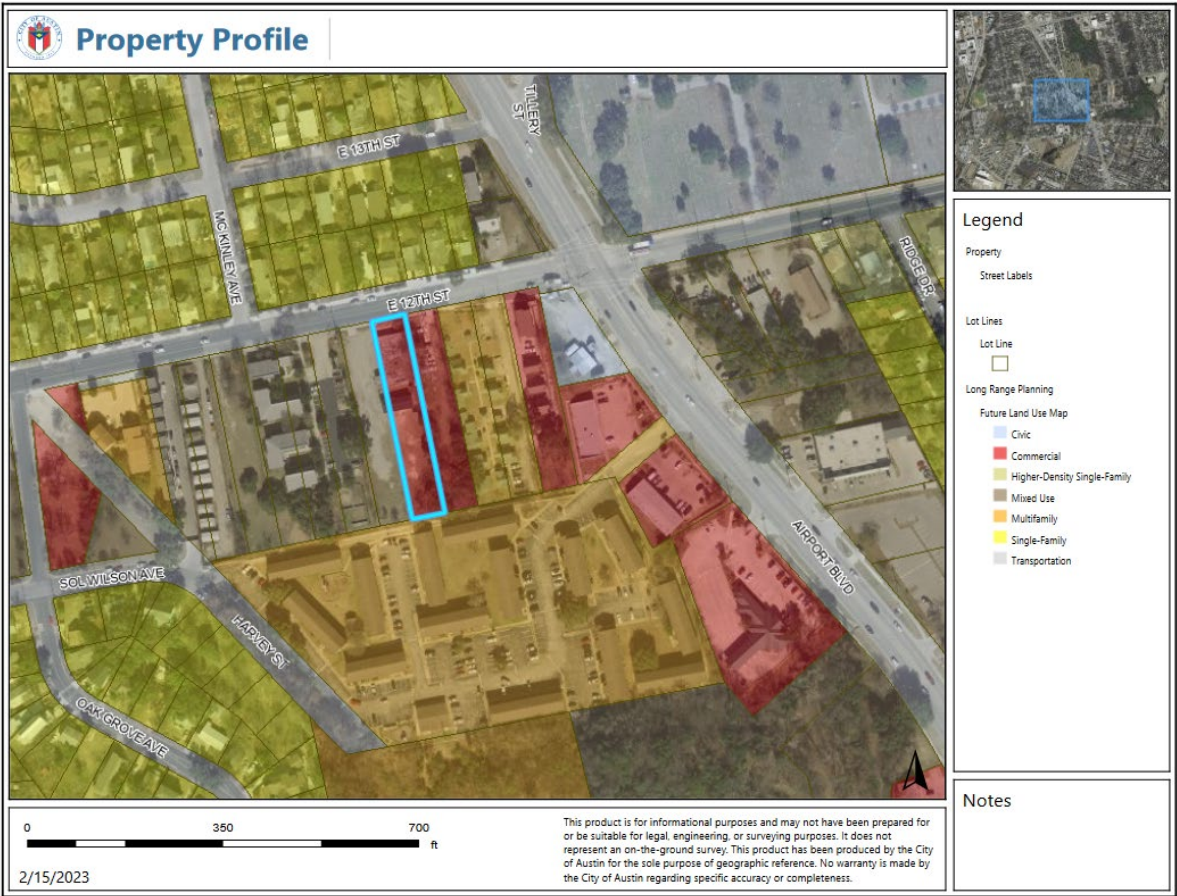
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 10/19/2022







**Michael Whellan's Presentation at the Nov. 1, 2022  
Virtual Community Meeting**

# 3121 E. 12<sup>th</sup> Street

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REZONING AND FUTURE LAND USE MAP AMENDMENT

1

## Overview

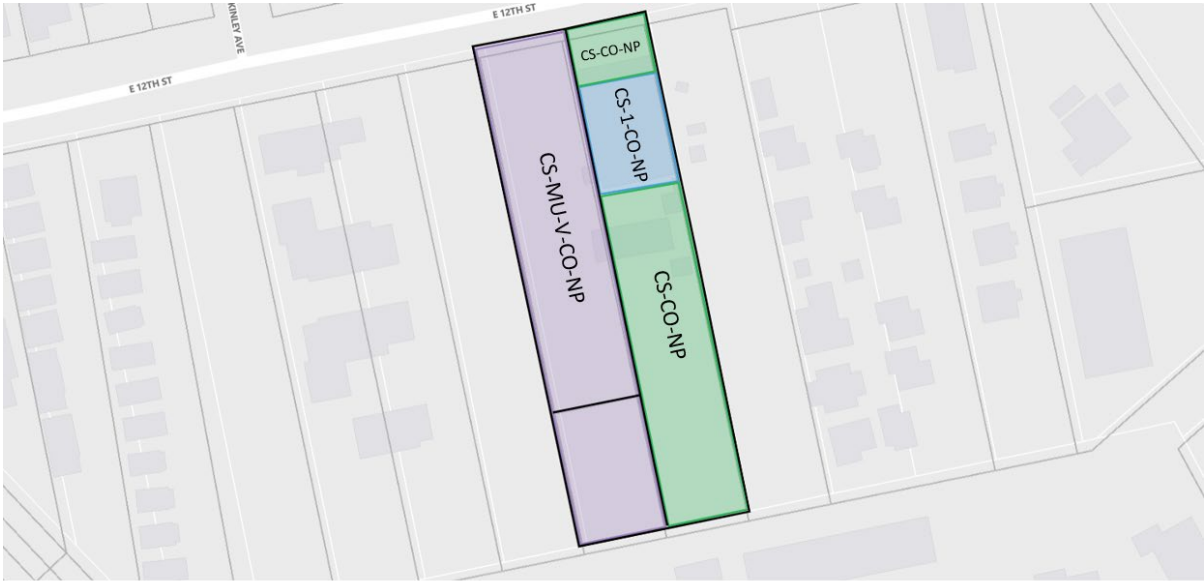
- |                   |   |
|-------------------|---|
| <b>Request:</b>   | Amend the Future Land Use Map (FLUM) designation for one parcel from Commercial to Mixed Use and rezone the property from CS-MU-V-CO-NP, CS-1-CO-NP, AND CS-CO-NP to CS-MU-V-P. |
| <b>Proposal:</b>  | A mixed use development with live-work space and approximately 80-110 multifamily residential units.  |
| <b>Rationale:</b> | Follows the Rosewood Neighborhood Plan goals and aligns with Council and city planning policies.  |

4



Site Location: 3121 E. 12th

5



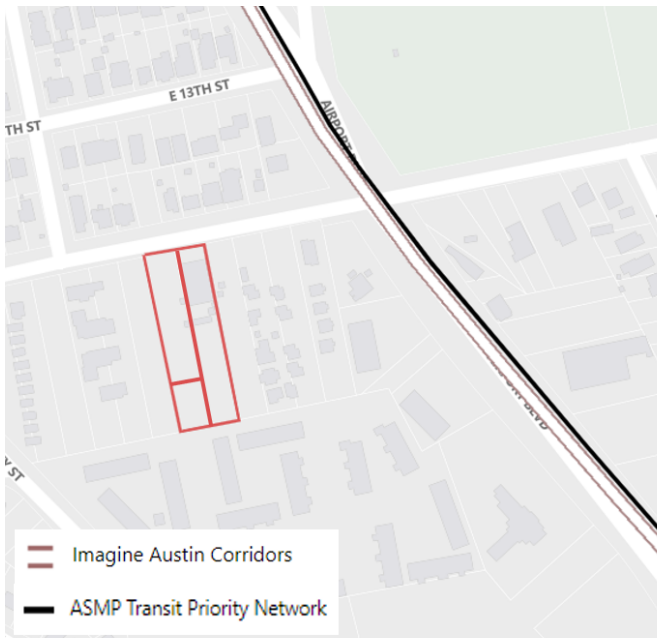
Zoning: 3121 E. 12th

6



Current Use: Undeveloped and Vacant Commercial Space

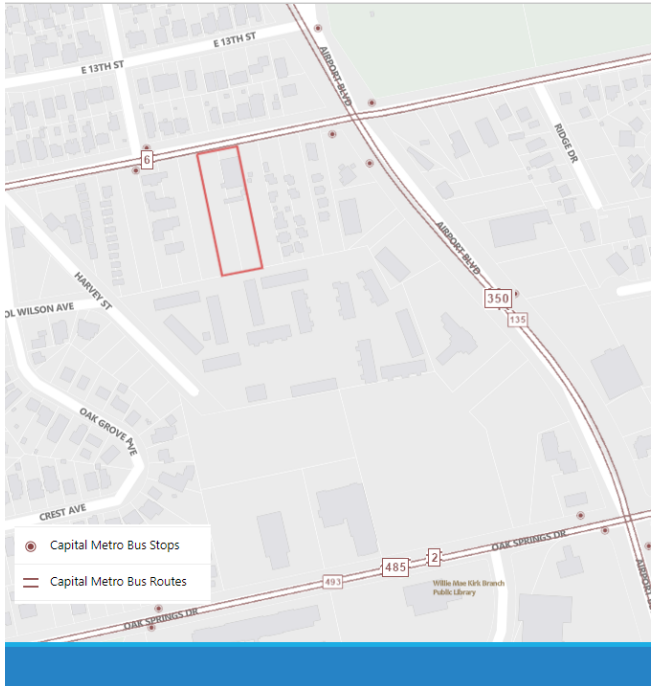
7



## Imagine Austin and ASMP

- Imagine Austin establishes a vision in which the City “**will focus future investments to support [...] corridors**” and will “**expand the number and variety of housing choices throughout Austin.**”
- The ASMP’s first land use policy is to “**promote transit-supportive densities along the Transit Priority Network**”.

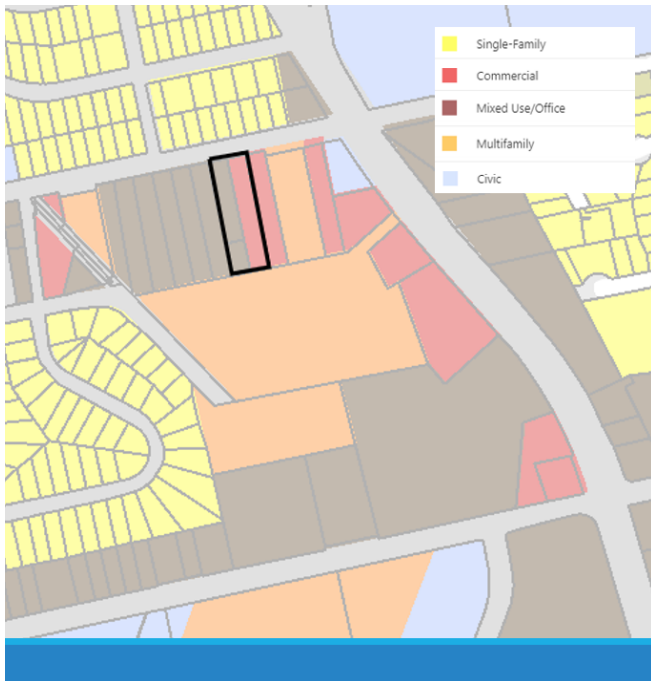
8



## Proximity to Transit

- Route 6 (East 12<sup>th</sup>) run east-west into downtown
- Route 350 (Airport Blvd.) runs north-south from ACC Riverside to Lamar and 183
- Route 485 (Night Owl Cameron) runs from downtown through Mueller to Rutherford
- Route 2 (Rosewood) weekday high-frequency route into downtown

9



## Future Land Use Map

- One of the three parcels is currently designated for Commercial (red). Our request is for Mixed Use (brown).
- Mixed Use is consistent with the surrounding uses and the envisioned project is compatible with nearby multifamily uses.

10

## Rosewood Neighborhood Plan

Promote affordable housing options



Reduce the number of vacant lots



Allow mixed use development on existing commercial zoning



## Recap

The site is located near an Imagine Austin Activity Corridor and an ASMP Transit Network Priority Roadway.

Council and City planning policies encourage development along corridors and transit lines, and seek to allow residential uses on commercially zoned properties.

Mixed Use is consistent with other land uses in the area, and our request aligns with city and Council policies.

The proposal aligns with goals in the Rosewood Neighborhood Plan.

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Questions?

## Correspondence Received

PUBLIC HEARING COMMENT FORM	
<p>If you use this form to comment, it may be submitted to:</p> <p>City of Austin Housing and Planning Department Maureen Meredith P. O. Box 1088 Austin, TX 78767-8810</p>	
<p>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.</p>	
<p>Case Number: NPA-2022-0008.01 Contact: Maureen Meredith, 512-974-2695 or Maureen.Meredith@austintexas.gov Public Hearing: Jan 10, 2023 - Planning Commission</p>	
<p><input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object</p>	
<p><u>Lena Baker Shaw</u> Your Name (please print)</p>	
<p><u>1171 Oak Grove Ave</u> Your address(es) affected by this application</p>	
<p><u>Lena Baker Shaw</u> Signature</p>	<p><u>1-5-2023</u> Date</p>
<p>Comments: <u>It will increase traffic and invade privacy, &amp; increase property taxes</u></p>	

-----Original Message-----

From: Greg Hammond

Sent: Wednesday, September 14, 2022 8:26 AM

To: Meredith, Maureen &lt;Maureen.Meredith@austintexas.gov&gt;

Subject: NPA-2022-0008.01

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

Hi Maureen,

I just wanted to voice personal support for a change on this case from commercial to mixed use. I generally think that's good for this 12th Street corridor.

Thanks!

-Greg Hammond

(No longer Homewood Heights NA president).

2604 Sol Wilson Ave

512-658-7518

**From:** Morgan Terrill <  
**Sent:** Tuesday, May 16, 2023 10:54 AM  
**To:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Homewoodheightsneighborhood@  
**Subject:** Case NPA-2022-0008.01 - AGAINST REZONING

Hello,

I am against the rezoning and the removal of the conditional overlay. I understand neither the city nor the developer is responsible for infrastructure amendments. How will we manage the additional traffic (which has already gotten pretty bad)? Pedestrian traffic? Bus stops? Stop lights? They also speak of low income housing, but only a small percentage of these units are required to be low income and usually aren't affordable to low income families. There are plenty of other multi-use buildings that have abided by the Rosewood Neighborhood Plan and have successfully built, sold and leased units for mixed use. I am against the amendment change.

Morgan Terrill  
3115 E 13th St 78702

.....

**From:** Jenny Grayson  
**Sent:** Monday, May 15, 2023 8:37 PM  
**To:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Chris Page <Homewoodheightsneighborhood@  
**Subject:** Case NPA-2022-0008.01

Dear Jonathan and Maureen,

I am emailing you all to formally express my opposition to the proposed zoning changes for 3117-3121 E. 12 Street.

I am against the rezoning and the removal of the conditional overlay. We have a neighborhood plan for the area (that was approved by the city council) and allows building to be built up to 40 feet in our residential areas. Plenty of large developments have successfully built multi-use properties within this guideline, and allowing the conditional overlay to be removed could be cause for all of 12th street to turn into 100 foot buildings.

Furthermore, not the city nor the developer is responsible for infrastructure amendments. How will we manage the additional traffic? Pedestrian traffic? Bus stops? Stop lights? They also speak of low income housing, but only a small percentage of these units are required to be low income and usually aren't affordable to low income families. Low income units are limited to single bedroom units. Low income needs to be for families, and families cannot live in a one bedroom unit.

***For me, the main takeaway is that plenty of other multi-use buildings have abided by the Rosewood Neighborhood Plan and have successfully built, sold and leased units for mixed use.*** I am against the amendment change and am here to tell you so. I will do my best to voice my opinion at the commission meeting this Friday.

Thank you,  
Jenny Grayson  
E 14th residents since 2010  
512-293-8819

.....

**From:** Imad Ahmed <  
**Sent:** Monday, May 15, 2023 11:43 AM  
**To:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Subject:** Case #NPA-2022-0008.01

Hello,

I live in the McKinley Heights neighborhood and my neighborhood association notified me about a city planning commission meeting this Friday to discuss the removal of Rosewood Neighborhood Plan's conditional overlay of a 40 foot maximum for building height in the area.

Unfortunately, I cannot attend this meeting as I am out of the country this Friday. But I did want to share my views as a resident of the area. What is important to me and many residents in the area is that the many empty and dilapidated lots on 12th street get utilized in a way that is beneficial for the community. I am therefore for the removal of the conditional overlay if we are reasonably certain that the development will begin soon. Increasing the height limit from 40 feet to 100 feet, not just for this property but for all the commercial properties on 12th street, will increase housing supply and bring more retail/office/restaurants to the area, which I think most of the residents in the area would love to see. We've seen denser development really

benefit neighborhoods like Saltillo, South Lamar, South First, and South Congress, and I'd like to see the same for East 12th Street.

The re-zoning notification refers to a special meeting on March 29th where residents voted to oppose the proposed neighborhood plan amendment. I was at the meeting, and there were only a couple individuals who were very vocal in their opposition and swayed the others at the meeting. But based on my conversations with neighbors, I think those individuals are the minority -- most want to see more dense development in our area, which you'd likely get with the proposed neighborhood plan amendment.

Imad Ahmed

.....

**From:** Ryah Christensen <  
**Sent:** Sunday, May 14, 2023 3:13 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>  
**Subject:** C14-2022-0150

Dear Commissioners,

I am writing to object to Armbrust & Brown's request to change the Neighborhood Plan on E.12th street.

On its surface, the developer / investor's request to change the zoning on 3117 and 3121 E.12th to VMU seems innocuous. But please consider the consequences of their request to remove the Conditional Overlay that is buried within the zoning request. Also consider our neighborhood's history with developers / investors using upzoning as an investment tool to increase their portfolios, and not a means to build actual affordable housing.

Granting this request will remove height restrictions for the whole E. 12th block and pave the way for future developers to build at a scale that is not in line with our neighborhood's goals to balance development with current residents' quality of life. It will also not necessarily lead to increased affordable housing in the area. Current property owners like Eureka holdings, who have amassed considerable property and increased entitlements on many occasions, have never built anything and seem to have no plans to do so. Armbrust & Brown, who is representing Geyser Group on this application, has let us know that their client has NO ACTUAL PLANS for the proposed housing development that they are using as leverage for this zoning / NP amendment request. Without an actual development plan, and without City requirements that zoning changes / NP amendments are contingent on realizing promised development AND fulfilling good faith promises made to neighborhoods in

exchange for their support, there is no reason to believe that upzoning properties will solve any housing or underused land issues.

I hope that you will not grant the removal of the Conditional Overlay on the properties in question. I also hope that you will devise strategies that encourage investors / developers to actually develop the land they own in a manner that is respectful to their neighbors', and this City's, needs.

Thank you for your consideration,  
Ryah Christensen (20 year resident of Homewood Heights)

From: Homewood Heights Neighborhood Association President <  
Sent: Tuesday, May 23, 2023 4:06 PM  
Subject: Homewood Heights Neighborhood Statement re. ITEMS 7 & 8

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

Attached to this email is the Homewood Heights Neighborhood's statement regarding Items 7 & 8, as well as a land use inventory of our immediate area. Please include the text of the statement in the support materials.

At our April 2023 meeting neighbors voted unanimously in opposition for the reasons included.

If you have any trouble opening the attachments please let me know.

Christopher Page  
President of the Homewood Heights Neighborhood Association

In 2022, a developer called Geyser Group purchased 3121 & 3117 E 12th Street. They're operating through Horizontal Investors LP with unnamed silent partners. They hired Michael Whellan, of Armbrust & Brown to seek higher entitlements immediately after acquiring the properties.

**Zoning and Neighborhood Plan Amendment**

The uncontroversial part of Whellan's request is for uniform zoning across 3121 and 3117 E 12<sup>th</sup> (CS-MU-V-CO-NP [commercial service, mixed use, vertical, with a conditional overlay from the neighborhood plan]). The controversial part is Whellan's parallel request to amend the Rosewood Neighborhood Plan to eliminate a 40ft conditional overlay from their site.

Whellan's zoning application requests:

"CS-General Commercial Services district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU-Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. V-Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. CO- Conditional Overlay combining district may be applied by requiring standards tailored to individual properties. NP- Neighborhood Plan district denotes a tract located within the boundaries of an adopted neighborhood plan.

Whellan's parallel NPA requests is to delete the component that makes his zoning application appear uncontroversial (CO-NP). ~~CO-NP~~ reverts land use to what the city itself defines as "incompatible with residential environments." The proposed zoning without the conditional overlay sets a base height of 60ft, allowed to increase by right to 90ft without residential compatibility via the VMU2 Ordinance adopted by the city in 2022.

The applicant seems ignorant to the meaning of our community's conditional overlay. My understanding of the history of the Rosewood Neighborhood Plan, informed by lifelong residents and the documents authors, is as follows:

After Austin formally segregated the city in 1928 it mixed very intense land use into East Austin neighborhoods, particularly after the 1957 Industrial Overlay. Land use under the 1957 Industrial Overlay inappropriately positioned nuisance generating, high traffic, polluting, and industrial land uses directly next to families' homes. Over time, those proximate but incompatible land uses were enshrined in the city's zoning maps. After almost two years of effort and advocacy, residents from the Rosewood Neighborhood Contact Team successfully drafted their own neighborhood plan, adopted by the city in 2002 as an ordinance. It envisioned the compact, complete, walkable, inclusive community that the city is still trying to get other neighborhoods to catch up to today. One of its achievements was undoing incompatible land uses created by decades of discriminatory zoning, by establishing a residential scale of 40ft.

Whellan's application to strip that conditional overlay is essentially a request to rewrite our community's plan so that it suits a developer's undesigned theoretical building. And it is fully theoretical. His team provided no specific information to the community and offered no community benefits. Also, his paperwork blankly lists 110 theoretical units for the property, indicating no interest in multi-bedroom units for families.

#### **Community Opposition to the Developer's Application**

Current residents have thoroughly considered and oppose the developer's request to remove the conditional overlay. Residents met with Whellan's team and thoroughly discussed the case. All community feedback was ignored. At the Homewood Heights Neighborhood Association's April 2023 meeting, members voted unanimously in opposition to the removal of the conditional overlay. At a special called meeting of the Rosewood Neighborhood Contact Team, all voted in opposition, with one abstention.

#### **Achievements of the Rosewood Neighborhood Plan**

The Rosewood Neighborhood plan undoes discriminatory base zoning, allows small lot amnesty, incorporates vertical mixed use, provided for literally millions of square feet of land for Austin's most financially vulnerable residents, and prioritized *balanced* infill development. The 2020 Census confirms that the neighborhoods within in the Rosewood Neighborhood Plan are racially, economically, and even architecturally diverse.

The city's adoption of The Rosewood Neighborhood Plan also gave *our community* the right to come together, review, and amend our Rosewood Neighborhood Plan. This is the opposite of

that. The imbalance that Whellan's advocating for has never been sought by our community, and through official votes at neighborhood meetings residents have expressed undivided opposition.

**Traffic Hazard**

90ft scale is dysfunctional and unrepeatable in our community. 12<sup>th</sup> Street is a two-lane residential collector street lined with single family homes and residential-scaled multifamily and retail. More than doubling the scale of what's allowed will overwhelm purely residential streets in McKinley Heights and Homewood Heights with cut-through traffic. This would be particularly dangerous in Homewood Heights, where 3 streets leading to 12<sup>th</sup> Street were thoughtlessly eliminated (Harvey Street was vacated south of 12<sup>th</sup> St., Summers St. has been illegally fenced off, and an unofficial street at 3009 E 12<sup>th</sup> St. was legally fenced off).

Today, there's more than three times the reasonable traffic load, plus multifamily traffic to Elm Ridge Apartments, and cut-through traffic from drivers avoiding lights on Airport Blvd – all overwhelming a residential street without effective traffic calming measures (Oak Grove Ave on north, and Ridgeway Drive on the south). Multiple vehicle strikes have been witnessed and documented by residents. The list of anecdotal near-misses is too long to include. Consider, too, that these hazards exist already, when most of the entitlements on 12<sup>th</sup> Street haven't even materialized.

**Entitlements Under the Rosewood Neighborhood Plan**

It's clear that Austin as a whole is plagued with challenges of affordability and access to housing. The Rosewood Neighborhood Plan has done nothing but solve those challenges since its inception.

Under the current Rosewood Neighborhood Plan market-rate, deeply affordable, and permanent supportive housing apartments have been constructed, both recently and in the past. Multiple developers have successfully built apartment buildings with ground floor retail under the current Rosewood Neighborhood Plan (2931 E 12<sup>th</sup> Street, 3007 E 12<sup>th</sup>). Numerous vacant sites on 12<sup>th</sup> Street, including 3117 & 3121 E 12<sup>th</sup> Street, allow the construction of new multifamily apartments and retail *today*. The Rosewood Neighborhood Plan works, and as noted above it was more progressive in 2002 than most neighborhoods are in 2023.

Application of the 12<sup>th</sup> Street conditional overlay was deliberate and narrowly tailored. The conditional overlay was not applied to properties with frontage on Airport Blvd, which was designed to facilitate a fundamentally different volume of people, commerce, and vehicles. On Airport Blvd, our neighborhood has a 130 unit deeply affordable multifamily site (1190 Airport Blvd). North of that is an empty site with no conditional overlay that Horizontal Investors must have overlooked. Go figure.

In 2022, Horizontal Investors understood the exact entitlements they purchased at 3121 and 3117 E 12<sup>th</sup>. They gambled that Whellan could stigmatize East Austin neighborhoods, exploit Austin's affordability problems (fueled mostly by other parts of the city), and lean on candidates they financially backed to extract more value than they paid for. We're literally listening to a boutique lawyer, hired by a couple that sold their company for \$280million, suggesting that East Austin is

exclusionary, because they want their theoretical building more theoretically profitable, so that they can (in their own words) “stretch [their] influence further.”

It’s also plausible that this case is nothing more than a pretext for changing the entitlements on speculator-owned properties along 12<sup>th</sup> Street, owned by Whellan’s other client. Geyser Group does not list the subject properties on its website. And the subject properties are roughly bookended by properties owned by the speculator and the Austin Housing Finance Corporation (1196 Airport Blvd to 3021 E 12<sup>th</sup> Street).

#### **Development Under the Rosewood Neighborhood Plan**

An inventory of land use in our area shows that a speculative property buyer recently acquired 34 properties in the Homewood Heights Neighborhood (and another 9 properties in McKinley Heights). Of the properties in Homewood Heights, 21 parcels are vacant dirt, 6 more contain abandoned structures, and 4 are unimproved and selling alcohol. This is easily the largest barrier to new infill development, new multifamily housing, and the retail needs of our community. As stated previously, Whellan represents the owner of all those properties.

Whellan insists the Rosewood Neighborhood Plan must be amended to allow for the creation of affordable housing. That’s untrue. His client is free to build affordable housing immediately at the scale established by the neighborhood. That would only add to the affordable housing our community already constructed at 3005 E 12<sup>th</sup> (New Milestones Foundation), 1190 Airport Blvd (Elm Ridge Apartments), 3000 Oak Springs (Terraces at Oak Springs PSH), 905 Bedford (Booker T Washington Terraces), 3107 E 12<sup>th</sup> (Anderson Village), 3001 Oak Springs (Oak Springs Villas Apartments), 1165 Airport Blvd (Integral Care PES), 2504 New York Drive (Mt. Carmel Apartments). Those properties are within a quarter mile radius and contain over 2 million square feet of land.

In addition to our numerous deeply affordable multifamily sites, most single-family homes in the neighborhood that can afford and physically accommodate an ADU have done so. New construction on single family lots is often a two-plex or four-plex.

#### **Upzoning Study**

A senior Research Associate at the Urban Institute in Washington D.C., with a PhD in City Planning from MIT, Masters in City Planning from MIT, Masters of Science in Transportation from MIT, and BA in Architecture and Urban Studies from Yale, published a relevant study on upzoning in 2019. <https://yonahfreemark.com/wp-content/uploads/2019/01/Freemark-Upzoning-Chicago.pdf>

Freemark writes:

This study’s key contribution is evaluating how the property market responds on the specific parcels where upzoning occurs. ... On the *specific parcels where upzoning occurs*, costs appear to go up for individual housing units. ... [N]o short-term impact on permit volume for new housing units. But I also find no medium-term effect—over five years—on construction permitting, a surprising result given commonly held expectations about how upzonings work. ... If the product of upzoning is no change in construction

levels but increases in property transaction values, including for some existing housing units, this policy may have some negative consequences in upzoned neighborhoods that rapidly become more expensive. For a scholarly community generally focused on improving affordability in the *regional* housing market through additional housing supply, this poses a challenge that requires further consideration of the varying, and potentially contradictory, impacts of upzoning. ... For those hoping to address affordability, they may need to look for other solutions (Freemark 2019).

Freemark also cites previous studies with similar findings:

High levels of allowed construction produced property speculation on land in cities like Los Angeles in the early twentieth century (Weiss 1987).

Angotti (2016) suggests that upzoning in New York was associated with higher property values, pricing out existing residents (Angotti 2016).

The research is directly relevant to what's occurring in our neighborhood. Entitlement changes, and even the prospect of entitlement changes, have created a frothy market packed with unproductive speculators.

Affordable						
Address	Entity	Property ID	Land Sqft	Structure Sqft	Units	
3005 E 12th St	Integral Care - New Milestones Foundation	198774	21083	3000	11	
1180 Airport Blvd	Elm Ridge Apartments	198899	278893.16	87123	130	
3000 Oak Springs Dr	Integral Care - Terrace at Oak Springs	198913	46897	45000	30	
905 Bedford St	HACA - Pathways at Booker T Washington Terraces	195950	969,728	?	216	
3107 E 12 ST TX 78702	Austin Housing Finance Corporation (Anderson Village)	198903, 198902, 198901	21,780.00	13211	24	
3001 OAK SPRINGS DR TX 78721	Austin Housing Finance Corporation (Oak Springs Villas Apartments)	525341	145,055	29,160	56	
1165 AIRPORT BLVD TX 78702	Integral Care - Psychiatric Emergency Services	198924	128,671.88	26940	?	
2504 NEW YORK DR TX	Mount Carmel Apartments	197671	416,276.00	71,964	100	
2900 Oak Springs	Geyer Group Project	198913	90,000.00	?		
*Green is in Homewood Heights, Yellow borders Homewood Heights, Pink is one block away			2,120,344.04	278418		
			Total Land Sqft	Total Structure Sqft (Excluding Booker T & 2900 Oak Springs)		
			2,120,344.04	278418		
Eureka in Homewood Heights						
Address	Entity	Property ID	Land Sqft	Structure Sqft		
2606 ROSEWOOD AVE TX 78702	2016 Wolverine Way LP	197695	98010	0	1	
2536 SOL WILSON AVE TX 78702	2020 SW DEAN END AVENUE LP	198755	7,130.00	1250		1
2915 E 12 ST TX 78702	2016 PIG PLACE LP	838181	24,742.08	2476	1	
2908 E 12 ST TX 78702	2017 IT HURTS WHEN LP	198794	6,807.48	481		1
2905 E 12 ST TX 78702	2017 IT HURTS WHEN LP	198793	8,675.50	481		1
2903 E 12 ST TX 78702	2017 IT HURTS WHEN LP	198782	7,180.50	481		1
1197 HARBRAVE ST TX 78702	CONVENCE LP	198731	6,970.00	662		1
MAC CLAIN ST TX 78702	2016 AUSTIN CREEK LANDS LP	197694	202,074.94	0	1	
2917 E 12 ST TX 78702	2017 ANACONDA AVE LP	198737	5929	1505		1
2923 E 12 ST TX 78702	KB AROUND THE BLOCK LP	198739	8268	0	1	
2925 E 12 ST TX 78702	ACQUISITION LP	198740	13,329.86	1762	1	
2600 SOL WILSON AVE TX 78702	2017 CASTAWAY LP	882334	6,098.40	0	1	
2544 SOL WILSON AVE TX 78702	2017 BLACK BEARD LP	198763	9,583.20	1200	1	
1194 Oak Grove Ave TX 78702	2017 SHAW GARAGE LP	198744	31,282.00	0	1	
3001 E 12 ST TX 78702	2017 PERRY TRACT LP	198770	6,806.00	0	1	
2804 SOL WILSON AVE	2017 HOBES LP	198745	11,690.00	0	1	
2600 ROSEWOOD AVE TX 78702	2016 WOLVERINE WAY LP	197696	14,000.00	3142	1	
2526 ROSEWOOD AVE TX 78702	2016 WOLVERINE WAY LP	476448	9,000.00	0	1	
2522 ROSEWOOD AVE TX 78702	2022 KIT WAY LAND LP	197697	9,000.00	0	1	
2518 ROSEWOOD AVE TX 78702	2022 KIT WAY LAND LP	197698	14,250.00	0	1	
N/A	2016 KB AROUND THE BLOCK LP	198762	1,794.00	0	1	
2935 E 12 ST TX 78702	2021 12TH COMMUNITY COMMERCIAL LP	198768	21,760.00	0	1	
2, 2614, 2616 SOL WILSON AVE TX 78702	2017 WATERMELON LP	198789	21,638.03	1732		1
2943 E 12 ST TX 78702	2019 TAYLOR LP	198743	43,342.20	1849	1	
2949 E 12 ST TX 78702	2017 PINK PANTHER LP	198767	4,408.50	0	1	
2949 E 12 ST TX 78702	2017 PINK PANTHER LP	198766	4,118.00	0	1	
1708 SOL WILSON AVE TX 78702	2017 PINK PANTHER LP	198760	9,402.00	0	1	
2529 SOL WILSON AVE TX 78702	2017 PIRATE BOOTY LP	198790	5,000.00	0	1	
2525 SOL WILSON AVE TX 78702	PENGUIN PARK LP	198789	5,000.00	0	1	
2521 SOL WILSON AVE TX 78702	2018 LAND FUND I EAST AUSTIN LP	198788	6,375.00	0	1	
905 MAC CLAIN ST TX 78702	2018 LAND FUND I EAST AUSTIN LP	198787	6,375.00	0	1	
1194 AIRPORT BLVD TX 78702	2021 END OF AIRPORT LP	198916	16204	1444	1	
1164 RIDGEWAY DR TX 78702	2021 RIDGEWAY LAND LP	198810	6,610.00	0	1	
3021 E 12 ST TX 78702	2016 AARDVARK PARK LP	198773	23,870.88	0	1	
			678213.97	18765	21	6
			Total Land Sqft	Total Structure Sqft	vacant properties	abandoned properties
			678,214	18,765	21	6
						2
					0	11873
						2855
						2305
						1792
						18765
Eureka in McKinley Heights						

Address	Entity	FID	Acquisition Date
3010 E 12 ST TX 78702	2016 GRIZLEY LP	200604	3/30/2021
2920 E 12 ST TX 78702	2017 KERMIT LP	200600	9/12/2017
2916 E 12 ST TX 78702	2016 CAPTAIN JACKSON LP	200602	12/19/2016
2910 E 12 ST TX 78702	2017 CALVIN LP	200594	2/16/2018
2906 E 12 ST TX 78702	2016 GORILLA GROUNDS LP	200596	12/27/2016
2904 E 12 ST TX 78702	2021 EAST 11 HOUSING ACQUISITION LP	200597	3/30/2021
2902 E 12 ST TX 78702	2017 HAMBONE LP	200598	8/24/2017
2925 E 13 ST TX 78702	2017 GARFIELD LP	200654	6/9/2017
3023 E 13 ST TX 78702	2017 HAMBURGLAR LP	200796	7/12/2017

**Meredith, Maureen**

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**To:** Jane Rivera; Haynes, Adam - BC; Woods, Alice - BC; Azhar, Awais - BC; Maxwell, Felicity - BC; 'Grayson Cox'; Anderson, Greg - BC; Mushtaler, Jennifer - BC; Thompson, Jeffrey - BC; 'Joao Connolly'; 'Patrick Howell'; Shaw, Todd - BC; 'Yvette Flores'  
**Subject:** RE: NPA-2022-0008.1 and C14 2022-0150 re 3117 and 3121 E. 12th Street

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**From:** Jane Rivera

**Sent:** Tuesday, May 23, 2023 3:21 PM

**To:** Haynes, Adam - BC <BC-Adam.Haynes@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Maxwell, Felicity - BC <BC-Felicity.Maxwell@austintexas.gov>; 'Grayson Cox' <bc-grayson.cos@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Thompson, Jeffrey - BC <bc-Jeffrey.Thompson@austintexas.gov>; 'Joao Connolly' <bc-joao.commolly@ausintexas.gov>; 'Patrick Howell' <bc-patrick.howell@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; 'Yvette Flores' <yvette.flores@austintexasgov>

**Cc:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Subject:** NPA-2022-0008.1 and C14 2022-0150 re 3117 and 3121 E. 12th Street

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Dear Commissioners:

The Rosewood Neighborhood Contact Team held a special meeting March 29, 2023 to discuss the above item regarding 3117 and 3121 E. 12<sup>th</sup> Street. I advised you on April 6, 2023 of the Contact Team's decision to oppose those changes. This email is to provide you more detail on the reasons why we oppose the changes, and to request your support.

Our members appreciate the developer's idea of combined retail/commercial with multi-family housing in the same project. However, we have a serious concern about making a change to the Rosewood Neighborhood Plan. As we advised you in April, the change requested would remove the height restricted overlay. There is another property on East Twelfth Street which accomplished the same goals without requiring a change to our plan.

I was a member of the neighborhood team that worked with the City of Austin planning staff to develop the small area plan for Rosewood in 1999. At that time, the six neighborhoods that were combined to become the Rosewood Neighborhood Planning Area consisted primarily of single family homes. These homes were mostly modest in size and often on small lots. We also had multi-family housing for lower income residents. We did have some public use areas in Rosewood, including City of Austin parkland, a senior activity center, and a vehicle maintenance yard; a number of churches and their educational and community facilities; and few retail or commercial facilities. We approved future development in sites we suggested should become Virtual Mixed Use (VMU), but we encourage in-fill development on vacant lots at the zoning that was in place at the time of the plan's approval. Our plan was approved by City Council in 2001.

In 2023, Rosewood is still primarily a single family community; we do have one additional multi-family complex with four retail units on the ground floor that was planned for in the 2001 plan. We strongly believe that our plan has stood the test of time, and are not persuaded that it needs to be changed.

Also, as we understand it, if we were to approve removing the overlay on these properties to permit greater height, that action would remove the overlay not only from the noted properties, but also from all properties on East Twelfth

Street that are currently covered by the height restricted overlay. We cannot in good conscience approve a change that would apply to properties that may not even be inside the Rosewood Neighborhood Plan boundaries.

Therefore, we voted to support the most directly affected neighborhood, Homewood Heights, in opposing the proposed neighborhood plan amendment, and we implore and urge you to do the same.

Sincerely,

Jane Rivera, Chair  
Rosewood Neighborhood Planning Area

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**Meredith, Maureen**

**To:** scgershon@ [REDACTED] Tomko, Jonathan; homewoodheightsneighborhood@ [REDACTED]  
**Cc:** Connolly, Joao - BC; Cox, Grayson - BC; Howard, Patrick - BC; Cohen, Jessica - BC; Anderson, Greg - BC; Maxwell, Felicity - BC; Azhar, Awais - BC; Ramirez, Nadia - BC; Mushtaler, Jennifer - BC; Hempel, Claire - BC; Shaw, Todd - BC; Woods, Alice - BC; Haynes, Adam - BC; Singh, Arati - BC  
**Subject:** RE: CASE: C14-2022-0150 / CASE#: NPA-2022-0008.01 3117-3121 E. 12th Street

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**From:** scgershon@  
**Sent:** Tuesday, May 23, 2023 1:36 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; homewoodheightsneighborhood@ [REDACTED]  
**Cc:** Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Cohen, Jessica - BC <BC-Jessica.Cohen@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Maxwell, Felicity - BC <BC-Felicity.Maxwell@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Haynes, Adam - BC <BC-Adam.Haynes@austintexas.gov>; Singh, Arati - BC <BC-Arati.Singh@austintexas.gov>  
**Subject:** CASE: C14-2022-0150 / CASE#: NPA-2022-0008.01 3117-3121 E. 12th Street

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I oppose the request to change the zoning and amend the Rosewood Neighborhood Plan to remove the 40 foot height restriction. Our neighbors and broad community carefully put together this wise plan to develop the neighborhood appropriately and protect the residents who live here. The developer has shown no willingness to consider the neighbors or consider the impact on our community.

Without evidence that they have a plan to first protect our residents and second to improve our lives in this community, neither the applicant nor any other developer should be allowed more enhanced entitlements or amendments to make money at our expense.

For the city to green-light such a proposal simply because an expensive lawyer asks would be the exact opposite of the reason for careful planning that the city encouraged and approved, and that goes against the rights of our community.

The current zoning on this land adequately provides for something to be built here that brings jobs, services and improvement to our area that will enhance balanced development. There are already places built under the current required zoning. Why should we allow a change without any guarantees to the neighborhood, let alone any plans to demonstrate the theoretical gains they promise but never have to build.

This commission has a duty to current homeowners and residents to protect our ability to remain in our neighborhood and to refuse this attempt to raise profits at the expense of our taxes and displacement.

Thank you.

Stephen Gershon  
Resident and voter

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**Meredith, Maureen**

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**To:** Amber Orr; Tomko, Jonathan; Homewood Heights Neighborhood Association President  
**Subject:** RE: CASE: C14-2022-0150 CASE: NPA-2022-0008.01

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**From:** Amber Orr <  
**Sent:** Tuesday, May 23, 2023 1:15 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Homewood Heights Neighborhood Association President <  
**Subject:** CASE: C14-2022-0150 CASE: NPA-2022-0008.01

RE: CASE: C14-2022-0150  
CASE: NPA-2022-0008.01  
3117-3121 E. 12th Street

I oppose any amendment of the requirements of the Rosewood Neighborhood Plan for the parcels located at 3117 and 3121 E. 12th Street. I oppose any development higher than the 40 feet specified and I oppose any changes to the current zoning of the parcels. The onus should be placed squarely on the shoulders of the applicant to provide a plan that specifically grants protection and compatibility for this site with guarantees to the community in which it sits and serves. We already have a workable plan. Why would we allow anyone to amend it without a promise to develop something specific that serves the community?

Our neighborhood wants to grow and welcome new developers to build buildings and services that preserve the residents and character of our neighborhood. To those ends neighbors empowered community leaders to engage with the city to develop a broad and thoughtful plan to designate parcels of land in balanced relation to the needs of our community.

In fact, as opposed to the way it has been negligently characterized in the staff documents, *the Rosewood Neighborhood Plan IS the City of Austin Zoning Plan*. This plan is progressive and predicted our need for growth and development according to the terms the city not only agreed with, but also adopted. Rather than being an old document made irrelevant based on growth or Austin's revisioning, the Rosewood Neighborhood Plan had the foresight to include exactly the type of criteria that city is using now to imagine future land use. It is amended as the city amends things, like the Oak Springs corridor and in fact, the neighborhood carefully considered it again with regard to this very proposal and unanimously voted to uphold it.

We know that it is relevant and that it works because we can already see building in our neighborhood under current zoning entitlements that reflect balanced development. Our neighborhood hold quite a few lots where the theoretical proposal of the applicant could be built today under the current zoning. Appropriate, compatible development is the very reason we look to any zoning at all.

But now the city is evaluating a request by a developer to build beyond the entitlements already predicted in the codified neighborhood plan. In addition to arguing that they know the needs of the city and community better than the Neighborhood authors of our carefully crafted plan, the applicant lawyer wants to *amend* the Rosewood Neighborhood Plan to delete restrictions so they get upzoning to what they know will maximize their clients profits by allowing developers to build higher and make more money on a piece of property they bought and in all likelihood will resell for a hefty profit. Residents and former residents here already know all too well that allowing for this change in characterization will result in more expensive dirt and higher taxes jeopardizing home ownership and zero benefit to the very residents it will displace if we don't point out how it is inconsistent with *sustaining* our community.

Furthermore, coming into this area to reauthor the Neighborhood's plan and press profit under the guise of cleaning up zoning and bringing eight imaginary affordable units at best *ignores* the history of east Austin and attempts to use notions of density and compatible use of land against a neighborhood that has already been unjustly burdened and damaged by years of racist allocation. East Austin already has multiple new housing units of different varieties, is one of the most dense areas of what are deemed deeply affordable units and vacant lots already zoned to allow for affordable residential units.

What we need are appropriate commercial services that serve the needs of residents and provide affordable housing for families and residents that preserve the character and history of Rosewood, Homewood Heights, East 12th Street and East Austin. This is one of only a few parcels kept commercial in the plan and may have purposefully been designated that way in order to preserve an opportunity for a purely commercial space that brings services and job opportunities within reach of residents. If zoning a parcel for commercial use is deemed incompatible with residential neighbors then how can the community ever leverage any development of a real grocery store or community meeting space or hair salon or restaurant or any anticipated walkable benefits? Does that not make this lot crucial to the longevity and walkability and quality of this entire corridor?

Confounding the issue of cleaning up zoning and removing a height restriction is an attempt to cater to the interests of outside investors whose sole intent is to profit off of our community without any consideration of it's character or current residents or taxpayer constituents. The applicant has exhibited an unwillingness to engage the stakeholders who will be directly impacted by the changes to zoning and especially amending the height restriction to allow 60-90 feet buildings along E 12th and other streets next to and across from single family homes simply because they are deemed to be nearby a busy road or the city has added bus stops.

The notion that we are under pressure to add residential or developmental density is one that mischaracterizes this community. We already have more new housing density than other zip codes across Austin. Residents are building ADUs and lots are no longer redeveloped as single family homes but duplexes and up.

Changing zoning at the whim of an applicant results in unjust and irreversible harm to the community that cannot be allowed to continue. There is nothing but zoning and community engagement to stop someone from buying parcels, rezoning them and reselling them for a massive profit or holding them undeveloped resulting in blight. These parcels are currently being used for commercial services right now.

I am a resident and constituent that votes in this area. I call on the planning commission to deny amendments to the Rosewood Neighborhood Plan and the current zoning contained therein.

Amber Orr  
Homewood Heights Resident

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**Meredith, Maureen**

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**To:** Scott Collier; Tomko, Jonathan  
**Cc:** Homewood Heights  
**Subject:** RE: CASE: C14-2022-0150 CASE#: NPA-2022-0008.01 3117-3121 E. 12th Street

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**From:** Scott Collier  
**Sent:** Tuesday, May 23, 2023 12:58 PM  
**To:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Homewood Heights <  
**Subject:** Fwd: CASE: C14-2022-0150 CASE#: NPA-2022-0008.01 3117-3121 E. 12th Street

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Dear Commissioners and Staff,

I am writing to express opposition to two items before the Austin Planning Commission today 5/23/2023 as follows:

Agenda item 7. CASE: NPA-2022-0008.01 amendment to the Rosewood Neighborhood Plan.

Agenda item 8. CASE: C14-2022-0150 a change to zoning and

I am asking the Commission to disapprove these items because they impose drastic changes to the Rosewood Neighborhood Plan ("Rosewood NP" as linked below) and allow for irresponsible development for uses not compatible with the surrounding primarily residential area where I live as a property owner. The Rosewood NP was thoughtfully drafted and adopted after hundreds of volunteer hours of conversation and deliberation by long-term residents of our community working with City of Austin leaders. The Rosewood NP allows for significant infill development, and the current 40-foot height restriction permits neighborhood appropriate 3-story development that would provide high density residential and mixed use developments, several of which have been successfully built in recent years. To suddenly overwrite this plan with so little input from those of us in the impacted residential community would be reckless. Furthermore, the applicant for these changes has been vague and evasive about plans for development should their requests be granted, admitting that they have engaged no architect to design anything, and preserving their right to flip the real estate to another owner after they get these valuable zoning changes and neighborhood plan amendments. There is no good reason to grant their requests as there are already financially lucrative ways to develop on this land given the existing zoning and height restrictions, and there are serious warning flags that to grant the requests would be an irresponsible decision that generates wealth for real estate speculators to the detriment of the surrounding community. **The current zoning and conditional overlay are adequate and reflect a sensible balance of community interest and developer interest.**

To be clear, I am not expressing NIMBY opposition to development on these or other vacant parcels in the area. I would like to see development in our neighborhood that adds amenities and housing, but in a way that respects the character and history. The Eastside has long been impacted by gentrification and leaves evidence of those who benefited from but did not add to the evolution of this special community. The proposed changes do not support thoughtful development and instead incentivize expensive housing that greatly changes the physical character of the neighborhood, increases traffic, and developer profit.

Sincerely  
Scott Collier, 2803 Sol Wilson, Austin, Texas 78702

References:

Rosewood Neighborhood Plan:

[https://www.austintexas.gov/sites/default/files/files/Housing\\_and\\_Planning/Adopted%20Neighborhood%20Planning%20Areas/25\\_Rosewood/rosewood-np.pdf](https://www.austintexas.gov/sites/default/files/files/Housing_and_Planning/Adopted%20Neighborhood%20Planning%20Areas/25_Rosewood/rosewood-np.pdf)

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**Meredith, Maureen**

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**To:** Emma Horvath; Tomko, Jonathan; Homewood Heights Neighborhood Association President  
**Subject:** RE: SUBJECT: CASE: C14-2022-0150 CASE#: NPA-2022-0008.01 3117-3121 E. 12th Street

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**From:** Emma Horvath  
**Sent:** Tuesday, May 23, 2023 11:58 AM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Homewood Heights Neighborhood Association President <homewoodheightsneighborhood@gmail.com>  
**Subject:** SUBJECT: CASE: C14-2022-0150 CASE#: NPA-2022-0008.01 3117-3121 E. 12th Street

I - Exercise Caution \*\*\*

Hello,

I am a resident and constituent that votes in the Homewood Heights area. I am writing to oppose the request to change the zoning and amend the Rosewood Neighborhood Plan to remove the 40 foot Height restriction.

Our neighborhood wants to grow and welcome new developers to build buildings and services to preserve the character of our neighborhood. To those ends, neighbors empowered community leaders to engage with the city to develop a broad and thoughtful plan to designate parcels of land in balanced relation to the needs of our community. This plan is progressive and predicted our need for growth and development according to the terms the city agreed with. We can see building in our neighborhood under current zoning entitlements that resulted in positive, balanced development. But now the city is evaluating a request by a developer to build beyond the entitlements already predicted in the codified plan. In fact, in addition to arguing that they know the needs of the city and community better than the Neighborhood authors of the our carefully crafted plan, the applicant lawyer wants to amend the Rosewood Neighborhood Plan to delete restrictions so they get permission to build higher. Specifically, Whellan's application to strip the conditional overlay in the original neighborhood plan is essentially a request to rewrite our community's plan so that it suits a developer's undesigned theoretical building. And it is fully theoretical. His team provided no specific information to the community and offered no community benefits.

This commission has a duty to current homeowners and residents to protect our ability to remain in our neighborhood. In line with that duty, I call on the planning commission to deny amendments to the Rosewood Neighborhood Plan and the current zoning contained therein.

Note - Our neighborhood president, Christopher Page, has written a more extensive report that I fully agree with. In case more evidence and detail is needed to back my opposition, please reference his submission.

Emma Horvath  
Resident of Homewood Heights

Sent via [Superhuman](#)

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**Meredith, Maureen**

---

**To:** Mary; Tomko, Jonathan; homewoodheightsneighborhood [REDACTED]  
**Subject:** RE: 3117-3121 E. 12th Street

-----Original Message-----

From: Mary  
Sent: Tuesday, May 23, 2023 11:57 AM  
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; homewoodheightsneighborhood@ [REDACTED]  
Subject: 3117-3121 E. 12th Street

RE: CASE: C14-2022-0150  
CASE: NPA-2022-0008.01  
3117-3121 E. 12th Street

Dear Commissioners,

I oppose the request to change the zoning and amend the Rosewood Neighborhood Plan to remove the 40 foot Height restriction.

We already have a Rosewood Neighborhood Plan that imagined what we need in our community. That plan has been reviewed by our community and still reflects what we want and need here. The developer has shown no willingness to consider the neighbors or consider the impact on our community.

Why would the city allow anyone to walk up and undo what they accepted and what the neighborhood wants and needs?

There are already places built under the current required zoning. Why should we allow a change without any guarantees to the neighborhood let alone any plans to demonstrate the gains they promise but never have to build?

This commission has a duty to current homeowners and residents to protect our ability to remain in our neighborhood and to refuse this attempt to raise profits at the expense of our taxes and displacement.

Mary Hill  
Homewood Heights Resident

Sent from Austin, Tx. Y'all.

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**Meredith, Maureen**

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**To:** Chelsea Brooks  
**Cc:** Tomko, Jonathan; homewoodheightsneighborhood@ [REDACTED]  
**Subject:** RE: Resident Opposing Items 7 and 8 on Planning Commission Agenda - 5/23

---

**From:** Chelsea Brooks  
**Sent:** Tuesday, May 23, 2023 9:31 AM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; homewoodheightsneighborhood@ [REDACTED]  
**Subject:** Resident Opposing Items 7 and 8 on Planning Commission Agenda - 5/23

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Planning Commissioners,

As a resident who will be directly affected by the developer's request, I strongly oppose items 7 and 8 for several crucial reasons:

1. **Developer Acquisition:** In 2022, the Geyser Group, along with undisclosed silent partners, purchased the properties at 3121 and 3117 E 12th Street. Since then, they have been pushing for higher entitlements, showing little regard for our community's well-being.
2. **Rosewood Neighborhood Plan Amendment:** The developer's request involves amending the Rosewood Neighborhood Plan, specifically by eliminating a 40ft conditional overlay from their site. This conditional overlay was carefully implemented to ensure compatibility with residential environments, and removing it would jeopardize the character and livability of our community.
3. **Disregard for Community Input:** The developer's actions have demonstrated a blatant disregard for community feedback. Despite thorough discussions and unanimous opposition from residents, their requests have been pushed forward, completely ignoring our concerns and preferences.
4. **Historical Significance:** The Rosewood Neighborhood Plan was meticulously crafted by residents and adopted by the city in 2002. It aimed to rectify the discriminatory zoning practices of the past, promoting a compact, inclusive, and walkable community. The proposed changes by the developer would undermine the achievements of our neighborhood plan and rewrite our community's vision to solely serve their profit-driven interests.
5. **Traffic Hazards:** Granting the requested entitlements would lead to an overwhelming increase in traffic on 12th Street, a predominantly residential area. The current scale of development is already straining our streets, and doubling the allowed height without effective traffic calming measures would pose serious safety risks to residents. Numerous accidents have already occurred due to the existing traffic issues.
6. **Successful Implementation of Rosewood Neighborhood Plan:** The Rosewood Neighborhood Plan has proven its effectiveness in addressing affordability and housing access challenges. It has facilitated the construction of both market-rate and deeply affordable housing, promoting diversity and balanced development. The plan has been ahead of its time since 2002, and there is no need for drastic amendments.
7. **Speculative Motives:** The developer's intentions appear driven by speculative motives rather than genuine concern for our community. Their disregard for our neighborhood's unique history and needs, along with their failure to provide any community benefits, raises questions about their true intentions and the potential exploitation of our neighborhood for their own gain.

8. **Negative Market Effects:** Studies on upzoning have highlighted negative consequences, such as increased property values and the displacement of existing residents. The market has become flooded with speculative investors, driving up property prices and further exacerbating affordability challenges. Allowing the requested entitlement changes would only exacerbate this issue.

As a resident directly impacted by these proposed changes, I implore decision-makers to prioritize our community's well-being, respect our neighborhood plan, and reject items 7 and 8. Our neighborhood's character, safety, and inclusivity are at stake, and it is crucial that our voices are heard and respected.

Thank you,  
Chelsea Brooks

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**Meredith, Maureen**

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**To:** Daniel Wells  
**Cc:** Tomko, Jonathan; homewoodheightsneighborhood@gmail.com  
**Subject:** RE: Resident against item 7 and item 8 on the planning commission agenda - 5/23

---

**From:** Daniel Wells  
**Sent:** Tuesday, May 23, 2023 7:50 AM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; homewoodheightsneighborhood@gmail.com  
**Subject:** Resident against item 7 and item 8 on the planning commission agenda - 5/23

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Planning commissioners,

I am a resident of the Homewood Heights neighborhood and would like to voice my opposition to item 7 and 8 on tonight's planning commission agenda.

Please see the attached document for the justification for our opposition. We do not want to see this change to the Rosewood neighborhood plan and strongly oppose allowing 90ft tall buildings.

Thank you for your time and consideration,

Daniel Wells

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In 2022, a developer called Geyser Group purchased 3121 & 3117 E 12th Street. They're operating through Horizontal Investors LP with unnamed silent partners. They hired Michael Whellan, of Armbrust & Brown to seek higher entitlements immediately after acquiring the properties.

**Zoning and Neighborhood Plan Amendment**

The uncontroversial part of Whellan's request is for uniform zoning across 3121 and 3117 E 12<sup>th</sup> (CS-MU-V-CO-NP [commercial service, mixed use, vertical, with a conditional overlay from the neighborhood plan]). The controversial part is Whellan's parallel request to amend the Rosewood Neighborhood Plan to eliminate a 40ft conditional overlay from their site.

Whellan's zoning application requests:

"**CS-General Commercial Services district** is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. **MU-Mixed Use combining district** is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. **V-Vertical Mixed Use Building (V) combining district** may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. **CO- Conditional Overlay combining district** may be applied by requiring standards tailored to individual properties. **NP- Neighborhood Plan district** denotes a tract located within the boundaries of an adopted neighborhood plan.

Whellan's parallel NPA requests is to delete the component that makes his zoning application appear uncontroversial (CO-NP). ~~CO-NP~~ reverts land use to what the city itself defines as "incompatible with residential environments." The proposed zoning without the conditional overlay sets a base height of 60ft, allowed to increase by right to 90ft without residential compatibility via the VMU2 Ordinance adopted by the city in 2022.

The applicant seems ignorant to the meaning of our community's conditional overlay. My understanding of the history of the Rosewood Neighborhood Plan, informed by lifelong residents and the documents authors, is as follows:

After Austin formally segregated the city in 1928 it mixed very intense land use into East Austin neighborhoods, particularly after the 1957 Industrial Overlay. Land use under the 1957 Industrial Overlay inappropriately positioned nuisance generating, high traffic, polluting, and industrial land uses directly next to families' homes. Over time, those proximate but incompatible land uses were enshrined in the city's zoning maps. After almost two years of effort and advocacy, residents from the Rosewood Neighborhood Contact Team successfully drafted their own neighborhood plan, adopted by the city in 2002 as an ordinance. It envisioned the compact, complete, walkable, inclusive community that the city is still trying to get other neighborhoods to catch up to today. One of its achievements was undoing incompatible land uses created by decades of discriminatory zoning, by establishing a residential scale of 40ft.

Whellan's application to strip that conditional overlay is essentially a request to rewrite our community's plan so that it suits a developer's undesigned theoretical building. And it is fully theoretical. His team provided no specific information to the community and offered no community benefits. Also, his paperwork blankly lists 110 theoretical units for the property, indicating no interest in multi-bedroom units for families.

#### **Community Opposition to the Developer's Application**

Current residents have thoroughly considered and oppose the developer's request to remove the conditional overlay. Residents met with Whellan's team and thoroughly discussed the case. All community feedback was ignored. At the Homewood Heights Neighborhood Association's April 2023 meeting, members voted unanimously in opposition to the removal of the conditional overlay. At a special called meeting of the Rosewood Neighborhood Contact Team, all voted in opposition, with one abstention.

#### **Achievements of the Rosewood Neighborhood Plan**

The Rosewood Neighborhood plan undoes discriminatory base zoning, allows small lot amnesty, incorporates vertical mixed use, provided for literally millions of square feet of land for Austin's most financially vulnerable residents, and prioritized *balanced* infill development. The 2020 Census confirms that the neighborhoods within in the Rosewood Neighborhood Plan are racially, economically, and even architecturally diverse.

The city's adoption of The Rosewood Neighborhood Plan also gave *our community* the right to come together, review, and amend our Rosewood Neighborhood Plan. This is the opposite of that. The imbalance that Whellan's advocating for has never been sought by our community, and through official votes at neighborhood meetings residents have expressed undivided opposition.

#### **Traffic Hazard**

90ft scale is dysfunctional and unrepeatable in our community. 12<sup>th</sup> Street is a two-lane residential collector street lined with single family homes and residential-scaled multifamily and retail. More than doubling the scale of what's allowed will overwhelm purely residential streets in McKinley Heights and Homewood Heights with cut-through traffic. This would be particularly dangerous in Homewood Heights, where 3 streets leading to 12<sup>th</sup> Street were thoughtlessly eliminated (Harvey Street was vacated south of 12<sup>th</sup> St., Summers St. has been illegally fenced off, and an unofficial street at 3009 E 12<sup>th</sup> St. was legally fenced off).

Today, there's more than three times the reasonable traffic load, plus multifamily traffic to Elm Ridge Apartments, and cut-through traffic from drivers avoiding lights on Airport Blvd – all overwhelming a residential street without effective traffic calming measures (Oak Grove Ave on north, and Ridgeway Drive on the south). Multiple vehicle strikes have been

witnessed and documented by residents. The list of anecdotal near-misses is too long to include. Consider, too, that these hazards exist already, when most of the entitlements on 12<sup>th</sup> Street haven't even materialized.

**Entitlements Under the Rosewood Neighborhood Plan**

It's clear that Austin as a whole is plagued with challenges of affordability and access to housing. The Rosewood Neighborhood Plan has done nothing but solve those challenges since its inception.

Under the current Rosewood Neighborhood Plan market-rate, deeply affordable, and permanent supportive housing apartments have been constructed, both recently and in the past. Multiple developers have successfully built apartment buildings with ground floor retail under the current Rosewood Neighborhood Plan (2931 E 12<sup>th</sup> Street, 3007 E 12<sup>th</sup>). Numerous vacant sites on 12<sup>th</sup> Street, including 3117 & 3121 E 12<sup>th</sup> Street, allow the construction of new multifamily apartments and retail *today*. The Rosewood Neighborhood Plan works, and as noted above it was more progressive in 2002 than most neighborhoods are in 2023.

Application of the 12<sup>th</sup> Street conditional overlay was deliberate and narrowly tailored. The conditional overlay was not applied to properties with frontage on Airport Blvd, which was designed to facilitate a fundamentally different volume of people, commerce, and vehicles. On Airport Blvd, our neighborhood has a 130 unit deeply affordable multifamily site (1190 Airport Blvd). North of that is an empty site with no conditional overlay that Horizontal Investors must have overlooked. Go figure.

In 2022, Horizontal Investors understood the exact entitlements they purchased at 3121 and 3117 E 12<sup>th</sup>. They gambled that Whellan could stigmatize East Austin neighborhoods, exploit Austin's affordability problems (fueled mostly by other parts of the city), and lean on candidates they financially backed to extract more value than they paid for. We're literally listening to a boutique lawyer, hired by a couple that sold their company for \$280million, suggesting that East Austin is exclusionary, because they want their theoretical building more theoretically profitable, so that they can (in their own words) "stretch [their] influence further."

It's also plausible that this case is nothing more than a pretext for changing the entitlements on speculator-owned properties along 12<sup>th</sup> Street, owned by Whellan's other client. Geyser Group does not list the subject properties on its website. And the subject properties are roughly bookended by properties owned by the speculator and the Austin Housing Finance Corporation (1196 Airport Blvd to 3021 E 12<sup>th</sup> Street).

**Development Under the Rosewood Neighborhood Plan**

An inventory of land use in our area shows that a speculative property buyer recently acquired 34 properties in the Homewood Heights Neighborhood (and another 9 properties in McKinley Heights). Of the properties in Homewood Heights, 21 parcels are vacant dirt, 6 more contain abandoned structures, and 4 are unimproved and selling alcohol. This is easily the largest barrier to new infill development, new multifamily housing, and the retail needs of our community. As stated previously, Whellan represents the owner of all those properties.

Whellan insists the Rosewood Neighborhood Plan must be amended to allow for the creation of affordable housing. That's untrue. His client is free to build affordable housing immediately at the scale established by the neighborhood. That would only add to the affordable housing our community already constructed at 3005 E 12<sup>th</sup> (New Milestones Foundation), 1190 Airport Blvd (Elm Ridge Apartments), 3000 Oak Springs (Terraces at Oak Springs PSH), 905 Bedford (Booker T Washington Terraces), 3107 E 12<sup>th</sup> (Anderson Village), 3001 Oak Springs (Oak Springs Villas Apartments), 1165 Airport Blvd (Integral Care PES), 2504 New York Drive (Mt. Carmel Apartments). Those properties are within a quarter mile radius and contain over 2 million square feet of land.

In addition to our numerous deeply affordable multifamily sites, most single-family homes in the neighborhood that can afford and physically accommodate an ADU have done so. New construction on single family lots is often a two-plex or four-plex.

**Upzoning Study**

A senior Research Associate at the Urban Institute in Washington D.C., with a PhD in City Planning from MIT, Masters in City Planning from MIT, Masters of Science in Transportation from MIT, and BA in Architecture and Urban Studies from Yale, published a relevant study on upzoning in 2019. <https://yonahfreemark.com/wp-content/uploads/2019/01/Freemark-Upzoning-Chicago.pdf>

Freemark writes:

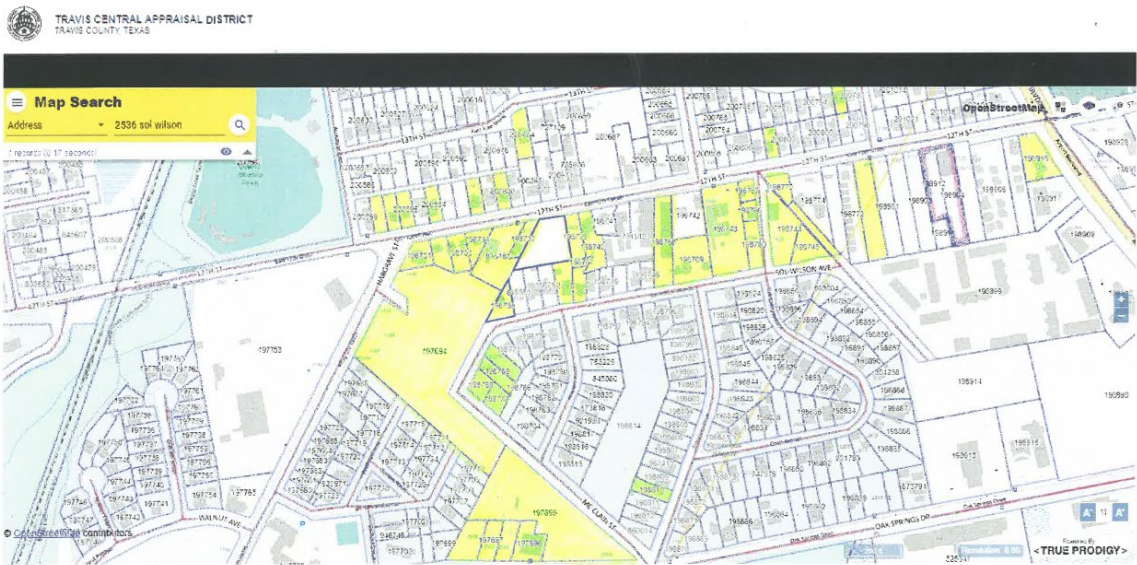
This study's key contribution is evaluating how the property market responds on the specific parcels where upzoning occurs. ... On the *specific parcels where upzoning occurs*, costs appear to go up for individual housing units. ... [N]o short-term impact on permit volume for new housing units. But I also find no medium-term effect—over five years—on construction permitting, a surprising result given commonly held expectations about how upzonings work. ... If the product of upzoning is no change in construction levels but increases in property transaction values, including for some existing housing units, this policy may have some negative consequences in upzoned neighborhoods that rapidly become more expensive. For a scholarly community generally focused on improving affordability in the *regional* housing market through additional housing supply, this poses a challenge that requires further consideration of the varying, and potentially contradictory, impacts of upzoning. ... For those hoping to address affordability, they may need to look for other solutions (Freemark 2019).

Freemark also cites previous studies with similar findings:

High levels of allowed construction produced property speculation on land in cities like Los Angeles in the early twentieth century (Weiss 1987).

Angotti (2016) suggests that upzoning in New York was associated with higher property values, pricing out existing residents (Angotti 2016).

The research is directly relevant to what's occurring in our neighborhood. Entitlement changes, and even the prospect of entitlement changes, have created a frothy market packed with unproductive speculators.



**Meredith, Maureen**

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**To:** Jenny Grayson; Tomko, Jonathan  
**Subject:** RE: Voting against C14-2022-0150 - 3117-3121 E 12th St

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**From:** Jenny Grayson  
**Sent:** Monday, May 22, 2023 5:32 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>  
**Subject:** Voting against C14-2022-0150 - 3117-3121 E 12th St

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

Hello,

I'm emailing you to oppose the requested zoning change for 3117 and 3121 E 12th Street.

Please see my letter below.

I have lived in McKinley Heights since 2010 and currently serve as the neighborhood president. I strongly oppose removing the conditional overlay from the Rosewood Neighborhood Plan. When I was looking for my long-term home, I considered the neighborhoods, their neighborhood plans for growth and development, traffic, public transportation, greenery, thoroughfares and more. One of the reasons why I moved to McKinley Heights was the progressive, thoughtful community plan known as the Rosewood Neighborhood Plan which was adopted by our city council in 2002.

The Rosewood Neighborhood Plan was designed with the goal of making East Austin affordable, walkable, shoppable, inclusive and scalable. Working under this plan and with the neighborhoods, a number of mixed-use businesses have successfully built to scale (up to 40 feet), rented or sold their housing units and have rented out business space on the first floor. I believe this is a replicable, scalable plan for our neighborhood, as did our city council when it approved and adopted the neighborhood plan. I encourage the planning commission to respect the homeowners wishes and not allow the conditional overlay to be removed. Doing so would set a dangerous precedent for developments to build up to 90 foot buildings all along 12<sup>th</sup> street – a 2 lane street that cannot accommodate the influx of traffic of all forms (pedestrian, bike, bus, and cars) that would accompany such large buildings.

Their rezoning petition requests CS-MU-V-CO-NP. Importantly, the city defines the code CS – or commercial service district - as being “intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic services generally incompatible with residential environment.” Even in the city’s own words, you all agree that a “CS” code, or a commercial services code is incompatible with a residential environment, and 3117 and 3121 E 12<sup>th</sup> Street are surrounded by residential plots and neighbors. This land is in the middle of a neighborhood.

When the investors purchased 3117 and 3121 E 12<sup>th</sup> Street, they were aware of the Rosewood Neighborhood Plan and the conditions under which they could operate. They understood the conditional overlay capped building height at 40 feet, and they chose to purchase that property. Please make them adhere to our neighborhood plan just as you would any other resident in Rosewood area. This plan is in place for a reason, and having a commercial service in the middle of two neighborhoods is not safe and does not make sense.

In the Homewood Heights and McKinley Heights neighborhoods, a minimum of 43 properties are now owned by a single investment firm. At least half – or 23 - of those properties sit vacant and 6 are abandoned. This is not a request for a single landowner to remove a conditional overlay for building height. This is an organized takeover of the east side by large investment firms with lots of money and lots of time to wait. Wait for their property value to increase so they can flip it for a profit. Wait for East Austin residents to die so they can acquire more land. Wait for East Austin residents to get fed up and abandon their homes because we no longer live in a neighborhood – The removal of this conditional overlay will mean up to 90 foot buildings for all these properties along 12<sup>th</sup> street. As stated previously, more than half of the lots owned by a large developer in East Austin sit vacant and have for years. The conditional overlay is not preventing developers from building. Their desire to remove zoning, increase their property value, scoop up more properties in east Austin and leave them vacant to sell at a later date when their property value increases substantially is the source for their request. Please do not remove the conditional overlay!

12<sup>th</sup> Street is a two lane street – one lane in each direction – with bike lanes and recently added sidewalks. With the growth in Austin, residents are experiencing dangerous cars cutting through neighborhoods to avoid major throughfare traffic. For years, residents of McKinley Heights have been petitioning the city for speed bumps on Harvey Street, but apparently our streets aren’t unsafe enough to warrant an intervention. Cars cut dangerously through our neighborhood, from MLK Blvd to 12<sup>th</sup> Street or vice versa to avoid the congestion on Airport Blvd, speeding in excess of 40 mph, damaging vehicles, not slowing for pedestrians, and damaging the safety of our neighborhood psyche.

12<sup>th</sup> street at 5 PM is a nightmare. People heading from downtown use 12<sup>th</sup> Street to connect to Airport Blvd and then 183. The increased traffic flow is already straining the current infrastructure, and there’s no way to increase traffic flow on 12<sup>th</sup> street without knocking down homes. How will this already congested area hold an additional 110 residential units in such a small space. And please be aware that the 90 foot buildings won’t be limited to these two

lots. Every lot on 12<sup>th</sup> street has the potential to build up to 90 feet if this conditional overlay is removed. This is not scalable and not appropriate for a neighborhood.

Most units in this proposed hypothetical building will have multiple cars per household. If you're hoping residents of this proposed development will use public transportation or the metro rail, don't hold your breath. According to February 2023 ridership data found on the CapMetro website, ridership is stagnant on Bus route 6 – the E12th Street bus. If you think new residents will use the MetroRail, and assuming they work downtown, they would need to spend at least 45 minutes walking to the rail, waiting, riding and then walking to their final destination as opposed to driving their car downtown in 12 minutes or less. Traffic congestion in this area is already unsustainable, and we do not need 10 story buildings to add to the congestion.

Upzoning does not help the community. It increases land value, does nothing to positively impact housing needs or low income unit availability and increases taxes for residents - many of whom have been in the neighborhood since the 40's when McKinley Heights came into existence. These older residents may have an exemption saving them from the increased taxes, but it does nothing to help the family member who inherits the home. They will inherit a paid-for property that they cannot afford based solely on the assessed value of the land, and you will push minorities out of east Austin. If you approve this request, you are only hurting the homeowners who want to live in their neighborhood.

Finally, the community opposes this rezoning request. Please listen to us. In a recent poll among neighbors in McKinley Heights, along 12<sup>th</sup> street, 13<sup>th</sup> street and 14<sup>th</sup> streets – those who will be most impacted by a large building on 12<sup>th</sup> street – a majority of residents oppose the rezoning proposition and a minority of residents want to know more about the rezoning before confirming their stance.

As a homeowner who is in favor of development within the scope of the Rosewood Neighborhood Plan, I'm requesting that you all do not remove the conditional overlay for 3117 and 3121 E 12<sup>th</sup> St.

Thank you,  
Jennifer Grayson  
512-293-8819  
3106 E 14th St  
Austin TX 78702

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**Meredith, Maureen**

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**To:** Seth Wilkerson  
**Subject:** RE: Speaker Registration: May 23, 2023 Planning Commission

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**From:** Seth Wilkerson  
**Sent:** Monday, May 22, 2023 3:57 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Subject:** Re: Speaker Registration: May 23, 2023 Planning Commission

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

I filled out the form to speak, but could you please make sure this gets included in the event that something comes up.

I'm writing to say that I am opposed to the rezoning and the removal of the conditional overlay in case NPA-2022-0008.01. I won't be able to make the meeting, but like many of my neighbors I have serious concerns with the precedent this would set.

The proposed height increase is not necessary or required for any architectural designs provided to date. The investors were aware of the existing overlay when the property was purchased and should abide by the neighborhood plan that exists to serve as an outline for future development in our neighborhood. The building should be no more than 40ft.

If the overlay were approved, I understand it would open a much larger area to be further developed above the 40ft limit and I simply do not want this in my neighborhood. There are plenty of successful mixed use developments that are operating under the existing conditional overlay and I see no need for an exception in this case, especially when no plans have been submitted.

I urge the city to reject any changes or amendments to the existing neighborhood plan and keep our neighborhood's development in line with our vision for the area.

Thank you,

Seth Wilkerson  
3113 E 13th ST

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**Meredith, Maureen**

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**To:** Tyler Myers; Shaw, Todd - BC; Estrada, Nancy; Rivera, Andrew; Harden, Joi; Tomko, Jonathan  
**Subject:** RE: Support for Items 7&8 and Upcoming Meeting

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**From:** Tyler Myers

**Sent:** Saturday, May 20, 2023 3:12 AM

**To:** Shaw, Todd <BC-Todd.Shaw@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>

**Subject:** Support for Items 7&8 and Upcoming Meeting

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Hello,

I am writing in today to express my 100% support for items 7&8 at the upcoming planning commission meeting regarding the plan amendment and rezoning of 3121 E. 12th Street.

I'm am a current resident in this neighborhood and have been for many years. I believe this will be a valuable addition to the neighborhood and helps the city achieve many of its goals regarding affordable housing, housing with close proximity to transit, and creating walkable and livable neighborhoods.

Thanks for listening,

Tyler Myers

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Tyler Myers  
713-416-8881

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**Meredith, Maureen**

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**To:** Yasmin Eljirby; Tomko, Jonathan  
**Subject:** RE: Case# NPA-2022-0008.01

-----Original Message-----

From: Yasmin Eljirby  
Sent: Friday, May 19, 2023 10:24 PM  
To: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>  
Cc: Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
Subject: Case# NPA-2022-0008.01

Hello,

Unfortunately I cannot attend the meeting on May 23rd regarding rezoning and removal of the rosewood neighborhood plan's conditional overall of 40 foot maximum. Since I cannot attend the meeting, I would like to make my views known. My hope for the area is to see it grow similarly to plaza saltillo. I would like the 40 foot maximum overlay to be removed and set to 100, but with an understanding that developers must begin building within a reasonable timeframe. This will require developers to move quickly and help resolve the issues E 12th street is currently facing. E 12th is currently home to many empty and decrepit lots that are being left unattended for years. These empty lots have become a hub for illegal activity.

Thank you,  
Yasmin Eljirby

**From:** Jasmin Wynd

**Sent:** Tuesday, May 23, 2023 5:06 PM

**To:** Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Cc:** Homewood Heights Neighborhood Association President

<Homewoodheightsneighborhood@ >; McKinley Heights

<mckinleycliffordsanchez@ >; Scott Wynd <Scott. >; Farzana Sedillo < >; Paul Sedillo ❤️ < >

**Subject:** Opposing Proposed Zoning Change: C14-2022-0150

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Dear Mr. Tomko and Ms. Meredith,

I am writing to express my **strong opposition to the proposed zoning change for 3117 and 3121 E 12th St (C14-2022-0150)**.

As a homeowner residing at 2912 E 12th St, located just down the street from the properties in question, I am deeply concerned about the potential impacts on our community if the zoning request was granted. The current conditional overlay, established as part of the Rosewood Neighborhood Plan, plays a vital role in maintaining the affordability, walkability, livability, and inclusivity of East Austin. Removing this overlay to allow building heights of up to 60 feet, and potentially up to 90 feet, would undermine the integrity and character of our neighborhood. The developer's claim of being unable to develop the land under the current height restriction is unfounded. Existing mixed-use buildings along 12th Street successfully operate within the 40-foot limit, demonstrating that adherence to the neighborhood plan is feasible.

As homeowners, we invested in this neighborhood with the understanding that zoning regulations would be upheld. Changing the zoning for this property sets a dangerous precedent, potentially leading to a proliferation of 90-foot buildings along 12th St. Such a transformation would erode the very essence of our residential environment. Texas values the rights of property owners, and the current zoning and conditional overlay were put in place to protect those rights. By allowing the proposed zoning change, we risk compromising the values and interests of our neighborhood. It would open the floodgates for taller buildings and would undermine the principles of property ownership that we hold dear. It sets a dangerous precedent that threatens the rights of homeowners all along 12th St.

Additionally, the proposed development's location on E12th street, a two-lane road that has been neglected by the city for years, raises significant infrastructure and

safety concerns. Our neighborhood lacks the capacity to support the anticipated increase in pedestrian, bicycle, and vehicular traffic. With the elimination of parking requirements for businesses, questions arise regarding the provision of adequate parking, preservation of bike lanes and bus stops, and overall traffic management. The strain on our limited infrastructure would be unsustainable, particularly if multiple 90-foot buildings are approved. As a mother, I am particularly worried about the safety of my children and the children of our neighborhood. Walking down the road should not pose unnecessary risks due to increased traffic and congestion caused by an oversized development.

My husband, Scott, and I will be at the zoning case hearing tonight to stand in opposition. We implore you both to consider the detrimental consequences on our community. Thank you for your attention to this matter. We appreciate your commitment to public service, and trust that you will help influence this decision in order to protect the best interests of our neighborhood. Should you require any further information or wish to discuss this matter in more detail, please do not hesitate to contact me.

Sincerely,

**Jasmin Wynd**  
(512) 507-3106  
2912 E 12th Street.

.....

**From:** Beth Hoyt

**Sent:** Tuesday, May 23, 2023 4:55 PM

**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; homewoodheightsneighborhood@

**Cc:** Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Cohen, Jessica - BC <BC-Jessica.Cohen@austintexas.gov>; Anderson, Greg - BC <bc-Greg.Anderson@austintexas.gov>; Maxwell, Felicity - BC <BC-Felicity.Maxwell@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Woods, Alice - BC <BC-Alice.Woods@austintexas.gov>; Haynes, Adam - BC <BC-Adam.Haynes@austintexas.gov>; Singh, Arati - BC <BC-Arati.Singh@austintexas.gov>

**Subject:** Opposition for Items 7&8 - 5.23.23

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Commissioners -

I am writing to object to Aembrust & Brown's request to change the Neighborhood Plan on E 12th Street.

As a mother of a toddler (and a dog), I walk our neighborhood twice a day, every day. Almost every time, I have to gather the three of us on someone's lawn to avoid speeding cars -- we've requested speed bumps and 4 way stops for years -- in areas where we don't have sidewalks. This plan would add more traffic, overwhelming residential streets without effective traffic calming measures.

We have affordable housing in our neighborhood and on our Plan, and I don't believe this would bring more. There are no current plans from Geyser Group, Mr Whellan informed us. Much of our neighborhood is currently owned by Eureka holdings, also represented by Whellan, and every lot they own is either abandoned or empty. Huge properties that are the entrance to our lovely neighborhood, surrounded by chain link fences, covered in weeds and trash- for years. No plans to develop anything beneficial to our community.

I am very much in support of new development. But it should be to scale. Encouraging developers and investors to actually build to better our community and this city, is what I/we would like to see.

The removal of the Conditional Overlay on the properties in question will only further the portfolio of developers who do not listen to the neighborhoods they destroy.

Thank you,  
Beth Hoyt