

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0106.001: Tract 114 within the Rosewood Planning Area—Vertical Mixed Use Building (V) Opt-In/Opt-Out Process

**P.C. DATE:** 3/9/2010

**AREA OF PROPOSED ZONING CHANGES:** Tract 114 is comprised of five parcels locally known as 2518, 2522, 2526, 2600, and 2606 Rosewood Avenue. These properties are located within the Rosewood Neighborhood Planning Area which is bounded by the Manor Road on the north; Airport Boulevard to the east; Northwestern and Webberville Road on the south; and Northwestern to Rosewood to Chicon to 12th Street, north along Austin & NW Railroad to Martin Luther King Boulevard to Stafford to Rogers to Walnut to the west.

**AREA:** 3.33 acres

**APPLICANT:** City of Austin, Planning & Development Review Department (PDRD)

**AGENT:** City of Austin, Planning & Development Review Department (PDRD),  
Melissa Laursen

**NEIGHBORHOOD ORGANIZATIONS:**  
(Within the entire Rosewood Neighborhood Planning Area)

Urban Renewal Board of the City of Austin  
12th Street Business/Property Owner Assn.  
Martin Luther King Jr. Neighborhood Assn.  
Home Builders Association of Greater Austin  
Homewood Heights Neighborhood Association  
Elm Ridge Tenant's Assn.  
Austin Neighborhoods Council  
Govalle Neighbors  
UBC Neighborhood Planning Team Contact  
Blackshear Prospect Hills  
Sentral Plus East Austin Koalition (SPEAK)  
Austin Independent School District  
Rosewood Neighborhood Contact Team  
Guadalupe Neighborhood Development Corp.  
Pandora-Oakgrove  
Mueller Master Community Inc  
Mueller Community Association  
Mueller Neighborhoods Coalition  
M.E.T.S.A. Neighborhood Assn.  
METSANIC  
Homeless Neighborhood Organization  
Austin Heights Neighborhood Assn.  
PODER People Organized in Defense of Earth & Her Resources  
Anberly Airport Assn.

Austin Parks Foundation  
Clifford-Sanchez Neigh. Assn.  
Keep the Land  
Mueller Property Owners Association  
Cherrywood Neighborhood Assn.  
Chestnut Neighborhood Revitalization Corporation  
Booker T Washington Neighborhood Association  
Austin Street Futbol Collaborative  
East MLK Neighborhood Plan Contact Team  
Upper Boggy Creek Neighborhood Planning Team Contact  
City of Austin Neighborhood Planning (Chestnut)  
League of Bicycling Voters  
Chestnut Addition Neighborhood Assn. (C.A.N.A.)  
McKinley Heights Neigh. Assn.  
Martin Luther King Jr./Airport Blvd. Sector  
Glen Oaks, Rosewood Village, Neighborhood Organization  
Foster Neighborhood Association  
J.J. Seabrook Neighborhood Assn.  
East MLK Combined Neighborhood Contact Team  
Super Duper Neighborhood Objectors and Appealers Organization  
El Concilio, Coalition of Mexican American Neigh. Assn.  
United East Austin Coalition  
Organization of Central East Austin Neighborhoods (OCEAN)  
Upper Boggy Creek Neighborhood Planning Team

**FROM:** CS-MU-CO-NP

**TO:** CS-MU-V-CO-NP

**WATERSHED:** Boggy Creek (Urban watershed)

**DESIRED DEVELOPMENT ZONE:** Yes

**SCHOOLS:** Campbell Elementary School; Alternative Learning Center

**APPLICABLE CORE TRANSIT CORRIDORS:** Martin Luther King Jr. Blvd (Core Transit Corridor); Manor Road (Future Core Transit Corridor)

**STAFF COMMENTS:** Tract 114 is comprised of five separate parcels with CS-MU-CO-NP zoning and a total acreage of 3.33. On December 8, 2009, the Planning Commission directed staff to initiate a zoning case on these properties at the request of the property owner. The property owner is requesting the vertical mixed use building (V) designation with Dimensional Standards and the Parking Reduction incentives.

The property owner has met with the Homewood Height Neighborhood Association regarding this application, including one meeting with staff in attendance, and they have not come to an agreement. The Rosewood Neighborhood Plan Contact Team and the

Homewood Heights Neighborhood Association do not recommend to Opt-In these properties for the vertical mixed use building (V) designation.

**LIST OF ATTACHMENTS:**

**Attachment 1:** Tract Table

**Attachment 2:** Tract Map

**Attachment 3:** Zoning Map

**Attachment 4:** Petition and Public Comments

**PLANNING COMMISSION RECOMMENDATION:**

February 23, 2010: Public Hearing was cancelled due to inclement weather

March 9, 2010: Approved Vertical Mixed Use Building (V) designation. Motion made by M. Dealey and second by S. Kirk (7-0).

**ISSUES:**

- A valid petition of 25.64% has been filed by the adjacent property owners in opposition of Opting-In the five subject properties for the "V" designation.
- A portion of McClain Street northwest of the rezoning case was vacated by ordinance in 1949.
- The City's Watershed Protection Department observed a wetland Critical Environmental Feature on the subject tract on January 7, 2010.

**CITY COUNCIL DATE & ACTION:**

March 25, 2010:

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Melissa Laursen  
E-mail: melissa.laursen@ci.austin.tx.us

**PHONE:** 974-7226

## **NEIGHBORHOOD RECOMMENDATION**

The Rosewood Neighborhood Contact Team does not recommend to Opt-In Tract 114 into VMU. They support the position of the neighborhood association most directly affected, Homewood Heights. Homewood Heights has met with the property owner and they have not come to an agreement on vertical mixed use.

## **BACKGROUND**

On August 31, 2006, the City Council adopted the "Design Standards & Mixed Use" ordinance as Subchapter E of Chapter 25-2 of the City Code. Most of the provisions of the ordinance went into effect on January 13, 2007. However, a separate process and schedule was established within the ordinance for Vertical Mixed Use.

The VMU Opt-In/Opt-Out process provides an opportunity for neighborhoods to offer recommendations regarding the location and development standards for Vertical Mixed Use Buildings. The primary focus of this process is on property fronting certain major arterials defined as Core Transit Corridors; however, other properties may also be eligible for VMU. With some exceptions, properties fronting on a Core Transit Corridor are eligible for VMU unless "opted-out". Properties not fronting on the Core Transit Corridors are not eligible for VMU unless "opted-in".

As part of the Vertical Mixed Use (VMU) Opt-In/Opt-Out process the city of Austin was divided into approximately 80 neighborhood planning and/or VMU application areas. Over the next several months each of the application areas affected by the VMU process will be the subject of a zoning case. The Planning Commission will review these cases and provide recommendations to the City Council who will make the final determination as to the applicability of VMU. Zoning case C14-2009-0106.001 is the final step in the Vertical Mixed Use Opt-In/Opt-Out process for the Rosewood application area.

## **Impervious Cover**

The maximum impervious cover limits for the proposed zoning districts are as follows:

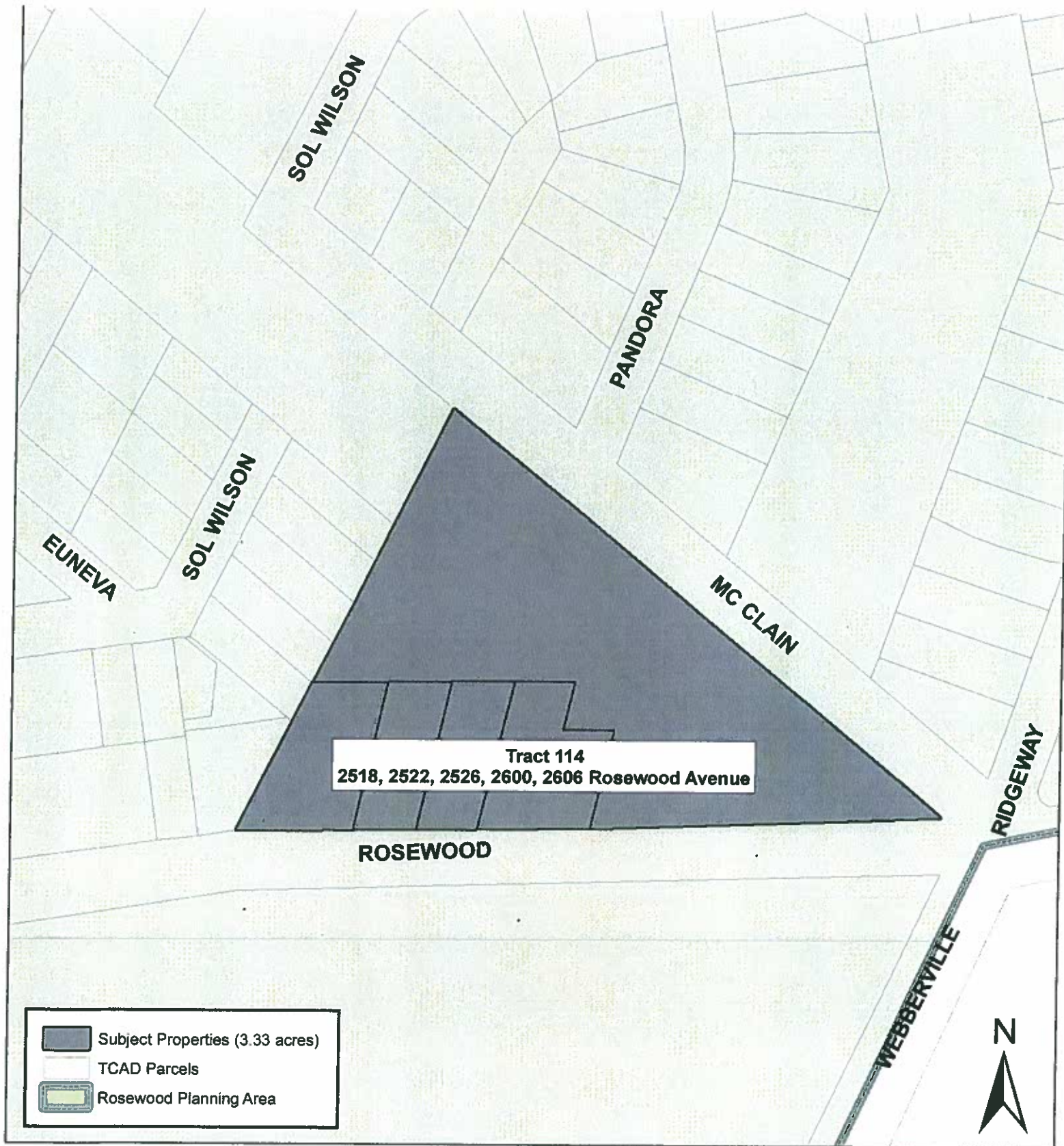
LI, Limited Industrial Services	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
W/LO, Warehouse Limited Office	70%
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
LO, Limited Office	70 %
MH, Mobile Home	N / A
MF-4, Multifamily Residence Moderate – High Density	70%
MF-3, Multi-family Residence (Medium Density)	65 %
MF-2, Multi-family Residence (Low Density)	60 %
SF-6, Townhouse & Condominium Residence	55%
SF-5, Urban Family Residence	55%
SF-3, Family Residence	45 %



- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- g. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- h. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

**Rosewood Neighborhood Planning Area--Additional Properties**  
**Tract Table**  
**C14-2009-0106.001**

TRACT #	TCAD Property ID#	City of Austin Address	Existing Zoning	Proposed Zoning
114	197698	2518 Rosewood Avenue	CS-MU-CO-NP	CS-MU-V-CO-NP
	197697	2522 Rosewood Avenue		
	476448	2526 Rosewood Avenue		
	197696	2600 Rosewood Avenue		
	197695	2606 Rosewood Avenue		



**Rosewood Neighborhood Planning Area**  
**VMU Opt-In/Opt-Out Process-Additional Properties**  
**Tract Map (Tract 114)**  
**C14-2009-0106.001**



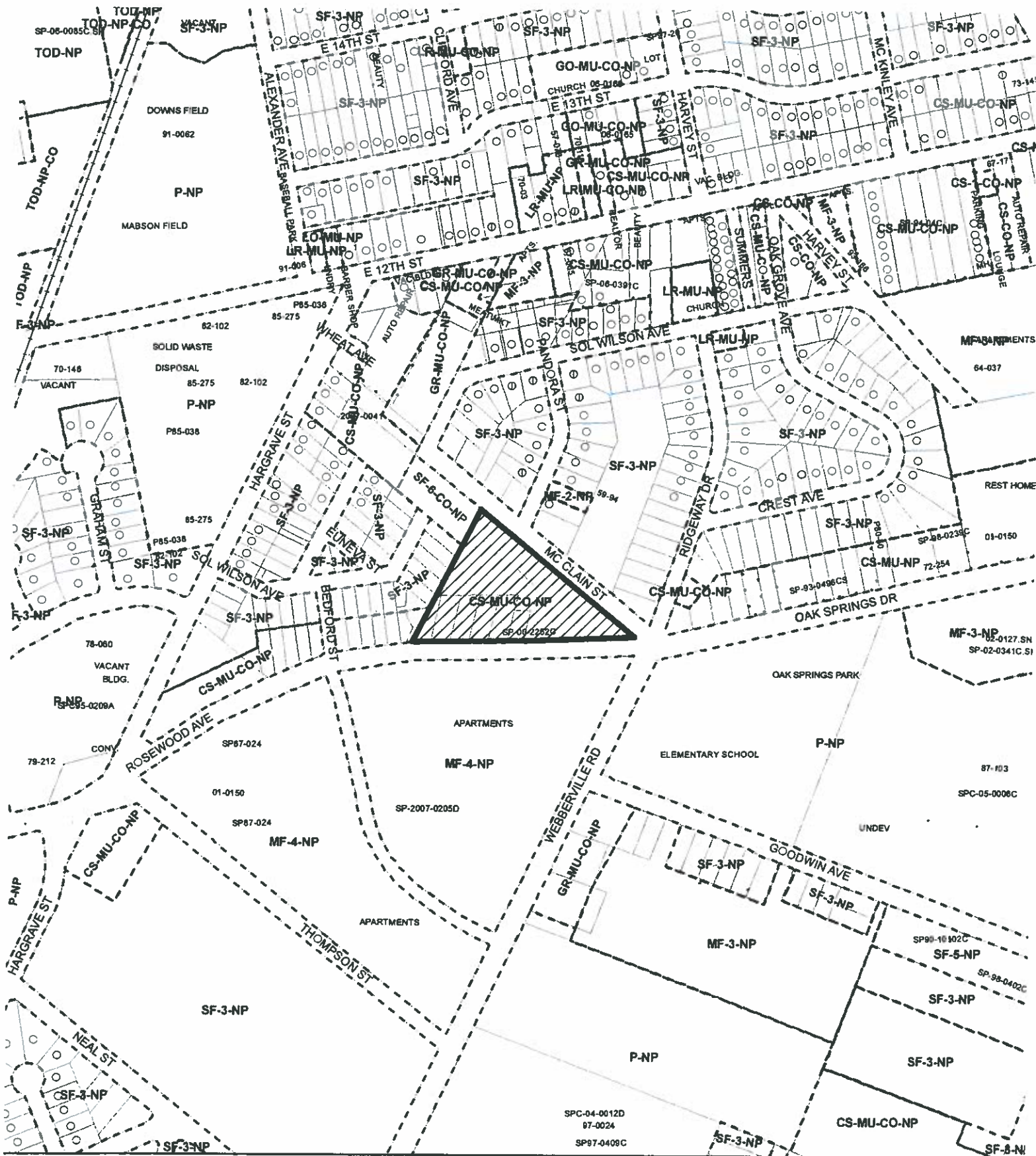
Produced by City of Austin  
Planning & Development Review Dept.  
January 27, 2010




100 50 0 100 Feet



This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.





-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

### ZONING

ZONING CASE#: **C14-2009-0106.001**  
 ADDRESS: **2518 ROSEWOOD AVE**  
 SUBJECT AREA: **3.33 ACRES**  
 GRID: **L22**  
 MANAGER: **M. LAURSEN**



1" = 400'

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**Rosewood Neighborhood Planning Area**  
**VMU Opt-In/Opt-Out Process-Additional Properties**  
**C14-2009-0106.001**

100 50 0 100 Feet



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Planning & Development Review Dept.  
January 27, 2010

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# PETITION

Case Number:

**C14-2009-0106.001**

Date:

Feb. 23, 2010

Total Area Within 200' of Subject Tract

483,953.96

		HARGRAVE		
1	02-0812-0417	DEVELOPMENT L L C	31458.64	6.50%
2	02-0812-0441	JIMENEZ RANULFO M	1814.17	0.37%
3	02-0812-0442	HEADEN AUBREY W	1971.11	0.41%
		DUNCAN WILLARD &		
4	02-0812-0455	VERDA B	2011.23	0.42%
5	02-0914-0309	HERRUP AMY	8976.71	1.85%
6	02-0914-0310	PRESTIDGE JANIE	21653.11	4.47%
		HARGRAVE		
7	02-0914-0313	DEVELOPMENT L L C	10374.85	2.14%
		HARGRAVE		
8	02-0914-0314	DEVELOPMENT L L C	1687.24	0.35%
9	02-0914-0421	EKBERG DENISE D	6664.27	1.38%
10	02-0914-0422	MONTOYA ALFREDO	8409.82	1.74%
11	02-0914-0425	GUEVARA MAHALA	17438.48	3.60%
		ROY EMMA & TODD		
12	02-0914-0426	GRAVELLE	7987.73	1.65%
		NICE GIRLS BUY		
13	02-0914-0427	HOUSES LLC	3623.60	0.75%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%

Validated By:

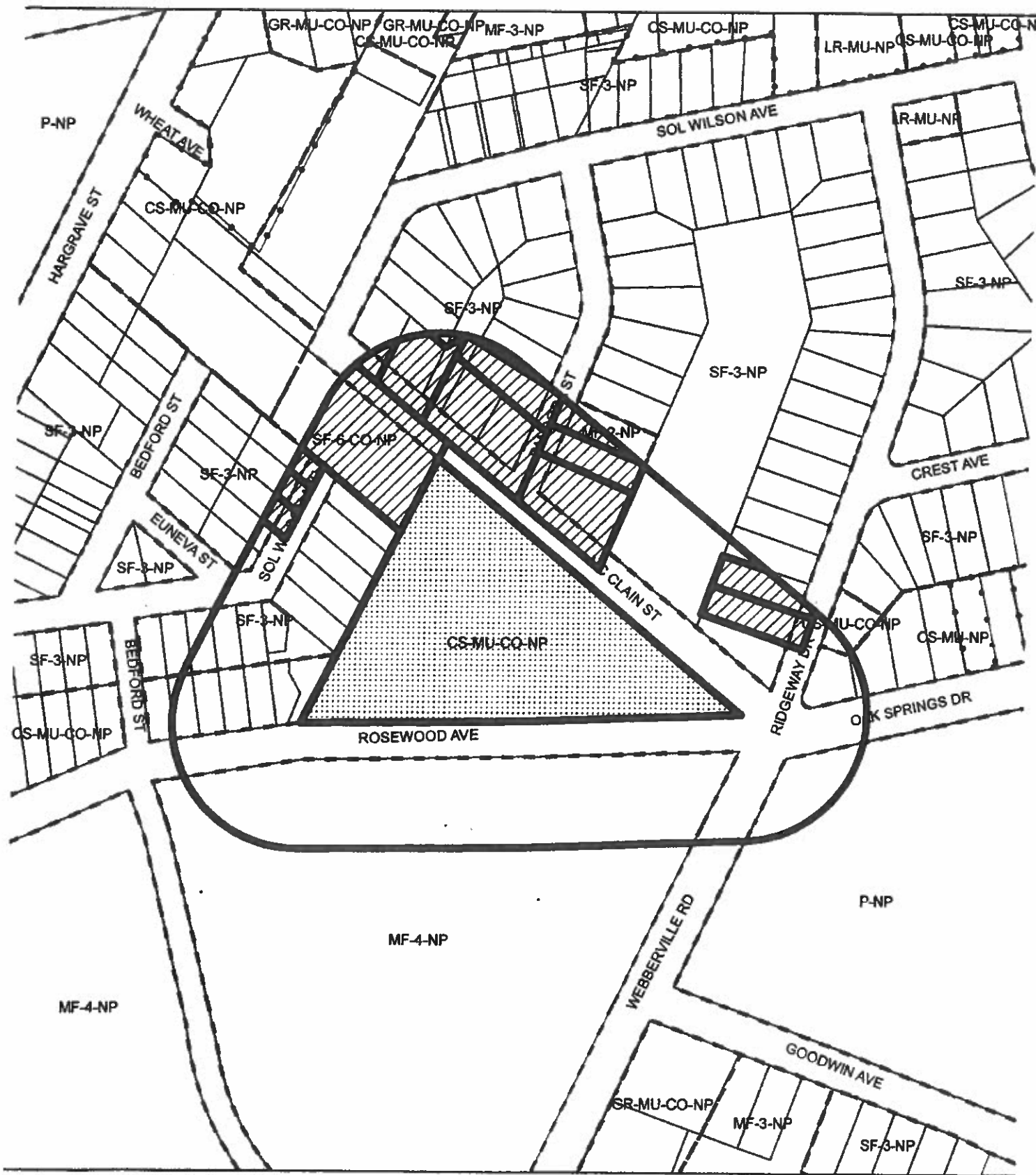
Stacy Meeks

Total Area of Petitioner:

124,070.96

Total %

25.84%



1" = 200'



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

OPERATOR: S. MEEKS

## PETITION

CASE#: C14-2009-0106.001

ADDRESS: 2518, 2522, 2526, 2600  
& 2606 ROSEWOOD AVE

GRID: L22 & L23

CASE MANAGER: W. RHOADES

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## P E T I T I O N

Date: February 23, 2010

File Number: #C14-2009-0106. 001

Address of Rezoning Request: 2518, 2522,  
2526, 2600, and 2606 Rosewood Avenue.

To: Austin City Council .

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

Our objections include, but are not limited to:

- 1) Concern about increased traffic and parking on neighborhood streets, particularly if granted a reduced parking requirement.
- 2) A wetland (Critical Environmental Feature) on the property observed January 7, 2010, by City hydrogeologist Sylvia Pope, and confirmed January 14, 2010 by City wetlands biologist Andrew Clamann.
- 3) In addition to the wetland, there is a springs approximately 260 feet from this property, in an area of City-owned land that tested positive for heavy metal contamination in 2007. Remediation is in progress but is currently stalled. We contend that all heavy metal decontamination should be complete before additional development takes place. This is a serious public health concern, particularly when heavy metals are concomitant with running and standing water.
- 4) This property and intersection are not located on a high traffic corridor. While VMU development can potentially be a wonderful addition to a neighborhood, this particular property is poorly suited to high-density use.
- 5) No viable site plan or subdivision plan has been filed for proposed development to this property. A previous conceptual site plan presented to the neighborhood in summer 2009 included a partial vacation and / or lease on McClain St., an undeveloped right-of-way separating the properties in question from homes on Pandora St. This neighborhood grew up around this undeveloped right-of-way, and vacating the street would dramatically change the character of the neighborhood. It is our position that the City has a responsibility to use or hold City-owned land, including this right-of-way, in the interest of the public as a whole, and that granting this vacation and / or lease would not serve public interest.
- 6) Our immediate neighborhood already has ample rental properties that meet the guidelines of "affordable housing," including Booker T. Washington, Elm Ridge Apartments, and many single family homes.
- 7) The property owner, James Wallace, has not made a good faith effort to work with the neighborhood regarding our concerns.

We share the common goal of protecting and preserving East Austin as the unique cultural and historic resource that it is, while encouraging only development that promotes the public interest.



	Signature	Printed Name	Address
①	<i>[Signature]</i>	Mahala Guevara	1171 Pandora St
②	<i>[Signature]</i>	Mocha Jean Harris	1172 PANDORA ST.
③	<i>[Signature]</i>	Willard Duncan	1152 Sol Wilson
④	<i>[Signature]</i>	Aubrey Healed	1184 Sol. Wilson
⑤	<i>[Signature]</i>	Ranulfo Jimenez	1134 1/2 Sol Wilson Avenue
⑥	<i>[Signature]</i>	Jessie Prestidge	1170 Pandora St
⑦	<i>[Signature]</i>	Martha-Cary Sadler	1175 Pandora
⑧	<i>[Signature]</i>	Terrie Thomas	1175 Pandora
⑨	<i>[Signature]</i>	Jason Reese	2521 Sol Wilson Ave, 905 McPlain, Mo.
⑩	<i>[Signature]</i>	ALFREDO MANTOYA	1160 RIDGEWAY DR 1/2
⑪	<i>[Signature]</i>	Mary Petrovich	2507 Sol Wilson
⑫	<i>[Signature]</i>	Emilia Roy	1173 Pandora St.
⑬	<i>[Signature]</i>	Denise Ekberg	1168 Ridgeway Dr

Date: 22 February 2010

Contact Name: Mahala Guevara

Phone Number: (512) 300-9793

## Petition Appendix A

1) Mahala Guevara	1171 Pandora St.	209140425	198815
2) Mocha Jean Herrup	1172 Pandora St.	209140309	198783 (see legal name change)
3) Willard Duncan	1182 Sol Wilson Ave.	208120455	197724
4) Aubrey Headen	1184 Sol Wilson Ave.	208120442	197712
5) Ramulfo Jimenez	1184 ½ Sol Wilson Ave.	208120441	197711
6) Janie Prestidge	1170 Pandora St.	209140310	198784
7) Martha-Cary Sadler	1175 Pandora St.	209140427	198817 (Nice Girls Buy Houses LLC)
8) Terrie Thomas			(Nice Girls Buy Houses LLC)
9) Jason Reece	2521 Sol Wilson Ave.	209140314	198788 (Hargrave Development LLC)
	905 McClain St.	209140313	198787 (Hargrave Development LLC)
	McClain St.	208120417	197694 (Hargrave Development LLC)
10) Alfredo Montoya	1160 Ridgeway	209140422	198812
11) Mary Petrovich	2507 Sol Wilson	208120432	197702 (recent sale)
12) Emma Roy	1173 Pandora St.	209140426	198816
13) Denise Ekberg	1162 Ridgeway	209140421	198811

# **The Rosewood Neighborhood Contact Team**

1000 Glen Oaks Court, Austin, TX 78702; (512) 477-2352

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February 22, 2010

Planning Commission  
City of Austin  
PO Box 1088  
Austin, TX 78701

Re: Rosewood Oaks Apartment Complex

Dear Chair Sullivan and Members of the Planning Commission:

I regret that the Rosewood Neighborhood Contact Team (RNCT) cannot support the Rosewood Oaks Apartment Complex at the location proposed to us July 16, 2009. Although the project has positive features that we support, since our inception RNCT has taken the position that we support the most directly affected neighborhood within our boundaries on any development plans.

Homewood Heights Neighborhood Association, the most directly affected neighborhood, has met with Mr. Wallace several times and does not support the project at the proposed location. The following are among their principal concerns:

- The City's Watershed Protection Department recently identified a wetland on the site as well as a spring just over 250 feet from the proposed project.
- Adjacent to and uphill from the proposed project is an area of City-owned land that tested positive for heavy metal contamination in 2007. The restoration of that land has not been completed.
- The property is heavily tree-covered and is on a hillside, not well suited to high-density use.
- VMU would permit reduced parking on-site, which would result in more parking on neighborhood streets.
- Homewood Heights developed around the undeveloped right-of-way of McClain St., and vacating the street would dramatically change the character of the neighborhood.
- The property is caddi-cornered from Oak Springs Elementary School. This project would greatly increase the daily car trips in and around the school.

We believe that housing available to those of moderate means is important not only in our neighborhoods but in the City of Austin as a whole, and we laud Mr. Wallace's efforts to construct affordable units. We regret that we cannot support his project on the proposed site.

Sincerely,

Jane H. Rivera, Chair



February 22, 2010

Homewood Heights Neighborhood Association  
Greg Hammond, President  
2604 Sol Wilson  
Austin, TX 78702

To City Staff and Members of the Planning Commission,

On behalf of the Homewood Heights Neighborhood Association (NA), a constituent planning neighborhood of the Rosewood Neighborhood Contact Team (RNCT), I am writing to further clarify our position regarding 5 properties in our neighborhood as they relate to the Vertical Mixed Use (VMU) zoning overlay. This letter is an addendum to a similar letter I wrote to the Planning Commission dated November 16, 2009, a copy of which is attached for your reference.

At its December meeting, the Planning Commission reviewed a request to grant VMU overlay to 5 properties in Homewood Heights owned by Mr. James Wallace and essentially located at the corner of Ridgeway Dr. and Rosewood Ave. (See attached letter for exact addresses and TravisCAD IDs for each property.)

It is our understanding that the Planning Commission was made aware—through the attached letter and also through a statement from Jane Rivera, chair of the RNCT, at the December meeting—that the Homewood Heights NA opposes VMU overlay for these 5 properties. It is also our understanding that the Planning Commission, despite this opposition, decided to recommend to City Council that VMU overlay for the properties be approved. The Commission directed Mr. Wallace to meet again with the Homewood Heights NA to try to enlist our support for approval of the VMU overlay.

The Homewood Heights NA did meet with owner James Wallace on February 4, 2010, as requested by the Commission. As a result of that meeting, **we as a neighborhood would like to strongly reiterate our opposition to a VMU overlay for all 5 of these properties.**

The opposition of the most directly affected property owners is further demonstrated by their signing of the attached petition, filed with the city on Monday, February 22, 2010.

To further clarify our opposition, stated somewhat briefly in my previous letter, please consider the following points:

- The conceptual site plan for development of these lots, as presented to Homewood Heights, has consistently changed since our first interaction with Mr. Wallace. Proposed businesses for the site have included a fast food restaurant, a Washeteria, and a small strip center, among other ideas. While we understand that the Planning Commission is impressed by Mr. Wallace's current plan to make 100% of his housing units affordable for Austinites making 60% MFI, we as neighbors have extremely little confidence that the final site plan will be for a development that adds real value to the neighborhood and makes it a better place to live.

- To date, no viable site plan or subdivision plan has been filed for proposed development to this property. A previous conceptual site plan presented to the neighborhood in summer 2009 tried to solve an obvious problem in lack of parking by including in the plan a partial vacation or lease on McClain St., an undeveloped right-of-way separating the properties in question from homes on Pandora St. However, our neighborhood grew up around this undeveloped right-of-way, and vacating the street would dramatically change the character of the neighborhood. It is our position that the City has a responsibility to use or hold City-owned land, including this right-of-way, in the interest of the public as a whole, and that granting this vacation and / or lease would not serve public interest.
- The proposed vacation of McClain street itself demonstrates what is hard to describe without standing on the corner of Rosewood Ave and Ridgeway—namely, that this corner is not a good place for a VMU development, even a good one. Rosewood Ave is a narrow residential street in this part of Homewood Heights, not the type of growing transit corridor that would be improved and enhanced by a VMU development. We are concerned about traffic and parking congestion on such a small street, especially if reduced parking requirements are granted.
- Mr. Wallace stated at our February 4 meeting that he is seeking the VMU overlay not because there is a dynamic live/work style of development he envisions for the site—rather, Mr. Wallace explained that the VMU overlay simply allows him to fast track what he perceives a red tape in getting permits for his lots.
- A wetland (Critical Environmental Feature) was observed on the property on January 7, 2010, by City hydrogeologist Sylvia Pope, and confirmed January 14, 2010 by City wetlands biologist Andrew Clamann. We are concerned about proper maintenance of this very recently identified feature.
- There is also a springs approximately 260 feet from this property, in an area of City-owned land that tested positive for heavy metal contamination in 2007. Remediation is in progress but is currently stalled. We contend that all heavy metal decontamination should be complete before additional development takes place. This is a serious public health concern, particularly when heavy metals are concomitant with running and standing water.

Given these concerns of the most immediately affected Austinites, the Homewood Heights NA requests that the Planning Commission reverse its support for this VMU overlay. If the Planning Commission does decide to recommend approval of the overlay despite these concerns, the neighborhood requests that only the most restrictive VMU designation be approved, and that additional benefits such as reduced parking requirements or lifting of minimum site area requirements NOT be included as part of the overlay package.

As a neighborhood association, we understand the city's desire to limit urban sprawl around Austin by promoting VMU development and its commitment to providing housing that is affordable for city residents. We do feel strongly however, that VMU development of these particular lots will not represent the kind of responsible, green, neighborhood-enriching growth that is the larger underlying goal.

Thank you for your thoughtful consideration of this letter,

Greg Hammond, Standing President  
Homewood Heights Neighborhood Association

1181 Hargrave  
Austin, TX 78702

February 22, 2010

Ms. Wendy Rhoades  
Ms. Melissa Laursen  
Austin Planning Commission

RE: Objection to VMU Zoning Overlay #C14-2009-0106. 001

Dear Ms. Rhoades and Ms. Laursen:

I would like to register my opposition to the VMU Zoning Overlay #C14-2009-0106.001 with the City of Austin Planning Commission. A high density project would not be appropriate for the area, and I am very concerned for my community over the risk of contamination as a result of waterborne heavy metals.

Thank you for your time and attention.

Sincerely,

Maria G. Rios

## PLANNING COMMISSION HEARING

DATE: March 9, 2010

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers  
301 W. 2nd Street, Austin

## CITY COUNCIL HEARING

DATE: March 25, 2010

TIME: 2:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers  
301 W. 2nd Street, Austin

For questions regarding the vertical mixed use application for the Rosewood Neighborhood Planning Area, please call Melissa Laursen at (512) 974-7226 or email at: [melissa.laursen@ci.austin.tx.us](mailto:melissa.laursen@ci.austin.tx.us). Si Ud Necesita información en Español, favor de llamar a Jacob Browning (512) 974-7657. Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

### PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Planning & Development Review Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2009-0106.001

Planning Commission Hearing Date: March 9, 2010

Name (please print)

Ryan Holcombe

Address

1176 Ridgeway Drive

Comments

It's a bad idea!

- ☐ I am in favor of VMU  
(Estoy de acuerdo)  
☒ I object to VMU  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY, ARE A REGISTERED ENVIRONMENTAL OR NEIGHBORHOOD ORGANIZATION, OR HAVE A UTILITY SERVICE ADDRESS WITHIN 500 FEET OF A VMU ELIGIBLE PROPERTY.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

During its public hearing, the board or commission may postpone or continue an applicant's hearing to a later date. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

**Laursen, Melissa**

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**From:** Alfredo Montoya  
**Sent:** Tuesday, March 09, 2010 1:46 PM  
**To:** Rhoades, Wendy; Laursen, Melissa  
**Subject:** VMU Ridgeway concern

To whom it may concern,

Good evening. My name is Alfredo Montoya and I recently bought and moved into the house at 1160 Ridgeway Dr #1/2 within the Homewood Heights neighborhood. After moving in I learned that Mr. Wallace, who owns the property adjacent to Rosewood Drive and is effectively adjacent to me as well, is interested in building a VMU property. The Homewood Heights neighborhood association has informed me that Mr. Wallace has not presented or provided the owners with an overview of the project or how it may or may not affect the immediate neighbors. I have great concern as to the direction and nature of this project if for no other reason than we know little to nothing about it.

From the city newsletter sent out concerning this project, I can only surmise that relaxing parking restrictions for this VMU will only have adverse effects on the area as a whole and I'm also concerned that the remediation of the heavy metals contamination will be further delayed or ignored if this project is approved. Indeed, I believe that completely removing all heavy metals should take priority before any construction proceeds where more people will be in even closer proximity to this contamination.

I respectfully urge the Commission to deny this project. I have faith that this Commission will not approve such a measure when even Mr. Wallace himself has not been forthcoming with the facts and repercussions of this project to the Homewood Heights Association.

Respectfully,

Alfredo Montoya

3/9/2010

To Whom It May Concern--

I own a house at 1181 Ridgeway Drive, which is just up the hill from the property owned by James Wallace that is being considered for VMU exception. I have serious concerns about the basic quality of life in the small neighborhood (Homewood Heights) that will be directly affected by the development of this property. My concerns are as follows:

--There is already a major problem of cars cutting through our neighborhood via Oakgrove/Sol Wilson/Ridgeway because this is the first intersection West of Airport & 12th and I believe that by putting dozens of more residents directly into our neighborhood this problem will become much worse than it already is.

--There is a spring and wetlands in the ravine between Ridgeway Dr and Pandora that I believe would be negatively impacted by developing the land just downstream from it. The City of Austin is currently in the middle of a multi-million dollar remediation project to clean up the heavy metals and contaminants it found on this land and I fear that a new development starting before that process is completed could delay or even derail the City's commitment to cleaning up this land. In addition, the City confirmed that there are two wetland spots (I'm not using the right term here but this is all on record with the City) on Wallace's land and I am concerned that Wallace will try and ignore or otherwise circumvent environmental regulations in regard to this environmental feature.

--Our neighborhood has a high level of ambient trash that blows around it and there is a near constant stream of vehicles who drive through our neighborhood with their stereos blasting so loudly that the walls in my house shake (this is not an exaggeration). I am very concerned that with dozens more residents the quality of life in regards to trash and noise will dramatically increase.

In addition to all of these concerns, I am of the strong opinion that James Wallace is a shady, lying and manipulative character, as evidenced by our neighborhood association's interactions with him. He has consistently displayed racist, deceitful and delusional behavior when speaking with us and key parts of his plans have changed over time. I believe that he is using terms that are currently politically favorable (ie; saying he will make the housing low income) when he refers to the development in front of the City or our association, but I have the strong feeling that he is trying to get the VMU overlay so that he can ask a higher price when he turns around and sells it (which a subset of us in Homewood Heights believe is his true plan) by saying things he thinks we want to hear.

Thank you for your time.

C. Andrew Boyd

1176 Ridgeway Drive  
Austin, TX 78702

February 22, 2010

Austin City Council, Planning Commission  
301 West 2nd Street  
Austin, TX 78701-3906

Dear City Council Planning Commission,

I am writing today to voice my objection to the VMU zoning overlay, file #C14-2009-0106.001, concerning the property on the northwest corner of Ridgeway and Rosewood Drives. While I whole-heartedly support affordable housing, I do not support the project as outlined. The area is unsuitable for high-density development and there are environmental concerns that plague the project. Additionally, the owner of the property, Mr. Wallace, has demonstrated an unwillingness to work with his neighbors in reaching a compromise.

Sincerely,

Ryan Holcombe

February 15th, 2010

RE: file #C14-2009-0106.001

To Whom It May Concern:

I am a resident in the Homewood Heights neighborhood, respectively at 1187 Pandora. My backyard and other neighbors's yards are adjoined with the contaminated ravine, where the Homewood Heights Creek or underwater reserve resides. I am strongly opposed to Wallace's plans to develop a VMU on this property, as you can see in file #C14-2009-0106.001.

Thank you for your time,



David C. Holden, Resident



**Laursen, Melissa**

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**From:** Riggs, Jessica J  
**Sent:** Tuesday, February 23, 2010 1:26 PM  
**To:** Rhoades, Wendy; Laursen, Melissa  
**Subject:** Homewood Heights VMU

Dear Wendy and Melissa,

Please accept this email, on behalf of my husband and myself, as a voice of concern and an official objection to the VMU zoning overlay in Homewood Heights (file #C14-2009-0106.001). After a series of meetings, both with our neighborhood association and with Mr. Wallace (the developer), we have determined that this VMU would not be in the best interest of the neighborhood, for a variety of reasons including, but not limited to: environmental issues concerning the spring and land around it, other affordable housing options in the neighborhood, and concerns about working with the developer.

Thank you for your attention, and please let me know if you need any additional information from me.

Jessica and Shawn Riggs  
1186 Ridgeway

2/23/2010

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Planning & Development Review Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2009-0106.001

Planning Commission Hearing Date: February 23, 2010

Name (please print) Adademia Martinez

☐ I am in favor of VMU

(*Estoy de acuerdo*)

Address 2505 rosewood ave #403 78702 Austin, TX

☒ I object to VMU

(No estoy de acuerdo)

Comments BECAUSE my kids have to go to school, and I'm going to recieve something important in this year, in the mai

INFORMATION ON PUBLIC HEARINGS

THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY, ARE A REGISTERED ENVIRONMENTAL OR NEIGHBORHOOD ORGANIZATION, OR HAVE A UTILITY SERVICE ADDRESS WITHIN 500 FEET OF A VMU ELIGIBLE PROPERTY.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

During its public hearing, the board or commission may postpone or continue an applicant's hearing to a later date. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

**Laursen, Melissa**

**From:** Pope, Sylvia  
**Sent:** Friday, January 15, 2010 11:17 AM  
**To:** Mahala Guevara; greg hammond  
**Cc:**  
**Subject:** RE: Homewood Spring coordinates  
**Attachments:** HomewoodSpring.tif; wetland1.JPG; downstreamwetland1.JPG; HomewoodSpring.JPG; HomewoodSpringrun.JPG

Hi Mahala, Greg and Mr. Wallace,

I'm attaching a tif file of a location map of Homewood Spring and the Wallace property. The spring location is being provided at the request of the Homewood Neighborhood Association and is similar to routine requests from other citizens or property owners regarding the location of Critical Environmental Features. The spring location was visited on January 7, 2010 with Mahala Guevara and Andrew Boyd from the Homewood Neighborhood Association; myself and my coworker, Kathleen Callahan. Photos of the spring are attached to this email.

The coordinates of the spring location were collected using a hand-held Trimble GPS GeoXH unit. Post-processing accuracy is estimated to be 6 feet. The coordinates are: latitude 30.273622 degrees Northing, longitude - 97.705374 degrees Westing.

A wetland Critical Environmental Feature (CEF) was observed on January 7, 2010. This had previously been identified as a wetland CEF by Mike Lyday, wetlands biologist, in 2006 or 2007. Andrew Clamann, wetlands biologist with the Watershed Protection Department, verified that it is a wetland CEF on January 14, 2010. The wetland is located on Mr. James Wallace's property and occurs approximately 260 feet downstream of Homewood Spring. Debris (boards, a second tire, part of a metal trash can) were placed in the wetland sometime between January 7 and January 14. The attached photos show the wetland on January 7, 2010.

Another wetland CEF was located on the western portion of the property in the natural drainageway. This is not shown on the map but this information is available upon request.

Mr. Wallace, I received your phone call on January 7, 2010 regarding your visit with the City Manager and his Chief of Staff, Anthony Snipes. Recently, I spoke with Mr. Snipes and Ms. Laursen about the proposed VMU review of your property and this citizen request to locate Homewood Spring and I'm including them in this email distribution. Although a site plan or subdivision plan have not yet been submitted for your property, Andrew Clamann and I would be happy to provide you with a pre-submittal Critical Environmental Feature review. This consultation will help you in the design phase of your project by providing you with information regarding CEF locations and required protective measures.

Please contact me if you have any questions regarding this information. Thank you,

*Sylvia R. Pope, P.G.*  
 Hydrogeologist

City of Austin  
 Watershed Protection Department  
 Environmental Resources Management Division  
 Water Resources Evaluation Section

512-974-3429 Phone  
 512-802-7366 Pager  
 512-974-2846 Fax

2/23/2010

# Homewood Spring location 1/7/10



## Legend

- Homewood Canyon CEFs
- SDE streetcl
- SDE TCAD\_Parcels

Map of Homewood Spring and potential downstream wetland made by Sylvia R. Pope, P.G. Locations collected with a Trimble GPS unit on 1/7/10. Locations are approximate and intended for internal City of Austin purposes only. No warranty is given by the City regarding location accuracy. This map may not be reproduced without prior authorization from the Watershed Protection Dept.

















HUTTENWOOD SPRING RUN

