



MX3 Homes, LLC

September 28, 2015

Steve Sadowsky  
Historic Landmark Commission  
City Of Austin  
505 Barton Springs Rd  
Austin, TX 78704

Dear Mr. Sadowsky,

I, the owner at 1611 Walnut Avenue, Austin, Texas 78702, do hereby petition against the historic zoning proposal to the property at 1611 Walnut Avenue.

Sincerely,

A handwritten signature in black ink, appearing to read "Sal Martinez". The signature is fluid and cursive, with the first name "Sal" and last name "Martinez" clearly distinguishable.

Sal Martinez, for  
1611 Walnut Joint Venture

PDRD/CHPO

SEP. 28 2015

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

PDRD/CHPO

Case Number: C14H-2015-0004

Contact: Steve Sadowsky, 512-974-6454

Public Hearing: Sep 28, 2015, Historic Landmark Commission

SEP 29 2015

Your Name (please print)

Coleen + Dick HARDIN

☐ I am in favor  
☒ I object

Your address(es) affected by this application

2300 PEASE RD

Signature Coleen (Hardin)

Date Sept 28, 2015

Daytime Telephone:

512-476-8748

Comments:

the present house is not the original house that was built & owned by Jack + Margaret Belmont May. The house "style" had been a Southern (plantation) type of architecture. With a balcony at the second story running all across the front. When Jack died the house was bought by Rob Richard + Polly Richard. Before they sold it, they tore the front of house down & put up a Colonial style with the columns.

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

City of Austin

Planning & Zoning Department

Steve Sadowsky

P. O. Box 1088

Austin, TX 78767-8810

the Richards may have pictures of original house. ~~the son~~ the May son still lives in Austin - Jack May - he may also have pictures.

From: JC  
Subject: Wat5chhill House  
Date: September 21, 2015 9:59:42 AM CDT  
To:

Coleen

I talked to Beth Johnson this morning at the Historic Landmark Commission. She says we do not need to resubmit our information. Those first submissions will be included with the case.

Jim

I also called her & she told me  
the same. I've called Steve Sadowsky  
He has not returned my call.  
Sept 25,  
2015  
Coleen Hardin  
2300 Pease Rd  
18103

Jack S. Gray (UT basketball  
Player & coach)  
Margaret Bellmont  
daughter of  
L. Theo Bellmont  
(UT Bellmont  
Hall)

PDRD/CHPO  
SEP 29 2015

Rob & Polly Rickard  
Robert S.  
Polly P.

PDRD/CHPO  
SEP 29 2015

Crystal Falls

1606 Watchhill Drive  
18103



## PUBLIC HEARING INFORMATION

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
  - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
  - is the record owner of property within 500 feet of the subject property or proposed development; or
  - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: <http://www.austintexas.gov/planning>.

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**Case Number(s): HDP-2015-0738 PR-2015-092887**

**Contact:** Steve Sadowky, 512-974-6454

**Public Hearing:** September 28, 2015, Historic Landmark Commission

LORELEI BROWN

Your Name (please print)

1208, 1210 Taylor, 104 Spence

☐ I am in favor  
☒ I object

Your address(es) affected by this application

PDRD/CHPO  
SEP 29 2015

Lorelei B. Brown

Signature

9/24/15

Date

Comments:

Besides the demolition, I object to the new development that has been proposed. It is a too many number of lots proposed. Variances proposed are not good either. Redevelopment incorporating the existing streets should be preserved. I am across the street. What are you? Please ask developer to add to what exists.

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

City of Austin

Planning and Zoning Department

Steve Sadowky

P. O. Box 1088

Austin, TX 78767-8810

Neighbors generally object to too big of boxes being over the area. Or maybe I don't care, even though the number of people and cars that the new development proposed will further cripple existing inhabitants of Area.

## PUBLIC HEARING INFORMATION

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**Case Number(s):** HDP-2015-0874-875 PR-2015-109005 - 06

**Contact:** Steve Sadowsky, 512-974-6454

**Public Hearing:** September 28, 2015 Historic Landmark Commission

Gretchen Alexandra Robbins

Your Name (please print)

2932 Moss St 78722



Your address(es) affected by this application

9/21/2015

Signature

Date

PDRD/CHPO

SEP 29 2015

Demolition of 2819 and 2821 Manor Road is a bad idea. Historical architecture such as the duplexes involved are nearly extinct on the East Side. Take a <sup>original</sup> look at Travis Heights and Hyde Park where an arts & crafts/craftsman style home is THE MOST highly sought after & the most aesthetically pleasing. There's nearly nothing like this standing east of the 35. The realtor /investor involved and the Valdez boys do not live on the east side. They do not care about the east side and should not be capable to sway your department. The fact that they sit on multiple 'boards' is suspect; they are in no way interested in preserving Austin.

Instead, this is what is slowly ruining the city: tear downs of good homes all to crowd more onto a lot & drive up prices. For what reason? This type of noninterest in anything but making more money will turn all of Austin into a mini-Los Angeles: crowded, soulless and devoid of character.

Historic Landmark Commission:

Two of the main goals of the Chestnut Neighborhood Plan are to “Reinforce the historic and cultural character of Chestnut by identifying and designating landmarks” and to “Promote the rehabilitation of existing housing and new infill housing compatible with the old style of the Chestnut neighborhood.”

In the pursuit of these goals and after reviewing the documentation of this case The Chestnut NPCT believes the residential biographies and architecture of this home are sufficiently significant to be considered for historic zoning and recommends that the HLC initiate an historic zoning case.

Our diverse NPCT of over 75 neighborhood stakeholders voted overwhelmingly to support initiating historic zoning for this home to preserve its architectural and biographical contributions to our neighborhood's history.

The Chestnut NPCT has a long track record of finding ways to uphold our neighborhood plan while working with developers and home owners to find creative and productive solutions that enhance the fabric of our neighborhood while preserving its character.

This case, concerning MX3 Homes' application to demolish a circa 1925 house, has drawn immense attention from the community, as evidenced by the following attached documents:

- **1611Walnut\_NextDoorPost\_Jan18.pdf** - original NextDoor post that sparked wide neighborhood discussion
- **1611Walnut\_IncreaseCNPCTMeetingAttendance.pdf** - chart depicting dramatically increased NPCT meeting attendance subsequent to initial MX3 demolition application; many of the new members attended meetings and corresponded with representatives from MX3 on behalf of the case's subcommittee, beginning February 4th and extending through the summer
- **1611Walnut\_EmailUpdate\_Sept16.pdf** - An organized archive of recent emails between the Chestnut NPCT and representatives of MX3
- **1611Walnut\_VoteResults\_Sept27.pdf** - Results from the 9.27 vote that show that a large majority of participating voters — 26 of 32 — support the initiation of a historic zoning case

We agree strongly with the initial Historic Preservation Staff Recommendation:

“This house is very typical of vernacular housing in the neighborhood and has a 60-year history with the family who built the house – the head of the household was a concrete worker for the City Street and Bridge Department and his wife did domestic work – both typical occupations for African-American families in the early 20th century. The house has architectural and historical value and should be preserved and rehabilitated, if feasible.”

After exhaustive efforts to find alternate solutions, we have ultimately decided that an official historic zoning designation is the best option for this property and the Chestnut neighborhood.

Sincerely,

Amenity Applewhite  
Secretary, Chestnut NPCT



# (https://chestnutaustin.nextdoor.com/news\_feed/)

Nextdoor Chestnut works best when all your neighbors are members. Invite your neighbors » (https://chestnutaustin.nextdoor.com/invitation\_email/?is=schp) Invit

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## LOCAL

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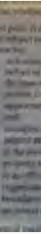
## Post in General (https://chestnutaustin.nextdoor.com/general/)



(https://chestnutaustin.nextdoor.com/profile/1854357) **Not. Permit requested to demolish 1611 Walnut (https://chestnutaustin.nextdoor.com/news\_feed/?post=8807609)**

Alisha Cloud (https://chestnutaustin.nextdoor.com/profile/1854357) from Chestnut

I am so very, very sad to have received notice that there has been a request for a permit to demolish the house at 1611 Walnut Ave. This house sits on an unusually large lot, so I imagine we are looking at another 4plex to be built in its place. The application is put in by the same real estate company that is redoing the 1800 block of Ulit.



I do not own my house, so I do not have any standing to object to this permit being issued. I am attaching some photos of the paperwork that the mail to me. Only "interested parties" have the ability to appeal. Is there a way to head up a neighborhood objection to this demolition? Interested parties are defined as "property owners within 500 feet" or officers of the neighborhood association. I am attaching a photo of their definition of interested party.

The hearing will be on Monday the 26th. A neighbor and I are going to go against it. I invite all who have sadness at the quickly changing nature of our neighborhood to attend as well.

This house is a beautiful example of the housing style that this neighborhood has. If we keep tearing down the old houses and replacing them with modern housing, so that a real estate developer can flip these houses at high prices, we will get more and more of what's not working in this neighborhood: fast-cycling rentals, uninvested residents, and higher and higher property taxes. I am sad to be losing yet another one of our long-time residents, only to have a real estate developer come and capitalize on their departure.

My neighbor had a friend who was trying to buy that house. She got to look at it, wanted to remodel it, and put in her contract but the developer had already taken the deal. What is our future if real people who want to care for and be a part of this neighborhood are getting beat out by the developers time and time again?

Please excuse my high emotion here, but I have been in 78702 for 20 years, and it saddens me beyond words to see the real estate feeding frenzy pushing live people to the side.

Thanks for reading this, and please spread the word to others who might be interested. Shared with Chestnut in General (https://chestnutaustin.nextdoor.com/general/)

9/28/15, 1:35 PM

THANKED! | 12

REPLY | 3



(<https://chestnutaustin.nextdoor.com/profile/1048708/>), and 9 others thanked Alisha (<https://chestnutaustin.nextdoor.com/profile/1854357/>)

Invit



(<https://chestnuttrust.com/profile/1010856>) from Chestnut

Alisha you do not have to own the house to be an interested party. If you received the notice then you live within 500' of the property in question and have a right to fill out the form and respond to ... [View more](#)

Thanked! Flag

You, Emma (<https://chestnutaustin.nextdoor.com/profile/1043606/>), Chia (<https://chestnutaustin.nextdoor.com/profile/1043768/>), and 2 others thanked Trinity (<https://chestnutaustin.nextdoor.com/profile/1010856/>)



(<https://thesubstitutinonexplore.com/profile/1742179>) from Chestnut 28 May

I have to agree with Mark; I've owned more than one vehicle that I loved dearly and dreamed of restoring, but when the cost of restoring it well exceeded the price of a brand-new Harley, it just ... [View more](#)

Thank Flag



(<https://chestnut.austlii.edu.au/au/other/mo/profile/1067026>) from Chestnut 29 May

I also hate seeing the traditional houses in this neighborhood being torn down to build something new, cheap and ugly, but a 4plex would not necessarily be a bad thing for the neighborhood. That's 3 ... [View more](#)

Thank Flag

Kent (<https://chestnutaustin.nextdoor.com/profile/1742179/>) and Victor (<https://chestnutaustin.nextdoor.com/profile/2101440/>) thanked Noah (<https://chestnutaustin.nextdoor.com/profile/1067026/>)

Write a reply...



Total



amenity applewhite

## [NPCT] 1611 Walnut Update - Vote Friday

36 messages

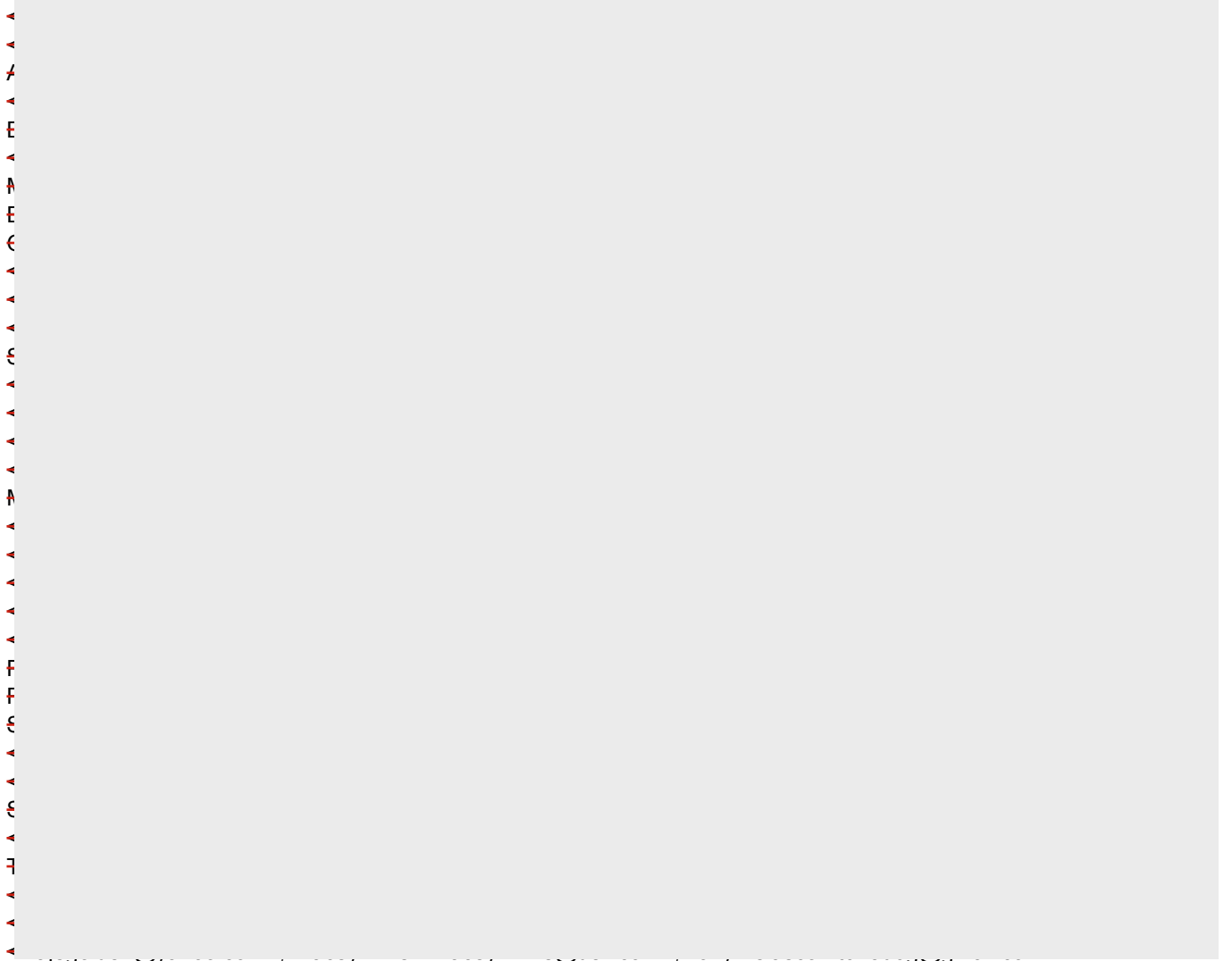
amenity applewhite

Wed, Sep 16, 2015 at 2:37 PM

To: Cavan Merski

David Carrol

Cc: Adam Jones <adanteddjones@gmail.com>, Alisha Cloud <alishaccloud@gmail.com>, Alukhan Mohamed



*[Side note: Tracey's presentation for the BoA went great Monday night. She got major props from the Board for all the legwork she's done to coordinate with the neighbors, NPCT, and the City. All variances approved - congratulations, Tracy!!]*

Hi all,

Many of you have noticed that renovations to 1611 Walnut, as agreed upon with MX3, have yet to be initiated. Thank you very much for your inquiries and concern about this matter. In this email, I hope to bring everyone up

to speed with recent developments to this case in preparation for another online vote I'll open this Friday.

Friday's vote will have two options for the original 1925 house at 1611 Walnut:

- Support the initiation of a historic zoning case at the 9/28 HLC meeting.
- Support demolition of the home and work with MX3 designers on a new home for the site.

I have organized recent important emails between Sal Martinez and the NPCT and results from an online CNPCT vote in July below. I am also attaching the following documents:

- *AS10 1611 Walnut Avenue Site Plan.pdf* - MX3's proposed plans for the replacement home
- *1611walnut\_postpone-01-23-15.pdf* - Official letter to the HLC expressing the CNPCT's desire to postpone the case in order to learn more about the home and possible solutions that would benefit both MX3 and Chestnut
- *1611WalnutReport.pdf* - The City of Austin Staff Recommendation and supporting research from January. Steve Sodowsky, CoA Historic Preservation Officer, has indicated recently that their recommendation remains and his staff will still oppose demolition or relocation.

As with the New Hope email thread, I've cc'ed everyone on this email visibly since we will not be able to discuss this matter at an actual NPCT meeting. Please reply-all in order to share your questions, thoughts, and concerns in a constructive and neighborly manner!

Thank you,  
Amenity

=====

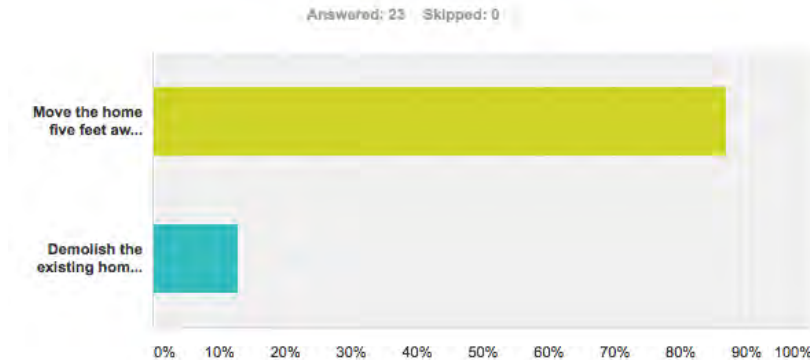
1611 Walnut Case, July 2015 - present

=====

On **July 20th**, Annette Moreno of MX3, who we'd been in contact with since the inception of the case, informed Cavan that the easement MX3 had been planning for the new homes to sit over the lot line would not be approved by the city. She gave us two options:

- (1) *We move the home five feet away from the lot line. There is a high risk that the house's structural integrity will be affected.*
- (2) *Demo the existing home and we will rebuild a home exactly like the existing one.*

On **July 24th**, we held an online vote and voted overwhelmingly (20 to 3) to move the home:



We reported the results to MX3 and learned that Annette was no longer working with the company. Here is the email from Sal, the President of MX3, on **July 29th**:

*Hello Cavan,*



*It's a pleasure to meet you. I wanted to apologize for the recent change in requests from MX3 Homes with regards to the property on 1611 Walnut. It was my intention to preserve this property per our agreement until the COA came back and denied our building permit. MX3 did not foresee these issues/requirements by COA which now takes MX3 back to square one for 1611 Walnut.*

*Annette informed me of the recent decision by the neighborhood with regards to moving the property in an attempt to remodel it. Unfortunately, after talking to the movers, moving this house would make the property structurally unsafe beyond repair. At MX3, safety to the buyer and my employees is the #1 priority. Moving the property would cause a safety issue and as owner of the company, I cannot risk that which is why I cannot support the neighborhood's decision.*

*With that being said, my plan is to re-submit for demo which would allow us to build a Primary/2nd apt (once approved) as originally planned. If I can get support from the neighborhood to demo this property, I will have my architect design homes with a look and feel very similar to the existing house (instead of a design similar to the homes on 1609 Walnut) for both the front and back houses.*

*Hopefully we can work something out. Please let me know if you have any questions.*

**SAL MARTINEZ**

*President & Owner*

Cavan replied with the following email on **July 30th**:

*Hi Sal -*

*It's nice to meet you as well. I appreciate your original intention to preserve the house and it is unfortunate that after all the time and work that has gone into this project that we're back at square one.*

*I can understand your concern for safety but could you be more descriptive about the parts of the home that would be unsafe after moving? Or do you have a report from a mover? My intent is not to doubt you but rather provide due diligence to the neighborhood as this is the second time MX3 has changed course on the agreement.*

*As far as supporting demolition for a similar design - I can propose this to the team for a vote but in all honesty I don't foresee that option being supported. From our perspective, we made an agreement in good faith with MX3 to sidestep the HLC designation process (which avoided the 180 day construction delay) and to support more square footage on the back house in order to preserve the home. Now, because of a development issue that MX3 did not foresee (and had nothing to do with us) the agreement was altered. After letting us know there are two options forward from that point the neighborhood overwhelmingly voted to support one option and now you're taking the other option.*

*Furthermore, if we were to support demolition there would be no regulation to hold MX3 to any agreed upon design, and recent events haven't inspired faith in MX3's commitment to hold their end of an agreement.*

*The neighborhood voted to support the HLC designation at the onset of this case and I don't believe that will change if you apply for another demolition permit.*

*I'll be out of town until August 4th but have CC'd Amenity Applewhite and David Carrol who are the other members of the Chestnut NPCT exec team of you have any questions in the meantime.*

*Thanks,  
Cavan Merski  
CNPCT Chair*

Sal replied on **July 31st**:

*Hello Cavan,*

*Yes it is unfortunate that we are back at square one after much effort from both MX3 the neighborhood.*

*As I'm sure you are already aware, dealing with the City of Austin is not easy. MX3 has built over 100 houses and not once have I seen a situation like this. No one could have seen the current issue that we have now coming. MX3 made the commitment to the neighborhood assuming the City would allow a building permit which we all had no reason to believe would be a problem. Since the city will not allow a building permit under, the conditions around our agreement have changed which is why we are back to square one.*

*With regards to the safety of the house, I do not have a report as the information I received was verbally by the mover who has had years of experience moving houses. In addition to the safety concern, the mover informed me that the cost to moving the house would be in the range of \$25K - \$30K. If there was no risk of the house not being salvageable after the move, the cost would not be an issue. But to spend 25K - \$30K in order to have little to no chance to salvage the house is not feasible and the project would not be worth continuing.*

*In the past, I have dealt with the neighborhood association for my properties on 3402 & 3404 Merrie Lynn where they had to approve the duplex design I was building. Please contact them as a reference to MX3 following through on getting approval for a design.*

*It would be in MX3's best interest to make sure we use the drawing's with a similar design as mentioned in the previous email for Walnut. We sell over 65 houses a year and we are scheduled to sell over 65 next year. Preserving the relationship with the neighborhood is important as I expect to purchase more properties in this area. If the neighborhood would approve the demolition of the property, I would provide you with a Permit set of drawings prior to the Historical meeting in August. The neighborhood would have the opportunity to approve the exterior design of the house.*

*Based on the current restrictions of the city, at this point I'm willing to wait out the 180 days to get the demo permit if necessary but I would rather work with the neighborhood if possible. I can provide a set of permit drawings in the next week for review. Please let me know how the neighborhood would like to proceed.*

**SAL MARTINEZ**

*President & Owner*

Cavan then forwarded the emails to the subcommittee, and wrote the following email to Sal on **August 25th**:

*Sal -*

*I'm sorry for the delay in my response, I shared your email with the subcommittee of NPCT members who originally met with Annette and worked out the original plans (around 10 neighbors). There wasn't any support for demolishing the house with that group but one idea that came up was the NPCT and surrounding neighbors supporting a variance through the Board of Adjustments that allowed the original home to stay in place and be remodeled as is with the current setbacks. With neighborhood support combined with the complexities and unconventional approach of this development as a hardship this could be a possibility, correct? I remember you said you'd be willing to wait out a 180 day construction delay that would accompany an initiation of a historic zoning case and I imagine this option wouldn't take nearly as long to play out. It would also remain true to the original agreement MX3 made with the neighborhood.*

*If this is not an option we can hold an NPCT wide vote (as we do with all such decisions) and certainly have a*

*result to you by 8/28. Like I've said before, with MX3 changing the original terms of the deal I don't foresee much support for demolition but we will vote on these options if that's what you'd like. The options would be:*

- 1. Support the initiation of a historic zoning case at the 9/28 HLC meeting or*
- 2. Support demolition of the home and work with your designers on a new home for the site.*

*Thanks,  
Cavan*

On **September 8th**, Sal informed us that this is indeed how he would like to proceed. As stated above, I'll open this vote on Friday.

Amenity Applewhite/////

/////Austin, TX /////

---

**3 attachments**



**AS10 1611 Walnut Avenue Site Plan.pdf**  
367K



**1611walnut\_postpone-01-23-15.pdf**  
37K



**1611WalnutReport.pdf**  
590K

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Thank you, Jessyl, for your thoughtful input.

To clarify, homes have already been constructed on the Southern half of the original lot. I just walked my dogs past and snapped some photos, attached below, to illustrate. I also included a photo from the City Staff Report so that everyone can see how the original house looked last winter when Ms. Price was still in residence. You can also see the [StreetView here](#).

I encourage anyone who's voting to swing by and take a look if you have not seen the lot recently in person, but I do hope these photos will be informative for those who don't have a chance to do so.

I'll open the online voting via SurveyMonkey this afternoon or evening.

Thanks,  
Amenity

Here is a view from the alley, of the back house:



Here is a view from Maple of the front house:



Here are some photos of the entire lot and the original house:





















Amenity Applewhite/////

/////Austin, TX //////////////

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Inline image 11<2015-09-18 12.05.25.jpg><2015-09-18 12.04.32.jpg>



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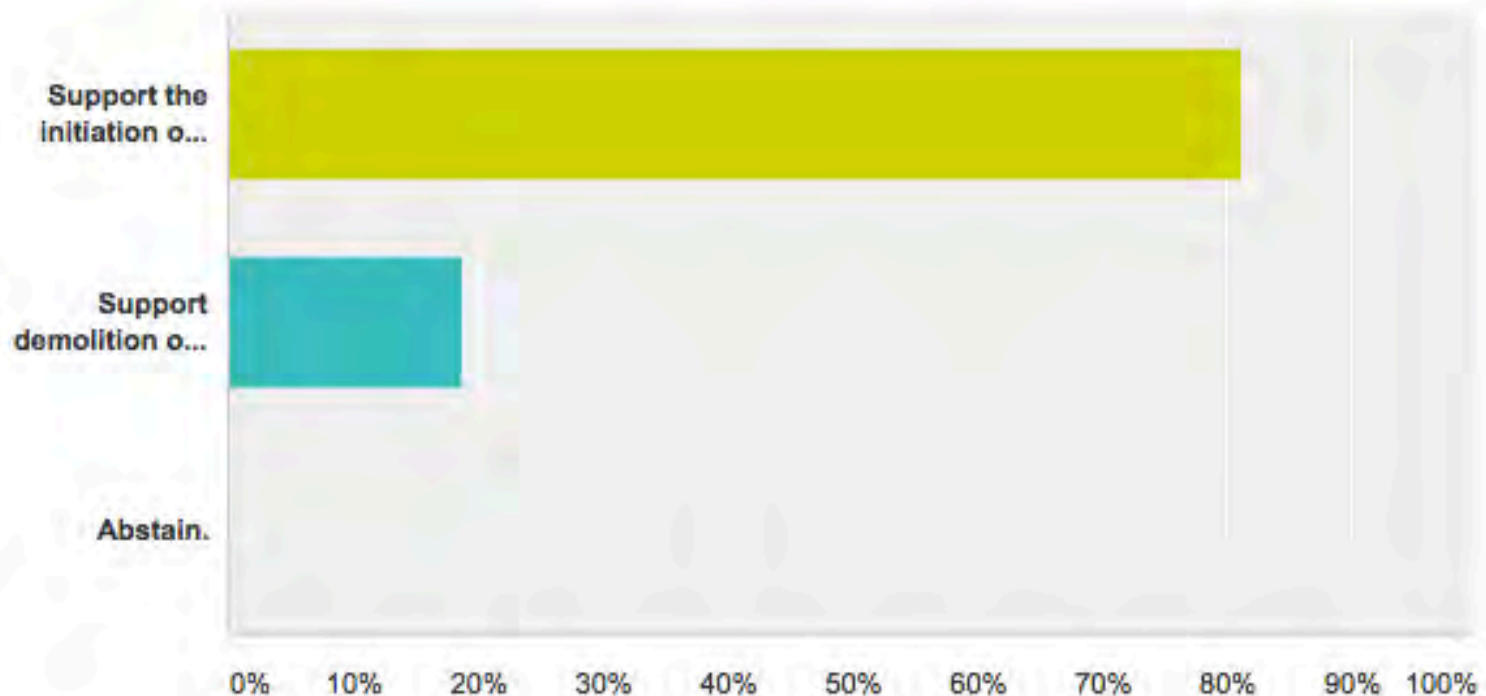


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## MX3 Homes has applied to demolish the original 1925 house at 1611 Walnut.

Answered: 32 Skipped: 1



Answer Choices	Responses	
Support the initiation of a historic zoning case for 1611 Walnut.	81.25%	26
Support demolition of the home and work with MX3 designers on a new home for the site.	18.75%	6
Abstain.	0.00%	0
Total		32