

SECOND AND THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2020-0089 Twelfth and Springdale Residences

DISTRICT: 1

REQUEST: Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1200, 1202, and 1208 Springdale Road (Tannehill Branch Watershed). Applicant's Request: To rezone from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning. First reading approved community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning on July 29, 2021. Vote: 10-0. Owner/Applicant: JJ&B Investments, LLC (Brent Ellinger, Janet Ellinger, and Joseph Malone). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.

DEPARTMENT COMMENTS: No comments at this time.

OWNER/APPLICANT: JJ&B Investments, LLC (Brent Ellinger, Janet Ellinger, and Joseph Malone)

AGENT: Alice Glasco Consulting (Alice Glasco)

DATE OF FIRST READING: First reading approved on July 29, 2021.

CITY COUNCIL HEARING DATES/ACTION:

August 26, 2021:

July 29, 2021: To grant GR-MU-V-NP on first reading only. (10-0) [Mayor pro tem- 1st, Council member Pool- 2nd; Council member Kelly- Off the dais]

June 3, 2021: To grant postponement to July 29, 2021 as requested by neighborhood, on consent. (10-0) [Council member Renteria- 1st, Council member Ellis- 2nd; Council member Kelly- Absent]

May 6, 2021: To grant postponement to June 3, 2021 as requested by staff, on consent. (11-0) [Council member Kelley-1st, Mayor pro tem Harper-Madison- 2nd]

April 8, 2021: To grant postponement to May 6, 2021 as requested by staff, on consent. (10-0) [Council member Renteria-1st, Council member Ellis- 2nd; Council member Alter- Off the dais.]

ORDINANCE NUMBER:

ASSIGNED STAFF: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0089 Twelfth and Springdale Residences

DISTRICT: 1

ZONING FROM: GR-MU-NP

TO: GR-MU-V-NP
(as amended 02/01/2021)

ADDRESS: 1200, 1202 and 1208 Springdale Road

SITE AREA: 1.47acres (64,033.20 square feet)

PROPERTY OWNER:

JJ&B Investments, LLC
(Brent Ellinger, Janet Ellinger, Joseph Malone)

AGENT:

Alice Glasco Consulting
(Alice Glasco)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning to GR-MU-V-NP.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 25, 2021: To grant CS-MU-V-NP as recommended by Staff. (9-1) [Chair Shaw- 1st, Commissioner Cox- 2nd; Commissioner Praxis- Nay; Secretary Flores and Commissioners Connolly and Llanes-Pulido- Absent]

April 27, 2021: To grant postponement to May 25, 2021 as requested by the Applicant, on consent. (12-0) [Commissioner Hempel- 1st, Commissioner Azhar- 2nd; Commissioner Praxis- Not yet arrived]

April 13, 2021: To grant postponement to April 27, 2021 as requested by the Neighborhood, on consent. (12-0) [Commissioner Thompson- 1st, Commissioner Hempel- 2nd; Commissioner Shieh- Absent]

March 9, 2021: To grant postponement to April 13, 2021 as requested by the Neighborhood, on consent. (10-0) [Commissioner Howard-1st, Commissioner Seeger- 2nd; Vice Chair Hempel- absent; 2 vacancies on commission]

CITY COUNCIL ACTION:

July 29, 2021:

June 3, 2021: To grant postponement to July 29, 2021 as requested by neighborhood, on consent. (10-0) [Council member Renteria- 1st, Council member Ellis- 2nd; Council member Kelly- Absent]

May 6, 2021: To grant postponement to June 3, 2021 as requested by staff, on consent. (11-0) [Council member Kelley-1st, Mayor pro tem Harper-Madison- 2nd]

April 8, 2021: To grant postponement to May 6, 2021 as requested by staff, on consent. (10-0) [Council member Renteria-1st, Council member Ellis- 2nd; Council member Alter- Off the dais.]

ORDINANCE NUMBER:

ISSUES:

This rezoning request is distinct from requests submitted in January and February of 2020 (C14-2020-0003 and C14-2020-0014). The prospective developers involved in those requests withdrew their applications prior to public hearing because they decided not to pursue the purchase of the property because the site did not meet their development needs.

The current rezoning request previously included two tracts, requesting a change from SF-3-NP to MF-6-NP for Tract 1 and from GR-MU-NP to GR-MU-V-NP for Tract 2. On February 1, 2021 the applicant removed Tract 1 from the rezoning request. ***Please see Exhibit C- Original Zoning Request.***

A petition has been filed in response to the proposed rezoning. The petition is currently being reviewed by staff to determine if it meets the criteria of a Valid Petition. ***Please see Exhibit D- Valid Petition Request.***

The rezoning tract is immediately adjacent to a historic cemetery that dates to the 1800s. Neighbors have expressed concerned about the possibility of graves being located outside the property lines of the cemetery and possibly located on the rezoning tract. In addition to the Cemetery report mentioned below (Exhibit E), the Applicant has commissioned an archaeological survey of the rezoning tract (***Please see Exhibit H- Archaeological Survey.***)

The rezoning tract is not located on an existing or future core transit corridor. Springdale Road is designated as an Activity Corridor in the Imagine Austin Comprehensive Plan.

The applicant has stated their intention to provide 10% affordable units at 60% MFI instead of the 80% MFI threshold required with VMU development. Planning Commission expressed support of this reduction in MFI.

CASE MANAGER COMMENTS:

The rezoning tract is located northwest of the intersection of East 12th Street and Springdale Road; the undeveloped property is zoned GR-MU-NP. Immediately south of the property is a small retail center that is also zoned GR-MU-NP and contains general restaurant-limited and personal services land uses. Immediately west of the rezoning tract is undeveloped SF-3-NP property that is under the same ownership as the rezoning tract. Approximately 90 feet southwest of the property are four single family lots developed with single family residential land use. Immediately north of the rezoning tract is Bethany Cemetery, which is zoned P-NP. Across Springdale Road to the east is Norman-Sims Elementary School, which is also zoned P-NP. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

The adjacent cemetery, Bethany Cemetery, is a privately owned, historically African-American cemetery established in the 1800s. Bethany Cemetery was designated a Historic Texas Cemetery in 2003. The applicant is working with the Texas Historical Commission to verify the history and boundaries of the cemetery. The applicant has provided documentation regarding this ongoing process. If any graves are located within the boundaries of the rezoning tract the property owner will be responsible for relocating the graves. ***Please see Exhibit E- Cemetery Report.***

In addition to the cemetery, neighbors have raised concerns about drainage in the area. Cometa Street, approximately 560 feet west of the rezoning tract, is located within FEMA designated floodplain. Any development of multifamily or commercial uses on the rezoning tract will require an engineered site plan. ***Please see Exhibit F- Topographic Exhibit.***

Staff has received correspondence regarding the rezoning request. ***Please see Exhibit G- Correspondence.***

Staff supports the proposed rezoning to add Vertical Mixed Use Building (VMU or V) to the existing GR-MU-NP zoning. If the density bonus of the VMU overlay is utilized, the site would be required to provide that 10% of the units be affordable at 80% MFI. The site would also require that at least 75% of the building frontage along the principal street be designed for commercial uses on the ground floor level. The proposed rezoning would add market rate and affordable multifamily housing options in an area that currently has single family and townhouse condominium residences. As a VMU building the property would be required to have ground floor commercial uses; without the designation, the site would not be required to have a mix of residential and commercial or office uses.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*
3. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

The rezoning would allow development of the property with both market rate and affordable multifamily residential units. The Strategic Housing Blueprint, as adopted by Council, promotes additional affordable housing across the city. A VMU building would add multifamily units in an area with limited multifamily options. A mix of housing types in an area has been promoted by Commission and Council, to allow a range of individuals and families to find suitable options.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-MU-NP	Undeveloped
North	P-NP	Cemetery
South	GR-MU-NP	General restaurant-limited, Personal services
East	P-NP	Public elementary school
West	SF-3-NP	Undeveloped, Single family residential

NEIGHBORHOOD PLANNING AREA: East MLK Combined

TIA/NTA: Deferred to time of site plan

WATERSHED: Tannehill Branch

SCHOOLS: Norman-Sims Elementary Martin Middle School LBJ High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Friends of Austin Neighborhoods

Austin Neighborhoods Council
Neighbors United for Progress

East Austin Conservancy
 Friends of Northeast Austin
 Springdale-Airport Neighborhood Association
 Preservation Austin
 Neighborhood Empowerment Foundation
 Martin Luther King Neighborhood Association
 East MLK Combined Neighborhood Contact Team

Austin Lost and Found Pets
 Del Valle Community Coalition
 Seltexas
 Sierra Club
 Bike Austin
 Homeless Neighborhood Association

AREA CASE HISTORIES:

CITY FILE # / NAME	ZONING FROM & TO	PLANNING COMMISSION	CITY COUNCIL
C14-2020-0003 Springdale Residences 4120 E. 12 th Street	SF-3-NP to MF-6 WITHDRAWN		
C14-2020-0014 Twelve Springdale Residences 1200, 1202 & 1208 Springdale Road	GR-MU-NP to GR-MU-V-NP WITHDRAWN		

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E. 12 th Street	~80'	78'	41'	2	Yes	Yes	Yes
Springdale Road	~79'	78'	40'	2	Yes	Yes	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

Connectivity- Two public transit stops are located less than 200 feet away from the subject property. There are public sidewalks and bike lanes located along this portion of East 12th Street. Springdale Road has an incomplete public sidewalk system but does include bike lanes and a public transit stop. Some retail options, a public elementary school and recreation center/district park are located within a half of a mile of the subject property. The mobility and connectivity options in this area are above average.

East MLK Combined Neighborhood Plan- The East MLK Plan Future Land Use Map (FLUM) classifies the subject property as Mixed Use. Mixed Use Land Use FLUM Category is defined as an area appropriate for a mix of residential and non-residential uses. The following E MLK Combined Neighborhood Plan policies and text are applicable to this case: Vision-The East MLK Neighborhood is to be a diverse community that emphasizes traditional values, pride of ownership and a strong sense of community. The Neighborhood will be well balanced with residential and commercial uses, walkable shops, restaurants, cultural opportunities, parks and green spaces. East MLK is to be a safe, quiet, pedestrian oriented neighborhood with clean, well lit, tree lined streets, maintained yards, and accessible to public transportation. (pg. 3)

East MLK Design Guidelines- Ensure compatibility and encourage adjacent land uses to complement each other. The Guidelines may indicate a neighborhood's preference for increasing or decreasing the occurrence of certain types of land uses. Examples of this are as "encouraging more owner-occupied residential units" or "encouraging more nearby small-scale retail or grocery stores." Creating easily accessible areas of mixed-use and neighborhood-oriented services can also minimize the need for residents to travel by car to get goods and services needed on a day-to-day basis. (p 19)

Goal Four - Promote the development and enhancement of the neighborhood's major corridors. (p 45)

Objective 4.1: Allow mixed use development along major corridors and intersections

Goal Five: Provide housing that helps maintain the social and economic diversity of residents. (pg. 45)

Objective 5.1: Allow a mix of residential types on larger tracts having access to major roadways.

Action Items- Action 11- Allow neighborhood commercial/mixed use at the intersection of 12th and Springdale.

Imagine Austin- This property is located adjacent to an Activity Corridor (Springdale Road) as identified by the Imagine Austin Growth Concept Map. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following Imagine Austin policies are also applicable to this case:

☐ LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

☐ LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

☐ HN P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

☐ HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this project being located along an Activity Corridor, which supports multifamily and mixed use; mobility and connectivity strengths in the area, the project appears to be support the Imagine Austin Comprehensive Plan.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location. Development is limited within

the Critical Water Quality Zone.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2. The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:

a. No structure may be built within 25 feet of the property line.

b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

d. No parking or driveways are allowed within 25 feet of the property line.

e. A landscape area at least 25 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.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

SP 4. This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact the Airport planning office at (512) 530-6652.

Parkland

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with GR-MU-V-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2). If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer:

thomas.rowlinson@austintexas.gov . At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies existing sufficient existing right-of-way E. 12th Street and Springdale Road. The traffic impact analysis should be deferred to the time of site plan application when land uses and intensities will be known.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E. 12 th Street	~80'	78'	41'	2	Yes	Yes	Yes
Springdale Road	~79'	78'	40'	2	Yes	Yes	Yes

Austin Water Utility

AW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Previous Service Extension Requests 4294 (W) and 4295(WW) may need to be revised based on development plans submitted. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Original Zoning Request
- D. Valid Petition Request
- E. Cemetery Report
- F. Topographic Exhibit
- G. Correspondence
- H. Archaeological Survey

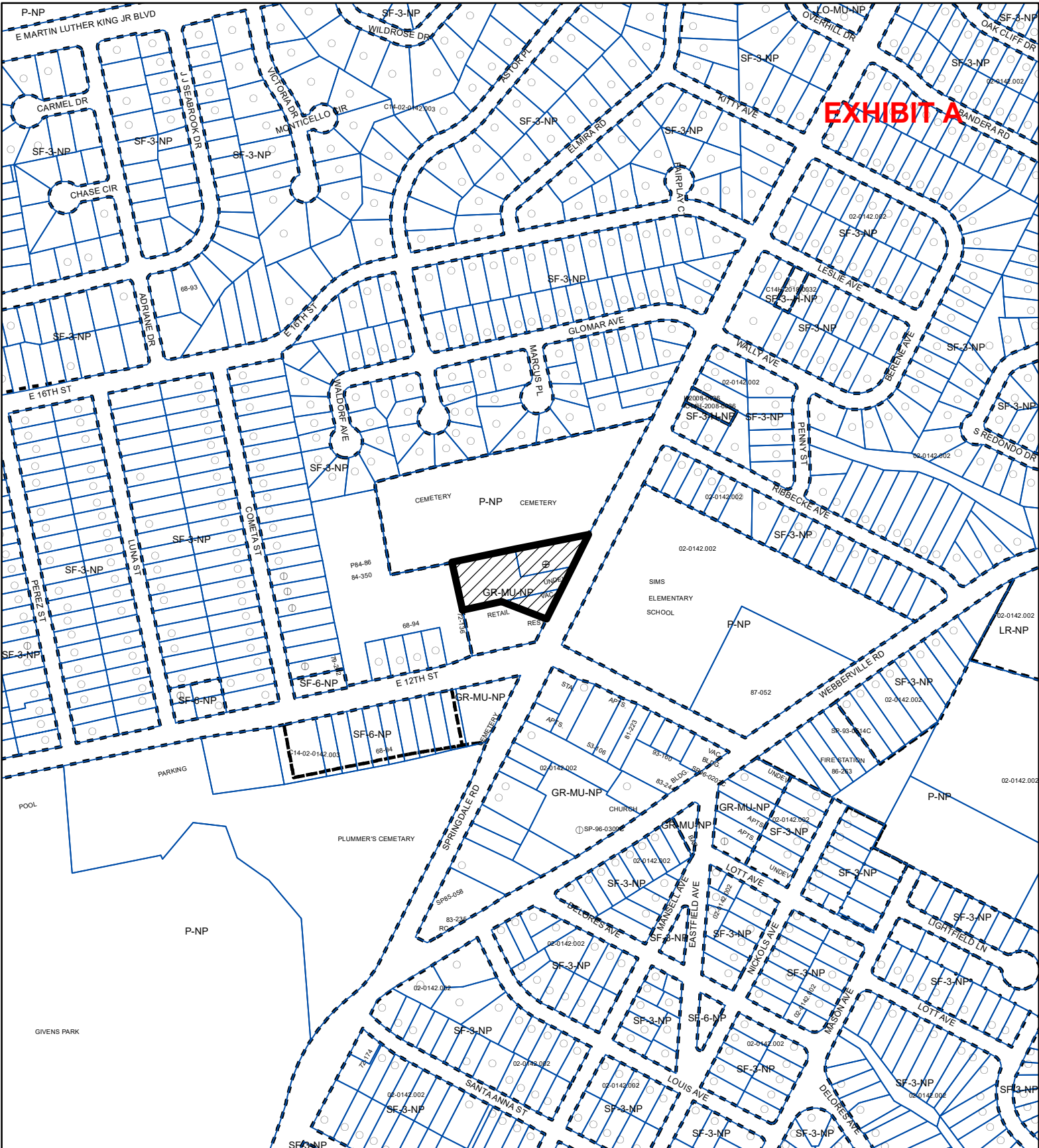





EXHIBIT A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2020-0089



1" = 400'

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

This product has been produced by the 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: 2/2/2021



Property Profile

Legend **EXHIBIT B**

Street Labels

Lot Line

Zoning Review Cases- IN REV



1:2,400



0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

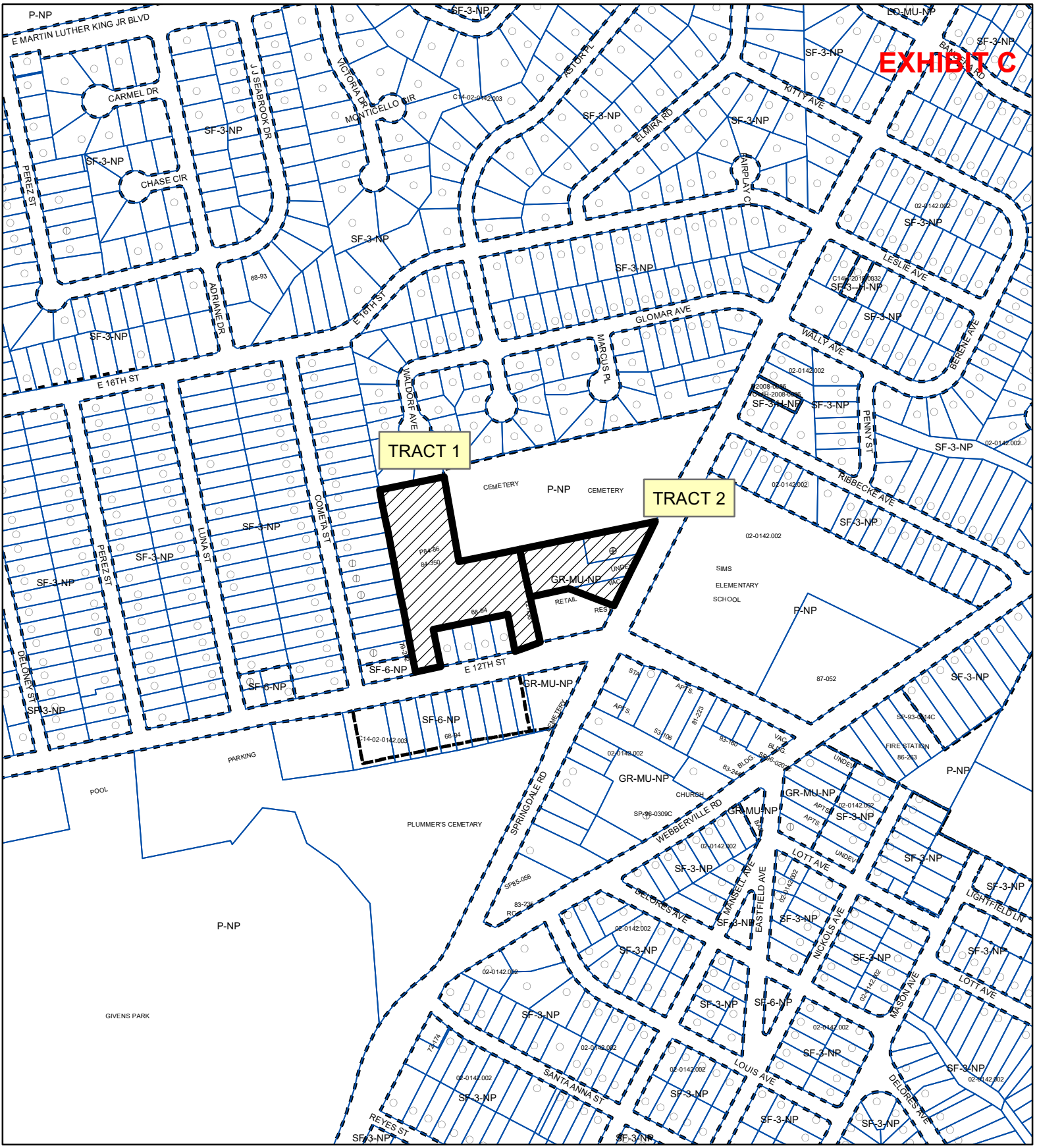
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

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Notes

Twelfth and Springdale Residences
C14-2020-0089

EXHIBIT C



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2020-0089

As filed- see Exhibit A for
current configuration

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Created: 8/11/2020

1" = 400'

Case Number:
C14-2020-0089

PETITION

EXHIBIT D

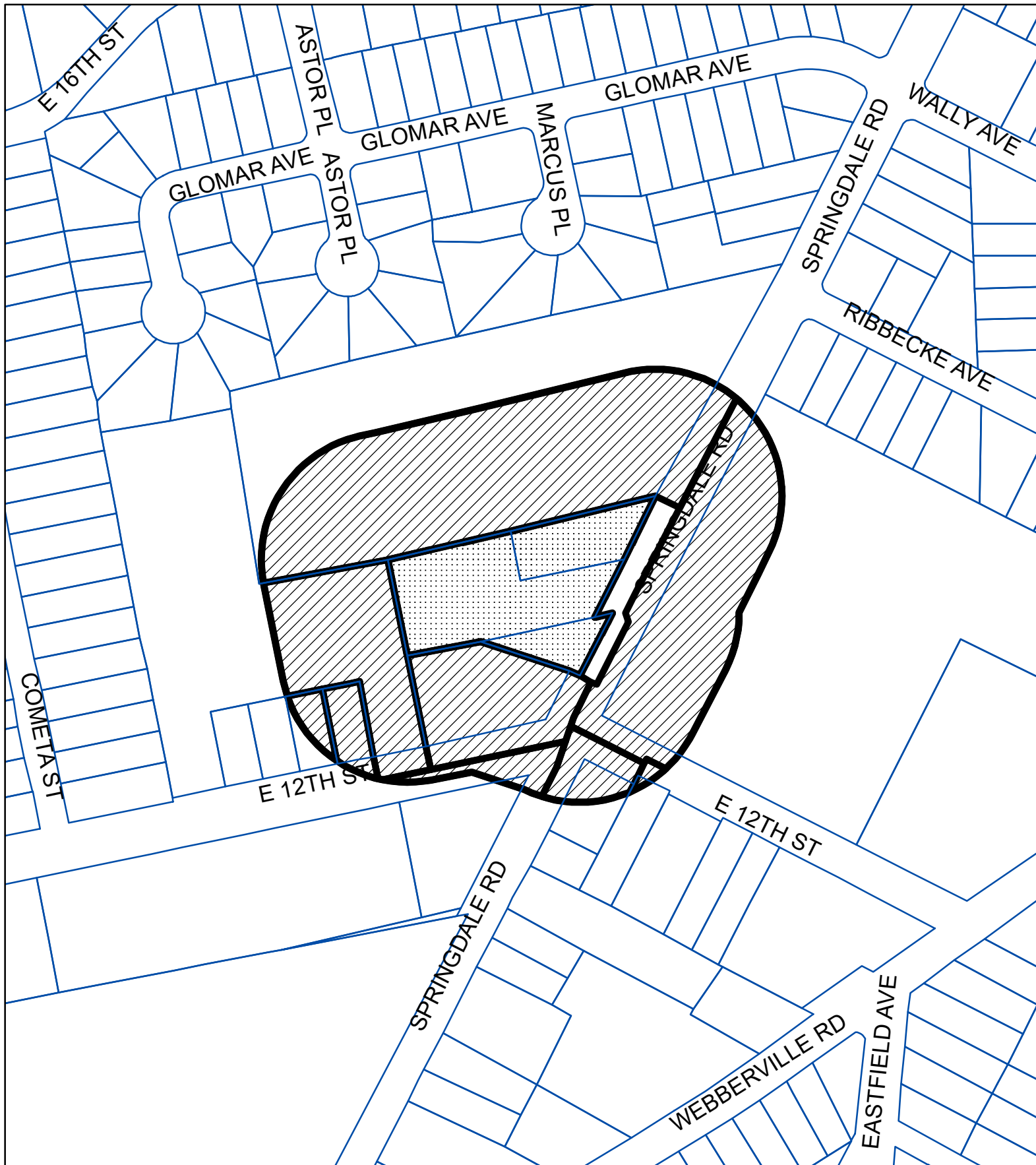
Date: 4/9/2021

Total Square Footage of Buffer: 362747.0515

Percentage of Square Footage Owned by Petitioners Within Buffer: 2.25%

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

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0211200520	1203 SPRINGDALE RD 78721	AUSTIN PUBLIC SCHOOLS	no	87295.08	0.00%
0210180514	1308 SPRINGDALE RD 78721	BETHANY CEMETERY	no	139995.41	0.00%
0209190102	4605 E 12 ST 78721	BUENO PABLO	no	1136.03	0.00%
0210180414	4127 E 12 ST 78721	CCG DEVELOPMENT LLC	no	8758.58	0.00%
0210180533	4116 E 12 ST 78721	HEMMASI DAVID	no	4146.26	0.00%
0210180549	4120 E 12 ST 78721	JJ & B INVESTMENTS LLC	no	49497.92	0.00%
0209190127	1189 SPRINGDALE RD 78721	NEWBY DARRIN ANTONY	no	11757.74	0.00%
0210180532	4118 E 12 ST 78721	RYAN CORY J & GILBERT T HUDSON	yes	8158.97	2.25%
0210180526	4122 E 12 ST 78721	TEXAS PROPERTY WORKS LP	no	40336.14	0.00%
0210180701	4103, 4105, 4107, 4109, 4111, 4113, 4115, 4117, 4119, 4121 E 12 ST 78721		no	69.18	0.00%
Total				351151.31	2.25%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2020-0089

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1" = 200'

PETITION

Date: 3/1/2021

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
Tract 2 (1.47 ac)

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 GR-MU-NP.

Signature

Printed Name

Address including Unit No.

Maudie B. Washington	Maudie B. Washington	4112 E. 12th
Sue Spears	Sue Spears	7318 Colony Park Austin TX 78724
Cory Ryan	Cory Ryan	4118 E. 12th
Gilbert Hudson	Gilbert Hudson	4118 E. 12th
Sue Spears	SUE SPEARS	1308 Springdale Rd 78721
Melinda Barsales	Melinda Barsales	4114 E. 12th St 78721
Stefan Wicks	Stefan Wicks	4114 E 12th St 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: 4/8/2021

Contact Name: Melonie Dixon

Email: mdixonmlk@gmail.com

Phone Number: 512 964 7853

or
err

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.

Tract 2 (1.47 ac)

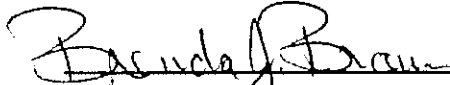


To: Austin City Council

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 GR-MU-NP.

Signature

Printed Name

Address including Unit No.

	Brenda S. Bawn	1603 Astor Pl, 78721
	Daniel Morice	1608 Astor Pl, 78721
	TARA CHIVUKULA	1612 ASTOR PL 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: Melanie H. Deffen

Email: md 12/19/20
mdonmlk@gmail.com

Phone Number: (512) 964.7853

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.

Tract 2 (1.47 ac)

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 GR-MU-NP.

Signature

Printed Name

Address including Unit No.

Thera Williams
COUNTRY BOYZ

THERA WILLIAMS

4140 E 12th

Nicole Sandoz
Nico Sandoz

Nicole Sandoz
Alexander Wehrich
Sonnet Blanton

4120 E 12th
1604 Astor Pl

Franklin A. Delco, Jr.

FRANKLIN A. DELCO, JR.

1605 Astor Pl.

W. Melvin R. Delco W. MELVIN R. DELCO 1605 Astor Pl.

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: Melvin House - Delco

Email mdeltonMLK@gmail

Phone Number 512 964.7853

COPY PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.

Tract 1 (3.4376 ac)

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 SF-3. We believe the existing zoning is compatible with the surrounding neighborhood and respects the critical environmental features of the tract.

Signature

Printed Name

Address including Unit No.

Vera Williams
COUNTRY POINTE

THERA WILLIAM

4140 E 12th

Ville Seyoum
Hagerly

Nicole Sonnet

4122 E 12th

Alexander Wehrich
Sonnet Blanton

Alexander Wehrich
Sonnet Blanton

1604 Astor Pl

Tara Chivukula

TARA CHIVUKULA

1612 ASTOR PL

Taylor Ann Kuwark

TAYLOR ANN KUWARK

1611 ASTOR PL

Exaltion A. Delco, Jr.

EXALTION A. DELCO, JR.

1805 ASTOR PL.

Wilhelmina R. Delco

WILHELMINA R. DELCO

1805 Astor Place

Sarah Kettles

SARAH KETTLES

4801 Ribbeck Ave.

Brett Bowlin

BRETT BOWLIN

4801 Ribbeck Ave.

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: Melanie House Dixon

Email mdixonmlk@gmail
.com

Phone Number 512 964-7853

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
Tract 2 (1.47 ac)

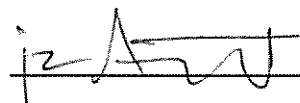
To: Austin City Council

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Signature

Printed Name

Address including Unit No.



Joann Assawamatayanont

6702 Overhill Dr.
Austin, TX 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
Tract 2 (1.47 ac)


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 GR-MU-NP.

Signature

Printed Name

Address including Unit No.

 Amitiss Mahvash 1142 Berger St. 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: Dec. 30, 2020

Contact Name: Amitiss Mahvash

Email: amitissmahvash@gmail.com

Phone Number: 713.703.9012

P E T I T I O N

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
Tract 2 (1.47 ac)

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 GR-MU-NP.

Signature

Printed Name

Address including Unit No.



HAZEY W FAIRLESS

4604 KITTY AVE 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
Tract 2 (1.47 ac)



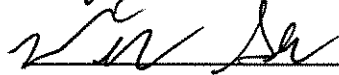
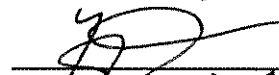



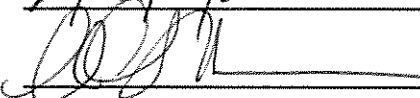
To: Austin City Council

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Signature

Printed Name

Address including Unit No.

	Alexa Villalobos	1411 Greenwood Ave
	Virginia M. Sanchez	1309 E.M. Franklin
	William Bell Slack	1307 E.M. Franklin
	Eric John Ormann	4912 Luedema Rd
	Lillian Limuel	1306 EM Franklin ave
	Kay Dela Rosa	1703 Adriane F 78721
	Matheson Muir	1618 JJ Seabrook 78721
	Miriam Rodgers (McDure)	1700 JJ Seabrook 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
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To: Austin City Council

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Signature

Printed Name

Address including Unit No.

[Signature]

ERICA NX

4602 Kitty Ave 78721

[Signature]

LISA MARTIN

1701 Springdale Rd
78721

[Signature]

Jacque Sutton

4605 Kitty Avenue

[Signature]

CAWYALL

1501 E. Springdale

Herman Small

Herman Small

4603 Kitty Ave 78721

Alma Flores

Alma Flores

4603 Kitty Ave 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email: _____

Phone Number: _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.

Tract 2 (1.47 ac)

To: Austin City Council

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Signature

Printed Name

Address including Unit No.

Nicole Sample NICOLE Sample 4122 E 12th
Kera Williams THEBA WILLIAMS 4140 E 12ST
D. Ramon D. Ramon 1300 Astor Pl.
L. Wyatt TOMMIE L. WYATT 4132 E. 12TH ST. (VILLAGER)

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
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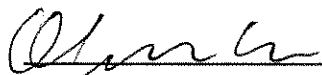
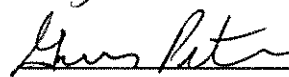
To: Austin City Council

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Signature

Printed Name

Address including Unit No.

	Olivia Warner	1405 E M Franklin
	Gurner Peterson	1608 Greenwood

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

File Number: C14-2020-0089


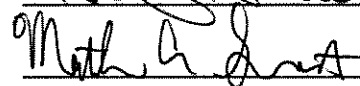
Address of Rezoning Request: 1200 Springdale, 1202 Springdale, and 1208 Springdale
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To: Austin City Council

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For condominium projects, the signatures below represent either all of the owners of the units and common areas in the condominium project and/or the appropriate officer authorized to act on behalf of the members of the governing body of the condominium project who duly authorized this action.

Signature Printed Name Address including Unit No.

 Bethany E Druschel 1313 Cometa St #A, APTX 78721
 Matthew A Grath 1313 Cometa St. #A, Austin, TX

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____ Contact Name: _____

Email _____ Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

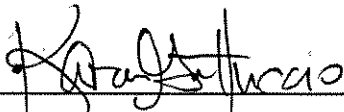

Address of Rezoning Request: 1200 Springdale, 1202 Springdale, and 1208 Springdale
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Signature Printed Name Address including Unit No.

 Karen Gattuccio 1309 Cometa St. Bldg 2, Austin 78721
TIMOTHY FAGEN  1309 COMETA ST, UNIT 1/A AUSTIN 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____ Contact Name: _____

Email _____ Phone Number _____

PETITION

Date:

File Number: C14-2020-0089


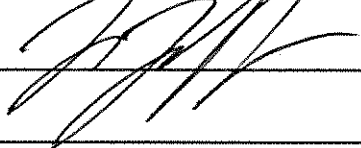
Address of Rezoning Request: 1200 Springdale, 1202 Springdale, 1208 Springdale

Tract 2 (1.47 ac)

To: Austin City Council

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Signature Printed Name Address including Unit No.

Alexandria Anderson  1209 Cometa Street Austin, Texas 78721
JASON MYKOFF  1307 COMETA ST., 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____ Contact Name: _____

Email _____ Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.

Tract 2 (1.47 ac)

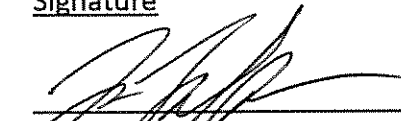
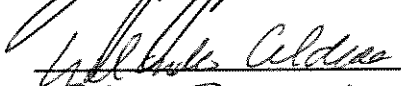


To: Austin City Council

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Signature

Printed Name

Address including Unit No.

	JASON MYKOFF	1307 COMETA, 78721
	Yolanda Aldas	1401 Cometa - 78721
	Alexandria Anderson	1209 Cometa 78721
	Natasha P. Campbell-Cross	1305 Cometa 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: 03/02/2021 Contact Name: Melanie Dixon
Email mdixonm11ca@gmail.com Phone Number 512-964-7853

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, and 1208 Springdale
Tract 2 (1.47 ac)

To: Austin City Council

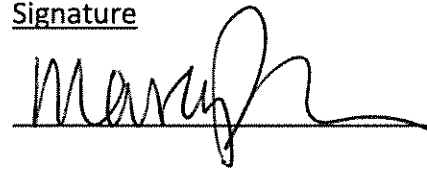
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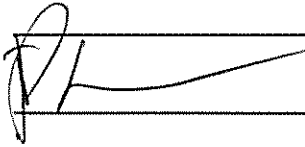
Printed Name

Address including Unit No.



Marcy Holman

1205
Camelia St



Taesun Kim

#1

#2

Austin, 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

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Contact Name: _____

Email _____

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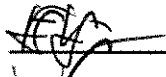
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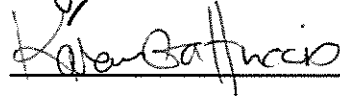
Printed Name

Address including Unit No.



TIMOTHY FADEN

1309 COMETA ST UNIT 1; AUSTIN, TX 78721



Karen Gattuccio

1309 Cometa St. Unit 2 Austin TX 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

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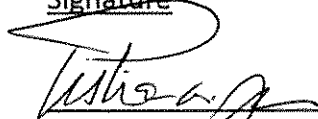
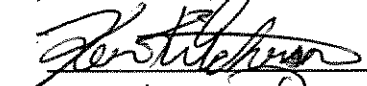

To: Austin City Council

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Signature

Printed Name

Address including Unit No.

 TISHA A. JONES 1207 COMETA ST. UNIT B, AUSTIN TX 78721
 Kevin Ritchie 1207 Cometa St Unit A Austin, TX 78721
 Martha Bejarano 1207 Cometa St #A 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email: _____

Phone Number: _____

P E T I T I O N

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.
Tract 2 (1.47 ac)

To: Austin City Council

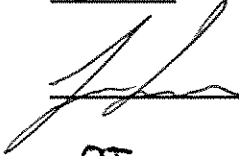
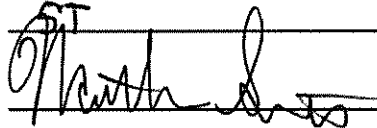

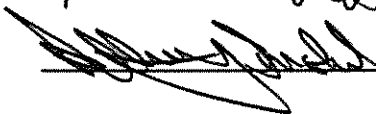
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Signature

Printed Name

Address including Unit No.

	Luke Fernandez	#B 1313 Comet St. B
	SKYLAR TALLEY	1313 COMETA ST B
	Matthew Graft	1313 Comet St. A
	Bethany Edraskel	1313 Cometa St., A

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email: _____

Phone Number: _____

PETITION

Date:

File Number: C14-2020-0089

Address of Rezoning Request: 4120 East 12th St.

Tract 2 (1.47 ac)

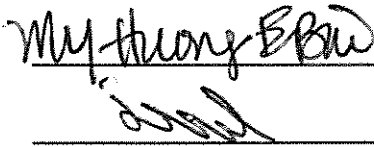
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Signature

Printed Name

Address including Unit No.



My-Huong Elsa Bui

1404 Waldorf



STEVEN DRESS

1454 WALDORF

M.T. Levering Margaret T. Levering 1402 Waldorf Ave.



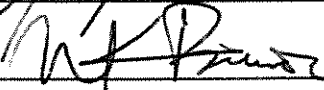
Amalia Litsa

1400 Waldorf Ave



Stefanie Capparelli

1407 Waldorf Ave.



Mary Kate Brown

1405 Waldorf Ave



Gabriel Brown

1405 Waldorf Ave

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

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Date:

File Number: C14-2020-0089

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To: Austin City Council

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Signature

Printed Name

Address including Unit No.

Mary P. Cassidy

Mary Catherine Cassidy

1213 Cometa St #A
Austin TX 78721

Theresa Cassidy

Theresa Cassidy

1213 Cometa St A, Austin, TX 78721

Julie Prinner

Julie Prinner

1213 Cometa St Unit B, Austin TX 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date:

File Number: C14-2020-0089

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Tract 2 (1.47 ac)

To: Austin City Council

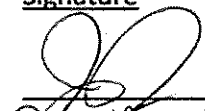
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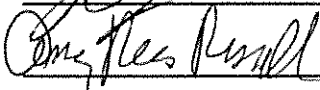
Signature

Printed Name

Address including Unit No.



JESSLYN JAMISON 1211 COMETA ST UNIT B



AMY REES RUSSELL 1241 Cometa St Unit A

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

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Date:

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
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Tract 2 (1.47 ac)

To: Austin City Council

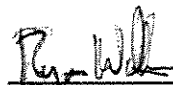
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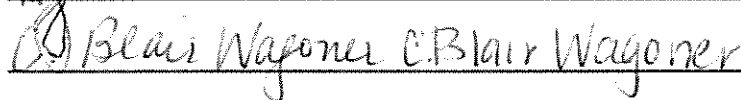
Printed Name

Address including Unit No.



RYAN WALKER

1301 COMETA ST UNIT B
AUSTIN, TX 78721



1301 Cometa St, Unit A
Austin, TX 78721

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: _____

Contact Name: _____

Email _____

Phone Number _____

PETITION

Date: 5/10/21

File Number: C14-2020-0089

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Springdale, 1208 Springdale
Tract 2 (1.47 ac)

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Signature

Printed Name

Address including Unit No.

Sue Spears

Bethany Cemetery Co
Sue Spears

1308 Springdale Rd
Austin, TX 78721.

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: 5/10/21

Contact Name: Melanie Dixon

Email mdixonmk@
gmail.com

Phone Number 512 964 7853

Cultural Desktop Assessment – Bethany Cemetery

To: Mackenzie McCauley, Urban ATX Development LLC
From: Joey O’Keefe, aci consulting
Subject: Cultural Desktop Assessment for the Bethany Cemetery in Travis County, Texas
Date: March 25, 2021

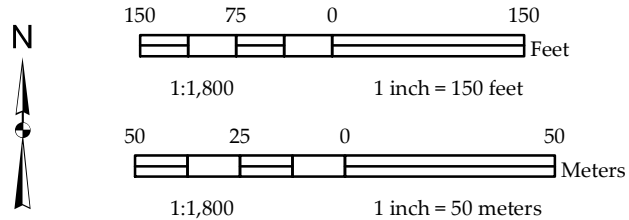
Introduction

In March of 2021, aci consulting was contracted by Urban ATX Development LLC to conduct a desktop assessment for the Bethany Cemetery located in Travis County, Texas. The investigation included a background records search of the Texas Archeological Sites Atlas (Atlas), which is an online database maintained by the Texas Historical Commission (THC), the Historic Texas Cemetery (HTC) designation documentation also maintained by the THC, and the historic background of the cemetery. The purpose of the assessment was to determine if the boundary of Bethany Cemetery extends into adjacent land parcels, as portrayed on the Atlas, or if the cemetery adheres to the current Travis County land plots as portrayed on the HTC documentation and Travis County Appraisal District parcel map (TCAD) (2020). Additionally, this assessment is meant to assist in determining the probability for burials to exist outside of the cemetery boundaries. This determination of probability will be determined through historical documentation identifying the location of burials and identifying the historically delineated boundaries of the cemetery.

To specify the proposed project and location: Urban ATX Development LLC proposes constructing multi-family homes on the parcels along the west side of Springdale Road (Rd) (TCAD Lot# 201128), and single-family homes on parcels north of East (E) 12th Street (St) (TCAD Lot# 859192). According to the current TCAD, the parcels are adjacent to the western and southern boundaries of the cemetery. However, according to the Atlas (2021), Bethany Cemetery extends into the above-mentioned adjacent parcels. This larger Atlas (2021) footprint does not match the TCAD (2020) footprint (Figure 1).



This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.



- Atlas (2021) Cemetery Boundary
- HTC (2003) and TCAD (2020) Cemetery Boundary
- Travis County Parcels



Bethany Cemetery

Bethany Cemetery is located on the west side of Springdale Rd approximately 0.08 mile (0.13 kilometer) north of the intersection of E 12th Street St and Springdale Rd in Austin, Texas. The cemetery is within a heavily urbanized area containing mainly residential structures and is located across the street from Sims Elementary School. According to the HTC documentation submitted in June of 2003, the cemetery is approximately 6.25 acres in size, and contains approximately 500 burials, with the earliest burial dating to 1835 when Willie Rivers was interred at Bethany Cemetery and is one of the earliest African American burials in Austin (Figures 2 and 3) (Wolfenden 2003).

As the segregated segment for Austin's African American community within the Oakwood Cemetery, located at the intersection of E 14th St and Navasota St in Austin, Texas, reached its capacity, and because Oakwood Cemetery did not intend to create more space for the deceased members of said community, a need for additional burial plots for members of the African American community became critical. In July of 1893, the land for Bethany Cemetery was purchased from Charles M. Jones by John M. Holland, Williams M. Tears, Henderson Rollins, and Allen Bradley for the sole purpose of providing burial plots for members of Austin's African American community. After purchasing the land, the five men began the Bethany Cemetery Company. They later formed a burial association that focused on providing burial aid to members of the company (Wolfenden 2003).

Historically, maintenance for Bethany Cemetery was provided by family members of the deceased buried within the cemetery. A dedicated caretaker was hired by the Bethany Cemetery Company to assist maintaining the cemetery between 1914 and 1930. As time passed, however, cemetery maintenance became irregular as family members themselves began to pass away. Additionally, the city of Austin opened Evergreen Cemetery which offered continual maintenance and groundskeeping. The newer cemetery offering constant care was tempting to individuals whose relatives were

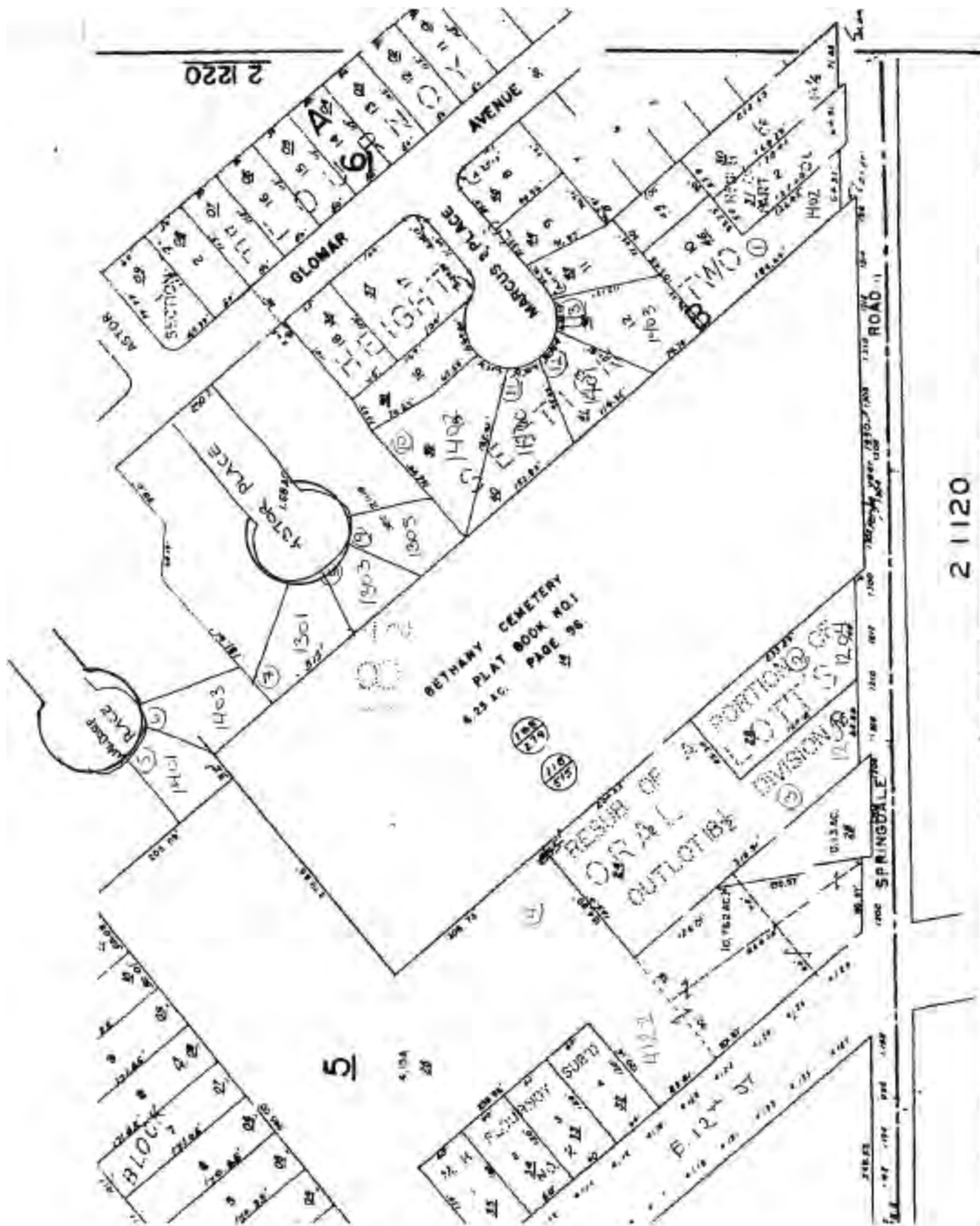
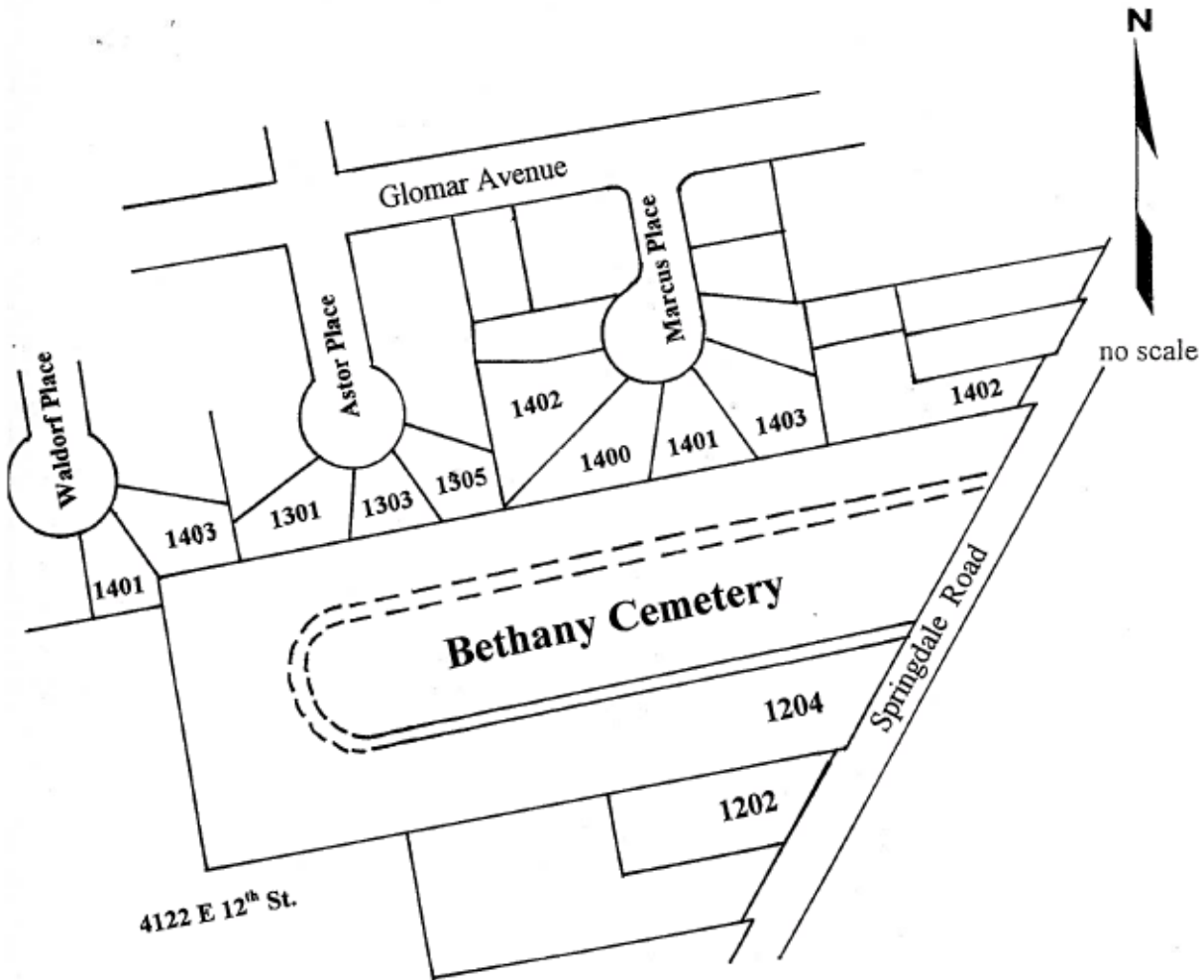


Figure 2. Bethany Cemetery with Surrounding Land Parcels. Travis County Courthouse Records, Plat Vol. 1, 96 (Wolfenden 2003)



Map adopted from data provided by the applicant, Travis County Appraisal District and Claude F. Bush Jr., R.P.L.S., # 202, January 20, 1969, Austin, Texas.

See Deed Records of Travis County, Vol. 108, Pg. 279; Vol. 113, Pg. 235; Vol. 117, Pg. 139; Vol. 118, Pg. 515; Vol. 6558, Pg. 628; Plot Records, Vol. 1, Page 96; No. 244,500

Dist. Ct. Records, Travis County, Texas.

6.25 acres out of Outlot no. 18 ½, Division B, City of Austin, Texas.

UTM: Zone: 14 Easting: 626268.4 Northing: 3350575.3

Latitude: 30° 16' 49.12" N Longitude: 97° 41' 13.78" W

BETHANY CEMETERY

Cemetery No. TV-C062

Travis County

Figure 3. Bethany Cemetery (TV-C062): Travis County Appraisal District (Wolfenden 2003)

buried at Bethany Cemetery. Some descendants exhumed their deceased relatives and moved them to Evergreen Cemetery, leaving an even fewer number of relatives to maintain Bethany Cemetery. The Bethany Cemetery Company disbanded in 1933 after each of the five founding members were deceased (Wolfenden 2003).

In 1931, Eva Taylor Ross took it upon herself to provide care for Bethany Cemetery. In 1971, Ms. Ross formed the Bethany Cemetery Association of Travis County. The newly founded association erected fencing along the boundary of the cemetery and a stone entryway with an arched nameplate. Through a 1976 legal battle, the Bethany Cemetery Association became the sole owner of the property, removing ownership from the defunct Bethany Cemetery Company. The records for Bethany Cemetery were housed within a separate facility at Oakwood Cemetery. These records were destroyed by a fire in the 1970s (Wolfenden 2003).

Bethany Cemetery saw a new generation of caretakers in the late 1980s as members of the Baha'i Faith and the surrounding community began taking interest in the cemetery's wellbeing. Sue Spears, one of the members of the community, donated her time to preserving the grounds of the cemetery while Baha'i Faith member Cynthia Mull donated her time by researching the cemetery's history and rebuilding the inventory records lost to the fire (Wolfenden 2003).

The Austin Community Foundation, a charity created in 1977 to assist with local community needs, philanthropic endowments, and support local causes, awarded a grant to erect new fencing for the property in the mid-1990s, and a Texas Historical Marker for Bethany Cemetery was established in 1997. In the early 2000s, Andy Bucknall attempted to renew interest in the cemetery with regular cleanup that occurred on the first Saturday of every month (Wolfenden 2003).

Available cemetery records show graves situated in long, narrow arrangements. Individual burial plots are arranged parallel to the border of the cemetery on the northern, southern, and western boundaries, and wide grassy paths, or "alleys," within the cemetery separate ten family-sized plots (Figure 4).

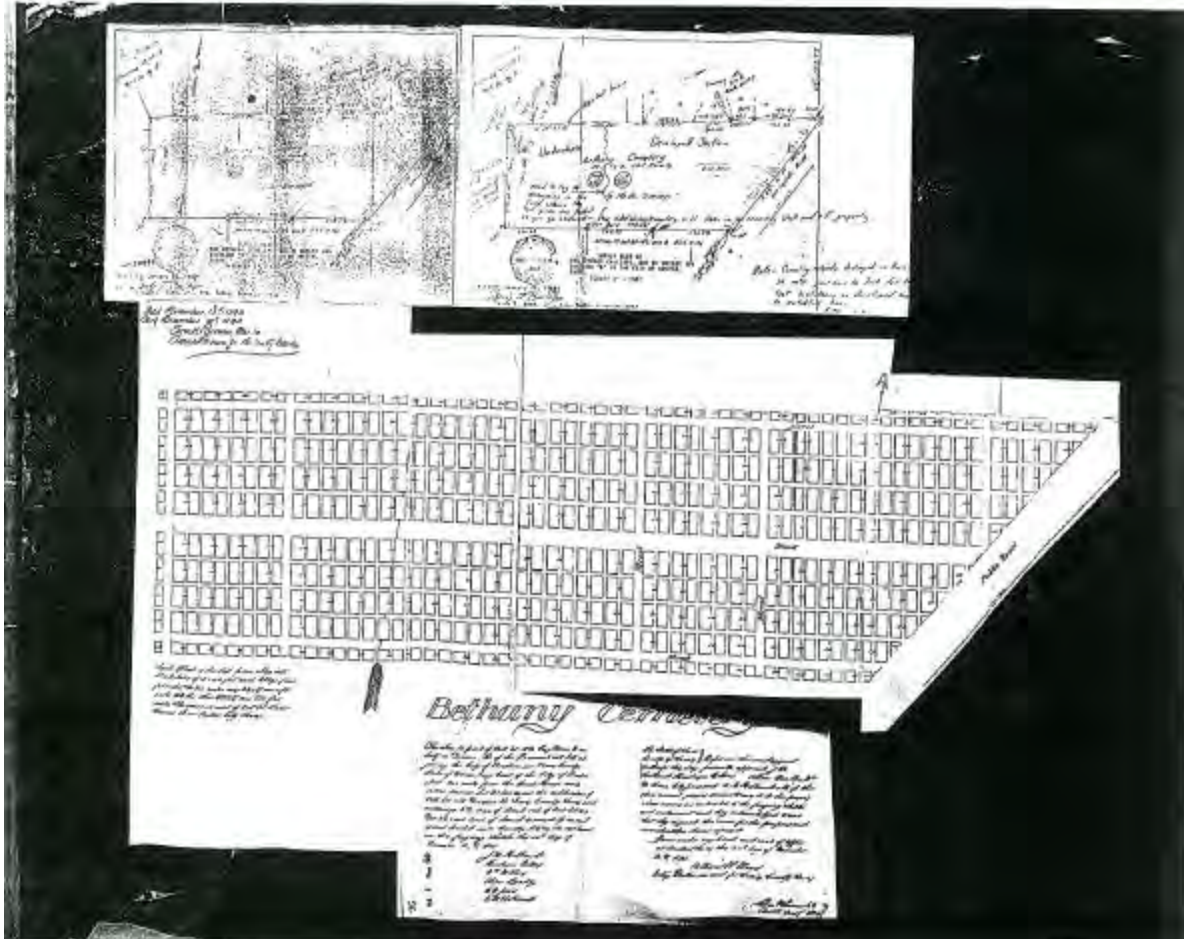


Figure 4. Burial Arrangements for Bethany Cemetery (Wolfenden 2003)

HTC Designation and Previous Surveys

Bethany Cemetery was designated as a HTC (No. TV-C062) in 2003 as part of a graduate project by Leslie Wolfenden with the University of Texas at Austin. As part of the designation process, Ms. Wolfenden conducted extensive research, including oral histories, that helped establish the cemetery's historical significance to the city of Austin. Wolfenden also researched and collected available deeds and land titles to help establish the most accurate boundaries for the cemetery. Letters were sent to the owners of the land parcels adjacent to the cemetery as a result of the HTC designation. These letters explained that the cemetery was recognized as a HTC due to its historical significance, however, the designation did not restrict how their land would be used (see Appendix A for complete information packet submitted for HTC designation).

In 2007, an independent researcher completed an official cultural resources survey for Bethany Cemetery, allowing the cemetery to be recognized as a Texas archeological site (41TV1703). According to the archeological site report available on the Atlas (2021), the size of the cemetery was recorded as being 6.18 acres, a 0.07-acre difference compared to the HTC documentation. The cultural resources survey included physical terrestrial observations, as well as oral histories. The survey produced similar information found in the HTC designation from 2003, with additional information for those interred which includes slaves, ministers, two African American civil war veterans, and first African American Austin city employee James Dobson (THC 2007).

Historical Documentation Comparison

Size

The 2003 HTC documentation from 2003 lists the cemetery's size as 6.25 acres which is consistent with the TCAD (2020) land parcel information; however, the 2007 cultural resources survey recorded the size of the cemetery as 0.07 acres small at 6.18 acres. Furthermore, according to the digital footprint provided by the Atlas (2021), Bethany Cemetery is approximately 6.40 acres.

Footprint

The digital footprint of Bethany Cemetery on the Atlas (2021) is elongated and shifted south from the TCAD footprint, placing it within adjacent land parcels and on top of an existing building not associated with the cemetery and crossing into Springdale Rd (see Figure 1). Based on the information provided by the HTC, 2007 cultural survey, TCAD, and the physical restrictions created by Springdale Rd and the existing structure, the Atlas (2021) digital boundary of Bethany Cemetery does not appear accurate.

Conclusion and Recommendations

Bethany Cemetery has seen constant interaction and use by members of Austin's African American community beginning as early as 1835, according to the date of the earliest burial. Maintenance efforts, both consistent and staggered, have allowed for the cemetery's boundary to become well-established and recognized with multiple fences erected. Historic grave records, burial plans, and oral histories documented and reviewed were consistent with the physical landscape. Additionally, the available grave and burial plan details the limits of the burials, placing single burials along the boundaries of the land parcel, except at Springdale Rd where larger burials are shown approaching the boundary abutting the road (see Figure 4).

Based on the consistent documentation among the HTC, 2007 cultural resources survey, official land deeds and titles, and TCAD (2020), aci consulting suggests the digital footprint on the Atlas (2021) is incorrect and should be modified to match the HTC and TCAD (see Figure 1). Additionally, based on the available information provided by historic land parcel drawings and maps, land deeds (see Figures 2 and 3; Appendix A), parcel drawings, and grave and burial layout plans, the boundary of the cemetery and the associated burials appear to have stayed within the land designated for Bethany Cemetery. Therefore, aci consulting believes there is a low probability for the presence of burials to be within the land parcels located outside and adjacent to Bethany Cemetery.

It must be noted that this assessment was conducted to determine the boundary of Bethany Cemetery and the probability for burials outside of that boundary only used information gathered through desktop research and in no way represents the findings from a terrestrial survey or other ground truthing activities. Therefore, should previously unrecorded burials, internments, or human remains, be discovered during the course of construction for the private development project, Urban ATX Development LLC will contact qualified professionals to assess the findings.

References

Atlas

2021 Texas Archeological Sites Atlas. Texas Historic Commission, Austin. Available Online at <https://atlas.thc.state.tx.us/>. Last accessed 03/23/2021.

Travis Central Appraisal District (TCAD)

2020 Legal Description and Property Information (201127): Bethany Cemetery. Available at <http://propaccess.traviscad.org/mapSearch/?cid=1>. Last accessed 03/23/2021.

Texas Historical Commission (THC)

2007 Archeological Site Form: Details for Site 41TV1703. Conducted by a private surveyor. Records on file with the Texas Historical Commission

Travis County Courthouse

nd Travis County Courthouse Records. Plat volume 1, 96.

Wolfenden, Leslie

2003 Historic Texas Cemetery Designation for Bethany Cemetery (No. TV-C062). Record on file with Texas Historical Commission, Austin, TX.

Appendix A
2003 Historic Texas Cemetery Designation for Bethany Cemetery (TV-C062)

TV-0002

HISTORIC TEXAS CEMETERY DESIGNATION

List additional descriptions or information on separate pages, if necessary.

1. CEMETERY/BURIAL BETHANY CEMETERY County TRAVIS

Also known as _____

2. LOCATION/SIZE Metes and bounds, any survey references (e.g., L. Garrett Survey, Section 2, Abstract 5248):

LOT #2, SUBDIVISION OF OUTLOT #18 1/2 IN SUBDIVISION B OF GOV'T TRACTS
ADJOINING CITY OF AUSTIN 0.25 ACRES OF DLT 18 + 1/2 DIVISION B

Street address, town, city, zip code and/or specific directions from nearest town, distance from nearest intersection or permanent landmark or state or county road:

1300 BLK. SPRINGDALE ROAD AUSTIN 78721
BETWEEN E. 12TH ST. AND GLOMAR AVE.Optional: UTM: _____ Zone: 14 Northing: 3350575.3 Easting: 626268.4
Optional: Latitude: 30° 16' 49.12" N Longitude: 97° 41' 13.78" W

3. THE CEMETERY MEETS THE FOLLOWING CRITERIA

☒ At least 50 years of age ☒ Historic associations

(Two basic criteria govern the approval for the Historic Texas Cemetery designation: (1) The cemetery must be at least 50 years old, and (2) deemed worthy of preservation for its historic associations. The very nature of a cemetery being a landmark of a family's or community's presence is considered to validate the criteria of historic associations.)

4. ORIGINS Texas courts hold that no particular instrument or ceremony is required to dedicate land to cemetery purposes. Its actual use as a cemetery is sufficient (Damon v. State, 52 S.W. 2d 368 Tex. 1932). If known, please provide information as to the ownership of the land out of which this cemetery was set aside and when this took place:

ORIGINALLY PART OF STEPHEN F. AUSTIN'S "LITTLE COLONY"; BETHANY CEMETERY PLAT RECORD
VOL. 1 P. 96. JOHN H. HOLLAND, WILLIAM M. TEXAS, HENDERSON ROLLINS, ALLEN BRADLEY, CHARLES W. JONES
7/10/18935. TRUSTEESHIP OR AUTHORITY OVER CEMETERY ☒ Public ☐ Private ☐ BothName of individual, trustee, political entity, organization or religious institution associated with cemetery or whose land surrounds cemetery BETHANY CEMETERY ASSOCIATIONAddress 5505 AMESWOOD City AUSTIN Zip 78723Phone (512) 928-1094 Fax () _____ Email _____Contact person, sexton or caretaker DONALD NESBY, SR.Address 5505 AMESWOOD City AUSTIN Zip 78723Phone (512) 928-1094 Fax () _____ Email _____

6. OWNERSHIP OF LAND ADJACENT TO CEMETERY

(Please indicate on the site map the location of each owner's property)

Owner no. 1 JOSE DIAZ

Address 1402 SPRINGDALE RD City AUSTIN Zip 78721

Phone () Fax () Email address

Owner no. 2 BUTTROSS, DAVID 1204 SPRINGDALE ROAD

Address PO BOX 5396 City AUSTIN Zip 78763-5396

Phone () Fax () Email address

Owner no. 3 TRAVIS CO. TRUSTEE 1202 SPRINGDALE ROAD

Address PO BOX 1748 City AUSTIN Zip 78767-1748

Phone () Fax () Email address

Owner no. 4 TEXAS PROPERTY WORK LP 4122 E. 12TH ST.

Address PO BOX 150759 City AUSTIN Zip 78767-1748 0759

Phone () Fax () Email address

MORE OWNERS SEE ADDENDUM

7. HISTORICAL DESIGNATIONS

Is property listed in the National Register of Historic Places? ☐ Yes ☒ No

If Yes, date of listing

Does this cemetery already have an Official Texas Historical Marker? ☒ Yes ☐ No

If Yes, title and date of marker BETHANY CEMETERY 1997

8. PERSON COMPLETING THIS FORM

Name LESLIE WOLFENDEN

Date 4/16/03

Affiliation U.T. GRADUATE STUDENT

Address 916 MARYLAND DR City AUSTIN Zip 78758

Phone (512) 339-9374 Fax () Email address

REQUIRED ATTACHMENTS:

☒ Narrative history and local context of the cemetery (one page)

☒ Current black & white photos (and historical photos if available); color prints will not be accepted except as supplemental to a core set of black & white photos, see page 4 of instructions.

☒ Documentation for the *Affidavit of Dedication for Cemetery Purposes* (site map)

☐ Processing fee of \$25.00 (non-refundable)

ADDITIONAL INFORMATION

Approximate number of burials 500 Date/name of first known interment 1835 WILLIE RIVER

Do cemetery burial or association records exist?

☐ Yes ☒ No

Has the cemetery been inventoried?

☒ Yes ☐ No

Author, title, date, location, availability of above records/inventories or other published material about this cemetery/site
SUE SPEARS CEMETERY INVENTORY TEXAS HISTORICAL COMMISSION, CEMETERY FILES

Cemetery status

☒ Active ☐ Inactive

Scheduled cleanings?

☒ Yes ☐ No

If yes, when? 1ST SATURDAY OF THE MONTH

Association meetings?

☐ Yes ☒ No

If yes, when?

Accessible to the public?

☒ Yes ☐ No

Evidence of unmarked graves?

☒ Yes ☐ No

Evidence of vandalism?

☐ Yes ☒ No

Problems with erosion?

☐ Yes ☒ No

MONUMENTS AND GRAVESTONES

1936 Texas Centennial Markers ☐ Yes ☒ No (if Yes, list/briefly describe)

Does this cemetery contain (an) individual THC grave marker(s)? ☐ Yes ☒ No

If Yes, give name(s) of individual(s)

Statuary: ☐ Yes ☒ No (if Yes, list)

Stone markers?

☒ Yes ☐ No

Wood markers?

☐ Yes ☒ No

Handmade markers?

☒ Yes ☐ No

Mausoleums?

☐ Yes ☒ No

Others:

Concrete markers?

☒ Yes ☐ No

Zinc markers?

☐ Yes ☒ No

Obelisks?

☒ Yes ☐ No

Grave decorations?

☒ Yes ☐ No

VETERANS' GRAVES IN CEMETERY

War of 1812

☐ Yes ☒ No

Civil War

☒ Yes ☐ No

Mexican American War

☐ Yes ☒ No

World War I

☒ Yes ☐ No

Korean War

☐ Yes ☒ No

Others (e.g., Texas Rangers)

Texas Revolution

☐ Yes ☒ No

The Indian Wars

☐ Yes ☒ No

Spanish American War

☐ Yes ☒ No

World War II

☒ Yes ☐ No

Vietnam War

☐ Yes ☒ No

IDENTIFIABLE HERITAGE

Identifiable Local Historical Heritage:

☒ Graves associated with a specific event WILLIE RIVER'S GRAVE - ONE OF EARLIEST AFRICAN AMERICAN GRAVES IN AUSTIN 1835

☒ Early town or community ties REPORTEDLY FIRST AFRICAN AMERICAN CEMETERY

Identifiable Cultural Heritage: (Specifics, if known)

- ☒ African heritage: _____
☐ Asian heritage: _____
☐ European heritage: _____
☐ Mexican heritage: _____
☐ American Indian heritage: _____
☐ Other heritage(s): _____

Identifiable Religious Heritage: (Specifics, if known)

- ☐ Catholic: _____
☐ Islamic: _____
☐ Jewish: _____
☐ American Indian: _____
☐ Protestant: _____
☐ Others: _____

List Fraternal Organizations represented MASONS, SILVER STAR, ODD FELLOWS

FEATURES

- | | | | |
|-----------------------------|---|---------------------------|---|
| Entry gate(s) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Decorative fencing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Perimeter fencing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Grave/family plot curbing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Grave/family plot fencing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Gravehouse(s) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Tabernacle(s) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Seating areas, benches | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Segregated burials | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Well(s) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Others (e.g., urns, gazebo) | _____ | | |

LANDSCAPING

- | | | | |
|-------------|---|--------------|---|
| Flower beds | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Ground cover | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Shrubbery | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Trees | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Terracing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Walkway(s) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Others | _____ | | |

Notes:

Approval of County Historical Commission

The application must be approved by the county historical commission (CHC) before forwarding to the THC.

BARBARA HANKINS
Printed Name of CHC chair or marker chair:

Barbara S. Hankins
Signature

Mailing Address: 1801 Havana # 14 J Austin TX 78701

Daytime Phone: 512-476-7944 Fax: 512-494-9113

Date: 6/23/03 Email: bshankins@earthlink.net

Texas Historical Commission
History Programs Division
P.O. Box 12276, Austin, TX 78711-2276
Phone 512/463-5853 • Fax 512/475-3122
www.thc.state.tx.us



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

Bethany Cemetery Surrounding Owners

- | | | |
|----|--|-----------------------------------|
| 1. | Diaz, Jose
1402 Springdale Road
Austin, TX 78721 | 1402 Springdale Road |
| 2. | Buttross, Davis
PO Box 5396
Austin, TX 78763-5396 | 1204 Springdale Road |
| 3. | Travis Co Trustee
PO Box 1748
Austin, TX 78767-1748 | 1202 Springdale Road |
| 4. | Texas Property Work LP
PO Box 150759
Austin, TX 78767-1748 | 4122 East 12 th Street |
| 5. | Flournoy, Malcolm H. & Karen M.
23 Reese Drive
Austin, TX 78745-2639
512-892-4206 | 1401 Waldorf Ave |
| 6. | Flournoy, Malcolm & Karen
23 Reese Drive
Austin, TX 78745-2639
512-892-4206 | 1403 Waldorf Ave |
| 7. | Flournoy, Clarence Richard II
& Jeannine Flournoy Shirey TRS
For the J & R Flournoy Trust
1100 S. Lakeside Drive
Burnet, TX 78611-5437 | 1301 Astor Place |
| 8. | Flournoy, J & R Trust
% Adon Gaiton
2523 Tanglewood
Austin, TX 78703-1534 | 1303 Astor Place |
| 9. | Flournoy, J & R Trust
% Gerardo S. Mendo &
Marcelina Catro C/S
2523 Tanglewood Trail
Austin, TX 78703-1534 | 1305 Astor Place |

10. Simpson, Willie Earl
1402 Marcus Place
Austin, TX 78721-1333
512-926-8296
1402 Marcus Place
11. Zappe, Robert G. & Priscilla
2908 Bushnell Drive
Austin, TX 78745-4735
512-448-1349
1400 Marcus Place
12. Zappe, Robert G. & Priscilla
2908 Bushnell Drive
Austin, TX 78745-4735
512-448-1349
1401 Marcus Place
13. Zappe, Robert G. & Priscilla
2908 Bushnell Drive
Austin, TX 78745-4735
512-448-1349
1403 Marcus Place

Bethany Cemetery History

Bethany Cemetery became necessary for Austin's African American community because their segregated section in Oakwood Cemetery was full and the later extensions of Oakwood Cemetery did not provide a section for African Americans. The land for Bethany Cemetery across from Sims Elementary School in east Austin was bought by John M. Holland, William M. Tears, Henderson Rollins, and Allen Bradley for \$468.75 on July 10, 1893 for the purpose of providing a burial ground for African American citizens of Austin. Along with Charles W. Jones, who sold the land to the other four men, the five men formed the Bethany Cemetery Company. Subsequently, Lot #2 was subdivided into burial plots to be sold off and the land was dedicated as a cemetery. These men, along with William H. Holland, also formed a burial association to provide the members with aid for their burials at Bethany.

Cemetery records depict the graves in a long, narrow arrangement. Individual burial plots border the cemetery on the north and south sides. Wide grassy paths, referred to as 'alleys' in the Bethany Cemetery Plat, separate ten family-sized plots. The oldest marked grave is that of Willie Rivers in 1835, making him one of the earliest African American burials in Austin.

Family members of the deceased provided maintenance of graves in the cemetery. In 1914, the association hired a caretaker who worked there until 1930. However, over time, maintenance of the cemetery became sporadic as family members themselves died, leaving few behind to care for the cemetery. To further exacerbate the situation, the city of Austin opened Evergreen Cemetery that provided perpetual care in 1928. Many graves in Bethany were exhumed and the bodies transferred over to Evergreen, leaving even fewer relatives to provide care at Bethany. By 1933, the Bethany Cemetery Company ceased to function, as the founding members had all died.

Starting 1931, Eva Taylor Ross provided care at the cemetery, later forming the Bethany Cemetery Association of Travis County in 1971. The association fenced the property, built stone entry gateposts with an arched nameplate. A city work crew later damaged the nameplate. In 1976, the association filed suit against the Bethany Cemetery Company, pleading adverse possession in the absence of care by the Bethany Cemetery Company. The company had ceased to function and provide care through the deaths of the officers of said company. The association won the case and became owners of the property.

Today, rustic stone gateposts flank the entry with chain link fencing around the site. A concrete slab south of the main driveway on the cemetery's west side is commonly believed by community members to have been the foundation of the Bethany Cemetery office that burned to the ground. The Bethany Cemetery records were housed in a separate building at Oakwood Cemetery. It was at Oakwood that the Bethany records were destroyed in a fire in the 1970s.

Again time takes its toll. The Bethany Cemetery Association members began to age or pass on. Bethany again began to suffer from neglect. In the late 1980s, the Baha'i Faith of Austin and interested citizens, such as Sue Spears, once again took up the call to preserve the cemetery. Baha'i member Cynthia Mull spent extensive time researching and inventorying the cemetery. The mid-1990s saw another effort. The Austin Community Foundation awarded a grant to fence the property. Now, in the early 2000s, Andy Bucknall is trying to revive interest in the cemetery with a monthly cleanup on the first Saturday of the month. He also trying to get the cemetery rededicated in time for Juneteenth 2003.

Bethany Cemetery Bibliography

Alternative Pleading at *1, Bethany Cemetery Association of Travis County, Inc., v. Bethany Cemetery Co., et al, No. 244,500, District Court Records, Travis County, Texas 1976.

Austin History Center. Bethany Cemetery files AF-C2100 (5)

Bethany Cemetery Plat map. Travis County Courthouse Records. Plat volume 1, 96.

The Bethany Project, pamphlet 2002. Texas Historical Commission files.

Bucknall, Andrew. Telephone interview. 8 December 2002.

"Citation by Publication No. 244,5000 The State of Texas to: Bethany Cemetery Company, John Doe and Richard Roe." *The Austin Citizen*, 16 March 1976, 11.

Historic Landmark Commission Records, September 19, 1977.

"History of Bethany." Texas Historical Commission Bethany Cemetery files.

Simond, Ada. "Family Burial Site Holds Special Meaning for Blacks." 10 November 1983. In *Looking Back: A Focus on Austin's Black Heritage*, 42. n.p.



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR



TRV 2003158164
3 pgs

**AFFIDAVIT OF DEDICATION FOR CEMETERY PURPOSES
FOR THE BETHANY CEMETERY**

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF TRAVIS

§

That the Texas Historical Commission, an agency of the State of Texas, does hereby certify and declare:

That the Bethany Cemetery, previously filed and recorded in the Official Public Records of Travis County, Texas, in Vol. 108, Pg. 279; Vol. 113, Pg. 235; Vol. 117, Pg. 139; Vol. 118, Pg. 515; Vol. 6558, Pg. 628; Plot Records, Vol. 1, Page 96; No. 244,500 Dist. Ct. Records, Travis County, Texas and more particularly described in *Exhibit A* as attached hereto, has been set aside and dedicated for cemetery purposes through historic use and that such property is now occupied by human graves.

That the Texas Historical Commission has duly considered the evidence of existence and historic use of said cemetery and has listed said cemetery as a Historic Texas Cemetery, worthy of preservation.

That this dedication is subject to all the laws, rules, and regulations of the State of Texas regarding cemeteries now in effect and to those adopted after the effective date of this dedication, and is made in accordance with 13 Tex. Admin. Code Section §21.30.

This Affidavit of Dedication for Cemetery Purposes is signed and executed on this 27th day of June, 2003.

Terry Colley
Deputy Executive Director
Texas Historical Commission

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

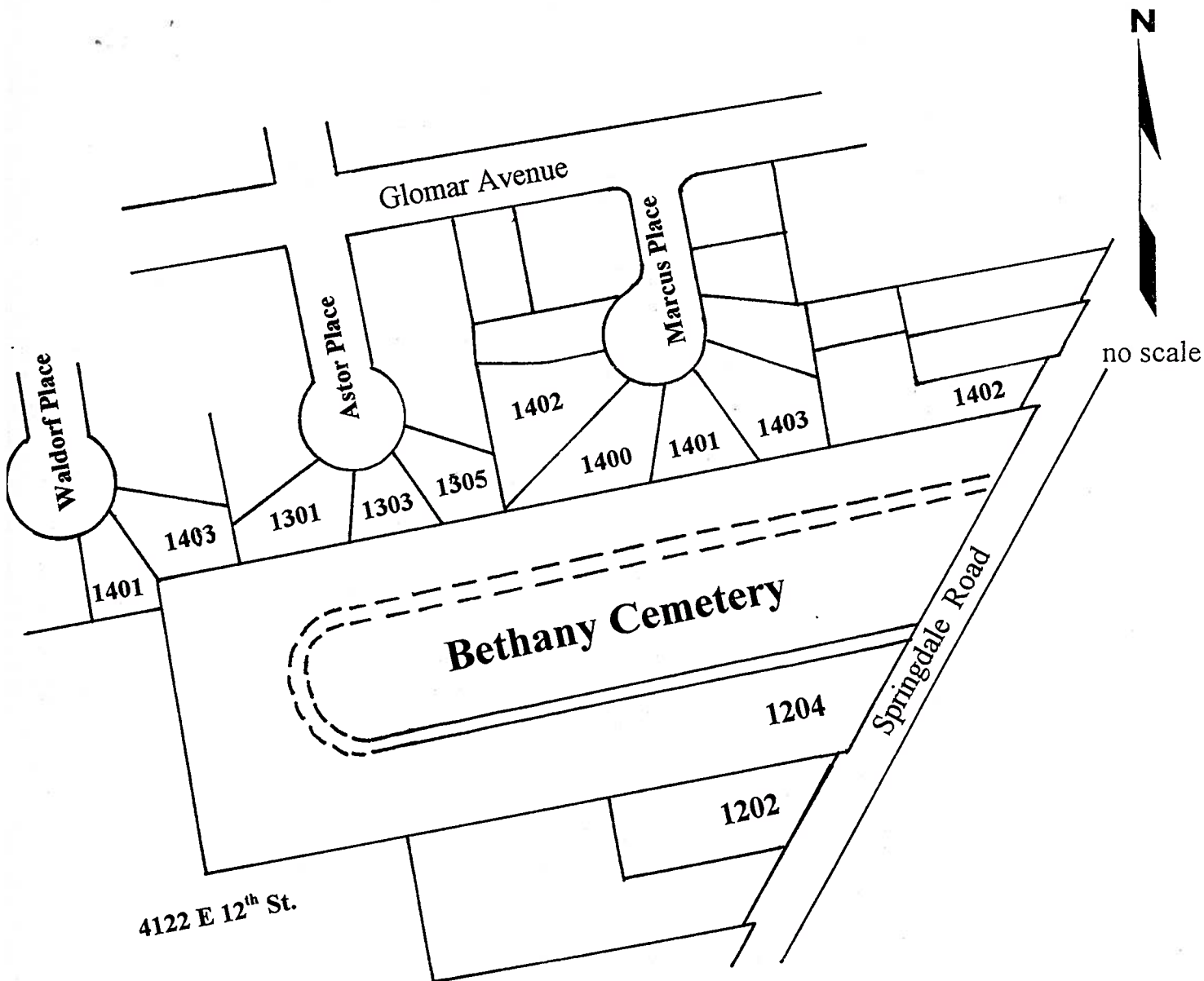
§

BEFORE ME, the undersigned authority, on this day personally appeared Terry Colley, known to me to be a credible person, whose name is above subscribed, and said person swore to me the statements contained herein are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on this 27 day of June, 2003.

NOTARY PUBLIC in and for the STATE OF TEXAS

EXHIBIT "A"



Map adopted from data provided by the applicant, Travis County Appraisal District and Claude F. Bush Jr., R.P.L.S., # 202, January 20, 1969, Austin, Texas.

See Deed Records of Travis County, Vol. 108, Pg. 279; Vol. 113, Pg. 235; Vol. 117, Pg. 139; Vol. 118, Pg. 515; Vol. 6558, Pg. 628; Plot Records, Vol. 1, Page 96; No. 244,500

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6.25 acres out of Outlot no. 18 ½, Division B, City of Austin, Texas.

UTM: Zone: 14 Easting: 626268.4 Northing: 3350575.3

Latitude: 30° 16' 49.12" N Longitude: 97° 41' 13.78" W

BETHANY CEMETERY

Cemetery No. TV-C062

Travis County

Ret:
LESLIE WOLFENDEN
916 MARYLAND DR.
AUSTIN, TX 78758

BETHANY CEMETERY

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

07-11-2003 12:33 PM 2003158164
KNOWLES \$13.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



TEXAS
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The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

TRV 2003158164
3 pgs

AFFIDAVIT OF DEDICATION FOR CEMETERY PURPOSES
FOR THE BETHANY CEMETERY

THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

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That the Texas Historical Commission has duly considered the evidence of existence and historic use of said cemetery and has listed said cemetery as a Historic Texas Cemetery, worthy of preservation.

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This Affidavit of Dedication for Cemetery Purposes is signed and executed on this 27th day of June, 2003.

Terry Colley
Deputy Executive Director
Texas Historical Commission

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

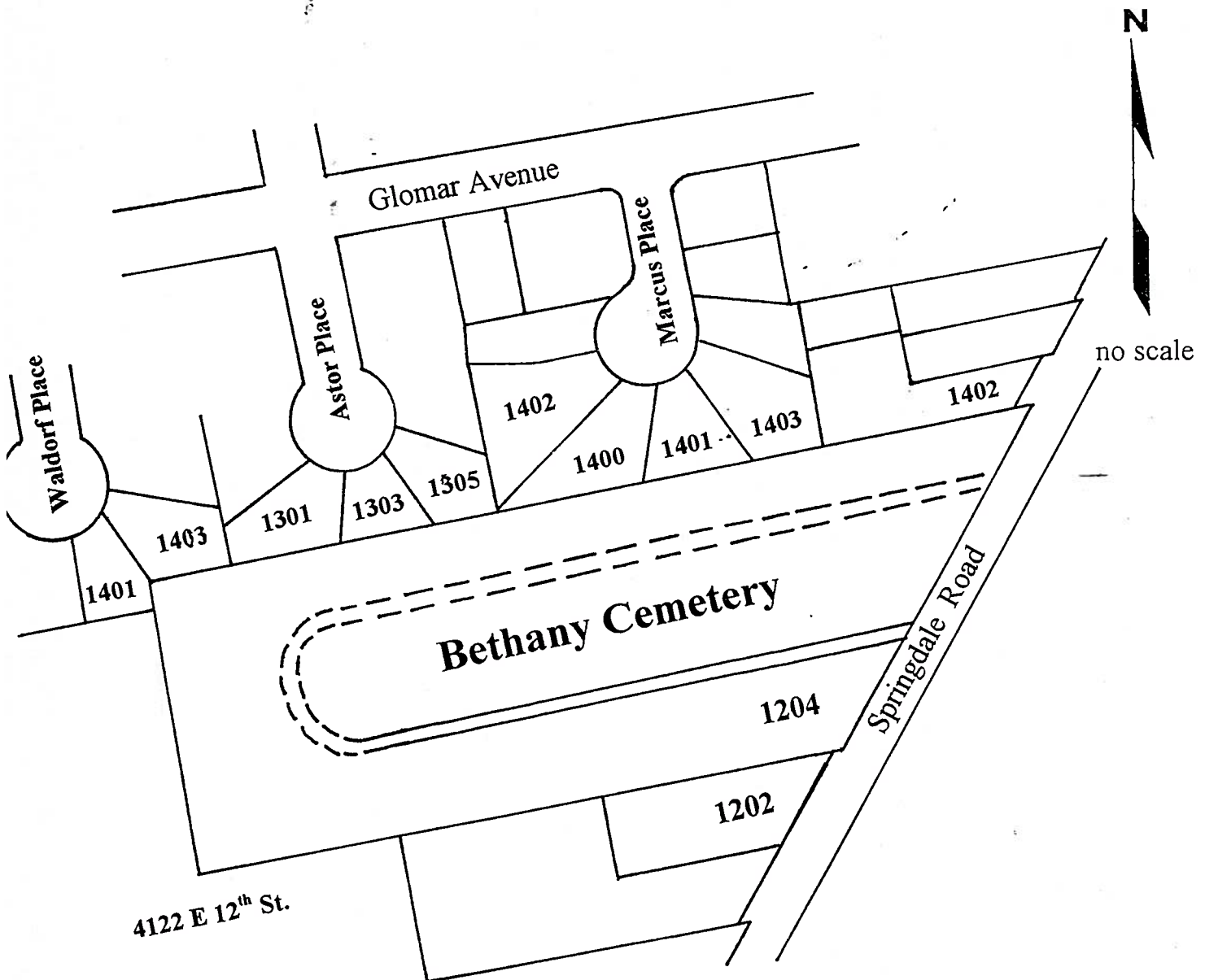
§

BEFORE ME, the undersigned authority, on this day personally appeared Terry Colley, known to me to be a credible person, whose name is above subscribed, and said person swore to me the statements contained herein are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on this 27 day of June, 2003.

NOTARY PUBLIC in and for the STATE OF TEXAS

EXHIBIT "A"



Map adopted from data provided by the applicant, Travis County Appraisal District and Claude F. Bush Jr., R.P.L.S., # 202, January 20, 1969, Austin, Texas.

See Deed Records of Travis County, Vol. 108, Pg. 279; Vol. 113, Pg. 235; Vol. 117, Pg. 139; Vol. 118, Pg. 515; Vol. 6558, Pg. 628; Plot Records, Vol. 1, Page 96; No. 244,500

Dist. Ct. Records, Travis County, Texas.

6.25 acres out of Outlot no. 18 ½, Division B, City of Austin, Texas.

UTM: Zone: 14 Easting: 626268.4 Northing: 3350575.3

Latitude: 30° 16' 49.12" N Longitude: 97° 41' 13.78" W

BETHANY CEMETERY

Cemetery No. TV-C062

Travis County

Ret:
LESLIE WOLFENDEN
916 MARYLAND DR.
AUSTIN, TX 78758

BETHANY CEMETERY

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

07-11-2003 12:33 PM 2003158164
KNOWLES \$13.00
DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

Bethany Cemetery Photograph Log

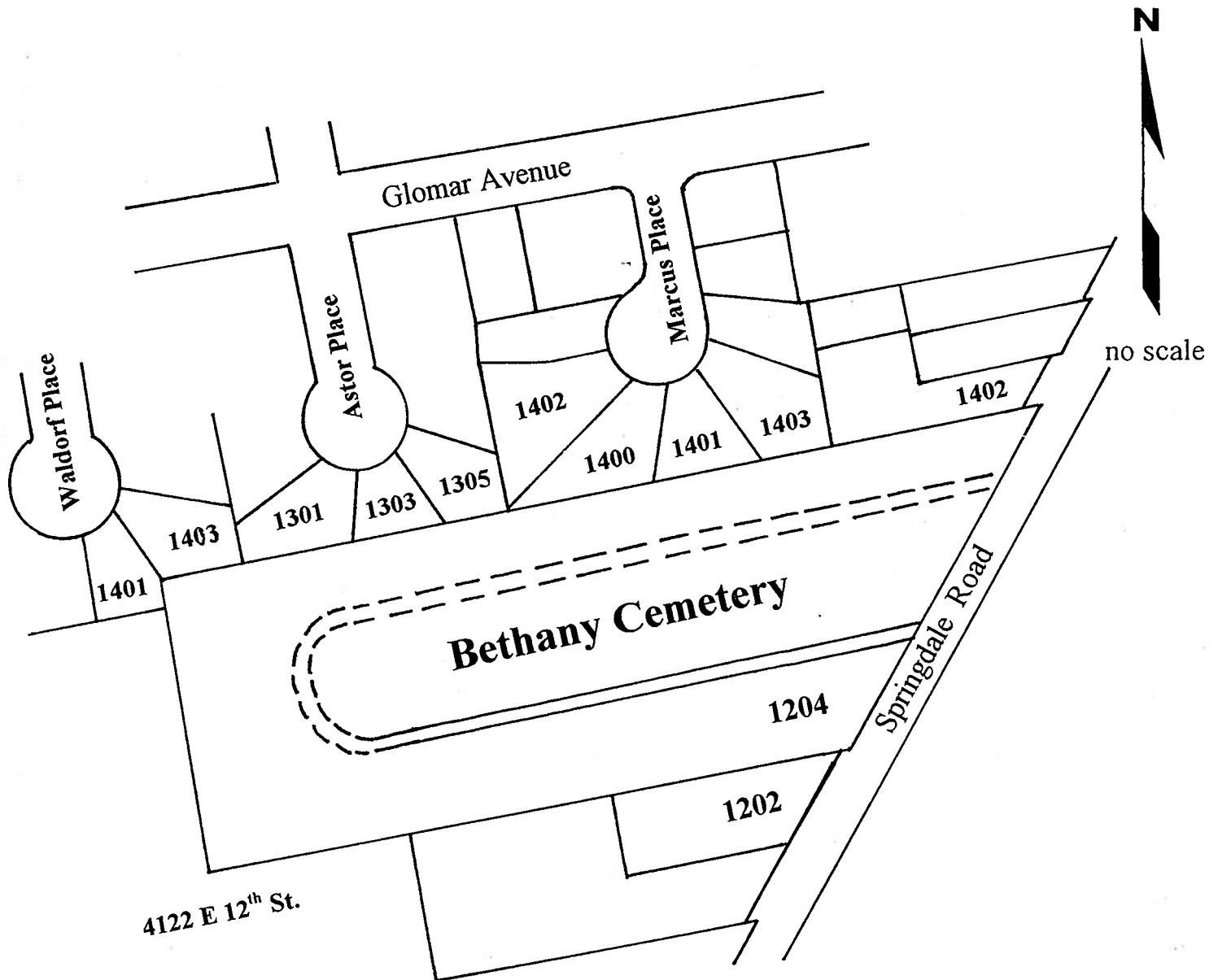
1. Gate, view to west
2. Northeast corner, view to west
3. Southeast corner, view to west
4. Texas historical marker, 1997, view to southwest
5. Hellen Moore's marker, view to east
 Infant daughter of E. T. & Maggie Moore
 Died April 22, 1879
 Aged 4 months
6. Hellen Moore's marker, view to south
7. Fenced plot, view to west
8. Willie River's marker, view to northwest
 Born 1804
 Died 1835
 Age 32
 Gone but not for gotten
9. Concrete slab, view to northeast
10. Sunken graves, view to northwest
11. John H. Taylor's marker, view to west
 Died Feb. 22, 1871
 A friend in need
 Marker with purple candle, pennies, and plastic plate
12. View across natural drainage area, view to southeast
13. View across natural drainage area, view to southeast
14. George M. Phillips's marker, view to southwest
 July 22 1902 – Feb. 25 1903
 Our darling boy
15. Majore Knox's marker, view to west
 Born Dec 9 1927
 Died May 12 1928
16. View along grass alley, view to west
17. A. H. Hodges's marker, view to west
 Born 1881
 Died Sept. 8 1920
 Shiloh Chamber-36
 Forreston, Tex.
18. View along footpath, view to south
19. Joint marker for mother Harriet, son Louis, wife Mississippi, view to south
20. Hattie Philips's marker, view to west
 Born 16 May 1895
 Died ? ? 1929
21. Leaf finial, view to southwest
22. Mrs. J. M. Rhambo, view to west
 May 16, 1878

Mar 19, 1913

Prepare to meet me in heaven

23. Black and white tile marker, view to northwest
24. Owens' family plot, view to southwest
25. Group of military markers, view to west
26. View across cemetery, view to north
27. Benjamin and Rosie House's marker, view to west
Marker with purple candle, pennies, and plate
28. Caroline Meyer's marker, view to southwest
Dec. 2, 1833
Dec. 24, 1920
29. Robert B. and Mary F. Smith's marker, view to south
30. Clump of succulent plants, view to west
31. View from back corner, view to north
32. View to front of cemetery, view to east
33. Alice Maude Miller's marker, view to northwest
Daughter of G. T. & Alice Miller
Born
Apr. 7, 1886
Died
Dec. 12, 1886
Aged 8 months 5 days
34. Hand carved stone curbing and cornerstones, view to north
35. Mary Ellen Phillips and Henry A. Phillips' markers, view to southwest

EXHIBIT "A"



Map adopted from data provided by the applicant, Travis County Appraisal District and Claude F. Bush Jr., R.P.L.S., # 202, January 20, 1969, Austin, Texas.

See Deed Records of Travis County, Vol. 108, Pg. 279; Vol. 113, Pg. 235; Vol. 117, Pg. 139; Vol. 118, Pg. 515; Vol. 6558, Pg. 628; Plot Records, Vol. 1, Page 96; No. 244,500

Dist. Ct. Records, Travis County, Texas.

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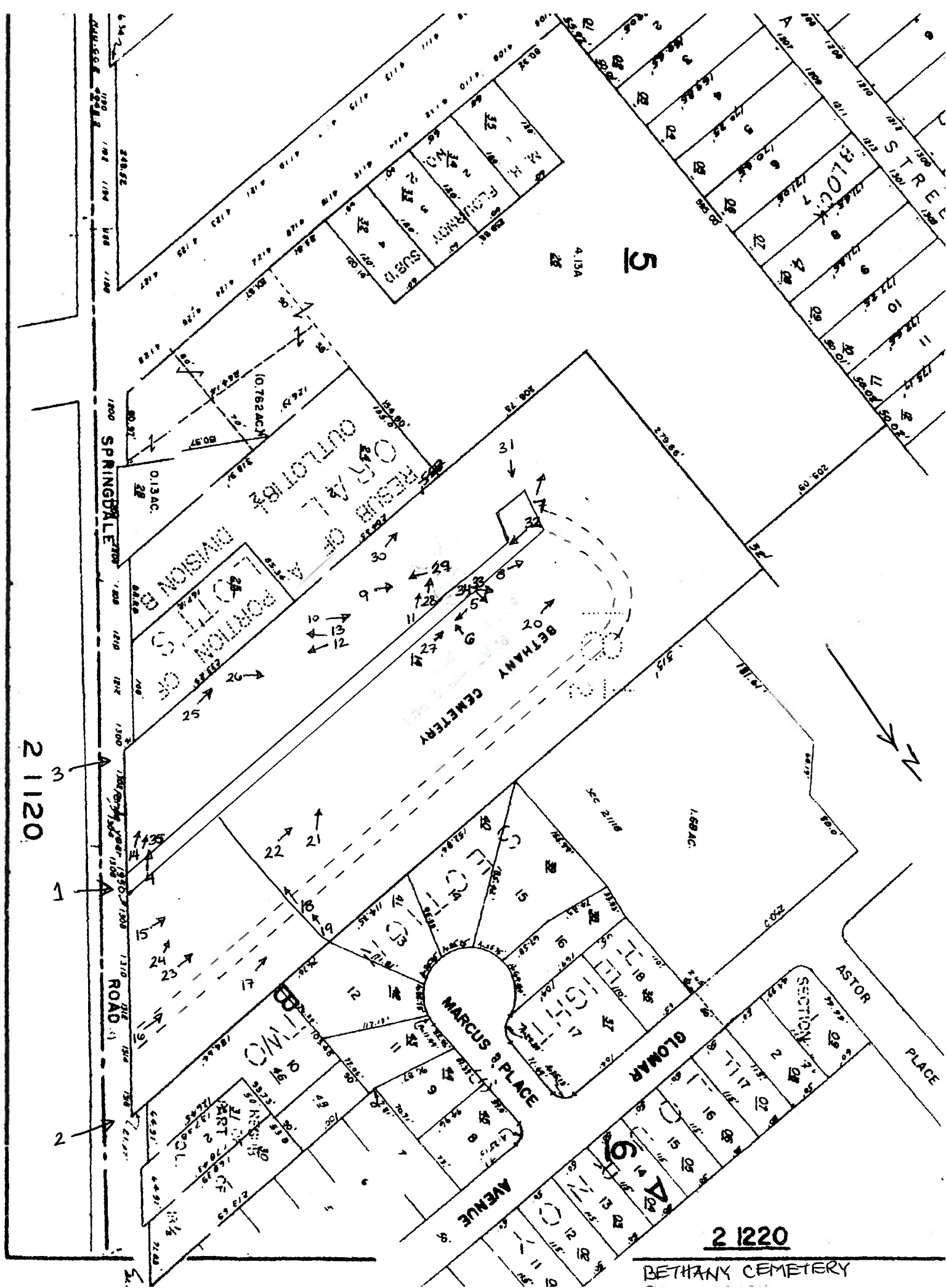
UTM: Zone: 14 Easting: 626268.4 Northing: 3350575.3

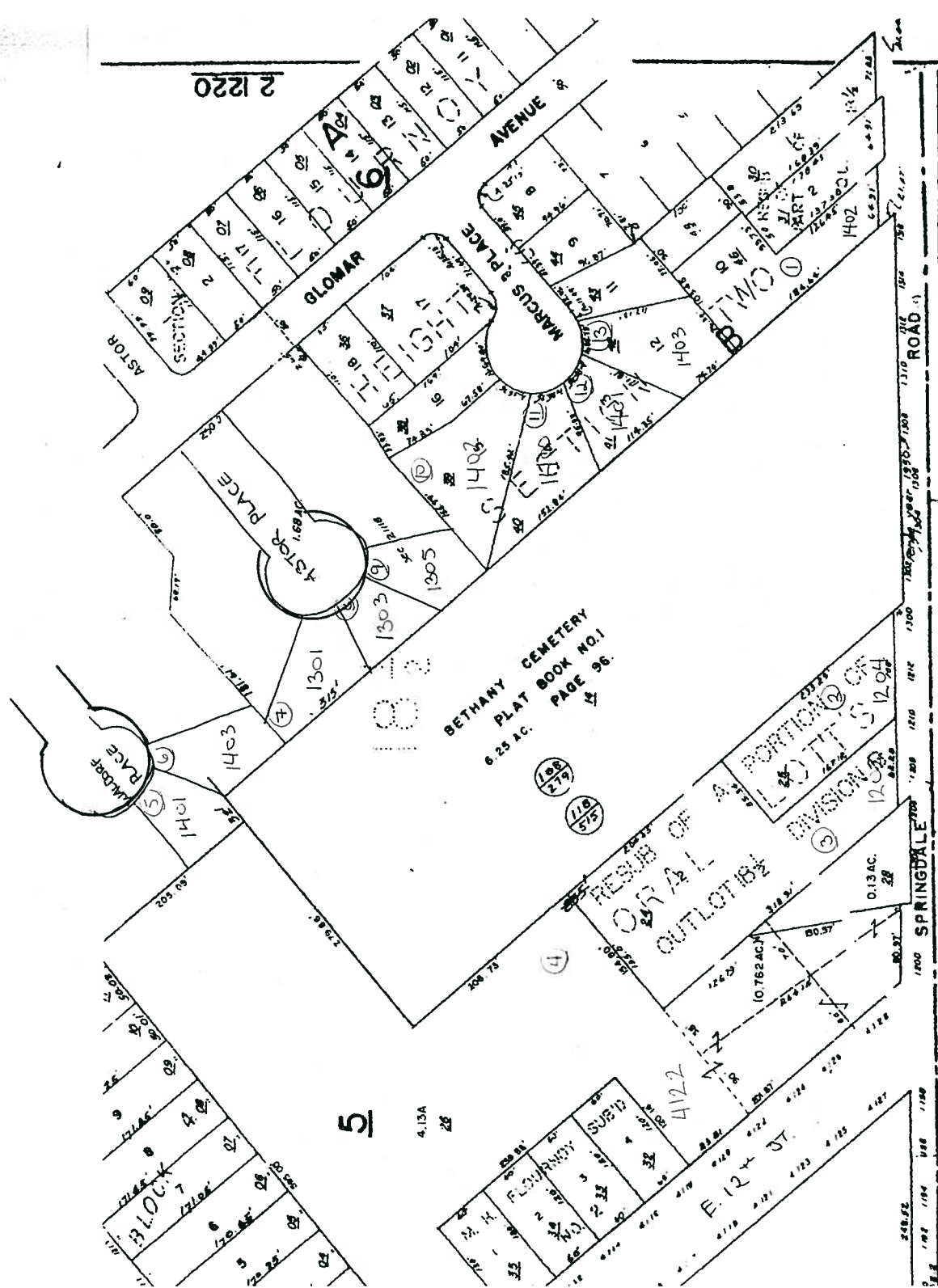
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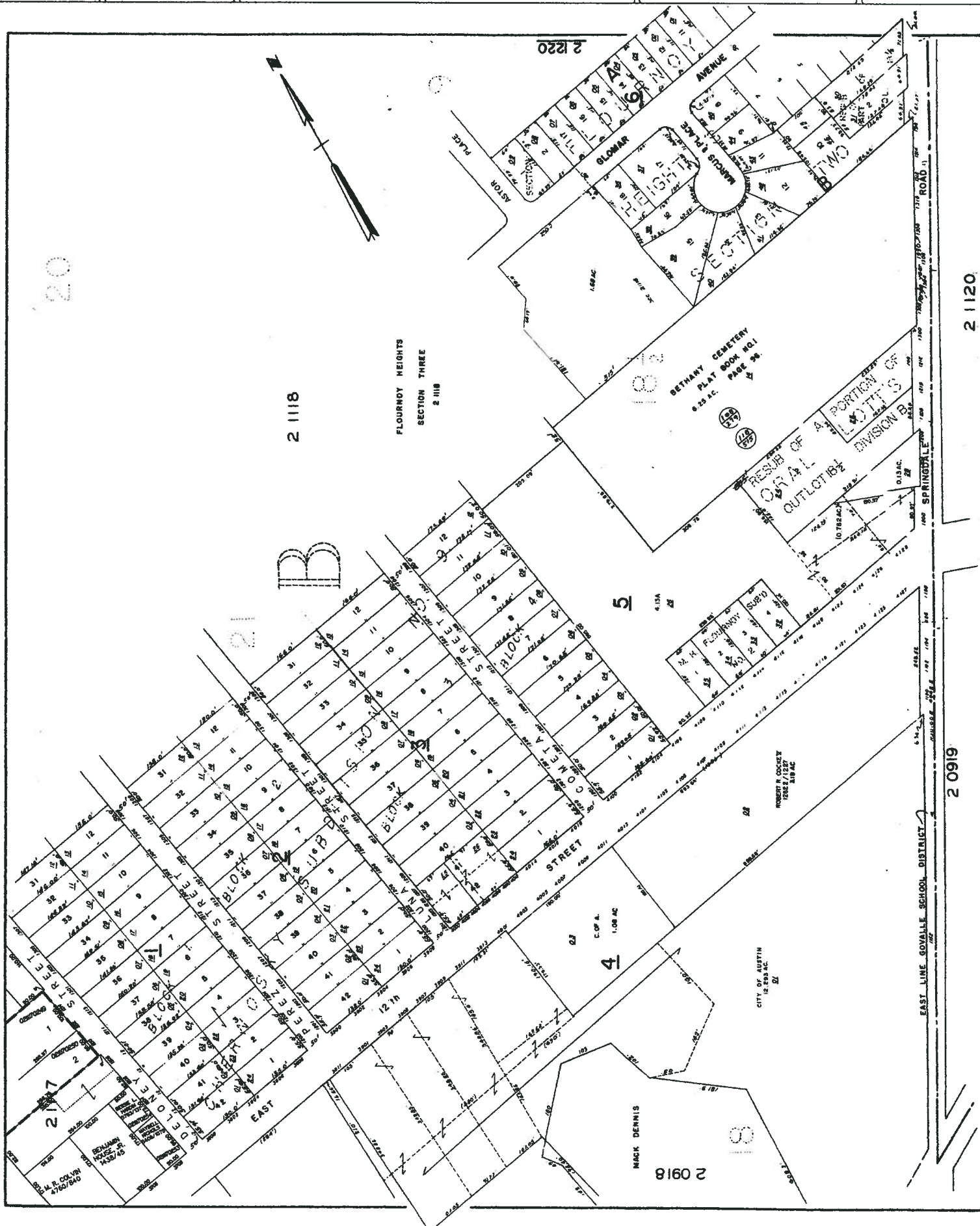
BETHANY CEMETERY

Cemetery No. TV-C062

Travis County







Flournoy Hts. Sec 3
Book 30 Pg 2

Flournoy Hts. Sec 2
Book 20 P. 7

Bethany Cemetery
Bk. 1, Pg. 96 Plat Records

(108/273)

(115/515)

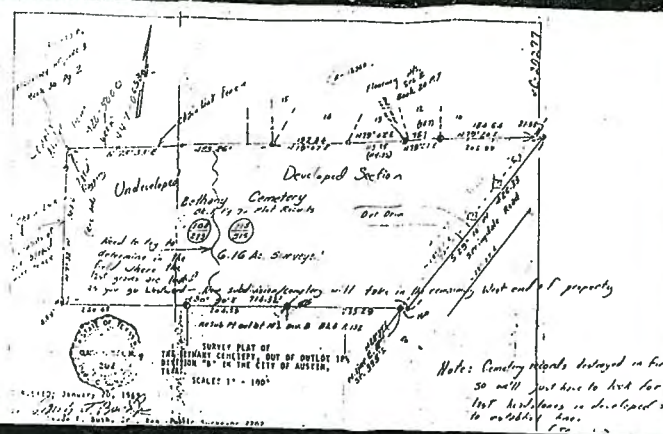
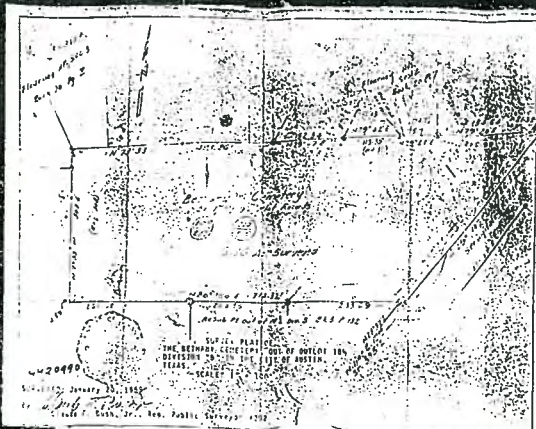
6.16 Ac. Surveyed

SURVEY PLAT OF
THE BETHANY CEMETERY, OUT OF OUTLOT 18 1/2
DIVISION "B" IN THE CITY OF AUSTIN,
TEXAS.

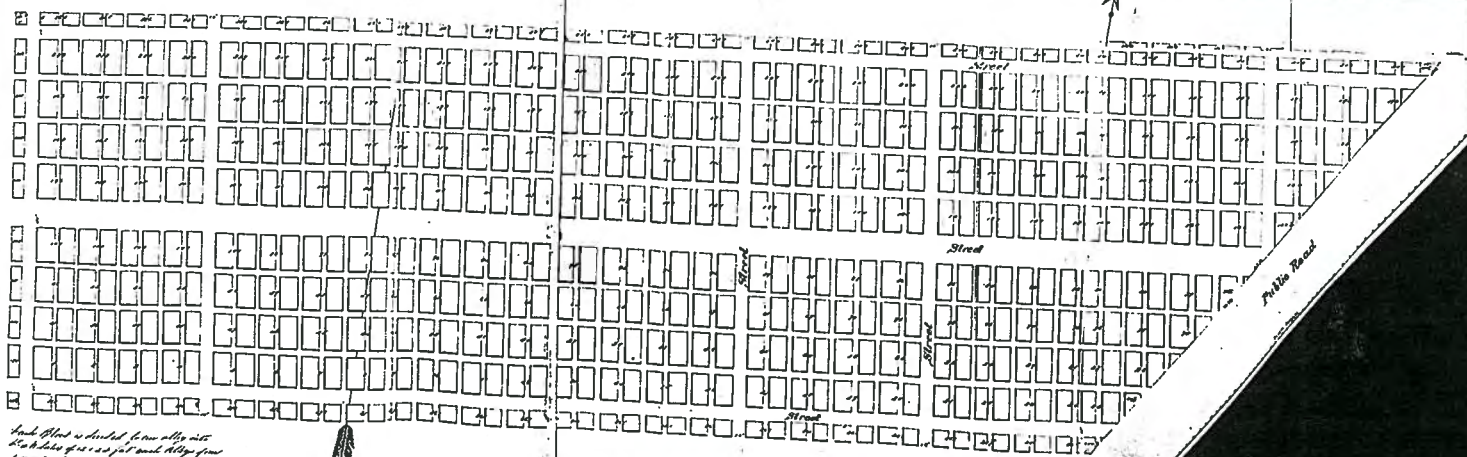
SCALE: 1" = 100'

4420990
SURVEYED: January 20, 1969

By *C. F. Bush, Jr.*
Claude F. Bush, Jr., Reg. Public Surveyor #202



Feb. 1893
 City of Kansas
 Charles Brown, Sec'y
 Charles Brown, Sec'y



South of the street
 the lot is 100 feet wide
 and 100 feet deep
 and is 100 feet wide
 and 100 feet deep
 and is 100 feet wide
 and 100 feet deep

Bethany Cemetery

The above is a plan of the cemetery
 showing the lots and the streets
 and the names of the persons
 who are buried in the cemetery
 and the names of the persons
 who are buried in the cemetery

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 showing the lots and the streets
 and the names of the persons
 who are buried in the cemetery
 and the names of the persons
 who are buried in the cemetery

Charles Brown, Sec'y
 Charles Brown, Sec'y

Bethany Military Markers

Barlow, George
Texas Pvt 165 Depot Brigade WWI
March 29 1890 Sept. 15 1956

Betts, Henry
Texas Pvt 537 Engrs
November 22 1932

Black, James William
Texas Pvt 165 Depot Brig.
December 23 1936

Butler, Leon Eugene
Texas Pvt US Army WWII
April 15 1928 January 8 1973

Chambers, Ira
Texas PFC Co A 536 SVC BN Engr Corps WWII
December 9 1895 May 25 1958

Clark, Edward
Texas Pvt 165 Depot Brig.
September 8 1918

Crawford, Myrtle E.
US Army WWII
1910 1977
(bronze plaque)

Ellick, William
Co. 1 37th U.S. C. T.

Fisher, Sherman Daniel
Texas Pvt 65 Pioneer Int
April 9 1933

Foster, Jerrel
Texas Pvt 1CL 24 Inf
January 31 1923

Hudlin, David Lee
Texas Pvt 537 Engrs
June 7 1917

Johnson, Arthur
Texas Corp 165 Depot Brigade
December 13 1933

Johnson, John
Texas PFC 436 Port Co TC WWII
October 31, 1920 January 15 1957 PH

Johnson, William J.
Texas TEC5 3995 OM Truck Co WWII
October 17 1913 July 4 1966

Jones, Robert
Co F 104 US Clo Inf

Keyes, Leonard
Texas PFC 384 Engrs WWII
June 24 1916 December 7 1946

Keyes, Willard
Texas PFC 696 Port Co TC WWII
March 13 1915 August 29 1957

Klements, James E.
Texas Mess Attendant 3 CL US Navy
January 22, 1918

Lott, Samuel L.
Pvt US Army WWII
1917 1982

Powell, Ulises G.
Texas Pvt 9 Cav
June 19 1925

Robinson, Eugene
Texas Pvt Infantry WWI
January 8 1893 October 14 1956

Sawyers, Willie
Texas PFC 1692 Engrs WWII
Dec 14 1921 June 3 1948

Walsh, William E.
Texas TEC5 793 Ord Lt Maint Co WWII
Sept. 26 1920 March 19 1968

Williams, George W.
Texas Pvt 163 Depot Brigade WWI
January 14 1889 August 18 1952

Williams, James M.
Texas Pvt US Army WWI
Sept 22 1889 Dec 13 1967

Wormley, Edward W.
Texas PFC 92 Infantry Div WWII
October 13 1902 April 4 1971

Wormley, George S. Jr.
Texas Cpl 165 Depot Brigade WWI
Sept. 15 1890 March 11 1955

NO. 244,500

APR 24-79 5307 * 13.00

2-00-2538

1100 rec
200 sig
1300

BETHANY CEMETARY ASSOCIATION
OF TRAVIS COUNTY, INC.

§

IN THE 53rd

VS.

§

DISTRICT COURT OF

BETHANY CEMETARY COMPANY,
ET AL

§

TRAVIS COUNTY, TEXAS

REFORMED JUDGMENT

This the 24th day of Sept 1976 came to the
Court's attention a typographical error in the original judgment
and therefore the original judgment is reformed to reflect the
following:

This cause came on to be heard before the Court on
this, the 27th day of April, 1976, and it appearing to the
Court and the Court finding as a fact and as a matter of law
that the BETHANY CEMETARY COMPANY and its unknown successors,
and others hereinafter styled John Doe and Richard Roe, Defen-
dants, have been duly and legally served with citation by
publication as required by law, and that such citation was duly
and legally returnable to this Court on April 26, 1976, and that
such defendants have not answered herein but have failed to
appear either by themselves or by attorney when this case is
called for trial on its merits, and that this Court has juris-
diction; and the Court having appointed the Honorable Phillip
Crawford as attorney ad litem to appear and answer and represent
such defendants so cited by publication herein, and such attorney
so appearing and having filed answer for such defendants, there-
upon came to Plaintiff by and through their attorney of record
and announced ready for trial, and no jury having been demanded,
the Court proceeded to hear the pleadings and the evidence and

ORIGINAL DIA

FILED

SEP 24 12 00 PM '76

A.T. Martin Jr.

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

NOTED

RECORDS

County, Texas

6552

690

the argument of counsel, and the Plaintiff having made such proof as in the opinion of the Court entitles her prima facie to recover and to have proper judgment for them, as Plaintiffs, entered herein:

2-00-2539

It is, therefore, considered Ordered, Adjudged and Decreed by the Court that the Plaintiff, Bethany Cemetary Association of Travis County, Inc., a non-profit corporation organized under the laws of the State of Texas, have and recover of the Defendants, the BETHANY CEMETARY COMPANY and its unknown successors, and others John Doe and Richard Roe, the title and possession of the premises described and bounded as follows, to-wit:

Lot No "2" in Sub Div of Out Lot No. 18 1/2 in Div B of the Government Out Lots adjoining the City of Austin, Travis County, Texas, and by Meets and Bounds as follows: Beginning at the most Easterly corner of a tract of land sold A. Haffelder, with the East line of out lots 18 1/2 Div. B, using 9°40E for declination the true declination being 8°xy (at the time at Austin) E/N 30° 366 2/10 feet for a corner, thence S. 81 W 1078 feet to a Stake for a corner. Thence S 9° E 275 feet to the N.W. corner of said A. Haffelder tract of land, thence with Haffelder's North line N 81° 37 E 843 1/2 feet to the place of beginning containing 6 18/100 acres of land out of Out Lot no. 18 1/2 Div "B" of the Government Out Lots adjoining the City of Austin, Travis County, Texas; as recorded in Vol. 117 p. 139 of the Deed records of Travis County, Texas.

ORIGINAL DIM

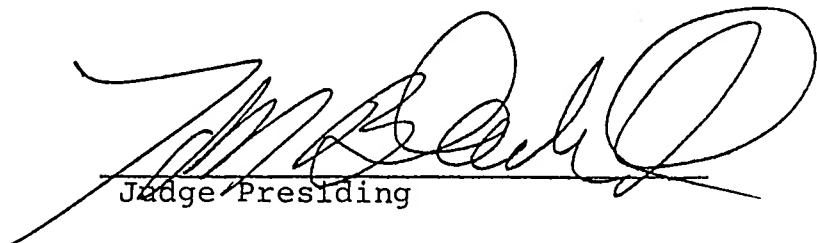
for which they may have their writ of possession.

It is further Ordered, Adjudged and Decreed that the Honorable Phillip Crawford as the attorney ad litem for the Defendants cited by publication be, and they are hereby, allowed a fee of twenty five dollars (\$25.00) for so representing the said Defendants herein, which shall be taxed as costs.


. VOL 815 PAGE 464

It is further Ordered, Adjudged, Decreed that the Plaintiff, Bethany Cemetary Association of Travis County, Inc., pay all costs in this cause incurred, for which the Clerk of the Court may have execution; all declaratory relief is denied.

2-00-2540


Judge Presiding

APPROVED:


Attorney for the Petitioner


Attorney for the Respondent

ORIGINAL DIM

VOL 816 PAGE 465

THE STATE OF TEXAS

COUNTY OF TRAVIS

2-00-2541

I, O. T. MARTIN, JR., Clerk of the District Courts, within and for the State and County aforesaid, do hereby certify that the within and foregoing is a true and correct copy of

REFORMED JUDGMENT

in Cause No. 244,500, wherein

Bethany Cemetary Association
Of Travis County, Inc.

VS

Bethany Cemetary Company, Et Al

and

Plaintiff____,

as the same appears on file and of record in this office.

Defendant_s____,

Given under my hand and seal of office at Austin, Texas, this the
20th day of October, 19 76

(COURT SEAL)

O. T. MARTIN, JR.
Clerk, District Courts, Travis County, Texas

By Amanda Valadez
Deputy



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Jose Diaz
1402 Springdale Road
Austin, Texas 78721

Re:TV-C062, Bethany Cemetery, Travis County

Dear Mr. Diaz:

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

This designation does not restrict in any way your use of the land adjacent to or surrounding this historic cemetery. Any cemetery or burial site in Texas, whether designated as a Historic Texas Cemetery or not, may not be disturbed, desecrated, or have gravestones removed under existing state laws. A brief description of the Historic Texas Cemetery Designation Program is included with this letter.

It is our hope that this designation will encourage long-term preservation of this unique resource through its recordation in the deed records. Please feel free to contact me at the letterhead address, by telephone at 512/475-4167, or by E-mail at gerron.hite@thc.state.tx.us if you should have any questions or input concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerron S. Hite", written over a horizontal line.

Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Davis Buttross
Box 5396
Austin, Texas 78763-5396

Re: TV-C062, Bethany Cemetery, Travis County

Dear Mr. Buttross:

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

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Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Travis Co. Trustee
Box 1748
Austin, Texas 78767-1748

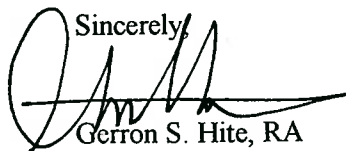
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Cemetery Preservation Coordinator
History Programs Division

Enclosures

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Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Texas Property Work, L.P.
Box 150759
Austin, Texas 78767-1748

Re:TV-C062, Bethany Cemetery, Travis County

Dear Sir:

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Cemetery Preservation Coordinator
History Programs Division

Enclosures

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Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Malcolm & Karen Flournoy
23 Reese Drive
Austin, Texas 78745-2639

Re:TV-C062, Bethany Cemetery, Travis County

Dear Mr. and Mrs. Flournoy:

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

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Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Clarence Richard Flournoy II
1100 S. Lakeside Drive
Burnet, Texas 78611-5437

Re:TV-C062, Bethany Cemetery, Travis County

Dear Richard Flournoy:

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

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Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

J & R Flournoy Trust
2523 Tanglewood Trail
Austin, Texas 78703-1534

Re:TV-C062, Bethany Cemetery, Travis County

Dear Sir:

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Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS HISTORICAL COMMISSION

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RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Willie Earl Simpson
1402 Marcus Place
Austin, Texas 78721-1333

Re:TV-C062, Bethany Cemetery, Travis County

Dear Mr. Simpson:

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

This designation does not restrict in any way your use of the land adjacent to or surrounding this historic cemetery. Any cemetery or burial site in Texas, whether designated as a Historic Texas Cemetery or not, may not be disturbed, desecrated, or have gravestones removed under existing state laws. A brief description of the Historic Texas Cemetery Designation Program is included with this letter.

It is our hope that this designation will encourage long-term preservation of this unique resource through its recordation in the deed records. Please feel free to contact me at the letterhead address, by telephone at 512/475-4167, or by E-mail at gerron.hite@thc.state.tx.us if you should have any questions or input concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerron S. Hite", written over a horizontal line.

Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

Robert G. and Priscilla Zappe
2908 Bushnell Drive
Austin, Texas 78745-4735

Re:TV-C062, Bethany Cemetery, Travis County

Dear Mr. and Mrs. Zappe:

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

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It is our hope that this designation will encourage long-term preservation of this unique resource through its recordation in the deed records. Please feel free to contact me at the letterhead address, by telephone at 512/475-4167, or by E-mail at gerron.hite@thc.state.tx.us if you should have any questions or input concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerron S. Hite".

Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

June 27, 2003

Leslie Wolfenden
916 Maryland Drive
Austin, TX 78758

RE: TV-C062: Pending Historic Texas Cemetery Designation, Bethany Cemetery, Travis County

Dear Ms. Wolfenden:

This letter is in reference to our receipt and review of the application for a Historic Texas Cemetery Designation for the Bethany Cemetery in Travis County. We have reviewed the submitted material and find that the Bethany Cemetery meets our criteria for designation as a historic cemetery and thereby approve the application. I am enclosing the *Affidavit of Dedication for Cemetery Purposes* along with *Exhibit A*. Please take these documents to the Travis County Clerk's office and request that they be recorded in the County Deed Records indexed to the Bethany Cemetery. Please request a photocopy of the recorded documents that includes the volume and page number or other reference number of the/each recordation and send it/them to the Texas Historical Commission. We will send you a Historic Texas Cemetery designation certificate upon receipt of the copy or copies.

A cemetery or burial site that has received the Historic Texas Cemetery designation is also eligible to display the Historic Texas Cemetery medallion at the site. Also available are a "name and date" plaque or an interpretive plaque that provides the visitor with a brief history of the cemetery. The purchase and display of these markers is optional. Once we have received the copy of the recorded affidavit, an application for these optional markers will be sent you along with a certificate. Please feel free to contact me if you have any questions about the preservation of this historic cemetery.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerron S. Hite", written over a horizontal line.

Gerron S. Hite, RA
Cemetery Preservation Coordinator
Texas Historical Commission

Enclosures

cc: Barbara Hankins, Chairperson, Travis County Historical Commission
Sue Spears



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

June 11, 2003

SAMPLE LETTER

Re:TV-C062, Bethany Cemetery, Travis County

Dear

The purpose of this letter is to inform you that the Texas Historical Commission has received an application for a Historic Texas Cemetery designation for the Bethany Cemetery from Leslie Wolfenden, graduate student in the Master of Science in Architectural Studies Program, University of Texas at Austin. The deed records reflect that you are an owner of property that shares a common border with the cemetery. Cemeteries that are deemed worthy of recognition and preservation for their age and historical significance are eligible for this designation. The four-page Historic Texas Cemetery application form has provided us with a narrative history and photographs of the cemetery, and documentation defining its boundaries. Upon review and approval of the application, the Texas Historical Commission will supply the applicant with an *Affidavit of Dedication for Cemetery Purposes* to be recorded in the deed records in the Travis County Clerk's office.

This designation does not restrict in any way your use of the land adjacent to or surrounding this historic cemetery. Any cemetery or burial site in Texas, whether designated as a Historic Texas Cemetery or not, may not be disturbed, desecrated, or have gravestones removed under existing state laws. A brief description of the Historic Texas Cemetery Designation Program is included with this letter.

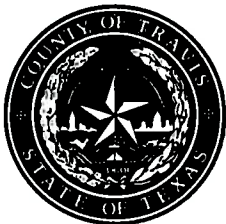
It is our hope that this designation will encourage long-term preservation of this unique resource through its recordation in the deed records. Please feel free to contact me at the letterhead address, by telephone at 512/475-4167, or by E-mail at gerron.hite@thc.state.tx.us if you should have any questions or input concerning this matter.

Sincerely,

Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division

Enclosures

cc: Leslie Wolfenden, applicant
Barbara Hankins, Chairperson, Travis County Historical Commission



Travis County Historical Commission

RECEIVED

JUN 24 2003

TEXAS HISTORICAL COMMISSION

June 23, 2003

Mr. Gerron S. Hite, RA
Cemetery Preservation Coordinator
History Programs Division
Texas Historical Commission
P.O. Box 12276
Austin TX 78711-2276

Dear Mr. Hite:

Thank you for clarifying the situation with regard to Bethany Cemetery. I've talked to Sue Spears in the Travis County Precinct 1 office who has been very involved in the cleanup and preservation of the cemetery. She would appreciate it if you could keep her in the loop on the historic cemetery designation since they have found new information which they might like to add on an additional marker. Apparently, the contact person listed on the application is quite elderly and not well. In any case, Sue's address is 7318 Colony Park Drive, Austin 78724 989-8442 (h), 854-9111(w).

Again, thank you for your help. I am enclosing the signed application.

Sincerely,

A handwritten signature in blue ink that reads "Barbara S. Hankins".

Barbara S. Hankins
Chair



TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

August 6, 2003

Ms. Sue Spears
7318 Colony Park Drive
Austin, TX 78724

RE: TV-C062: Bethany Cemetery, Travis County

Dear Ms. Spears:

The Texas Historical Commission is honored to designate the Bethany Cemetery as a Historic Texas Cemetery (HTC). The enclosed certificate is a testimony of your commitment to the preservation of this important historic resource.

A cemetery or burial site that has received the Historic Texas Cemetery designation is eligible to display the special HTC markers. The purchase of a cemetery marker is not required in conjunction with this designation, but if you would like to order one, we are enclosing the application form. **Please note that the marker process is separate from the designation process and therefore has different requirements.** The basic information you will need to provide if you are ordering a medallion with interpretive plaque is a detailed narrative history (4-5 pages, or longer, and double-spaced) with footnotes and a bibliography, a county/city map showing the cemetery location, and a photograph of the proposed marker site. To begin the marker process, send the application and the required documentation to Barbara Hankins, Chairperson, Travis County Historical Commission, 1801 Lavaca #14J, Austin, Texas 78701 for review and approval.

Please find enclosed a sample press release and a fact sheet with background information on preserving cemeteries should you choose to publicize your cemetery's HTC designation. This is an optional choice that we leave to the discretion of those affiliated with the cemetery, as there are circumstances where drawing attention to an isolated burial ground may not be prudent. However, highlighting this additional level of recognition for an already highly visible cemetery can be a positive way to reassert the fact that the community treasures the sacred burial ground.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerron S. Hite", written over a circular stamp.

Gerron S. Hite, RA
Cemetery Preservation Coordinator

cc: Barbara Hankins, Chairperson, Travis CHC
Leslie Wolfenden, applicant
Andy Bucknall

Enclosures



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

May 10, 2007

Leslie Wolfenden
916 Maryland Dr
Austin TX 78758

RE: TV-C062: Historic Texas Cemetery Designation, Bethany Cemetery, Travis County

Dear Ms. Wolfenden:

The Texas Historical Commission's Historic Texas Cemetery (HTC) Program is growing and we need to reduce the size of our HTC application files to help make room for more. Therefore, we have found it necessary to return some of the photos you provided with the HTC application for the Bethany Cemetery in Travis County. We have retained those photos you provided with the Bethany Cemetery HTC application that will be most helpful in the designation file.

Also enclosed please find a fact sheet with information to help you develop a master preservation plan for the cemetery. A master plan is a tool to help establish goals, priorities and maintenance schedules and estimate costs. It also contains a detailed record of the cemetery through photos and surveys of the gravestones and cemetery features. The photos returned to you with this letter should be included in your master preservation plan.

The Texas Historical Commission supports your efforts to preserve this historic cemetery; please feel free to contact us by email at history@thc.statetx.us or by phone at 512/463-5853 with any questions you may have regarding cemetery preservation.

Sincerely,

A handwritten signature in cursive script that reads "Annette Bethke".

Annette Bethke
Program Specialist
History Programs Division

Enclosures



Property Profile

Legend **EXHIBIT F**



- Street Labels
- Zoning Review Cases- IN REV
- Contours Year- 2017
- 2 Ft Contours
 - 10 Ft Contours
- Fully Developed Floodplain
- COA Fully Developed 25-Year
 - COA Fully Developed 100-Year
 - COA Master Plan 25-Year
 - COA Master Plan 100-Year
 - 100-Year (Detailed-AE)
 - 100-Year (Shallow-AO,AH)
 - 100-Year (Approx-A)
- Creek Buffers/Waterway Setba
- Critical Water Quality Zone
 - Water Quality Transition Zone

Notes

Twelfth and Springdale Residences
C14-2020-0089

0.1 0 0.04 0.1 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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

Chaffin, Heather

From: Ryan Walker [REDACTED]
Sent: Monday, August 24, 2020 5:40 PM
To: Chaffin, Heather
Cc: District 1; McDonald, Elizabeth; Hartnett, Lauren
Subject: Re: Zoning Case # C14-2020-0089

Follow Up Flag: Follow up
Flag Status: Completed

Hi Heather,

I received a notice today that another zoning request has been submitted for my neighborhood. I'm writing to reiterate my opposition to this request for the same reasons outlined in my February email below.

Thanks,
Ryan

On Feb 10, 2020, at 12:21 PM, Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

Ryan,

The Applicant has withdrawn this zoning request. Let me know if you have any other questions.

Heather

From: Ryan Walker [REDACTED]
Sent: Sunday, February 09, 2020 2:39 PM
To: District 1 <District1@austintexas.gov>; McDonald, Elizabeth <Elizabeth.McDonald@austintexas.gov>; Hartnett, Lauren <Lauren.Hartnett@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Zoning Case # C14-2020-0003

*** External Email - Exercise Caution ***

Hello,

My name is Ryan Walker and along with my wife have lived on Cometa St in East Austin for the last two years. Recently, we received a notice of filing application for rezoning on the 3.5 acre plot of land uphill from us at 4120 E 12th St - if you read nothing else in this email **WE COMPLETELY OBJECT!**

This area (along with most of the neighborhood) is zoned as SF-3-NP, and if approved to re-zone we'd be facing a 200+ unit complex in a single-family neighborhood. Besides this being wildly out of place, this type of change would not be allowed in other similar neighborhoods throughout Austin.

Despite the "Vision and Goals" of the existing Neighborhood Plan, the only people that benefit from this would be the developers and completely disregards the interests of local residents and the memories of those buried at Historic Bethany Cemetery.

We chose this area for its neighborhood feel and throwing a giant apartment complex in the middle is the exact opposite of what we and our neighbors want. I hope that you take our interests seriously and reconsider allowing this kind of development to happen in our backyards.

Thank you,
Ryan Walker
530-277-2460

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Chaffin, Heather

From: Milena Pribic [REDACTED]
Sent: Wednesday, September 23, 2020 10:18 AM
To: Chaffin, Heather
Subject: Re: Zoning Change - C14-2020-0089

Thanks so much for your response, Heather. Would love to know more about the school if you happen upon that info-- have a great week!

On Tue, Sep 22, 2020 at 12:44 PM Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

Hello—

The applicant is proposing to rezone the 4.91 acre property from SF-3-NP (single family) and GR-MU-NP (commercial/residential mix) to MF-6-NP (multifamily) and GR-MU-V-NP (commercial/residential mix).

Staff has not yet made a recommendation about the request, but I anticipate the case will be scheduled for Planning Commission and City Council in the next month or so.

I don't know anything about the school, but I'll ask around.

Give me a call at 512-974-2122 with any additional questions.

Heather

From: Milena Pribic [REDACTED]
Sent: Friday, September 11, 2020 1:15 PM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Zoning Change - C14-2020-0089

*** External Email - Exercise Caution ***

Hi Heather,

I live in the neighborhood and noticed there was a proposal for a zoning change on this tract of land at East 12th/Springdale. Any more information available?

I was also wondering if there was any public plan/direction on what will be done with Sims Elementary across the street. Would you know if that area is zoned for any commercial use?

Thanks for the information in advance and hope I have the right person!

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Chaffin, Heather

From: Melinda Barsales [REDACTED]
Sent: Thursday, September 24, 2020 12:38 PM
To: Chaffin, Heather
Subject: Case Number: C14-2020-0089

*** External Email - Exercise Caution ***

Dear Heather,

Thanks so much for taking the time to speak with me yesterday. I wanted to follow up with an email that you may include with your staff recommendations to the planning commission regarding the rezoning of 4120 E. 12th Street.

My husband, Stefan Wicks, and I live at 4114 E 12th Street. We are very concerned about the rezoning of 4120 E 12th from SF-3-NP, GR-MU-NP to MF-6-NP, GR-MU-V-NP with 71% impervious cover. Our home backs up to this property and already we experience flooding in our backyard whenever there is heavy rain. There are several underground seeps and springs in the northwest portion of 4120 E 12th St as well as other critical environmental features on this land.

I fear that a high density, multi-story apartment building would impose stress on the land that would result in increased flooding events on the homes that already exist in this area. The grade of the land directly behind our home is such that water flows into our backyard when there is heavy rain, along with the water from the City's storm drain at E 12th and Springdale.

Additionally, there are already two other developments on E 12th in the works: Storybuilt Homes' "Lucy" subdivision between E 12th and Pennsylvania Avenue at Greenwood and CCG Development's East 12th City Homes at E 12th and Springdale. An increase in traffic and parked vehicles on a street that is already busy and is the main throughway for the fire station on Webberville Road poses an additional risk to the health and safety of residents of this neighborhood.

Please consider maintaining the character of the MLK Neighborhood and preserve the current zoning of this property, which is rich with not only natural springs and old growth trees, but is also a biodiverse habitat that deserves to remain undisturbed.

Thanks and best wishes,
Melinda Barsales
4114 E 12th Street

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Chaffin, Heather

From: Ryann J Matthews [REDACTED]
Sent: Thursday, September 24, 2020 3:24 PM
To: Chaffin, Heather
Subject: 4120 E 12th Rezoning | C14-2020-0089

*** External Email - Exercise Caution ***

Hi Heather,

A neighbor informed us the plot down the street at E 12th and Springdale is up for rezoning and to contact you with any concerns.

While I am no expert on the rezoning process or stipulations, I do know there should be a mandatory % of affordable housing on any development on that lot.

From what I understand from neighbors, in its current state, the undeveloped lot also supports water flow and protects nearby properties (of humans and other animals). So, I would also request that there are environmental conservation requirements also in the rezoning.

Recap: If rezoning for development, please mandate affordable housing and environmental conservation as requirements for the lot. I know there is a good chance the developer could propose them anyway, but I urge the planning committee to include both as mandates in the official rezoning documentation.

Affordability and conversation are just as—if not more—important to the neighborhood than property values.

Thank you kindly,
Ryann Matthews
1302 Greenwood Ave

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Chaffin, Heather

From: Episcopo [REDACTED]
Sent: Thursday, September 24, 2020 8:47 PM
To: Chaffin, Heather
Cc: Sarah Episcopo; Flo Rice; Maryan Captan; Raasin; Jonathan Beall; Yenibel .
Subject: Case Number: C14-2020-0089

*** External Email - Exercise Caution ***

Good evening Heather,

I am writing to you to express my deep reservations and concerns regarding the proposed development at 4120 East 12th Street. Listed below are a few of the most prominent concerns:

- 1) Traffic. The proposed development is an interior lot inside a residential neighborhood with only one access point East 12th Street has substantial pedestrian and cycle traffic going to and from Givens Park and the houses that border it. It cannot accommodate the traffic that this development would impose and the building of this development will inevitably increase the likelihood of traffic accidents involving pedestrians and bikers.
- 2) Environmental. There is a spring on the proposed development. It is actively draining for the majority of the year and there are numerous heritage trees and wildlife on the site. The site cannot accommodate additional impervious cover. Even barring the spring, this is a hillside that drains to Tannehill Creek. Tannehill Creek has historical issues with flooding and all of the houses on the east side of Cometa Street already deal with flooding each time it rains. Additional impervious cover would cause flooding events that wash out foundations on the original homes in the area and which would place an additional financial burden on residents already burdened by gentrification.
- 3) Historical. The proposed development immediately abuts Bethany Cemetery. This historic cemetery is Austin's first Black cemetery following the emancipation after the civil war. The cemetery is privately owned and already suffers from neglect. Many graves are either unmarked or poorly marked. I am certain that this development would damage or disturb human remains in the area.

Our community is aware of this development and we are prepared to mobilize against it. I have CCed several concerned neighbors and I welcome their input to my comments. Please advise on how the city plans to respond.

Brian Episcopo
915-204-1426

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Chaffin, Heather

From: [REDACTED]
Sent: Thursday, September 24, 2020 11:57 PM
To: Chaffin, Heather
Subject: Re: C14-2020-0089

*** External Email - Exercise Caution ***

Dear Heather,

We are homeowners in the MLK area and are concerned about the proposal to build on a green space with springs, covering it with a large impervious structure. (C14-2020-0089). Austin needs more housing, but not at the cost of creating flood zones and water runoff problems and destroying springs and our natural beauty. Lack of consideration of water runoff seems to be a prevalent problem in our area and something that should be better addressed at the city level. We need smart growth, this practice is foolish. Please reconsider this proposal.

Thank you,
Tobin and Laura Wiegand

Sent from my iPhone

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Chaffin, Heather

From: Christine Fail [REDACTED]
Sent: Friday, September 25, 2020 9:37 AM
To: Chaffin, Heather
Subject: Subject Line - Attn: 4120 East 12th Street- Springdale Development Zoning Change Case: C14-2020-0089

*** External Email - Exercise Caution ***

Hi Heather,

I am contacting you as a resident on Cometa St for 13 years and a member of the MLK neighborhood association. While I actually agree with more structurally dense and zoning diverse neighborhoods in central Austin, I do have a few concerns and have listed them below about the proposed developments on east 12th street and Springdale.

1. Flooding - the neighborhood is hilly with a creek running behind Cometa and NO gutters. All of the east facing side of Cometa already has drainage issues with water running downhill from the east. The numerous new construction projects on the streets above Cometa to the east and has exacerbated this problem. I witness it every time it rains, and the builders did nothing to address this issue with their new construction projects forcing them to come back to bandaid their developments for sale. But these fixes are just bandaids and for cosmetics and are not actually addressing the issues. Drainage and flooding mitigation must be a very integral part of this plan.
2. Disruption to the single family homes on 12th street. While Springdale is a much busier street with limited residences facing Springdale and already had a multi-family structure on the property, the access from 12th street is different. Surrounding existing single family homes with a 3 story multi family residence seems disruptive to the neighborhood as well as the owners and dwellers in these homes. The utmost care must be given when assessing the proposed development to make sure that the existing homeowners, the ones being most affected, are considered. The aesthetics, density of vegetation, privacy, entrance/exit traffic, etc must all be addressed before permission is given allowing the current owners the ability to give feedback and input. I know that developing this property will happen, but the zoning permissions give the city and the residents the ability to integrate it into the exiting neighborhood. I think a 2 story structure would be the most appropriate giving respect to the current homeowners on 12th street.

Thank you for taking my thoughts into consideration.

Best,

Christine

—
CHRISTINE FAIL
[REDACTED]

Chaffin, Heather

From: Joseph Kugler [REDACTED]
Sent: Friday, September 25, 2020 11:00 AM
To: Chaffin, Heather
Subject: amplify MLKNA Attn: 4120 East 12th Street- Springdale Development Zoning Change Case: C14-2020-0089

*** External Email - Exercise Caution ***

Attn: 4120 East 12th Street- Springdale Development
Zoning Change Case: C14-2020-0089

Dear Heather,

I am writing to amplify the concerns and the ask from MLK neighbors to deny the current upzoning applications related to 4120 East 12th Street- Springdale Development and Zoning Change Case: C14-2020-0089. Long-time residents here have found their concerns are undervalued despite their lived experience in these types of development pressures on top of other historic East Austin policies negatively affecting their daily lives. As discussed in their last Neighborhood Association meeting, they have a huge potential development that is looking to change the zoning in less than a two block radius. The developer is looking to upzone 4120 E 12th Street, 1200, 1202, & 1208 Springdale Road from SF3 (Single Family) to MF-6-NP (Multifamily High Density - Two 3 story apartments) & GR-MU-V-NP (Vertical Mixed Use, Apartments with Commercial below) with the potential to be 90 feet high. Some concerns expressed by neighbors are traffic issues, environmental issues such increased major flooding, incompatible development to what is already in the surrounding area, radical change to the neighborhood and its character, and location in the interior of an established single family neighborhood. I cannot imagine that this would even be considered if it was in the middle of Travis Heights or Hyde Park. Please work together to amplify concerns and deny these applications, and further reach out to the existing MLK community to improve equitable engagement on these types of continued concerns. As a local physician involved in mental health-- I see daily how the cumulative disenfranchisement in being unheard, unseen, and unsupported in policies for our marginalized communities have wider impacts on quality of life than officials must realize. I pray this changes.

Thank you,
Dr. Joseph L. Kugler
512-850-1810

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Chaffin, Heather

From: Barbara Epstein [REDACTED]
Sent: Friday, September 25, 2020 11:12 AM
To: Chaffin, Heather
Subject: speak up for our neighbors in East Austin now

*** External Email - Exercise Caution ***

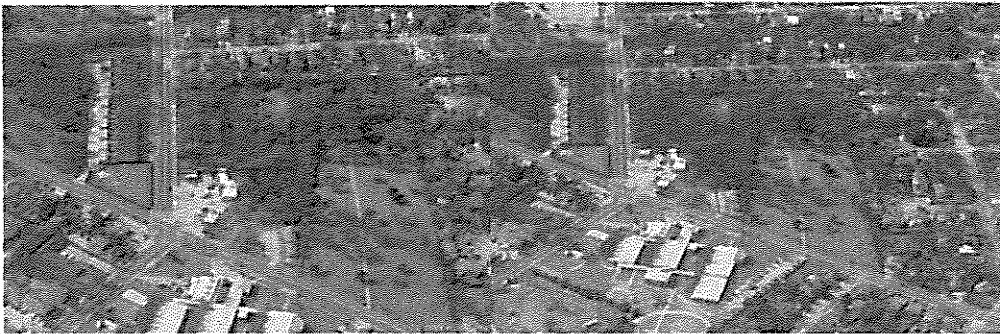
fyi—sent to two UT area neighborhoods—Hancock, Eastwoods, and my Austin email list...

Barbara Epstein

This message was just posted on NextDoor. Please support East Austin neighbors by writing City Council and demanding that citizens get a meaningful say in what happens to their neighborhood. We all face the same transformation from SF-3 single family to MF-6, the most dense housing possible under the Code—without the infrastructure needed to support it. I am not a NIMBY, I simply think that we need more thoughtful well-planned density that doesn't by definition push everyone who lives there now out, this application and its trajectory denies any input from neighborhoods in the result. Speak up, get involved, organize your own neighborhood, or face the same result eventually where you live.

Barbara Epstein
Hancock

Here are views of the tracts



4120 E. 12th St. 1200, 1202, 1208 Springdale Rd.

Lindsay&Joseph K-O

Cherrywood • 38 min ago

urgent, community ask from MLK neighbors [email/call request] Fwd: TIME TO TAKE ACTION!!! Last night, I checked in with Alexandria Anderson, one of the MLK Neighborhood Association (MLKNA) chairs. She asked that I relay MLK

neighbors' urgent request for allies to stand with them by amplifying their opposition to several upzoning cases less than a couple blocks from each other--via emailing & calling city officials to deny the applications. Neighbors have been frustrated with officials' statements about equity versus what long-times neighbors keep experiencing as inequitable support and lack of meaningful collaboration in shaping and planning their own neighborhood. MLKNA asked that we amplify their concerns by copying to our list serves, social media and nextdoor. I hope that neighbors can support the MLK community ask with emails and calls today to Heather Chaffin (maybe also Council Members?). The action-item details are below (& attached are screenshots), copied from the MLKNA newsletter from this morning.

TIME FOR ACTION!!! DON'T DELAY We are currently being faced with several upzoning applications in our area. As discussed in our last Neighborhood Association meeting, we have a huge potential development that is looking to change the zoning in less than a two block radius.

To review, the developer is looking to upzone 4120 E 12th Street, 1200, 1202, & 1208 Springdale Road from SF3 (Single Family) to MF-6-NP (Multifamily High Density - Two 3 story apartments) & GR-MU-V-NP (Vertical Mixed Use, Apartments with Commercial below) with the potential to be 90 feet high.

Some concerns expressed by neighbors are traffic issues, environmental issues such increased major flooding, incompatible development to what is already in the surrounding area, radical change to the neighborhood and its character, location in the interior of an established single family neighborhood and so much. **WE NEED TO COME TOGETHER, SPEAK UP, SHARE OUR CONCERNS, AND BE AT THE FOREFRONT OF WHAT'S HAPPENING IN OUR NEIGHBORHOOD. THERE IS STRENGTH IN NUMBERS!**

Please email and call Heather Chaffin. Please share her contact information with any neighbor who may not be on our mailing list as of right now. If they live on

Cometa Street, Glomar, Waldorf Ave, Astor Place and 12th Street between Cometa & Springdale, they will be adversely impacted.

Contact Information: Heather Chaffin heather.chaffin@austintexas.gov


512-974-2122

Subject Line - Attn: 4120 East 12th Street- Springdale Development

Zoning Change Case: C14-2020-0089

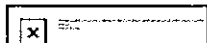
LET'S HOLD THE MAYOR AND CITY COUNCIL ACCOUNTABLE

Posted in **General** to 25 neighborhoods

Posted by: Barbara Epstein <>

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Chaffin, Heather

From: Amy Stevens [REDACTED]
Sent: Friday, September 25, 2020 1:33 PM
To: Chaffin, Heather
Subject: Attn: 4120 East 12th Street- Springdale Development Zoning Change Case: C14-2020-0089

*** External Email - Exercise Caution ***

Good afternoon,

I would like to voice my opposition for the zoning changes for case: C14-2020-0089. Myself and my neighbors have concerns about the major impacts that the proposed developments will have on our neighborhood. Please do not approve these zoning changes.

Thank you,
Amy Stevens

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Chaffin, Heather

From: Gayle Borst [REDACTED]
Sent: Friday, September 25, 2020 2:13 PM
To: Chaffin, Heather
Subject: 4120 E 12th Street, C14-2020-0089

*** External Email - Exercise Caution ***

Heather,

As a resident of the Givens Park Neighborhood for over 7 years, I would like to express my concerns about the rezoning of the above-referenced property. I am astounded that they are asking for a significantly higher than allowed impervious cover. There are great concerns about flooding of the neighboring properties - especially since the subject property contains springs and wetlands that will undoubtedly be unable to perform their current function when replaced by concrete and asphalt! And with 71% impervious cover, few if any of the trees will remain. (I don't understand the raping of the land that has been allowed to happen on the east side! Not to mention the MANY adverse impacts on existing homeowners. I wish you could read the horror stories on our NextDoor.)

Is it normal for the TIA to be deferred? It seems to me that input from that study would be an important consideration in the rezoning case.

I lived through much of the gentrification of my Deep Eddy Neighborhood on the west side before moving to my current home on the east side, and the way the development occurred there was nothing like the insensitive, rude, frenzied way that development is being allowed to happen on the east side. Please stop giving developers a free rein to further destroy our neighborhood.

Respectfully,
Gayle

--

Gayle Borst
Stewardship, Inc.
512-478-9033 (office)
512-350-0001 (mobile)
[REDACTED]

"Imagination is more important than knowledge" – Albert Einstein

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Chaffin, Heather

From: Mike O'Connor [REDACTED]
Sent: Friday, September 25, 2020 2:24 PM
To: Chaffin, Heather
Subject: I support 4120 East 12th Street- Springdale Development Zoning Change Case: C14-2020-0089

*** External Email - Exercise Caution ***

Dear Ms. Chaffin:

I just received an email from my neighborhood association telling me to write you to oppose the proposed development at 4120 East 12th Street. I am certainly not an expert on this project, but their email contained nothing but NIMBYism and hostility to change. I live in the neighborhood and believe that greater density not only improves the area, but is the best way to solve Austin's problems with regard to the cost of housing and homelessness.

I very much welcome the project and the attendant upzoning in my neighborhood and look forward to the improvement in neighborhood character that, in my opinion, comes with apartments and retail.

Sincerely,

Mike O'Connor
3905 Chase Circle Unit A
Austin, TX 78721

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Chaffin, Heather

From: Patrick Dillon [REDACTED]
Sent: Friday, September 25, 2020 3:09 PM
To: Chaffin, Heather
Subject: Attn: 4120 East 12th Street- Springdale Development

*** External Email - Exercise Caution ***

RE Zoning Change Case: C14-2020-0089

As a long-term resident I am growing weary of having to continually register disquiet over the upzoning that is occurring in our neighborhoods. The planned change here will allow for 90ft high multi-occupant building on what is older, residential streets. The rhetoric of affordability continues to be a smoke-screen for developers to ignore local needs and build large apartments for profit. This is not good development and it is not a solution to the housing shortage. There are many tracts of land in the surrounding areas of Austin that could be built on from scratch to any plan you wish to use for greater density - do not force through changes such as this on the inner east side.

Thank you

Oscar

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Chaffin, Heather

From: E B [REDACTED]
Sent: Friday, September 25, 2020 5:37 PM
To: Chaffin, Heather
Subject: Attn: 4120 East 12th Street- Springdale Development Zoning Change Case: C14-2020-0089

*** External Email - Exercise Caution ***

Dear Ms. Chaffin,

I live in East Austin and wish to share with you the concerns of my neighbors in the MLK neighborhood regarding this proposed development. Please see the message below, written by one of my Cherrywood neighbors. And, please, do not miss the opportunity to include the community members affected by this proposed development in the planning process and let them have the chance to put forth their concerns and be heard.

Thank you,

Emily Bankston, 78722

As a Cherrywood neighbor and East Austin ally, I am writing to amplify the concerns and the ask from MLK neighbors to deny the current upzoning applications related to 4120 East 12th Street- Springdale Development and Zoning Change Case: C14-2020-0089. These neighbors feel that the Mayor, Council, and other City leadership have not provided meaningful and equitable collaboration to existing residents. Long-time residents here have found their concerns are unvalued despite their lived experience in these types of development pressures on top of other historic East Austin policies negatively affecting their daily lives. As discussed in their last Neighborhood Association meeting, they have a huge potential development that is looking to change the zoning in less than a two block radius. The developer is looking to upzone 4120 E 12th Street, 1200, 1202, & 1208 Springdale Road from SF3 (Single Family) to MF-6-NP (Multifamily High Density - Two 3 story apartments) & GR-MU-V-NP (Vertical Mixed Use, Apartments with Commercial below) with the potential to be 90 feet high. Some concerns expressed by neighbors are traffic issues, environmental issues such increased major flooding, incompatible development to what is already in the surrounding area, radical change to the neighborhood and its character, and location in the interior of an established single family neighborhood. Please work together to amplify these MLK neighborhood concerns and deny these applications, and further reach out to the existing MLK community to improve equitable engagement on these types of continued concerns.

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Chaffin, Heather

From: Bill W [REDACTED]
Sent: Friday, September 25, 2020 6:10 PM
To: Chaffin, Heather
Cc: Alter, Alison
Subject: C14-2020-0089 Zoning Change Case

*** External Email - Exercise Caution ***

I am opposed to the upzoning of 4120 E 12th Street, 1200, 1202, & 1208 Springdale Road from SF3 (Single Family) to MF-6-NP (Multifamily High Density - Two 3 story apartments) & GR-MU-V-NP (Vertical Mixed Use, Apartments with Commercial below). This is a flagrant displacement of a community mostly of African-Americans who were, at one time, shunted off to East Austin to find homes. Having done that, now the City is, once again, displacing them from the homes they worked so hard to provide for themselves and their families. Enough of discrimination in Austin, and Enough of giving Developer everything they want, just to make more money!!!

Bill Woods

Bryker Woods

Bill W



Living on Earth is expensive, but It does include a free trip around the sun.

This message is confidential, intended only for the named recipient and may contain information that is privileged or exempt from disclosure under applicable law. If you receive this message in error, or are not the named recipient, please notify the sender. All comments are the sender's personal opinion unless otherwise noted.

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Chaffin, Heather

From: Jason Mykoff [REDACTED]
Sent: Tuesday, September 29, 2020 5:06 PM
To: Chaffin, Heather
Subject: 4120 E. 12th/Case #C14-2020-0089

*** External Email - Exercise Caution ***

Dear Ms. Chaffin,

My home is adjacent to the property at 4120 E. 12th St. I've contacted you before regarding the previously proposed rezoning of this property. My neighbors and I are strongly opposed to this rezoning for many reasons.

The property is currently SF-3-NP (as is most of the neighborhood) and they wish to rezone to MF-6-NP and GR-MU-V-NP. There are no other properties of this kind in the immediate area and this would be a huge change that our neighborhood doesn't want. This zoning change would allow up to 305 units as I understand it, vs. the existing zoning which would allow up to 27, and up from the 220 or so previously proposed. This is a mostly single family neighborhood and this type of change would not be allowed in other single family neighborhoods in other parts of the city.

There are significant drainage issues downhill from the application property. In wet years we regularly have standing water for months at a time, on Cometa St., 12th St., and especially on properties on the east side of Cometa. The application property is currently old growth urban forest. This property provides valuable drainage and water absorption, and is uphill from a creek that provides important drainage. There are many homes between the application property and the creek (both sides of Cometa St.) There are underground seeps and springs throughout this area and a thorough environmental study is appropriate before any zoning changes are approved. The resulting development from the proposed zoning change would have a significant effect on these drainage issues and critical environmental features.

The application property is adjacent to Historic Bethany Cemetery and the development would occur within feet of 100+ year old graves. It has been on the Neighborhood Plan since at least 2002 to officially designate Bethany as "City Landmark."

The infrastructure in this area can not support the dramatic increase in traffic from over 300 new units. It is foolish to assume that any significant percentage of residents in the proposed luxury apartments would use public transportation. The number of daily deliveries would be massive. Further adding to the strain would be the daily traffic of employees, customers, and deliveries for proposed commercial space.

In general, this development seems to directly contradict the "Vision and Goals" of the existing Neighborhood Plan. This rezoning proposal, even more egregious than the last, primarily benefits the developers and not the residents of this neighborhood. We, the voting, tax paying residents of this neighborhood, do not want it. Do not allow it.

Sincerely,
Jason Mykoff
1307 Cometa St.
78721

Chaffin, Heather

From: Jesslyn Jamison <[REDACTED]>
Sent: Friday, October 02, 2020 9:02 AM
To: Chaffin, Heather
Cc: Gibbs, Carol; Alexandria Anderson; Melonie Dixon
Subject: Re: Zoning Petition against C14-2020-0089 at 4120 E 12th

Hi Heather,

Thank you so much for your quick response and for looking into this! I will look forward to the list and hearing back on the condo documentation issue!

Best,
Jesslyn

On Fri, Oct 2, 2020 at 8:30 AM Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

Jesslyn,

As the case manager for this zoning request, I will be handling the Valid Petition request.

Yes, I understand that it is cumbersome getting condo regime information together, however State law requires very formal and detailed information. I have more experience working with larger condominium regimes, like a condo complex with several condos on one property. In those cases we need the bylaws that identify who is authorized to sign on behalf of the common areas. It's usually something like a vote by the Board of Directors.

I'll need to confer with my colleagues to see if they have any suggestions on this. In the meantime, I'll request that a map and list of eligible properties from our mapping team.

Heather Chaffin

From: Jesslyn Jamison <[REDACTED]>
Sent: Thursday, October 01, 2020 6:56 PM
To: Gibbs, Carol <Carol.Gibbs@austintexas.gov>
Cc: Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Alexandria Anderson <[REDACTED]>

Melanie Dixon [REDACTED]

Subject: Re: Zoning Petition against C14-2020-0089 at 4120 E 12th

*** External Email - Exercise Caution ***

Good evening,

Carol-- thank you so much for your time and help today! I am very appreciative!

I am first writing to request the list of eligible petition-signers for Zoning Case # C14-2020-0089 at 4120 E 12th so that I may cross reference with TCAD. Second, I wanted to ask about the condo issue. We have a significant number of Unit A/ Unit B's in our area and I am concerned about how the need for condo documents might affect us.

To clarify, if both the Unit A and Unit B owners sign the petition (the entire condo association), is there a need for a condo document? If a condo document is needed with only 1 person signing, are we expected to collect that document and submit it with the petition. If so, can you clarify what piece of information needs to be captured (eg who is the president).

Thank you!

Best,

Jesslyn

On Thu, Oct 1, 2020 at 3:59 PM Gibbs, Carol <Carol.Gibbs@austintexas.gov> wrote:

Jesslyn,

I spoke to Heather and got some good details...

For one, you don't need to provide all those identifying details on each property. However, even better news is that she can now have a colleague create the **official** list of eligible petition signers and send it to you, for you to work from, which will include even someone who may own just a tiny % of the buffer area. Heather

just needs you to send her an email request to send you the list of eligible petition-signers for Zoning Case # C14-2020-0089 at 4120 E 12th. Go ahead and do that asap to give them time to produce the map & list.

Also, Heather corrected me about needing condo information even for duplex-type condos. Each member of a condo property **will** have to provide a copy of their condo papers when they sign the petition, showing that whoever has signatory authority for your "Condo Association", even though it is just 2 parties, agrees to the signing of the Petition. You'll need to get details from her if that's not clear. Again, I've never dealt with this level of detail, so I don't want to mislead you.

Finally, she reiterated that she must receive the ORIGINAL signatures, even if they're on signature on each of a dozen different sheets. So you and Heather will need coordinate how to do the hand-off per Covid guidelines, directly between you. This only has to be done before 3rd Reading at City Council, so you have plenty of time.

I think that's all I promised you. Don't hesitate to ask more questions!

Sincerely,

Carol

Carol Gibbs | Pronouns: she, her, hers

Development Services Process Coordinator, Neighborhood Assistance Center

City of Austin Development Services Department

6310 Wilhelmina Delco Dr, Austin, Texas 78752

Office: 512-974-7219



Development
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Please click [here](#) to take an anonymous Satisfaction Survey about the Neighborhood Assistance Center.

Chaffin, Heather

From: Natasha Cross [REDACTED]
Sent: Tuesday, October 20, 2020 3:54 PM
To: Chaffin, Heather
Subject: Attn: 4120 East 12th Street- Springdale Development - Zoning Change Case: C14-2020-0089

Follow Up Flag: Follow up
Flag Status: Completed

*** External Email - Exercise Caution ***

Zoning Change Case: C14-2020-0089

Hi Heather,

I have owned my home at 1305 Cometa St, Austin, TX 78721 since November 2013. I learned recently that the proposed rezoning discussion that was tabled earlier this year is back in discussion.

I would like to express my concerns as a resident of the area, who with even the latest construction on the street has already experienced a significant amount of runoff during the rainy periods when compared to when I first bought my home. I have had to install drainage systems around the house to manage runoff away from the house itself.

From what I understand about the proposed rezoning, it will not only maximize the number of units allowed in the area - exacerbating and already growing traffic problem in the neighborhood, but will also consist of almost primarily impervious cover - rendering the natural area currently in place as obsolete, and significantly increasing the risk of flooding to properties on Cometa Street - mine included.

I would appreciate any information you can share as to how I may further oppose this rezoning proposal, and instead protect this area from development to the extent proposed.

Best regards,

Natasha Campbell-Cross

512.775.1658

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Chaffin, Heather

From: Marie Butcher <[REDACTED]>
Sent: Saturday, January 09, 2021 1:22 PM
To: Chaffin, Heather
Subject: C14-2020-0089 Opposition to planned upzoning

*** External Email - Exercise Caution ***

Hi Ms. Chaffin,

I am emailing you to voice my opposition to the planned upzoning of 4120 E. 12th. I live nearby at 1307 E.M. Franklin. This escalation of development is wrong for many reasons.

First I think it is tone deaf as to the history and cultural make-up of this neighborhood. Clearly gentrification is an issue here and people are already being displaced by higher taxes. I do not think a 2-300 unit luxury development will help this problem, even if it were to include some affordable housing units. According to the developer the affordable housing units would likely be more like studios and would be in the 90k range (not realistic option for any displaced families in this neighborhood).

Traffic is already a real problem. E.M. Franklin is a dangerous place to walk/bike (no sidewalks, people cut through going fast), I am not excited about more people coming through here.

This land has a vastly important ecological feature-- I am upset that we seem to revere and protect springs on the West side of town but when there is a spring on the East side it is barely mentioned and can readily be erased by development. I have a background in ecology and am a veterinarian. Even though there is a planned offset I 100% guarantee you the run-off from a large development with up to 70% impervious cover is going to result in the death of a vast portion of the wildlife that depends upon this spring. Springs also seep into a large amount of water that flows underground- I would venture to guess that we don't know where this spring leads to- in as such we will have no idea what the health and ecological implications would be to polluting it. I wish we were doing more to protect the nature in this area, not only for the plants and animals who are already under threat, but for ALL future generations of this neighborhood to appreciate and enjoy. This should not be a luxury reserved for people on the West side of town.

Last, as a practical matter, the development over the marsh and spring are going to lead to worse flooding issues for those people on Cometa who already deal with this as a problem. The marsh serves as a natural reservoir and it seems very short sighted to develop this from that stand-point alone.

I have been speaking to many neighbors, we are trying to get signatures now but I can tell you that nearly everyone I have talked to feels as strongly as I do.

Thank you so much for your time and attention! Let me know if I can help in any way moving forward. If you know of any Austin government officials that could help on the environmental side of things I would be happy to contact them as well!

Marie Butcher
1307 E.M. Franklin
504-952-4751

Chaffin, Heather

From: Alice Glasco [REDACTED]
Sent: Monday, February 01, 2021 11:58 AM
To: Chaffin, Heather
Cc: Christopher Affinito; Mackenzie McCauley; Melonie Dixon; Harden, Joi
Subject: FW: C14-2020-0089 - 4120 E. 12th St. & Springdale Rd - Request for 2/23 PC Hearing
Attachments: C14-2020-0089.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

*** External Email - Exercise Caution ***

Heather,

Two things: 1) on behalf of my client, Urban ATX Development, LLC, I would like to amend the zoning request for 4120 E. 12th Street to exclude/withdraw Tract one from the rezoning application. Therefore, we would like to proceed with Tract 2 only - for GR-MU-V-NP. Secondly, we request that you schedule the case on the 2/23 Planning Commission agenda. We have been working with the MLK Neighborhood Association and Melonie Dixon, the President of the Association is copied here.

FYI: on Tract 1 – my client plans to develop the tract under ordinance number 20080131-132 - which allows S.M.A.R.T housing development under SF-4A zoning standards.

=====
Alice Glasco, President
Alice Glasco Consulting
512-231-8110 W
512-626-4461 C
Email: [REDACTED]

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Chaffin, Heather

From: Chaffin, Heather
Sent: Tuesday, February 02, 2021 1:05 PM
To: Melinda Barsales
Cc: Alexandria Anderson; Melonie Dixon; Jesslyn Jamison
Subject: Amended Zoning request - C14-2020-0089 at 4120 E 12th
Attachments: C14-2020-0089.pdf

Hello—

I wanted to give you an update regarding this zoning request. The applicant has amended their request, removing Tract 1 from the request. Therefore, they are now only requesting GR-MU-NP to GR-MU-V-NP on Tract 2.

I'm attaching the outdated map and will have a new map created soon. I'll also request a map/spreadsheet reflecting the new zoning area only. I know that Tract 1 was your primary concern, but figured I'd be proactive just in case. Of course the radius for signatures will be reduced.

The cases are planned to be scheduled for Planning Commission on February 23rd and City Council on March 25th. A new notice will be sent out with those dates and the updated map. I can tell you more about how to participate in the public hearings when the dates get closer.

Please share this information with any neighbors that you think might be interested.

Heather

Chaffin, Heather

From: Melonie Dixon [REDACTED] >
Sent: Monday, February 22, 2021 9:19 PM
To: Chaffin, Heather
Subject: Re: Reschedule Zoning C14-2020-0089

Hi Heather,

Thank you and hope all is well. We would like to request an April 27th schedule meeting. Please let me know also a convenient time to submit petitions.

Sincerely,

Melonie

On Mon, Feb 22, 2021, 7:35 AM Chaffin, Heather <Heather.Chaffin@austintexas.gov> wrote:

Hi Melonie-

I just found out that the February 23rd Planning Commission meeting has been cancelled.
<http://www.austintexas.gov/edims/document.cfm?id=355192>

We will have to send out notices when we reschedule the meeting, which I think will be for March 9th. If you would like to request more time than that, let me know, and I'll check with the applicant. The next Planning Commission dates past March 9th are March 23rd, April 13th and April 27th.

Heather

From: Melonie Dixon [REDACTED]
Sent: Saturday, February 20, 2021 3:09 PM
To: Hartnett, Lauren <Lauren.Hartnett@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>
Cc: Melonie Dixon <[REDACTED]>; Alexandria Anderson <[REDACTED]>; Jesslyn Jamison <[REDACTED]>
Subject: Reschedule Zoning C14-2020-0089

*** External Email - Exercise Caution ***

ATT: Lauren Hartnett, District 1; Patrick Howard, Planning Commission; Heather Chaffin, Case Manager

Hi All,

On February 23, 2020, Case C-14-2020-0089 is scheduled to go before the planning commission. We, the Martin Luther King Neighborhood Association (MLKNA) would like to **request a postponement/reschedule** of this hearing due to the disastrous weather conditions affecting our area, our city and the entire state.

We ask to reschedule this hearing and with notification.

P.S. This email may be a duplicate email due to a system complications on 2.19.20

Sincerely,

Melonie House-Dixon

MLKNA Chair

512.964.7853

"Unity Through Community"

www.mlkneighborhood.org

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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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before 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.

Case Number: C14-2020-0089

Contact: Heather Chaffin, 512-974-2122

**Public Hearing: February 23, 2021, Planning Commission
March 25, 2021, City Council**

Alexandria Anderson

Your Name (please print)

<input type="checkbox"/>	I am in favor
<input checked="" type="checkbox"/>	I object

1209 Cometa Street Austin Texas

Your address(es) affected by this application

78721

[Signature]

Signature

2/27/21

Date

Daytime Telephone: 773-307-8366

Comments: Givens Park / MLK is a historic area
This type of development is inappropriate and
insensitive to the area, the neighbors, the cemetery, etc
This type of development is not looking to
preserve the historical aspects of the area but
to make the biggest buck. They are trying
to squeeze so much in a small area. The
neighbors who live in the area and remotely
close do not want an apartment building towering

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

City of Austin

Housing and Planning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Or: Heather.chaffin@austintexas.gov

over their homes.
It's not compatible and
NOT affordable

Chaffin, Heather

From: Melinda Barsales
Sent: Thursday, March 04, 2021 9:46 AM
To: Chaffin, Heather
Subject: comments for C14-2020-0089

Follow Up Flag: Follow up
Flag Status: Flagged

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PUBLIC HEARING INFORMATION	
<p>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 agents are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.</p> <p>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.</p> <p>During its public hearing, the City Council may grant or deny a zoning request, or remove the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.</p> <p>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.</p> <p>For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/development.</p>	
<p>Written comments must be submitted to the board or commission (or the contact person listed on the notice) before 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.</p>	
<p>Case Number: C14-2020-0089 Contact: Heather Chaffin, 512-974-2122 Public Hearing: March 9, 2021, Planning Commission April 8, 2021, City Council</p>	
<p>MELINDA BARSALES Your name (please print)</p>	<p><input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object</p>
<p>7104 E 12TH STREET Your address(es) affected by this application</p>	
<p>Melinda Barsales Signature</p>	<p>3/4/2021 Date</p>
<p>Daytime Telephone: (512) 729-9078</p>	
<p>Comments: C14-2020-0089 Planning Commission March 9, 2021 Subject to Public Hearing change and before Council should be deferred as a less intensive district given its proximity to a historic 2800 American Royal around (Beban) residential. I don't think development at this scope is in any way appropriate for this land given its significant underground If you use this form to comment, it may be returned to: City of Austin Housing and Planning Department Heather Chaffin P.O. Box 1088 Austin, TX 78767-8810 Or Heather.Chaffin@cityofaustin.gov</p>	

Hi Heather,

Hope you are doing well and recovering from the snowstorm. Attached are my comments for next week's public hearing. I only received the letter yesterday and it was addressed to the previous owner.

I know that many people have yet to receive the notice and am concerned that information regarding this rezoning case is not being disseminated to the affected residents with enough time for them to respond. How can we address this situation?

I look forward to sharing my thoughts with the planning commission next week.

Warm regards,
Melinda

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Case Number: C14-2020-0089

Contact: Heather Chaffin, 512-974-2122

**Public Hearing: March 9, 2021, Planning Commission
April 8, 2021, City Council**

Madeline B. Aciri

Your Name (please print)

4115 E 12th St Unit 2

Your address(es) affected by this application

[Signature]

Signature

3-3-2021

Date

Daytime Telephone: 847-863-8369

Comments: Austin's biggest asset is its
culture. Newcomers and long-term Texans
alike value the city's rich history.
The high rise nature of this zoning is
incongruous with the surrounding neighborhood
and it disrespects the adjacent Bethany
Cemetery. Please do not upzone this tract!

Sincerely, Madeline B Aciri

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

City of Austin
Housing and Planning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Or: Heather.chaffin@austintexas.gov

☐ I am in favor
☒ I object

Chaffin, Heather

From: stefan wicks [REDACTED]
Sent: Thursday, March 04, 2021 10:25 AM
To: Chaffin, Heather
Subject: Comment on case C14-2020-0089 hearing 3/9/2021
Attachments: c14-2020-0089.jpeg

Follow Up Flag: Follow up
Flag Status: Flagged

*** External Email - Exercise Caution ***

Hello,

Please see attached my comments on case C14-2020-0089. Heather Chaffin is listed as the contact person. The hearing date is 3/9/2021. This is for the planning commission.

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Case Number: C14-2020-0089

Contact: Heather Chaffin, 512-974-2122

Public Hearing: March 9, 2021, Planning Commission
April 8, 2021, City Council

STEFAN WICKS

Your Name (please print)

4114 EDIN ST 78721

Your address(es) affected by this application

[Signature]

Signature

3/4/2021

Date

Daytime Telephone: 512 575 2521

Comments: I am concerned that this change in zoning will have a negative children's mental impact on the CFFs on the property. I am also concerned that this change will further drive out long term area residents who already struggle to keep their family homes.

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

City of Austin

Housing and Planning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Or: Heather.chaffin@austintexas.gov

☐ I am in favor
☐ I object

Chaffin, Heather

From: Jason Poon [REDACTED]
Sent: Sunday, March 21, 2021 11:32 AM
To: Chaffin, Heather
Subject: Case Number: C14-2020-0089

Follow Up Flag: Follow up
Flag Status: Flagged

*** External Email - Exercise Caution ***

Hi Heather,

I'm responding to the notice of public hearing for rezoning.

Case Number: C14-2020-0089
Name: Jason Poon
Address: 4121 E 12th St #1, Austin, TX 78721
Phone: 512-699-8100

I object.

Thank you!

Jason Poon
[REDACTED]

(c) 512-699-8100

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My name is Melinda Barsales and I live at 4114 East 12th Street in a home built in 1964 original to this area of East Austin. I am writing to the Planning Commission today to express my concerns regarding Zoning Case C14-2020-0089, Twelfth and Springdale Residences, Item 6 on today's agenda. Not only do I believe the zoning change from GR-MU-NP to GR-MU-V-NP is unnecessary, but due to this tract's proximity to the historic African-American burial ground of Bethany Cemetery, I strongly believe that a downzoning of this tract should be proposed.

The Martin Luther King Neighborhood Association is currently in the process of collecting signatures for a valid petition for this case. I have been made aware that the signature of the representative for Bethany Cemetery, Ms. Sue Spears, will not be considered valid unless we can furnish written proof that she has been given authority on such matters from the property owners in spite of the fact that her name appears on the TCAD for the cemetery, that notice of the proposed rezoning was sent care of Ms. Spears, and that City contractors, Davey Resource Group, sought out her consent for a vegetation work plan on the cemetery's grounds.

Ownership of the property at 1308 Springdale Road was transferred to the Bethany Cemetery Association in 1976. The members are now all deceased and the association defunct. Ms. Spears, who grew up in this neighborhood and attended Sims Elementary across the street from the cemetery, has been the steward for this neglected burial ground and was instrumental in securing historic status for the site. Through her dedication to the cemetery she facilitated a program for maintenance of the grounds through the Travis County Sheriff's SWAP program.

Due to the undetermined status of ownership for the cemetery, I strongly encourage the Planning Commission to postpone making any recommendation in this case until it is determined who has the authority to speak for its deceased owners and those interred on its grounds.

ALESHIRELAW
A PROFESSIONAL CORPORATION
3605 SHADY VALLEY DR.
AUSTIN, TEXAS 78739

Bill Aleshire
Bill@AleshireLAW.com
512 320-9155 (call) 512 320-9156 (fax)

May 24, 2021

TO: (VIA EMAIL)
City Attorney Ann Morgan
Austin Planning Commission
Austin City Council
Heather Chaffin, Case Manager

RE: Zoning Case No. C14-2020-0089

Dear City Officials and Staff:

I have been retained by Bethany Cemetery Association of Travis County, Inc. regarding a valid petition signed by its agent, Sue Spears, opposing the zoning as currently requested by the applicant in Zoning Case No. C14-2020-0089. *See* attached Exhibit A. Bethany Cemetery is the owner of 1308 SPRINGDALE RD 78721, identified as TCAD GID 0210180514. *See* attached Exhibit B, identify owner as “Bethany Cemetery, c/o Sue Spears.”). The County deed records reflect ownership was transferred in 1976 from Bethany Cemetery Co., et al., to Bethany Cemetery Ass'n of Travis County, Inc. recorded at vol. 6558, p.628, Deed Records, Travis County, Texas.

From the Planning Commission backup (Item B8, Meeting 2021-5-25), it appears that staff has not determined whether a valid petition has been filed. *See* staff comment at Page 2 of 155, Item B8 backup: “A petition has been filed in response to the proposed rezoning. The petition is currently being reviewed by staff to determine if it meets the criteria of a Valid Petition.” As I understand the law, the Planning Commission’s action is not formally affected by whether a Valid Petition exists, but the Council’s action is.

The property owned by Bethany Cemetery is directly adjacent to the property subject to the zoning case and is sufficient alone (exceeds 20% of the area of lots immediately adjoining) to meet the criteria for a Valid Petition. One would hope that the opposition to this zoning change by the MLK Homeowners Association would be sufficient to give pause to approving the zoning, but, as a matter of law, Bethany Cemetery’s opposition is sufficient to *require* the super-majority vote of the Council.

The City recognized Bethany Cemetery c/o Sue Spears as the owner of this tract, and, pursuant to Tex. Loc. Gov’t Code § 211.007(c), sent Ms. Spears notice of this zoning case. There is no question that Bethany Cemetery Ass’n of Travis County, Inc. is the owner of the property

and Sue Spears has been recognized as the contact and agent for the owner. The Valid Petition filed by Sue Spears meets the criteria for a valid petition and should be recognized by the Council as such. There is a sad history of the Austin City Council majority, at times, disrespecting neighborhoods and property owners affected by development proposals. Let us hope this case does not go on that list. Ultimately, subject to judicial review, it is up to the members of the City Council to decide whether a Valid Petition will be recognized and whether the intent of the law establishing the super-majority vote requirement will be enforced.

ALESHIRELAW, PC



Bill Aleshire

cc. Client

PETITION

Date: 5/10/21

File Number: C14-2020-0089

Address of Rezoning Request: 1200 Springdale, 1202
Springdale, 1208 Springdale
Tract 2 (1.47 ac)

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 GR-MU-NP.

SignaturePrinted NameAddress including Unit No.Sue SpearsBethany Cemetery Co
Sue Spears1308 Springdale Rd
Austin, TX 78721.

To the City: Please contact me immediately with questions or if any signature is disallowed.

Date: 5/10/21Contact Name: Melanie DixonEmail mdixonmk@
gmail.comPhone Number 512 964 7853

Travis CAD

EXHIBIT B

Property Search Results > 201127 BETHANY CEMETERY for Year 2020

Tax Year: 2020

Property

Account

Property ID:	201127	Legal Description:	6.25 AC OF OLT 18&1/2 DIVISION B
Geographic ID:	0210180514	Zoning:	SF3
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Protest

Protest Status:
Informal Date:
Formal Date:

Location

Address:	1308 SPRINGDALE RD TX 78721	Mapsco:	
Neighborhood:	FORMERLY EEXMP	Map ID:	021011
Neighborhood CD:	_EEXMP		

Owner

Name:	BETHANY CEMETERY	Owner ID:	184633
Mailing Address:	% SUE SPEARS 8308A COLONY LOOP DR AUSTIN , TX 78724-3921	% Ownership:	100.0000000000%
		Exemptions:	EX-XV

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$1,361,250	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0

(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$1,361,250	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$1,361,250	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$1,361,250	

Taxing Jurisdiction

Owner: BETHANY CEMETERY

% Ownership: 100.0000000000%

Total Value: \$1,361,250

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
01	AUSTIN ISD	1.102700	\$1,361,250	\$0	\$0.00
02	CITY OF AUSTIN	0.533500	\$1,361,250	\$0	\$0.00
03	TRAVIS COUNTY	0.374359	\$1,361,250	\$0	\$0.00
0A	TRAVIS CENTRAL APP DIST	0.000000	\$1,361,250	\$0	\$0.00
2J	TRAVIS COUNTY HEALTHCARE DISTRICT	0.110306	\$1,361,250	\$0	\$0.00
68	AUSTIN COMM COLL DIST	0.105800	\$1,361,250	\$0	\$0.00
Total Tax Rate:		2.226665			
Taxes w/Current Exemptions:					\$0.00
Taxes w/o Exemptions:					\$30,310.48

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	LAND	Land	6.2500	272250.00	0.00	0.00	\$1,361,250	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	N/A	N/A	N/A	N/A	N/A	N/A
2020	\$0	\$1,361,250	0	1,361,250	\$0	\$1,361,250
2019	\$0	\$1,361,250	0	1,361,250	\$0	\$1,361,250
2018	\$0	\$1,361,250	0	1,361,250	\$0	\$1,361,250
2017	\$0	\$1,361,250	0	1,361,250	\$0	\$1,361,250
2016	\$0	\$1,361,250	0	1,361,250	\$0	\$1,361,250

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
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Questions Please Call (512) 834-9317

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From: Jennifer
Sent: Monday, May 24, 2021 11:53 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Case Number: C14-2020-0089, Item B-06 12th & Springdale Residences

*** External Email - Exercise Caution ***

Howdy,

I'm writing in lieu of appearing at tomorrow's rezoning hearing for Case Number: C14-2020-0089, Item B-06 12th & Springdale Residences.

My name is Jennifer Hecker (4503 Glomar Ave) and I'm a lifelong Austinite who has lived in this neighborhood for over 17 years. I oppose the request due to the threat it poses to both possible unmarked graves in the area, as well as the impact on the physical environment, and the character of the neighborhood. Residents deserve green spaces and deserve to have the history, heritage, and previous inhabitants of the area honored rather than paved over.

Black Lives Matter and this is an opportunity to show that Austin is finally ready to act accordingly.

Thank you all for your time,

Jennifer Hecker
4503 Glomar Ave
78721

From: Will Slack <
Sent: Monday, May 24, 2021 10:09 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: Public Hearing for Rezoning--Case Number: C14-2020-0089, Item B-06 12th & Springdale Residences

Hello Heather,

My name is William Slack, I live at 1307 E.M. Franklin, 78721. I am unable to speak at the hearing tomorrow night regarding Case Number: C14-2020-0089, Item B-06, 12th & Springdale Residences. I am **opposed** to the zoning change. I'd like my comments (below in blue) to be shared with the commissioners. THANKS!:

Hello, my name is William Slack. I live in the MLK neighborhood, on EM Franklin. I am opposed to this zoning change and the planned development. Allowing the construction of 60' tall buildings in a neighborhood of 30' tall homes and businesses will drastically alter the character of this historical neighborhood. Allowing such construction on a plot of land that could very well contain gravesites from Historical Bethany Cemetery is also of great concern, as so much of the recent development in the area seems happy to literally pave over the past.

The increased traffic caused by the increase of residents and businesses in this proposed development will further exacerbate the traffic issues we have in our neighborhood, particularly during the rush hours. I've watched my relatively calm street become a high speed cut-through for cars. This is a neighborhood in which many streets have no sidewalks, and pedestrians and cyclists are hit all too often. Walking a dog on my street requires you to frequently duck behind parked cars to avoid being run over. Before our historically underserved community is asked to approve higher density to help with the housing crisis, the city should address some of the issues that it seems unable to improve under the current density. Thank you.

From: Dr. Debra L. Murphy

Sent: Sunday, May 23, 2021 9:27 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: Citizen 2. Item number: Case Number: C14-2020-0089, Item B-06 12th & Springdale Residences)

*** External Email - Exercise Caution ***

1. Name: Dr. Debra L. Murphy, Immediate Past President of the MLK Neighborhood Association; current member of the MLK Neighborhood Association; McKinley Hts. Terrace Resident, Neighbor, and Concerned Citizen

2. Item number: Case Number: C14-2020-0089, Item B-06 12th & Springdale Residences)

3. Position: I am vehemently opposed to this development, as well as, the ongoing racist assault of the over-gentrification of the historic East Austin Community, which without sensitivity continues to overbuild and force out the familial quality and atmosphere of the area and replace with concrete and mega mansion dwellings that are often unappealing eyesores that increase dangers like flooding and force out residents who have been the backbone of the community.

4. Mailing address: 3309 East 17th Street

5. Telephone number: 512-799-3637

May 25, 2021

To the City of Austin Planning Commission:

I am writing to express my concerns about rezoning case C14-2020-0089. The addition of the Vertical Mixed Use zoning to this tract of land will have detrimental consequences on Historic Bethany Cemetery and the Martin Luther King Neighborhood, and I urge you to carefully consider the following before making any recommendation for this increase in zoning.

This tract is home to several critical environmental features, including old growth trees, wetlands, and underground seeps and springs which serve as a filtration system for water entering the Tannehill Branch Creek. Without limits on building coverage or minimum site area requirements and up to 90% impervious cover, the functions of these CEFs and their role in impeding flooding may be irrevocably compromised. (It is important to note that the east side of Cometa Street (less than 1/4 mile from the proposed site of development) is now in the 100-year flood plain.

Already, during the course of the ground-penetrating radar survey that the developer is conducting, a large swath of land around the perimeter of Bethany Cemetery has been clear cut without regard to these CEFs or the cemetery's boundaries. These boundaries are not delineated by the chainlink fence that surrounds the cemetery; in fact, the bounds of the cemetery extend beyond the fence. (See attached overlay prepared by Rachel Feit of Acacia Heritage).

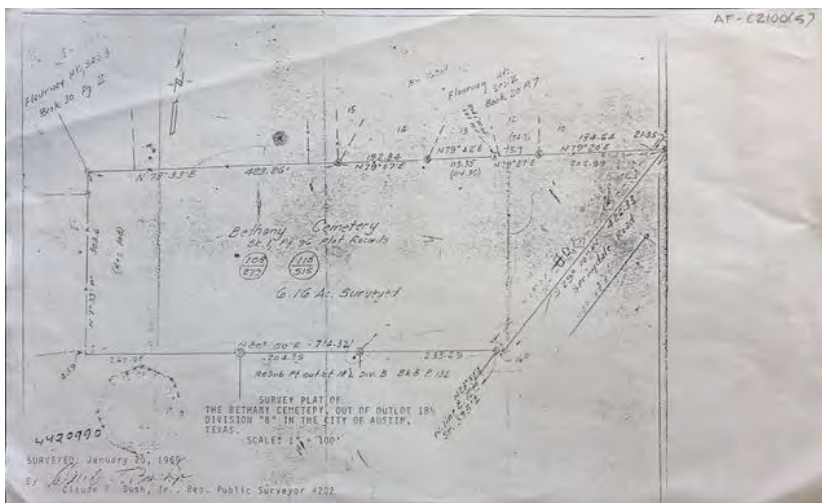
Maintaining minimum setbacks from the political boundary the tract shares with Bethany Cemetery will help to maintain a modicum of sanctity for those buried on and possibly beyond its grounds. Thank you for taking the time to read this letter and for your efforts to fully understand the implications of this upzoning in advance of offering a recommendation.

Sincerely,
Melinda Barsales



From an email I received from Rachel Feit dated March 4, 2021:

“To make the kmz, I used the attached plat, made in 1969, as opposed to the original one, and overlaid it onto Google Earth. The plat was in the collection of materials you sent me a link to, and if you look closely it has the measurements in feet of each side of the cemetery. The red boundary line I drew from the Google earth overlay encompasses an area that is 6.26 acres matches the size of the cemetery as originally deeded. And yes, it would appear the current fenceline, as far as I can tell, does not represent the entire boundary of the cemetery.”







From: Marie Butcher

Sent: Tuesday, May 25, 2021 9:45 AM

To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: Case Number: C14-2020-0089 Item B-06 12th & Springdale Residences

*** External Email - Exercise Caution ***

To the Planning Committee,

My name is Marie Butcher and I am firmly opposed to the upzoning of the 12th and Springdale residences. This development is tone deaf to the culture, history, and ecology of the neighborhood - upzoning will only worsen this impact. We have lived here for 12 years and one by one watched most of our black and brown neighbors leave the area for financial reasons. This developer has not made any promises to be inclusive with black, brown, and locally owned businesses. I fear that we are going to get retail that serves more wealthy predominately white residents as has been the case time and time again in this neighborhood. The claimed affordability in the residential units is completely unrealistic for long standing families in our neighborhood - for this reason, if we allow the upzoning request to include residential we are, again, making this area less welcome to those who have lived here for so long.

This tract includes the very springs that give Springdale its name. Instead of preserving the springs and their wildlife for future generations of this neighborhood to learn from and enjoy, we are paving them over. These springs are a critical environmental feature, providing runoff filtration before water enters creeks. This development would destroy the springs, once again, lead to environmental degradation and potential health impacts for our underserved residents. The loss of this natural area also has the potential to make flooding of nearby houses much more likely- who will help them when this happens? The upzoning request allows significantly more impervious cover which will ensure that the Springdale springs are paved over and forgotten forever.

Most alarmingly the way they have treated our historic black cemetery through this process has been appalling. Thankfully your council has helped to ensure that no unmarked graves will be unknowingly disturbed during the construction process. I am so glad that you helped us to ensure that a ground survey was conducted. Moving forward, however, I know from their prior behavior that they will not have the ancestors of our neighborhood in mind when building development, and that deeply worries me. Any added ground cover/size of the development through upzoning is only going to add to the inappropriate juxtaposition to Bethany Cemetery. Please do not allow the upzoning of this development.

Thank you for your consideration,
Marie Butcher

From: Lisa Roebuck
Sent: Tuesday, May 25, 2021 11:22 AM
To: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: C14-2020-0089 - Twelfth and Springdale Residences

*** External Email - Exercise Caution ***

Hello,

I am writing to express my opposition to the rezoning of the property at 1200, 1202, & 1208 Springdale Road, Tannehill Branch Watershed; East MLK Combined NP Area that is planned for the C14-2020-0089 - Twelfth and Springdale Residences, also known as 4120 E 12th St, Austin, 78721, 3.4376 AC OF OLT 18&1/2 DIVISION B. I live about 1,000 feet from this property.

The current zoning would allow adequate development. Rezoning to vertical mixed use would not be in keeping with the character of the neighborhood. Our neighborhood has already seen a drastic increase in development with single family housing being converted to multifamily throughout the neighborhood. Along with this comes increased traffic, inadequate drainage and water supply, inadequate parking, and inadequate space for trash and brush pickup. This level of development in our neighborhood is unsustainable.

Thank you,
Lisa Roebuck
1161 Webberville Rd
Austin, TX 78721

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Travis County Historical Commission

April 13, 2021

To: City of Austin Planning Commission, Mayor Steve Adler, Councilmember Natasha Harper-Madison, Travis County Commissioner Jeff Travillion
Re: Rezoning case: C14-2020-0089- Twelfth and Springdale Residences

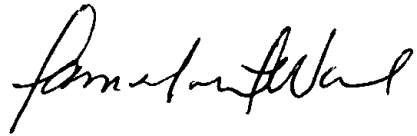
To Those Concerned;

It has come to our attention that the above mentioned rezoning case is up for consideration at the April 13th 2021 meeting. Bethany Cemetery is an historic African American Cemetery purchased and developed by John Holland and William Tears in 1893. It contains the burials of several notable persons and has, for the past years, been overlooked and neglected. Maintenance for the cemetery has been performed mostly by either local community members or from the Travis County Sheriff's Department.

It is our concern that the proposed development on the border of the cemetery may not have received the due diligence necessary for an historic site such as this. Unlike modern cemeteries, older, historic cemeteries often had unrecorded burials and boundary lines were not always as exact as today. The presence of unknown burials is a possibility that needs to be investigated. The impact of the new development on the existing cemetery also needs to be thoroughly considered, along with such issues as access, connectivity and the proper care and safety of headstones and grave sites.

We ask that the Planning Commission take any and all steps necessary to ensure that the cemetery receive the protection, respect and security that it deserves. The Travis County Historical Commission along with the Travis County African American Cultural Heritage Commission are available to support any initiative for protection and historic preservation of this important cultural site. If we can provide any further assistance, please let us know.

Respectfully,

A handwritten signature in black ink, appearing to read 'James Robert Ward'.

James Robert “Bob” Ward
Chair
Travis County Historical Commission

Alberta Phillips
Commission member
Travis County African American Cultural Heritage Commission

Miriam Conner
Board member
Preservation Austin

May 10, 2021

Urban ATX Development LLC
117 Lightsey Rd
Austin, Texas 78704

Re: aci Consulting, LLC: Bethany Cemetery

Dear Mr. Affinito,

In March of 2021, aci consulting was contracted by Urban ATX Development LLC to conduct a desktop assessment for the Bethany Cemetery located in Travis County, Texas. The investigation included a background records search of the Texas Archeological Sites Atlas (Atlas), which is an online database maintained by the Texas Historical Commission (THC), the Historic Texas Cemetery (HTC) designation documentation also maintained by the THC, and the historic background of the cemetery. The purpose of the assessment was to determine if the boundary of Bethany Cemetery extends into adjacent land parcels, as portrayed on the Atlas, or if the cemetery adheres to the current Travis County land plots as portrayed on the HTC documentation and Travis County Appraisal District parcel map (TCAD). Additionally, the assessment was meant to assist in determining the probability for burials to exist outside of the cemetery boundaries. This determination of probability was to be determined through historical documentation identifying the location of burials and identifying the historically delineated boundaries of the cemetery.

On April 30, 2021, the THC concurred that the boundaries for Bethany Cemetery and the CAD parcel boundaries appear consistent and correct. However, although the boundaries were consistent, this never precludes the possibility that graves may exist outside of the current fenced area (Attachment A).

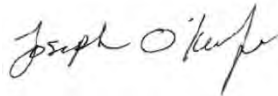
From April 26 to April 28, a survey using ground penetrating radar (GPR) was conducted by Cordillera Geo-Services in an L-shaped, ~30-ft-wide by ~700-ft-long corridor neighboring Bethany Cemetery's western and southern sides. The GPR survey was conducted in order to detect and map possible unmarked graves outside a portion of Bethany Cemetery's current limits likely to be encountered during future earthworks and construction at the site.

After reviewing the technical report created by Cordillera Geo-Services, I agree with the results that the mapped GPR anomalies found during the survey were inconsistent with human burials or unmarked graves; because the anomalies depart from human burials' typological features commonly observed in GPR surveys. Additionally, I agree with the conclusion that there is no requirement for excavations to verify the nature of the mapped GPR anomalies by excavation within the adjacent survey area because the anomalies are not suggestive of unmarked graves (Attachment B).

In the event that human remains or associated funerary objects are encountered during construction, all excavation activities will be immediately halted. The excavated area will be protected while archeologists consult with an osteologist, if necessary, to determine whether the remains are human. If it is confirmed that a burial has been encountered, the Project Manager will notify the landowner, the authorities for Travis County, and the THC. All processes going forward once human remains or associated funerary objects are encountered will comply with the Texas Administrative Code (Title 13, Part 2, Chapter 22, Rule 22.4 and Rule 22.5), the Texas Health and Safety Code (Title 8, Subtitle C, Chapter 711), and the Texas Penal Code (Title 7, Chapter 31; Title 9, Chapter 42, Section 42.08). The area shall remain protected until all parties involved have agreed to an appropriate plan of action, which may involve reburial or removal and relocation.

If you need further information or have questions, please contact me at any time on my direct number at 512.852.3876 or email at jokeefe@aci-group.net.

Sincerely,



Joey O'Keefe, MA, RPA
Principal Investigator

Attachment A: THC Concurrence with Boundaries of Bethany Cemetery

From: noreply@thc.state.tx.us
To: Joey OKeefe; reviews@thc.state.tx.us
Subject: Section 106 Submission
Date: Friday, April 30, 2021 2:48:09 PM



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

THC Tracking #202107716

Date: 04/30/2021

Cultural Desktop Assessment for the Bethany Cemetery in Travis County, Texas
4120 E 12th Street
Austin, TX 78721

Description: Review of Bethany Cemetery and associated paperwork. Adjust location of cemetery on Atlas, and probability of burials outside of cemetery boundary.

Dear Joseph O'Keefe:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the Executive Director of the Texas Historical Commission (THC), as a courtesy review only and does not suffice for review under Section 106 of the National Historic Preservation Act or the Antiquities Code of Texas.

The review staff, led by Tiffany Osburn, has completed its review and has made the following determinations based on the information submitted for review:

We have the following comments: Atlas boundaries for this cemetery have been altered. Although the boundaries of the HTC and the CAD parcel boundaries appear consistent and correct, this never precludes the possibility that graves may exist outside of the current fenced area.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: tiffany.osburn@thc.texas.gov.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your

submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

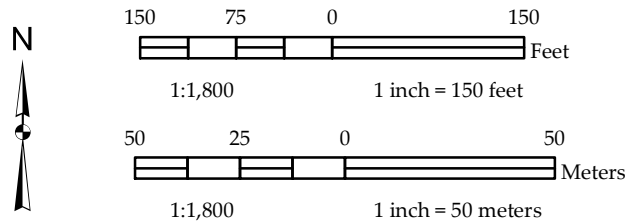


for Mark Wolfe, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.



This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.



- Atlas (2021) Cemetery Boundary
- HTC (2003) and TCAD (2020) Cemetery Boundary
- Travis County Parcels



Attachment B: Ground Penetrating Radar (GPR) Survey at 412 E. 12th Street,
Austin, Texas, 78721 in Support of Urban Development

Project: Ground Penetrating Radar (GPR) Survey at 4120 E. 12th Street, Austin, Texas, 78721 in Support of Urban Development

Location: Austin, Texas, USA

Client: Urban ATX Development, LLC


Job reference: UATXD28042021


Date: May 7, 2021





Submitted by:


Dr. Hector R. Hinojosa, P.G.
Principal Geoscientist & Founder
P.G. License # 12898
Certified HUB, MBE, DBE


 cordillerageo.services

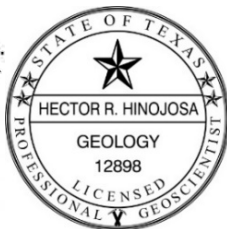
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 hector.hinojosa79

 hector.hinojosa@cordillerageo.services

 cordillerageoservices@gmail.com

 1723 Warwick Way, Cedar Park, TX 78613 USA



CORDILLERA GEO-SERVICES

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SUMMARY

The present ground penetrating radar (GPR) survey was carried out for Urban ATX Development LLC (UATXD) to support an urban development project at 4120 E. 12th Street, Austin, TX 78721. The present geophysical site investigation comprised site clearance followed by data collection, data processing, analysis and interpretation, and technical report writing. This non-invasive geophysical exploration's objective was to detect and map possible unmarked graves outside a portion of Bethany Cemetery's current limits likely encountered during future earthworks and construction at the site. A metallic chain link fence delimits the perimeter of Bethany Cemetery, with its gate facing Springdale Road. The explored section includes an L-shaped, ~30-ft-wide by ~700-ft-long corridor neighboring Bethany Cemetery's western and southern sides. Pleistocene and Holocene unconsolidated terrace deposits and clastic materials (mudstone and claystone) of the Late Cretaceous Ozan Formation comprise the subgrade. The lithologic constituents of the terrace deposits are mainly beds of coarse-detrital sand and fine-detrital silt with minor beds of coarse gravel and clay. However, the gravel predominates because it is part of the older, higher terrace deposits. The GPR's imaging capability is restricted to the terrace deposits only.

The GPR data acquisition parameters are as follows. The hardware consists of a GPR Data Acquisition Unit GSSI SIR-4000 connected to a 400 MHz transmitting antenna (model 50400S), a GPS antenna mount frame; all mounted on a 4-wheel survey cart model 654. The GPS comprises two GPS antennas that used real-time kinematic (RTK) technology. Geographic coordinates of single points were collected with a high-resolution geographic positioning system (GPS). The GPS hardware consisted of an EMLID Reach RS2 Real-Time Kinematic (RTK) system comprised of two GNSS receiver antennas that function as a rover station and as a base station that mounts to the GPR unit. The GPR data were processed, analyzed, and visualized with the latest version (v7.MT) of GPR-Slice software. The GPR survey's total surface area is estimated at 2,205 m², equivalent to 0.54 acres, and an investigation depth of 7.9 ft (2.25 m). 462 GPR transects were collected unidirectionally northwards because the known marked graves in Bethany Cemetery are aligned east-west, resulting in a total survey length of 14,013.45 ft (4,271.3 m). The transect spacing was 0.5-m (1.65 ft). Data collection was performed using the automatic gain control (4 points), 512 samples/scan, 333 scan rate, 12 scans/ft, 43 ns sampling range, 230 kHz scan rate, a dielectric constant of 7 (for sand), 100 MHz vertical high pass filter, and an 800 MHz vertical low pass filter. The data acquisition parameters were kept constant during the entire survey campaign.

Numerous high-amplitude geophysical anomalies of various shapes and dimensions are detected at multiple depth levels; however, all are inconsistent with human burials or unmarked graves because of their unusual oversized geometry, orientation, relative spacing, and shallow and deep burial depth; therefore, their nature is considered rather sedimentologic and stratigraphic. Hence, the present GPR report suggests that the historic cemetery's boundary neighboring the project area may still be the original boundary.

1. INTRODUCTION

Urban ATX Development LLC (UATXD) plans to build houses in a ~6 acres property located at 4120 E. 12th St., Austin, TX 78721. The proposed development would be surrounded by Bethany Historic Cemetery, a small commercial corner, and established houses on Cometa Street. UATXD has sub-contracted Cordillera Geo-Services, LLC to perform a non-invasive, non-destructive ground-penetrating radar (GPR) survey to support an ongoing environmental investigation for this site. The objective of the current GPR survey is to detect and map shallow (< 5-ft deep) anomalies consistent with unmarked graves outside and immediately adjacent to Bethany Cemetery's current limits that could be affected during the earthworks and construction process. The present geophysical site investigation comprised site clearance followed by data collection, data processing, analysis and interpretation, and technical report writing. Figure 1 shows the location of the GPR survey relative to the undeveloped property and the Bethany Cemetery.



Figure 1. The GPR survey is adjacent to Bethany Cemetery. The GPR survey is within a ~6 acres property planned to go under urban development in Northeast Austin, Texas.

2. GEOPHYSICAL METHOD: GROUND PENETRATING RADAR (GPR)

2.1. GPR fundamentals

GPR is an active geophysical (remote sensing) method that uses electromagnetic (EM) waves with frequencies between 10 MHz and 4 GHz to detect electrical properties changes in the subsurface materials. Transmission velocities of the EM waves are crucial in interpretation and are almost independent of frequency at radar frequencies for a wide range of materials (Milson

and Eriksen, 2011). Nowadays, GPR is an extensively used geophysical survey method for subsurface mapping applications in civil, geological, and geotechnical engineering, forensic and environmental surveys, and archaeological and geoarchaeological investigations (Conyers, 2004; Milsom and Eriksen, 2011).

A GPR survey can accurately map the spatial extent of shallowly buried objects and archaeological features or changes in soil media and ultimately yield images of those buried materials (Conyers and Goodman, 1997). Radar or EM waves are propagated in distinct pulses from a surface antenna, reflected off buried objects, features, bedding contacts, or soil units, and detected back at the source by a receiving antenna. As radar pulses transmit through various subsurface materials on their way to the buried targets, their velocity changes depending on the subsurface material's physical and chemical properties through which they travel. The greater the electrical and magnetic contrast between two juxtaposed materials, the greater the reflected signal's strength and, therefore, the greater the amplitude of the reflected EM waves. When the travel times of energy pulses are measured and their velocity through the ground is known, distance (or depth in the ground) can be accurately measured to produce a three-dimensional (3D) data set. Each time a radar pulse traverses a material with a different composition or water saturation, the velocity changes and a portion of the radar energy reflects back to the surface to be recorded at the receiving antenna. The remaining energy continues to propagate into the ground to be further reflected until it finally spreads and dissipates or attenuates with increasing depth (Conyers and Goodman, 1997). When EM wave reflection traces are stacked together along one transect line, a reflection profile or radargram is created that illustrates a cross-section of the ground (Conyers, 2006).

Following Conyers (2006), the depths to which radar energy can penetrate, and the amount of resolution that can be expected in subsurface deposits, are partially controlled by the frequency (and therefore the wavelength) of the transmitted EM waves. Standard GPR antennas propagate radar energy that varies in frequency from about 10 megahertz (MHz) to 1,000 MHz. Low-frequency antennas (10-120 MHz) generate long-wavelength radar energy that can penetrate 50 meters below the surface in certain conditions and resolve only very large buried features. Conversely, the maximum depth of penetration of a 900 MHz antenna is about ≤ 1 meter in typical materials, but its generated reflections can resolve features with a maximum dimension of a few centimeters. A trade-off, therefore, exists between the depth of penetration and subsurface resolution. Hence, GPR surveys' success in archaeological and historic preservation investigations depends mainly on soil and sediment mineralogy, clay content, ground moisture, depth of burial, surface topography, and vegetation cover. Electrically conductive or highly magnetic materials will quickly attenuate radar energy and prevent its transmission to a considerable depth. Therefore, the best conditions for energy propagation are dry sediments and soils without an abundance of clay.

A crucial point in all GPR surveys is the commonly unknown or poorly understood site conditions before the survey. In a GPR survey, the depth of investigation decreases in response to an increase of the following factors within the subsurface materials: electrical conductivity, water content, clay content, EM wave scattering, and conductive contaminant. Unfortunately, the GPR practitioner has no control over these factors because these are site-specific characteristics. Conversely, the depth of investigation increases when the GPR user controls some factors. The depth of investigation increases when the antenna frequency decreases, as transmitter power increases, and as the receiver sensitivity increases.

2.2. *Justification of the GPR method*

The GPR is an active geophysical (remote sensing) method that uses EM waves with frequencies between 10 MHz and 4 GHz to detect changes in electrical properties within subsurface materials (Milson and Eriksen, 2011). GPR systems, regardless of the transmitting antennas they use to transmit EM waves, are susceptible to the near-subsurface stratigraphy and can detect the presence of shallowly buried targets as long as there is enough electrical and magnetic contrast between the material and the surrounding matrix; hence, they are attractive in archeological, environmental, and engineering investigations. The GPR method has proven successful in archaeological studies within both urban (Jones, 2008; Urban et al., 2014a; Piro et al., 2017) and remote settings (Millaire and Eastaugh, 2014; Novo et al., 2014; Urban et al., 2014b) because of the following features, which make it ideal for this project:

- is a non-destructive, non-invasive, and cost-effective prospecting technique
- offers a rapid ability to map shallowly buried objects and structures of archaeological or historical context or interest
- provides valuable results that assist excavation strategies by efficiently highlighting the best candidate locations and depths for excavation
- the results complement input from archeological or geoarchaeological investigations or even other geophysical methods

3. **GPR SURVEY DESCRIPTION**

This section discusses the hardware and software used in the survey, the survey program and conditions, the data acquisition parameters, and data processing steps.

3.1. *Hardware and software used*

The following GPR system and software were used for the present GPR survey:

- The hardware, made by Geophysical Survey System Inc. (GSSI), consists of a GPR Data Acquisition Unit GSSI SIR-4000 connected to a 400 MHz transmitting antenna (model 50400S), GPS antenna mount frame, all mounted on a 4-wheel survey cart model 654.
- The GPS hardware consisted of an EMLID Reach RS2 Real-Time Kinematic (RTK) system comprised of two GNSS receiver antennas that function as a base station and a rover station mounted GPR cart.
- We used the latest version (v7.MT) of GPR-Slice software for data processing, analysis, and visualization.

Figure 2 shows field photographs of the assembled GPR unit used in this survey in standard mode and RTK mode for synchronized GPS coordinates during raw data collection.

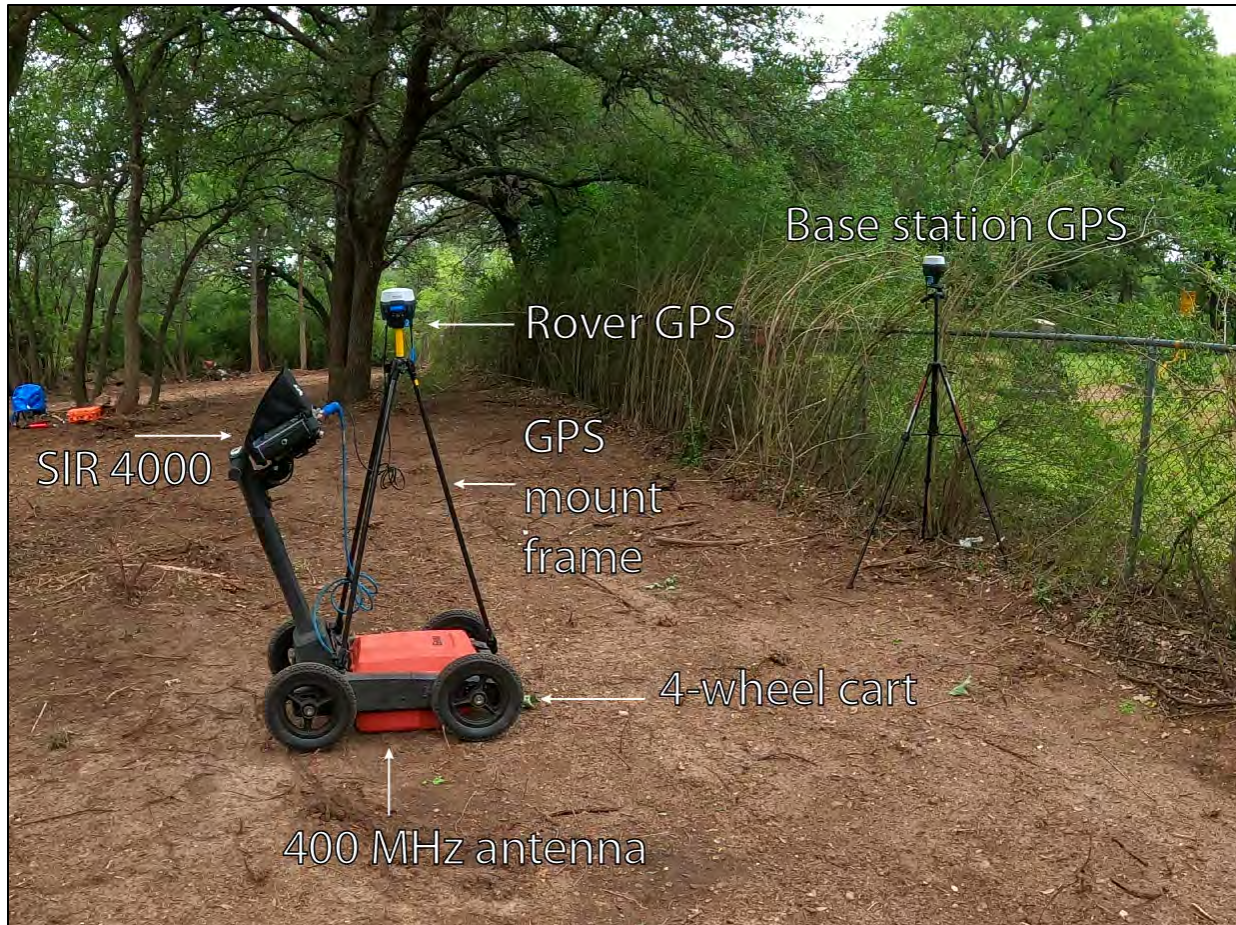


Figure 2. The GPR unit used in the present remote sensing survey consisted of the GSSI SIR-4000 data acquisition console connected to a 400 MHz antenna (model 50400S), all mounted in a 4-wheel survey cart model 654 in RTK mode ready for continuous geographic coordinates acquisition while logging raw GPR data.

3.2. Survey program

Personnel from UATXD indicated the physical location and surface extent of all areas before data acquisition. The GPR data were acquired from April 26 to 28 of 2021, after clearing the thick shrub vegetation. The GPR survey grid has an L-shaped, grid approximately ~30-ft-wide by ~700-ft-long, because it wraps around the western and southern Bethany Cemetery's boundaries, covering a total surface area of 2,205 m², equivalent to 0.54 acres. A total of 462 GPR transects were collected unidirectionally towards the north (i.e., from north to south) because the marked graves in Bethany Cemetery are aligned east-west. The total survey length is estimated at 14,013.45 ft (4,271.3 m). All GPR transects were spaced at 0.50 m (1.64 ft). Each start and endpoint for each transect was marked with a green and orange flag, respectively. Figure 3 shows the GPR grid's location, geometry and orientation, and field photographs. Figure 4 illustrates some of the physical obstacles encountered by the GPR unit during the survey. The obstacles lead to interrupted profiles, cause delays during data acquisition, and leave gaps in the final 3D image.



Figure 3. (A) Aerial photograph of the target area at 4120 E. 12th Street, Austin, Texas, 78721. The GPR survey was done in an L-shaped grid approximately ~30-ft-wide by ~700-ft-long. The blue lines show the orientation of all GPR-GPS tracks during the GPR survey, which borders Bethany Cemetery's current boundary. The gap in the GPR-GPS tracks is due to the occurrence of a natural channel backed filled with trash (see Figure 3D). Field photographs are shown in (B) to (D). Photo sources: (A) from Google Earth, (B) to (D) by author.



Figure 4. Examples of physical obstacles encountered by the GPR unit during the survey in Area 1 and Area 2. The obstacles cause significant delays in data acquisition, make data processing more demanding, and yield data gaps.

3.3. Survey conditions

Before the GPR survey, rainfall is reported for April 22nd and 23rd. However, the weather conditions during the survey were primarily cloudy but without rain; and the topsoil conditions were dry during data acquisition. So percolation of rainwater through the soil is possible and cannot be excluded. The topsoil is composed of Pleistocene and Holocene unconsolidated terrace deposits and clastic materials (mudstone and claystone) of the Late Cretaceous Ozan Formation comprise the subgrade. The GPR's imaging capability is restricted to the terrace deposits only. The lithologic constituents of the terrace deposits are mainly beds of coarse-detrital sand and fine-detrital silt with minor beds of coarse gravel and clay. However, the gravel predominates because it is part of the older, higher terrace deposits. Power lines run along E. 12th Street and Springdale Road and are far (50 to 90 ft) from the GPR survey grid. Oak trees and the channel acted as obstacles for some GPR transects. This survey required significant clearance of vegetation, including bulldozing of the area and removing overgrown shrub tree stumps.

3.4. *Data acquisition parameters*

Data collection was performed using the automatic gain control (4 points), 512 samples/scan, 333 scan rate, 12 scans/ft, 43 ns sampling range, 230 kHz scan rate, a dielectric constant of 7 (for sand), 100 MHz vertical high pass filter, and an 800 MHz vertical low pass filter. A 400 MHz antenna was used in this survey, producing satisfactory EM (electromagnetic) wave propagation down to 7.9 ft below the surface. These data acquisition parameters were kept constant during the entire survey campaign. Geographic coordinates of single points were collected with a high-resolution geographic positioning system (GPS). The GPS comprises two GPS antennas that used real-time kinematic (RTK) technology, as shown in Figure 2.

3.5. *Data processing, analysis, and visualization*

The initial data processing for the project involved the generation of individual 2D vertical radar profiles or 'radargrams.' Subsequently, amplitude or time slice-maps were generated for the L-shaped grid. Figure 5 shows the adopted data processing workflow applied to all GPR data sets.

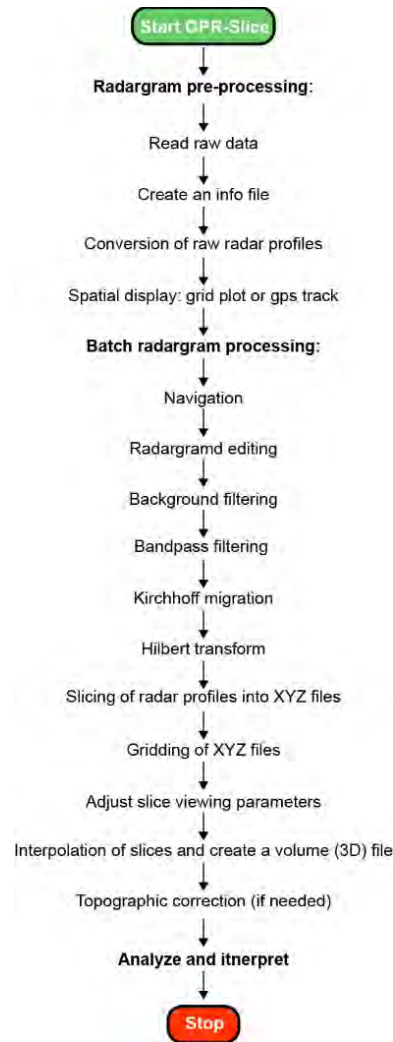


Figure 5. Adopted data processing workflow for the GPR grid.

4. THE CHARACTERISTICS OF GRAVES

At some historic cemeteries, grave markers have become lost, destroyed, or misplaced for several reasons; wood quickly rots. Gravestones may break or crumble. Vandalism and falling trees also can contribute to the loss. Some graves may never have been marked. As time and land development progress, it can become essential to find these old, unmarked graves. Sometimes, they are accidentally encountered during construction, and someone might want to determine the extent to which the cemetery is preserved. In other cases, it might be necessary to locate individual burials to be removed and transferred to another location (Bevan, 1991).

Beavan (1991) describes elegantly the physical characteristics of graves and the expected features likely found by geophysicists when carrying shallow investigations. The most distinctive feature of a grave may be the disturbed soil in the filled excavation. The soil may change markedly through the 3.3 to 6.6 ft (1 to 2 m) depth of a grave shaft. When the excavated earth is replaced, some topsoil may return to the bottom of the hole, and the subsoil may end up on top and maybe spread on the surface. The topsoil can be higher in magnetic susceptibility than the subsoil. Also, the electrical conductivity of the natural earth may increase or decrease with depth. The soil filling the grave shaft could have a different magnetic and electrical stratification than the natural earth,

and these soil changes could last indefinitely. Except for recent criminal burials, nothing may remain except for bones. While the bones may last for thousands of years in some soil types, they will generally not be directly detectable; however, the body's decay can alter the surrounding soil's chemical composition.

The soil also could be less compacted at the bottom of the grave shaft. If a coffin is still partially intact, there could be an air-filled void. Coffin nails would usually be undetectable, but some coffin fittings could be large metal objects. Metallic or lead coffins could be present. If there is a burial vault of brick or stone, there could be an air cavity, and the brick or stone might be moderately magnetic (Bevan, 1991). The soil in the grave shaft might have settled, leaving a shallow depression at the surface. The surrounding soil might have washed into this, filling it up; this extra lens of topsoil might be detectable. Metallic debris could have accumulated in the depression. The grave marker might have fallen and been buried at a shallow depth. A grave can be delineated with a pipe or a stone border, likely buried in leaf mold (Bevan, 1991).

While burial practices change with time and location, some earlier western cultures have aligned graves east-west with a coffin at a depth of 1-2 m. A cemetery could more likely be on a hilltop than in a valley. It might be possible to locate a cemetery area even though individual graves might not be detectable. The cemetery was possibly never plowed, although the surrounding land was; the cemetery boundary could mark contrast in the soil's stratification or moisture retention. Trees might have been allowed to grow in the cemetery while the surrounding land remained clear; remnants of the ancient trees might be detectable if their roots have not decayed or if soil scars from fallen trees are present (Bevan, 1991). Geophysical methods can detect many of the characteristics described above. However, the setting is sometimes tricky: if neglected, the area could be overgrown with trees or brush, and there could be a veneer of metallic trash on the surface (Bevan, 1991).

5. RESULTS AND INTERPRETATION

The analysis and interpretation were made on the resulting time-slices or absolute amplitude slice-maps and the 3D volume of absolute amplitude. The results strongly depend on the natural site conditions at the time of the GPR survey. The percolation of rainfall through the soil (unconsolidated clastic terrace deposits) and its temporary accumulation are the primary natural factor influencing the depth of investigation.

The 3D absolute amplitude volume is sliced horizontally to show the variation in reflection amplitudes at a sequence of depth intervals in the ground. The result is a map showing absolute amplitude anomalies in map view but also with depth. Often when this is done, changes in the soil related to disturbances such as human burials or other targets, if present, become visible to the human eye that may not be visible in individual profiles.

The 2D vertical radargrams are of interest because they respond to physical and chemical differences in the buried materials. Strong or high-amplitude reflections often indicate denser or different buried materials, such as historic features or burials. In burials, these can be generated at pockets of air, such as within caskets, at the actual caskets, or the material overlying the burial. In this method, amplitude variations, recorded as digital values, are analyzed at each location in a grid of many profiles where there is a reflection recorded. The amplitudes of all traces are compared to the amplitudes of all nearby traces along each profile. From the original raw GPR data files (*.dzt), a series of image files were created to cross-referencing the amplitude slice-

maps produced. 2D radargrams were also analyzed jointly with its corresponding 3D cube to determine the amplitude slice maps features. The reflection profiles showed the reflections' geometry, which led to insights into whether the radar energy reflects a flat layer (seen as a distinct band on a profile) or a single object or burial (seen as a hyperbola in profile). Overall, the results of the 2D reflection radargrams and 3D amplitude radargrams collectively do not suggest the existence of human burials or graves within the present L-shaped GPR grid.

The high-resolution 3D GPR survey results provide helpful information about the subsurface site conditions adjacent to Bethany Cemetery. The GPR grid borders the western and southern sides of Bethany Cemetery. Figure 6 shows the resulting 3D volume of the L-shaped GPR grid that reaches a maximum investigation depth of 7.9 ft. Numerous high-amplitude anomalies are detected within the depth range. In historic cemeteries, the main typological features suggestive of human burials or graves are size, shape, east-west burial orientation, and a typical burial depth interval constrained between 3 to 4 ft. However, the analysis and interpretation of both the GPR grid's amplitude slice-maps and 3D volume suggest that numerous high-amplitude anomalies (red) stand out in a low-amplitude anomaly background; however, these anomalies are not consistent with human burials or unmarked graves because they depart from human burials' typological features commonly detected in GPR surveys. Figure 7 illustrates multiple horizontal depth slices in incremental intervals of 0.53 ft. Finally, figure 8 shows the critical horizontal depth slices from 2.6 ft to 4.5 ft. A depth interval between 3 to 4 ft is likely to contain high-amplitude anomalies compatible with unmarked graves or human burials; however, these depth slices show not evidence of unmarked graves throughout the GPR grid. The high-amplitude anomalies are interpreted as Pleistocene and Holocene unconsolidated clastic terrace deposits unconformably overlying mudstones and claystones of the Late Cretaceous Ozan Formation.

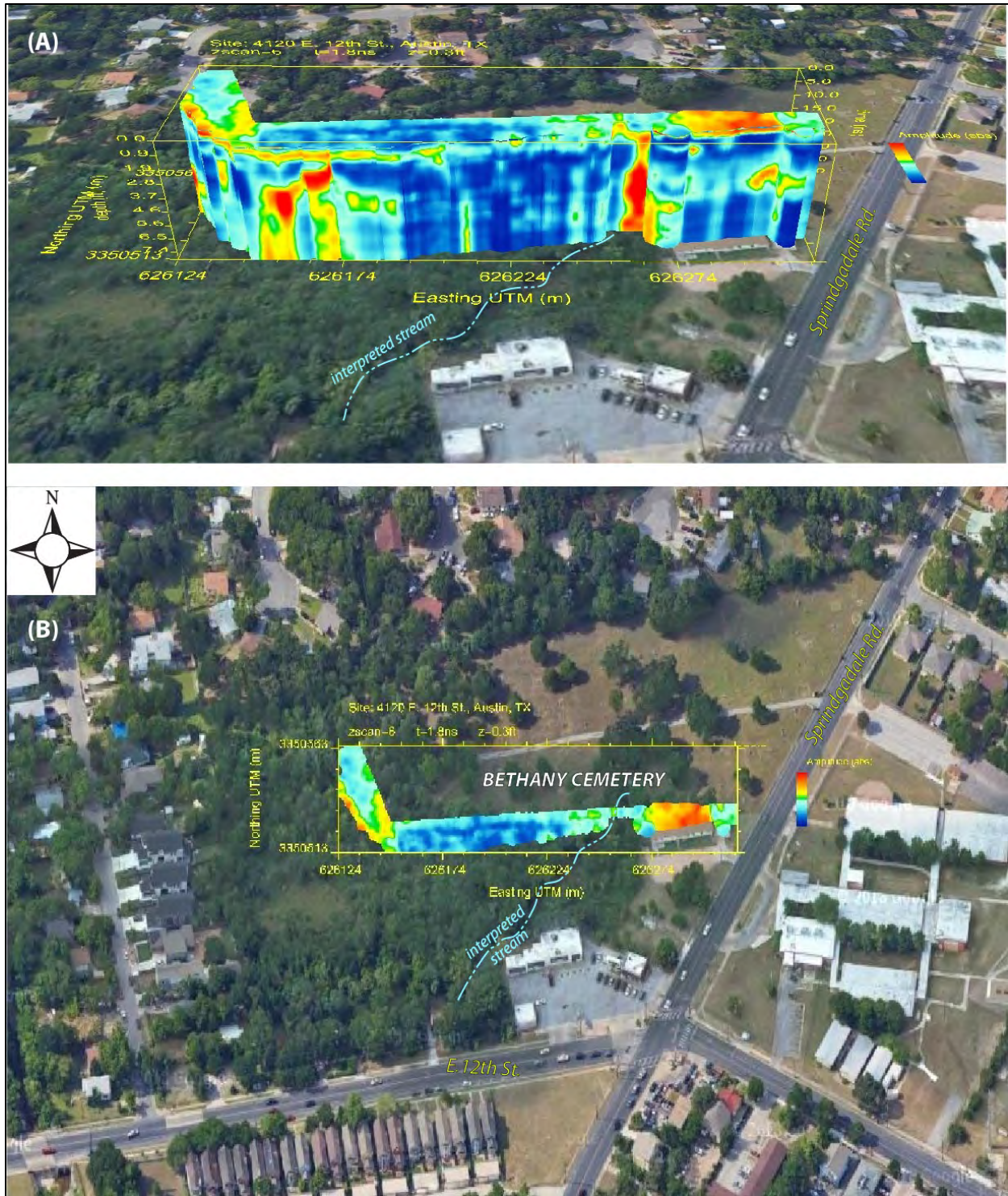


Figure 6. 3D absolute amplitude volume of the L-shaped GPR grid viewed from the south (A) and the top view of a depth slice at 0.3 ft (B). Bethany Cemetery, adjacent roads, and an interpreted stream are shown for reference.

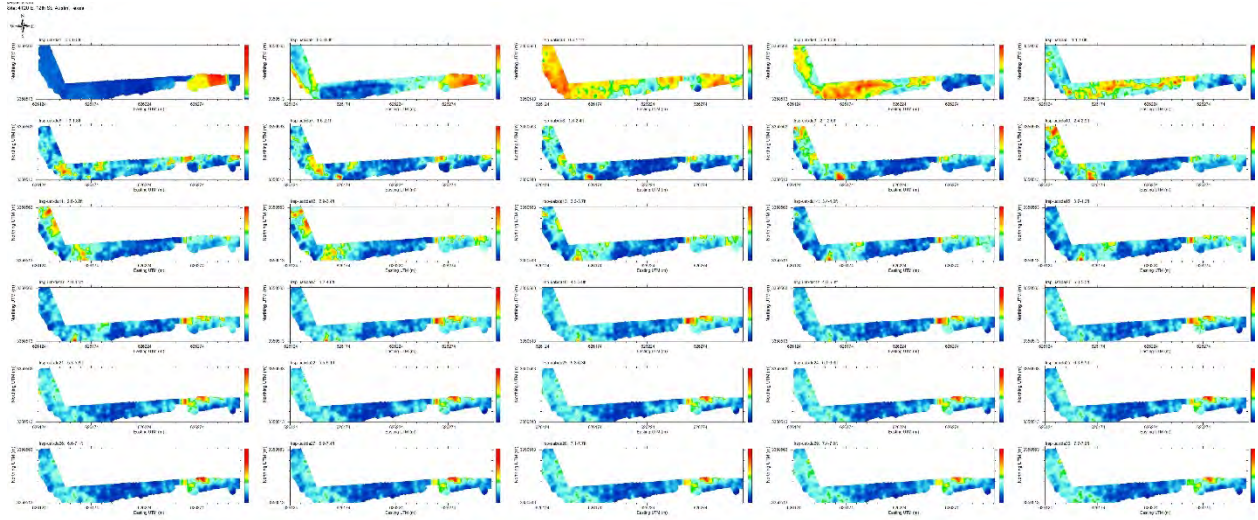
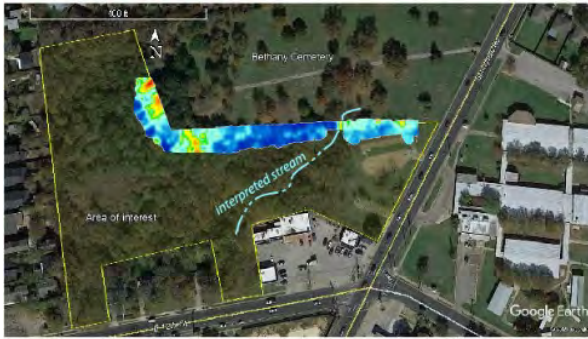
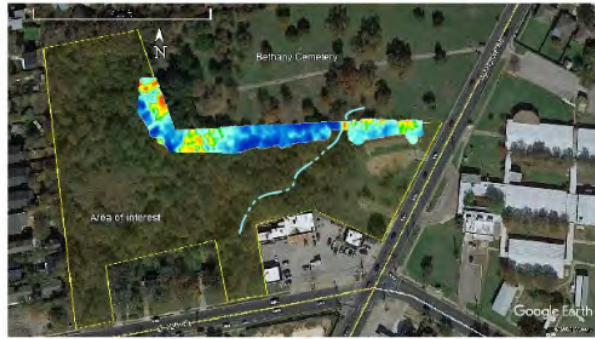


Figure 7. All horizontal depth slices of the L-shaped GPR grid from 0 to 7.9 ft depth showing the distribution of high-amplitude (absolute) anomalies (in red) against low-amplitude (absolute) anomalies (in blue). The thickness of each horizontal depth slice is computed at 0.53 ft.

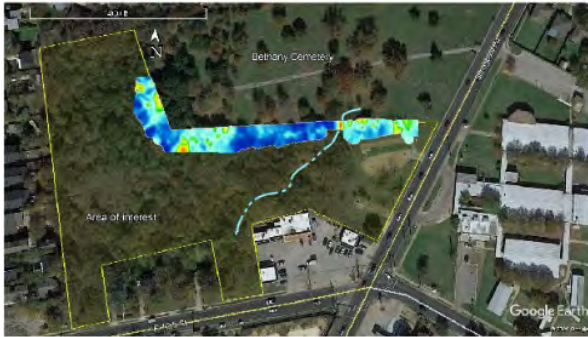
Depth interval: 2.6-3.2 ft



Depth interval: 2.9-3.4 ft



Depth interval: 3.2-3.7 ft



Depth interval: 3.4-4.0 ft



Depth interval: 3.7-4.2 ft



Depth interval: 4.0-4.5 ft



Figure 8. Critical horizontal depth slices from form 2.6 to 4.5 ft depth showing the horizontal and vertical distribution of high-amplitude anomalies (in red) against a low-amplitude anomaly background (in blue). The anomaly maps indicate the absence of absolute amplitude anomalies showing inconsistent evidence of human burials immediately outside Bethany Cemetery.

6. CONCLUSIONS AND RECOMMENDATIONS

The present high-resolution GPR survey provides helpful information about the subsurface site conditions at the project site located at 4120 E. 12th St., Austin, TX 78721, which is adjacent to the boundaries of Bethany Cemetery. Numerous high-amplitude anomalies are detected within a depth range of 7.9 ft. In historic cemeteries, the main typological features suggestive of human burials or graves include size, shape, an east-west burial orientation, and a typical burial depth interval of 3 to 4 ft (0.90 to 1.2 m) are observed in GPR surveys. However, the analysis and interpretation of the resulting absolute amplitude slice-maps and accompanying 3D volumes of the L-shaped GRP grid suggest that the mapped GPR anomalies are inconsistent with human

burials or unmarked graves; because the anomalies depart from human burials' typological features commonly observed in GPR surveys. Based on the above results, Bethany Cemetery might still preserve its original boundary. In addition, there is no requirement for excavations to verify the nature of the mapped GPR anomalies by excavation because they are not suggestive of unmarked graves. The high-amplitude anomalies are interpreted as the response of shallowly buried clastic deposits within the young clastic terrace deposits.

7. REFERENCES

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---END OF DOCUMENT---



Martin Luther King Neighborhood Association
P.O. Box 15482
Austin, Texas 78761

ATT: Mayor Steve Adler, Mayor Pro Tem Natasha Harper-Madison, Council Member Vanessa Fuentes, Council Member Sabino Renteria, Council Member Gregorio Casar, Council Member Ann Kitchen, Council Member Mackenzie Kelly, Council Member Leslie Pool, Council Member Paige Ellis, Council Member Kathie Tovo, Council Member Alison Alter

The **Martin Luther King Neighborhood Association** requests a postponement of Rezoning Case C14-2020-0089 (Twelfth and Springdale Residences) to the July 29th City Council meeting in order to give sufficient time for the City Attorney and staff to review and respond to the letter dated May 24, 2021 from Mr. Bill Aleshire, the attorney representing the Bethany Cemetery Association, regarding the signature of Ms. Sue Spears on the valid petition. Staff's determination of whether Ms. Spears' signature meets the criteria for valid petition is extremely relevant to this case because her signature alone would represent well over 20% of the area of lots adjacent to the proposed site of development. We are aware of the backlog that the City's legal department is currently experiencing and have concerns that this important matter will not receive the careful attention it requires by the time of the June 10th meeting.

Moreover, the Planning Commission meeting for this case was held on May 25, 2021, after a roughly one-month postponement requested by the applicant for rezoning was granted. During this time, the applicant retained the services of a geoscientist to conduct a ground penetrating radar survey along two sides of Bethany Cemetery to determine the potential for unearthing human remains during the course of development. We feel that an equal, if not greater, amount of time should be granted for postponement in order to address the validity of Ms. Spears' signature on the petition as the authorized representative for Bethany Cemetery. We are confident that the applicant will agree that such measures of due diligence should be taken in consideration of this historic Black cemetery.

Sincerely,

Melonie House-Dixon

Melonie House-Dixon, Chair

RESTRICTIVE COVENANT

DATE: July ____, 2021

OWNER: 1208 Springdale Holdings, a series of Urban ATX Development LLC

ADDRESS: Lightsey Road, Suite B
Austin, TX 78704

PROPERTY: **1200 Springdale Road, 1202 Springdale Road, and 1208 Springdale Road**, being more particularly described on Exhibit “A” attached hereto and incorporated herein by reference.

WHEREAS, the City of Austin Land Development Code (the “**Code**”) Subchapter E § 4.3.3.E provides that a Vertical Mixed Use (“**VMU**”) building satisfying affordability requirements set forth in Subchapter E § 4.3.3.F.2.a is exempt from certain dimensional and parking standards that might otherwise be applicable to the building;

WHEREAS, if Owner seeks the exemptions set forth in Subchapter E § 4.3.3.E of the Code, then Owner desires to modify the affordability requirements set forth in Subchapter E § 4.3.3.F.2.a of the Code;

NOW, THEREFORE, for good and valuable consideration, it is declared that Owner shall hold, sell and convey the Property, subject to the following covenants and restrictions (this “**Restrictive Covenant**”):

1. **Applicability.** Owner hereby acknowledges that the terms, covenants, conditions and provisions of this Restrictive Covenant shall only be binding on Owner and encumber the Property if (i) the City Council for the City of Austin has approved the re-zoning of the Property from **GR-MU-NP** to **GR-MU-V-NP**, with only those modifications that are accepted by Owner and contained in the final zoning ordinance approved on or around July 29, 2021 (the “**Zoning Ordinance**”) and (ii) the Property is developed under the Zoning Ordinance. If the City of Austin replaces the Code with a subsequent code, and the Property is developed under the subsequent code, this Restrictive Covenant shall not apply.
2. **Affordable Requirements for Rental Units.** If Owner seeks exemptions to the dimensional and parking requirements set forth in Subchapter E § 4.3.3.E of the Code, then Owner agrees that for a minimum of 40 years following the issuance of

the certificate of occupancy, ten percent (10%) of the residential rental units in the VMU building shall be reserved as affordable for rental by households earning no more than 60 percent (60%) of the Annual Median Family Income.

3. **Binding Effect.** The terms and conditions of this Restrictive Covenant shall inure to the benefit of and be binding upon the respective heirs, successors and assigns of Owner.

Nothing in this Restrictive Covenant, express or implied, is intended to confer upon any party other than Owner or its respective successors and assigns any rights, remedies, obligations, or liabilities under or by reason of this Restrictive Covenant, except as expressly provided herein. This Restrictive Covenant shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the Property or any part thereof.

4. **Severability.** If any part of this Restrictive Covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Restrictive Covenant, and such remaining provisions of this Restrictive Covenant shall remain in full effect.

[Signature Page Follows]

IN WITNESS WHEREOF, this Restrictive Covenant has been duly executed and delivered as of the date first above written.

OWNER:

1208 Springdale Holdings,
a series of Urban ATX Development LLC,
a Texas limited liability company

By: _____
Christopher Affinito, Manager

STATE OF §
 §
COUNTY OF §

This instrument was acknowledged before me on the _____ day of _____, 2021 by Christopher Affinito, Manager of 1208 Springdale Holdings, a Series of Urban ATX Development LLC, a Texas limited liability company, on behalf of said limited liability company and series.

Notary Public

AFTER RECORDING, RETURN TO:

Michael Ybarra
Ybarra PLLC
2407 South Congress, Suite E141
Austin, TX 78704

EXHIBIT “A”

THE LAND

1.47 acres of land in Travis County, Texas, being comprised of the following three tracts:

TRACT 1: 1200 Springdale Road – Legal description per recorded subdivision plat
Recorded Subdivision – Vol 11, Page 84
Lot 2, Resubdivision of a portion of OUTLOT 18-1/2 DIV B SEC 2
City Subdivision Case File #: C8s-60-82

TRACT 2 & 3: 1202 & 1208 Springdale Road – Legal description per recorded subdivision plat
Recorded Subdivision – Vol 8, Page 132
Lots 1 & 2, Resubdivision of a portion of OUTLOT 18-1/2 DIV B
City Subdivision Case File #: C8s-58-56

From: Fred McGhee

Sent: Thursday, July 29, 2021 9:19 AM

To: Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Adler, Steve <Steve.Adler@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Kelly, Mackenzie <Mackenzie.Kelly@austintexas.gov>

Cc: Chaffin, Heather <Heather.Chaffin@austintexas.gov>

Subject: C14-2020-0089 Twelfth and Springdale Residences

*** External Email - Exercise Caution ***

Dear Member of the Austin City Council,

I write as the first African American to graduate from the University of Texas with a Ph.D. in archaeology, the founder of the nation's first African American archaeological consulting firm, and as co-author of the Texas Historical Commission's historic context for the conductance of archaeology at African American sites in Texas, to urge you to go slow at the property located adjacent to the historic Bethany Cemetery. I have several concerns:

- 1.) There is no such thing as a "desktop survey" in archaeology; true archaeology is ultimately conducted in the field, not behind a desk. There is also the question of qualifications. It is clear that the archaeological firm hired by the property owner does not possess the knowledge, skills or experience necessary for working at sensitive African American sites, nor possesses familiarity with the historic context for African American archaeology, which was specifically authored to inform the overwhelmingly white archaeological contractor community about the special skills and perspectives necessary to perform this type of highly specialized work.
- 2.) After speaking with residents of the MLK Neighborhood, it is clear that the property owners and their representatives have not properly consulted with the community. The community deserves to be respected and bargained with in good faith, with all necessary information shared in a timely fashion. A disconcerting lack of respect for the community can also be seen with the improper conductance of the federal Section 106 process, which *specifically* mandates proper consultation with interested parties and the public. It is simply unacceptable for the City of Austin to countenance routine violations of the Section 106 process, both as a Certified Local Government and as a city supposedly committed to diversity, equity and inclusion in historic preservation.
- 3.) The community does not support this zoning change, and has shown its opposition via the valid zoning petition process. I have been informed that the signature of Ms. Sue Spears, longtime representative of the Bethany Cemetery Association, has not been validated by the staff because the association "ceased to exist" in 1994. A similarly cynical effort was undertaken by the staff at the controversial 508 Kemp St. zoning case in the Montopolis Neighborhood with Ecology Action. Why is the city undertaking such onerous measures to frustrate what appears to be the clear democratic will of the MLK Neighborhood?
- 4.) You should be clear that it is not just the federal Section 106 process that mandates public and descendant community involvement, but the state's health and safety code. This was recently made

clear in Sugar Land, where the hackneyed efforts of Fort Bend ISD's construction of a new school uncovered a graveyard containing 95 souls who had been put to work at the region's sugar cane plantations and prison camps. In that case a district judge enjoined the school district from moving the graves and appointed a Master in Chancery to ensure that the rights of the public and the descendant community were given proper and due consideration.

In sum, in my view there are, at present, too many unanswered questions and procedural violations associated with this case for the city council to increase development entitlements.

flm

p.s. In my comments I have chosen to not address the planning and development aspects of this case, particularly the supposed "affordable housing" (which isn't actually affordable) aspects. I have also not addressed the significant natural resources (e.g. the presence of springs), flooding, hazardous materials, greenhouse gas emissions, noise, public health or neighborhood character impacts. But they are also very important and deserve exigent attention.



Fred L. McGhee, Ph.D.

Personal: www.fredmcghee.com

Professional: www.flma.org

Service: www.preserverosewood.org

www.burdittprairie.org

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HUB, MBE, DBE, Disabled Veteran Certified



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