

ZONING REVIEW SHEET**CASE:** C14-2007-0013**P.C. DATE:** April 10, 2007
April 24, 2007**ADDRESS:** 2205 North Lamar Boulevard and 2209 Shoal Creek Boulevard**OWNER:** Caswell Lofts, LP (Allen Cowden)**AGENT:** Smith, Robertson, Elliott,
Glen, Klein (David Hartman)**REZONING FROM:** GO-MU-CO-NP (General Office-mixed use- conditional overlay-neighborhood plan) combining district.**TO:** GO-MU-CO-NP (General Office-mixed use- conditional overlay-neighborhood plan) combining district; Nature of the request is to consider modifications to the existing conditional overlay for the subject tract only.**AREA:** 1.38 Acres; Tract 1: 0.27 Acres; Tract 2: 1.11 Acres**SUMMARY PLANNING COMMISSION RECOMMENDATION:***April 24, 2007:****APPROVED STAFF'S RECOMMENDATION OF GR-MU-CO-NP; BY CONSENT.******[J.REDDY, S.KIRK 2ND] (9-0)*****ISSUES:**

On April 18, 2007, the Staff received an updated request from the applicant requesting the following modifications to the rezoning request:

The subject property will be reconfigured into Tract 1 and Tract 2;

For Tract 1 and Tract 2 the following modification to the existing conditional overlay shall apply:

- A residential unit may not exceed 1,285 square feet;

For Tract 1 only, the following modification to the existing conditional overlay shall apply:

- A building or structure may not exceed a height of 575 feet above sea level;

For tract 2 only, the following height restriction shall apply:

- A building or structure may not exceed a height of 570 feet above sea level;

SUMMARY STAFF RECOMMENDATION:

Staff recommends the rezoning from GO-MU-CO-NP to GO-MU-CO-NP for Tract 1 and Tract 2 to modify the conditional overlay. The conditional overlay modification includes:

For Tract 1 and Tract 2 the following modification to the existing conditional overlay shall apply:

- A residential unit shall not exceed 1,285 square feet;

For Tract 1 only, the following modification to the existing conditional overlay shall apply:

- A building or structure shall not exceed a height of 575 feet above sea level;

For Tract 2 only, the following height restriction shall apply:

- A building or structure shall not exceed a height of 570 feet above sea level; and
- The daily vehicle trips shall be limited to less than 2,000 per day.

The recommendation is based on the following considerations:

- 1.) The underlying land use and zoning classification shall be retained;
- 2.) Proposed changes to conditional overlay only include dwelling unit area and height of structure; and
- 3.) All other conditions as set forth by the Ordinance No. 041007-32 and private restrictive covenants shall be retained.

DEPARTMENT COMMENTS:

The subject property consists of a 1.38 acre site zoned GO-MU-CO-NP re-configured into Tract 1 and Tract 2 as depicted in Attachment A and is under construction for condominium lofts with access to Lamar Boulevard and Shoal Creek Boulevard. The property was rezoned on October 7, 2004 by Ordinance No. 041007-32 and imposing conditions (Please see Attachment B). The conditions are a reflection of private covenants addressing height of the structure and dwelling unit area limit enacted by Document No. 2005054998 and Document No. 2004198970 (Please see Attachment C). Subsequent covenant amendments have modified the existing conditions to reflect the requested change in height and unit area (Please see Attachment D).

The applicant seeks to modify the existing conditional overlay limiting the height of the structure Tract 1 as well as the dwelling unit area to accommodate technical issues raised at the time of construction.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-MU-CO-NP	Condominiums under construction
<i>North</i>	SF-3-CO-NP	Undeveloped land
<i>South</i>	GO-MU-CO-NP	Offices
<i>East</i>	SF-3-CO-NP	Single-family residences
<i>West</i>	P	Shoal Creek

NEIGHBORHOOD PLAN AREA:

Central Austin Combined -- West University

TIA: N/A (See Transportation comments)

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

69--University Area Partners
 173--Old Enfield Homeowners Assn.
 511--Austin Neighborhoods Council
 682--Caswell Pease Neighborhood Association

698--West Campus Neighborhood Association
 742--Austin Independent School District
 744--Sentral Plus East Austin Koalition (SPEAK)
 754--Central Austin Neighborhoods Planning Area Committee
 782--Caswell Heights Neighborhood Association
 786--Home Builders Association of Greater Austin
 937--Taking Action Inc.

SCHOOLS:

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-04-0021	West University Neighborhood Plan Combining District	04/27/04: APVD STAFF REC (7-0).	10/07/04: APVD, BUT PP 148A TO 10-21-04 (7-0).
SP-05-1130C	Consolidated site plan	N/A -- 09/19/2005 Extension granted	N/A -- 08/04/2006 Administrative site plan approval granted.

RELATED CASES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-98-0138	LO to SF-5	11/17/98: PC APVD MF-3 W/LIMIT OF 10 UNITS CONST OF MASONRY FENCE.	02/25/99: APVD SF-5 W/CONDITIONS (6-0) 1 RDG; PC REC FOR FENCE WAS DELETED; AP WILL INSTALL 'NO LEFT TURN' SIGNAL. 04/15/99: APVD SF-5 W/CONDS (7-0) 2ND/3RD RDGS.
C14-05-0057	GO-MU-CO-NP to GO-MU-CO-NP	08/08/06: DENY REQUEST TO MODIFY -CO OF INCREASING # OF DWELLING UNITS TO 24 (7-0)	CASE EXPIRATION, PER 25-5-283(A)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Lamar Blvd.	75'	60'	Arterial	No	Yes	No
Shoal Creek Blvd.	70'	40'	Collector	No	No	No

CITY COUNCIL DATE:

April 19, 2007

ACTION:

Postponed to May 3, 2007 at the request of Staff.

May 3, 2007

ORDINANCE READINGS: 1st

2nd

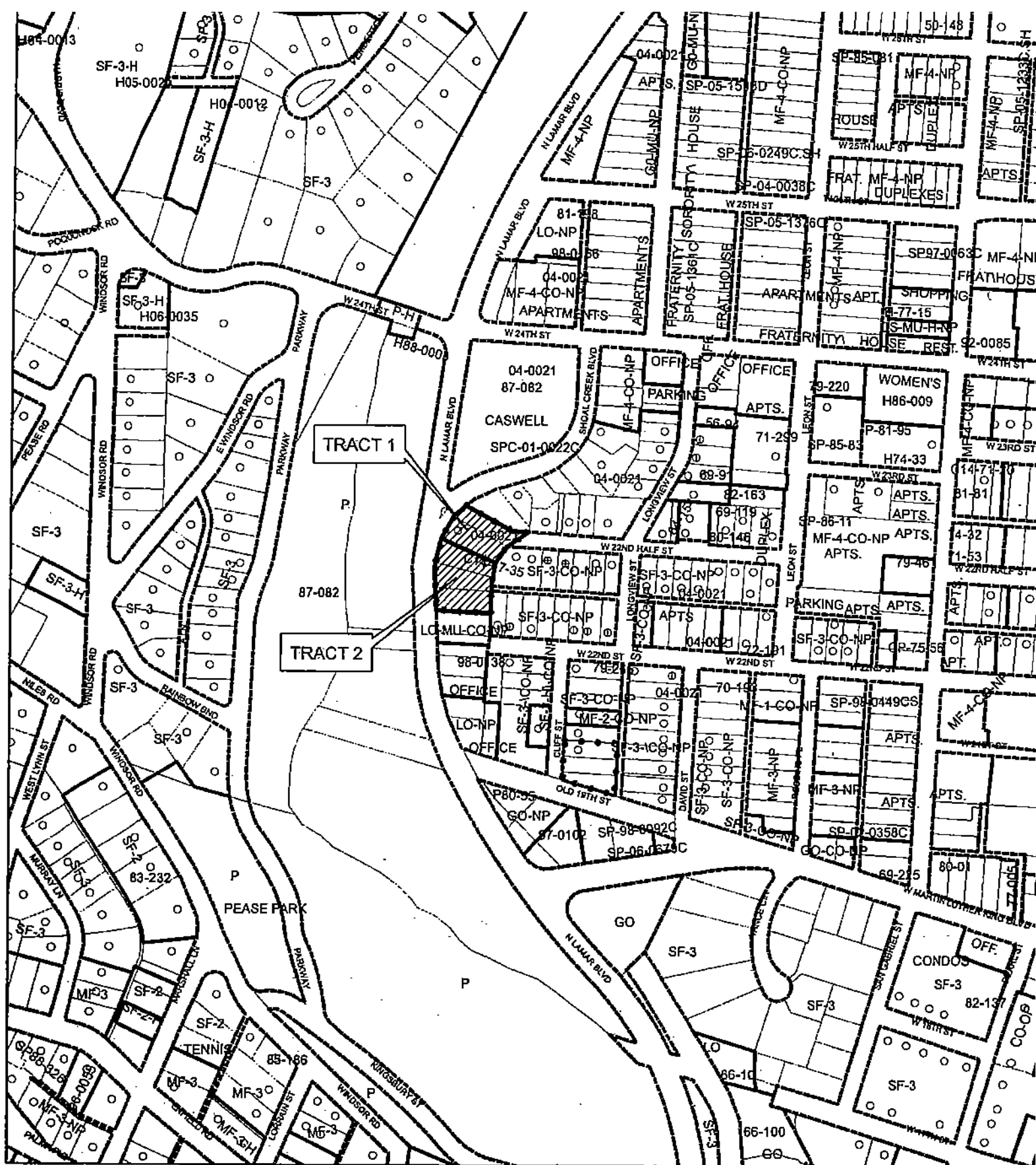
3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



ZONING

CASE#: C14-2007-0013
ADDRESS: 2205 N LAMAR BLVD &
2209 SHOAL CREEK BLVD

SUBJECT AREA: 1.378

GRID: HN24

CASE MANAGER: J. ROUSSELIN



Subject Tract



Pending Cases



Zoning Boundary

1" = 400'

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





Legend

 Zoning

 Base

 Center Line



 N

C14-2007-0013

2205 N Lamar &
2209 Shal Creek
C14-2007-0013

[illegible][illegible]

PLAN
BOUNDARY SURVEY CREATED BY CANTON A
SOCIETIES AND PROVIDED TO WATERBURY
ENGINEERING FOR SITE PLANNING.

IDEAL
MAP
THE PLAN NO. 57-05-1150C WITH THE CITY OF
(STN: 0501/004)

CONSTRUCTION
THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE APPROVED SITE PLAN NO. 10-05-1190C AND PRIOR TO BUILDING AND PLATWORK CONSTRUCTION. ALL BUILDING AND PLATWORK MUST BE BUILT.

2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 26

COMMON ELEMENTS
LUNGS, PARKING SPACES, WALKWAYS, CURBS,
TITANING WALLS, FENCES, DETENTION PODS,
TABLES, MAILBOXES AND EXTERIOR STAIRS
ARE COMMON ELEMENTS.



THE UNDERSIGNED ENGINEER, HEREBY CERTIFY THAT THIS PLAN CONFORMS TO SECTION 6609 OF THE PROPERTY CODE OF THE STATE OF TEXAS. THE DIMENSIONS SHOWN ON THIS PLAN FOR THE CASWELL LOFTS CONDOMINIUMS ARE APPROXIMATELY ACCORDING TO THE BUILDING PLANS SUBMITTED TO THE CITY OF AUSTIN. THESE DIMENSIONS AND GENERAL NOTES 1 THROUGH 6 ABOVE ARE TO THE BEST OF MY KNOWLEDGE ACCURATE AS REPRESENTED.

Caswell Lofts Condominiums
General Plan



DATE 1-50

MATTHEW H. MOORE, P.E. CM11

1

**WATER STREET
ENGINEERING**

1803 East Cesar Chavez St.
Austin, TX 78702 (512) 472.0200
www.watertreatmentengineering.com

Property Survey



STAFF RECOMMENDATION

SUMMARY STAFF RECOMMENDATION:

Staff recommends the rezoning from GO-MU-CO-NP to GO-MU-CO-NP for Tract 1 and Tract 2 to modify the conditional overlay. The conditional overlay modification includes:

For Tract 1 and Tract 2 the following modification to the existing conditional overlay shall apply:

- A residential unit shall not exceed 1,285 square feet;

For Tract 1 only, the following modification to the existing conditional overlay shall apply:

- A building or structure shall not exceed a height of 575 feet above sea level;

For Tract 2 only, the following height restriction shall apply:

- A building or structure shall not exceed a height of 570 feet above sea level; and
- The daily vehicle trips shall be limited to less than 2,000 per day.

The recommendation is based on the following considerations:

- 1.) The underlying land use and zoning classification shall be retained;
- 2.) Proposed changes to conditional overlay only include dwelling unit area and height of structure; and
- 3.) All other conditions as set forth by the Ordinance No. 041007-32 and private restrictive covenants shall be retained.

BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The requested conditional overlay modification will not have a detrimental land use impact on the surrounding properties or the character of the established neighborhood.

2. *The proposed zoning should promote consistency and orderly planning.*

The property is currently zoned GO-MU-CO-NP. The proposed change will not modify the base zoning classification nor will it alter established land uses. Conditions and restrictions as established by Ordinance No. 041007-32 and private restrictive covenants shall be retained.

EXISTING CONDITIONS

Site Characteristics

The subject property consists of a 1.38 acre site zoned GO-MU-CO-NP re-configured into Tract 1 and Tract 2 as depicted in Attachment A and is under construction for condominium lofts with access to Lamar Boulevard and Shoal Creek Boulevard. The property was rezoned on October 7, 2004 by Ordinance No. 041007-32 and imposing conditions (Please see Attachment B). The conditions are a reflection of private covenants addressing height of the structure and dwelling unit area limit enacted by Document No. 2005054998 and Document No. 2004198970 (Please see Attachment C).

Subsequent covenant amendments have modified the existing conditions to reflect the requested change in height and unit area (Please see Attachment D).

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 2,239 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Compatibility Standards

1. The site is subject to compatibility standards of LDC Article 10 along the north, and east property lines.

ORDINANCE NO. 041007-32

AN ORDINANCE AMENDING ORDINANCE NO. 040826-57, AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICT ON THREE TRACTS, BEING APPROXIMATELY 1.89 ACRES OF LAND IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON THE TRACTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 040826-57 is amended to include the property identified in this Part in the West University neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to the base zoning districts and to change the base zoning districts on three tracts of land described in File C14-04-0021 (PART), as follows:

- | | |
|----------|--|
| Tract 40 | 0 (Lot 5 Olt 13 Div E, Lamar at 19 th) and,
1230-1232 West Martin Luther King, Jr. Boulevard; |
| Tract 44 | 2209 and 2301 Shoal Creek Boulevard; and |
| Tract 49 | 2305 Longview Street; |

(the "Property") as shown on the attached Exhibit "A",

generally known as the West University neighborhood plan combining district, locally known as the area bounded by Lamar Street on the west, 38th Street on the north, Guadalupe Street on the east, and Martin Luther King, Jr. Boulevard on the south, and includes the three Subdistricts identified as Heritage Subdistrict, Shoal Crest Subdistrict and West University Neighborhood Subdistrict, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the tracts of land are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, and general office (GO) district to family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district, multifamily residence limited density-conditional overlay-neighborhood plan (MF-1-CO-NP) combining district, and general office-mixed

use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district, and as more particularly described and identified in the chart below.

Tract No.	Property	From	To
40	0 (LOT 5 OLT 13 DIV E LAMAR AT 19 th), 1230-1232 W MARTIN LUTHER KING JR BLVD	GO	GO-MU-CO-NP
44	2209 SHOAL CREEK BLVD	SF-3	GO-MU-CO-NP
	2301 SHOAL CREEK BLVD	SF-3	SF-3-CO-NP
49	2305 LONGVIEW ST	MF-3	MF-1-CO-NP

PART 3. The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP:

1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
2. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
3. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code.
4. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of the Code.

PART 4. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The maximum height of a building or structure is 42.25 feet from ground level on Tract 40.
2. Development of Tract 40 may not exceed one residential unit.
3. The maximum height of a building or structure is 30 feet from ground level on 2301 Shoal Creek Boulevard in Tract 44 and Tract 49.
4. For a residential use of Tract 49, the maximum square footage is 3,000 square feet.

5. The following conditions apply to 2209 Shoal Creek in Tract 44.
- A. The maximum impervious cover is 80 percent.
 - B. For a residential use, the maximum building coverage is 24,000 square feet.
 - C. The maximum floor-to-area ratio is 0.75 to 1.0.
 - D. A residential unit may not exceed 1200 square feet.
 - E. Except as provided in Subsection F, a building or structure may not exceed a height of 578 feet above sea level.
 - F. A building or structure located within the area measured 90 feet from the rear property line may not exceed a height of 570 feet above sea level.
 - G. Vehicular access from the property to West 22 ½ Street is prohibited. All vehicular access to the property shall be from other adjacent public streets or through other adjacent property.
6. The following uses are prohibited uses of Tract 40, and 2209 Shoal Creek in Tract 44:
- Community recreation (private)
 - Group residential
 - Club or lodge
7. The following uses are prohibited uses of Tract 49 and 2301 Shoal Creek in Tract 44:
- Community recreation (private)
 - Club or lodge

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 5. Except as otherwise provided in this ordinance, the Property is subject to Ordinance No. 040826-57 that established the West University neighborhood plan combining district.

PART 6. This ordinance takes effect on October 18, 2004.

PASSED AND APPROVED

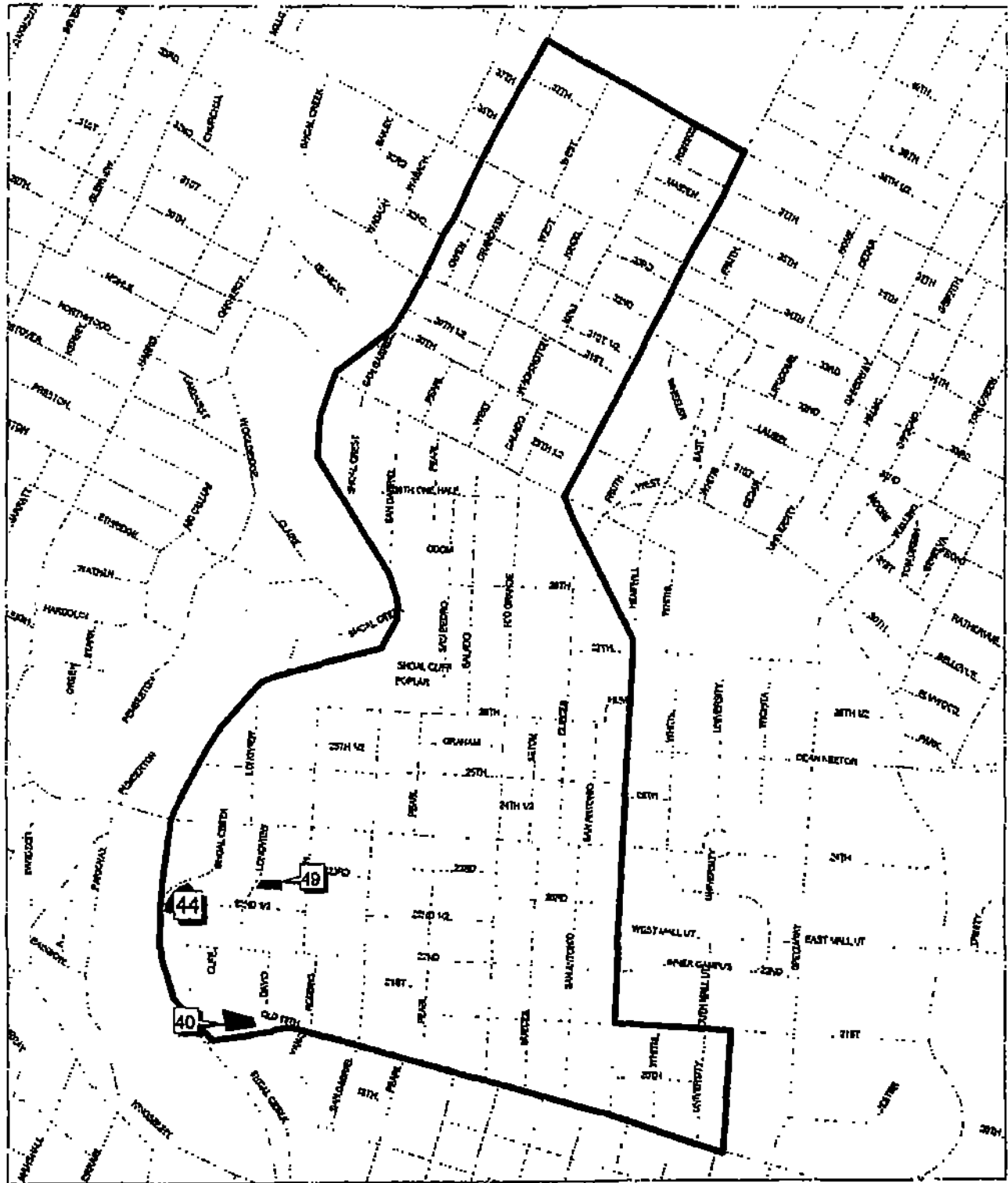
October 7, 2004

§
§
§

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk



**West University Neighborhood Planning Area:
Rezonings Approved on 3rd Reading 10-7-04**
Case #C14-04-0021 *EXHIBIT A*



City of Austin
Neighborhood Planning and Zoning Department



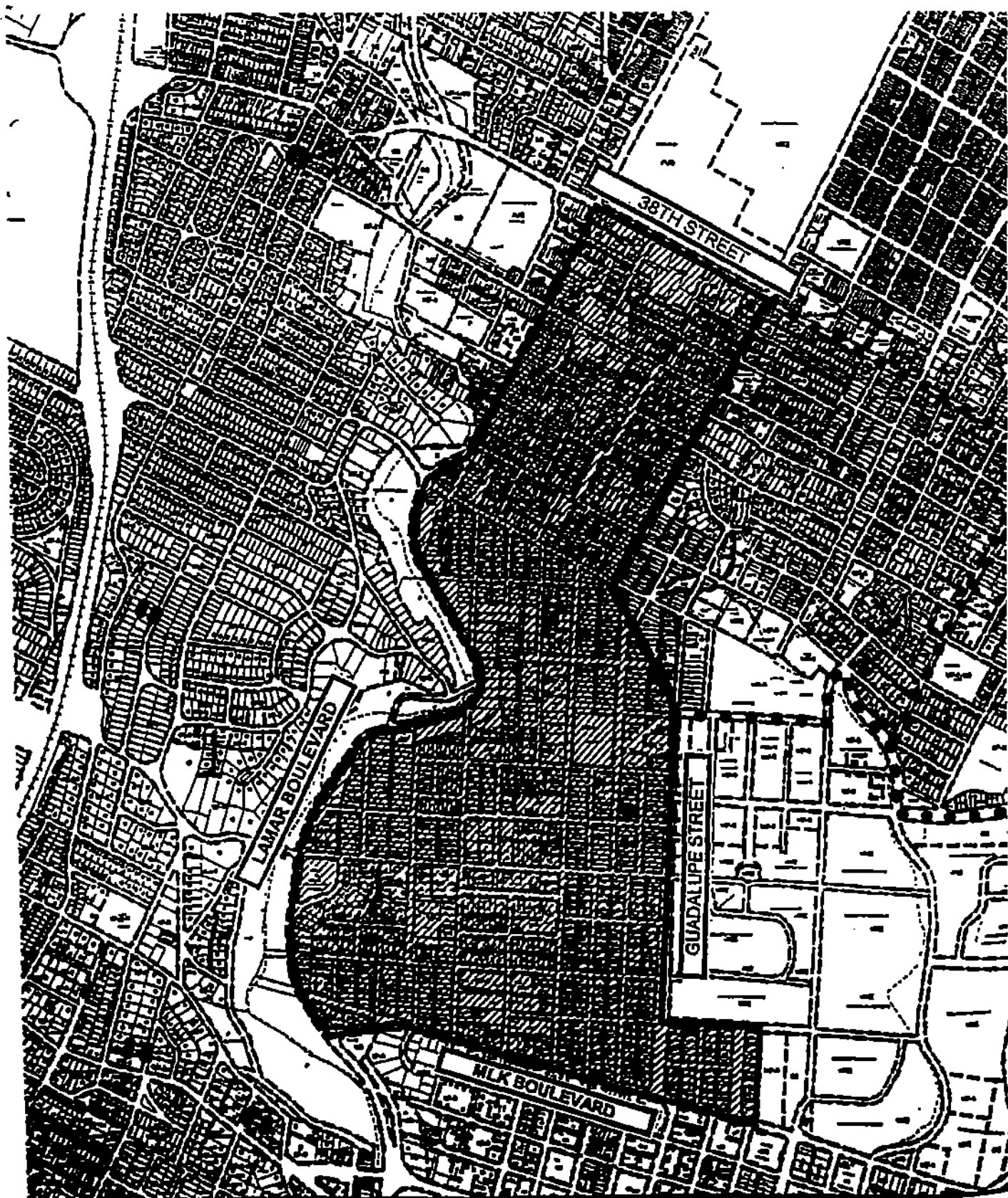
Legend



Properties with
proposed
zoning changes

999

Tract Number



N
 1" = 1200'
 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: G. RHOADES

CASE #: C14-04-0021
 ADDRESS: WEST UNIVERSITY
 NEIGHBORHOOD PLANNING AREA
 SUBJECT AREA: 384-740

ZONING EXHIBIT B

DATE: 04-03
 INTLS: SN

CITY GRID
 REFERENCE
 NUMBER
 J23-25 H23
 4

Neal

AGREEMENT CONCERNING COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY

This AGREEMENT CONCERNING COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY (the "Agreement") is made as of the Effective Date stated in Section 16 hereof, by and between, the owner of the Property, Joe W. Neal and the Estate of Clarice G. Neal, Deceased (referred to herein as "Neal"), and BARBARA BRIDGES, TRUSTEE for a proposed nonprofit corporation to be known as WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION ("WUNA"). Neal, and WUNA are sometimes collectively referred to herein as the "Parties" and individually as the "Party".

RECITALS

A. Neal is the Owner of the tracts of land situated in the City of Austin, Travis County, Texas, located at 2209 Shoal Creek Blvd., and described as (a) Lots 13, Resubdivision of Lots 11, 12 and 13 of Shoal Creek Boulevard Lots, a subdivision in Travis County, Texas according to the map or plat thereof, recorded in Volume 4, Page 4 of the Plat Records of Travis County, Texas, (b) a portion of Lot 14 Shoal Creek Boulevard Lots, a subdivision in Travis County, Texas, recorded in Book 3, Page 218 of the Plat Records of Travis County, Texas, being the same tract recorded in Volume 2575, Page 514 of the Travis County, Texas Deed Records and (c) together with that certain vacated portion of West 22 1/2 Street more particularly described by Volume 2570, page 647 of the Deed Records of Travis County, (the "Property").

B. Neal desires to obtain certain approvals and modifications to the City of Austin ordinances and regulations that govern the development of the Property, including the proposed rezoning of the Property with a zoning district of GO-MU-CO-NP pursuant to the Central Austin Combined Neighborhood Plan adopted by the Austin City Council on _____ and Neal has agreed to a zoning classification of SF-3-CO-NP, under such plan, on property located at 2301 Shoal Creek Blvd., (the "Proposed Zoning").

C. Neal has asked WUNA to support the Proposed Zoning of the Property and WUNA has agreed to support the Proposed Zoning, subject to the imposition of certain restrictions, covenants and conditions on the use of the Property and the construction of the proposed mixed-use project to be located on the Property (the "Project").

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the WUNA agrees to support the Proposed Zoning and uses allowed therein on the following terms and conditions:

1. Residential and Office Units. The Project shall contain only residential and office/condominium units and shall contain no more than twenty-four (24) units; no more than four (4) of which may be office units. No residential unit shall contain more than 1,200 square feet of air-conditioned space and no residential unit shall have more than one (1) bedroom. The existing structure on the Property may be incorporated into the Project and, in such event, shall be counted as the number of approved units equal to the total square footage of the structure.

divided by 1,200, rounded off to the nearest whole number. The Project shall not exceed a total of 24,000 square feet of air-conditioned space.

4. Height Limit. All structures located within ninety (90) feet of the eastern boundary of the Property shall have a height no greater than five hundred seventy (570) feet above the mean sea level line. All structures located on the remainder of the Property shall have a height no greater than five hundred seventy-eight (578) feet above the mean sea level line. The foregoing height limits shall be measured to the uppermost point of the structure or any additions thereto.

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AGREEMENT CONCERNING COVENANTS, CONDITIONS AND RESTRICTIONS
FOR DEVELOPMENT OF PROPERTY

9

This AGREEMENT CONCERNING COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY (the "Agreement") is made as of the Effective Date stated in Section 16 hereof, by and between CATHERINE E. BEESON AND ELLEN M. BEESON (collectively referred to as "Beeson"), CENTRO DEVELOPMENT, LLC, a Texas limited liability company ("Centro"), and BARBARA BRIDGES, TRUSTEE for a proposed nonprofit corporation to be known as WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION ("WUNA"). Beeson, Centro and WUNA are sometimes collectively referred to herein as the "Parties" and individually as the "Party".

RECITALS

A. On or before the Effective Date, Centro or its assignee intends to acquire from Beeson the tracts of land located at 2205 North Lamar Boulevard in Austin, Travis County, Texas, described as Lots 15 and 16, Shoal Creek Boulevard Lots, a subdivision recorded in Book 3, Page 218 of the Travis County Plat Records, along with a portion of Lot 14 of said Shoal Creek Boulevard Lots as recorded in Volume 755, Page 318 of the Travis County Deed Records (the "Property").

B. Beeson and Centro desire to obtain certain approvals and modifications to the City of Austin ordinances and regulations that govern the development of the Property, including the proposed rezoning of the Property with a zoning district of GO-MU-CO-NP pursuant to the proposed Central Austin Combined Neighborhood Plan and the University Neighborhood Overlay Code Amendment (the "Proposed Zoning").

C. Beeson and Centro have asked WUNA to support the Proposed Zoning of the Property and WUNA has agreed to support the Proposed Zoning, subject to imposition of certain restrictions, covenants and conditions on the use of the Property and the construction of the proposed mixed-use project to be located on the Property (the "Project").

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Residential and Office Units. The Project shall contain only residential and office condominium units and shall contain no more than twenty-one (21) units, no more than four (4) of which may be office units. No residential unit shall contain more than 1,200 square feet of air-conditioned space and no residential unit shall have more than one (1) bedroom. The existing structure on the Property may be incorporated into the Project and, in such event, shall be counted as the number of approved units equal to the total square footage of the structure divided by 1,200, rounded off to the nearest whole number. The Project shall not exceed a total of 21,000 square feet of air-conditioned space.

4. Height Limit. All structures located within ninety (90) feet of the eastern boundary of the Property shall have a height no greater than five hundred seventy (570) feet above the mean sea level line. All structures located on the remainder of the Property shall have a height no greater than five hundred seventy-eight (578) feet above the mean sea level line. The foregoing height limits shall be measured to the uppermost point of the structure or any additions thereto.



1st
Amendment

AMENDMENT TO AGREEMENTS CONCERNING COVENANTS,
CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY

This AMENDMENT TO AGREEMENTS CONCERNING COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY (the "Amendment") is executed effective as of the 14th day of May, 2006, by and between CASWELL LOFTS, LP, a Texas limited partnership ("Caswell"), and CASWELL HEIGHTS NEIGHBORHOOD ASSOCIATION ("CASWELL HEIGHTS").

RECITALS

A. Caswell is the owner of the tracts of land located at 2205 North Lamar Boulevard in Austin, Travis County, Texas, described as Lots 15 and 16, Shoal Creek Boulevard Lots, a subdivision recorded in Book 3, Page 218 of the Plat Records of Travis County, Texas, along with a portion of Lot 14 of said Shoal Creek Boulevard Lots as recorded in Volume 755, Page 318 of the Deed Records of Travis County, Texas (the "Beeson Property").

B. Caswell is also the owner of the tracts of land located at 2209 Shoal Creek Boulevard in Austin, Travis County, Texas, described as (a) Lots 13, Resubdivision of Lots 11, 12 and 13 of Shoal Creek Boulevard Lots, a subdivision in Travis County, Texas according to the map or plat thereof, recorded in Volume 4, Page 4 of the Plat Records of Travis County, Texas, (b) a portion of Lot 14 Shoal Creek Boulevard Lots, a subdivision in Travis County, Texas, recorded in Book 3, Page 218 of the Plat Records of Travis County, Texas, being the same tract recorded in Volume 2575, Page 514 of the Deed Records of Travis County, Texas and (c) together with that certain vacated portion of West 22 1/2 Street more particularly described by Volume 2570, Page 647 of the Deed Records of Travis County, Texas (the "Neal Property").

C. Prior to conveyance of the Beeson Property to Caswell, Catherine E. Beeson and Ellen M. Beeson (the prior owners of the Beeson Property), Centro Development, LLC, a Texas limited liability company ("Centro"), and BARBARA BRIDGES, TRUSTEE FOR A PROPOSED NONPROFIT CORPORATION TO BE KNOWN AS WEST UNIVERSITY NEIGHBORHOOD ASSOCIATION ("WUNA") entered into that certain Agreement Concerning Covenants, Conditions and Restrictions for Development of Property, effective on or before October 20, 2004, and recorded under Document No. 2005054998 of the Official Public Records of Travis County, Texas, with respect to the Beeson Property (the "Beeson Agreement").

D. Prior to conveyance of the Neal Property to Caswell, Joe W. Neal and the Estate of Clarice G. Neal (the prior owners of the Neal Property) and WUNA entered into that certain Agreement Concerning Covenants, Conditions and Restrictions for Development of Property, effective on or before October 20, 2004, and recorded under Document No. 2004198970 of the Official Public Records of Travis County, Texas, with respect to the Neal Property (the "Neal Agreement"). The Beeson Agreement and Neal Agreement are sometimes referred to together herein as the "Agreements."

{007.00022473.1}

ATTACHMENT D

E. Centro was made a party to the Beeson Agreement due to its then-pending contract to acquire the Beeson Property. The Beeson Property was subsequently acquired by Caswell, an entity affiliated with Centro, and Centro hereby joins in the execution of this Amendment for purposes of disclaiming any interest in the Beeson Property and Beeson Agreement and confirming its prior assignment of all of its rights and obligations under the Beeson Agreement to Caswell, which Caswell has accepted.

F. The neighborhood intended as a party to the Agreements and represented by Barbara Bridges, as trustee, has since changed its name from West University Neighborhood to Caswell Heights Neighborhood and has incorporated itself under the name Caswell Heights Neighborhood Association ("CASWELL HEIGHTS"). Barbara Bridges, Trustee, has assigned all the right, title, and interest held by her in the Agreements on behalf of the neighborhood to Caswell Heights, and Caswell Heights has adopted and ratified the Agreements as its own. The neighborhood represented by Caswell Heights includes the area immediately east of the Property and has been registered with the City of Austin, as required by the Agreements (Section 17.b. of the Beeson Agreement and Section 7.b. of the Neal Agreement).

G. Caswell and Caswell Heights now desire to modify and amend the Agreements as hereafter provided.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Caswell and Caswell Heights agree as follows:

1. Unified Project. Because ownership of and title to the Beeson Property and Neal Property has now been unified in Caswell, and because the development project contemplated in the respective Agreements will in fact be a unified condominium project located on both such properties, the parties agree that the Agreements shall be read and construed together to the extent reasonably feasible. Accordingly, unless the context clearly requires otherwise, all references in the Agreements and this Amendment to the "Property" shall mean the Beeson Property and Neal Property together, and all references in the Agreements and this Amendment to the "Project" shall mean the unified condominium project located or to be located on the Property.

2. Residential Restrictions. Notwithstanding anything to the contrary in Section 1 of the Agreements, the following restrictions shall apply to the Project: (a) the Project shall contain only residential and office condominium units and shall contain no more than forty-five (45) units in total, of which no more than eight (8) may be office units; (b) the maximum size of any residential unit shall be 1,285 square feet of air-conditioned space; (c) the Project shall not exceed a total of 45,000 square feet of air-conditioned space; (d) no residential unit shall have more than one (1) bedroom; and (e) no residential unit may be occupied by more than two (2) persons eighteen (18) years of age or older unless each of the occupants of the unit is related to each of the other occupants of the unit by blood, marriage, or legal adoption as either a parent, child, grandparent, grandchild, sibling, or spouse. The provision in Section 1 of the Agreements concerning incorporation of the existing structure on the Property into the Project is moot and is hereby deleted.

(007.00022473.1)

2nd
Amendment

SECOND AMENDMENT TO AGREEMENTS CONCERNING COVENANTS,
CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY

This SECOND AMENDMENT TO AGREEMENTS CONCERNING COVENANTS, CONDITIONS AND RESTRICTIONS FOR DEVELOPMENT OF PROPERTY (the "Amendment") is executed effective as of the ____ day of February, 2007, by and between CASWELL LOFTS, LP, a Texas limited partnership ("Caswell"), and CASWELL HEIGHTS NEIGHBORHOOD ASSOCIATION, a Texas nonprofit corporation ("Caswell Heights").

RECITALS

A. Caswell (successor-in-interest to Joe W. Neal, the Estate of Clarice G. Neal, Deceased, Catherine E. Beeson, Ellen M. Beeson and Centro Development, LLC) and Caswell Heights (successor-in-interest to Barbara Bridges, Trustee for a proposed nonprofit corporation to be known as West University Neighborhood Association) are parties to (i) that certain Agreement Concerning Covenants, Conditions and Restrictions for Development of Property dated effective March 31, 2005, and recorded under Document No. 2005054998 of the Official Public Records of Travis County, Texas (the "Beeson Agreement"), (ii) that certain Agreement Concerning Covenants, Conditions and Restrictions for Development of Property dated effective October 20, 2004, and recorded under Document No. 2004198970 of the Official Public Records of Travis County, Texas (the "Neal Agreement"), and (iii) that certain Amendment to Agreements Concerning Covenants, Conditions and Restrictions for Development of Property dated effective June 14, 2006 and recorded under Document No. _____ of the Official Public Records of Travis County, Texas (the "First Amendment"). The Beeson Agreement and Neal Agreement, as amended by the First Amendment, are sometimes collectively referred to herein as the "Restrictive Covenant Agreement."

B. Caswell and Caswell Heights now desire to further modify and amend the Restrictive Covenant Agreement as hereafter provided.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Caswell and Caswell Heights agree as follows:

1. Section 4 of both the Neal Agreement and Beeson Agreement (as modified by the First Amendment) are hereby amended to provide that all structures located on the Property shall have a height no greater than five hundred seventy (570) feet above the mean sea level line. Notwithstanding the foregoing, Caswell and Caswell Heights acknowledge that "Building C" on the Property as shown on Exhibit "A" attached hereto will have a finished height of approximately five hundred seventy-five (575) feet above the mean sea level line (as measured from the uppermost point of such structure), and Caswell Heights hereby waives such violation of the height limit set forth in Section 4, but only with respect to Building C as described above. Caswell and Caswell Heights hereby stipulate and agree that the height of all other buildings on the Property as shown on Exhibit "A" attached hereto (as measured from the uppermost point of each such structure) is at or below such 570-foot height limit as of the date hereof.



April 4, 2007

RECEIVED

APR 04 2007

Neighborhood Planning & Zoning

Mr. Greg Guernsey
Director of Neighborhood Planning and Zoning
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

RE: Rezoning Case # C14-20070013 ("Rezoning") to Modify Certain Conditional
Overlays Contained in the West University Neighborhood Plan to Reflect Modified
Restrictions in Amended Private Restrictive Covenant; Caswell Lofts

Dear Mr. Guernsey:

We represent Caswell Lofts, L.P., a Texas limited partnership ("Caswell").

Caswell is developing a residential project known as Caswell Lofts located on the corner of North Lamar Boulevard and Shoal Creek Boulevard. In 2004, Caswell negotiated with representatives of the West University Neighborhood Association, predecessor-in-interest to the Caswell Heights Neighborhood Association ("Association") regarding certain development standards for the project, which were memorialized in recorded private restrictive covenants. At the Association's request, these development standards were also reflected as conditional overlays of the provisions of the West University Neighborhood Plan ("WUNP") applicable to the project, which followed the recorded private restrictive covenants.

Subsequent to passage of the WUNP, Caswell and the Association entered into recorded amendments to the private restrictive covenants that nominally modify development standards regarding the unit size of residences, and height of structures on the rear portion of part of the project. In order to follow the changes reflected in the amended private restrictive covenants, the Rezoning accordingly modifies the pertinent conditional overlays of the WUNP applicable to the project as follows:

- A residential unit may not exceed 1,285 net sq. ft.
 - This modified the prior 1,200 sq. ft. limit set forth in the pertinent conditional overlay of the WUNP.
 - This modification reflects technical changes in unit size calculation resulting from design changes involving internal stairs and access issues. These issues "create" additional living space square footage, although there is no actual unit size gain in terms of volume, exterior, dimensions, or height (see Exhibit "A").

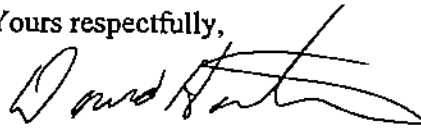
Greg Guernsey
April 4, 2007
Page 2 of 2

- A building or structure located within the area measured 90 feet from the rear property line of a portion of the Property may not exceed a height of 575 feet above sea level.
 - This modified the 570 foot mean sea level limit set forth in the pertinent conditional overlay of the WUNP.
 - This modification reflects changes during site and building planning relating to steep slope conditions.

The foregoing modifications provided for in the Rezoning follow the modifications set forth in the amended restrictive covenants, and the Association indicates their support for the Rezoning by separate letter. The Caswell Lofts project, both before and after the Rezoning as proposed, complies with applicable GO development standards.

Thank you for your attention to this request. Please don't hesitate to contact me with any questions you might have.

Yours respectfully,



David Hartman

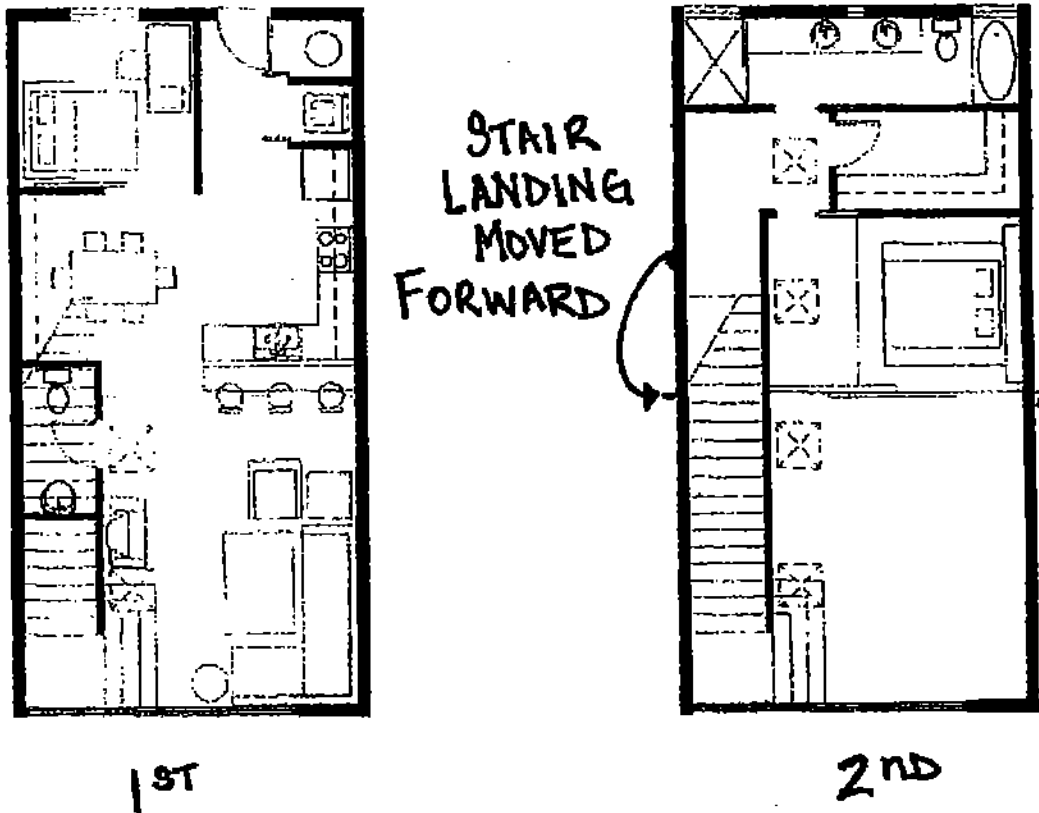
Enclosures

cc: Mr. Jerry Rusthoven
Mr. Jorge Rousselin
Mr. Allen Cowden
Mr. Kent Collins
Ms. Barbara Bridges, Caswell Heights Neighborhood Association
Jim Cousar, Esq.
Christopher K. Bell, Esq., *Firm*

Exhibit "A"

Technical Changes to Unit Size

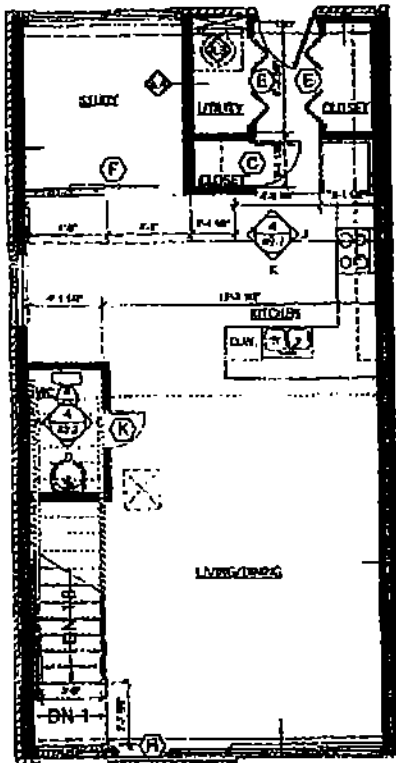
INITIAL DESIGN



1200 GSF - TWO LEVEL, ONE BEDROOM W/ STUDY

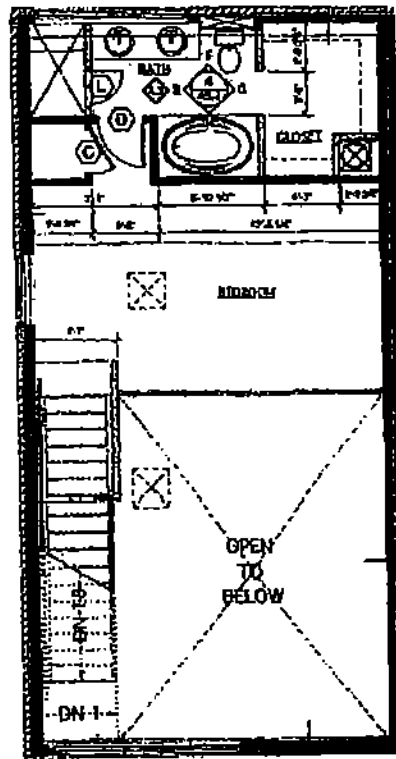
EXHIBIT "A-1"

APPROVED PLANS



1ST

1ST FLOOR
UNIT TYPE 200 TYPICAL PLAN
4



2ND

2ND FLOOR
UNIT TYPE 200 TYPICAL PLAN
4

EXHIBIT "A-2"

**Caswell Heights Neighborhood Association
1106 West 22½ Street
Austin, Texas 78705**

April 4 2007

RECEIVED

APR 04 2007

Neighborhood Planning & Zoning

Mr. Greg Guernsey
Director of Neighborhood Planning and Zoning
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

RE: Rezoning Case # C14-20070013 ("Rezoning") to Modify Certain Conditional
Overlays Contained in the West University Neighborhood Plan to Reflect
Modified Restrictions in Amended Private Restrictive Covenant; Caswell Lofts

Dear Mr. Guernsey:

Caswell Lofts, L.P., a Texas limited partnership ("Caswell"), is developing a residential project known as Caswell Lofts located on the corner of North Lamar Boulevard and Shoal Creek Boulevard. In 2004, Caswell negotiated with representatives of the West University Neighborhood Association, predecessor-in-interest to the Caswell Heights Neighborhood Association ("Association") regarding certain development standards for the project, which were memorialized in recorded private restrictive covenants. At the Association's request, these development standards were also reflected as conditional overlays of the provisions of the West University Neighborhood Plan ("WUNP") applicable to the project, which followed the recorded private restrictive covenants.

Subsequent to passage of the WUNP, Caswell and the Association entered into recorded amendments to the private restrictive covenants that nominally modify development standards regarding the unit size of residences and height of a structure on the rear portion of part of the project. In order to follow the changes reflected in the amended private restrictive covenants, it is the Association's understanding that the Rezoning would modify the pertinent conditional overlays of the WUNP applicable to the project as follows:

- A residential unit may not exceed 1,285 net sq. ft.
 - This modifies the prior 1,200 sq. ft. limit set forth in the pertinent conditional overlay of the WUNP.
- One building or structure located within the area measured 90 feet from the rear property line of the portion of the Property – Caswell's Building "C" – may exceed a height of 570 feet above sea level and have a finished height of up to 575 feet above sea level.

Page 2
April 4, 2007

- o This modifies the 570 foot mean sea level limit set forth in the pertinent conditional overlay of the WUNP.

In connection with the height amendment, please be advised that the recently amended restrictive covenant allows only Caswell's Building "C" to exceed 570 feet. As we understand it, this zoning change would implement that change for that one structure, but the 570 foot height cap would still apply to other structures within 90 feet of the rear property line.

The foregoing modifications provided for in the Rezoning are consistent with the modification set forth in the amended restrictive covenants, and the Association evidences its support for this Rezoning by the signature below of its representative.

Thank you for your attention to this request. Please don't hesitate to contact me with any questions you might have.

Yours respectfully,

Barbara S. Bridges

Barbara S. Bridges
Coordinator,
Caswell Heights Neighborhood Association



RECEIVED

April 18, 2007

APR 18 2007

Mr. Jorge E. Rousselin, Sr. Planner
City of Austin Neighborhood Planning and Zoning Department
505 Barton Springs Road, One Texas Center - Suite 525
Austin, Texas 78704

VIA HAND DELIVERY
Neighborhood Planning & Zoning

RE: Rezoning Case # C14-20070013 ("Rezoning"), Caswell Lofts – Amendment Pertaining to Conditional Overlay Involving Height

Dear Mr. Rousselin:

As you know the Rezoning application filed March 9, 2007, covers the approximately 1.38-acre Caswell Lofts project (the "Property"), and modifies the pertinent conditional overlays of the applicable West University Neighborhood Plan ("WUNP") zoning ordinances as follows:

- A residential unit on the Property may not exceed 1,285 net sq. ft.
 - This modified the prior 1,200 sq. ft. limit set forth in the pertinent conditional overlay of the WUNP.
- A building or structure located within the area measured 90 feet from the rear property line of a portion of the Property may not exceed a height of 575 feet msl.
 - This modified the 570 foot msl height restriction for this area set forth in the pertinent conditional overlay of the WUNP and applied to the rear 90 foot portion of the Property (commonly known as the Neal Tract, identified as Tract #44 in Ordinance No. 04007-32), upon which "Building C" of the Caswell Lofts project is located.

The Rezoning application reflects recent amendments to private restrictive covenants applicable to the project, using information available at the time the application was submitted. Subsequent to filing the Rezoning application, we obtained the survey on Exhibit A that delineates the Property into "Tract 1," and "Tract 2."

In order to more closely reflect the amended private restrictive covenants regarding the applicable height restrictions covering the Property, we respectfully request that the Rezoning application be amended to (i) clarify the portion of the Property where a structure is restricted to 575 msl, in order to more precisely describe only the portion of the Property where "Building C" is located (Tract 1 on Exhibit A), and (ii) require that all buildings or structures located on the remainder of the Property are restricted to 570 msl (Tract 2 on Exhibit A).

Thus the Rezoning application, as amended, would cover the Property and establish conditional overlays applicable to the Property as follows:

- Tracts 1 and 2: A residential unit may not exceed 1,285 net sq. ft.
- Tract 1: A building or structure may not exceed a height of 575 feet above sea level.
- Tract 2: A building or structure may not exceed a height of 570 feet above sea level.

SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & BELL, L.L.P.

Mr. Jorge E. Rousselin

April 18, 2007

Page 2 of 2

Thank you for your attention to this requested amendment to the Rezoning application. Please do not hesitate to contact me with any questions you might have.

Yours respectfully,


David Hartman
by RUM

Enclosures

cc w/enc: Mr. Greg Guernsey
Mr. Jerry Rusthoven
Mr. Allen Cowden
Mr. Kent Collins
Christopher K. Bell, Esq., *Firm*

PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

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

Pleasure

APR 18 2007

Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Michael Colville

Your Name (please print)

1100 W. 22 1/2 ST Austin, 78705

Your address(es) affected by this application

4/16/07

Date _____

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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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.

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APR 10 2007

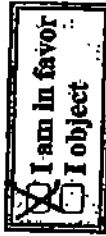
Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Neighborhood Planning & Zoning



Your Name (please print)

2308 Longview

Your address(es) affected by this application

Signature

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

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www.ci.austin.tx.us/development

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

RECEIVED

Case Number: C14-2007-0013

Contact: Jorge Roussein, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Neighborhood Planning & Zoning

Carrie Paterson

Your Name (please print)

2310 Longview St. Austin TX 78705

Your address(es) affected by this application

Carrie Paterson

Signature

4/14/07

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Roussein

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

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

Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

William Shumate

Your Name (please print)

2309 Shoal Creek

Your address(es) affected by this application

4-10-07

Signature

Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0013

Contact: Jorge Roussellin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

David Leemis
Your Name (please print)

2307 Shoal Creek Blvd
Your address(es) affected by this application

David Leemis
Signature

4/10
Date

Comments:

RECEIVED

APR 18 2007

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P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

BARBARA S. BRIDGES

Your Name (please print)

1106 W. 22^{1/2} ST. - AUSTIN, TX 78705

Your address(es) affected by this application

Barbara S. Bridges

Signature

4/3/07

Date

Comments:

RECEIVED

APR 18 2007

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City of Austin

Neighborhood Planning and Zoning Department

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P. O. Box 1088

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

Claire Scott Murray
Your Name (please print)

1208 West 224 St.

Your address(es) affected by this application

Claire Murray (M.U.) April 9, 2007
Signature Date

Comments:

RECEIVED

APR 18 2007

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City of Austin
Neighborhood Planning and Zoning Department
Jorge Rousselin
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Stacy Smith
Your Name (please print)

2305 Shoul Creek Blvd
Your address(es) affected by this application

Signature

Comments:

Date

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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RECEIVED

Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

APR 18 2007

Neighborhood Planning & Zoning

Meredith Maycotte
Your Name (please print)

☒ I am in favor
☐ I object

2301 Shoal Creek Blvd.
Your address(es) affected by this application

Signature

Date

4-9-2007

Comments: This issue affects my property more than any of my neighbors. We have been dealing with the construction and Centro Partners for almost 3 years. We have cooperated and come up with a very fair agreement where everyone wins. Please pass this zoning change and don't favor a handful of ~~neighbors~~ neighbors who hate all developers and want to "bring the project down" at all costs. Let's agree and work together!

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

TAXED

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

William Hastings
Your Name (please print)

2303 Shoal Creek Blvd
Your address(es) affected by this application

William S. King
Signature

Date

4/7/2007

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

Trey Kramper
Your Name (please print)

1109 W. 32nd Street

Your address(es) affected by this application

Trey Kramper
Signature

Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin
Neighborhood Planning and Zoning Department
Jorge Rousselin
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Jordan Nickerson

Your Name (please print)

1111 W 22nd St.

Your address(es) affected by this application

Jordan Nickerson

Signature

Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

Phoebe Williams

Your Name (please print)

1900 David St Austin TX 78708

Your address(es) affected by this application

Phoebe Williams 04/10/07

Signature

Date

Comments: I live at 1900 and own & operate a bed and breakfast at this location

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

Phoebe Williams

Your Name (please print)

1900 David St

Your address(es) affected by this application

Phoebe Williams 04/10/07

Signature

Date

Comments: *I operate a bed and breakfast business at this location.*

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Cary Barnett

Your Name (please print)

1105 W. 22nd 1/2 street

Your address(es) affected by this application

[Signature]

Signature

Date

4-25-07

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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

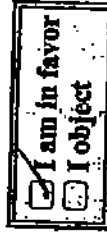
City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-2007-0013
 Contact: Jorge Rousselin, (512) 974-2975
 Public Hearing:
 April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

FLORINA NEAGU
 Your Name (please print)

1102 W- 2242st,

Your address(es) affected by this application

Neapig
 Signature

Date

Comments: Thanks

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to:
 City of Austin
 Neighborhood Planning and Zoning Department
 Jorge Rousselin
 P. O. Box 1088
 Austin, TX 78767-8810

Apr 05 07 02:03p

p. 2

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Case Number: C14-2007-0013

Contact: Jorge Roussein, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Patricia R. Harrison

Your Name (please print)

1207 W. 23 1/2

1209 W. 23 1/2

Your address(es) affected by this application

Patricia R. Harrison, Agent

4.5.07

Signature

Date

Comments: I do not believe this project will

affect the property of interest.

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Roussein

P. O. Box 1088

Austin, TX 78767-8810

Apr 05 07 01:36p

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

CATHERINE PRATER
Your Name (please print)

2304 Longview St. 78705
Your address(es) affected by this application

[Signature]
Signature

4/5/07
Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Lorraine Pangle

Your Name (please print)

1200 W. 22nd St.

Your address(es) affected by this application

4/5/07

Date

Signature

Comments:

RECEIVED

APR 18 2007

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Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2007-0013
 Contact: Jorge Rousselin, (512) 974-2975
 Public Hearing:
 April 10, 2007 Planning Commission

Joe Christian
 Your Name (please print)

2311 Longview # 78705

Your address(es) affected by this application

[Signature] 4/5/07

Signature

Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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 City of Austin
 Neighborhood Planning and Zoning Department
 Jorge Rousselin
 P. O. Box 1088
 Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Tressie Damron

Your Name (please print)

1114 West 22 1/2 Street

Your address(es) affected by this application

T. Rousselin

Signature

Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Jim Dameron
Your Name (please print)

1110 W. 22nd St
Your address(es) affected by this application

Jim Dameron
Signature

4/6/07
Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2007-0013

Contact: Jorge Roussein, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

PATRICIA VAN ELLS

Your Name (please print)

1204 + 1204 1/2 St W 22 ND St

Your address(es) affected by this application

John Van Ellis

Signature

Date

4-6-2007

Comments:

Have lived in
neighborhood for over
30 years

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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Neighborhood Planning and Zoning Department

Jorge Roussein

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Susan C. Harris

Your Name (please print)

1905 N. Lamar - Owner

Your address(es) affected by this application

Susan C. Harris

Signature

April 6, 2007

Date

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

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Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

George Dreyfus

☒ I am in favor
☐ I object

Your Name (please print)

Jorge Rousselin 38705

Your address(es) affected by this application

[Signature] Date 4/6/07

Comments:

RECEIVED

APR 18 2007

Neighborhood Planning & Zoning

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Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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RECEIVED

Case Number: C14-2007-0013

APR 06 2007

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

Neighborhood Planning & Zoning

April 10, 2007 Planning Commission

Your Name (please print): Karrie Leagne

☐ I am in favor
☒ I object

1305 W 22nd St

Your address(es) affected by this application

[Signature]

Signature

4/5/07

Date

Comments: The neighborhood settlement was conducted in secret with only 3 people. The rest of the residents asked to give input, but were denied. Most of us feel that the terms of the settlement are not better than initial promises. Most of us have been DENIED membership in the NA. There are only 3 members. We have systematically been excluded and our objections over-ruled & suppressed.

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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RECEIVED

Case Number: C14-2007-0013

APR 09 2007

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

Neighborhood Planning & Zoning

April 10, 2007 Planning Commission

☐ I am in favor
☒ I object

Debra Bombach

Your Name (please print)

1209-B W. 22 1/2 St Austin TX 78705

Your address(es) affected by this application

Debra Bombach 4/10/07
Signature Date

Comments: I have lived here for 16 years.

When this project started it had a
height limitation and they were supposed
to leave a buffer zone of trees & provide
re-landscaping. None of this has happened yet.
The rooftops are higher than we were
told. The lack of trees has drastically
increased the noise level of the neighborhood.
Although Laman is less than 100 yd away I
rarely heard the traffic - now it is a predominant
part of my day. - I oppose them adding

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

height &

Noise to

this project

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Case Number: C14-2007-0013

APR 09 2007

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Neighborhood Planning & Zoning

☐ I am in favor
☒ I object

Ronald M. Sawey
Your Name (please print)

1202 W. 22 1/2 St.

Your address(es) affected by this application

R. M. Sawey
Signature

Date

4/5/07

Comments: The builder/developer
has already built higher
than allowed by ordinance
- forgiveness rather than
"permission."
I believe the violations should
be reversed, rather than
an expost facto rezoning

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013 APR 09 2007

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Neighborhood Planning & Zoning

Muriel Wright

Your Name (please print)

1211 West 22 $\frac{1}{2}$ Street, Austin, TX 78705

Your address(es) affected by this application

Muriel Wright

Signature

4/7/2007

Date

☐ I am in favor
☒ I object

Comments: I object vehemently to the requested zoning change. I was horrified to see Building C being built above the maximum height allowed by the restrictive covenant and conditional overlay. It has cost me my treasured privacy as well as being a visual affront. Granting of the requested change would set a horrible precedent--telling all neighborhoods that the ordinances they negotiate are worthless and that developers can violate them without consequences.

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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0013 APR 09 2007
Contact: Jorge Rousselin, (512) 974-2975
Public Hearing: Neighborhood Planning & Zoning
April 10, 2007 Planning Commission

☒ I am in favor
☐ I object

Rebecca Robinson
Your Name (please print) (MRS. Malcolma Robinson)

1102 W. 22^{1/2}

Your address(es) affected by this application

Rebecca Robinson Signature 4/4/07 Date

Comments:

I will be unable to attend the public hearing. I support the current board of the Neighborhood Association

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

City of Austin
Neighborhood Planning and Zoning Department
Jorge Rousselin
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

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

RECEIVED

Case Number: C14-2007-0013

Contact: Jorge Rousselin, (512) 974-2975

APR 09 2007

Public Hearing:

April 10, 2007 Planning Commission

Neighborhood Planning & Zoning

☐ I am in favor
☒ I object

Your Name (please print)
Olivia B. Ruiz

115 W. 22 1/2 St 78705

Your address(es) affected by this application

Olivia Ruiz

Signature

Date

4/4/07

Comments:

I strongly object & believe the City is not enforcing its ordinances.

Placed email notice of the meetings.

Obvuz@austin.tx.us

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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RECEIVED

Case Number: C14-2007-0013

APR 10 2007

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

April 10, 2007 Planning Commission

Neighborhood Planning & Zoning

☐ I am in favor
☒ I object

ALVIN A. NICKEL

Your Name (please print)

1911 CLIFF ST, Apt. 1 AUSTIN, TX. 78705

Your address(es) affected by this application

Alvin A. Nickel 04/02/07

Signature

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

New Text Document (2)

To: Jorge Roussein, Case manager, Department of Neighborhood Planning & Zoning,
City of Austin
and
Planning Commission, City of Austin

From: Concerned neighbors, West University neighborhood

Ref: Case #: C14-2007-0013

Date: 9 April, 2007

On behalf of the residents of the area, we are requesting a postponment of the
above-numbered case from 10 April, 2007 to 8 May, 2007.

We thank you for your consideration.

Signed:	Name printed:	Address	Phone	e-mail
<i>Sharon Foerster</i>	SHARON FOERSTER	1114 W. 22 nd ST	472-2642	sti98@hotmail.com
<i>Olivia Ruiz</i>	OLIVIA RUIZ	1115 W. 22 nd ST	477-1800	
<i>Mary Sanchez</i>	MARY SANCHES	1907 Cliff St.	517-7647	sanchesm@earthlink.net
<i>Frank Foerster</i>	FRANK FOERSTER	1114 W. 22 nd	472-2642	
<i>Muriel Wright</i>	Muriel Wright	1211 W. 22 nd St.	477-7239	
<i>Alison Macor</i>	Alison Macor	1912 David St.	477-2522	agmacor@austin.com
<i>Nuria Zapata</i>	NURIA ZAPATA	1908 Cliff St	791-9671	
<i>Ann Graves</i>	ANN GRAVES	1215 W. 22 nd	478-7573	

RECEIVED

APR 09 2007

Neighborhood Planning & Zoning

Rousselin, Jorge

From: [REDACTED]
Sent: Tuesday, April 24, 2007 12:46 AM
To: sully.jumpnet@sbcglobal.net; AMDealey@aol.com; cidg@galindogroup.com; jay_reddy@dell.com; tracy.atkins@gmail.com; pcavazos_planning@yahoo.com; saundra_kirk@sbcglobal.net; Riley, Chris; stegeman@texas.net
Subject: Re: Case No. C14-20070013 - Caswell Lofts

RECEIVED

APR 24 2007

April 23, 2007

Neighborhood Planning & Zoning

Planning Commission
City of Austin

Re: Case No. C14-20070013 concerning proposed Amendments to a Zoning Conditional Overlay for a 1.38-acre property on Lamar Boulevard, Austin, Texas ("Property"), upon which is being constructed a residential condominium project known as the "Caswell Lofts."

Dear Chairman Sullivan and Commissioners:

I am writing as one who was intimately involved, on behalf of Caswell Heights Neighborhood (formerly West University Neighborhood), in negotiating and structuring the original Caswell Heights/Caswell Lofts restrictive covenant agreement, the amendments thereto, and the settlement agreement recently entered into between the parties to resolve disputes concerning building heights and other matters related to the restrictive covenant agreement. These agreements govern the construction and use of the Caswell Lofts condominium project located at North Lamar and Shoal Creek Blvd., immediately adjacent to the neighborhood, and were designed to insure that the neighborhood would not be adversely affected by the Caswell Lofts project. At the time the restrictive covenant agreement was entered into between Caswell Lofts and the neighborhood, some of the terms of the restrictive covenant agreement were also incorporated into a companion conditional overlay that was made applicable to the Caswell Lofts property.

Since the time the restrictive covenant agreement and conditional overlay became effective, Caswell Lofts and the neighborhood have entered into two additional agreements that modify the terms of the original agreement and that require corresponding modifications to the companion conditional overlay for their full implementation. It is these modifications to the conditional overlay that are being requested by the applicant, Caswell Lofts, in this zoning case.

The first of the agreements modifying the original restrictive covenant agreement provided for an increase in the maximum interior unit size from 1,200 square feet to 1,285 square feet to allow for a larger interior stairway landing for the loft units. This change improved the interior quality of these units with no external increase in building size or footprint and was not viewed as having any adverse affect for the neighborhood. In return

4/24/2007

for permitting the additional interior square footage, the neighborhood obtained an agreement from Caswell Lofts to limit occupancy of any unit in the project to no more than 2 unrelated persons, an important tool for insuring that the project would be oriented to adult/family type residencies rather than the noisier, and higher traffic, multiple roommate type occupancies that have been problematic for the neighborhood in the past. The neighborhood also received as part of this agreement the right to driveway access across the Caswell Lofts project for the benefit of an adjacent single family property in the neighborhood. Neighbors were notified of the completion of this agreement in June of 2006, and I am not aware of any opposition to its terms.

The second of the agreements modifying the restrictive covenant was a settlement agreement that resolved disputes over permissible building heights under the restrictive covenant agreement for buildings already partially constructed on the Caswell Lofts site, as well as issues concerning the apparent destruction of portions of a natural vegetative easement provided for under the restrictive covenant agreement. These matters were resolved in the settlement agreement by permitting additional height for three buildings sufficient to allow them to remain at their existing heights. Approximately 5 feet of the height permitted under the settlement agreement resulted from an apparent error in designating the maximum intended building height under the restrictive covenant agreement by reference to an erroneous mean sea level designation. The right to this height was a contested issue between the parties and was resolved in favor of Caswell Lofts in the settlement agreement, since the buildings were already partially constructed at that height. One of the three buildings was acknowledged by both parties to exceed the maximum height level by approximately 4 feet and was permitted to remain under the settlement agreement because it had already been partially constructed at that height. This also was a concession to the developer under the settlement agreement. In return for these concessions the neighborhood received a settlement valued at approximately \$100,000, which included \$50,000 in landscaping and fencing buffers to hide the project from view by the neighborhood, \$10,000 for legal costs in preparing or reviewing the settlement agreement (Jim Cousar, Attorney), and a \$40,000 cash civic contribution to the neighborhood. Caswell Lofts also agreed, as part of the settlement agreement, to modify the restrictive covenant agreement and conditional overlay to lower the maximum building height for two other buildings on the site by 8 feet. It should also be noted that Caswell Lofts offered initially to voluntarily reduce the height of the building acknowledged to be in excess of the maximum permissible height under the restrictive covenant agreement. This offer did not include payment of any of the \$100,000 settlement. The request by Caswell Heights in this zoning case for a modification of the conditional overlay height provisions is designed simply to make the conditional overlay height limitations consistent with those in the settlement agreement.

The settlement agreement was initially negotiated by a committee consisting of 4 people from the neighborhood, including me, Barbara Bridges, our neighborhood Coordinator, and 2 other residents of the neighborhood. A settlement proposal was obtained from Caswell Lofts in December of 2006 and copies were promptly distributed to the neighborhood by email attachment and/or hand delivery. The proposal was promptly voted on by the neighborhood, with votes being taken by email, by personal signature, by fax, and in one case by telephone, as well as through a meeting attended by 11 people (6-5 vote). The vote was 29 in favor of the settlement and 5 against. Since the original vote, 12 more people in the neighborhood have indicated they wish to support the settlement agreement. The vote on this matter was taken consistently with the way the neighborhood has voted on matters for

as long as I have had an active involvement in its affairs, which is at least the last 5 years. The people who voted were people who had expressed an interest in maintaining the residential character of the neighborhood and who either lived in or owned property in the neighborhood. An effort was always made to contact as many people as possible

Some have been concerned about the fact that Caswell Heights Neighborhood Association in its corporate capacity does not yet have members and has not yet made final determinations about its membership and voting procedures. These criticisms are valid to the extent that we do need to deal with these issues now that there are some who are uncomfortable with the historical informality of our neighborhood structure and operations. When Caswell Heights neighborhood officially became incorporated as Caswell Heights Neighborhood Association in the spring of 2006, it did so primarily to comply with a requirement in the restrictive covenant agreement with Caswell Lofts that it become incorporated so that there would be a legal entity to hold the rights and obligations of the neighborhood under the restrictive covenant agreement. With no immediate demand for meetings or votes and many other neighborhood issues to address, including the one dealing with the Caswell Lofts settlement agreement, decisions on these issues concerning formal organization were delayed. I strongly suspect that the best time to take up these issues of organization will be after Planning Commission and Council action has been completed on the Caswell Lofts conditional overlay modifications rather than in the midst of the strong emotions surrounding the Caswell Lofts issue. Meanwhile, it should be noted that Caswell Heights has continued to operate under our unincorporated rules which provide residents or owners who have an interest in maintaining the residential character of our neighborhood the ability to vote.

Finally, I think it is important to consider the likelihood that the settlement agreement terms are actually more favorable to the neighborhood than the terms contained in the original restrictive covenant agreement. Under the restrictive covenant agreement the neighborhood intended to rely upon the trees and other natural vegetation on the Caswell Lofts easterly boundary to buffer the neighborhood from a view of the project. We negotiated for the maintenance by Caswell Lofts of a natural vegetative buffer in the 25 foot setback on the easterly border of the Caswell Lofts project, without knowing or contemplating that Austin Energy would need to clear its easement along that border to bring power to the Caswell Lofts project. This is, in fact, what happened, with the result that numerous trees were cut down or seriously cut back to make room for work necessary to bring power to the development. Had Caswell Lofts kept its height below cliff level as the neighborhood understood our agreement required, those who owned homes on the cliff would have looked down on the ugly tops of buildings rather than into the lush natural vegetation we anticipated would be there. Under our settlement agreement we permit three structures to rise approximately 5 to 8 feet above cliff level and acquire landscaping and fence buffering that blocks sight of the entire project from the neighborhood's view. In addition, the neighborhood receives a cash payment that it would not have had under the original restrictive covenant agreement. The neighborhood ends up with a better view and cash in the bank under the settlement agreement.

Please support the efforts of Caswell Lofts and Caswell Heights Neighborhood Association in completing the work we have done to make this collaborative effort a success by approving the requested modifications to the applicable conditional overlay.

Respectfully,

4/24/2007

Jim Damron
940-9413

See what's free at AOL.com.

4/24/2007

CANPAC

Central Austin Neighborhoods Planning Area Committee

April 23, 2007

Planning Commission
City of Austin
C/O Jorge Rousselin
City of Austin - Neighborhood Planning and Zoning
505 Barton Springs Rd.
Austin, TX 78704

RECEIVED

APR 24 2007

Neighborhood Planning & Zoning

Re: Case No. C14-20070013 concerning proposed Amendments to a Zoning Conditional Overlay for a 1.38-acre property on Lamar Boulevard, Austin, Texas ("Property"), upon which is being constructed a residential condominium project known as the "Caswell Lofts".

Dear Chairman Sullivan, Commissioners, and Mr. Rousselin,

CANPAC held a regularly scheduled meeting at 6pm, Wednesday, April 18, 2007. At this meeting there was considerable discussion, concerning neighborhood events, zoning requests, and settlement agreements, that related to the construction of the Caswell Lofts development by Centro Properties (the "Developer").

After extensive questions, answers, and discussion, CANPAC adopted, and respectfully offers to the City of Austin Planning Commission the following statement and request concerning the Caswell Lofts, the Property, and zoning Case No. C14-20070013, to wit:

CANPAC recognizes there are unique circumstances concerning the construction and development of the Caswell Lofts. This construction is not fully compliant with an existing zoning Conditional Overlay, or a companion private agreement between Caswell Heights Neighborhood Association ("Caswell Heights") and the Developer. Violations of the terms of the Conditional Overlay apparently include:

- 1. Construction of certain residential units which are in excess of 1,200 sq. ft. maximum, and,*
- 2. Construction of a building structure(s) that is in excess of 570 feet measured above msl (mean sea level).*

CANPAC feels strongly that such violative actions should not be duplicated, repeated, nor should they serve as the basis for any precedent within Caswell Heights, nor within any neighborhood within CANPAC. Errors at Caswell Lofts have caused a good deal of alarm and rancor, and CANPAC does not wish that any resolution of these particular construction mistakes be viewed as a precedent or pattern for others to follow.

However, CANPAC recognizes that considerable time, efforts, and expenses have been sustained by the Developer, Caswell Heights, and by surrounding neighbors in seeking a solution to the construction problems, and that the Developer has agreed to certain financial incentives and landscaping installations aimed at resolving and curing problems resulting from these violations.

CANPAC believes that a swift settlement and resolution of this zoning controversy is decidedly in the best interests of Caswell Heights, the surrounding neighbors, and the Developer."

Accordingly, CANPAC requests that this Commission assist in the resolution of these issues by approving modifications to the existing zoning Conditional Overlay as currently requested by the applicant.

Cc: David Sullivan, *Chair*
By E-mail: sully.jumpnet@sbcglobal.net

Mandy Dealey, *Parliamentarian*
By E-mail: amdealey@aol.com

Cid Galindo, *Secretary*
By E-mail: cidg@galindogroup.com

Jay Reddy, *Vice Chair*
By E-mail: jay_reddy@dell.com

Tracy Atkins
By E-mail: tracy.atkins@gmail.com

Perla Cavazos
By E-mail: pcavazos_planning@yahoo.com

Sandra Kirk
By E-mail: sandra_kirk@sbcglobal.net

Chris Riley
By E-mail: chrisriley@rusklaw.com

Gary Stegeman
By E-mail: stegeman@texas.net

CANPAC MEMBERS

Eastwoods Association, Hancock Neighborhood Association, Heritage Neighborhood Association, North University Neighborhood Association, Shoal Crest Neighborhood Association, Caswell Heights Neighborhood Association, and University Area Partners

Rousselin, Jorge

From: Chiara Di Buono [REDACTED]
Sent: Saturday, April 21, 2007 4:15 AM
To: Rousselin, Jorge
Subject: Protest to Caswell Lofts

RECEIVED

APR 24 2007

To: Planning Commission and the Austin City Council

Neighborhood Planning & Zoning

reference: Case No. C 14-2007-0013
project: Caswell Lofts

As property owner of 1201 West 22 1/2 St. which is within 300 feet of the above-cited development, I am disgusted by its being built in the first place, and at this point, I strongly protest to your laissez-faire attitude of allowing it to be built at a height above that which was in the approved plan.

The approved plan of the overzealous structure must be respected and therefore the height of the building must be brought down to the approved level, not allowing one inch more!

Yours truly,

Olga Y. Garcia

L'email della prossima generazione? Puoi averla con la nuova Yahoo! Mail

4/24/2007