

New Text Document (2)

To: Jorge Rousselin, 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 postponement 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	1114 W. 22 nd ST	477-1800	
<i>Mary Sanchez</i>	MARY SANCHES	1907 Cliff St.	517-7647	sanchesm@austin.az.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 residences 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

Saundra Kirk
By E-mail: saundra_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

Rousselin, Jorge

From: mary sanches [REDACTED]
Sent: Thursday, April 26, 2007 11:42 AM
To: Rousselin, Jorge
Subject: C14-2007-0013 postponement

RECEIVED

APR 26 2007

To: Mayor Will Wynn and City Council Members, City of Austin, Texas

via

Neighborhood Planning & Zoning

Jorge Rousselin, Case Manager, Neighborhood Planning & Zoning, City of Austin

From: West University Neighborhood

Ref: Case # C14-2007-0013-Caswell Lofts

We respectfully request a postponement of the hearing on the above case currently scheduled for Thursday 3 May, 2007.
We ask that the hearing be rescheduled to Thursday 7 June, 2007.

We thank you for your consideration.

Mary Sanches

RECEIVED

Date:

May 7, 2007

File Number: C14-2007-0013

Address of

**Rezoning Request: 2205 North Lamar Boulevard,
2209 Shoal Creek Boulevard**

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change in the GO-MU-CO-NP zoning for this property that would revise the conditional overlay to increase the allowable building height from 570' msl to 575' msl. A height of 575' msl places the building some 10' above the bluff. The increase to 575' would have a detrimental impact on the character of our neighborhood of chiefly early twentieth century, single-family houses, including several historic properties.

Printed Name _____

Address

Signature
Frank Foerster

FRANK FOERSTER

1114 WEST 22ND.

Sharen Foester

Sharon Foerster

view. 72nd

Date: 9 May 2007

Contact Name: Muriel Wright
Phone Number: 477-7239

RECEIVED**PETITION**

MAY 09 2007

Date: 4/29/07
File Number: C14-2007-0013

Neighborhood Planning & Zoning

Address of
Rezoning Request: 2205 North Lamar Boulevard,
2209 Shoal Creek Boulevard

To: Austin City Council

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SignaturePrinted NameAddress

Muriel Wright	Muriel Wright	1211 West 22½ Street
Ann Jones	ANN GRAVES	1215 W. 22½
Ronald Szwary	Ronald Szwary	1202 W. 22½ St.
Claire S. Murray	Claire S. Murray	4504 Greenbrier Ct.
Nuria Zaragoza	NURIA ZARAGOZA	1908 CLIFF ST.
Mary Sanches	MARY SANCHES	1907 CLIFF ST.
Mary Sanches	MARY SANCHES	1206 W. 22½ St.
Paul Mitchell	PAUL MITCHELL	1912 DAVID ST.
Alison Macor	Alison Macor	1912 David St.
Matthew J. Mowat	MATTHEW J. MOWAT	1204 WEST 22½ ST.
Olivia B. Ruiz	OLIVIA B. RUIZ	1115 W. 22½ St.
Ted Held	TED HELD	1908 CLIFF ST.
Sharon Fooster	Sharon Fooster	1114 W. 22nd
Frank Fooster	FRANK FOOSTER	1114 W. 22nd

Date: 4/29/07Contact Name: Muriel Wright
Phone Number: 477-7239

RECEIVED

MAY 04 2007

Neighborhood Planning & Zoning

PETITION

Date: 4/29/07

File Number: C14-2007-0013

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2209 Shoal Creek Boulevard

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Signature

Printed Name

Address

Olga Y. Garcia

OLGA Y. GARCIA

c/o Muriel L. Wright
1211 W. 22 $\frac{1}{2}$ St., Austin, TX
78705

Nirav V. Patel

NIRAV V. PATEL

1911 Cliff St Apt 2 Austin, TX
78705

Alvin A. Nickel

ALVIN A. NICKEL

1911 Cliff St. Apt 1 Austin, TX
78705

Matilde Schade

MATILDE SCHADE

1901 Cliff St
Austin, TX 78705

Date: 4/29/07

Contact Name: Muriel Wright
Phone Number: 477-7234

MAY 04 2001

Date: 4/29/07
File Number: C14-2007-0013

Address of
Rezoning Request: 2205 North Lamar Boulevard,
2209 Shoal Creek Boulevard

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Address

Edith
K. Wirth
Martha Hunt
K. J.

1911 CUFF ST #3

KRISTA WHITSON

1911 CLIFF ST. #3

MATTHEW SLUSAREK

1909 A CLIFF ST.

KARRIE LEAGUE

1305 W 22nd St

Date: 4/29/07

Contact Name: Muriel Wright
Phone Number: 477-7239

PETITION

RECEIVED

MAY 04 2007

Neighborhood Planning & Zoning

Date: _____

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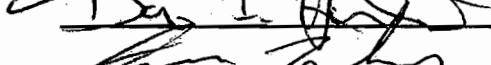
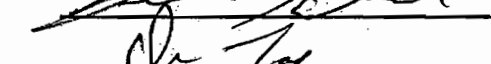
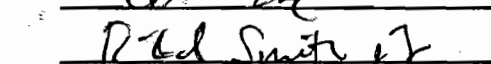



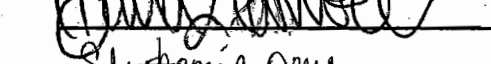
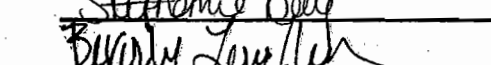
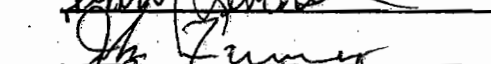
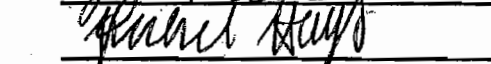
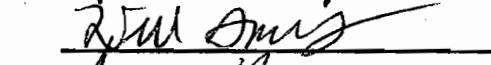



To: Austin City Council

We, the undersigned, do hereby protest against any change in the GO-MU-CO-NP zoning for the property described in the referenced file that would revise the conditional overlay to increase the allowable building height from 570' msl to 575' msl. A height of 575' msl places the building some 10' above the bluff. The increase to 575' would have a detrimental impact on the character of the adjacent neighborhood of chiefly early twentieth century, single-family houses, including several historic properties. We believe that granting the requested change would set a precedent damaging to this neighborhood and to other neighborhoods in the central Austin area.

Signature

Printed Name

Address

	JONATHAN PEARSON	1202-B W. 22nd St.
	DON HOLLAND	1209 W. 22nd St.
	JASON KOLMAN	1110 W 22nd Apt 205
	DANIEL LEE	1110 W. 22nd #202
	TED SMITH	1108 W 22nd #2
	TRAVIS SCHOELBER	1108 W 22nd #3
	NEW AGE	107 W 22nd St
	ALA-LOUIS	1103 W. 22nd St.
	DANA CARROLL	1918 Robbins Pl. #B
	STEPHANIE DAY	1918 Robbins Pl. #B
	BEVERLY LEWELLEN	1007-3 W. 22nd
	JOHN FURROW	1101 W. 22nd 1/2 St
	RACHEL HAYS	1103 W. 22nd 1/2
	WILL SMALLY	1915 Robbins
	ANDREW HOUSHAIN	

Date: 9 May 2007

Contact Name: Marie Wright
Phone Number: 477-7239

PETITION

RECEIVED

MAY 04 2007

Neighborhood Planning & Zoning

Date:

File Number: C14-2007-0013

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Signature	Printed Name	Address
	Walter Crews Giles	1215 W. 22 nd 1/2 Street
	Debra Rombach	1209-B W. 22 1/2 St
	JODY WILLIAMS	1207-A W. 22 1/2
	DREW PATRIZI	1207 W 22 1/2 B
	Ashley Lottman	1205 W. 22 1/2 St
	Rebecca Rossmann	1205 W. 22 1/2 St
	Ingrid Devillies	1008 W. 22nd St
	Greer Oxford	1102 W - 22nd St.
	G. MARCO BREMI	1208 W 22nd
	WEST KING	1216 W 22nd St.

Date: 9 May 2007

Contact Name: Muriel Wright
Phone Number: 977-7239

RECEIVED

MAY 09 2007

Neighborhood Planning & Zoning

PETITION

Date: _____

File Number: C14-2007-0013



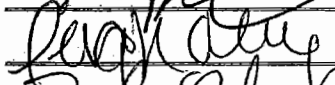
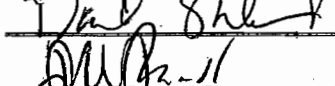

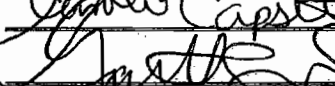

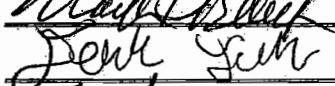

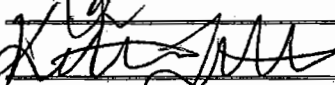

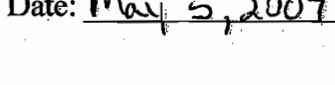



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To: Austin City Council

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SignaturePrinted NameAddress

	DAN JENSEN	1905 DAVID ST.
	Spencer Emmet	" "
	Tracy Pool	1904 David St.
	Leigh Otey	1904 David St.
	DAVID SHANKS	1909 DAVID ST.
	Derron Todd	1902 David St.
	James Crain	1902 David St.
	Caroline Capston	1917 David St.
	Garrett Sacco	1902 David
	Vicki Lee	1906 David St.
	Mark Dickens	1913 David St.
	Derek Tabor	1915 David St.
	Andy Tecmer	1914 David Street
	C.J. Gause	1914 David St.
	Kristina Jakstas	1914 David St.

Date: May 5, 2007Contact Name: Alison MacosPhone Number: 477-2522

MAY 04 2001

PETITION

Date: _____

File Number: C14-2007-0013

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Signature

Printed Name _____

Address

Alla Burago Alla Burago 1012A West 22nd

Date: 9 May 2007

Contact Name: Muniel Wright
Phone Number: 477-7239

PETITION

Case Number:

C14-2007-0013

Date:

May 14, 2007

Total Area within 200' of subject tract: (sq. ft.)

337,882.27

1	01-1300-0309	MOWAT MATTHEW J & ANN M	5748.9279	1.70%
2	01-1300-0310	SANCHES MARY	10407.63235	3.08%
		GRAVES ANN		
3	01-1300-0323	RABORN	13893.45805	4.11%
4	01-1300-0324	WRIGHT MURIEL L	7428.2036	2.20%
		LEAGUE TIM &		
5	01-1300-0339	KARRIE	7705.0204	2.28%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
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19				0.00%
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21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

45,183.24

Total %

13.37%

