

Patterson, Clark

From: Patterson, Clark
Sent: Thursday, March 05, 2009 2:08 PM
To: Rusthoven, Jerry
Subject: FW: Case Nos. NPA-2008-0019.01 and C14-2008-0223 for 3301 Kings Lane

From: AEC Inc Moncada [mailto:moncadataz@sbcglobal.net]
Sent: Thursday, March 05, 2009 2:01 PM
To: Patterson, Clark
Subject: Case Nos. NPA-2008-0019.01 and C14-2008-0223 for 3301 Kings Lane

A.E.C., Inc.
1301 S. I-H 35 Suite # 204
Austin, Texas 78741
Phil's cell: 512-627-8815
Kendra's cell: 512-627-1540
Office: 512-474-7377
Fax: 512-474-4923

--- On **Thu, 3/5/09**, AEC Inc Moncada <moncadataz@sbcglobal.net> wrote:
From: AEC Inc Moncada <moncadataz@sbcglobal.net>
Subject: RE: Case Nos. NPA-2008-0019.01 and C14-2008-0223
To: "Guernsey, Greg" <greg.guernsey@ci.austin.tx.us>
Date: Thursday, March 5, 2009, 9:29 AM

Good Morning Greg,

Yes Phil will be requesting a postponement at tonight's City Council Hearing to March 26th.

Kendra

A.E.C., Inc.
1301 S. I-H 35 Suite # 204
Austin, Texas 78741
Phil's cell: 512-627-8815
Kendra's cell: 512-627-1540
Office: 512-474-7377
Fax: 512-474-4923

--- On **Thu, 3/5/09**, Guernsey, Greg <greg.guernsey@ci.austin.tx.us> wrote:
From: Guernsey, Greg <greg.guernsey@ci.austin.tx.us>
Subject: RE: Case Nos. NPA-2008-0019.01 and C14-2008-0223
To: moncadataz@sbcglobal.net, "Patterson, Clark" <clark.patterson@ci.austin.tx.us>
Cc: "Anguiano, Dora" <Dora.Anguiano@ci.austin.tx.us>, "Craig, Victoria" <Victoria.Craig@ci.austin.tx.us>, "David Heaps" <dvdheaps@texas.net>, "Rusthoven, Jerry" <Jerry.Rusthoven@ci.austin.tx.us>
Date: Thursday, March 5, 2009, 9:02 AM

Hi Phil:

The Board of Adjustment is not able to grant a variance from a Conditional Overlay (CO) combining district requirement. If the City Council grants a base zoning district with a CO for a 10 foot rear yard setback, the Board

3/5/2009

of Adjustment can not grant a variance from this rear yard setback requirement. Would you like to request a postponement of your public hearing today? If so, to what date? Staff does not control the reconsideration process at the Planning Commission. You will need Planning Commissioners to initiate a reconsideration request. See attached PC by-laws.
Greg

From: AEC Inc Moncada [mailto: moncadataz@sbcglobal.net]
Sent: Thursday, March 05, 2009 7:24 AM
To: Guernsey, Greg ; Patterson, Clark ; David Heaps
Cc: Phil Moncada
Subject: Fw: Case Nos. NPA-2008-0019.01 and C14-2008-0223

Greg,

I need to see if you can review the e-mail and let me know if what Mr. Godfrey is stating is correct. I thought the setbacks were already established and we would not need to go to the BOA. I am seeking information on the process to request a reconsideration at the Planning Commission especially in light of this last minute notice and demands of the neighborhood.

Respectfully,
Phil Moncada

A.E.C., Inc.
 1301 S. I-H 35 Suite # 204
 Austin, Texas 78741
 Phil's cell: 512-627-8815
 Kendra's cell: 512-627-1540
 Office: 512-474-7377
 Fax: 512-474-4923

--- On Wed, 3/4/09, Alfred Godfrey <lgainc@sbcglobal.net> wrote:

From: Alfred Godfrey <lgainc@sbcglobal.net>
 Subject: Case Nos. NPA-2008-0019.01 and C14-2008-0223
 To: " moncadataz@sbcglobal.net " < moncadataz@sbcglobal.net >, " Craig , Victoria " <Victoria.Craig@ci.austin.tx.us>
 Cc: "Anne Heinen" <amheinen@gmail.com>
 Date: Wednesday, March 4, 2009, 6:39 PM

Regarding 3301 King's Lane

MR. MONCADA, As you know, the Planning Commission recently agreed with the Heritage Neighborhood Association and voted to recommend a zoning change to SF4-A for the subject property. This was done, of course, in the knowledge that your client is seeking a zoning change for the purpose of building a house.

VALID PETITION

As a point of information, you may recall that HNA has submitted a valid petition to support its opposition to your client's proposed LO-MU-NP zoning change. With this petition in place, your client's application will require a Super Majority for approval at Council.

While the Heritage Neighborhood Association is prepared to rest the outcome of this case on the Planning Commission's recommendation and the strength of this petition, it also wishes to extend the following proposal for your client's consideration:

HNA PROPOSAL

If your client agrees, the Heritage Neighborhood Association will recommend that the Council support the Planning Commission recommendation--to rezone the subject property to SF4-A. Additionally it will recommend that the Council add a Conditional Overlay making the rear setback 10 ft. instead of 5 ft. Additionally, the HNA will recommend that the Council postpone action (leaving open the public hearing) to give time to for us (HNA and your client) to mutually approach

3/5/2009

the Board of Adjustment to seek a 5 ft. front setback adjustment (in your client's favor). Taken together, these two setback adjustments would leave your client with no reduction in buildable area. It would simply move that area 5 ft. closer to King's Lane. In exchange for your client's agreement to pursue this avenue, and assuming that we are successful at the BOA, then the HNA will agree to withdraw its valid petition.

Should you wish to respond to this proposal, please note the following:

- I will be available until 10:00 am tomorrow morning (after which I will be on an airplane for the balance of the day). You can contact me until then.
- After 10:00 am, please communicate with:

Anne Heinen
HNA President
e-mail: amheinen@gmail.com
cell: 426-1124

Thank you very much for your attention to this matter.

AL GODFREY
representing
Heritage Neighborhood Association