

Agenda 06-89

Browning, Jacob

From: SYLVIA ARAIZA [REDACTED]
Sent: Thursday, April 22, 2010 11:40 PM
To: Browning, Jacob
Cc: Walters, Mark
Subject: Re: 320 East Rundberg Lane Update

Late Backup

I do not agree with commercial property. I would prefer apartments/garden homes for elderly. I have seen them removing houses in Terrytown and have empty lots. They are building McMansions. Small lots are possible for housing. I see elderly living there.

Sylvia

From: "Browning, Jacob" <Jacob.Browning@ci.austin.tx.us>
To: "Browning, Jacob" <Jacob.Browning@ci.austin.tx.us>
Cc: "Walters, Mark" <Mark.Walters@ci.austin.tx.us>
Sent: Thu, April 15, 2010 3:30:08 PM
Subject: 320 East Rundberg Lane Update

Hi all:

Please find attached a letter in reference to the vacant property located at 320 East Rundberg Lane . The letter reflects new zoning and future land use suggestions for the property as proposed by the property's receivership attorney, Robert Kleeman.

Last Tuesday night (April 6), Mr. Kleeman met with several neighborhood stakeholders to discuss possible actions for the property and the letter summarizes the interim resolution between all attendees.

Please review the document and forward any comments to me or Mark Walters (mark.walters@ci.austin.tx.us) by next Friday, April 23rd. We will then forward those comments to Mr. Kleeman and let him determine the next steps to take in the matter. With that said, I do want you to know that City staff will be carrying forward the neighborhood's preliminary recommendation for this property to both the Planning Commission and City Council hearings. The neighborhood's recommendation for 320 East Rundberg is as follows: SF-6 (Townhouse and Condominium Residence) zoning and a future land use designation of high-density single-family for the portion of the property being discussed in the receivership. See the attached map for the location of the property (circled in light blue).

If you have any questions, please let me know!

Thanks,
 Jacob

Jacob Browning

Neighborhood Planner
 City of Austin
 Planning & Development Review Department
 (512) 974-7657
jacob.browning@ci.austin.tx.us

4/26/2010

From: Walters, Mark
Sent: Thursday, April 15, 2010 12:39 PM
To: Browning, Jacob ; Dutton, Greg
Subject: FW: Rundberg Lane Rezoning [MH-MHDOCS.FID528652]

From: Kleeman, Robert
Sent: Thursday, April 15, 2010 10:38 AM
To: Walters, Mark
Subject: Rundberg Lane Rezoning [MH-MHDOCS.FID528652]

Mark:

Thanks for coming to the meeting last week. Attached is the follow up letter requested by the attendees. Please forward it to the same folks the City invited to the meeting.

Please consider this letter as the written request of the Triton receiver to the City of Austin to have the property rezoned as described in the attached letter and to have the FLUM designation set at Commercial. If you need additional correspondence or information regarding the Triton receivership or the requested zoning change, please contact me. So you know, I had previously sent Greg Guernsey a letter regarding this property. That letter included a copy of the court order naming Steve Harr, of my firm, as the receiver. That letter was sent when the contract to purchase the property by the multi-family developer was still in place. Due to the cancellation of that contract, the attached letter represents the receiver's current position regarding re-zoning and the FLUM.

Please keep me posted on the recommendation that Staff will make on the re-zoning and FLUM designation.

Thanks

Robert Kleeman
MUNSCH HARDT
KOPF & HARR, P.C.
DALLAS | HOUSTON | AUSTIN

One American Center
600 Congress Avenue, Suite 2900
Austin, Texas 78701-3057
Direct 512.391.6115
Fax 512.482.8932

munsch.com

NOTICE: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. Nothing contained in this message or in any attachment shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

4/26/2010

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Browning, Jacob

From: [REDACTED]

Sent: Thursday, April 22, 2010 1:07 PM

To: Browning, Jacob; Walters, Mark; Dutton, Greg

Subject: Rundberg property

Hi Mark, Jacob, Greg and associates speaking for and representing all residents of the NLCNPA,

First, as me a homeowner for 28 years at my location, I have watched lack of responsible planning and moves by major commercial enterprises allow/beg degradation of our entire area. What a ridiculous thing to allow for an area close in, infrastructure in-place, with access, affordability and home to over five percent of the Austin population.

Until the start two and one-half years ago of the NLCNPA all I could do was take care and help with my immediate neighbors, be the one that got the city to contract and keep Brownie Creek waterway clear, and make phone calls and write letters. I have been extremely proud, but not part of, the groups that have fought, literally, on the direct area south of the proposed property in question to quell drugs, prostitution and unscrupulous business people.

SO, there. I have now mentioned the Brownie PROBLEM and the Rundberg PROBLEM as these areas to those of us that must live here MUST not be forgotten for this and this alone is reason that the track in question today is vitally important to my area, my home in Austin, Texas -- the State Capital.

I am not impressed that a lawyer who calls himself and his firm a "Receiver" for failed and allegedly corrupt commercial enterprises has a job to make a lot of money. I am not impressed with the veiled threat that a Judge would side with this corporate angle when 35,000 people have an interest whether they know it or not.

If as we were told the whole reason for what we have done the last two and one-half years was to dream to remake our home better -- I THINK WE HAVE DONE SOME DURN GOOD DREAMIN'.

The section of Rundberg Lane directly in our mandated area is a linchpin not only for the stretches of Rundberg to the East and West of our area but our whole area and surrounding environs. If we are to dream that Rundberg could become something useful, then the tract in question and then the tract of the city wide (national if you count a movie UT made) disgrace that is Brownie Lane all tie together. I KNOW this is the reason we as group dreamed that ownership, probably in the form of higher density housing that single family homes would be, would be our dream for the best interest of our neighborhood. We dreamed that maybe if this happens, Rundberg cleans up and Brownies Lane and the irresponsible owners of Brownie Lane were destroyed Our Neighborhood could start back toward what it was only a few short years ago before commercial interests overrode the good of the people of Austin.

It is my understanding that if the proposed property in question goes toward the commercial zoning the lawyers called "Receivers" wish, they DO NOT wish overlays and exclusions (such as auto repairs, etc.) that WE have dreamed and written. It is my understanding that except for some setbacks, the area, even developed, will do nothing for our neighborhood except take away homeless campsites. This is all just a slap in the face by people that do not live here.

There will have to come a fight sometime if this area of Austin is to stay livable. Some of us have tried before. It would be more than nice if the City of Austin, its lawyers, its employees, its elected officials, its homegrown business people did something right. Is not that what planning is supposed to be for?

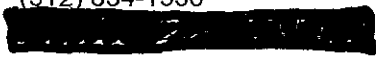
Ask me, and I will step up as I have before.

Sincerely Yours,

Robert Atkinson

4/26/2010

Robert D. Atkinson
302 Holliday Court
Austin, Texas 78753-3661
(512) 834-1336

A solid black rectangular redaction mark covering the bottom portion of the contact information.

4/26/2010

Browning, Jacob

From: Eugene Zumalt [REDACTED]
Sent: Sunday, April 18, 2010 12:22 PM
To: Browning, Jacob
Subject: Re: 320 East Rundberg Lane Update

Dear Jacob, Robert Kleeman's zoning recommendation #C14-2007-0232 is not a desirable use of the property for infill in the neighborhood. He is wearing blinders when he looks at the area. The City staff recommendation is a better option for the whole property. We would like to add a requirement for current and long term development of living enhancement features for the complex: 1. A 50 foot greenbelt adjacent to single family homes with clusters of small trees and shrubs to soften the effects of the complex. 2. An attractive, black wrought iron fence around the property. 3. A parking garage and street parking for resident's cars. 4. The businessman should provide a service road that will double as a running, walking, cycling trail. 5. A swimming pool be included. 6. That a playground with covered seating for parents be provided. 7. Apartments should have balconies. 8. A banquet/party room be provided for residents. 9. A weight lifting/exercise center be provided. 10. A coin-operated washateria be provided. This area already has a serious alcohol, drug, crime, and prostitution problem. We do not favor any infill that causes current homes to loose value or these problems to escalate. Sincerely, Doctor and Mrs. Zumalt

----- Original Message -----

From: Browning, Jacob
To: Browning, Jacob
Cc: Walters, Mark
Sent: Thursday, April 15, 2010 3:30 PM
Subject: 320 East Rundberg Lane Update

Hi all:

Please find attached a letter in reference to the vacant property located at 320 East Rundberg Lane. The letter reflects new zoning and future land use suggestions for the property as proposed by the property's receivership attorney, Robert Kleeman.

Last Tuesday night (April 6), Mr. Kleeman met with several neighborhood stakeholders to discuss possible actions for the property and the letter summarizes the interim resolution between all attendees.

Please review the document and forward any comments to me or Mark Walters (mark.walters@ci.austin.tx.us) by next Friday, April 23rd. We will then forward those comments to Mr. Kleeman and let him determine the next steps to take in the matter. With that said, I do want you to know that City staff will be carrying forward the neighborhood's preliminary recommendation for this property to both the Planning Commission and City Council hearings. The neighborhood's recommendation for 320 East Rundberg is as follows: SF-6 (Townhouse and Condominium Residence) zoning and a future land use designation of high-density single-family for the portion of the property being discussed in the receivership. See the attached map for the location of the property (circled in light blue).

If you have any questions, please let me know!

Thanks,
 Jacob

4/26/2010

Jacob Browning

Neighborhood Planner

City of Austin

Planning & Development Review Department

(512) 974-7657

jacob.browning@ci.austin.tx.us

From: Walters, Mark

Sent: Thursday, April 15, 2010 12:39 PM

To: Browning, Jacob; Dutton, Greg

Subject: FW: Rundberg Lane Rezoning [MH-MHDOCS.FID528652]

From: Kleeman, Robert

Sent: Thursday, April 15, 2010 10:38 AM

To: Walters, Mark

Subject: Rundberg Lane Rezoning [MH-MHDOCS.FID528652]

Mark:

Thanks for coming to the meeting last week. Attached is the follow up letter requested by the attendees. Please forward it to the same folks the City invited to the meeting.

Please consider this letter as the written request of the Triton receiver to the City of Austin to have the property rezoned as described in the attached letter and to have the FLUM designation set at Commercial. If you need additional correspondence or information regarding the Triton receivership or the requested zoning change, please contact me. So you know, I had previously sent Greg Guernsey a letter regarding this property. That letter included a copy of the court order naming Steve Harr, of my firm, as the receiver. That letter was sent when the contract to purchase the property by the multi-family developer was still in place. Due to the cancellation of that contract, the attached letter represents the receiver's current position regarding re-zoning and the FLUM.

Please keep me posted on the recommendation that Staff will make on the re-zoning and FLUM designation.

Thanks

Robert Kleeman

MUNSCH HARDT

KOPF & HARR, P.C.

DALLAS | HOUSTON | AUSTIN

One American Center

600 Congress Avenue, Suite 2900

Austin, Texas 78701-3057

Direct 512.391.6115

Fax 512.482.8932

munsch.com

4/26/2010

NOTICE: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. Nothing contained in this message or in any attachment shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Neighborhood
Stakeholders

City Planning Commission
Barton Springs Road
Austin, Texas

Reference: Case #C14-2007-0232, 329 East Rundberg Lane

Dear City Planners:

We ask City Planners and City Council to refuse zoning case #C14-2007-0232 at 320 E. Rundberg Lane as requested by business representative Robert Kleeman. We question the wisdom of building high density housing/commercial buildings/warehouses in the backyard of property tax paying, singlefamily homes. We object to giving this business any property tax free perks. The neighborhood needs a healthy tax base to support their schools and other city services.

This narrow strip of land is expected to house a minimum of 1000 new residents who will all use city services.

We are asking the City Council to deny any rezoning to commercial warehouses as proposed by this businessman. He wouldn't dare suggest warehouses if he were building on vacant land adjacent to single family homes in the Mesa Park or Cat Mountain communities.

We are asking the City Council to require:

- (1) A 50 foot wide green belt adjacent to the backyards of single family homes with clusters of small trees and shrubs to soften the effects of the apartment complex in the neighborhood.
- (2) That 80% of the jobs created in the daily operation of the apartment complex be awarded to residents living North of Rundberg Lane and South of Braker Lane who will be most disadvantaged by this large population.
- (3) That the property be surrounded by an attractive, black, wrought iron fence.
- (4) That the businessman provide a parking garage and

street parking to accomodate resident's cars.

- (5) That a service road be added that can double as a running, walking and cycling path.
- (6) That a swimming pool be included.
- (7) That apartment balconies be added.
- (8) That a playground with covered seating for parents be included.
- (9) That a banquet/party room for residents use be added.
- (10) That he add a weight lifting/exercise center.
- (11) That he include a coin-operated washateria.

This neighborhood already has a serious alcohol, drug, crime, and prostitution problem on Rundberg Lane.

We are requesting these additions to the construction plans to avoid the negative effects of high density housing in the North Lamar Corridor if possible.

Sincerely,

Dr. and Mrs. Zumalt
Neighborhood Stackholders

Browning, Jacob

From: SYLVIA ARAIZA [REDACTED]
Sent: Wednesday, May 26, 2010 10:41 PM
To: Browning, Jacob
Cc: Walters, Mark
Subject: Re: 320 East Rundberg Lane Update

I do not agree on commercial property for tract. I prefer apartments/garden homes for elder care. I have seen where they are removing house in Terry tow

thanks
Sylvia

From: "Browning, Jacob" <Jacob.Browning@ci.austin.tx.us>
To: "Browning, Jacob" <Jacob.Browning@ci.austin.tx.us>
Cc: "Walters, Mark" <Mark.Walters@ci.austin.tx.us>
Sent: Thu, April 15, 2010 3:30:08 PM
Subject: 320 East Rundberg Lane Update

Hi all:

Please find attached a letter in reference to the vacant property located at 320 East Rundberg Lane . The letter reflects new zoning and future land use suggestions for the property as proposed by the property's receivership attorney, Robert Kleeman.

Last Tuesday night (April 6), Mr. Kleeman met with several neighborhood stakeholders to discuss possible actions for the property and the letter summarizes the interim resolution between all attendees.

Please review the document and forward any comments to me or Mark Walters (mark.walters@ci.austin.tx.us) by next Friday, April 23rd. We will then forward those comments to Mr. Kleeman and let him determine the next steps to take in the matter. With that said, I do want you to know that City staff will be carrying forward the neighborhood's preliminary recommendation for this property to both the Planning Commission and City Council hearings. The neighborhood's recommendation for 320 East Rundberg is as follows: SF-6 (Townhouse and Condominium Residence) zoning and a future land use designation of high-density single-family for the portion of the property being discussed in the receivership. See the attached map for the location of the property (circled in light blue).

If you have any questions, please let me know!

Thanks,
Jacob

Jacob Browning
Neighborhood Planner
City of Austin
Planning & Development Review Department
(512) 974-7657
jacob.browning@ci.austin.tx.us

5/27/2010

From: Walters, Mark
Sent: Thursday, April 15, 2010 12:39 PM
To: Browning, Jacob ; Dutton, Greg
Subject: FW: Rundberg Lane Rezoning [MH-MHDOCS.FID528652]

From: Kleeman, Robert
Sent: Thursday, April 15, 2010 10:38 AM
To: Walters, Mark
Subject: Rundberg Lane Rezoning [MH-MHDOCS.FID528652]

Mark:

Thanks for coming to the meeting last week. Attached is the follow up letter requested by the attendees. Please forward it to the same folks the City invited to the meeting.

Please consider this letter as the written request of the Triton receiver to the City of Austin to have the property rezoned as described in the attached letter and to have the FLUM designation set at Commercial. If you need additional correspondence or information regarding the Triton receivership or the requested zoning change, please contact me. So you know, I had previously sent Greg Guernsey a letter regarding this property. That letter included a copy of the court order naming Steve Harr, of my firm, as the receiver. That letter was sent when the contract to purchase the property by the multi-family developer was still in place. Due to the cancellation of that contract, the attached letter represents the receiver's current position regarding re-zoning and the FLUM.

Please keep me posted on the recommendation that Staff will make on the re-zoning and FLUM designation.

Thanks

Robert Kleeman
MUNSCH HARDT
KOPF & HARR, P.C.
DALLAS | HOUSTON | AUSTIN

One American Center
600 Congress Avenue, Suite 2900
Austin, Texas 78701-3057
Direct 512.391.6115
Fax 512.482.8932

munsch.com

NOTICE: This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. Nothing contained in this message or in any attachment shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, we

5/27/2010

inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.