

Leslie Henges Dolliver
Attorney at Law
1110 RR 620 South, Suite B
Lakeway, Texas 78734

October 5, 2006

Re: October 3rd postponement decision for Zoning Case #C14-06-0172 (Amelia Lopez-Phelps, zoning consultant for Paul DeNucci, applicant) AND Request for postponement from major adjoining property owner, Dr. David F. Henges, M.D.

Dear Zoning and Planning Commission:

I am writing to document how disappointed I am in the way you conducted your business at the Commission hearing on Tuesday, October 3, 2006.

I am the daughter of Dr. and Mrs. David F. Henges, M D , owners of the 2 acres directly adjoining the above property in question. I attended the hearing.

I signed in as I arrived at the meeting, so that I could speak if I felt it was necessary. I understood from talking with Ms. Sirwaitis of the zoning staff that one of the homeowners association presidents, Mr. Brad Shafer, had requested a 12-week postponement of the hearing, so that they could try to learn more about the proposed development and speak with the surrounding landowners to see if a plan could be achieved that would work for everyone involved.

He also pointed out that the city's new zoning ordinance, which goes into effect January 1, 2007, would not allow the proposed zoning change, and that to allow such a large variance from the norm would set a dangerous precedent.

Amelia Lopez-Phelps, who represents the applicant, spoke first and was against **any** postponement. She stated

1. That this is the same project that was before the commission months ago.
2. That the homeowners associations were trying to kill her project through delay.
3. That if the commission delayed the hearing for more than two weeks, that the lender was going to scrap the whole project
- 4 That my father, Dr. Henges, was the next-door neighbor and that he was neither for nor against the postponement.

In response to her claims:

1. She also stated at the same meeting that this is a new project, on a new piece of land It is **definitely** new to my parents, who will have an 11-story building next to their land if the applicants have their way.

2. I spoke with two of the homeowners' association presidents at the meeting and they explained that they are interested in working out a plan that will allow the applicant to build, but something that is more suitable for the Jollyville road location
- 3 I don't believe for a minute that the lender will yank their funding. If the applicants' funding is that fragile, they have no business even trying to go forward with this project
- 4 **Ms. Lopez-Phelps had no authority** to state anything about my father's position...that is why I was in attendance My father is **FOR** a reasonable postponement, so that he may have an opportunity to learn more about what Mr. DeNucci's plans are for the land.

When Ms. Lopez-Phelps made the false statement about my father's position, I stood up and went forward, asking Ms Sirwaitis if I could have a chance to respond to her statement. **I thought the commission would want to know that she lied about my father's position and that she had no authority to speak on his behalf.** Ms. Sirwaitis approached the Chairwoman, Ms Baker, then returned to me, stating that the Chairwoman only wanted to hear from one person for and one against the postponement

I watched as the Commissioners worked through a vote to arrive at a 6-week postponement. That seemed fair, given where each side started When Ms. Lopez-Phelps urged the Commission to reconsider, **the Chairwoman let her know in no uncertain terms that their decision was final and that it would not be reconsidered that evening.**

All parties, including Ms. Sirwaitis of the City's zoning staff, went into the hallway. I visited with all of the involved parties. Ms. Sirwaitis left, then the homeowners' association presidents, Mr. Shafer and Mr. Peterson, decided to go home. I visited for a little longer with Mr DeNucci and Ms. Lopez-Phelps, explaining to them that my parents wanted to learn more about the project and were happy with the fact that we'd have another 6 weeks to work through our concerns.

Then my sister and I left The next morning I learned that this was a mistake. Mr. DeNucci wrote me early the next day to let me know that after we left, they'd gone back in and that the Commission reconsidered and granted a 2-week postponement.

I am an attorney and I understand that the Commission had that prerogative, according to their bylaws. **I am still absolutely disgusted that the Chairwoman would allow the Commission to reconsider the postponement, when she knew that those FOR the postponement had all gone home for the evening, especially since she had been so definite in her earlier statement.** I expect fairer dealing from city officials, whether they serve as paid staff or volunteers

I am hereby asking the Commission to again consider a postponement of ten weeks, so that I may continue discussions and negotiations on my parents' behalf with the

developer, Mr. DeNucci, the landowner, Mr. Young, and the various homeowners associations' presidents.

I ask this not to delay the project, but to allow the neighborhood to develop an appropriate project. Mr. DeNucci has told me they want to build an eleven-story building on the land. I believe that is inappropriate, based on what little I know at this point. I am hopeful that the neighbors can work out an agreeable plan.

I have heard that Mr. Young may be willing to meet with my parents, but we need more time. If my parents are forced to take a position and have a full hearing before the Commission on October 17th, I am afraid they will have to take a position against the project. If we are given more time, I truly believe that a plan could be achieved that will allow everyone to go home happy.

Please be aware that **my father's land and office are NOT VACANT**, as it says in the city's zoning staff report. My father's office is still open

I have spoken to Mr. DeNucci and he has agreed to meet with us at his office to talk about and see his plans for his development this Thursday, October 12, 2006.

My parents have been in Austin for a long time and want to do the right thing for their neighbors. Please give them the time to make an informed choice

Sincerely,

Leslie Henges Dolliver
Attorney at Law

Sirwaitis, Sherri

From: C Montgomery [REDACTED]
Sent: Sunday, October 08, 2006 5 11 PM
To: [REDACTED]
[REDACTED] Martinez, Mike [Council
Member]; [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken,
Brewster, Kim, Jennifer; Leffingwell, Lee, Haines, Dina, Arellano, Richard; Aguilera, Gloria;
Bailey, Rich, Curtis, Matt; Levinski, Robert; Corpus, Grace, Futrell, Toby [REDACTED]
[REDACTED] Haines, Dina; Mormon, Andy; May, Rache [REDACTED]
Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri
Cc: [REDACTED]
Subject: Case # C14-06-0172

This is my second email on this topic.

Please stop this developer and other developers from building high rises in my neighborhood.

I did not support the first effort by this developer and I do not support this one.

It would seem that any vacant lot of sufficient size is being targeted for high rise development in this neighborhood. Please stop it now, once and for all.

Constance Montgomery
11709 Oak Knoll

Sirwaitis, Sherri

From: Jody [REDACTED]
Sent: Saturday, October 07, 2006 9 01 PM

To: [REDACTED]
[REDACTED]
[REDACTED], Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl,
Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee; Haines, Dina;
Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert, Corpus, Grace;
Futrell, Toby, No Tower; Mormon, Andy; May, Rachel, [REDACTED] Moore,
Andrew, Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

To All:

How many ways can we say "no" to this developer and the council? This building size and height is not right for the Great Hills neighborhood. Please listen to the neighborhood and its associations, and stop trying to slide this through by moving the idea up and down Jollyville This is not the street for this building. LISTEN TO THE NEIGHBORHOOD!!

NO TO THE TOWER!

JD

10/9/2006

Sirwaitis, Sherri

From: Konopik, Brad [REDACTED]
Sent: Friday, October 06, 2006 3:50 PM
To: [REDACTED]
[REDACTED]inez, Mike [Council
Member]; [REDACTED] Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken,
Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard, Aguilera, Gloria;
Bailey, Rich, Curtis, Matt; Levinski, Robert, Corpus, Grace; Futrell, Toby; [REDACTED]
[REDACTED] Haines, Dina, Mormon, Andy, May, Rachel; [REDACTED]
Moore, Andrew, Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri
Subject: Case # C14-06-0172

Listen to the traffic report every morning. 183 South backs up right at the bend Duval
bend that this 12-story monstrosity is proposed for. The last thing this area needs is 700
more commuters injected right here.

Plus, that design does not blend well with architecture of the area. 3-stories, okay --
12-stories, no way.

Please don't approve this zoning request.

Thanks!

--
Brad Konopik [REDACTED]

Sirwaitis, Sherri

From: Nelda Bullis [REDACTED]

Sent: Thursday, October 05, 2006 9:20 PM

To: [REDACTED]
[REDACTED]
[REDACTED]; Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl;
Wynn, Will, Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee, Haines, Dina,
Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace;
Futrell, Toby; [REDACTED] Mormon, Andy, May, Rachel,
[REDACTED]; Moore, Andrew, Robbins, Beverly; Thompson, Kenny, Sirwaitis,
Sherri

Subject: Case # C14-06-0172

Dear Council Members,

As residents of north Austin in the Duval/183 area, we are very strongly opposed to a high rise development in the proposed location off Jollyville. My husband and I believe this type of project is more suited to the downtown area. Allowing this to be built will surely lead to more high rise buildings in the suburbs. Our concerns are traffic congestion as well as density of people and concrete. Duval is a very busy cross street currently without added cars. Please consider the future of this neighborhood, and refuse to allow this project to be built in this area.

Thank you for your consideration and time.

Nelda & David Bullis
12413 Audane Drive
Austin, Texas 78727

10/6/2006

Sirwaitis, Sherri

From: Karen Brown [REDACTED]
Sent: Thursday, October 05, 2006 12:37 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl;
Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina;
Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt, Levinski, Robert, Corpus, Grace;
Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy; May, Rachel;
[REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis,
Sherri

Subject: Case

I live in the Duval, Jolleyville area in a single family dwelling.

I am very much against the city allowing rezoning in this area for anything more than 4-5 stories. A 12 story out of place eyesore, no matter what the purpose, elderly condos, etc. just doesn't make it in this part of Austin.

Out closer to 183/620, along 183, in a more commercial area would still be an eyesore, but at least in a more commercial area. Once the re-zoning can of worms is opened, it would open it to many other investors. Let the people wanting to build this project find a more appropriate location, or else bring it down to fit into the current zoning requirements so that it will enhance the community, not detract from it.

Please do not let this 12 story building be built in such an inappropriate location

Thanks for your wise decision,

Karen Brown
11809 Rain Forest Cove
Austin, Tx 78759

Karen Brown
Everyone's entitled to my opinion!

10/5/2006

Sirwaitis, Sherri

From: James Rebe'l [REDACTED]

Sent: Thursday, October 05, 2006 9:59 AM

To: [REDACTED]
[REDACTED]
[REDACTED] tinez, Mike [Council Member], [REDACTED] Cole, Sheryl;
Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee, Haines, Dina,
Arellano, Richard, Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace;
Futrell, Toby; [REDACTED] Mormon, Andy; May, Rachel,
[REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny; Sirwaitis,
Sherri

Cc: CAROL

Subject: Case # C14-06-0172

Dear Sir or Madam

Do we have to go through this TOWER THING Again?!! First they wanted to build TWELVE stories in a residential neighborhood that was just west of Bell Avenue, now they want to build TWELVE stories in a residential neighborhood that is just east of Bell Avenue

Is there someone with enough common sense that will put an end to this foolish request before we have to go through the same time consuming process that we went through the last time This latest effort by the developer and his friends is just as abohrant as last time. Tell them to stop it!

All of us here in this small neighborhood appeal to you for help in ending this potential nightmare once and for all!

Sincerely,
Carol Gay
James Rebél

10/5/2006

Sirwaitis, Sherri

From: Jennifer E Jobst [REDACTED]
Sent: Thursday, October 05, 2006 7:38 AM

To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl;
Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina;
Arellano, Richard; Aguilera, Gloria; Bailey, Rich, Curtis, Matt; Levinski, Robert, Corpus, Grace,
Futrell, Toby; [REDACTED] Haines, Dina, Mormon, Andy; May, Rachel;
[REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny, Sirwaitis,
Sherri

Subject: Case # C14-06-0172

Greetings,

My name is Jennifer Jobst, my husband and I own a single-family home off Oak Knoll, just down the street from where the Arboretum Tower project is proposed to be built.

I strongly urge you to adhere to the 40 foot limit for commercial buildings in this area. Can you imagine what a 90 or 120 foot building would look like in this area? It would stick out like a sore thumb! One of the reasons we chose to live in this area of Austin is *because* of the lack of high rise development. We don't want to live downtown with huge buildings all around - we like living where there are green spaces and parks and no giant buildings that can be seen from a mile away. I cannot imagine what such a structure would do to the area.

While I realize that there is a lot of undeveloped commercial land between 183 and Jollyville, and I support the development of it, let's do it in a responsible way by adhering to existing building codes and the general "feel" of the area. There is absolutely no need to build such a large building here. Put a 40 limit on the structure and I'm happy to support it, but this giant tower is just out of line with the area.

Please do NOT re-zone any of the commercial property along Jollyville to exceed the 40 foot height limit. Help keep our neighborhood from becoming like downtown.

Sincerely,

Jennifer Jobst
6306 Danwood Drive

10/5/2006

Sirwaitis, Sherri

From: Diana Zamora [REDACTED]
Sent: Thursday, October 05, 2006 7:36 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Cole, Sheryl, Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee, Haines, Dina, Arellano, Richard, Aguilera, Gloria, Bailey, Rich, Curtis, Matt; Levinski, Robert; Corpus, Grace, Futrell, Toby; notower12@hotmail.com, Haines, Dina, Mormon, Andy; May, Rachel; [REDACTED]
Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Case # C14-06-0172

As a long time resident of Austin I have watched as commercial buildings, condominiums and apartments have slowly eaten away at the beauty of this city. I believe that the type of structure proposed should be limited to downtown Austin and do not believe it is in the interest of this city, or its residents to allow these buildings into our residential neighborhoods. Angus Valley is a quiet, peaceful neighborhood that still has the beauty of Old Austin and I urge you to ensure that this project is constructed in a manner that is consistent in maintaining the residential integrity of this area of Austin. Thank you.

Diana Zamora, MBA, RN

Senior Vice President

12407 Deer Track • Austin, Texas 78727

512 296-2954 Office • 512 563-3865 Mobile • 800 771-5096 Fax

[REDACTED]

Practice **Partners**[™]
IN HEALTHCARE LLC

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Sirwaitis, Sherri

From: [REDACTED]
Sent: Wednesday, October 04, 2006 9 32 PM
To: Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri; [REDACTED]
Subject: Case # C14-06-0172

Please don't continue to turn Austin into another NEW YORK or LA . Remember why we live in Austin. Vote NO and don't allow high rise buildings in nice neighborhoods. Go with the people and not investors Also remember the people new what the local homeowners wanted. And they knew what the zoning was before they bought it. They're In it strictly for the money and not for the Austinites Remember what you allow now is what your children and grandchildren and great grandchildren will have to live with and see for ever Thank You in advance for reading mine and many other's opinion. Gene

10/5/2006

Sirwaitis, Sherri

From: Guernsey, Greg
Sent: Wednesday, October 04, 2006 7 19 PM
To: Nancy Costa; Sirwaitis, Sherri
Cc: 'Amelia Lopez-Phelps'; Rusthoven, Jerry
Subject: RE: C14-06-0172 - Arboretum Retirement Community Condominiums

Nancy

I will forward this information onto the Case Manager, Ms. Sherri Sirwaitis. Please coordinate your requests regarding your rezoning case with her. This is important, because Sherri is the Staff person that maintains the case file and coordinates your case on a given Commission or Council agenda. I will also forward this information to her immediate supervisor, Mr. Jerry Rusthoven.

Greg

From: Nancy Costa [REDACTED]
Sent: Wednesday, October 04, 2006 6:17 PM
To: Guernsey, Greg
Cc: 'Amelia Lopez-Phelps'
Subject: C14-06-0172 - Arboretum Retirement Community Condominiums

Hi Greg,

After our client reviewed the back-up materials for his zoning case, we received the attached emails from him to clarify all misstatements and inaccuracies stated by Mr. Cameron. He asked that we send his responses to you so that the accurate information could be conveyed.

Please let me know of any questions you may have.

Thanks,

Nancy Costa
Project Manager
Lopez-Phelps & Associates, LLC
611 S. Congress, Ste 340
Austin, TX 78704
P 512-236-8707
F 512-236-8722

10/5/2006

Sirwaitis, Sherri

From: Nancy Costa [REDACTED]
Sent: Wednesday, October 04, 2006 6:14 PM
To: Sirwaitis, Sherri
Cc: 'Amelia Lopez-Phelps'
Subject: C14-06-0172 - Arboretum Retirement Community Condominiums

Hi Sherri,

After our client reviewed the back-up materials for his zoning case, we received the attached emails from him to clarify all misstatements and inaccuracies stated by Mr. Cameron. I know that you have spoken with our client; however, he asked that we send his responses to you so that the accurate information could be conveyed.

Please let me know of any questions you may have.

Thanks Sherri,

Nancy Costa

Project Manager

Lopez-Phelps & Associates, LLC

611 S. Congress, Ste 340

Austin, TX 78704

P 512-236-8707

F 512-236-8722

10/5/2006

Sirwaitis, Sherri

Subject: FW

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

From: sdninc

To: Nancy Costa

Sent: Monday, October 02, 2006 4:14 PM

Subject: Cameron letter of 9/10/06

Nancy - I have just read the e-mail to Jerry and Greg from Skip Cameron dated 9/10/06. This letter, as you are aware is full of inaccuracies and falsehoods:

1. I have never and would never tell anyone I am going "to ram this up their butt ." That is ludicrous.
2. There has never been any suit threats or ugly rhetoric from anyone on our team during this process - perhaps he is referring to his team? I am confused.
3. My career as a builder and developer spans over 25 years after being hired out of college by a Dallas developer in 1979. I have managed and constructed 100M projects including the Austin Center project (Omni Hotel) at 8th and Brazos and numerous other hotel, office, retail, and condominium projects throughout my career. Yes, I have also developed and built car washes.
4. The description of the lawsuit is totally inaccurate. I never cut out any brokers commissions or anything close to that. I was selling 3 car washes that I had developed to another car wash operator (and friend of mine). A broker called me and said he wanted to make an offer and I said they were already spoken for. He made the offer anyway and it was higher than the conversations my friend and I were talking about. I consulted with my friend and he said that he was OK with not buying them and I should go ahead and take the offer from the broker. I agreed to accept the offer and told him to prepare the paperwork including his commission agreement. As it turned out, he never had a buyer and was trying to stop my sale so he could try and find a buyer. After waiting for him to bring me a contract and me repeatedly asking him for the buyer's name, he just threw out the name of a man in Georgetown whom he had done some deals for. When the deal went to litigation, the Georgetown man was so incensed, that he paid us \$25,000.00 just to clear his name and be removed from the proceedings. Yes, I won the fraud case but no damages because I still had my properties. It was fine with me. As you can see, Mr. Cameron completely twisted the facts to make me look like the bad guy.
5. As for the statement that we have used "heavy handed" tactics with Dr. Henges, that is so far from the truth. I have had many conversations with him for hours about everything from his parents to Texas A&M. He is very proud of his family and I have found him to be very shrewd and interesting. He is a good guy and I hope to meet him at some point. The first time we spoke he told me it was for sale and asked me what price I thought it was worth. I said 1M, he said he thought it was closer to 1.3M and I said that we were not very far apart and thought we could get there. The next call was from the Dr. to me looking for an offer. We spoke numerous times and I submitted written offers to him that are now at 2.0M and he has not accepted or countered it. After that, we had to move on with the 2.0 acre site, agreeing to build 100 parking spaces for the Chuy's restaurant in addition to our project. We are aware that his wife has been ill and have been very careful to not bother him during this time. I hope I can meet him some day to share the project with him and find out if he has any concerns. I have tried to have my Attorney, Steve Martens, arrange a meeting through Mark Silverstone to no avail.

I am very angry over these falsehoods and we need to rectify this with staff and council immediately. I have called Greg, Jerry, and Sherri and left messages.

Paul T. DeNucci
[REDACTED]

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

From: sdninc [REDACTED]

10/5/2006

Sent: Tuesday, October 03, 2006 8:42 AM

To: Nancy Costa

Cc: Tony Romano; Steve Martens

Subject: More on Cameron Letter

Nancy - In reading the Cameron letter of 9/10/06, there are more falsehoods that need to be addressed

- 1 Council did not vote on and deny our proposal on Pavilion, as we pulled the case at their request and started looking for an alternate site.
2. The Pavilion site had nothing to do with any Jollyville/183 corridor plan - in fact I am not aware of any adopted plan that affected this site.
- 3 We have recently spoken to the adjacent landowner and he says he will not be opposing our proposed development.
4. Mike Young and his partners support our proposed development and will not be entertaining other uses

Paul T. DeNucci


10/5/2006

Sirwaitis, Sherri

From: [REDACTED]
Sent: Wednesday, October 04, 2006 6:00 PM
To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl;
Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina,
Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt; Levinski, Robert, Corpus, Grace,
Futrell, Toby; [REDACTED] Haines, Dina, Mormon, Andy; May, Rachel,
[REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis,
Sherri

Subject: Case # C14-06-0172

Please don't continue to turn Austin into another NEW YORK or LA. Remember why we live in Austin. Vote NO and don't allow high rise buildings in nice neighborhoods. Go with the people and not investors. Also remember the people new what the local homeowners wanted. And they knew what the zoning was before they bought it. They're in it strictly for the money and not for the Austinites. Remember what you allow now is what your children and grandchildren and great grandchildren will have to live with and see for ever. Thank You in advance for reading mine and many other's opinion. Gene

10/5/2006

Sirwaitis, Sherri

From: Nelda Bullis [REDACTED]
Sent: Wednesday, October 04, 2006 11:35 AM
To: [REDACTED]

[REDACTED] Mike [Council Member]; [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace, Futrell, Toby; [REDACTED] Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0172

Dear Council Members,

As residents of north Austin in the Duval/183 area, we are very strongly opposed to a high rise development in the proposed location off Jollyville. My husband and I believe this type of project is more suited to the downtown area. Allowing this to be built will surely lead to more high rise buildings in the suburbs. Our concerns are traffic congestion as well as density of people and concrete. Duval is a very busy cross street currently without added cars. Please consider the future of this neighborhood, and refuse to allow this project to be built in this area. Thank you for your consideration and time.

Nelda & David Bullis
12413 Audane Drive
Austin, Texas 78727

10/4/2006

Sirwaitis, Sherri

From: Nedra Low [REDACTED]
Sent: Wednesday, October 04, 2006 11:24 AM

To: [REDACTED]
[REDACTED]; Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl;
Wynn, Will, Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee, Haines, Dina,
Arellano, Richard, Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace;
Futrell, Toby, [REDACTED] Mormon, Andy; May, Rachel,
[REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny, Sirwaitis,
Sherri

Subject: Case # C14-06-0172

Dear Sirs.

Why is it so difficult for the developers to compromise? The jump from 40 to 120 feet is enormous and leaves plenty of room for a less-invasive building height, one would think.

Please do your best to convince these people that Austin really does not need a radical change of building standards in this location. As a fairly recent Austinite, I hear complaints about Houston, the concrete-and-messy-flyover sprawl, all the time. Who wants Austin to go the same way (except possibly these developers)?

Regards,
Nedra Low

10/4/2006

Sirwaitis, Sherri

From: Fordyce Karen-ra4275 [REDACTED]
Sent: Wednesday, October 04, 2006 11:20 AM
To: [REDACTED]
[REDACTED] Martinez, Mike [Council
Member]; [REDACTED] Cole, Sheryl; Wynn, Will, Dunkerley, Betty, McCracken,
Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina, Arellano, Richard, Aguilera, Gloria;
Bailey, Rich, Curtis, Matt, Levinski, Robert, Corpus, Grace, Futrell, Toby [REDACTED]
[REDACTED] Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED]
Moore, Andrew, Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri
Subject: Case # C14-06-0172

Zoning and Platting & Austin City Council members,

Please do not allow builders to change the zoning of the Austin Suburban area.
It does not fit and will not be good for future development to come.
I did not choose to live in down town for a reason

Thank you for thinking of the area as it is and what it could become.

Regards,
Karen Fordyce
6004 Danwood Dr
Austin TX

Sirwaitis, Sherri

From: Becky Reeves [REDACTED]

Sent: Wednesday, October 04, 2006 11:16 AM

To:

[REDACTED]
Moore, Andrew; Mormon, Andy; Dunkerley, Betty, Robbins, Beverly, McCracken, Brewster; Haines, Dina, Aguilera, Gloria; Corpus, Grace, Kim, Jennifer; Thompson, Kenny, Leffingwell, Lee; Curtis, Matt; Martinez, Mike [Council Member], May, Rachel, Bailey, Rich; Arellano, Richard; [REDACTED] Levinski, Robert, Sirwaitis, Sherri, Cole, Sheryl; Futrell, Toby, Wynn, Will, [REDACTED]
[REDACTED]
[REDACTED]

Subject: Case # C14-06-0172

Please protect my neighborhood. Vote "No" to the re-zoning request. C14-06-0172

Thank you.

Becky Reeves

10/4/2006

Sirwaitis, Sherri

From: Jenny Reynolds [REDACTED]
Sent: Wednesday, October 04, 2006 11:15 AM
To: "Undisclosed-Recipient," [REDACTED]
Subject: Case # C14-06-0172 Arboretum Tower

Ladies and Gentlemen:

I am **against** the proposed development slated for Jollyville Road, in the Arboretum area (see case # referenced above). A **12-story tower** in this area of single-family homes is **not appropriate** and will open the door for further irresponsible development.

While I **completely support responsible development** for the City of Austin, I do not feel this project is responsible, nor is it good for the city or this area. The only thing it is good for is Mr DeNucci's wallet. This is the same project as an earlier proposal Mr. DeNucci submitted, just moved a few blocks away. It remains equally inappropriate.

Buildings of this nature benefit the city when they are built downtown, not in areas dominated by single-family homes.

Please do not allow a zoning change --or do anything else-- that would allow this project to go forth. The character of our city and its neighborhoods is in jeopardy by projects such as this one. Put it somewhere else.

Thank you for hearing me out, and for your service to the City of Austin.

Sincerely,

Jenny Reynolds
11612 Buttonwood Dr.
Austin

10/4/2006

Sirwaitis, Sherri

From: No Tower [REDACTED]
Sent: Wednesday, October 04, 2006 10 59 AM
Subject: Arboretum Towers: New Zoning Hearing Date- Oct 17th

Mark your calendars and please plan to attend!


 **Official Hearing Date: Tuesday, October 17th @ 6pm** 

The Zoning and Planning Commission voted last night to grant the neighborhood groups a 2 week extension in order to work with the land owner for a more community-appropriate development. (The original vote was for a 6 week postponement, however the developer's agent badgered the commission until they revoted to lower the time to 2 weeks.)

Please continue to email the board and let them know your thoughts on this project. Northwest Austin neighborhood groups support responsible development and we would like to work with the land owner on something that fits in better with our community and with the council's future commercial design plans for Jollyville, which take effect at the first of the year. Keep in mind that even if this particular 12 story project does not directly affect you personally, it would set a precedent for future high-rises in the area.

For those interested, the commercial design standards are posted here:
http://www.ci.austin.tx.us/development/commercial_design.htm

For continued updates, please visit www.noTower.com.

Thank you! 

Arboretum Tower Project 

Stop the Houstonization of Suburban Austin !

[REDACTED]
[REDACTED] with the subject line "unsubscribe" to remove your name from this email list.

[Add fun gadgets and colorful themes to express yourself on Windows Live Spaces](#)

10/4/2006

Sirwaitis, Sherri

From: Ashley Forbes [REDACTED]
Sent: Tuesday, October 03, 2006 9:51 PM
To: [REDACTED]

[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee; Haines, Dina; Arellano, Richard, Aguilera, Gloria; Bailey, Rich, Curtis, Matt; Levinski, Robert, Corpus, Grace, Futrell, Toby [REDACTED] Haines, Dina, Mormon, Andy, May, Rachel, [REDACTED] Moore, Andrew, Robbins, Beverly; Thompson, Kenny, Sirwaitis, Sherri

Subject: Case # C14-06-0172

Dear Commissioners and Council Members,

I attended tonight's ZAP meeting for the above-referenced case number. I feel as though I was transported back to last Spring when Amelia Lopez-Phelps pulled the same stunts and cried the same crocodile tears.

I want everyone to be aware that after ZAP voted for a six week extension, Paul DeNucci and his agents, including Stu Alderman, Nancy Costa, Derrick Pollack, and Amelia Lopez-Phelps all went to the parking garage and pretended to leave the premises. As soon as they were certain that the neighbors all drove out of the parking garage, they sent Amelia back inside to lobby for a shorter extension.

This is just a little bit of insight into the kinds of games DeNucci and his team have been playing with the neighbors since February 2006 when we were notified in writing of their plans to build a high rise condo in our community. We attended numerous meetings with DeNucci's agents and time and time again they flatly refused to negotiate on the height of their project. Height is the reason I oppose this project.

Throughout the process for the original Arboretum Tower project, the neighbors have been characterized as uncooperative, anti-development, ageist, and even racist by DeNucci's team. Evidently, anything goes, including slander, to move this project through. Northwest Austin neighbors including me don't sweat the small stuff. To date, Paul DeNucci's two high rise project proposals are the only projects that have captured the attention of me and my neighbors.

Hopefully, in the next two weeks, you will come to know the truth - that the neighbors are by and large an exceedingly friendly, pro-development group. We are very open to inviting new neighbors from all walks of life into our community. If Amelia Lopez-Phelps came tonight to present a request for a zoning change that would result in a four story building, I am quite confident that there would have been little to no objection from the surrounding neighborhoods. I certainly wouldn't have driven through 5:00 PM traffic to register my position on a reasonable proposal.

Now that two weeks is the official length of the extension, I hope that more information about this particular project (including how it differs from the original plan down the block) will be shared with all of the affected local neighborhoods including RainTree Estates, Laurel Oaks, Summit Oaks, Great Hills and the other Jollyville corridor area neighborhood associations. If this information is not provided by the end of this week, I hope that ZAP will consider granting an additional extension.

When ZAP reconvenes in two weeks, I truly hope you will consider the future of the Jollyville corridor and city staff's Commercial Design Standards which are scheduled for release in the December - January timeframe when determining the appropriate zoning for this lot.

Thank you very much for your time and consideration.

Ashley Forbes
 (resident of RainTree Estates - 78759)

10/4/2006

Sirwaitis, Sherri

From:

Sent:

To:

Tuesday, October 03, 2006 5:36 PM

[REDACTED], Wynn, Will, Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina, Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace; Futrell, Toby; Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject:

Case # C14-06-0172

I would respectfully ask that you deny the request of this developer, Paul DeNucci - case probably presented by his contracted consultant Amelia Lopez-Phelps.

Mr DeNucci is determined to ruin the Austin landscape that most all of us call home. His desire to change the look of neighborhoods from buildings with three stories or less to be replaced by monster 12+ story buildings with unfriendly concrete garages to house all of the automobiles is continuing to go too far.

I don't dislike tall buildings, I work in one.....downtown near the Capitol. And in Austin, that's where they all belong.

He continually repeats that he is concerned about the baby boomers and where they will be retiring. If he were really concerned about the welfare of our retiring community and supplying the current retirees with "affordable" housing he would be trying to put this in all neighborhoods - east of the freeway, south of the river, etc. It is very obvious that is not his goal.

He says that he is wanting to build something for the retiring folks in my area... ..well look at the property tax roles folks. Most all of the houses in the immediate area or either well below \$300K or they are apartment buildings. And his proposal of "affordable retirement condos"

start in the \$300K range (probably a view of the Chuy's parking lot) and go up to \$600K (a nice view). The size of the building and the cost of ownership are all downtown driven.

Since you denied his last request (thank you so much) to rezone another piece of property in our neighborhood, Mr. DeNucci has now moved down the street a few blocks and is at it again except now he is trying to cut less than favorable "deals" with nearby restaurant owners. For their silence, or at least no argument, he said he would let the nearby establishments use his "condo" parking garage for their parking overflow. You think the condo owners are going to like that? Of course, what he will probably do is just add a few more layers to the ugly parking garage so he can get in their good graceswhile all the folks in the neighborhood suffer.

Please vote against this proposal. He has also stated that once he gets your approval on this project he is going to go back to the original property and clean house on that one too. He won't just stop with one construction project. He is willing to cut any kind of deal to get what he wants.....ANY kind of deal. He is not a nice person.

Thanks for listening.

Kaye Tucker
5820 Secrest Drive
Austin, Texas 78759

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: C14-06-0172

Contact: Sherr Sirwaitis, (512) 974-3057

Public Hearing:

October 3, 2006 Zoning and Platting Commission Neighborhood Planning & Zoning

HEARLY STREET

Your Name (please print)

11586 Jollyville Rd.

Your address(es) affected by this application

[Signature]

Signature

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Sherr Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

Sirwaitis, Sherri

From: Charles Peterson [REDACTED]

Sent: Tuesday, October 03, 2006 12:44 PM

To:

[REDACTED]
[REDACTED] [Council Member], [REDACTED] Cole, Sheryl;
Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina;
Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace;
Futrell, Toby, [REDACTED] Haines, Dina, Mormon, Andy, May, Rachel;
[REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny; Sirwaitis,
Sherri

Subject: Case # C14-06-0172

Dear ZAP Members and City Council,

Re: Arboretum Tower Case C14-06-0172

I believe you are all aware of the land use issues currently in place on Jollyville Rd & the NW Austin area. Like many of my neighbors, I am looking forward to the implementation of the commercial design standards as a part of the future core transit corridor plan city staff is preparing. We attended an ANC meeting last week to learn more from city staff about this initiative.

It has been a huge disappointment to me that local developer, Paul DeNucci and his team (including Amelia Lopez-Phelps), continues to try and find sites in NW Austin for their proposed 13+ story buildings that if built, would be completely out of place along the Jollyville corridor. It is my understanding that in this specific case, the project calls for a super skinny, 13 story building adjacent to 1 story structures. It would be a giant monolith for all of NW Austin homeowners to view and it would impact multiple neighborhoods. In addition to drastically altering the presently treelined lot it would cause major traffic problems and potential drainage issues. This lot has so much potential and would be a great site for a 4-story VMU /Mixed use development. We are willing to work with anyone who wants to bring high density development under the proposed design standards into our community. We reject the notion that any development along Jollyville should be a high rise.

I truly want nice development in our area. I have tried to negotiate with the developer along with my neighbors and folks from other Jollyville area neighborhoods on the first proposed tower project (Pavilion / Arboretum Tower) to no avail. It is quite evident to me and to many others who endured the negotiating process that Paul DeNucci is focused on making million dollar profit margins on cheap lots. It is patently clear that the interests of the community are not on his list of concerns.

We appreciate the support you have given to our community with ZAP's final ruling on the Pavilion project and the lack of support City Council gave to that project. Please keep in mind that this project has most of the problems the Pavilion proposal had. It would be incompatible and precedent setting. Please vote against this zoning request and continue to encourage reasonable development in NW Austin.

Thank you,

Charles Peterson
78759

10/3/2006

Sirwaitis, Sherri

From: [REDACTED]
Sent: Tuesday, October 03, 2006 9:21 AM
To: Martinez, Mike [Council Member], Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee, Haines, Dina, Arellano, Richard, Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace, Futrell, Toby, Haines, Dina; Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri
Subject: Case # C14-06-0172

To Whom It May Concern,

I'm a homeowner in the Woodcrest neighborhood located off of Jollyville Road, and I oppose the proposed tower project. Please vote no on the requested zoning changes.

Case # C14-06-0172

Sincerely,
Mark Brazell

Sirwaitis, Sherri

From: [REDACTED]
Sent: Monday, October 02, 2006 10.09 PM

To: [REDACTED]
[REDACTED]
[REDACTED] Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl;
Wynn, Will, Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina;
Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert, Corpus, Grace;
Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy; May, Rachel,
[REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis,
Sherri

Subject: Case # C14-06-0172

I was against the original location of the condominiums being built off Jollyville Road. It was too close to a neighborhood where I had once lived. However, I see little reason to oppose the location of the condominiums that is currently proposed. It is near restaurants, car lots, a gas station, apartments, but not a neighborhood. This area is no longer on the outskirts of Austin or mainly residential. Quite a bit of the new development along 183 is not especially conducive to neighborhoods; but I happen to like the mix of businesses near neighborhoods and would welcome the addition of luxury condominiums. My husband and I are ready to downsize but have yet to find something suitable in this area. We no longer want to care for a yard or large home but hate to leave the area where we've lived for over twenty years and raised our children. We'd welcome the opportunity to have another downsizing option in this area. Thanks for your time. Linda Welch

10/3/2006

Sirwaitis, Sherri

From: Ted Moorman
Sent: Monday, October 02, 2006 8:56 PM
To: [REDACTED]
[REDACTED]@jacksonville.com; [REDACTED]
[REDACTED]; [REDACTED]
Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina, Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace, Futrell, Toby; [REDACTED]
[REDACTED] Haines, Dina; Mormon, Andy, May, Rachel, [REDACTED]
Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri
Subject: Case # C14-06-0172

Fellow Citizens,

I am writing to oppose the proposed rezoning which would allow the Arboretum Tower Project. I believe this project is totally inappropriate for this neighborhood.

Thank you for listening,

Ted Moorman
9006 Scotland Well Cove
Austin, TX 78750-3470

Sirwaitis, Sherri

From: JShafer [REDACTED]
Sent: Friday, September 29, 2006 4:14 PM

To: Guernsey, Greg; Rusthoven, Jerry; [REDACTED] Hammond, Clarke; [REDACTED]

[REDACTED] S, Sherri
Cc: [REDACTED] McCracken, Brewster, [REDACTED]

Subject: Postponement Request for Case #C14-06-0172 (Arboretum Towers)

Commissioners-

We have filed a postponement request for the Arboertum Towers rezoning case, C14-06-0172, set to be heard this Tuesday, October 3rd.

This is a reapplication of the Arboretum Towers rezoning case heard earlier this year, which ended with a denial of the request to upzone a property on Pavilion from GR to MF-6 in order to build a 12 story condominium. The difference is that it has been moved a few blocks down to a location on Jollyville. However, this will still set a negative precedent in our neighborhoods.

We would like the opportunity to work with the land owner to discuss a more reasonable alternative to the proposed project that follows the Commercial Design Standards which will be finalized at the end of this year. Jollyville Road as been added as a future core transit corridor in this plan and drastic upzonings should only happen as part of a community plan.

We appreciate your consideration in this matter. Thank you

Jenny Shafer

10/3/2006

RECEIVED

SEP 29 2006

Neighborhood Planning & Zoning

September 27, 2006

Zoning and Platting Commission
Ms. Betty Baker, Chair and Commissioners
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Zoning Case # **C14-06-0172**
11601 Jollyville Road
Postpone Request

Dear Ms. Baker and Commissioners:

On behalf of the Northwest Austin Neighborhood Task Force, and as a result of our continuing discussions with the property owner and other prospective developers, we are requesting that our zoning case #C14-06-0172 be postponed for twelve weeks from the October 3rd Zoning and Platting Commission agenda. This will provide additional time needed to become more educated and continue discussions of more reasonable alternatives to the proposed project that follow the Commercial Design Standards, which will be finalized at the end of this year. Jollyville Road has been added as a future core transit corridor in this plan and drastic upzonings on these corridors should only happen as part of this community plan.

Your time and consideration for our request would be appreciated.

Sincerely,



Brad Shafer, President
RainTree Estates Neighborhood Association
11900 Arabian Trail
Austin, TX 78759



Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Dr.
Austin, TX 78759

Sirwaitis, Sherri

From: john boulton [REDACTED]
Sent: Friday, September 29, 2006 8:51 AM

To: [REDACTED]
[REDACTED] Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl;
Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina,
Arellano, Richard; Aguilera, Gloria, Bailey, Rich, Curtis, Matt; Levinski, Robert, Corpus, Grace;
Futrell, Toby, [REDACTED] Haines, Dina, Mormon, Andy, May, Rachel,
[REDACTED] Moore, Andrew, Robbins, Beverly, Thompson, Kenny, Sirwaitis,
Sherri

Subject: Case C14-06-0172

What are zoning laws good for if City government allows them to be twisted in such a fashion as requested in this case?

GR-MU to an altitude of 896 feet msl, then another zoning, MF-6, for the portion of the building above 896 feet msl?

This kind of development belongs downtown, where it is compatible with similar projects already approved. Why start allowing this kind of dense development near neighborhoods, and one that will concentrate additional traffic on already clogged highways?

Be smart, be conscionable, vote NO ZONING CHANGE on this case

Bill Boulton
Area resident for 23 years.

9/29/2006

Sirwaitis, Sherri

From: Patti and Billy Clifford [patti-billy@austin.rr.com]

Sent: Thursday, September 28, 2006 3:25 PM

To: [REDACTED]
[REDACTED]
[REDACTED], Martinez, Mike [Council Member], [REDACTED], Cole, Sheryl, Wynn, Will, Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer, Leffingwell, Lee, Haines, Dina, Arellano, Richard, Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert, Corpus, Grace, Futrell, Toby [REDACTED] Haines, Dina; Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly, Thompson, Kenny, Sirwaitis, Sherri

Subject: Case # C14-06-0172

Please do not support this case. It is an extremely flagrant violation of the existing zoning that has worked well and been in place for decades in our area.

If this 12/14-story building is allowed to go forward, then you might as well just remove all the zoning ordinances from the City regulations. They will be worthless because any developer who pushes hard enough can overturn them.

Thank you

Billy

Patti and Billy Clifford
12106 Tweed Court
Austin, Texas 78727
512-258-3609

9/28/2006

Sirwaitis, Sherri

From: Janice Mundy [austinjacious@austin rr com]

Sent: Friday, September 15, 2006 10:24 PM

To: [REDACTED] May, Rachel; Aguilera, Gloria; [REDACTED] Levinski, Robert; [REDACTED] Moore, Andrew; Arellano, [REDACTED] Riley, Rich; Haines, Dina; Leffingwell, [REDACTED] Mormon, Andy; McCracken, Brewster, Corpus, Grace, Futrell, Toby; [REDACTED] Sirwaitis, Sherri, [REDACTED] Haines, Dina; [REDACTED] Curtis, Matt; Cole, Sheryl, Wynn, Will, Kim, Jennifer; [REDACTED] Dunkerley, Betty; Robbins, Beverly; Martinez, Mike [Council Member]; [REDACTED] Thompson, Kenny.

Subject: Case # C14-06-0172

Amelia Lopez-Phelps, acting on behalf of Paul DeNucci, has submitted a rezoning case for the property located at 11601 Jollyville Road behind Chuy's restaurant. (Case# C14-06-0172). In the request, she is asking for MF-6 district zoning to reach 90 feet in height (896 to 986 ft above sea level) on the property. She has said that if she gets the requested zoning for this site she intends to request variances at the Board of Adjustments to reach an intended height of 120 feet for the proposed residential tower.

As you're no doubt aware, the city zoning staff is currently reviewing the case and has not made a formal recommendation at this time.

Although further from single-family homes than the previous DeNucci proposal, a 12+ story tower is still out of place on Jollyville Road and sets a negative precedent that opens the door to Houston-style developments in the future. Please support responsible development and establish a reasonable height restriction on this project. The current maximum height on the property is 40 feet, and that's PLENTY.

Building a towering eyesore that puts an extra load of traffic and infrastructure onto a heretofore pleasant residential and commercial area was a bad idea before; it is a bad idea now too---and always will be. Please keep the quality of life of future Austinites in mind and reject this plan.

Thank you!

Janice Mundy
11508 Oak Knoll Dr
Austin 78759

9/18/2006

Sirwaitis, Sherri

From: JShafer [REDACTED]
Sent: Monday, September 11, 2006 11:08 AM
To: Rusthoven, Jerry; Guernsey, Greg; Sirwaitis, Sherri
Cc: McCracken, Brewster; May, Rachel; [REDACTED] Bailey, Rich;
[REDACTED]
Subject: ZAP Postponement Request: C14-06-0172: 11601 Jollyville Road

Greg, Jerry and Sherri-

As a resident of the neighborhood within blocks of the proposed high-rise on Jollyville, I would like to formally request a postponement of the ZAP hearing until VMU takes effect in our area at the end of this year.

This is the Arboretum Towers project and team that we spent the first half of this year dealing with. (Staff recommendation MF-2). The site location has been moved a few blocks down from Pavilion to Jollyville, however, the proposed height is still 120 feet and would set a dangerous precedent in Northwest Austin.

There are no other MF-6 properties anywhere near this area, and Jollyville is currently primarily 1-2 story office buildings. Council Member McCracken has introduced the Commercial Design Standards, which clearly define guidelines for increasing density throughout Austin through formal community plans and standards, rather than the Houston-style spot-zoning that this case represents. ****Jollyville Road is one of the Core Transit Corridors defined in this plan.****

I respectfully request that ZAP does not make any zoning decisions on high-rises along Jollyville until these standards take effect so that the board members can make completely informed decisions. Our goal is to increase density in a smart and organized way that adds, rather than detracts, from our neighborhoods and communities.

Thank you-

Jenny & Brad Shafer
Arabian Trail, 78759
RainTree Estates

9/11/2006

Sirwaitis, Sherri

From: Guernsey, Greg
Sent: Monday, September 11, 2006 10:07 AM
To: Sirwaitis, Sherri
Subject: FW: Zoning Case C14-06-0172 11601 Jollyville Road 12 story condo

fyi

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

From: Skip Cameron [REDACTED]
Sent: Sunday, September 10, 2006 6:57 PM
To: Rusthoven, Jerry; Guernsey, Greg
Subject: Zoning Case C14-06-0172 11601 Jollyville Road 12 story condo

Greg/Jerry:

This is Sherri Siriwatis' case.

Zoning Case C14-06-0172

11601 Jollyville Road 12 story condo

Applicant filed it 08/11/2006.

Applicant's consultant Amelia Lopez-Phelps is trying to get it before ZAP in early October.

Tract is 2 acres, being cleared now of a dwelling

I hope that the demolition is properly permitted.

Please have Code Enforcement check into this

Owner: MICHAEL YOUNG, JV ROAD LIMITED, TX LIMITED PARTNERSHIP

Mike Young is the co-founder of Chuy's Comida Deluxe, Inc. and with his political influence may perhaps exert pressure on the City to go along with this plan. However, there's more to the story, behind the scene.

This is a repeat of the case C14-06-0013 at 11819 Pavilion Blvd. just west of this new plan.

The same developer Paul DeNucci, Architect Stuart Alderman and Consultant Amelia Lopez-Phelps are behind this plan.

Like the Pavilion case, this plan calls for a 120 foot high condo building, this time on 2 acres vs. the prior plan on 3.26 acres.

In the Pavilion case, the Staff Recommendation, ZAP vote and Council vote denied the applicant's MF-6 zoning and they never got to the Board of Adjustment for the 120 ft. height variance.

It was clear in all of the dialog that the Pavilion plan did not comply with the Jollyville/183 corridor plan, was incompatible with corridor developments at height limits of 60 ft., was clearly a case of "spot zoning", was out of context with the entire corridor, and it was opposed by the entire region's neighborhoods and our group. Nothing has changed in this rehash of a City rejected plan.

The landowner with 2 acres immediately to the west has told me of his objection to this venture, primarily for the heavy handed tactics this group tried on him to get him sell his land to them.

Area neighborhood folks who objected to the Pavilion project have heard that DeNucci is bragging that his intent is "to ram this new site's development approval up their butt", which sounds similar to the suit threats and ugly rhetoric used in during the saga prior to ZAP and Council on that case.

DeNucci's experience as a developer is building a car wash at Jollyville and Pavilion. And a couple others elsewhere in the area. DeNucci engaged a broker to sell his 3 car washes, and then found a buyer on his own, cutting out the broker. The broker retaliated by claiming he had a better offer, causing DeNucci to cancel the offer he had. The broker's offer turned out to be bogus. DeNucci sued, won the case of fraudulent representation, but

got \$0 in settlement because he and his lawyer failed to prove any financial harm. He appealed and lost the appeal. www.dberdon.com/articles.asp?id=192

I have two requests.

1. I hope you will be extra vigilant, and that the Staff Recommendation will once again deny this frivolous request, and suggest a more compatible use.
2. I would ask you to delay bringing this zoning case to ZAP until at least November, perhaps December if at all possible. Why? After my discussion with the landowner to the west, I think that there is a possibility to get him and the Covert family, who own the tract along Duval adjacent to him, to work with Mike Young, engaging a more area sensitive developer/architect/consultant team to come up with a corridor mixed use development of a larger combined tract that would be profitable, useful, compatible, and aesthetically pleasing. I would like to have some time to engage the adjacent landowners, then approach Young and see what we might be able to work out that area neighborhoods would find acceptable.

Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Drive
Austin, TX 78759-7801
(512) 794-0531

--

for more information www.bullcreek.net

For better people mobility solutions see www.acprt.org

Sirwaitis, Sherri

From: Cathy Rider [REDACTED]
Sent: Thursday, September 07, 2006 8:23 PM
To: Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace; Futrell, Toby, [REDACTED]; Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED]; Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0013

The tower of apartments that is planned for Duval and Jollyville roads in Austin is not an appropriate scale for the area. This is a residential area with two to four story office buildings bordering the access road to HWY183 and single family homes along Jolleyville. There is a developing traffic problem already at this intersection with the current office buildings. Not only is the scale of the tower inappropriate, the burden that density would put on the intersection would be a traffic hazard.

I urge you to please vote against this.

Thank you for your time,

Cathy Rider
Cathy_rider2004@yahoo.com

9/8/2006

Sirwaitis, Sherri

From: Dave Soenen [dsoenen@tekgate.com]

Sent: Wednesday, September 06, 2006 9:17 PM

To: Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Case # C14-06-0013

I live on Ladera Vista Dr very near the location planned for this condominium tower. Significant commercial development on Jollyville near Duval is already choking traffic. The current zoning was established for a reason and is appropriate for this neighborhood. This building does not fit or belong in this location.

Dave Soenen
11404 Ladera Vista Dr.

512-257-8662

9/7/2006

Sirwaitis, Sherri

From: Skip Cameron [REDACTED]
Sent: Monday, August 28, 2006 5:38 PM
To: Sirwaitis, Sherri
Subject: Re: [Fwd: FW 11601 Jollyville Road C14-06-0172 (ArboretumRetirementCommunity)]

Is Paul DeNucci involved as one of the developers, and Stuart Alderman the architect?
 Smells just like the Arboretum towers that Staff, ZAP and Council denied.
 If it is, please pass the word around to staff and management that the all the area people DO NOT
 WANT a 12 story condo along the Jollyville Rd corridor.
 Skip

"Sirwaitis, Sherri" wrote:

Hi Skip,
 This case just came in and has not been scheduled for a Commission hearing yet The staff is currently
 reviewing the case and has not made a formal recommendation at this time.
 Thank you,
 Sherri Sirwaitis
 City of Austin
 Neighborhood Planning & Zoning Department
 sherri.sirwaitis@ci.austin.tx.us
 512-974-3057

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

From: Skip Cameron [REDACTED]
Sent: Friday, August 25, 2006 4:46 PM
To: Sirwaitis, Sherri
Subject: [Fwd: FW 11601 Jollyville Road C14-06-0172 (Arboretum
 RetirementCommunity)]
 Sherri:

Has this case already been to ZAP?
 If so, I am registered for notice, and I did not get a notice so any
 action is probably illegal and
 it needs to go back to ZAP after adequate notice.

Skip Cameron, President
 Bull Creek Foundation
 8711 Bluegrass Drive
 Austin, TX 78759-7801
 (512) 794-0531

 for more information www.bullcreek.net
 For better people mobility solutions see www.acprt.org

8/29/2006

Sirwaitis, Sherri

From: Debbie [REDACTED]
Sent: Tuesday, August 29, 2006 7:00 AM
To: Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl, Wynn, Will, Dunkerley, Betty; McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee, Haines, Dina, Arellano, Richard; Aguilera, Gloria; Bailey, Rich, Curtis, Matt, Levinski, Robert, Corpus, Grace; Futrell, Toby; No Tower; Mormon, Andy, May, Rachel, [REDACTED] Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Case# C14-06-0172

To the Austin City Council members:

Once again this year I am come to you stating my opposition to the request by Amelia Lopez-Phelps, acting on behalf of Paul DeNucci, for rezoning and building of the proposed tower at the new location of 11601 Jollyville Road. Even at the height of 90 ft this building would dwarf all surrounding structures and any additional height variances allowed would only exaggerate this situation. The council chose to not support the original height variance request and I hope the council will do the same in this case

I would also like to compare this to the "McMansion" ordinance that was passed earlier this year. I believe this proposal would fall under this same type of situation, in that they would be removing two small (one is gone already) structures to build a "McMansion" that is totally out of proportion to the surrounding areas, including any multi-business structures in the area. I would request that if this structure is allowed to be built that it be required to be kept in proportion to the surrounding areas and a limit of no more that four or five floors in height.

When I heard of Mr. DeNucci's request to build a similar structure on Pavilion Blvd, I compared this to what I have witnessed in Houston where they allowed soaring towers and massive buildings to be built along side residential areas. Those residential areas are now slums. Having lived in this same area for almost 20 years, I really don't want to see this same thing happen here. The residential areas surrounding Jollyville are well cared for and (at this time) comfortably safe. I still believe the building of a structure of this size would be the beginning of the end of our current residential areas.

Thank you for your time and interest in our community
Debbie Crouch

8/29/2006

Sirwaitis, Sherri

From: No Tower [REDACTED]
Sent: Friday, August 25, 2006 10 30 AM
Subject: Arboretum Towers Part 2

Amelia Lopez-Phelps acting on behalf of Paul DeNucci has submitted a rezoning case for the property located at 11601 Jollyville Road. This is the property on Jollyville behind Chuy's restaurant. (Case# C14-06-0172). In the request, she is asking for MF-6 district zoning to reach ninety feet in height (896 to 986 ft above sea level) on the property. She stated that if she gets the requested zoning for this site that she intends to request variances at the Board of Adjustments to reach an intended height of 120 feet for the proposed residential tower

The city zoning staff is currently reviewing the case and has not made a formal recommendation at this time

Although further from single-family homes, a 12+ story tower is still out of place on Jollyville Road and sets a negative precedent the opens us up for Houston-style developments in the future. Please support responsible development and encourage council to put a reasonable height restriction on this project. The current maximum height on the property is 40 feet

Thank you!

Arboretum Tower Project 

Not Right for Austin

[REDACTED]

Email: [REDACTED] with the subject line "unsubscribe" to remove your name from this email list.

[Get the new Windows Live Messenger!](#)

8/28/2006

Sirwaitis, Sherri

From: Nedra Low [REDACTED]
Sent: Friday, August 25, 2006 12:54 PM
To: Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster, Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard, Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert, Corpus, Grace; Futrell, Toby; [REDACTED] Mormon, Andy; May, Rachel; [REDACTED] Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Case # C14-06-0013

Dear Council Members,

Once again, I must add my voice to those who do not want the entire Austin area to become a high-rise city sprawl. The proposed tower development is just not suitable for the area, and we need to send a message to the developers to this effect. Please tell them to moderate their projects to fit the locale.

Sincerely,
Nedra Low

8/28/2006

Sirwaitis, Sherri

From: Glenna Stark [REDACTED]
Sent: Friday, August 25, 2006 2:34 PM
To: Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina, Arellano, Richard; Aguilera, Gloria, Bailey, Rich; Curtis, Matt; Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy, May, Rachel, [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Case

Well, looks like he's back...Again, I say NO to the new project. Same song, 2nd verse. It is inappropriate for this neighborhood. It would be too tall and look totally out of place, not to mention the increase in traffic, increase in our already overloaded schools, and not right for this area. They can either *lower* the height or go someplace else next to tall buildings. Please don't let this get started. If this one goes through, then it opens up *Pandora's Box* for other high density living buildings. Please vote NO!!!!

8/28/2006

Sirwaitis, Sherri

From: Glenna Stark [REDACTED]
Sent: Friday, August 25, 2006 2:46 PM
To: Martinez, Mike [Council Member]; [REDACTED]; Cole, Sheryl; Wynn, Will, Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria; Bailey, Rich, Curtis, Matt; Levinski, Robert, Corpus, Grace; Futrell, Toby; [REDACTED], Haines, Dina; Mormon, Andy; May, Rachel; [REDACTED], Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Case

Please do not let this guy do this to our neighborhood. He's determined to put in a totally unfit, unrealistic, building that will be *just the start* of more unwelcome, unwanted and inappropriate buildings for a *neighborhood*. Please vote NO!

8/28/2006

Sirwaitis, Sherri

From: Jenny Reynolds [REDACTED]
Sent: Friday, August 25, 2006 4:48 PM
To: Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty, McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee, Haines, Dina, Arellano, Richard; Aguilera, Gloria; Bailey, Rich; Curtis, Matt; Levinski, Robert, Corpus, Grace, Futrell, Toby; Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri; [REDACTED]
Subject: Case# C14-06-0172

RE: Case# C14-06-0172 --Arboretum Tower --Please Stop Re-Zoning and Prevent Irresponsible Development!

To Whom It May Concern:

Paul DeNucci is at it again. Amelia Lopez-Phelps, acting on behalf of Paul DeNucci, has submitted a re-zoning case for the property located at 11601 Jollyville Rd. (case # **C14-06-0172**). In this request Ms. Lopez-Phelps is asking for MF-6 district zoning, and has indicated that if she gets this request she intends to request for variances from the Board of Adjustments, so that the building can reach the original intended height for the proposed residential tower Please do what you can to **prevent irresponsible development** in this area, and in the City as a whole.

As a resident of the Arboretum area, I support responsible development. But a building of this height is inappropriate for the neighborhood.

Furthermore, Mr. DeNucci will not stop with one building. Once he has his variance, this neighborhood will become a concrete jungle, an example of irresponsible development that lowers property values, ruins neighborhoods, and destroys the quality of life we enjoy here in Austin. Tall buildings belong downtown, not here.

Do you want Austin to become a city like Colorado Springs, CO, a primary example of an over-developed area cited in Fast Food Nation? Or would you like Austin to become like Asheville, N.C., a city people cross the country to visit and move to?

I hope you will make the responsible decision. Thank you for your time and consideration, and for your service to the City of Austin.

Sincerely,

Jenny Reynolds
 11612 Buttonwood Dr
 Austin, TX 78759

8/28/2006

Sirwaitis, Sherri

From: Jody [REDACTED]
Sent: Sunday, August 27, 2006 7:28 PM
To: Martinez, Mike [Council Member]; [REDACTED] Cole, Sheryl; Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer, Leffingwell, Lee, Haines, Dina, Arellano, Richard, Aguilera, Gloria, Bailey, Rich; Curtis, Matt, Levinski, Robert; Corpus, Grace; Futrell, Toby; No Tower; Mormon, Andy; May, Rachel; [REDACTED]; Moore, Andrew, Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri
Subject: Case # C14-06-0172 MF-6 district zoning

Dear City Council Members,

Continue to say 'no' to Amelia Lopez-Phelps and Paul DeNucci's requests for removing or modifying the Jollyville neighborhood zoning limitations. The Great Hills, Oak Knoll and Jollyville neighborhoods have already strongly voiced their sentiments via the first "No Tower" campaign. This also related to the size, height and type of developments rejected by the neighborhood associations. This neighborhood is not appropriate for buildings above 40 feet. Moving the same problem down the street is not acceptable, nor is this building appropriate anywhere along Jollyville.

Continue to support Austin neighborhoods and citizens by saying "no" to these developers.

Thank you

Jody

8/28/2006

Sirwaitis, Sherri

From: Carol Gardini [REDACTED]
Sent: Monday, August 28, 2006 12:10 PM
To: Martinez, Mike [Council Member], [REDACTED] Cole, Sheryl, Wynn, Will; Dunkerley, Betty; McCracken, Brewster; Kim, Jennifer; Leffingwell, Lee; Haines, Dina; Arellano, Richard; Aguilera, Gloria; Bailey, Rich, Curtis, Matt; Levinski, Robert; Corpus, Grace; Futrell, Toby; [REDACTED] Haines, Dina; Mormon, Andy, May, Rachel; [REDACTED] Moore, Andrew; Robbins, Beverly; Thompson, Kenny; Sirwaitis, Sherri

Subject: Arboretum Tower Project: Case # C14-06-0013

Dear City Council Members,

Please don't contribute to destroying the beauty of our NW Austin residential neighborhood by allowing an out-of place high rise to proceed at 11601 Jollyville Road. I encourage the council to put a reasonable height restriction on this project (Case# C14-06-0172).

Thank you,

A concerned neighbor,

Carol Gardini

11101 Leafwood Lane 78750

8/28/2006

Haywood, Carol

From: From the Public Information Office
Sent: Thursday, December 07, 2006 12 12 PM
To: All City Employees
Subject: City programs/events City Mail service, Employee Day at Armadillo Christmas Bazaar, First Night Austin parade

City mail services unavailable Dec. 12

City of Austin Mail Services and Uniform Services will be closed on Tuesday, Dec. 12, 2006, so that employees can participate in a training event. Mail Services and Uniform Services operations will resume Wednesday morning, Dec. 13, 2006. Please process all mail that cannot wait until Wednesday by Monday, Dec 11, 2006.

City Employee Day at Armadillo Christmas Bazaar

Show your City ID and get in free to the Armadillo Christmas Bazaar on Dec 11 as part of the City's Benefits Program. City of Austin Employee Day includes bands at both 4 30 p.m.. (Cienfuegos) and at 8 (W.C. Clark). The Bazaar is open from 11 a.m. to 11 p.m. at the Austin Music Hall, 208 Nueces St. Check other City discounts at http://coafusion.coacd.org/city_discounts/default.cfm

Be part of the parade at First Night Austin

City of Austin employees are invited to participate in the costume parade down Congress Avenue as part of the Grand Procession on Sunday, Dec. 31, 2006, for First Night Austin. Come join the costumed krews as they traipse along the streets of the City of Austin. Costumes could include departmental T-shirts or any variation on the City of Austin employee theme that you wish. The Grand Procession will be from 5:30 to 6:30 p.m. starting at Sixth Street and Congress Avenue and ending at City Hall.

Other parade participants this year will include the Nigeria West Afrika Performance Group, the VORTEX Repertory Company, the Tanjore Performing Arts & Indian Cultural Center, the Chinese Yo Yo Troupe, Académicos da Opera, the Austin Samba School, Red House Studio Students and Totally Cool/Totally Art participants from Austin recreation centers.

City employees will meet along Sixth Street west of Congress to take their place in the order of the procession. City participants will be assigned a number so that they can find each other before the parade. If you are interested in participating, please contact Doug Whitworth at doug.whitworth@ci.austin.tx.us by Friday, Dec. 15, so that he can relay an estimated number of participants to First Night coordinators.
