

DiGiuseppe, Paul

From: Steve Beuerlein [mailto:steve@burlingtonventures.com]
Sent: Thursday, June 17, 2010 9:06 AM
To: 'Dealey Herndon'; clk01@sbcglobal.net; wwilson@austin.rr.com; MPowell@AtlanticTrust.com
Cc: mike@hamiltonterre.com; 'Richard Weiss'; aliceglasco@mindspring.com; DiGiuseppe, Paul; 'Trevor Dickens'; 'Dave Sullivan'
Subject: 3215 Exposition Blvd.

Ms. Herndon, Ms. Wilson, Ms. Kyle, and Mr. Powell,

I am writing with news concerning the subject property that I respectfully ask you to consider. First, Belmont Village Senior Living (www.belmontvillage.com) has expressed their interest in purchasing the property for the purpose of locating an assisted living facility there. They have successfully developed and operated such facilities throughout the country and were on-hand at the meeting of the Planning Commission sub-committee last night. I believe their intention and capability to execute are legitimate, and I am hopeful that you can support this as an appropriate land-use within the framework of the CWA neighborhood planning process. Furthermore, they have expressed their willingness to meet with you, the West Austin Neighborhood Group, and any other interested stakeholders to discuss the details of their proposal. Please reply at your convenience regarding your interest/availability to entertain this possibility.

Second, in light of this development and the fact that I am unable to attend the June 22nd Planning Commission hearing on the property, I am requesting a postponement of its hearing until the Commission's next meeting (July 27th). I regret any inconvenience this may cause and thank you in advance for your kind consideration.
Very Respectfully,

Steve D. Beuerlein
Burlington Ventures, Inc.
801 W. 38th Street, #301
Austin, Texas 78705

Phone – (512) 472-3020
FAX – (512) 451-0025
Cell – (512) 413-3300

Appendix A

Table A.1

Table A.2

Table A.3

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solution about everyone can be proud.

Regarding your request for postponement, if permissible by the PC, we can postpone until July 13, but we cannot postpone all the way until July 27. Certainly, the entire NP process should not be postponed just because of Elm Terrace. I would think that a commissioner will need to rule on this.

On behalf of Dealey Herndon, Vivian Wilson, Cathy Kyle, and hundreds of neighbors near Elm Terrace, kindest regards – smp.

S. Mark Powell

Managing Director

Atlantic Trust

401 Congress Avenue, Suite 2450

Austin, Texas 78701

(512) 651-7800

~~██~~
An Invesco Company

From: Steve Beuerlein [mailto:~~██~~]

Sent: Thursday, June 17, 2010 9:06 AM

To: 'Dealey Herndon'; clk01@sbcglobal.net; vwilson@austin.rr.com; Powell, Mark

Cc: mike@hamiltonterrire.com; 'Richard Weiss'; aliceglasco@mindspring.com; 'DiGiuseppe, Paul'; 'Trevor Dickens'; 'Dave Sullivan'

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6/18/2010

DiGiuseppe, Paul

From: Powell, Mark
Sent: Friday, June 18, 2010 2:19 PM
To: Steve Beuerlein
Cc: mike@hamiltonterrire.com; Richard Weiss; aliceglasco@mindspring.com; DiGiuseppe, Paul; Trevor Dickens; Dave Sullivan; dealey@herndontx.com; Catherine Kyle; vwilson@austin.rr.com
Subject: RE: 3215 Exposition Blvd.

Re: Your requests regarding (1) Expanded land use for Elm Terrace; and (2) Postponement

Steve,

While I am sure that such a project would be interesting to discuss, this stage of the NP process ~~is not the~~ appropriate time for such discussions. For nearly three years, the NH has repeatedly made its strong preference clearly known (SF-3), both during your previous zoning request (2007-08) and, more recently, during the NP process (2009-10). Now that the NP process is nearing completion, the time to discuss alternative proposals such as this has passed. At this late stage of the NP process, ~~discussing a use for this property which would~~ clearly require exceptional zoning is simply not productive. Furthermore, since SF-3 is the clear will of the NH, we, as the NH spokespeople, would need to discuss any alternative proposals with the NH in an appropriate forum before we could make a commitment to discuss any such alternative proposals with you.

The NP process needs to be completed in a timely manner and the FLUM and zoning designation for this specific piece of property should either (a) reflect the NH's strong preference for SF-3; or, (b) leave the property un-zoned. As you know, neither option prevents you from applying for a zoning change. You will still have full access to the normal zoning process during which you can present your case for whatever zoning you seek. Once the NP process is complete, we would be delighted to work with you (or a subsequent owner) on a project of which we can all be proud.

As recognized on Wednesday night, Elm Terrace is truly unique. Because it is surrounded by un-zoned property, the zoning designation for Elm Terrace will be precedent-setting. Given the uniqueness and importance of this decision, this property clearly deserves to be considered individually – and the appropriate place for these discussions to occur is during the normal zoning process. Meanwhile, the NP and FLUM should reflect the NH's strong preference for SF-3.

As we have stated on numerous occasions, the NH is not opposed to increased density on the State School tract; we simply believe that – as was endorsed on Wednesday evening during the sub-committee meeting – “more intensive development should be concentrated toward the *northeast* corner of the tract at MoPac and 35th Street.” Your property, Elm Terrace, sits on the opposite (western) end of the State School tract where intensive development should *not* be concentrated. Elm Terrace is immediately adjacent to one of Austin's most historic neighborhoods, one which is almost entirely zoned SF-3 – and this should be the default zoning for Elm Terrace in the NH plan. Anything other than this would not accurately reflect the will of the NH.

Please keep in mind the important distinction between the two processes for which we serve as representatives: As spokespeople for the neighbors who voiced their vision during the NP meetings, we are obligated to support the NH's twice-recorded prevailing vote that SF-3 zoning be shown on the FLUM for Elm Terrace. You will certainly recall the comment made at the conclusion of the second vote by the facilitator (Mike) who declared, “That's democracy.” It would be a betrayal of this democratic process for us to disregard our own NH's vote and discuss designating a different zoning category for Elm Terrace as part of the NH plan. Paul even reminded us at the recent PC meeting about the rule of not revisiting issues upon which a vote has already been taken. Reharsing this without greater public input (as we did in the NP process) would be unfair to all of those who took their time to express their vote in person, by telephone, email, or otherwise during the NP process.

At the same time, as spokespeople for approximately 800 petitioners (including all of the property owners near Elm Terrace except Alice), we are authorized to engage in negotiations with you ~~just as we did prior to the~~ council-imposed compromise of 2008. After the NP process is complete, should you wish to submit a request for a zoning change for Elm Terrace, we will again negotiate with you in good faith in a genuine effort to arrive at a

6/18/2010