

**ITEM NO. C-16**

C16

**LATE BACKUP FOR BOAT DOCK FOR 5  
HUMBOLDT LANE  
(SP-2013-0133D)**

**INCLUDES:**

- **LETTER FROM COATS ROSE (JOHN JOSEPH) REPRESENTING THE INTERESTED PARTIES**
- **LETTER FROM BRAUN & GRESHAM (DAVID BRAUN) REPRESENTING THE APPLICANT**
- **LETTERS AND FORMS FROM INTERESTED PARTIES**

## Simmons-Smith, Michael

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**From:** John M. Joseph <[REDACTED]>  
**Sent:** Wednesday, January 22, 2014 10:26 AM  
**To:** dbraun@braungresham.com  
**Cc:** Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Simmons-Smith, Michael; 'Don Sansom'; Terry Irion; Kimberly Buck; Pamela Madere  
**Subject:** Variance Request to Construct in the CEF - Interested Parties Request - 5 Humboldt Lane - SP-2013-0133D

David,

We represent numerous families including the McWhorter family, two different Davis families, and the Johnson family – who have registered as Interested Parties to Case Number SP-2013-0133D.

We understand that the applicant owns a 32.6 acre tract in the Rob Roy subdivision and is seeking to build a two-slip, 65-foot boat dock on Lake Austin and a switchback trail to traverse the steep cliff (80% slopes that lead downward from the 675-ft contour line) to get to the shoreline. Applicant requires a variance to allow construction of the boat dock and access trail within a rim rock CEF buffer on the property. On December 18, 2013, the EV Board voted to recommend the variance with the condition that no trams or similar mechanized conveyances be constructed to provide shoreline access to the boat dock.

The Interested Parties strongly oppose the variance request for numerous reasons including the violation of the existing public restrictive covenant (notwithstanding the City's current refusal to enforce), environmental concerns in this confirmed endangered Golden Cheek Warbler habitat, and future development concerns. After lengthy discussion among my clients and in the spirit of compromise, however, the Interested Parties will agree not to oppose the application at the Planning Commission hearing next week if the applicant will agree to a private Restrictive Covenant with the following terms:

1. Neither the applicant nor any subsequent owners will seek City of Austin or other regulatory approval for the construction or installation of a tram or any other mechanized/motorized conveyance to provide access to the boat dock;
2. Neither the applicant nor any subsequent owners will seek City of Austin or other regulatory approval for additional boat docks or boat slips for the 32.6 acre tract, regardless of the future configuration or subdivision of the tract, or to expand the size of the boat dock currently proposed;
3. The applicant will agree to move the location of the boat dock to the western edge of the tract. (The western edge has more favorable site conditions for the boat dock and trail.)

Please respond by Thursday of this week, so that the parties have time to draft the Restrictive Covenant prior to the Planning Commission hearing on Tuesday, January 28, 2014.

## COATS | ROSE

*A Professional Corporation*

John M. Joseph  
Attorney

Barton Oaks Plaza  
901 South MoPac Exp.

Bldg. 1, Suite 500  
Austin, TX 78746  
Direct: 1-512-541-3593 Fax: 1-512-469-9408  
jmjoseph@coatsrose.com

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[www.coatsrose.com](http://www.coatsrose.com)

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**BRAUN & GRESHAM**  
ATTORNEYS AT LAW

January 23, 2014

Mr. John M. Joseph  
Coats Rose  
Barton Oaks Plaza  
901 South MoPac Exp.  
Bldg. 1, Suite 500  
Austin, TX 78746

RE: Your e-mail of January 22, 2014

Dear John:

Thank you for your e-mail of January 22<sup>nd</sup> in regards to the variance request made by our client, Dr. Maureen Alexander, for access to a boat dock at 5 Humboldt Lane. We appreciate you and your clients making the effort to communicate with us directly. We hope to reassure you and your clients on some of the points you raise and also to help you understand the reasons for our position on other points.

First, we can assure everyone that Dr. Alexander's lot at 5 Humboldt Lane is a single-family, residential lot platted as part of Rob Roy subdivision. The configuration and size of the lot cannot be changed under the deed restrictions governing Rob Roy which are vigorously enforced by the Rob Roy Home Owner's Association (HOA). As a single family residential lot, much like your clients' properties, City code does not allow more than one boat dock. So, we can also reassure your clients that only one boat dock can be built on this 1800-foot stretch of shoreline. As you know, current City code allows a landowner to build a dock with a width up to 20% of the length of their shoreline. Your clients may be among the many residents on Mañana Street who have chosen to use their maximum allowable width. Dr. Alexander has chosen to use less than 20% of the width that the code allows for her lot and has no plans at this point to apply for more.

We appreciate and understand the sentiment behind your suggestion that we locate the dock at the western end of the lot. That location was extensively considered by both our engineers and the City staff. In the final analysis, the City staff recommended the current location as the preferred location for a variety of environmental and safety reasons. I'm sure you understand that for Dr. Alexander to make that change now would require her to start the entire site plan and variance approval process over again. We have advised Dr. Alexander that the additional delay and added cost would not be justified, since we already know that the City staff prefers the current location and believes that it has the least impact on the environment and safety.

We cannot say that we totally understand your request that Dr. Alexander agree to never build a tram or mechanized/motorized conveyance to access the boat dock. We do not understand why an elderly or disabled person should be denied access to the boat dock if it were tastefully designed and built with minimal impact on the environment. Be that as it may, Dr. Alexander has never requested a tram at any point in this process and the current site plan application is only for a foot path and stairway built of natural stone that blends into the natural environment of the shoreline. Your clients may have noticed a similar foot path and stairway that provides access to the boat dock that is immediately upstream from Dr. Alexander's lot. That access is essentially invisible from offshore and we intend to build with the same design and construction criteria. Finally, we can reassure your clients that the current City staff shares their opposition to trams and has conditioned their support of our variance request on a prohibition of a tram.

Regarding the restrictive covenant that you reference, we hope you will be able to explain to your clients that state law in Section 245.002(d) of the Local Government Code gives Dr. Alexander the right to have her application reviewed under current City code. The City staff's position is not "a refusal to enforce" the restrictive covenant. Rather, the City has changed the applicable rules since the time when they required the restrictive covenant. Because of the change in City rules, state law requires that the City allow Dr. Alexander to be regulated under the same rules that are now applicable to all other citizens. I believe it was one of your clients who pointed out in an earlier hearing that Greg Guernsey wrote a letter in February of 2012 in which he stated that he had to enforce the restrictive covenant. Since that time, with the guidance of the City legal staff, Mr. Guernsey has taken the position that the restrictive covenant does not apply if Dr. Alexander chooses to be approved under current City code. I think you will agree that our site plan and variance request are being reviewed and considered under the currently applicable rules and regulations of the City.

Finally, you mention a concern for the protection of habitat for the endangered Golden-cheeked Warbler. I can assure your clients that Dr. Alexander shares that concern. She has owned the property at 5 Humboldt Lane for more than 25 years and, for all of that time, she has been an outstanding steward of the property and the wildlife habitats represented there. In recent years, she has had the wildlife populations on the property carefully documented and has implemented comprehensive management plans to ensure that they thrive and propagate. Anyone who has spent time on this part of Lake Austin knows that she is responsible for continued existence of the beautiful views and natural scenery on more than a third of a mile of lake shore. She fully intends to continue that commitment to the land and the natural environment as she now exercises her property rights to build a home and accessory uses on her 32.57 acres. Dr. Alexander is fully aware that the property is mapped as Zone 1 and Zone 2 for habitat of the Golden-cheeked Warbler. She will participate in the Balcones Canyonlands Conservation Plan before she takes any action that requires mitigation for incidental taking of the habitat of the Golden-cheeked Warbler.

John M. Joseph  
January 23, 2014  
Page 3

We sincerely hope that **this** discussion of your clients' concerns will help reassure them. Dr. Alexander seeks only the peaceable enjoyment of her private property while fully complying with all applicable federal, state and local laws. We welcome any further communication your clients wish to have concerning the variance request. We believe that our engineers have met **and** exceeded all requirements for demonstrating that the variance is justified. We hope that after reviewing all the issues your clients will add their support to that of the City staff and the Rob Roy HOA for the granting of the variance. Of course, we recognize and respect their right to raise any relevant objections they have to the specific request for a variance that Dr. Alexander has made to the Planning Commission next Tuesday night.

Warm regards,



David Braun

DBr:CBu

cc:

Dave Anderson  
Alfonso Hernandez  
Jean Stevens  
Danette Chimenti  
Richard Hatfield  
Jeff Jack  
James Nortey  
Stephen Oliver  
Brian Roark  
Myron Smith

**Simmons-Smith, Michael**

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**From:** Maurice & Peggy Davis [REDACTED]  
**Sent:** Thursday, November 01, 2012 4:53 PM  
**To:** Simmons-Smith, Michael  
**Subject:** Case Number: SP-2011-0177DS Opposition Comments and Bluff Photos  
**Attachments:** 2005Lake DownR.jpeg; ATT4400965.txt; IMG\_0946.jpeg; ATT4400966.txt; 200511b.jpeg; ATT4400967.txt

**Case Number: SP-2011-0177DS**  
**Boat Dock for 5 Humboldt Lane**  
**Owner: Maureen Alexander**  
**Public Hearing: Tuesday, Nov. 6, 2012**  
**City of Austin Case Manager: Michael Simmons Smith (512-974-1225)**

**We were under the impression that the steep bluff across Lake Austin from our home on Manana was a protected environment.**

**We are very opposed to another dock being constructed on this steep bluff.**

**If a dock is allowed, will a house, a road, a trolley or marina soon follow?**

**This area is one of the few remaining steep bluffs along Lake Austin that does not have multiple docks on the water, trolleys on the bluff, and houses and roads on the crest.**

**We have no idea what kinds of trees, plants, and grasses thrive on this steep bluff that "man never leaves a footprint."**

**But we do know it is an extremely safe haven for many species of wildlife including birds, ducks, and fish.**

**When the lake is drawn down 12 feet every few years, the bluff's rocky base with overhangs and crevices is clearly visible.**

**This rocky base is a protective cover for a lot of fish, and bass fishermen slowly fish along this bluff all year long.**

**The Colorado River is 25-30 feet deep along the bluff providing a deep water winter home for fish.**

**It is an extremely popular area for visitors at nearby Emma Long City Park who are seen in small boats, rubber rafts, and canoes slowly edging along the shoreline of the bluff.**

**These visitors frequently include young families who are seen enjoying the sight of many ducks and birds who nest along the shoreline.**

**Many other species of birds, hawks and vultures safely nest high on the bluff.**

**This bluff is a beautiful and peaceful view not only the Manana neighbors, but also for the many boaters who frequent Lake Austin.**

**It is a common site for us to see wake board boats, pleasure boats, and jet skis frequently stopping and enjoying the incredible view of the bluff and wildlife.**

**Please do not allow another dock to mar this rapidly disappearing bit of beauty and wildlife haven == not only for Manana homeowners, but also for the public so they can continue to enjoy this pristine environment.**

**Maurice and Peggy Davis**

**Simmons-Smith, Michael**

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**From:** Melissa Houtz [REDACTED]  
**Sent:** Thursday, November 01, 2012 4:47 PM  
**To:** Simmons-Smith, Michael  
**Subject:** Case Number: SP-2011-0177DS

Re:

- Case Number: SP-2011-0177DS
- > Boat Dock for 5 Humboldt Lane
  - > Owner: Maureen Alexander
  - > Public Hearing: Tuesday, Nov. 6, 2012
  - > City of Austin Case Manager: Michael Simmons Smith (512-974-1225)

We are adamantly apposed to the proposed work to be done across from our houses on Lake Austin. We were insured that construction across the lake from Manana Street, Austin Texas would not be permitted by the City of Austin and we intend to keep them at their word. It was because of these assurances that we purchased this land and paid accordingly, knowing our views would be protected and remain untouched. We appreciate you assistance in prohibiting such construction. If we let one person do it, soon that side of the lake will be lined with similar structures thus devaluing our properties.

Thank you,

Mary Ann Houtz  
Melissa Houtz  
Ken Houtz

515 Manana Syreet  
Austin, Texas 78730

512-785-6977



**Simmons-Smith, Michael**

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**From:** Jim Warmack [REDACTED]  
**Sent:** Monday, November 05, 2012 11:55 AM  
**To:** Simmons-Smith, Michael  
**Subject:** Case Number SP-2011-0177DS

Dear Mr. Simmons-Smith

As a Lake Austin resident for more than 20 years I would like to add my support to the letters you have received from the Lamberts and McWhorters. I am a resident living between their two locations and believe they have clearly stated why the Zoning and Platting Commission should deny this appeal for a variance. Thank you.

James R Warmack  
1609 Manana St  
Austin TX 78730

November 3, 2012

TO: Michael Simmons-Smith, City of Austin Case Manager: (512-974-1225)

REF: Case Number: SP-2011-0177DS  
Boat Dock for 5 Humboldt Lane  
Owner: Maureen Alexander  
Public Hearing: Tuesday, Nov. 6, 2012

Dear Mr. Simmons-Smith,

We have just been notified of the above-cited hearing. We have also received a copy of an email written by the Lamberts, who are our neighbors on Manana Street, across Lake Austin from the proposed site of a new dock (and inevitably a tram). My wife and I have skied on Lake Austin since the 1960s, and our two sons, who both live in Austin with their families, have skied on the lake since 1990, when we built our vacation home here at 1509 Manana Street (we also own the adjacent lot at 1511 Manana). My wife and I live in Houston, where I have been a full-time tenured faculty member at the University of Houston since 1980.

One of the many beauties of the lake here is the gorgeous - and pristine - bluff that sits across the lake from our house. Every guest who visits us here comments on the beautiful scene we are so fortunate to have across the lake from our house, and every boater who passes it enjoys the wonder of that bluff. For us, it would be tragic to spoil this striking natural beauty with a dock and a tram, and this tragedy would be magnified if the approval of such a request would ultimately lead to similar scarring of that beauty all along the bluff.

I mentioned the Lamberts' message to you above. I believe they have described quite well many of our own concerns and thoughts, and our own understanding of the legal sanctity of that bluff. I'll therefore focus on additional concerns that my wife and I have that are shared by our two sons, who, as I mentioned, are Austin residents and use our lake house for entertaining their families and friends.

**Additional Concerns:**

1. We have owned this house for 22+ years, yet to our knowledge we never received direct notice of the upcoming hearing, either by regular mail, email, or telephone. We are indebted to one of our neighbors, Peggy Davis, for notifying us.
2. In all our years on the lake we have skied, at one time or another, all parts of the lake, from Mansfield Dam down to Tom Miller Dam. The stretch of lake that our house is on is one of the narrowest in the entire length of Lake Austin; I would guess that only the uppermost mile or two - the stretch immediately below Mansfield Dam - is narrower. This area in front of our house already gets substantial boat traffic because it tends to

calm down more quickly than wider stretches of the lake. We are concerned, and our sons are as well, that docks across from us could significantly increase the risk of a very bad accident.

3. Also related to the narrow width of the lake along this stretch, docks below and trams along the bluff are more intrusive on one's view of the bluff the closer they are to the person trying to enjoy the view. I believe the impact would be negative to anyone who cherishes the view, of course, but the closer the intrusive blemish, the more distracting and off-putting it will be. Thus, I believe the negative impact on those of us who live on Manana would be even more acute because of the relatively short intervening distance between our houses and the bluff..
4. I have no way of estimating the effect, but clearly the presence of a dock and tram, or worse yet a string of them, across the lake from us would reduce the desirability and hence the value of our lake house. Our primary concern is to preserve the natural beauty of the bluff, but the likely significant adverse economic impact of one or more docks and trams cannot be ignored.

In summary, we feel strongly that permitting docks and trams would destroy one of the prettiest natural bluffs on the entire lake. We emphatically oppose the variance sought by Ms. Alexander and urge the Zoning and Platting Commission to deny this appeal and affirm its original decision to deny the original application for a variance. Thank you for taking the time to give careful consideration to our concerns.

Archer and Dava McWhorter  
1509 Manana Street  
Austin, TX 78730

Permanent address: 13803 Pinerock Lane  
Houston, TX 77079

- P.S. I have class Tuesday at UH and my wife is serving jury duty in federal court for all of next week. We regret that these conflicts prevent us from attending the hearing.. We visit Austin often because our sons and grandchildren are here and because we love to entertain here, so we do not consider driving to Austin and back a burden. We simply cannot attend due to schedule conflicts beyond our control.

## **Simmons-Smith, Michael**

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**From:** Michael Lambert [REDACTED]  
**Sent:** Friday, November 02, 2012 5:28 PM  
**To:** Simmons-Smith, Michael  
**Cc:** Maurice & Peggy Davis; Breedlove Shawn and Deanne; Fischer Jerry; Lambert Michael and Jennifer; Warmack Jim and Leigh McAlister; Shawn Breedlove; Griggs Patrick and Stephanie; Patrick Griggs; Davis Meredith; Davis Clay; Hausmann Kenneth and Debbie; Hausmann Kenneth; Houtz Mary Ann; Shapiro Michael and Casimiera; McWhorter Trey and Sarah; Wombwell John and Robin; Johnson Michael and Candace; Norsworthy Judy  
**Subject:** Re: Case Number: SP-2011-0177DS Tuesday, Nov. 6 Update

**Ref: Case Number: SP-2011-0177DS**  
**Boat Dock for 5 Humboldt Lane**  
**Owner: Maureen Alexander**  
**Public Hearing: Tuesday, Nov. 6, 2012**  
**City of Austin Case Manager: Michael Simmons Smith (512-974-1225)**

**Mr. Simmons-Smith,**

**My wife Jenny and I live at 1611 Manana St., Austin, TX 78730 and purchased this, our retirement home, in 2005. We are finally retiring from my Vitreoretinal Surgery practice in Houston to full time in Austin at the end of the year. We learned earlier this week of the above appeal and have sent you a form provided to us by one of our neighbors concerning this. We did not receive a letter or form ourselves despite being one of the homes directly across from the property in question.**

**We purchased our home for many reasons including the great neighborhood, park-like atmosphere, great neighbors (the previous owner was very informative on the area) and the fact that we are basically in a wildlife preserve with nothing but a bluff across the lake from us and that no docks, buildings, etc. could ever be built there as the bluff was not included in the platting of the properties several hundred feet above the water and that the bluff was a preserve to the nature of the area. Our home has large cottonwood trees in the backyard and is home to many blue herons. We have people come to our house and ask if they can photograph these beautiful birds frequently. They live in our trees, but spend much time flying across the lake in the trees directly across from us. Undisturbed nature at its finest. The blue herons are amazing, but this area is also the habitat of many other animals and people in boats will anchor there just to watch the hawks, eagles, deer, ducks, swans (four new babies this year!), geese, owls, etc.**

**As we understand it, this application has already been correctly disapproved by the city. To build a dock on such a sheer and tall bluff would require some type of tram from the top to the lake, further disturbing the beauty and nature of the area, not to mention being a hazard from this height. The owners must have known they did not purchase the bluff when they purchased the property and certainly have the right to purchase property on the lake away from this area or on our side. I believe there is a lot right down the street for sale.**

**In summary, we strongly urge you to disapprove this appeal and save the natural beauty of this area of Lake Austin. Two votes against this appeal. I'm sorry we cannot be at the meeting but I am still very busy seeing and operating on patients in Houston through the end of the year.**

**Thanks for your time in reading our email and letter and for protecting Austin's beauty and wildlife.**

**Michael Lambert, MD FACS**  
**Colonel USAF (Ret)**  
**Clinical Professor of Ophthalmology**

**Jennifer Lambert**  
**Administrator**  
**Retina and Vitreous of Texas**

**PUBLIC HEARING INFORMATION**

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 a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. 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.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/development](http://www.austintexas.gov/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 name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2011-0177DS  
 Contact: Michael Simmons-Smith, 512-974-1225  
 Elsa Garza, 512-974-2308  
 Public Hearing: Zoning and Platting Commission, Nov 6, 2012

MICHAEL AND JENNIFER LAMBERT  
Your Name (please print)

I am in favor  
 I object

1611 MANANA ST, AUSTIN 78730

Your address(es) affected by this application

*Michael and Jennifer Lambert* 10/31/12  
Signature Date

Daytime Telephone: 512-382-7313

Comments: *We purchased our property because we would have a clear view of the bluff across from us forever by city laws did most people on Mahana St. This lawsuit would nullify that and be in contradiction of the deed restrictions for that property and most importantly, significantly impact the wildlife preserve that is located there. This request should be denied.*

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

City of Austin  
 Planning and Development Review - 4<sup>th</sup> floor  
 Michael Simmons-Smith  
 P. O. Box 1088  
 Austin, TX 78767-1088

### INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: [http://www.amlegal.com/austin\\_tx/](http://www.amlegal.com/austin_tx/).

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2013-0133D

Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Name (please print) Melanie Contreras Johnson Telephone number 512-413-5992

1501 Mariana  
Address(es) affected by this application (Street, City, ZIP Code)

104 Weston Lane, Mesquite, TX 78233  
Mailing address (Street, City, ZIP Code)

[Signature] Signature Date 5-19-13

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail comment forms to:  
City of Austin  
Planning and Development Review Department  
Attn: Michael Simmons-Smith  
P. O. Box 1088  
Austin, TX 78767-1088

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- appearing and speaking for the record at the public hearing; and:
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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: **SP-2013-0133D**  
 Contact: **Michael Simmons-Smith, (512) 974-1225, or**  
**Elsa Garza, (512) 974-2308**  
 Public Hearing: **Planning Commission, January 14, 2014**

John Wombwell  
 Your Name (please print)

1507 Mangana 78703  
 Your address(es) affected by this application

[Signature]  
 Signature

1/9/14  
 Date

Daytime Telephone: 73-579-6123

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I am in favor  
 I object

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

City of Austin  
 Planning and Development Review – 4<sup>th</sup> Floor  
**Michael Simmons-Smith**  
 P. O. Box 1088  
 Austin, TX 78767-8810

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Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: [http://www.amlegal.com/austin\\_tx/](http://www.amlegal.com/austin_tx/).

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2013-0133D

Contact: Michael Simmons-Smith, 512-974-1225 or  
Elsa Garza, 512-974-2308

I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

SHAWN BREEDLOVE 512-368-4000  
Name (please print) Telephone number

1709 MANANA ST. AUSTIN TX. 78730  
Address(es) affected by this application (Street, City, ZIP Code)

  
Mailing address (Street, City, ZIP Code) Signature Date

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mail comment forms to:  
City of Austin  
Planning and Development Review Department  
Attn: Michael Simmons-Smith  
P. O. Box 1088  
Austin, TX 78767-1088