

PLANNING COMMISSION

~~QUESTIONS~~ + HANDOUTS

DECEMBER 10, 2013

THE UNIVERSITY OF CHICAGO

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#C-23

The staff is recommending the variances with the following conditions:

- 1) Restrict future development on the West Campus by limiting the overall impervious cover to 15% of the net site area; and
- 2) The applicant has agreed to and already provided a site specific turf management plan/IPM for the football field proposed that details the use of fertilizer and pesticide application, soil maintenance, and irrigation scheduled related to its use as a re-irrigation area for the required SOS water quality control.

The Environmental Board approved these variance requests at their November 20 meeting with the following conditions:

- 1) Addition of staff conditions;
- 2) The specialized turf management plan will also cover the baseball field/campus; and
- 3) Irrigation for the West Campus will comply with City regulations and restrictions regardless of water source

The applicant is fine with all conditions except for the restrictions on all water sources and asks that the commission consider modifying the condition as follows:

Irrigation for the West Campus will comply with City regulations and restrictions regardless of water source, except that the existing well on the Property may be utilized for the proposed ballfields and not subject to City restrictions.

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CONDITION
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**CENTRAL CORRIDOR HIGH-CAPACITY
TRANSIT STUDY**

Step 3 Briefing: Recommendation Summary

December 2013


 **projectconnect**
central corridor




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TRANSIT STUDY**

Step 3 Briefing: Recommendation Summary

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 **projectconnect**
central corridor

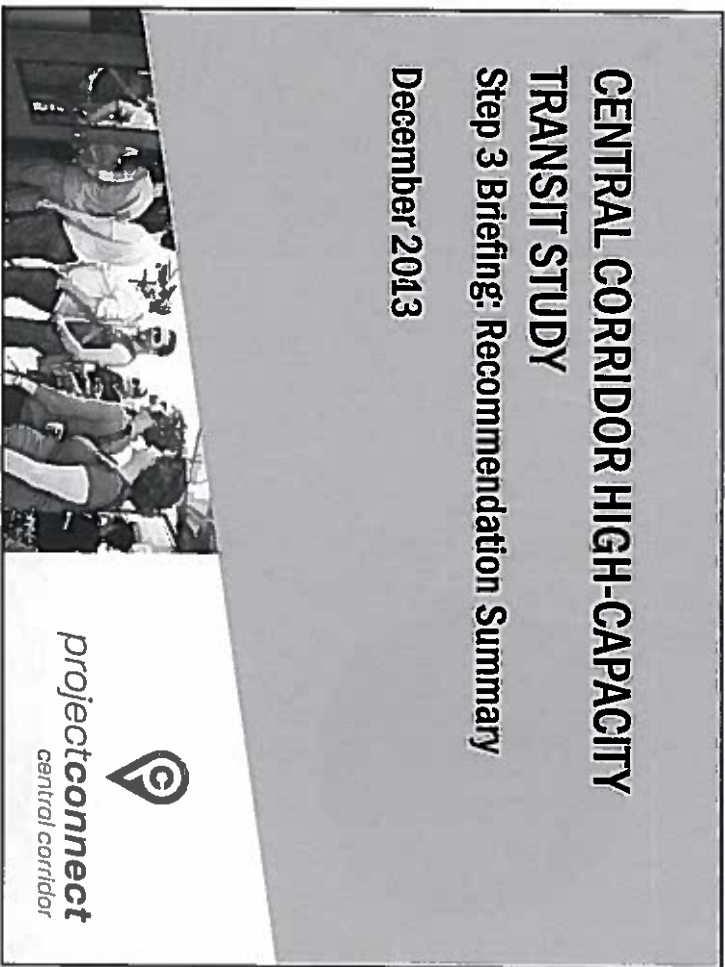
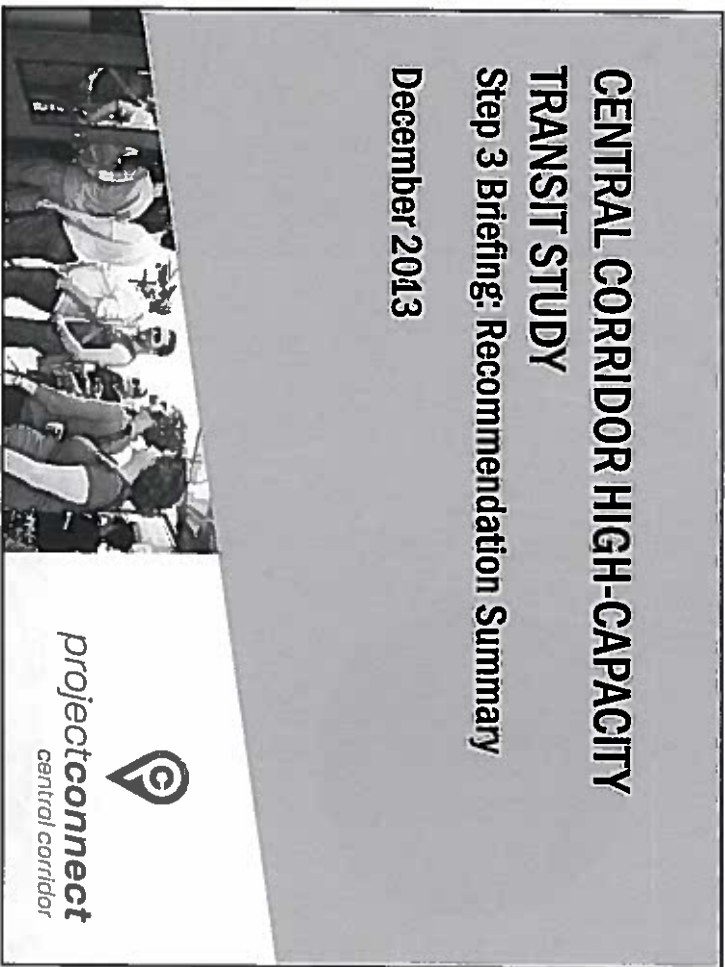



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1 Briefing Topics

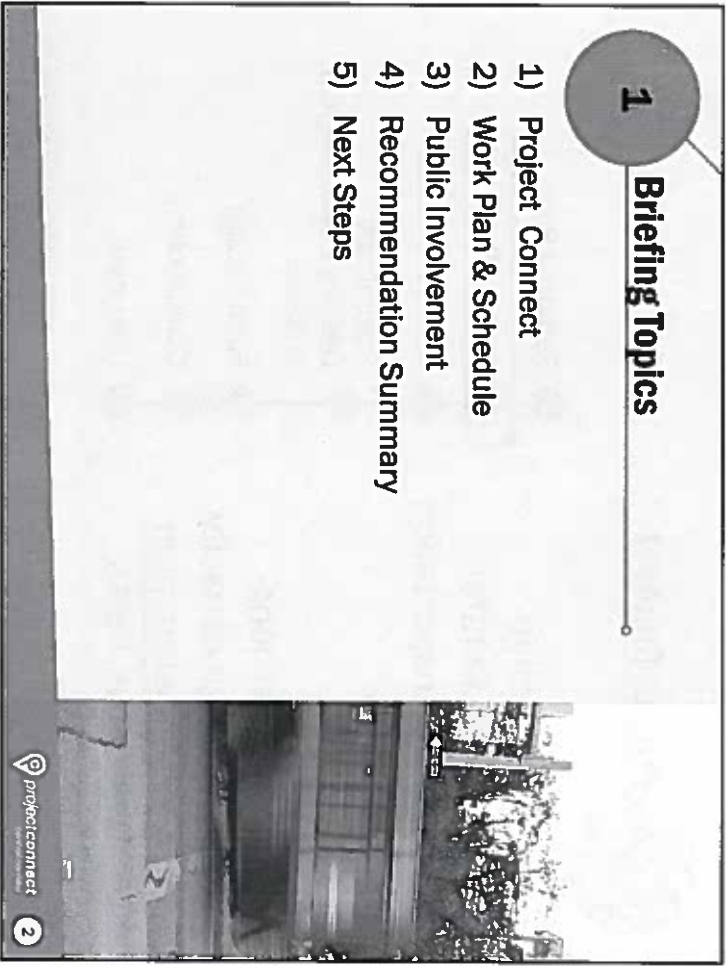
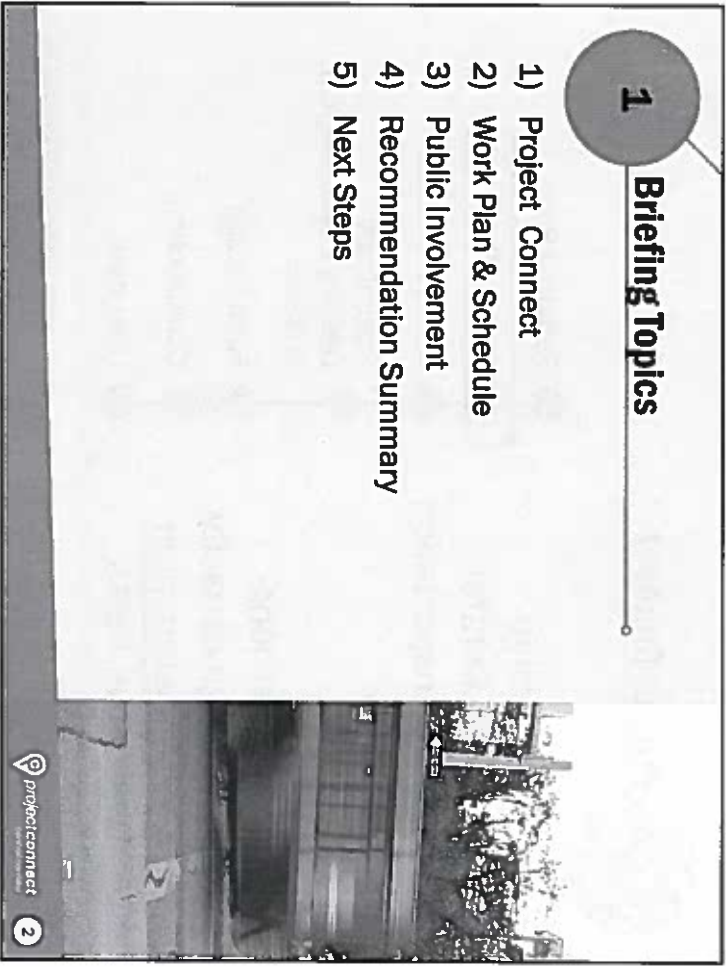
- 1) Project Connect
- 2) Work Plan & Schedule
- 3) Public Involvement
- 4) Recommendation Summary
- 5) Next Steps



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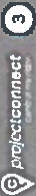
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- # 1 Briefing Topics
- 1) Project Connect
 - 2) Work Plan & Schedule
 - 3) Public Involvement
 - 4) Recommendation Summary
 - 5) Next Steps
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1

Project Connect



1

Project Connect

- A partnership between Central Texas transportation agencies
- A regional, long-range high-capacity transit system plan for Central Texas

Regional Plan

System Plan


Corridor Studies

Preliminary Design/Environmental Analysis

Final Design

Construction

Operation



1

Project Connect Vision

- System
 - 25 Centers & ABIA
 - 4 Counties/13 Cities
- Funding
 - \$4B Total Capital
 - Can Fund:
 - \$1.9B (49%) Capital
 - \$82M O&M
- Organization
 - ILA for Early Project Development
 - Framework for Regional Organization and 'Single System' Integration

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CENTRAL TEXAS TRANSIT AUTHORITY

10000 N. Mopac Blvd., Suite 1000 Austin, TX 78758

512.468.1234

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DRIVING DIRECTIONS

5

1

Project Connect Corridors

- 9 Project Connect Corridors
- 5 High Priority:
 - North
 - East
 - Southwest
 - Northwest
 - Central

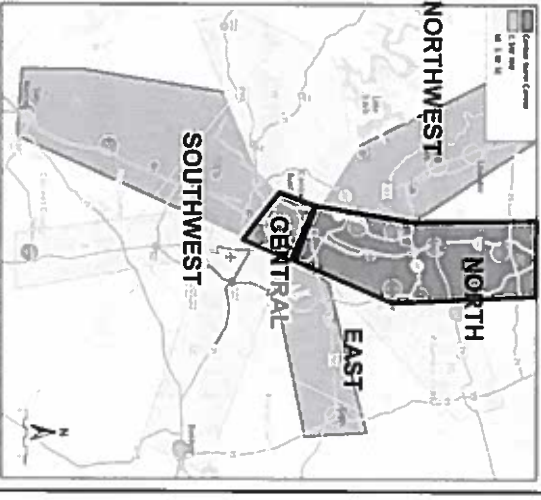
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LAND USE MAP

6

2

Work Plan & Schedule



7

2

Central Corridor
Work Plan Phases

Decision-Making Process

- Phase 1: Select Priority Sub-Corridor
 - ‘Where are we going...next?’
- Phase 2: Select Locally Preferred Alternative (LPA)
 - ‘How will we get there?’

8

2

Central Corridor
Work Plan & Schedule

Decision-Making Process

- Phase 1: Select Priority Sub-Corridor

Current
Progress

Phase 1 Select Priority Sub-Corridor		2013														2014													
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	Task 3	G/LD, Project Statement																											
	Task 4	Inventory/Coverage																											
	Task 5	Inventory Sub-Corridor																											
Step 3: Select Priority Sub-Corridor	Task 6	Define Sub-Corridor																											
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	Task 8	Inventory Priority Sub-Corridor																											
Task 9		Inventory																											

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Central Corridor
Work Plan & Schedule


Decision-Making Process

- Phase 2: Select Locally Preferred Alternative (LPA)

Phase 2 Select Locally Preferred Alternative (LPA)		2013														2014													
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Central Corridor
Public Involvement

11

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Phase 1 Public Involvement Goals

- Trust in the process... YES
- Meaningful involvement... YES
- Diverse participation... ONGOING

12

3 Step 1: Kick-off/Process

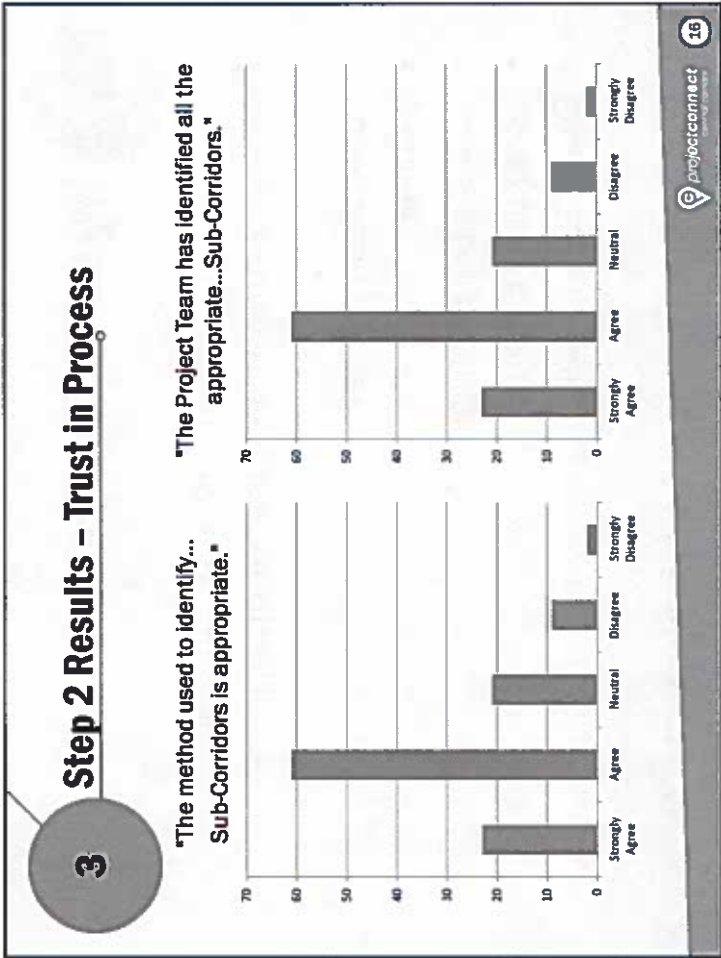
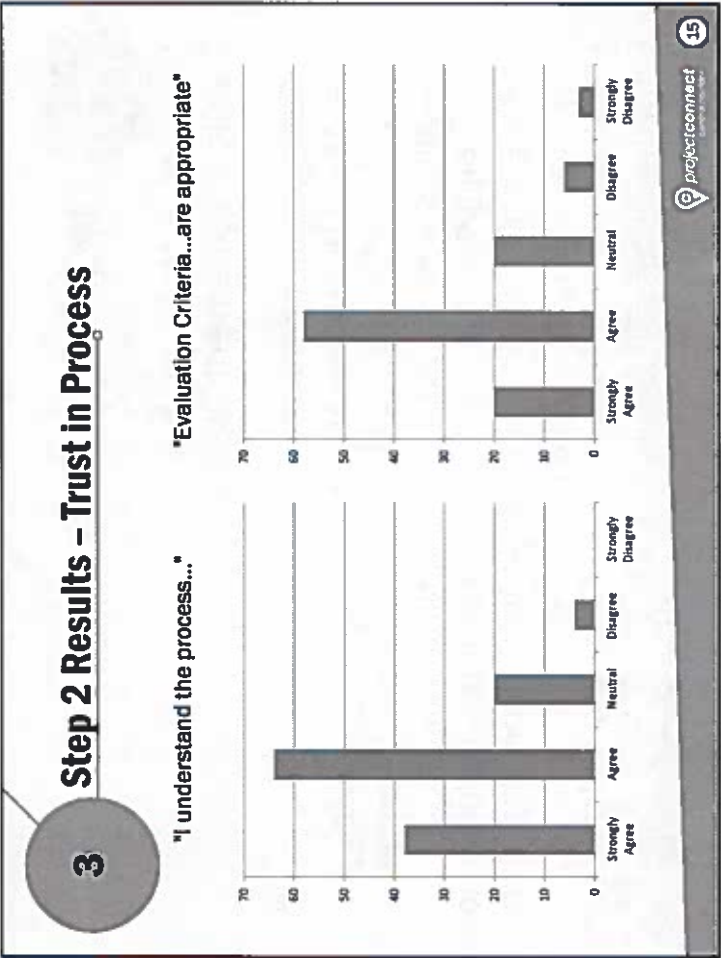
Consult on Work Plan & Public Involvement Plan

- Stakeholder meetings
 - Austin Urban Rail Action
 - Austin Chamber staff
 - Alliance for Public Transportation
 - Light Rail Now!
 - Downtown Austin Alliance
- Webinar
 - Capital City African-American Chamber
 - Network of Asian American Organizations
 - Austin Homebuilders Association
 - Other key stakeholders
- Online discussion forum

3 Step 2: Define Sub-Corridors

Involve public in defining Sub-corridors, Problem Statements, Evaluation Criteria

- Public Open Houses
- Webinar
- Stakeholder Briefings
- Community Events
- Email/Social Media

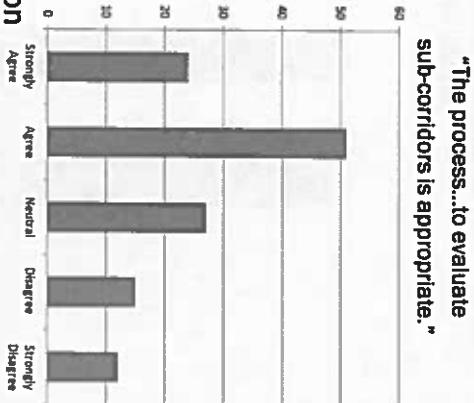


3 Step 3: Select Priority Sub-Corridor

Collaborate on Sub-Corridor Evaluation

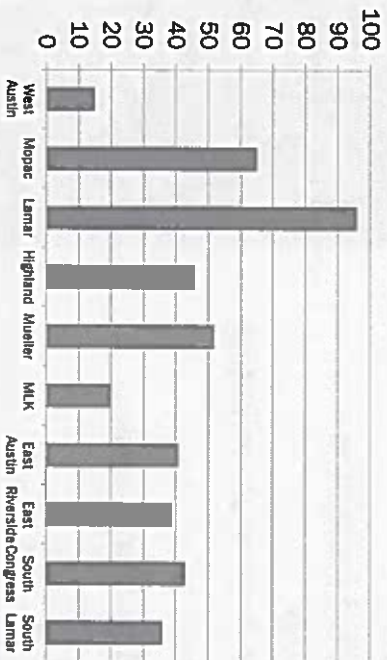
"The process...to evaluate sub-corridors is appropriate."

- Public Workshops
- Webinar
- Stakeholder Workshops
- Stakeholder Briefings
- Community Events
- Online Survey/Evaluation Tool
- Email/Social Media
- Televised Community Conversation

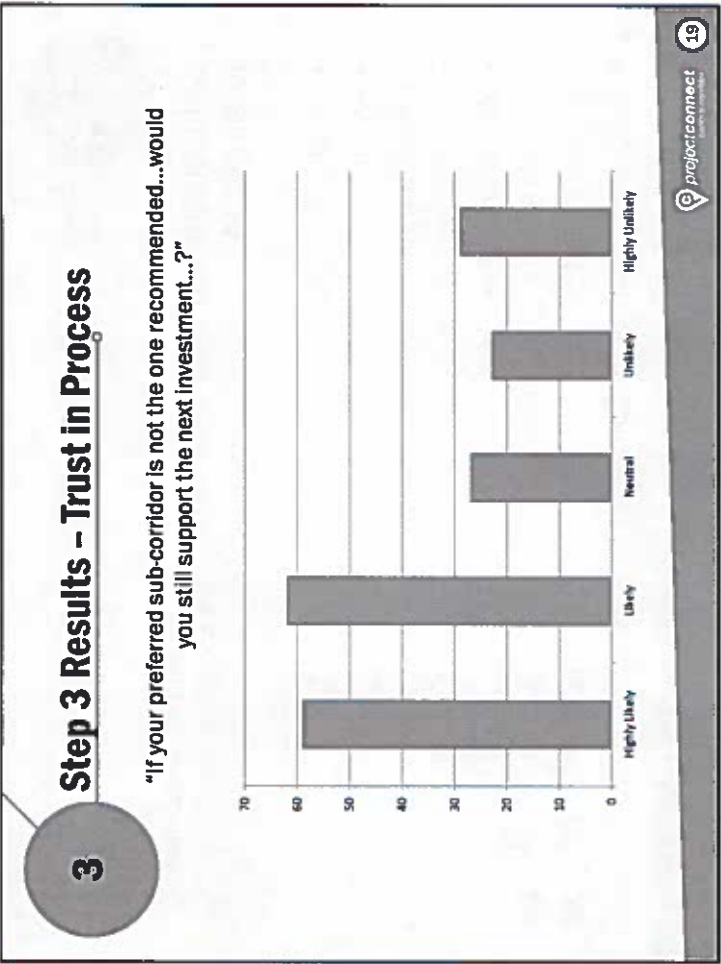


3 Sub-Corridor Preferences

Which sub-corridor do you believe would be the best place to invest first in high-capacity transit?



- From Televised Community Conversation - 11/26
- Channel 6 broadcast from Council Chambers
 - 6,750 individuals accepted the dial out (out of 50,000)
 - 1,200 individuals on the call at one time



4

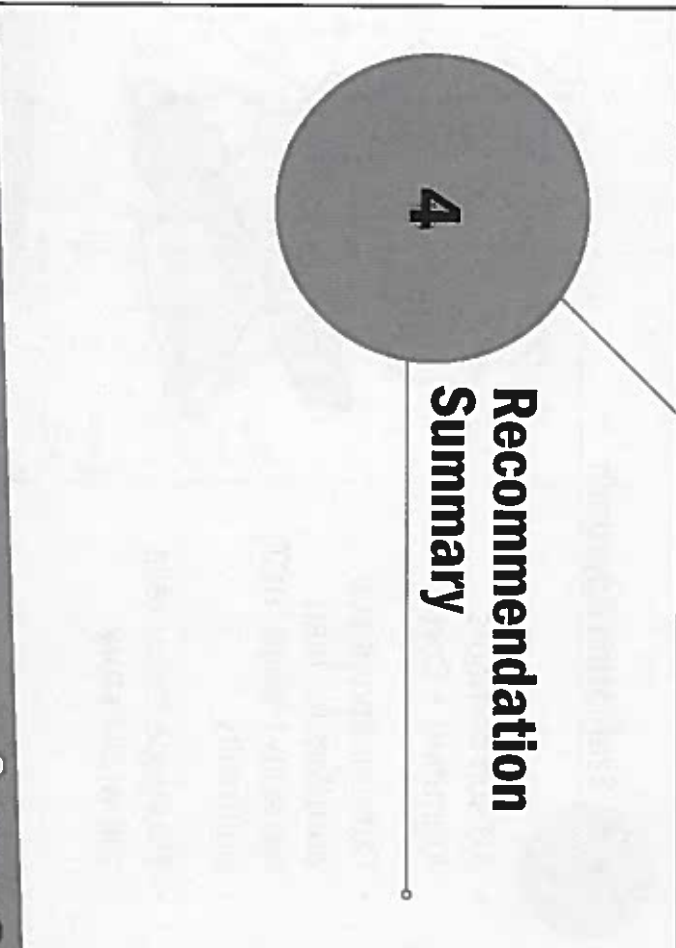
Public Involvement Updates


- New publications online
 - Data matrix
 - Demographic projection methodology
 - Evaluation scenarios weighting
- FAQs posted
- Responses to Map Book comments

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20

4

**Recommendation
Summary**




 21

4

Phase 1 Summary

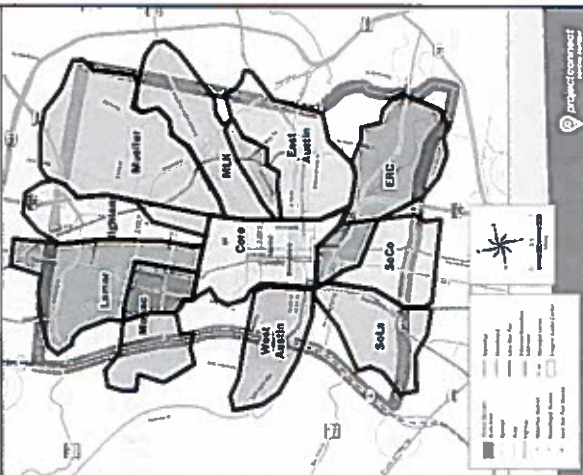
- Data-driven
- Open and transparent
- Robust public involvement
- Comprehensive look at the Central Corridor
- Deliberative decision-making process
- Evaluation data and methodology publicly available

 22

4

Evaluation Approach

- 10 sub-corridors identified + Core
- Comparison of sub-corridors for high-capacity transit (HCT) suitability
- No single factor tells the whole story



4

Evaluation Results

Project Team	CCAG		Public*	Equal Weight	Current Focus		Future Focus	
	ERC	Highland			Serving Criteria Only	Shaping Criteria Only		
ERC	70	58	71	60	ERC	55	ERC	57
Highland	61	58	64	57	East Austin	53	Highland	52
Lamar	53	51	57	51	Lamar	53	Mueller	44
Mueller	52	48	50	50	West Austin	52	Lamar	42
East Austin	50	45	49	47	Highland	47	SoCo	38
SoCo	44	41	45	43	Mueller	45	East Austin	34
West Austin	33	32	39	32	SoCo	37	West Austin	28
NLK	27	22	31	25	Mopac	36	Sola	21
Mopac	27	22	27	22	NLK	31	NLK	18
Sola	24	18	26	21	Sola	18	Mopac	11

* Public includes input from on-line surveys (295) and three public workshops (120)

Key Findings

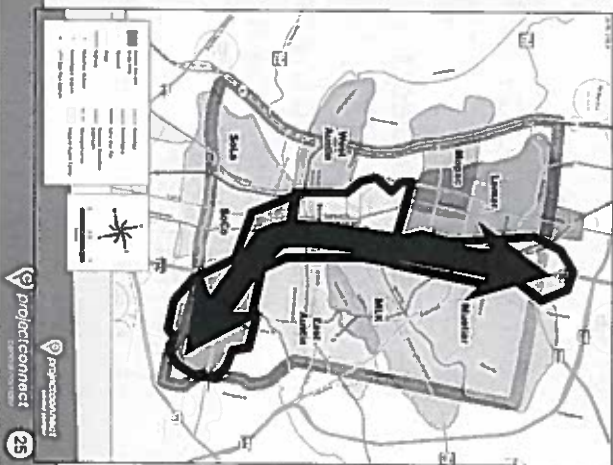
- ERC & Highland are top performers
 - From various perspectives
- Weightings do not change the overall results
- All sub-corridors could support HCT

Note: Evaluation scores can only be compared within each column.

4 Recommendation

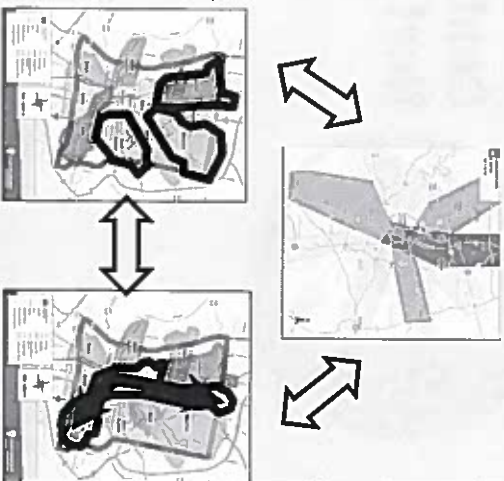
East Riverside
&
Highland

- East Riverside (ERC) and Highland are consistently in the top two
- Advance both into Phase 2
 - Develop best project
- Balanced recommendation
 - System Development
 - Shaping Characteristics
 - Serving Characteristics



4 Central Corridor System Planning


- Continuing system level planning during project development is critical
 - All sub-corridors could support high-capacity transit
 - Central Corridor phasing must be integrated with all system planning efforts
- Project definition is needed for Lamar, Mueller, East Austin
 - Leverage future funding opportunities
 - Create project pipeline - "shovel-ready"



4

CCAG Action


- Central Corridor Advisory Group (CCAG) Action on December 6, 2013
 - Endorsed project team recommendation for East Riverside and Highland Sub-Corridors
 - Recommended the project team continue critical Central Corridor system level planning and project development, with special consideration of the next tier of sub-corridors, including East Austin, Lamar, and Mueller

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connecting people, places, and projects

27

5

Central Corridor
Next Steps

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28

5

The Road to the Priority Sub-Corridor

CCAG Meetings	Boards & Council
<ul style="list-style-type: none">• November 1<ul style="list-style-type: none">– Present Data (2 of 2)– Evaluation Process– Public Comment• November 15<ul style="list-style-type: none">– Evaluation Results– Project Team Recommendations– Public Comment• December 6<ul style="list-style-type: none">– Public Comment– CCAG Discussion and Selection	<ul style="list-style-type: none">• November 13<ul style="list-style-type: none">– Capital Metro Board• November 21<ul style="list-style-type: none">– Austin City Council• December 11<ul style="list-style-type: none">– Capital Metro Board Briefing• December 12<ul style="list-style-type: none">– Austin City Council Briefing & Action• February 7, 2014<ul style="list-style-type: none">– Lone Star Board Executive Committee

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5

Phase 2 Preparations

- Purpose and Need
- Methodology and Criteria
- Identify Preliminary Alignments and Mode Alternatives

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30



THANK YOU

More Information:

Project Connect & Central Corridor HCT Study

projectconnect.com





Anguiano, Dora

CS

From: Justin Spillmann
Sent: Tuesday, December 10, 2013 1:51 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Justin Spillmann; Anguiano, Dora
Subject: Cascades MUD - Agenda Item 5
Attachments: Cascades MUD Planning Commission Handouts.pdf

Dear Planning Commission Members:

I represent and am a part owner of Spillmann Properties, Ltd, which owns land next to the proposed Cascades MUD (Agenda Item #5 tonight). My family thinks it is vitally important for all decision makers at the city to have knowledge of the history of this development. This is the same developer that filled the floodplain along Onion Creek without first obtaining the required permits. We feel it took satellite imagery that showed the fill being placed for the city to take action years ago. During the process to determine the amount of the fill, the developer provided the depths and test pit locations used by Terracon to create a report on which the city relied. Terracon specifically stated that they didn't make those determinations (See Exhibit #3-B). The LIDAR data and the on the ground survey differed by numerous feet in areas, but the Terracon report showed "No Fill" in some of these same areas (See Exhibit 4). How can this be, especially considering the satellite imagery that showed work being done in these areas (look at Exhibits #2 and #3 attached)? One possible answer is that the test holes were not dug deep enough. After the Halloween 2013 Onion Creek flood, I met with two city of Austin engineers and showed them this documentation. Before I could even finish outlining my thought, one of the engineers stated that the test holes possibly didn't go deep enough.

Additionally, I also witnessed the fill being conducted, and personally farmed some of the land in question to know how it drained prior to the developer's actions.

Once the city and the developer agreed to an amount of fill that needed to be mitigated (an amount I'm still not sure is correct based on the above), a plan was put in place to complete the mitigation. However, at the beginning of the mitigation the workers started putting the "spoils" back on the ground where they originally came from, instead of in the "Spoils Disposal Area" that had been agreed upon. This shows that even when the developer puts something in writing, that it sometimes takes more severe action for the developer to comply with agreements that were previously made.

The fact that the developer's prior law firm, Brown McCarroll, had to file suit to collect attorneys fees is another indication of this (See Exhibit D).

Additionally, back in late 2005/early 2006, Marc Knutsen was going through personal bankruptcy (Exhibit B) at close to the same time as his fiance Joyce Porter was involved in obtaining an interest in the property in Austin's full purpose jurisdiction (the green property on the attached map).

In the 2005 bankruptcy, Marc Knutsen listed \$710 in assets and \$1,889,989.59 in liabilities (see Exhibit F). In a 2010 bankruptcy filed by Onion Associates, Marc Knutsen was listed as a creditor in the amount of \$592,279 (see Exhibit H).

1. *Phragmites australis* (Cav.) Trin. ex Steud.

20

Note that Mr. Knutsen was listed as a caretaker for Porter Ranch in 2004 and 2005 showing income of \$20000 each year (see Exhibits E and G).

My family is concerned about many aspects of the proposed MUD. In the legislative process, we were told that we could see the consent agreement to be signed off on by the city prior to the city's approval. However, it now appears that the city might sign off on a concept without having the actual language in place. This is troubling to me, because in this instance I believe exact language should be voted on instead of a general agreement. Even with an exact agreement, the developer has shown that he is not willing to always perform his duties without court or other additional enforcement action.

My family encourages all city staff, commissions, and decision makers to fully consider the future impact of approving this MUD. We do not feel that this MUD is a benefit to the community.

We encourage you to deny this request for a MUD. Please contact me if you have any questions.

Sincerely,
Justin Spillmann
Attorney for Spillmann Properties LTD.
512-551-9999

Subject: Cascades MUD - Agenda Item 5

From: Justin Spillmann (jspillmann@yahoo.com)

To: bc-Dave.Anderson@austintexas.gov; bc-Alfonso.Hernandez@austintexas.gov; bc-Jean.Stevens@austintexas.gov; bc-Danette.Chiment@austintexas.gov; bc-Jeff.Jack@austintexas.gov; bc-James.Nortey@austintexas.gov; bc-Stephen.Oliver@austintexas.gov; bc-Brian.Roark@austintexas.gov; bc-Myron.Smith@austintexas.gov;

Cc: jspillmann@yahoo.com; dora.anguiano@austintexas.gov;

Date: Tuesday, December 10, 2013 1:51 PM

C5

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1940-1941

2

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My family is concerned about many aspects of the proposed MUD. In the legislative process, we were told that we could see the consent agreement to be signed off on by the city prior to the city's approval. However, it now appears that the city might sign off on a concept without having the actual language in place. This is troubling to me, because in this instance I believe exact language should be voted on instead of a general agreement. Even with an exact agreement, the developer has shown that he is not willing to always perform his duties without court or other additional enforcement action.

My family encourages all city staff, commissions, and decision makers to fully consider the future impact of approving this MUD. We do not feel that this MUD is a benefit to the community.

We encourage you to deny this request for a MUD. Please contact me if you have any questions.

Sincerely,
Justin Spillmann
Attorney for Spillmann Properties LTD.

512-551-9999



Google earth

miles 1 2
km

Cascades - within City of Austin city limits - Green

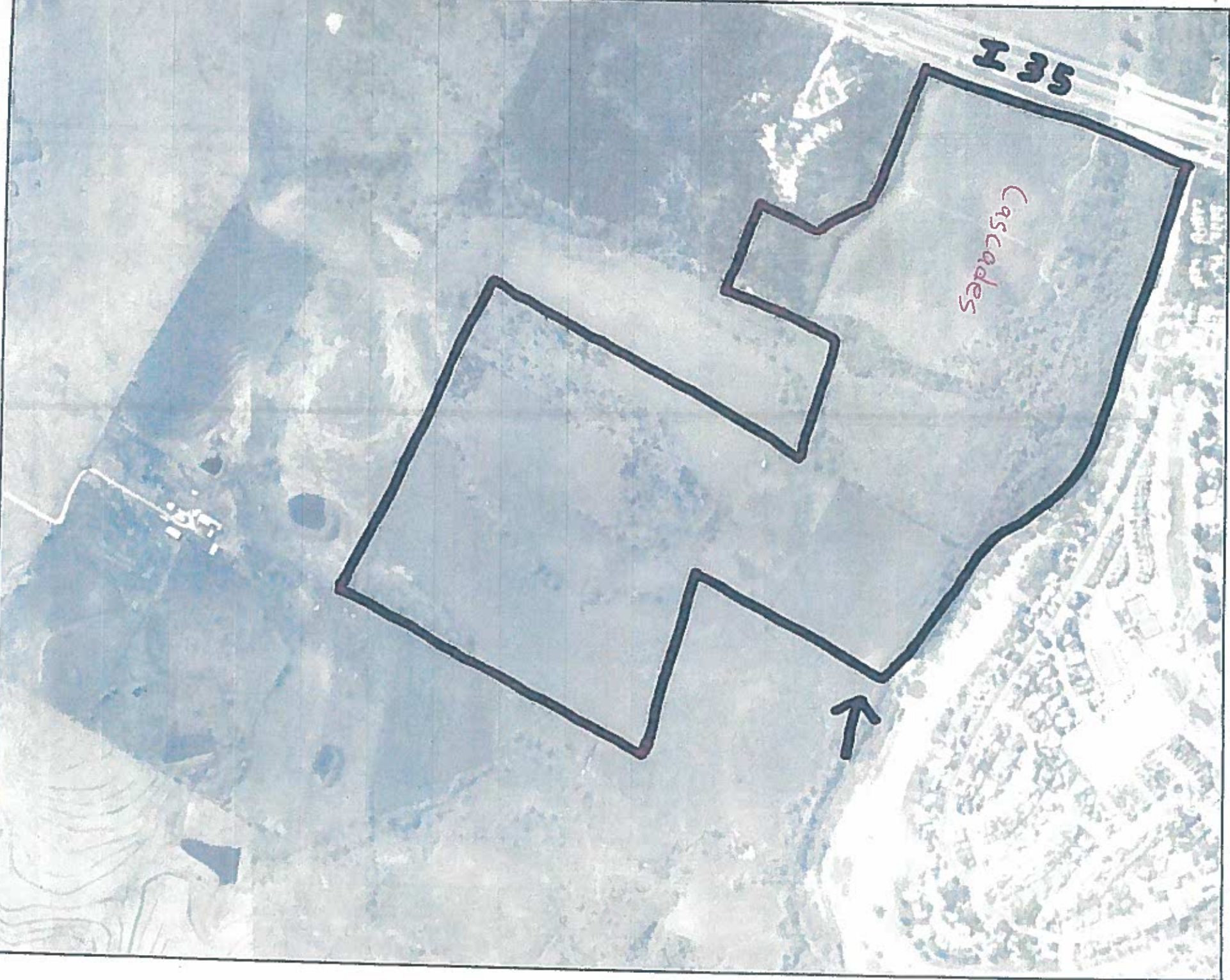
MUD - Cascades - outside City of Austin but inside Austin ETJ - Red

Hetherly - Yellow

Spillman - Purple

Urban - Outlined in Black

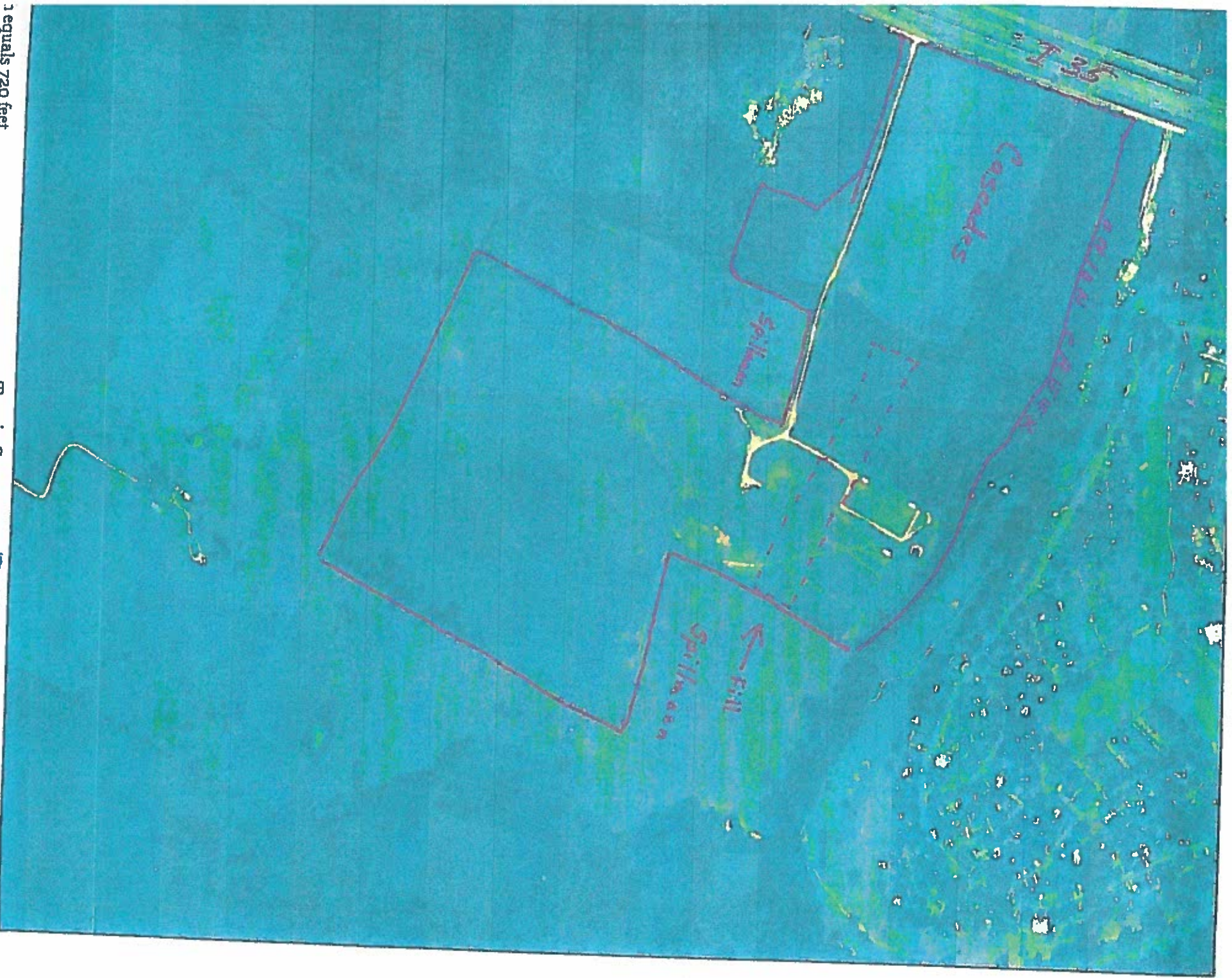
Buratti - 158 acre Proposed MUD expansion area
(Possible) Outlined in Red w/ Crosshatch



1 inch equals 720 feet

Travis County **Exhibit 1**

TXDOT 1993
Frame: 2-16-543

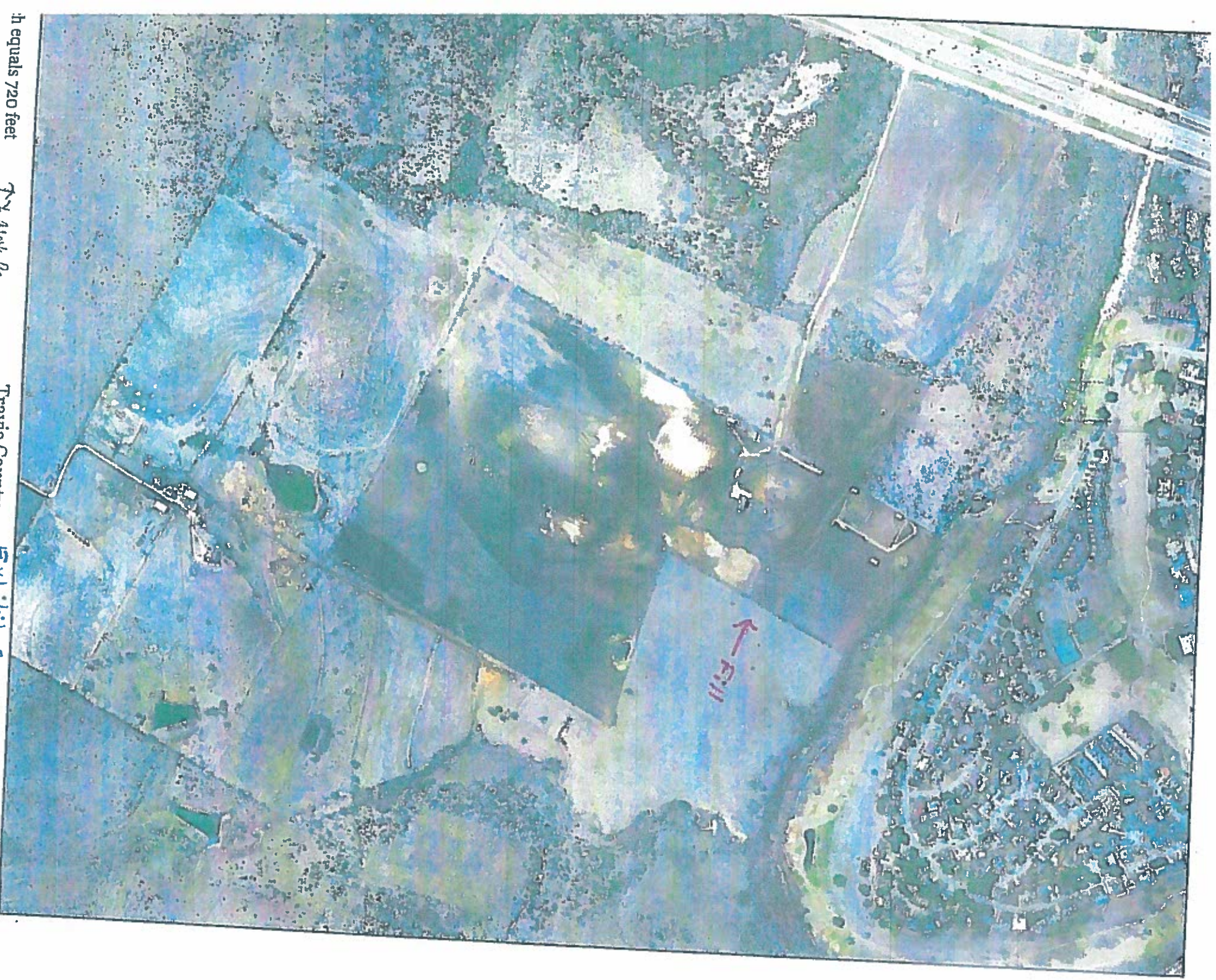


1 equals 720 feet

Travis County

Exhibit 2

NAIP 2005



in equals 720 feet

Travis County
Automated System

Exhibit 3

CAPCOG 2006

May 21, 2008

Mr. Richard W. Vaughn, A.P.A., C.E.T.

Vaughn & Associates
707 West 10th Street
Austin, Texas 78701

Phone: (512) 708-8891

Fax: (512) 708-8895

Mobile: (512) 619-7159

E-mail: rick@rvaughn.com

Terracon
Consulting Engineers & Scientists

Terracon Consultants, Inc.
5307 Industrial Oaks Boulevard
Suite 160

Austin, Texas 78735
Phone 512.442.1122
Fax 512.442.1181
www.terracon.com

Re: Fill Depth Evaluation
IH-35, north of Mayall Trail
Austin, Texas
Terracon Project No. 96085097

Dear Mr. Vaughn:

This letter provides approximate depths and an estimated volume of the existing fill material at the above referenced project site. This project was authorized by Mr. Richard Vaughn of Vaughn & Associates through signature of our "Agreement for Services" on April 28, 2008. The scope of services for this project was performed as generally outlined in Terracon Proposal No. 9608G1558 dated April 25, 2008.

Project Summary

The project involves the proposed development of a tract located on the east side of Interstate Highway 35, north of Mayall Trail and south of Onion Creek Parkway in Austin, Texas. Based on information provided to us, the site was filled in late 2005. Our scope of services for this project consists of providing an estimate of the amount of fill at the site, based on test pit excavations and plans provided to us.

Field Exploration

An approximate limit of the filled area was provided to Terracon by Winkley Engineering, Inc. Based on the limits, the study area is approximately 26 acres. On May 3, 2008, a Terracon field technician observed the excavation of 17 test pits (TP-533 through TP-549). The test pit locations were provided by the client. On May 13, 2008, the Terracon field technician observed 33 test pits (TP-500 through TP-532) after they were excavated by the land owner to predetermined depths. These test pit locations (TP-500 through TP-532) were marked in the field by Winkley Engineering Inc.'s surveying firm. The depths of the excavation were estimated by Winkley Engineering based on their comparison of the topographies from the City of Austin LIDAR (Light Detection and Ranging) and on the ground survey data (current topography). The approximate test pit locations are shown on the project layout presented on Figure 2. The figure also shows the current topography of the site as well as the topography from the City of Austin LIDAR..

N:\Projects\2008\96085097\96085097.doc

Exhibit 3-B

Inconclusive & No Fill Test Holes

I #8 feet

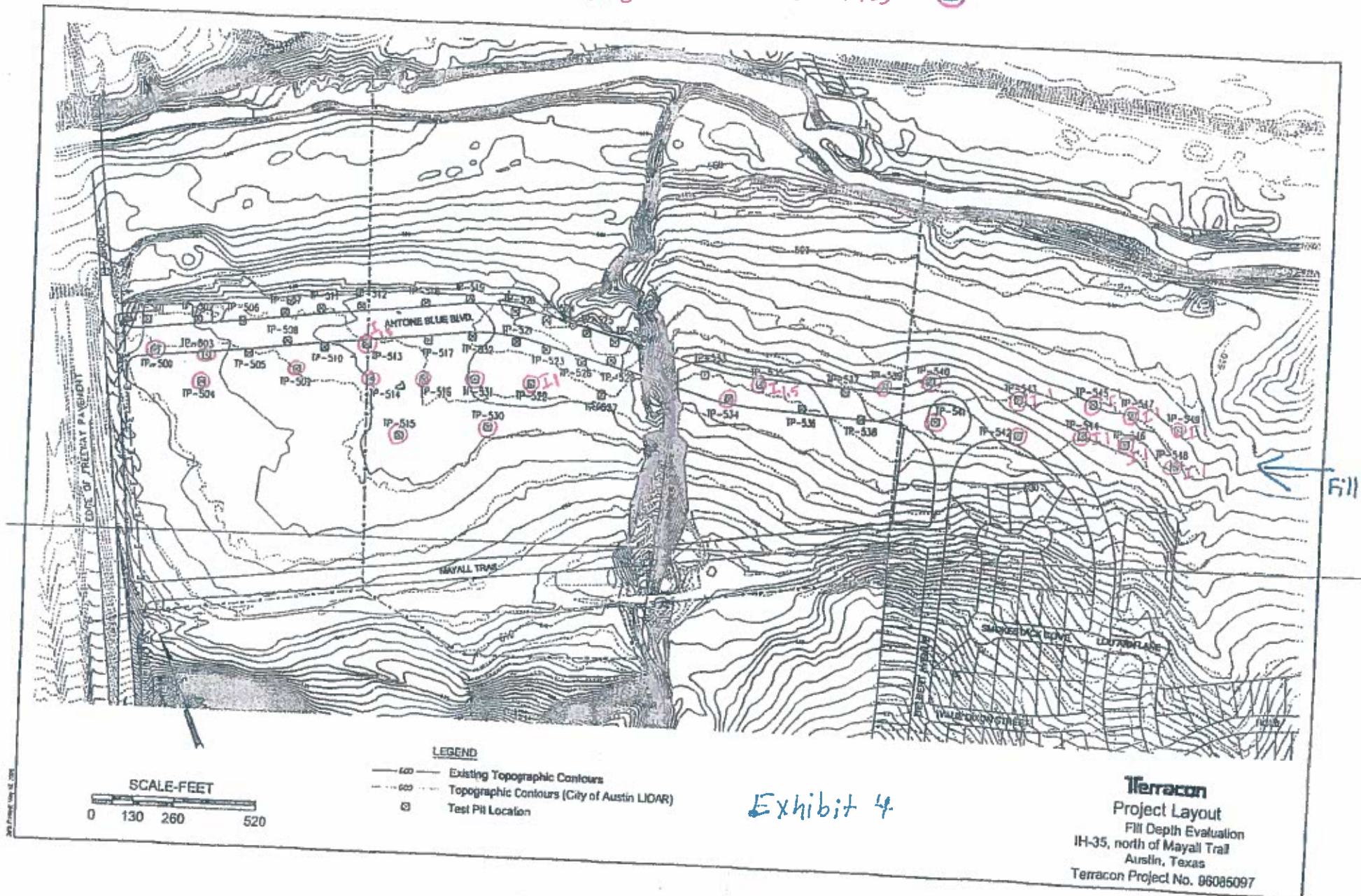


Figure 2



**NOTICE OF FILING OF APPLICATION
FOR CONSENT TO
CREATION OF A WATER DISTRICT** *Exhibit A*

Mailing Date: 01/16/2013

Case Number: C12M-2013-0001

Please be advised that the City of Austin has received an application for consent to create a water district. You are being notified in accordance with Section 25-9-153 of the City Code.

Name of Water District: Cascades Municipal Utility District (MUD)

Applicant: Onion Associates, Ltd. (T. Marc Kruttsen)

Project Location: Approximately 223 acres of land located along the south side of Onion Creek east of IH 35 South in Travis County, Texas.

Project Description: The applicant is proposing the creation of a municipal utility district. A portion of the area is in the City's full purpose jurisdiction and the remainder is in the City's extraterritorial jurisdiction (ETJ). The site is undeveloped and proposed future development includes single-family and multi-family residential land uses.

Procedure: The City Council may recommend creation of a water district after it is reviewed by staff, the Water and Wastewater Commission, the Planning Commission, the Environmental Board, the Parks and Recreation Board, and the Urban Transportation Commission. The City Council must hold a public hearing on the application and then may take action to recommend or deny consent to creation of the water district. Normally, City Council action takes place within 90 days.

After City Council action, the district may be created by the Texas Commission on Environmental Quality. At any time, the district may be created by act of the Texas Legislature.

If you have any questions concerning this application, please contact Virginia Collier at (512) 974-2022 or by email: Virginia.collier@austintexas.gov, and refer to the case number at the top right of this notice. The case manager is located at the Planning and Development Review Department at the One Texas Center Building, 505 Barton Springs Road, Austin, Texas.

U.S. Bankruptcy Court
Western District of Texas (Austin)
Bankruptcy Petition #: 05-18471-firm

Exhibit B

Assigned to: Bankruptcy Judge Frank R. Monroe
Chapter 7
Voluntary
No asset

Date filed: 10/14/2005
Date reopened: 06/08/2006
Date terminated: 02/01/2007
Date discharged: 02/08/2006

[Show Associated Cases](#)

Debtor
Timothy Marc Knutsen
PO Box 850
Buda, TX
TRAVIS-TX
SSN / ITIN: xxx-xx-1149
aka T. Marc Knutsen
aka Marc T. Knutsen
aka Marc Knutsen
aka Timothy M. Knutsen

represented by **William T. Peckham**
Law Office of William T. Peckham
1104 Nueces Street, Suite 104
Austin, TX 78701-2106
(512)472-8126
Fax : 512-47801790
Email: wpeckham@swbell.net

Trustee
Ronald E Ingalls
12898 High Sierra
Austin, TX 78737
(512)708-9188

TERMINATED: 06/08/2006

Exhibit C
U.S. Bankruptcy Court
Western District of Texas (Austin)
Bankruptcy Petition #: 10-11253-cag

Debtor	represented <u>William T. Peckham</u>
<i>ONION ASSOCIATES, LTD</i>	by Law Office of William T. Peckham 1104 Nueces Street, Suite 104 Austin, TX 78701-2106 (512)472-8126 Fax : 512-47801790 Email: wpeckham@swbell.net
<i>P. O. Box 850 Buda, TX 78610</i>	
<i>Tax ID / EIN: 20-4943349</i>	

ONION ASSOCIATES LTD, Texas Western Bankruptcy Court Petest, 110-11253



TRV 2011071617
1 Pg

Return to: BROWN MCCARROL
111 CONGRESS AVENUE, SUITE 1400
AUSTIN, TX 78701-4043

Abstract of Judgment

Exhibit D

The State of Texas
The County of Travis

Cause No. C-1-CV-09-010653

**BROWN MCCARROL, L.L.P., Plaintiff vs. ONION ASSOCIATES, LTD. AND
ONION ASGP, INC., Defendants**

I, Dana DeBeauvoir, Clerk of the County Court at Law No. 1 of Travis County, Texas, do hereby certify that in Cause No. C-1-CV-09-010653 in said Court, BROWN MCCARROL, L.L.P., whose address is in care of

BROWN MCCARROL
111 CONGRESS AVENUE, SUITE 1400
AUSTIN, TX 78701-4043

Plaintiff recovered judgment on March 26, 2010, against Defendants ONION ASSOCIATES, LTD. AND ONION ASGP, INC

(DOB-unknown; TDL-unknown; SSN unknown; last known address both defendants-C/O WILLIAM T. PECKHAM, 1104 NUECES STREET, SUITE 104, AUSTIN, TEXAS 78701)

Jointly and severally, in the amount of \$49,344.94, plus prejudgment interest in the amount of \$4,387.67, attorneys' fees in the amount of \$4,250.00 and expenses in the amount of \$400.00, all taxable costs of court, and post-judgment interest on the total amount of judgment as the highest rate per annum allowed by law from the date of entry of this judgment until satisfied, together with all costs of suit as of the date of this Abstract of Judgment.

Credits to judgment: NONE.

There is now still due on said judgment the amount hereinabove set-out. Fees and any stated credits. Issued and given under my hand and seal of said court at Austin, Texas on May 5, 2010.

Dana DeBeauvoir, County Clerk
Travis County, Texas,

A. HAGAN, Deputy

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

SEAL

May 18, 2011 08:48 AM
MCHADOP: \$16.00
2011071617
Dana DeBeauvoir, County Clerk
Travis County TEXAS

SCHEDULE I (CURRENT INCOME OF INDIVIDUAL DEBTOR(S))

Debtor's Marital Status	Dependents of Debtor and Spouse (Names, Ages and Relationships)					
	Name	Age	Relationship	Name	Age	Relationship
Single						
Employment	Debtor		Spouse			
Occupation	Caretaker					
Name of Employer	Porter Ranch					
How Long Employed	10 years					
Address of Employer	PO Box 850 Buda, TX 78610					

Income. (Estimate of average monthly income)
Current monthly gross wages, salary, and commissions (prorate if not paid monthly)
Estimated monthly overtime
SUBTOTAL
DEBTOR \$0.00
SPOUSE \$0.00
\$0.00

LESS PAYROLL DEDUCTIONS
A. Payroll taxes (includes social security tax if B is zero) \$0.00
B. Social Security Tax \$0.00
C. Medicare \$0.00
D. Insurance \$0.00
E. Union dues \$0.00
F. Retirement \$0.00
G. Other (specify) \$0.00
H. Other (specify) \$0.00
I. Other (specify) \$0.00
J. Other (specify) \$0.00
K. Other (specify) \$0.00
SUBTOTAL OF PAYROLL DEDUCTIONS \$0.00

TOTAL NET MONTHLY TAKE HOME PAY \$0.00
Regular income from operation of business or profession or farm (attach detailed statement)
Income from real property \$0.00
Interest and dividends \$0.00
Alimony, maintenance or support payments payable to debtor for the debtor's use or that of the dependents listed above \$0.00
Social Security or other government assistance (specify) \$0.00
Pension or retirement income \$0.00
Other monthly income (specify below) \$0.00
Indirect payments made directly by Joyce \$0.00
Porter for food, clothing, expenses of Debtor \$1,700.00

TOTAL MONTHLY INCOME \$1,700.00
TOTAL COMBINED MONTHLY INCOME \$1,700.00 (Report a so on Summary of Schedules)
Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document

IN RE: Timothy Marc Knutsen

CASE NO 05-18471

CHAPTER 7

SUMMARY OF SCHEDULES

Exhibit F

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	No	1	\$0.00		
B - Personal Property	No	4	\$710.00		
C - Property Claimed as Exempt	No	1			
D - Creditors Holding Secured Claims	No	1			\$0.00
E - Creditors Holding Unsecured Priority Claims	No	2		\$160,000.00	
F - Creditors Holding Unsecured Nonpriority Claims	No	10		\$1,729,989.59	
G - Executory Contracts and Unexpired Leases	No	1			
H - Codebtors	No	1			
I - Current Income of Individual Debtor(s)	No	1			\$1,700.00
J - Current Expenditures of Individual Debtor(s)	No	1			\$1,700.00
Total Number of Sheets of ALL Schedules >			23		
Total Assets >			\$710.00		
Total Liabilities >			\$1,889,989.59		

IN RE: Timothy Marc Knutsen

CASE NO 05-18471

CHAPTER 7

STATEMENT OF FINANCIAL AFFAIRS

Exhibit G

1. Income from employment or operation of business

☐ None
State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT SOURCE (if more than one)

\$0.00 2004 income

\$0.00 2005 income

2. Income other than from employment or operation of business

☐ None
State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT SOURCE

\$20,000.00 2004 living expenses paid directly by Porter Ranch/Loyce Porter

\$20,000.00 2005 living expenses paid directly by Porter Ranch/Loyce Porter

3. Payments to creditors

☒ None
a. List all payments on loans, installment purchases of goods or services, and other debts aggregating more than \$600 to any creditor made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ None
b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

4. Suits and administrative proceedings, executions, garnishments and attachments

☒ None
a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

☒ None
b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

5. Repossessions, foreclosures and returns

☒ None
List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 for chapter 9 case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Exhibit H

(1) Name of creditor and complete mailing address, including zip code	(2) Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	(3) Nature of claim (trade debt, bank loan, government contract, etc.)	(4) Indicate if claim is contingent, unliquidated, disputed, or subject to setoff	(5) Amount of claim (if secured also state value of security)
Capital Pacific Homes c/o Todd Brown MCI Financial Group, Ltd. 4909 North 44th Street Phoenix, AZ 85018		Loan	Disputed	\$800,000.00
Onor Capital Ltd 2110 Boca Raton Dr., #205 Austin, TX 78747		Loan		\$640,000.00
Marc Knutsen P. O. Box 852 Buda, TX 78610		Loan		\$592,279.00
Kerneth and Nathalie Hardie 10866 Yoite Hill Lane Great Falls, VA 22066		Lender to prior land owner	Disputed	\$653,205.00 Value: \$288,446.00
Brown, McCarroll Attorneys At Law 1111 Congress Ave., #450 Austin, TX 78701		Attorney Fees	Disputed	\$60,000.00

Chaffin, Heather

211

From: GNDC <gndc@sbcglobal.net>
Sent: Thursday, December 05, 2013 5:54 PM
to: Chaffin, Heather
Cc: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Norley, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Daniel Llanes; Daniel Llanes; Johnny Limon; Susana Almanza
Subject: Objection to zoning change at 1120 Tillery C14-02-0183(RCT)
Attachments: 1120 Tillery_upzoning_objection0001.pdf; 1120 Tillery_Objection_ltr_20001.pdf; 1120 Tillery rollback clause.pdf

Dear Ms. Chaffin and Members of the Planning Commission:

I am the executive director of a Texas nonprofit corporation that owns 11 acres adjacent to 1120 Tillery (Ted's Trees), for which the owner is requesting termination of a Restrictive Covenant (RC), case C14-02-0183(RCT).

I cannot imagine that staff will support the request, because it undermines the neighborhood planning process and City Council action that ratified the zoning changes that came with the plan. As I'm sure you know, the property in question was up-zoned the property from SF-3 to the current CS-MU-CO zoning with the full agreement of the Owner to "not object to" a re-zoning to SF-4A when the nursery, residence and business office uses then on the property ceased. I'm providing more detail than I would like because the Notice sent out by the City implies the neighborhood wanted CS-MU zoning and the RC would somehow make a mistake by rolling the zoning back to SF-4A. That, as I'm sure you know, is completely incorrect.

In addition to my objection on 2 of the Notices we received, I am attaching some backup pages from the City Planning Department staff that were provided to Planning Commissioners and to the City Council at the time the Govalle-Johnston Terrace Neighborhood Plan (GJTNP) was being finalized. Just in case you somehow were not aware of the process, I will remind you that the neighborhood very kindly agreed to a temporary up-zoning from SF-3 (that had been on the property for decades) so that the uses on the property would be in compliance with the new, neighborhood plan zoning and so that a owner could continue to receive rents from the nursery uses and agricultural tax exemptions until the 3.5 acres were ready for redevelopment. At the time of redevelopment, which appears to be imminent, rather than insisting on a true roll-back to SF-3, the neighbors and property owners agreed to have the City initiate a re-zoning to a denser, but still compatible SF-4A category. The City staff, and eventually the City Council, codified that agreement both with the CS-MU-CO and with the RC.

I have heard that the current and/or future owner would like to avoid subdivision and putting in a City street and instead wants to do condos. As a developer, that makes good sense to me. But that can and should be done with SF-4B zoning because, just like the SF-4A that the owner gladly agreed to back when the GJTNP was approved, it is compatible with the surrounding predominantly single-family neighborhood.

One suggestion that I would like to propose is simply to amend the RC to add SF-4B as an allowable re-zoning category. In this way, the owner would get to avoid the headache, time delays and cost of subdivision and the cost of installing a City street. They also will get, by my rough calculations, about 10 to 12 more dwelling units than SF-4A would yield. That's a sweet deal and maintains compatibility with the neighborhood and conforms with the spirit and intent of the GJTNP future land use map and process. Perhaps some sort of community benefit, such as requiring 15% of the addition units gained by changing from SF-4A to SF-4B should be made affordable to buyers or renters with low-to-moderate incomes. Just a thought.

I, of course, would only recommend you support this alternative if the Govalle-Johnston Terrace contact team supports it as well.

Thank you!

Mark C. Rogers, Executive Director
Guadalupe Neighborhood Development Corporation
n 512-479-6275 x3
dalupendc.org

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.austintexas.gov

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.

Case Number: C14-02-0183(RCT)
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Nov 12, 2013, Planning Commission
Dec 12, 2013, City Council

Your Name (please print) We have 31 parcels adjacent, including 29 SF-4A
1126 Tiller, 3000 through 3128 Fathur
Your address(es) affected by this application 500 Zanders Street, etc

Mark C. Rogers
Signature
Date 12/5/2013

Daytime Telephone: 512 479 6275 x 3

Comments: The CS-MU-CO zoning and the Restrictive Covenant to re-zone (not call back because it was SF-3) were an agreement made in the neighborhood planning process. The owner got CS-MU because they were restricted use limited to those existing at the time of the agreement the property would be re-zoned SF-4A when those uses ceased. CS-MU was a gift that was temporary.

If they want condos, amend the Restr. Cov't to also allow SF-4B. That is the reasonable thing to do.

If you use this form to comment, it may be returned to: City of Austin Planning & Development Review Department Heather Chaffin P. O. Box 1088 Austin, TX 78767-8810

INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al supuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende mas de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedido. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) a DISTRICTO COMBINADO, Mixed-use (MU) Combining District, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

www.austintexas.gov

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-02-0183(RCT)

Persona designada: Heather Chaffin, 512-974-2122

Audiencia Publica: Nov 12, 2013, Planning Commission

Dec 12, 2013, City Council

Mark C. Rogers for Guadalupe N. LC
Su nombre (en letra de molde)
1126 Tillery, 3000 through 3128 Father
Joe Zayas Street, adjacent to Rogers.

Su domicilio(s) afectado(s) por esta solicitud

Mark C. Rogers, Executive Director

Firma

Fecha

12/5/2013

Daytime Telephone: 512 479 6275

Comments: A roll-back would be to SF-3, not SF-4A.

The owner agreed to the SF-4A in exchange for the

upzoning (temporary) in order to maintain the nursery

business and agricultural tax exemptions. The RC

would put the property in compliance w/ the neighbor

plan. Terminating the RC while leaving the

CS-MU-CO zoning in place would negate the

city council action re: the Gov. Johnst. Inter. Plan.

and 2) grant massive entitlements that were

never intended, and 3) create

Si usted usa esta forma para proveer comentarios, puede retornarlos

City of Austin the potential for an incompatible

Planning & Development Review Department development.

Heather Chaffin P. O. Box 1088 Austin, TX 78767-8810

SF-4B gives them the code use they see to want.

SF-3, SF-4A or SF-4B

ove all reasonable alternatives.

A detailed list of specific restrictions to be included in the CO for certain tracts is provided in Attachment 2.

PLANNING RECOMMENDATION:

12-18-02: Passed 7:1:1

Recommendations:

1. Recommend approval of the Govalle/ JT Neighborhood Plan (with its' principles and goals) and Rezoning with the following additions.
2. Direct staff to have a public hearing on allowing small lot amnesty for Govalle/ JT NP
3. Recommend CS-CO-NP for tract 171
4. Recommend keeping tract 132 as MFR-2-CO-NP
5. Recommend for tract 50 finding some zoning to allow existing use with the least intense zoning needed.
6. On the FLUM, reflect the area along Red Bluff as Mixed Use
7. Encourage neighborhood and staff to work with the 6 outstanding property/property owners to reach consensus for a recommendation for CC.
8. Recommend including language (like in the Southeast Plan) for allowing SMART housing to be considered for properties in the neighborhood and the plan being generally supportive of future SMART housing project proposed in the neighborhood.

ISSUES:

Three property owners have verbally agreed to zoning rollback provisions provided via public restrictive covenants. These covenants are currently being written by the City of Austin Law Department and will be presented to the City Council upon execution.

A number of petitions have been received and will be validated prior to the City Council hearing.

DEPARTMENT COMMENTS:

In response to the Affordability Impact Statement (Attachment 3) prepared by Neighborhood Housing and Community Development the staff recommendation was revised on January 27, 2003 to include Small Lot Amnesty.

There were five rezoning cases initiated prior to or during the neighborhood planning process. They are C14-01-0003 located at 618 Tillery Street, C14-02-0093 located at 5100 East 7th Street, C14-02-0170 located at 601 Airport, C14-02-0127SH located at 3000 Oak Springs Road and C14-02-0114SH located at 2700 Lyons Road.

C14-02-0170, C14-02-0114SH, and C14-02-0127SH have been completed. C14-01-0003 has been withdrawn and is proposed for rezoning as part of this neighborhood plan. C14-02-0093 was completed on January 9, 2003 and is no longer recommended as a base rezoning as part of this neighborhood plan but will receive a Neighborhood Plan Combining District (NP) designation.

AREA STUDY:

Govalle/Iomaston Terrace Combined Neighborhood Planning

TIA: Waived.

1100

ADDRESS		ZONING	
159c	312 ALLEN ST	LI	CS-CO-NP
159d	308 ALLEN ST	LI	CS-MU-CO-NP
161	3008 GOVALL AV, 1123 LINDEN (LOT 7B *RESUB OF LOT 7 BLK 1 OLT 45&48 DIV A CHERICO SUBD NO 2), 1123 LINDEN (LOT 7A *RESUB OF LOT 7 BLK 1 OLT 45&48 DIV A CHERICO SUBD NO 2), 1118, 1118 & 1120 (3.50 AC OF OLT 48&51 DIVISION A), 1120 (39 X 160 FT OLT 48&51 DIVISION A) TILLERY ST	SF-3	CS-MU-CO-NP
162	3517 7 STE	LI	P-NP
163	0 PLEASANT VALLEY RD N (.106 AC OLT 38 DIVISION A)	CS	P-NP
164	1136 AIRPORT BLVD (LOT 14 *LESS 14 X 75 FT PLUS E 75 FT OF LOT 15A BLK A OLT 55&56 DIV A SPILLAR & GREENWOOD ADDN), 1136 AIRPORT BLVD (LOT 16A *RESUB OF LTS 15-16 BLK A OLT 5&58 DIV A SPILLAR & GREENWOOD ADDN), 1136 AIRPORT BLVD (LOT 16C OLT 55&56 DIV A LEE WOODROW R SUBD) & 3500 KAY ST	CS	CS-CO-NP
165	0 AIRPORT BLVD (.87 AC OLT 56 DIVISION A)	CS, CS-1	CS-CO-NP
166	1120 & 1122 AIRPORT BLVD, 3700 THOMPSON ST & 980 SPRINGDALE RD	CS	CS-1-CO-NP
167	300 ALLEN ST	CS	CS-CO-NP
168	3503 & 3515 WEBBERVILLE RD	CS-1	CS-CO-NP
169	821 GUNTER ST	SF-3, CS	GR-MU-CO-NP
171	3401 7 STE	LI	CS-MU-CO-NP
		CS-1	CS-CO-NP



20. Bolm Road Single Family

Tract 132a -- 5901 Bolm Road

SF-4a-CO with the conditional overlay limiting dwelling units on the tract to a maximum of 6.5 units per acre.

21. Bolm Road

Tract 132b

Govalle/Johnston Terrace
Prohibited
Service Station

Rollback Tracts

Rollback tracts require the agreement of the property owner in a public restrictive covenant to implement.

Tract 161 -- Ted's Trees on Tillery

Rezone to CS-MU-CO with the CO prohibiting all uses except Administrative and Business Office, Plant Nursery, Professional Office, and Single Family Residential. The CO would also limit the size of any Administrative and Business Office and Professional Office use to 5,000 square feet. If the current commercial use (Plant Nursery) ceases to operate then the City will initiate rezoning the tract to Single Family (SF-4a). The tract is shown on the Future Land Use Map as Single Family.

Tract 169 -- Casa Maranella

Rezone to CS-MU-CO with the CO prohibiting all uses excepting Administrative and Business Office, Art and Craft Studio (Limited), Day Care Services (Limited and General), Professional Office, and all residential uses allowed under the Mixed Use Combining District. Transitional Housing is permitted as a conditional use. If the current use (Transitional Housing) ceases to operate then the City will initiate rezoning the tract to Single Family (SF-3). The tract is shown on the Future Land Use Map as Single Family.

C11

December 10, 2013

Ms. Heather Chaffin
Planning & Development Review Department
City of Austin
P.O. Box 1088
301 W. 2nd Street
Austin, Tx. 78767-8810

Dear Ms. Heather Chaffin and Members of The Planning Commission

Re' Case Number C14-02-0183(RCT) re' 1120 Tillery

New information has come to me since my previous correspondence to you dated November 5, 2013 as well as correspondence dated yesterday (December 9, 2013). In light of the new information I respectfully request that accept this letter as rescinding the previous correspondence.

Our final position is that we are in support of Termination of the existing Restrictive Covenant.

It is understood that the applicant seeks to obtain a new Zoning Classification of SF-6 with access to be taken from the Southern point of contact with Tillery.

We support this change.

Thank you for allowing our input,

Timothy Joseph Welbes and Anne E. Welbes
1122 Tillery
Austin, Tx. 78702

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.

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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.austintexas.gov

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

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.

Case Number: C14-02-0183(RCT)
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Nov 12, 2013, Planning Commission
Dec 12, 2013, City Council

Your Name (please print) _____
Your address(es) affected by this application _____

Signature _____
Date 11-5-13

Daytime Telephone: 281-844-7087

Comments: PLEASE DO NOT REZONE

TERMINATE THE EXISTING

RESTRICTIVE COVENANT

THE MURSEY IS A

GOOD NEIGHBOR.

12-10-13

12-10-13

Rhoades, Wendy

Item # C-16

From: [REDACTED]
Sent: Tuesday, December 10, 2013 11:46 AM
To: Rhoades, Wendy; alumc@texas.net
Subject: Case Number C14-2013-0133

To: Wendy Rhoades for the Planning Commission
From: Dana Blanton, owner/resident of 920 E. 52nd St. home
Re: Public Hearing, December 10, 2013, 6:00 p.m. concerning Case Number C14-2013-0133

I am contacting you to register my objection to the application for a zoning change at 920 E. 53rd St. Although the area is changing, the streets between 52nd and 55 1/2 Streets are still almost exclusively single family houses. As the owner and resident of the house at 920 E. 52nd St., I feel that keeping the zoning designation as SF-3 will help to preserve the character of the neighborhood.

Thank you for your attention in this matter.


Yours truly,

Dana Blanton

2000年1月1日

Anguiano, Dora

Item C-17

From: Christin Rowan <>
Sent: Tuesday, December 10, 2013 2:00 PM
To: wendy.rhoades@austintexas.gov
Cc: Anguiano, Dora; alice@agconsultingcompany.com
Subject: Re: Case No. C14-2013-0138 - Nightcap Dessert Lounge (1401 W. 6th Street)

Hi Wendy,

Per our conversation earlier I wanted to put in a postponement request for my case C-14-2013-0138 to be heard at the next Planning Commission Hearing on January 14th.

Please give me a call at your earliest convenience when your office has made a decision as to who my new case manager will be.

Thanks again Wendy and I look forward to hearing from you soon.

Best,

Christin

On Dec 10, 2013, at 1:31 PM, Larry Halford <> wrote:

Ms Anguiano,

The applicant, applicant's agent and the Old West Austin Neighborhood Association's (OWANA) Zoning Committee respectfully request that this item be postponed to the January 14, 2014 Planning Commission hearing. This delay will allow all interested parties to continue discussions and reach agreement regarding the requested zoning change from LO-NP to GR-NP.

Please make this request known to the Planning Commissioners prior to this evenings meeting.

Thank you.

Larry Halford, Chair
OWANA Zoning Committee
512-797-5917

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

[illegible]


C20

Conditions to be added to the Conditional Use Permit site plan:
(revision: 12/9/2013)

1. High-quality security video is required for all Bar entries, exits, and service areas during all hours of operation. Such video will be retained for a minimum of two weeks.
 2. All live outdoor music is prohibited. *
 3. All noise-generating events are restricted to Bar area (indoor Bar and/or Bar deck). *
 4. Sound levels are restricted to the following at the property line of the area covered by this Conditional Use Permit:
 - a. 70 decibels between 10:00 a.m. and 8:00 p.m. on Sunday through Thursday
 - b. 70 decibels between 10:00 a.m. and 12:00 a.m. on Friday (Saturday) and Saturday (Sunday)
 - c. Inaudible at the property line of the area covered by this Conditional Use Permit at all other times
 5. All outdoor trash and recycling activities (dumping, pick-up times, etc.) are restricted to between the hours of 7:00 a.m. and 11 a.m.
 6. All loading and off-loading activities will be provided on-site per City Code and restricted to between the hours of 7:00 a.m. and 5:00 p.m.
- *
- The two items designated above may be modified for special events a maximum of six days per year, with two week advance notification to the Brentwood Neighborhood Association and the Allandale Neighborhood Association. The hours of such events will be limited to the regular Bar hours or a 1:00 a.m. closing time, whichever is earlier.

Barton-Holmes, Christine

C20

From: J Kniseley 
Sent: Tuesday, December 10, 2013 2:04 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Norley, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Barton-Holmes, Christine; David Lancaster, Hon. ALA
Subject: Lil Woodrow's on Burnet - Agenda Item

Dear Planning Commission Members:

I am writing to voice my opposition to the conditional use permit for Lil Woodrow's on Burnet and Houston Street, which is on the planning commission's agenda for this evening. I live two blocks from this location on Houston Street with my husband and 13-year-old daughter. We frequently walk in this neighborhood. My daughter walks home from Lamar Middle School. We enjoy walking to restaurants and shops. The addition of a bar with live music on our street will be an unsafe, loud, and disruptive addition to the neighborhood.

Brentwood is already growing exponentially, drastically affecting the safety and tranquility of this residential neighborhood. The addition of a live music venue on our street - only a few yards from family homes - will bring noise, drunks, and drunks driving cars -- a huge step backward for our neighborhood. I strongly urge you to reject this proposal and keep our neighborhood safe and family friendly.

Yours truly,

Julie Kniseley
1601 Houston Street, #11
Austin, TX 78756

Copyrighted material

330

Barton-Holmes, Christine

C20

From: wiki schmidt <[REDACTED]>
Sent: Monday, December 09, 2013 9:30 PM
To: Dave.Anderson@austintexas.gov; Alfonso.Hernandez@austintexas.gov;
Jean.Stevens@austintexas.gov; Danette.Chimenti@austintexas.gov;
Jeffjack@austintexas.gov; James.Nortey@austintexas.gov;
Stephen.Oliver@austintexas.gov; Brian.Roark@austintexas.gov;
Myron.Smith@austintexas.gov; Barton-Holmes, Christine
Subject: Fwd: SPC-2013-0196C, Planning Commission hearing December 10,2013 PROTEST
Attachments: PROTEST form for SPC-2013-0196C, Planning Commission hearing October 22nd.pdf

Dear Planning Commission member,

I live very close to the proposed Little Woodrows on Burnet. I am not happy with the prospect of this late night, noisy business being so close to my home. I strongly urge you to support the following changes to the plan which will decrease some of the negative effects of the business on the neighborhood.

1. High-quality security video is required for all Bar entries, exits, and service areas during all hours of operation. Such video will be retained for a minimum of two weeks.

2. All live outdoor music is prohibited. *

3. All noise-generating events are restricted to Bar area (indoor Bar and/or Bar deck). *

4. Sound levels are restricted to the following at the property line of the area covered by this Conditional Use Permit:

- a. 70 decibels between 10:00 a.m. and 8:00 p.m. on Sunday through
- b. 70 decibels between 10:00 a.m. and 12:00 a.m. on Friday (Saturday) and
- c. Inaudible at the property line of the area covered by this Conditional Use

مكتبة جامعة القاهرة
القاهرة - مصر

650

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;

and:

- 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.

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: SPC-2013-0196C
Contact: Christine Barton-Holmes, 512-974-2788
Rosemary Ramos, 512-974-2784
Public Hearing: Planning Commission, Oct 22, 2013

Your Name (please print) Victoria (Viki) Schmidt
5421 Montview St. 78756
Your address(es) affected by this application

Victoria Schmidt
Signature
10/20/13
Date

Daytime Telephone: (512) 453-1691

Comments:

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

City of Austin
Planning and Development Review - 4th floor
Christine Barton-Holmes
P. O. Box 1088
Austin, TX 78767-8810

Barton-Holmes, Christine

220

From: Katharine Beisner <[REDACTED]>
Sent: Monday, December 09, 2013 9:11 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Barton-Holmes, Christine
Subject: Little Woodrows - SPC-2013-0196C

Dear Commissioners,

I wanted to reiterate my support for conditions on hours of operation, noise, and parking for the Little Woodrow's conditional overlay. In particular, 1 AM should be the closing time on Fridays, Saturdays, and holidays, with midnight closing on Thursdays.

These conditions are consistent with what Ginny's Little Longhorn Saloon has voluntarily agreed to and implemented. They are in the spirit of the even stricter 9 to 12 hours of most existing restaurants and bars on Burnet.

They represent an appropriate balance between the needs of our Burnet small businesses, and the long-stated vision of our community for a 'live-work-play-sleep' environment on Burnet conducive to residents of all ages, including children.

Thank you so much for your time on behalf of our city.

Sincerely,
Katharine Beisner
2702 Twin Oaks Dr. 78757

Dr. J. A. Smith, M.D.

8

Barton-Holmes, Christine

From: Brent Adair <[REDACTED]>
Sent: Tuesday, December 10, 2013 1:10 AM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Norrey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Barton-Holmes, Christine
Subject: Little Woodrows - SPC-2013-0196C

Dear Commissioners,

I am writing to ask that you implement conditions on hours of operation, noise, and parking for the conditional overlay for the Little Woodrow's on Burnet Road. In particular, 1 AM should be the closing time on Fridays, Saturdays, and holidays, with midnight closing on Thursdays.

These conditions are consistent with what Ginny's Little Longhorn Saloon has voluntarily agreed to and implemented. They are in the spirit of the even stricter 9 to 12 hours of most existing restaurants and bars on Burnet.

They represent an appropriate balance between the needs of our Burnet small businesses, and the long-stated vision of our community for a 'live-work-play-sleep' environment on Burnet conducive to residents of all ages, including children.

Thank you very much for your efforts on behalf of our great city.

Brent Adair
512.914.9006

2019-2020 Annual Report

Barton-Holmes, Christine

From: Collette Antoine [REDACTED]
Sent: Monday, December 09, 2013 8:27 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; Barton-Holmes, Christine
Subject: Little Woodrows - SPC-2013-0196C

Dear Commissioners,

I wanted to reiterate my support for conditions on hours of operation, noise, and parking for the Little Woodrow's conditional overlay. In particular, 1 AM should be the closing time on Fridays, Saturdays, and holidays, with midnight closing on Thursdays.

These conditions are consistent with what Ginny's Little Longhorn Saloon has voluntarily agreed to and implemented. They are in the spirit of the even stricter 9 to 12 hours of most existing restaurants and bars on Burnet.

They represent an appropriate balance between the needs of our Burnet small businesses, and the long-stated vision of our community for a 'live-work-play-sleep' environment on Burnet conducive to residents of all ages, including children.

Thank you so much for your time on behalf of our city.

Collette Antoine
512-420-9293

1. *Chlorophyll a* (Chl a) and *Chlorophyll b* (Chl b) are the primary photosynthetic pigments in green plants. They are responsible for capturing light energy and converting it into chemical energy through the process of photosynthesis. Chl a is the most abundant pigment, while Chl b is present in smaller amounts. Both pigments absorb light in the blue and red regions of the visible spectrum.

Barton-Holmes, Christine

From: Anne Young <[REDACTED]>
Sent: Tuesday, December 10, 2013 2:17 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Norrey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; mngrhatfield@yahoo.com
Cc: Barton-Holmes, Christine
Subject: SPC-2013-0196C, December 10th agenda, item 20
Attachments: SPC-2013-0196C 12-10-13.pdf

Dear Planning Commission Chair and Commissioners:

The attached pdf file contains my current comments regarding item 20 on the agenda for your meeting this evening. Please contact me if I can answer questions regarding it or if you would prefer to receive the information in another format.

Anne Young

On 11/11/2013 2:45 PM, Anne Young wrote:

Dear Planning Commission Chair and Commissioners:

The attached pdf file contains my current communication for you regarding this case. If you would prefer to receive the contents in another format, please let me know.

Anne Young

On 10/20/2013 6:12 PM, Anne Young wrote:

Case Number: SPC-2013-0196C

Dear Planning Commission Chair and Commissioners:

The purpose of this message is to urge you to vote AGAINST the referenced project in its current form.

My neighbors and I have tried to carefully review the Conditional Use Permit site plan and proposed floor plan for this project. We have also asked many questions of the bar owner. And after evaluating all of the compiled information, we believe that the project in its current form will have a significant and extremely negative impact on us.

This property already has CS-1 zoning, though it is a site that is obviously ill suited for a bar. This section of Burnet Road has residential properties immediately adjacent to very shallow commercial properties. The properties have historically been used by businesses that are needed and supported by the surrounding community. And many of the businesses

11/11/11

I would be happy to answer questions regarding this request, and we look forward to hearing of your support for our position. We are relying on you.

Anne Young
Shoalmont Drive, Austin

Hearing Date: December 10, 2013
Agenda item: #20
Case: SPC-2013-0196C

Dear Planning Commission Chair and Commissioners:

Thank you for your action on this project during the last hearing. Your decision to table the case until your meeting tonight created enough time and pressure that the applicant finally engaged in a serious discussion with us.

My previous communications to you are included in the email string; I will not repeat the same points again here.

My concerns about allowing a Bar at this location have not diminished in any way. It is deeply disturbing that CS-1 zoning was approved for this site. This property is at the center of our community, and the protests of the two Neighborhood Associations and impacted stakeholders deserved more respect than they received during the City's zoning process.

One simple example of the proximity of our homes to this site should be brought to your attention. Now that we are in the CUP process and are able to see the details of the site plan, it has become apparent that only three of the parking spaces provided on-site are completely outside a 200' offset from residential properties. The inevitable spillover of Bar parking will spread onto the streets in front of our homes -- at all hours of the day and night.

There does not seem to be a way for stakeholders to mitigate the parking/proximity problems of this site. So my neighbors and I focused on conditions that can be included in the CUP and would limit the more distressing impacts of the Bar on our daily lives. The updated list of conditions is included below. **The items on this list are interdependent, and we are asking you to approve the list in its entirety.** The list is intended to be added to the notes section of the CUP site plan. The list was developed jointly with the applicant during and following our first constructive meeting four days ago and has the support of the City's case manager.

Among the issues left unresolved is the issue of hours of operation for the Bar. **The stakeholders are united in their rejection of closing times later than 1:00 a.m. and are striving to establish a uniform policy for this segment of Burnet Road.** We are asking businesses to commit to this policy voluntarily, and another nearby Bar has recently done so. The applicant knows this but has been unwilling to modify his proposed hours of operation accordingly. It is up to you to support our neighborhoods and require closings no later than 1:00 a.m. for this Bar.

If you must approve a CUP for this site, please vote to include the entire list of conditions and closing hours no later than 1:00 a.m.

Thank you for considering my request, and feel free to contact me if I can answer any questions regarding it.

Anne Young
Shoalmont Drive, Austin
512.657.5323

Barton-Holmes, Christine

From: Steven Zettner [REDACTED]
Sent: Sunday, December 08, 2013 5:16 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Barton-Holmes, Christine; Anne Young; Brent Adair
Subject: Re: Protest of Little Woodrow's, SPC-2013-0196C

Dear Commissioners,

I wanted to reiterate my support for conditions on hours of operation, noise, and parking for the Little Woodrow's conditional overlay. In particular, 1 AM should be the closing time on Fridays, Saturdays, and holidays, with midnight closing on Thursdays.

These conditions are consistent with what Ginny's Little Longhorn Saloon has voluntarily agreed to and implemented. They are in the spirit of the even stricter 9 to 12 hours of most existing restaurants and bars on Burnet.

They represent an appropriate balance between the needs of our Burnet small businesses, and the long-stated vision of our community for a 'live-work-play-sleep' environment on Burnet conducive to residents of all ages, including children.

Thank you so much for your time on behalf of our city.

Steven Zettner
512-323-5804

On Sat, Oct 19, 2013 at 7:18 PM, Steven Zettner [REDACTED] wrote:

October 19, 2013
SPC-2013-0196C
Little Woodrow's on Burnet Rd

Dear Christine,

I am writing to protest the Little Woodrow's project in its current form and ask for the following conditions:

- Revise Site Plan Note 24 (file attached again) to indicate a 1:00 a.m. closing time for Friday and Saturday, versus the 2:00 a.m. closing time that is currently indicated
- Prohibit all outdoor amplified sound
- Prohibit all live music
- Move any outdoor noise-generating activity inside by 8:00 p.m. each night

172

173

Barton-Holmes, Christine

From: Carolyn Croom <[REDACTED]>
Sent: Sunday, December 08, 2013 11:14 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Northey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC
Cc: Barton-Holmes, Christine
Subject: RE: Little Woodrows - SPC-2013-0196C

RE: Little Woodrows - SPC-2013-0196C

Dear Commissioners,

I support conditions on hours of operation, noise, and parking for the Little Woodrow's conditional overlay. In particular, 1 AM should be the closing time on Fridays, Saturdays, and holidays, with midnight closing on Thursdays. These conditions are consistent with what Ginny's Little Longhorn Saloon has voluntarily agreed to and implemented. They are in the spirit of the even stricter 9 to 12 hours of most existing restaurants and bars on Burnet. They represent an appropriate balance between the needs of our Burnet small businesses, and the long-stated vision of our community for a 'live-work-play-sleep' environment on Burnet conducive to residents of all ages, including children.

Thank you so much for your time.

Carolyn Croom

www.ck12.org

Barton-Holmes, Christine

From: Dan Breecker [REDACTED]
Sent: Monday, December 09, 2013 10:43 AM
To: Barton-Holmes, Christine
Subject: Re: case # SPC-2013-0196C, bar at Burnet Road and Houston Street

Dear Ms. Barton-Holmes

I have read the conditions set forth by the Allandale neighborhood association regarding the proposed Little Woodrow's on Burnet. I support these conditions and also support a 1 a.m. closing time on Friday and Saturday night instead of a 2 am closing. 2 am closing time is fine for bar's on 6th street but this proposed bar would be in a neighborhood. Please help us maintain the qualities that make our neighborhood such a great place to live!

Respectfully
Dan Breecker

On Tuesday, November 12, 2013 8:01 AM, "Barton-Holmes, Christine" <Christine.Barton-Holmes@ausintexas.gov> wrote:
Thank you for your comments. They'll be included in the file, and the Planning Commission's packet for this evening.

Christine Barton-Holmes, LEED AP
Senior Planner, Land Use Review
City of Austin- Planning & Development Review Dept.
One Texas Center
505 Barton Springs Rd., 4th Flr.; Austin, TX 78704
Direct 512-974-2788
Email: christine.barton-holmes@ausintexas.gov
Supervisor: Lynda Courtney, 974-2810
Lynda.Courtney@ausintexas.gov

 Go Green! Please consider the environment before printing this email.

From: Dan Breecker [REDACTED]
Sent: Saturday, November 09, 2013 8:37 PM
To: Barton-Holmes, Christine
Cc: jaime
Subject: case # SPC-2013-0196C, bar at Burnet Road and Houston Street

Dear Ms. Barton-Holmes,

I am writing to express my strong concern about the new bar proposed for the corner of Burnet Road and Houston Street, which is very close to my residence at 5404 Montview Street in Allandale (where I live with my wife, Jaime Barnes, and two children 3 & 5 yrs old). I have two primary concerns:

1871-1872

1871-1872

1871-1872

Barton-Holmes, Christine

From: Cynthia Keohane <[REDACTED]>
Sent: Monday, December 09, 2013 4:13 PM
To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith, Myron - BC; mnrgnhafield@live.com
Cc: Barton-Holmes, Christine
Subject: SPC-2013-0196C – Little Woodrow's on Burnet - please set restrictions - #20

Dear Commissioners:

I understand this is on the agenda for tomorrow, 12/10/14.

I urge you to support the restrictions proposed by the Allandale Neighborhood Association Executive Committee.

The closing time remains a **huge** concern.

Best regards,
Cynthia Keohane, Wynona Avenue
Former President, Allandale Neighborhood Association

From: Cynthia Keohane <[REDACTED]>
To: "bc-Dave.Anderson@ausintexas.gov" <bc-Dave.Anderson@ausintexas.gov>; "bc-Alfonso.Hernandez@ausintexas.gov" <bc-Alfonso.Hernandez@ausintexas.gov>; "bc-Jean.Stevens@ausintexas.gov" <bc-Jean.Stevens@ausintexas.gov>; "bc-Danette.Chimenti@ausintexas.gov" <bc-Danette.Chimenti@ausintexas.gov>; "bc-Jeff.Jack@ausintexas.gov" <bc-Jeff.Jack@ausintexas.gov>; "bc-Stephen.Oliver@ausintexas.gov" <bc-Stephen.Oliver@ausintexas.gov>; "bc-James.Nortey@ausintexas.gov" <bc-James.Nortey@ausintexas.gov>; "bc-Brian.Roark@ausintexas.gov" <bc-Brian.Roark@ausintexas.gov>; "bc-Myron.Smith@ausintexas.gov" <bc-Myron.Smith@ausintexas.gov>; "mnrgnhafield@live.com" <mnrgnhafield@live.com>
Cc: "Christine.Barton-Holmes@ausintexas.gov" <Christine.Barton-Holmes@ausintexas.gov>
Sent: Sunday, November 10, 2013 7:12 PM
Subject: SPC-2013-0196C – Little Woodrow's on Burnet - please set restrictions

Dear Commissioners:

I support the list of conditions recommended by the Allandale Neighborhood Association Executive Committee for the proposed Little Woodrow's bar on Burnet Road.

The site is within several hundred feet of many Brentwood and Allandale homes. I am very concerned about the safety of the immediate neighbors, many of whom walk to HEB and nearby drugstores. I am also concerned about the impact to those of us on nearby neighborhood streets; studies have shown that drunk patrons often choose to drive on quiet neighborhood streets when leaving bars.

elaboraciones de los investigadores

de los datos de los investigadores

2